

**City of Coral Gables City Commission Meeting
Agenda Item D-3
March 26, 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 Frank Quesada**

City Staff

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

Public Speaker(s)

Agenda Item D-3 [10:58:37 a.m.]

Consent Agenda

A Resolution pursuant to Section 3-1705 of the Zoning Code, providing ratification of the dispute resolution agreement regarding the property located at 701-711 Valencia and legally described as lots 23, 24, 25, 26, 27 and 28, block 10, of “Coral Gables Biltmore Section,” according to the plat thereof as recorded in plat book 20, at page 28, of the Public Records of Miami-Dade County, Florida, which provides in part for an increase to the maximum floor area ratio up to 2.7 (from 2.0), subject to additional terms and conditions in the dispute resolution agreement. (Pursuant to Sec. 3-1705 of the Zoning Code the item shall not be pulled from the consent agenda by supermajority vote of the entire membership of the City Commission).

Mayor Valdes-Fauli: Consent Agenda.

City Clerk Urquia: Before the vote adopting the Consent Agenda, is taken, is there anyone who wishes additional discussion or review of any item on the Consent Agenda?

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Commissioner Mena: Mr. Clerk, I just again, I want to note that I'm recusing myself on Consent Agenda, because of item D-3, which is the same item I recuse myself on last time.

Commissioner Lago: I'd like to pull item D-3, if possible?

City Attorney Ramos: D-3 can only be pulled by supermajority of the Commission.

Mayor Valdes-Fauli: Which is not here.

Commissioner Lago: So, I have a little bit of an issue that I talked to Miriam last night about this late night. I want to vote no on this.

Vice Mayor Quesada: On what item?

Commissioner Lago: On item D-3 from the Consent Agenda. But my hands are tied; I'll be forced to vote on the entire Consent Agenda. I'll be forced to vote no on the entire Consent Agenda, which is not what I want to do.

Vice Mayor Quesada: Why can't you pull it, like we've always done?

City Attorney Ramos: You need a four-fifths vote to pull it. One Commissioner is not present, and one Commissioner is recusing himself.

Mayor Valdes-Fauli: So, we don't have a supermajority.

City Attorney Ramos: Unless you want to hold on until Commissioner Keon gets here.

Vice Mayor Quesada: I think we've got to wait.

Commissioner Lago: We don't know. My issue is – can you give a little explanation about why, obviously voting no.

City Attorney Ramos: So, 701 to 711 Valencia is settlement agreement that we entered into after an opinion was issued. It was entered into last time after significant discussion. The only reason its back is because division 17 of the zoning code requires that it be put on Consent after the fact for final ratification.

Vice Mayor Quesada: I say we wait till Commissioner Keon...

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Commissioner Lago: Or I can just vote no on all Consent if you'd like. But you're still voting, correct?

City Attorney Ramos: He's leaving.

Vice Mayor Quesada: No, he can't.

Mayor Valdes-Fauli: He can't vote on this.

Vice Mayor Quesada: Procedurally it messed up here. It doesn't work procedurally. You have to wait.

City Attorney Ramos: You have to wait for Commissioner Keon.

Vice Mayor Quesada: And here's the thing. If she doesn't make it today because of her back issues, are there any issues here that have to be voted on for next time?

Commissioner Lago: Can we just vote on D-4? Why don't we just pull item by item.

Vice Mayor Quesada: Yes, we can do that, of course we can.

Commissioner Lago: So, item by item.

City Attorney Ramos: And go the other way; you can pull the other three and leave that one.

Mayor Valdes-Fauli: No, no, no. Let's go item by item.

City Attorney Ramos: Wait – wait. We need to pull, if we are going to pull D-1, D-2 and D-4 and vote on them separately, we can do that.

Commissioner Lago: I make a motion to pull D-1, D-2 and D-4.

Vice Mayor Quesada: Second.

Mayor Valdes-Fauli: All those in favor say aye.

All: Aye.

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Mayor Valdes-Fauli: Opposed – likewise.

City Attorney Ramos: And now we need the vote. Go ahead Billy.

City Clerk Urquia: I need a motion on – well we are voting on the Consent Agenda first?

City Attorney Ramos: Well they’ve been pulled, so we need to vote on D-1, D-2 and D-4.

City Clerk Urquia: So, motion for agenda item D-1.

Commissioner Lago: D-1 – motion.

Vice Mayor Quesada: Second.

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

Commissioner Lago: Yes

Commissioner Mena: Yes

Vice Mayor Quesada: Yes

Mayor Valdes-Fauli: Yes

(Vote: 4-0)

Mayor Valdes-Fauli: D-2.

Commissioner Lago: I make a motion.

Commissioner Mena: Second.

Mayor Valdes-Fauli: Call the roll please.

Commissioner Mena: Yes

Vice Mayor Quesada: Yes

Commissioner Lago: Yes

Mayor Valdes-Fauli: Yes

(Vote: 4-0)

Commissioner Lago: I make a motion on D-4.

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Vice Mayor Quesada: Second.

Vice Mayor Quesada: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Mayor Valdes-Fauli: Yes

(Vote: 4-0)

Commissioner Lago: So, move on and we'll listen to D-3 later.

11:01:44 a.m.

[Note for the Record: Item resumes at 1:58:45 p.m.]

City Attorney Ramos: So, there's an item that remains on the Consent Agenda, which is a resolution approving the 701 and 711 Valencia settlement agreement, which was voted on by the Commission at the last meeting. I understand Commissioner Mena will be recusing himself on this item.

Commissioner Mena: Can I leave or can I just...?

City Attorney Ramos: You should leave, and I'll participate. Don't go too far though, it shouldn't take very long. And with that is there a motion to approve what's remaining on the Consent Agenda?

Commissioner Lago: We did that already.

City Attorney Ramos: What's remaining on the Consent Agenda.

Commissioner Lago: Oh, D-3, excuse me.

Vice Mayor Quesada: Your objection to D-3, I want to hear it. Your concern, what is it?

City Attorney Ramos: The item has not been pulled by three-fourths vote, so its not up for discussion, its just a vote. This is what Division 17 of the Zoning Code says, I'm sorry.

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Commissioner Lago: This is the first time I see this in five years in public office. I have not seen this.

City Attorney Ramos: If you pull it its by four-fifths vote.

Vice Mayor Quesada: I'm going to pull it. I pulled D-3, I want to hear what his concerns...I didn't have an issue with it.

City Attorney Ramos: Then we'll vote on pulling it from the Consent Agenda.

Vice Mayor Quesada: So moved.

Commissioner Lago: Second.

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

City Clerk Urquia: Commissioner Lago.

Vice Mayor Quesada: This is just to pull it; this is just to pull to be able to discuss it.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Keon: Yes

Mayor Valdes-Fauli: Yes

(Commissioner Mena: Abstain)

Vice Mayor Quesada: Alright, what's your issue with D-3?

Commissioner Lago: I just think...

Mayor Valdes-Fauli: If its going to be controversial or long, let's put it off. Go ahead.

Commissioner Lago: This could get into a long discussion, so maybe we should leave it to the end.

Vice Mayor Quesada: Give me a Cliff Notes version of your concerns.

City Attorney Ramos: Do you remember when we brought this up at the last meeting, we talked about it at length.

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Vice Mayor Quesada: Oh, yes. I do.

City Attorney Ramos: The opinion that the former City Attorney – right, so we hash the whole thing out.

Vice Mayor Quesada: Next meeting. I move to defer the item.

City Attorney Ramos: We are waiting for this case to be dismissed in court.

Mayor Valdes-Fauli: OK. A second to defer.

City Attorney Ramos: Yes. We need this vote so this case can be dismissed. The City is a part of this lawsuit, this will dismiss the case.

Commissioner Lago: I just disagree, you asked me my points, I disagree, we are giving about an additional 35 percent in FAR.

Vice Mayor Quesada: But it comes back to the setback issue. There is no way they could use all 2.7.

Commissioner Lago: But what they are going to end up doing is, we talk about how much square footage, excuse me, how much percentage we are going to have open space on the first floor.

Vice Mayor Quesada: But they still have to comply because we didn't pass the parks issue that...

Commissioner Lago: They already got it in.

Vice Mayor Quesada: Its supposed to be on today's agenda?

Commissioner Lago: So, my point is many things are here. I don't like certain things that were decided. I think that we are putting ourselves in a position where we are being strong-armed by an entity which is basically getting additional 35 percent FAR. Again, what are they going to do with that FAR? So, what they are going to do, they are going to take that and then flip the property.

Vice Mayor Quesada: But the next person won't be able to use it.

Mayor Valdes-Fauli: No.

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Vice Mayor Quesada: They can't. Setbacks and open space requirements preclude them from maxing...

City Attorney Ramos: And setbacks were added at the last meeting.

Vice Mayor Quesada: Vince, you know more about this than I do.

Commissioner Lago: I know. I just...

Vice Mayor Quesada: If they can't use it.

Commissioner Lago: I just don't like the fact that anybody comes here and says, look there's an ambiguity in the code and unless we come to some sort of settlement agreement and you give me the additional 35 percent FAR, I'm going potentially litigate this issue.

Vice Mayor Quesada: Didn't we have an issue with our former City Attorney, that was a big concern of his.

City Attorney Ramos: Five years ago.

Commissioner Lago: Five years ago.

City Attorney Ramos: He issued an opinion that the property relied on. So, the City has some exposure and I hate to say this in public, but the City has exposure, we issued that opinion and they've relied on it. They cut their building in half.

Vice Mayor Quesada: I move to approve.

Commissioner Lago: But they were saying they were going to 150 feet. Its done. We'll clean it up right now.

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

Vice Mayor Quesada: Yes

Commissioner Keon: Yes

Commissioner Lago: My vote is still no.

Mayor Valdes-Fauli: Yes

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(Commissioner Mena: Abstain)

Mayor Valdes-Fauli: Thank you.

[End: 2:02:27 p.m.]