

City of Coral Gables City Commission Meeting
Agenda Item G-1
November 12, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia

Public Speaker(s)

Karelia Martinez Carbonell
Brett Gillis
Joanne Meagher

Agenda Item G-1 [10:10 a.m.]

A discussion regarding process for appeals from decisions of the Historic Preservation Board.

(Sponsored by Vice Mayor Lago)

Mayor Valdes-Fauli: Let's go back to Item G-1, discussion regarding the process for appeals from decisions for the Historic Preservation Board. This is an issue specific item and as opposed to going through all of the Coral Gables history and everything, let's discuss the issue itself, please.

Vice Mayor Lago: And that's why Mayor, if I may, I put it on the agenda because this is something that I think this entire Commission has been, you know, notified by residents who have a concern over the matter. And I wanted to put it on the agenda because I have concerns.

Mayor Valdes-Fauli: Sure.

Vice Mayor Lago: Because of the -- what I believe to be historic significance of this piece of property after speaking with Dona.

Mayor Valdes-Fauli: I disagree with you on the historic significance, but Dona, go ahead.

Historic Preservation Officer Spain: So, the appeal process that we're discussing here would also apply to the Board of Adjustment. I just wanted to put that in.

Vice Mayor Lago: Yeah.

Historic Preservation Officer Spain: What happened with 333 Catalonia -- and I believe it was a significant property. When the Board did not designate it, there is a 10-year -- a 10-day appeal period. Perhaps, staff should have just appealed it. I really wanted a resident to appeal it because there was enough support on the designation of that. We had twenty-some emails in support of the designation, and in fact, someone did appeal it. And so, I thought that we didn't have to then appeal it because a resident did appeal it. But it turns out that that resident did not have standing. And so, I'm not exactly sure how to deal with that in the future. We have discussed at the staff level because I was going to just appeal it, but I was waiting. And perhaps, I should have gone ahead and appealed it. Having said that, if I could ask the City Clerk's Office, if a resident comes in -- say staff appeals, if a resident then comes in, do you then notify them that that staff has already appealed it?

City Clerk Urquia: No. The resident's allowed to file an appeal, as well.

Historic Preservation Officer Spain: Yeah. Well, that's not what I'm asking. Would you -- if I come in -- because it's expensive for a resident to appeal it. It's like \$1,000 or something like that, right? And then they have to provide the mailing list. And so, once staff appeals it, my concern was that then a resident wouldn't. And I really believe it's important to have the residents involved in this process, and those residents that would have standing should appeal it. So, I'm not exactly sure what to do about that. I don't think it should be automatically appealed by the Preservation Officer. An example that I did not appeal and I would not have appealed is LaSalle Cleaners. That -- for me, that was an entirely different case because they spent -- the Board, Historic Preservation Board -- spent hours debating whether or not there was enough historic fabric in that building.

Mayor Valdes-Fauli: They spent hours debating it.

Historic Preservation Officer Spain: To merit...

Mayor Valdes-Fauli: That board appointed by us.

Historic Preservation Officer Spain: And they made a reasonable decision that it had been too altered to save. And that was a reasonable decision. I didn't appeal it, and it was demolished. This one was different, though. This one I think did fit the criteria.

Vice Mayor Lago: The reason why I put this on the agenda was because there was a little bit of ambiguity in regards to who could appeal.

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Lago: Yeah. And then what ended up happening was that the individual who appealed thought that they had standing, they had grounds to appeal.

Historic Preservation Officer Spain: Right.

Vice Mayor Lago: And then -- then also -- let's be also very clear and put this on the record. They appealed at the last moment, literally an hour before the deadline, which again, what are our standards? Does our Clerk obviously have 24 hours, 48 hours, an hour to respond...

Historic Preservation Officer Spain: Yeah, I...

Vice Mayor Lago: To that individual and say you don't have standing.

Historic Preservation Officer Spain: I assumed that the City Clerk would check to see whether the person that is filing the application has standing, but that doesn't happen. And so, now we know. That was a learning experience.

City Attorney Ramos: So, what happened initially was there was a letter that froze the time period.

Historic Preservation Officer Spain: Right.

City Attorney Ramos: That the City Clerk sent to us. We ran the initial thousand-mile radius and realized that they were inside of the thousand miles.

Historic Preservation Officer Spain: That's right.

City Attorney Ramos: It wasn't until the actual appeal was filed an hour before the deadline that we learned that the person was in fact a renter and not a property owner.

Commissioner Keon: So, going forward, maybe the determination that that person has the right standing to appeal needs to happen right away. How would you do that? How would you change that?

City Attorney Ramos: I think we could -- assuming that the initial letter -- we're very permissive in freezing the time period. So, basically, an email, anything from someone will freeze the time period to allow them to appeal while they get everything together.

Commissioner Keon: Right.

City Attorney Ramos: So, sometimes that initial communication doesn't have all the information we need. We could ask for more information to make that determination early on.

Commissioner Keon: Why don't we make that an administrative policy or do...

City Attorney Ramos: So, do that.

Commissioner Keon: You make that part of the -- how do you deal with that? How you deal with that?

Vice Mayor Lago: What...

Commissioner Keon: How do you deal with...

Mayor Valdes-Fauli: Can I...

Commissioner Keon: That...

Mayor Valdes-Fauli: Can I interrupt?

Commissioner Keon: Issue?

Mayor Valdes-Fauli: What is the issue before us?

Vice Mayor Lago: The issue is that I would like to see that there be clarity...

Mayor Valdes-Fauli: Okay.

Vice Mayor Lago: In regards to this issue. And that when a person understands that they're coming before the Clerk to submit documents on an appeal, that they know what their standing, yes or no. So -- but that's the whole point. I also -- if the building's historic or not, that's not for us to be...

Historic Preservation Officer Spain: I understand.

Vice Mayor Lago: Determining right now.

Historic Preservation Officer Spain: But I think that if staff...

Vice Mayor Lago: But I...

Historic Preservation Officer Spain: Believes it's a -- the -- a mistake has been made by the Historic Board, they -- I say they because I'm like out of here -- that they should just go ahead and appeal it.

Mayor Valdes-Fauli: The way I...

Vice Mayor Lago: That's...

Mayor Valdes-Fauli: Understand this -- the way I understand this is that who has the right to appeal? Do renters have the right to appeal is...

Commissioner Keon: No.

Mayor Valdes-Fauli: What I think is the issue.

Vice Mayor Lago: But the issue is -- if you read the language...

City Attorney Ramos: If you read the language...

Vice Mayor Lago: The language -- the key is not it's just yes or no. You can't just say no. The key here is to read the language. And if you've read the language, you'll see that it's a little bit ambiguous and it needs to be clarified because the person who submitted this appeal would not have submitted this appeal just to submit an appeal for it to be denied. The whole purpose was for it to come before the Commission. They brought the check. They brought them money. They submitted the thousand dollars. Their intent was to have it come before this Commission. If they would have known that renters did not apply, they would have found somebody -- for example, Dona said she would have appealed. So...

Commissioner Mena: Well, and that's...

Vice Mayor Lago: Yeah.

Commissioner Mena: To me, that's the second part of this, which I think is important going forward.

Historic Preservation Officer Spain: I agree.

Commissioner Mena: To me, if your department...

Historic Preservation Officer Spain: I agree.

Commissioner Mena: Believes...

Historic Preservation Officer Spain: We should just go ahead and file.

Commissioner Mena: The property's historically significant, has advocated that it is...

Historic Preservation Officer Spain: Yes.

Commissioner Mena: The Preservation Board disagrees with you, but unlike other situations, you disagree.

Historic Preservation Officer Spain: Right.

Commissioner Mena: Then, I think you should always exercise...

Historic Preservation Officer Spain: Right.

Commissioner Mena: Your right to appeal it to us.

Historic Preservation Officer Spain: Because then it always gets to the Commission.

Commissioner Mena: That way we at least preserve the right to deal with it.

Historic Preservation Officer Spain: I agree.

Commissioner Mena: Whereas, now we're sort of in a situation where...

Historic Preservation Officer Spain: We're stuck.

Vice Mayor Lago: Our hands are tied.

Commissioner Mena: We're stuck. And I understand, you know, how we got here on this specific issue. But I guess my question is, you know, I understand your preference that it be a resident, but it doesn't -- at the end of the day, does it really matter if...

Historic Preservation Officer Spain: It doesn't.

Commissioner Mena: The point is...

Historic Preservation Officer Spain: Because residents...

Commissioner Mena: That it gets appealed.

Historic Preservation Officer Spain: Can show up and support.

Commissioner Mena: Sure.

Historic Preservation Officer Spain: When you get right down to it so...

Commissioner Mena: But they can do that even if staff appeals it.

Historic Preservation Officer Spain: I mean, even if...

Commissioner Mena: Right.

Historic Preservation Officer Spain: Staff does it. So, I believe, going forward, if it's clear to staff that the Historic Preservation Board did not apply the criteria, they should appeal it to the City Commission.

Commissioner Fors: How about this...

Mayor Valdes-Fauli: They discussed it for hours.

City Manager Iglesias: Commissioner, I believe I have a right to appeal, and if the Historic Preservation Department feels that there was an error or there was something that should be done and they recommend that we appeal, I will do that. So, I think this is just something that happened that we got caught on something that the person was a renter and we did not know. We know that now. And I believe that the department is aware of that, of those issues. So, if you feel strongly about it or believe that the Board may have done something in error, then I will be happy to appeal on the...

Historic Preservation Officer Spain: But the...

City Manager Iglesias: Department's behalf.

Historic Preservation Officer Spain: Preservation Officer can appeal it. It doesn't have to be the Manager's office.

Commissioner Fors: How about this?

City Manager Iglesias: I'm not sure about...

Commissioner Fors: In order to -- because you operate with Historic operates with limited resources as it is. What about instead of requiring you to, in an abundance of caution, appeal every denial...

Historic Preservation Officer Spain: Well, hopefully, they won't make mistakes very often.

Commissioner Fors: Right, but what about saying that there will be a seven-day grace period -- if we were to write an amendment -- a seven-day grace period where Historic can appeal it if the -- if it had relied on a resident appealing and that appeal was withdrawn or for some reason stricken for no standing?

Commissioner Keon: Well, I also think that we should -- when someone comes in to appeal a decision of any of these boards, the determination of their standing should be done very quickly. Now, I don't know -- that's why I just asked Miriam that how soon -- how long does it take to make a determination that someone has standing and can file an appeal?

City Attorney Ramos: The answer is it depends. So, what we need to do...

Commissioner Keon: Right.

City Attorney Ramos: Is we need to have a better process to determine that as early on as possible.

Commissioner Keon: Okay. So, can you -- will you come back then...

Vice Mayor Lago: So, if you...

Commissioner Keon: With the changes to that?

Vice Mayor Lago: So, if you...

City Attorney Ramos: We don't need to change the Code because the Code is silent.

Commissioner Keon: No, it's not a Code. It's an administrative order. What is it?

City Attorney Ramos: I think it's Billy agreeing to send it to me immediately and also agreeing to look at it immediately.

Commissioner Keon: Okay, so that's an administrative order with regard to appeals, which you can write and bring back so we're aware of it.

Vice Mayor Lago: If you read G-1, we're not discussing whether 333 Catalonia -- it's very clear regarding the process for appeals. So, we're bringing it full circle. We're basically saying the same thing over and over again. I know everybody wants to get their two seconds on the dais. But when we finish here, we're still going to have the same problem, if it's not corrected. So, I want to -- I know we want to move on to the next item. I think Commissioner Fors brought up a very good point.

Commissioner Mena: I agree.

Vice Mayor Lago: And I'm willing to -- I want to make it -- I want to leave today not saying administrative appeal and this, no. I want to correct the process for appeals because I don't want this to ever happen again. I want it -- we are the ultimate arbiter here in this city, and I want it -- for us to be held accountable on these issues. You were very clear about LaSalle Cleaners, so you're not going to -- you're not looking to designate every building historic, but you want to make sure...

Historic Preservation Officer Spain: We recommended in favor of designating LaSalle.

Vice Mayor Lago: No, but you personally -- you were very clear...

Historic Preservation Officer Spain: Yes.

Vice Mayor Lago: On that issue. So, I think that it's a travesty and we -- and I don't want -- I want to leave here with a decision -- and I think Commissioner Fors' stand is appropriate; five days, seven days, whatever that may be. I just want to make sure leaving today that we nail this down.

Historic Preservation Officer Spain: I will say...

Vice Mayor Lago: What am I...

Commissioner Mena: The issue is, you know, standing...

Vice Mayor Lago: Yeah.

Commissioner Mena: Is an issue that disqualifies somebody from...

Historic Preservation Officer Spain: Right.

Commissioner Mena: Being able to appeal it. And by the way, there could also be error in the initial assessment. You know, things happen. Maybe there's a determination that the person has standing on the front end, but...

Historic Preservation Officer Spain: That's right.

Commissioner Mena: A week later...

Historic Preservation Officer Spain: At some point.

Commissioner Mena: Something comes to light that renders them disqualified from having standing. That could happen.

Historic Preservation Officer Spain: That's why it's important to have staff appealing it.

Commissioner Mena: So, that's why I like the idea of what Commissioner Fors proposed because it gives you a little bit of a backstop. If there's a pending appeal that for whatever reason is disqualified for -- on any basis, standing or otherwise, then it could trigger some additional time for staff to appeal.

City Attorney Ramos: The only concern I have with that...

Commissioner Mena: But I think we need to look at...

City Attorney Ramos: Is that the more...

Commissioner Mena: How to best deal with it.

City Attorney Ramos: Time we give, the more we erode the property rights side of it. And so, there's more risk associated with continuing that time. Because if I'm the property owner that's trying to move forward with whatever it is on that property and I'm waiting for this -- and you know, I could see a situation where I don't have standing and I apply and I buy a few more days and then a few more days and then a few more days, and at some point, I, the property owner, need to have some sort of end to when I'm able to use my property the way I wish to use it.

Commissioner Mena: Right, but if the current process, if somebody appeals, triggers the existing process, right? That process is going to play out along its existing timeline.

City Attorney Ramos: Right.

Commissioner Mena: If before the time it comes to us on appeal, there's some determination that the person who appealed it lacks standing, I think within that same window, there's still an opportunity for staff to say, well, if that's the case, then we would appeal and stick to the same...

City Attorney Ramos: If you did it within the same window, then I would feel comfortable with.

Commissioner Mena: The same window, basically.

Vice Mayor Lago: And not only that, the end goal in reference to this property and LaSalle Cleaners was demolition. Demolition doesn't happen within seven days or even a month. There's review that has to happen here in the City and then it has to be posted, and then you have to mobilize. So, it's -- you're not in kind of...

City Attorney Ramos: But it would...

Vice Mayor Lago: Resulting in the fact that you're delaying the process. There's already a process, a permitting process that has to take place.

City Attorney Ramos: Yes, but it can't start until -- if it had been appealed to the City Commission, that permitting process would have been held up until it came to this meeting probably.

Commissioner Fors: And I don't think it's important...

Mayor Valdes-Fauli: Let me say something to -- we're discussing appeals and we're discussing the decision making process, but we should not lose sight of the valuable service our Historic Preservation Board is furnishing the City of Coral Gables. We are probably one of the few cities

in Miami-Dade County that has a Historic Preservation Board. I know the City of Miami does, but they discussed this ad nauseum, and they decided it wasn't historic. And if people want to appeal, fine, but we should also not act in a way that will take away the dignity of our Historic Preservation Board.

Historic Preservation Officer Spain: Actually, I don't believe they applied the criteria. I think they were concerned that the residents that lived on the street didn't want the property there. But this is a unique situation. Typically, the Historic Preservation Board designates a property and the homeowner, who absolutely has standing, appeals it. That's the typical situation you have in historic preservation. It isn't -- it's an abnormal situation that the Historic Preservation Board doesn't designate it.

Mayor Valdes-Fauli: Doesn't designate and then our historic preservation contingent, which is very good because it does a lot of good for the City is the one who wants to appeal.

Historic Preservation Officer Spain: Right.

Commissioner Fors: So...

Mayor Valdes-Fauli: Look, we have Karelia Martinez Carbonell here. Karelia, you want to say a few words?

Vice Mayor Lago: Thank you, Dona.

City Attorney Ramos: While Karelia comes up, I'll just make a correction. Aggrieved party -- aside from the definition we know the thousand feet who receive notice -- also means the City Manager. So, the City Manager, I think, delegates that to the Historic Preservation Director, but technically, in the Code, it reads City Manager.

Mayor Valdes-Fauli: Karelia, just out of curiosity, do you live in a historic home?

Karelia Martinez Carbonell: Yes.

Mayor Valdes-Fauli: Is it designated?

Ms. Martinez Carbonell: Not yet.

Mayor Valdes-Fauli: But you are going to designate it, right?

Ms. Martinez Carbonell: Absolutely.

Mayor Valdes-Fauli: Why haven't you designated it yet?

Ms. Martinez Carbonell: Just...

Mayor Valdes-Fauli: Maybe the Historic Preservation Board will turn you down.

Ms. Martinez Carbonell: No.

Commissioner Mena: I thought you wanted to stick to the issue on the agenda...

Ms. Martinez Carbonell: Yeah.

Commissioner Mena: Which was the...

Ms. Martinez Carbonell: I think it's...

Commissioner Mena: Appeals process.

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Lago: I agree.

Ms. Martinez Carbonell: Yeah. This is something, I think, in general, which is a really great thing that we are discussing this because it did come up with this particular appeal. What happened was that really the Code -- there should be some reconciliation because the Code does mention tenants and property owners as an aggrieved party. Now, that really does need to be defined because maybe in the sort of backend, there is the definition. But as a resident, it really doesn't really define why they would not be able to appeal. And it says -- in the Code, it says, Article 8 of the Zoning Code defines aggrieved as any applicant or any person who received courtesy notice of a public hearing from the City, not exceeding 1000 feet from the perimeter boundaries of the subject property. Furthermore, Section 3, 302(c)(1) of the Zoning Code, entitled "Mail Notices," a required notice of public hearing shall be mailed to the property that is subject to the application and to the property owners and tenants, if such names are indicated in the current tax roll, whose addresses are shown by reference to the latest valorem tax record. Now, tax roll obviously is the key word. And again, why then mention tenants? Are tenants -- are they on the tax roll or are they not? If you're a tenant, you're not going to be on a tax roll, right? I mean, I'm...

City Attorney Ramos: That's generally correct. Unless, for example, you have a 99-year lease, some very long-term lease that might be recorded. And I think that's what this was intended to capture is that someone that has a 99-year lease clearly has a vested interest in that property right. That is very different than a tenant who is -- has a one-year lease to rent an apartment.

Mayor Valdes-Fauli: And that tenant, we presume, doesn't have the commitment, the interest, the *con permiso*, the -- yeah, the commitment to Coral Gables that the property owner would have in order for historic preservation. Tenants, by definition, are transient, even if they may be there for

50 years, But by definition, they're transient and they don't have the commitment to Coral Gables that a property owner would have.

Ms. Martinez Carbonell: And you know, and that's fine, if it's defined in that way. I think it's just as a -- just, you know, regular tenant. I mean, this one particular tenant went ahead and felt that he had right or standing, and basically, even -- he even gathered about 30-plus signatures. So, I think the -- there was an intention there that there was standing. So, I think with all of your discussion and maybe coming up with, again, just a -- even if it says, if you're a tenant with a 99-year -- you know, for example, that I think would be more transparency. I think the other issue is -- that came up, which is the appeal -- part of the appeal process where one of the recommendations that I had made when I had met with Mr. Ceballos and the Historic Preservation staff is, you know, once the -- once this -- once the staff produces a designation report, okay -- this one was 24-plus pages. The LaSalle was 44-plus pages. That's resources that they put into that. They spend time, they research. They obviously stand by their work. They present it to the Preservation Board and it's denied. Then I -- the triggering of an automatic appeal I think would be fair not only to staff that has already spent time putting this together, but also to the process. And it's not mutually...

Mayor Valdes-Fauli: You're advocating an...

Ms. Martinez Carbonell: Exclusive.

Mayor Valdes-Fauli: Automatic appeal?

Ms. Martinez Carbonell: Well, we were talking about -- from staff, the Historic Preservation staff, once they present it to the Historic Preservation Board and it's denied, I think there was discussion about triggering an appeal.

Mayor Valdes-Fauli: Well, I think that if they disagree, they should appeal or if they don't particularly disagree, they shouldn't appeal.

Commissioner Fors: Well, what I...

Mayor Valdes-Fauli: It shouldn't be automatic.

Commissioner Fors: What I was what I was referring to -- and it's to avoid the City Clerk having to immediately send an appeal to the City Attorney, the City Attorney immediately making a determination on standing, which sometimes is not black or white, simply to avoid this issue because I think that the biggest travesty here was that we had a situation where Historic wanted to appeal it but couldn't because they reasonably, but mistakenly relied on the fact that a resident who didn't have standing appealed. Just in those limited situations or in every situation, when an appeal is stricken for lack of standing or otherwise withdrawn, it opens a one-time, three-day window for Historic, if it so chooses, to file an appeal or the City Manager, that is. And I don't think it's important for that three days to arise every time a new resident comes in with an appeal, then gets knocked out for standing because that could extend things. But if an appeal is filed and it is less than three days before the deadline to appeal and just subsequently a standing determination is made that the appeal is not valid, then there's a small savings window for Historic to choose to appeal it. And if not, that's it. Because for me, that's the biggest problem, that they wanted to appeal it and couldn't. And now, if they put it on their radar that this could possibly happen again in the future, then it might lead them to appeal every single one in an abundance of caution and it's going to lead to...

Mayor Valdes-Fauli: Okay. Thank you, Karelia. Anything else?

Commissioner Fors: Rush to make standing determinations.

City Attorney Ramos: So, that would require a change to the Zoning Code. We're happy to prepare some language, bring it to you.

City Manager Iglesias: But I -- if I may say. I don't think we have an issue here. I do think that there is an appeal process that Historical can do. If they feel that that project should be appealed, they should appeal immediately. And that's what we're going to do from now on. And I can write an order concerning that. And -- but I don't believe in automatic appeal. I think that you can maybe automatic appeal on both sides then. But I do think that -- .and I will appeal. If the Historical Department wants an appeal, I will support it. So, if the -- if it is a -- something that may be questionable, they may decide to appeal it or not, if it's something that they feel has not been looked at properly, then I will certainly support any kind of appeal. But I don't think that this is an aberration, and I don't think it will happen again.

Mayor Valdes-Fauli: Thank you, Karelia.

City Manager Iglesias: And it's something...

Mayor Valdes-Fauli: We have Brett Gillis...

City Manager Iglesias: That we can take care of.

Mayor Valdes-Fauli: That wants to speak. Do you have anything else? Please finish up.

Ms. Martinez Carbonell: Yes, I'm going to finish up. But -- so, really those are the two things really that I think are important is really maybe defining the -- that aggrieved party in a way where just a regular citizen can understand, well, I'm a tenant, I'm not going to be able to appeal. Because it does say -- and so there should be reconciliation with tenant versus property owner. And then, of course, the appeal process. And you know, it's not mutually exclusive, I don't believe, on appeal. I mean, still a resident can appeal and the City can still appeal, so...

Mayor Valdes-Fauli: Thank you, Karelia.

Ms. Martinez Carbonell: Thank you.

Mayor Valdes-Fauli: Brett Gillis.

Brett Gillis: Yes, good morning.

Mayor Valdes-Fauli: Brett, a personal privilege. Do you live in a historic house?

Mr. Gillis: Yes, I do.

Mayor Valdes-Fauli: Is it been designated?

Mr. Gillis: No, it's not. I'm on a waiting list, so I'm hoping that we can talk about that today since you brought that up. I have a memo here from the Historical Department.

(COMMENTS MADE OFF THE RECORD)

Historic Preservation Officer Spain: On three separate occasions.

Mr. Gillis: No, you told me.

Historic Preservation Officer Spain: You qualify as individual. He wants to be in a district. I believe it should be an individual designation.

Mayor Valdes-Fauli: (INAUDIBLE) you're so interested in (INAUDIBLE).

Mr. Gillis: She's already told me they're working on it, but they don't have the resources. And I will read a memo to you to that effect from July 12, 2019.

Mayor Valdes-Fauli: Go ahead, go ahead. That was irrelevant.

Mr. Gillis: Yeah. On April 19, 2018 the Historic Preservation Board made a motion for staff to present to them a designation report for properties on Sedonia Avenue. The motion was expanded to include a comprehensive study of the North Ponce portion of the City, which would include a detailed report on the City's plans for that area. Staff has started doing the research, but we have not been able to allocate required resources...

Mayor Valdes-Fauli: Wait, wait, wait. You're talking about your effort to designate a whole district, right?

Mr. Gillis: I'm talking about why...

Mayor Valdes-Fauli: And that is...

Mr. Gillis: This City is having...

Mayor Valdes-Fauli: Totally irrelevant to what we're discussing here.

Mr. Gillis: Issues with what we're dealing with because the Historical Department hasn't been given the resources that they need, so I'm asking if you would be willing to help them.

Mayor Valdes-Fauli: Because you wanted to designate 50 or 60 homes all at once, and yes, we don't have those resources. And it is improper, I think, for somebody who doesn't live in the area to try to designate 50 or 60 homes. It's a violation of people's individual rights.

Mr. Gillis: If you're for...

Mayor Valdes-Fauli: Stick to the issue.

Mr. Gillis: Historic preservation in the City of Coral Gables, why can't we look at the City as a whole?

Mayor Valdes-Fauli: Because people have property rights and you -- or no one...

Mr. Gillis: It's not me.

Mayor Valdes-Fauli: You have no right...

Mr. Gillis: It's the Historic Preservation Board.

Mayor Valdes-Fauli: No, sir. You don't have any right to designate a home that is not yours.

Commissioner Keon: I don't...

Vice Mayor Lago: Mayor, let's...

Commissioner Keon: That's not his issue.

Vice Mayor Lago: Why don't we...

Commissioner Keon: I think his issue is -- and he believes that the Historic Preservation Department is slow in identifying homes because they don't have the resources, the financial resources to do that work. I have told him repeatedly in emails that the Historic Preservation Department has not requested additional funds and had -- does not -- and has not said that they don't have the funds to do...

Mayor Valdes-Fauli: Dona, you want to defend yourself?

Mr. Gillis: She just...

Commissioner Keon: That work.

Mr. Gillis: Told me that she has, so...

Commissioner Keon: So, he has done it. I mean, I -- we -- this email has gone back and forth multiple times. And I have said to Mr. Gillis, if the Historic Preservation Department needs additional funds, all they have to do is request additional funds during the budgeting process. And it will be...

Mayor Valdes-Fauli: That is not the issue.

Commissioner Keon: It will be -- no, that is not the issue, but that is his issue.

Mayor Valdes-Fauli: Okay, his issue.

Commissioner Keon: That's the issue that he's speaking to.

Mayor Valdes-Fauli: That is not the issue. His issue is that he wants to designate a whole area...

(COMMENTS MADE OFF THE RECORD)

Commissioner Keon: No

Mayor Valdes-Fauli: I'm sorry. Go ahead, Dona.

Commissioner Keon: But his...

Mayor Valdes-Fauli: Defend yourself.

Historic Preservation Officer Spain: Okay.

Commissioner Keon: Please, just end...

Historic Preservation Officer Spain: So...

Commissioner Keon: This conversation, Dona.

Historic Preservation Officer Spain: Such a pleasure on my last Commission day.

Vice Mayor Lago: Yeah, that's okay.

Historic Preservation Officer Spain: So, it was not 60-some properties. It was 101 properties in the North Ponce area.

Mayor Valdes-Fauli: That he wanted to designate and (INAUDIBLE)...

Historic Preservation Officer Spain: We did not agree with his analysis of those properties, so we did not approve his application. Having said that, I have asked for funding in order to do research on the North Ponce area and we were not given...

(COMMENTS MADE OFF THE RECORD)

Historic Preservation Officer Spain: I just want to do the research.

Commissioner Keon: Okay.

Historic Preservation Officer Spain: All I want to do is find out...

Vice Mayor Lago: So, let's...

Historic Preservation Officer Spain: Who's historically significant.

Commissioner Keon: What are you talking about in terms of funding?

Historic Preservation Officer Spain: It's very expensive to hire a consulting service to do that large of an area of research is extremely expensive.

Commissioner Keon: Okay. So, when -- in preparation of the next budget season or session -- year, can you -- you can provide that information to the Manager so that it can be addressed in the budget process going forward.

Historic Preservation Officer Spain: I can do that.

Mayor Valdes-Fauli: Yeah, but not to designate 101 homes.

Commissioner Keon: No.

(COMMENTS MADE OFF THE RECORD)

Commissioner Keon: No, you're right.

Vice Mayor Lago: Can we...

(COMMENTS MADE OFF THE RECORD)

Historic Preservation Officer Spain: We need to do the research.

Commissioner Keon: It's just a department request.

Mayor Valdes-Fauli: Okay.

Vice Mayor Lago: Alright. So, let's bring this...

Mayor Valdes-Fauli: Anything else, Mr. Gillis?

Vice Mayor Lago: Let's bring this for...

Mr. Gillis: Yes.

Vice Mayor Lago: Go ahead. Bring this for a landing so we can move on.

Mr. Gillis: So, I brought that point up because the accusation has been made that some members of the community don't want their homes to be historic, but that's not the case. I just don't want it to draw from other resources. So, by all means, if you get the resources and can do that, volunteers have offered to help the Historical Department, as well. I'll work with the Manager's office about that. I've spoken to him about that. I think that might be a way to help out the department. I'm just looking for solutions to the problem that we have for, first of all, the people that want to be historically designated but there aren't resources in the department.

Mayor Valdes-Fauli: You haven't even applied, Mr. Gillis.

Mr. Gillis: I don't need to apply. She's already told me they're working on it when they have the resources.

Historic Preservation Officer Spain: We are happy to designate both Karelia's and Brett Gillis's home individually. We have the resources to do that. That's the -- that's those 20-page reports that Elizabeth Guin does, more than happy to do that. Neither one of them have applied for individual designation, which we do have the resources to do.

Commissioner Mena: What does that have to do with the issue before us?

Historic Preservation Officer Spain: I don't know, but I just want to clarify that for the record.

Commissioner Mena: Can we please get to the issue?

Commissioner Keon: It doesn't.

Vice Mayor Lago: That's why I said let's bring it for a landing. Okay, you want to talk -- you want to go and talk about 333 Catalonia, or you want to continue to talk...

Mr. Gillis: Yes.

Vice Mayor Lago: About the other issue?

Mr. Gillis: Okay, so 333 Catalonia, how do we get to a point where this doesn't happen again? What needs to happen? Can the City Attorney's Office do a review of the criteria for the Historic Preservation Board, or is there a way that -- I don't -- I know that they've had training, but maybe there just needs to be a reminder of how the process works. I think, in this case, some issues were considered that aren't part of the criteria for designation, and that's where the problem...

City Attorney Ramos: And that's where the...

Vice Mayor Lago: Well, this is...

City Attorney Ramos: That's what the appeal is there for.

Vice Mayor Lago: Yeah.

City Attorney Ramos: The problem is the appeal didn't happen for the reason we've discussed. But the point of the appeal is to allow a second review, if the lower tribunal or panel made a mistake.

City Manager Iglesias: And this is, I believe, an -- this is an aberration that we've had a tenant do it. And the Department will -- if there's any issue where they feel that the Historical Board has made a mistake or that there is additional things to consider, then -- and they wish to appeal it, I will honor that appeal. So, I don't believe that this will happen again. I think that our criteria is set. We had an aberration this time, and I believe that this will not happen again.

Vice Mayor Lago: I'm willing to do it both ways. Either the way that the Manager is stating, or we can handle it the way Commissioner Fors so eloquently stated, either seven days, three days. To me, it's perfectly fine. I'd actually like to memorialize it more in the Code so that way -- you know, we're here one day, two years from now, four years from now, we may not be here. So, I'd rather -- in my opinion, if my colleagues would support me on that, on Commissioner Fors option, which I think makes a lot of sense, I'm more than willing to move in that direction.

Mayor Valdes-Fauli: Okay, very good.

Vice Mayor Lago: If I have support from the Commission.

Mayor Valdes-Fauli: Very good.

Mr. Gillis: The Historical Department is the one that would be able to appeal, though. That wouldn't have to be the Manager, is that correct?

Mayor Valdes-Fauli: Thank you, Mr. Gillis. Joanne Meagher.

Vice Mayor Lago: You want to move on from this issue or no?

Mayor Valdes-Fauli: Yeah, we're still on it..

Vice Mayor Lago: Okay, we're still on...

Commissioner Mena: No, no, let's...

Vice Mayor Lago: I didn't know. I didn't know we haven't done it. Excuse me.

Joanne Meagher: Hello. Joanne Meagher.

Vice Mayor Lago: How are you?

Ms. Meagher: I'm here representing The Villagers. I am chairman of the Board of Governors for the Merrick House. Mayor, thank you for coming out to our event at the Merrick House in October. I'm also a docent at the Merrick House and a homeowner in a Coral Gables historic home. I have been asked to read for the record a statement by long-time preservationists Arva Moore Parks and Dolly McIntyre related to this issue going forward. With regard to standing in cases where an appeal is submitted to the Preservation Board or the City Commission regarding the designation or lack of designation of historic places, they are proposing to change the preservation ordinance to grant standing to preservation organizations, such as the 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 for historical designation and that structures 50 years old or older be evaluated by said criteria by staff before damaging action occurs. Our historic resources are too rare to be squandered, Arva Moore Parks and Dolly McIntyre.

Mayor Valdes-Fauli: Thank you very much.

Ms. Meagher: Thank you.

Vice Mayor Lago: Thank you.

Historic Preservation Officer Spain: And I would just say I'm on the executive board of Dade Heritage Trust. I'm the vice president. And Dade Heritage Trust does have standing, I believe, in the City of Miami, possibly in the County. That's not a bad idea.

Mayor Valdes-Fauli: Okay.

Commissioner Fors: Okay.

Mayor Valdes-Fauli: Well, thank you very much. Alright, would you -- Vice Mayor, you want to make a motion?

Commissioner Fors: You know, I...

Vice Mayor Lago: I just wanted to make sure I have support from my colleagues. I don't want to step on...

Commissioner Fors: What's the motion, Commissioner?

Vice Mayor Lago: Commissioner Fors...

Commissioner Keon: It's your motion.

Vice Mayor Lago: The motion...

Commissioner Fors: Yeah.

Vice Mayor Lago: We got to give credit...

Commissioner Keon: So, just say your motion.

Commissioner Fors: You know, I...

Mayor Valdes-Fauli: Make a motion.

Commissioner Keon: Say your motion.

City Manager Iglesias: Let me just say that the automatic appeal, I would like to have the Historical Department determine if they want to appeal it or not.

Mayor Valdes-Fauli: But don't make it automatic.

Commissioner Fors: Yeah, there's nothing automatic.

City Manager Iglesias: And if they decide that they want to appeal it, I will honor their...

Commissioner Keon: The language.

City Manager Iglesias: Their appeal within that 10-day period, so there should be no issue in the future. I believe this was something that it was a tenant. It was an aberration, and I don't believe that something like this will actually happen again.

Commissioner Fors: And I'm not moving for an automatic appeal. I'm just moving for a three-day window for Historic to be able to file an appeal in the event that the appeal -- that the pending appeal is stricken for any reason or withdrawn.

Vice Mayor Lago: Is that your motion?

Commissioner Fors: That's my motion.

Vice Mayor Lago: Second.

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

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Commissioner Fors: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you very much.

City Attorney Ramos: We'll bring back language in December.

Vice Mayor Lago: Please.

Commissioner Mena: What about the issue that was just raised with respect to some of these organizations...

Commissioner Keon: Historic.

Commissioner Mena: Having standing to file an appeal?

Commissioner Keon: Well...

Vice Mayor Lago: Can you bring back -- can we get that...

City Attorney Ramos: We will look at that as well.

Vice Mayor Lago: Immediately? No, but I don't want to wait...

Commissioner Keon: No, no.

Vice Mayor Lago: I don't want want this to be delayed because our next meeting, I think, is in three weeks.

City Attorney Ramos: Regardless, I have to draft an ordinance.

Vice Mayor Lago: No, I understand. But you know, this is an issue where I think that we need to address it now because...

Mayor Valdes-Fauli: Yeah, I mean, the tenant -- a tenant did not get notice because the tenant supposedly doesn't have the commitment to Coral Gables, the property owners do.

Commissioner Mena: That's not what we're talking about.

Vice Mayor Lago: That's not what I'm talking about.

Commissioner Keon: That's not the issue. The issue is what Donna had said is that the Dade County Historic Trust she believes is already considered -- can be considered an aggrieved party or should be considered an aggrieved party?

Historic Preservation Officer Spain: I wish I knew better though. In my, I believe, in the City of Miami, Dade Heritage Trust has standing. And so, we have appealed decisions.

Vice Mayor Lago: So, let me ask you a question, Dona, since this is -- again, this is why I've told you on multiple occasions I wish you would stay because none of us up here -- I don't think anyone standing here has the experience that you do. Has there been an instance where we, as a City, have notified one of these outside agencies and told them of a property, you know, that should be or potentially could be designated with their assistance?

City Attorney Ramos: No, because...

Historic Preservation Officer Spain: No.

Vice Mayor Lago: I'm asking you -- no, I'm asking if we have as a city, is there anything...

Historic Preservation Officer Spain: You mean in the City...

Vice Mayor Lago: Yeah.

Historic Preservation Officer Spain: Have we notified an outside entity about a property? No.

City Attorney Ramos: No. What is printed...

Mayor Valdes-Fauli: Let me ask you another question. Have we ever overturned a decision of the Historic Preservation Board?

Historic Preservation Officer Spain: Yes.

Unidentified Speaker: Yes.

Historic Preservation Officer Spain: We have -- staff has appealed historic preservation decisions and taken it to the City Commission.

Mayor Valdes-Fauli: What property was that? Do you remember?

Commissioner Keon: We also -- a resident also appealed recently on Woodridge.

Mayor Valdes-Fauli: What?

Historic Preservation Officer Spain: Oh, Ridgewood.

Commissioner Keon: Ridgewood.

Historic Preservation Officer Spain: We appealed it.

Commissioner Keon: Was the one I most recently -- right.

Historic Preservation Officer Spain: We did appeal that -- oh, that was appealed by the property owner, right?

Commissioner Keon: The property owner appealed that...

Historic Preservation Officer Spain: Right.

Commissioner Keon: Decision.

Historic Preservation Officer Spain: Yes.

Commissioner Keon: And we agreed with the property owner.

Historic Preservation Officer Spain: And you went with the property owner.

Commissioner Keon: That was recently, within the last two years, at least.

Historic Preservation Officer Spain: Yes. I want to say, in the past 23 years, we've at least done -- we've at least appealed it once. It may have been the Miracle Theater, but I don't think it got to the Commission. I don't know.

City Attorney Ramos: Vice Mayor, to your question, notice is sent to property owners...

Vice Mayor Lago: Yeah.

City Attorney Ramos: Within a thousand feet. So, no, an entity like that would not get notice unless we change the Code and added an entity -- those particular entities by name, whichever ones you want them to be.

Commissioner Mena: I -- look what I think is on this second issue about whether or not those entities have standing, I think it would be helpful if you can...

Historic Preservation Officer Spain: Do the research.

Commissioner Mena: Research sort of how other municipalities do it.

Historic Preservation Officer Spain: Yes. I can send those ordinances to you.

Commissioner Mena: Come back to us at the next meeting. I'm happy to sponsor it or...

Vice Mayor Lago: Yeah.

Commissioner Mena: Commissioner Lago, obviously -- or Vice Mayor Lago, obviously, sponsored this item. And let's figure out the best way to do that, and then we can vote on it with information in our hands that was actionable.

City Attorney Ramos: So, we'll bring back...

Commissioner Keon: Yeah.

City Attorney Ramos: Both proposed changes, arguably the three days sponsored by Commissioner Fors, and then the maybe addition of other entities.

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: Sponsored by Vice Mayor Lago.

Mayor Valdes-Fauli: Thank you.

City Clerk Urquia: And just really quick...

Vice Mayor Lago: Sponsored...

City Clerk Urquia: Mr. Mayor. You know, that proposed change will address all appeals by Historic Preservation Board, but this same thing can happen from any other board, and there's not going to be a remedy for that.

Commissioner Keon: Wait. That's why I'm asking that I think that as soon as someone appeals, you should send the -- you should notify the Legal...

City Clerk Urquia: So, we...

Commissioner Keon: The City Attorney's Office...

City Clerk Urquia: So, we do that.

Commissioner Keon: That does that person have standing.

City Attorney Ramos: These are the general appeals provisions in the Zoning Code.

Commissioner Keon: Right.

City Attorney Ramos: Once we changed them here, they will apply to all appeals from across...

Commissioner Mena: Right.

City Attorney Ramos: The judicial boards...

Commissioner Keon: Okay, so...

City Attorney Ramos: Not just Historic.

Commissioner Keon: Will that settle that issue or no?

City Attorney Ramos: That's how the change will happen.

City Clerk Urquia: But it will be the City -- staff will have three days to make the appeal, not just the Historic Preservation Board.

City Attorney Ramos: Correct. It could be depending on what staff -- if it's Board of Adjustment, it would be Planning and Zoning.

Mayor Valdes-Fauli: Okay.

City Clerk Urquia: In this case, it was 10 days to file the appeal. They filed the appeal via email, which is we intend to file this appeal. That triggers an additional 14 days for them to submit the application. At that point, no one else could have filed an appeal. So yes, they had 24 days to file the application. But even if the application would have been denied on the spot, no one else could have filed an appeal at that point.

Commissioner Mena: That's exactly, I think, what we're looking to remedy is that...

City Clerk Urquia: But only from a staff standpoint. You're not going to be able to remedy that from a citizen standpoint.

Commissioner Fors: No, no. And we're not interested in remedying it from a City (sic) standpoint.

Vice Mayor Lago: It's staff.

City Manager Iglesias: Just allowing staff three additional days.

Commissioner Mena: If a filed appeal by a resident...

City Clerk Urquia: Is denied.

Commissioner Mena: Disqualified, denied, withdrawn...

City Clerk Urquia: No resident can file another appeal.

Commissioner Mena: Then staff can appeal.

City Clerk Urquia: Only staff can appeal it.

Mayor Valdes-Fauli: Okay, folks, let's go on.

City Clerk Urquia: Okay.