

**City of Coral Gables City Commission Meeting
Agenda Item G-9
September 14, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item G-9 [Start: 2:18 p.m.]

Discussion regarding the number of members of the Board of Architects and their ability to serve on other permanent city boards (Sponsored by Commissioner Anderson)

Mayor Lago: Moving onto G-9, discussion regarding the number of members of the Board of Architects and their ability to serve on other permanent city boards, sponsored by Commissioner Anderson.

Commissioner Anderson: I talked to staff a bit about this. We have currently eight members on our board, we are allowed to go up to nine, and there are teams of two that work on residential projects. I've asked the City Manager to let us know if we need more members. But the real reason I put this on is for the qualifications of the Board of Architects to provide a larger pool of individuals that are qualified for the Board of Architects. Currently, if someone is serving on a Parks Advisory Board or some other non-quasi-judicial board, they cannot also serve on the Board of Architects, and I'd like to provide a little more purview for the City Manager to be able to select

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someone. If they are not on Planning and Zoning, if they are not on the Board of Architects, to be able to be selected for the Board of Architects. So, I wanted to bring this to your attention, have a discussion item on, and if its something you all agree with, we can move it forward with a resolution now or in the future.

Commissioner Fors: So, this is for somebody who serves on a non-quasi-judicial board, wants to serve on the BOA, but doesn't want to give up their position in the non-quasi-judicial board.

Commissioner Anderson: Correct.

Commissioner Fors: And to not force them to – who is so in love with the non-quasi-judicial board.

Commissioner Anderson: There are people that, you know, they are in a retired position, they have the time. It's a very time-consuming job, sit on the Board of Architects. I'm just trying to make it available for the City Manager to have a larger pool of individuals to select from. When someone gets tired of being on the Board of Architects, we lose somebody because they move or for whatever reason, he needs to have a broader selection of individuals. How do you feel about this Mr. Iglesias?

Commissioner Fors: I'll tell you, oh I'm sorry. I'll say one thing. We did recently do something to loosen the term for that reason, right.

City Manager Iglesias: Yes, we did. We don't have a number of times that they can serve on the board, so now that has been removed.

Commissioner Fors: Alright. And I know that expanded the pool a bit. Frankly, I hadn't thought about it much. I had thought about it and no real reason occurred to me for why it would be a big deal for someone to serve on more than one non-quasi-judicial or on one non-quasi-judicial and one quasi-judicial. I couldn't think of any concern that raises really.

Vice Mayor Mena: But we don't allow it for any other boards.

Commissioner Fors: But we don't allow it, we don't allow it.

Commissioner Anderson: For any other board we don't.

Commissioner Fors: I'd be curious to know why we don't. Is it just a matter of...?

Vice Mayor Mena: Getting more people involved.

Commissioner Fors: Getting more people involved.

City Attorney Ramos: I think there could also be a situation where you have a conflict.

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Vice Mayor Mena: Yes, you could have a conflict eventually.

Commissioner Fors: Yes. And my initial reaction is to say, you want to be on the Board of Architects just leave the Library Advisory Board and you let somebody else get involved in that capacity. I don't feel particularly strongly on one side or the other. Conflicts are a concern, obviously.

Vice Mayor Mena: To me, if there's a situation we could always vote to waive.

Commissioner Fors: Is that a waivable ground?

City Attorney Ramos: I don't think so, only the term is waivable. I'll look at the provision right now. And of course, if it's an ad hoc board then its fine.

Vice Mayor Mena: Right.

City Attorney Ramos: Like now we did with the committee, the Blue Ribbon.

City Manager Iglesias: I believe that we did change the term limits on the Board of Architects, so there are no term limits now.

Commissioner Anderson: Right – because we were having problems.

City Manager Iglesias: You must live in the Gables or have an office in the Gables to be on the Board of Architects.

Vice Mayor Mena: That's because it's so time-consuming.

Commissioner Anderson: It is.

Vice Mayor Mena: Its volunteering for a very time-consuming and difficult job.

Commissioner Menendez: My question for the City Attorney is there a way to find out when that restriction was enacted? – is it recently?

Vice Mayor Mena: No, no, no.

Commissioner Menendez: Is it part of our original going back?

City Attorney Ramos: The original code section was in 2003 and its labeled terms of members. So, what was in 2003, I don't know. The Clerk would have to go back and do the research and then it was amended in 2009, several times actually, and in 2019.

Commissioner Menendez: So that restriction that you can only serve...

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City Attorney Ramos: The section called, terms of members, which is where the restriction is, goes back to 2006, whether the restriction on more than one board was there at that time, I don't know, I would have to go back and piece it together.

Commissioner Menendez: I would like to find out how far back that goes. Is it part of what the city, the creators of the city decided was best?

City Attorney Ramos: Definitely not, because 2003 is the oldest ordinance, so it definitely wasn't the creators of the city.

Commissioner Menendez: That's good to know.

Vice Mayor Mena: I think its good to have multiple people. It seems somewhat – if the Board of Architects already has an issue whereby its very time-consuming and difficult job, not sure having them spend more time on another board is really the solution. I'm kind of inclined to say, if you want to be on the Board of Architects, great, then as Commissioner Fors said, then you don't need to serve on this other board. I'd rather open up the other boards, to use his example, the Library Board, you know, let that person be on Board of Architects and then let's have somebody else dedicate more time, hopefully to the Library Board, instead of somebody who is going to be spread very thin as it is on the Board of Architects.

Commissioner Menendez: So, would we be creating a new spot on the Board of Architects or its just...?

City Attorney Ramos: You could do it one of two ways. No, the Board of Architects is a minimum of seven members and the Manager can appoint as many as he wants, as long as there is seven. So that doesn't need a code change. You could either exempt the Board of Architects members and allow them to serve on other boards, or just create a blanket rule that there is no issue anymore with people serving on more than one board and strike the language that's there now.

Vice Mayor Mena: I don't like the idea of people serving on more than one board, because I think it creates sort of insider baseball, where you've got the same group of people kind of working in different areas of the city. I think its good that we have whatever, I think I mentioned earlier, I don't know how many board members we have, it's probably over 200 people. I think its good to have a diverse city of opinion and people in the whole pot.

Mayor Lago: And I agree with you. I think you're spot on, on that point. But I want to have the Commissioner explain to me a little bit more, what would be the potential benefits of having someone sit on two boards? – is it to spread their expertise across multiple boards? – is it for them to maybe potentially garner additional experience in an effort to potentially one day serve on a higher board? What do you think are the benefits versus the drawbacks?

Commissioner Anderson: The benefit is we have a larger pool of individuals that we can select to serve on the Board of Architects when you do have someone that's passionate about another area of the city. And I know it has been an issue in the past, getting enough individuals for the Board of Architects to serve, which is why we had to remove the term limits. So, it's really to provide the City Manager a broader pool of individuals to select from at his discretion and that's the intent behind that.

Mayor Lago: Mr. Manager do you feel, excuse me Madam Commissioner, I apologize if I cut you off. Please proceed.

Commissioner Anderson: Go ahead.

Mayor Lago: I just wanted to hear from the Manager. Are you finding it difficult to potentially find qualified candidates who are willing?

City Manager Iglesias: We have eight candidates right now. I don't know who is on other particular boards. I think that Board of Architects should be practicing architects who are current in zoning, codes and so forth, so if we have a person who has been retired for a long time, its probably not a good idea, because you need to be current in zoning, building codes and things like that, to be on the Board of Architects. So, I don't know how many practicing architects we have on the other boards. If you've been retired for a long time then its probably not what we are looking for at this point, because of all the technical changes that continue to happen that you need to be up on.

Commissioner Anderson: You had a comment?

Mayor Lago: I served on the Planning and Zoning Board for 19 months before I got elected, and that was a very strenuous commitment, just like this Commission is. You make a commitment to the city, and you are here for four years, in my case I'm here for two. This is not a commitment that you can just take lightly. On the Planning and Zoning Board its one step away from being an elected official, in my opinion, as Commissioner Anderson will tell you. I think the BOA is right there, if not more, based on the fact that you have weekly meetings. So, I'm thinking about what would be, and I hate to use the word, worse case scenario, I'm thinking about what would be potentially a disaster, if you have somebody who is serving on the PNZ and serving on the BOA. We had meetings, sometimes we had two meetings a month, imagine that individual has four meetings on BOA, two meetings on PNZ, the preparation for the meetings, they have their own personal and business responsibilities.

Vice Mayor Mena: Maybe its not a conflict, it could be a conflict, but whether it is or isn't a conflict...

City Attorney Ramos: Its not a legal ethics conflict, but it can be...

Vice Mayor Mena: Being the person supporting something at this committee, if a project has to go through certain things, you don't want the same person on this committee being in favor and then them also being on another committee, it's the same person.

Commissioner Anderson: That would be exempt. If you are sitting on PNZ, you can't sit on Board of Architects, otherwise you have that conflict, same thing with Board of Adjustment. Again, I was just trying to provide the City Manager a larger pool of individuals to select from. The other boards once a month, I mean, if you are on Pinewood Cemetery, probably never.

Vice Mayor Mena: You have a sense of there being a lot of architects on those other boards?

Commissioner Anderson: No, I don't. I'm giving you a contrasting example where you wouldn't have a conflict of interest there. Is there an architect on there? Have I heard expressions from an architect or so that's on another board that would like to serve on the Board of Architects? – yes, that's where this seed was planted.

Vice Mayor Mena: Why don't they just do it. Why don't they just do it and then not be on the other board?

Commissioner Anderson: Okay. That's a valid point, except for Pinewood Cemetery.

Mayor Lago: But remember, I recruited you, I recruited you from the Sustainability Advisory Board, I said, Commissioner, you are way too qualified, I need you on the Planning and Zoning Board, not way too qualified to be on Sustainability, you did a great job there, but you are way too qualified not to be on the Planning and Zoning Board. So, I recruited you to be on that board, and it took a little bit of convincing, but you got on the board, and you served. But think about it, you came from Sustainability Advisory, you served on PNZ and now you are an elected official. So, I think there was a progression and I think you can admit it that, not saying that the Sustainability Advisory Board is not a committed board, they are incredibly committed. They do incredible things. But when you are on PNZ, like you said, its quasi-judicial, you are making certain decisions that will make certain people happy or make certain people very unhappy.

Commissioner Anderson: Right. I know. I made a few of those decisions too. City Manager, this is for you. You tell us if you need a broader pool of people if this would be assistance to you.

City Manager Iglesias: I don't know Commissioner, who is on, except for one person who is on any of these boards which is a current practicing architect that can really help us. I do have an issue with any conflict, potential conflicts, shouldn't be quasi-judicial board. I think one of the issues that we've had with the Board of Architects is getting a good mix of different architects working on multi-story buildings, architects that work on residential. We have a very good mix right now. They all get together and review large projects and then they go into groups of two to review smaller work, which has been very effective, groups of four. So, I have to look to see who we have, but I really want to make sure that we don't get someone who has been out of practice for a long

time, that really may want to be on the Board of Architects, but really is not up to code and building codes and things like this, which are very crucial during the review process.

Commissioner Anderson: If you see a need just bring it up again. I just thought it was something worth discussion, because I know that we've had a problem in the past that's why we extended the terms.

City Manager Iglesias: And I very much appreciate that, and I will do so. I will do so. Thank you.

City Attorney Ramos: Commissioner Menendez, to follow up on your question, the City Clerk searched the archives, and it dates back to at least 1983.

Commissioner Menendez: Thank you for looking that up.

Mayor Lago: Anything else?

Commissioner Menendez: No.