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1 property owner within that area. They were a
 2 renter. So, as the way our Code defines it,
 3 the only person that received notice was the
 4 main building, so not the individual.
 5 MR. WITHERS: Okay. So does the City jump
 6 in on these appeals as a Me Too on most on
 7 these appeals when they get appealed?
 8 MR. CEBALLOS: Typically, no. Typically,
 9 when an appeal moves forward, it's the person,
 10 the appellant, who is moving it forward, it's
 11 not the City.
 12 MR. WITHERS: The City doesn't care?
 13 MR. CEBALLOS: This was, like I said, a
 14 very, very unique situation.
 15 MR. WITHERS: I understand.
 16 MR. BEHAR: But it could happen. It could
 17 be the Friday at two o'clock and you don't have
 18 -- and I understand.
 19 MR. CEBALLOS: I think, more importantly, I
 20 think it's a policy. I think the Historic
 21 Preservation Department or any other department
 22 that feels that there was something done
 23 incorrectly, they're probably not going to wait
 24 those ten days, and this is simply a catch-all
 25 safety measure that the City Commission asked

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1 MS. ANDERSON: Yes.
 2 THE SECRETARY: Robert Behar?
 3 MR. BEHAR: Yes.
 4 MR. COLLER: Okay. Did we ask for, were
 5 there any other -- I don't think we did yet.
 6 I'm sorry.
 7 MR. BEHAR: You didn't -- excuse me, you
 8 did not --
 9 MR. COLLER: Are there any other interested
 10 parties --
 11 MR. BEHAR: Wait. Wait. Wait. You did
 12 not call --
 13 THE SECRETARY: We have a speaker for E-4.
 14 MR. BEHAR: No. No. You did not call Rene
 15 Murai on that last item.
 16 THE SECRETARY: Rene Murai?
 17 MR. MURAI: What's going on? Yes. Yes.
 18 MS. ANDERSON: You didn't get to vote.
 19 MR. COLLER: Okay. I think we have to hold
 20 off on that, because I do not believe we asked
 21 if there are any persons in the audience who
 22 wish to speak on the item.
 23 MR. BEHAR: I apologize. Do we have
 24 anybody from the public on this item that would
 25 wish to speak?

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1 that we put forward.
 2 MR. BEHAR: I don't have a big problem with
 3 it at all. I think Rene's point is a good one.
 4 We need to close that, you know.
 5 MR. CEBALLOS: No problem.
 6 MR. BEHAR: I think, that, for me, it makes
 7 sense, a lot of sense.
 8 MR. MURAI: May I move it?
 9 MR. BEHAR: Please do.
 10 MR. MURAI: Yeah. I move the adoption of
 11 this amendment, but with a proviso that in no
 12 event will the City Notice of Appeal be filed
 13 more than thirty days from the initial
 14 determination by the Board, whatever that Board
 15 is.
 16 MR. BEHAR: Do we have a second?
 17 MS. ANDERSON: I'll second it.
 18 MR. BEHAR: Jill, please.
 19 THE SECRETARY: Venny Torre?
 20 MR. TORRE: Yes.
 21 THE SECRETARY: Maria Velez?
 22 MS. VELEZ: Yes.
 23 THE SECRETARY: Chip Withers?
 24 MR. WITHERS: No.
 25 THE SECRETARY: Rhonda Anderson?

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1 MR. COLLER: Let the record reflect that no
 2 one has stepped forward. I don't think it's
 3 necessary, given that, to have a re-vote on the
 4 item.
 5 MR. BEHAR: Okay. Thank you.
 6 All right. Next item, E-4.
 7 MR. COLLER: E-4, an Ordinance of the City
 8 of Coral Gables, Florida, providing for text
 9 amendments to the City of Coral Gables Official
 10 Zoning Code, Article 3, "Development Review",
 11 Section 3-606 to include Dade Heritage Trust
 12 Inc. as a party that may appeal decisions of
 13 The Historic Preservation Board; providing for
 14 a repealer provision, severability clause,
 15 codification, and providing for an effective
 16 date.
 17 Item E-4, public hearing, and there was
 18 a -- or something distributed on this, I think,
 19 to the Board, an e-mail.
 20 MR. BEHAR: Yes. There is.
 21 All right. Go ahead, please.
 22 MR. CEBALLOS: So E-4, building on E-3, is
 23 another modification to the exact same section
 24 to the Zoning Code, 3-606, and once again
 25 provides another safety measure in regards to

1 historic preservation in the City of Coral
 2 Gables. It allows for Dade Heritage Trust to
 3 be included as a party that can appeal and have
 4 standing before our Commission. That's
 5 basically the extent of the modification.
 6 MR. BEHAR: Okay. Let me then open it up
 7 to the Board.
 8 MR. COLLER: Can we ask if there are any
 9 other -- I'm ready this time. Can we ask if
 10 there are any other persons wishing to speak on
 11 this item?
 12 MR. BEHAR: Could you please come up and
 13 state your name, for the record?
 14 MS. MARTINEZ-CARBONELL: Good evening. My
 15 name is Karelia Martinez-Carbonell. I am
 16 president of --
 17 MR. BEHAR: Mr. Chairman, can we have her
 18 put the -- there you go.
 19 MR. BEHAR: Yeah.
 20 MR. COLLER: Thank you.
 21 MS. MARTINEZ-CARBONELL: Thank you. Better?
 22 I am president of the Historic Preservation
 23 Association of Coral Gables. I'm here because
 24 I not only want to support DHT as a party that
 25 can have --

1 Gables in its own mission statement.
 2 Again, if you have any questions for me,
 3 I'd love to answer.
 4 MR. BEHAR: Thank you.
 5 Any other person of the public who wishes
 6 to speak on this item?
 7 MR. MURAI: Before you go, a question. How
 8 many members do you have? Do you have a
 9 membership roster?
 10 MS. MARTINEZ-CARBONELL: Yes. We are a
 11 dues paying membership and we have -- at this
 12 point, we have close to seventy, and it's
 13 renewed every year, so it's an annual
 14 membership. We also do fundraisers, as well,
 15 but -- and we have a board of eight.
 16 MR. BEHAR: Any other questions?
 17 Seeing none, we're going to close the
 18 public hearing and bring it back to the Board.
 19 MR. TORRE: That kind of brings a
 20 discussion of what are the grounds for appeals
 21 and who needs to appeal and for what purpose
 22 should it be allowed. In other words, we have
 23 it as an aggrieved person and you have a
 24 thousand foot radius at this point.
 25 I'm looking at the application for appeal

1 MR. MURAI: Can appeal.
 2 MS. MARTINEZ-CARBONELL: -- can appeal, but
 3 I also would like to make a case for our
 4 organization, which is the Historic
 5 Preservation Association of Coral Gables. Dade
 6 Heritage Trust, obviously, is a very
 7 respectable non-profit, a historic group that
 8 has done, you know, lots of good for the
 9 community, but our organization is also a
 10 non-for-profit. It was founded in 1991. We
 11 are established in Coral Gables, where DHT is
 12 not. We are hyperfocused in our City, and I'd
 13 like to make just a few points.
 14 Again, as I mentioned, we were established
 15 in 1991. We are a State certified 501(c)(3)
 16 and we are solely focused on promoting the
 17 importance and understanding of historic
 18 preservation and its resources here in Coral
 19 Gables.
 20 Our dozier of preservation advocacy and
 21 long-standing partnership with the City of
 22 Coral Gables stands as the best testimonial,
 23 and, again, if any non-for-profit has standing,
 24 our Board, the Board of HPACG ask that you
 25 consider our organization, which has Coral

1 that I got from the City Clerk. It doesn't
 2 really give you instructions on what and how
 3 you should file the appeal. It's pretty open.
 4 I'm not sure how the appeals are judged. If
 5 somebody just says -- prepares the appeal and
 6 submits it, is that ground to go to the
 7 Commission with just the fact that -- does
 8 somebody have to provide some form of grounds,
 9 financial or otherwise, or is there a pretty
 10 lax way of just appealing something? I'm
 11 asking, because I don't know --
 12 MR. CEBALLOS: Typically they require that
 13 the party suffer some sort of special injury.
 14 Just the fact that you simply don't like it is
 15 probably not going to be sufficient enough.
 16 That being said, I don't have that Code section
 17 with me.
 18 MR. TORRE: Who reviews that initial
 19 request, because here --
 20 MR. CEBALLOS: The Clerk's Office, and then
 21 it's sent over to us, the City Attorney's
 22 Office.
 23 MR. TORRE: Here is what it says. So it
 24 says that within ten days, you must file the
 25 written appeal in the form of a handwritten

1 note, e-mail, letter, et cetera. So if I write
 2 a little piece of paper that says, "I don't
 3 like the way this vote went, here's a piece of
 4 paper," that's an appeal?
 5 MR. CEBALLOS: That would be the initial
 6 notice. That's not the application. The
 7 application is what you have in front of you.
 8 MR. TORRE: And it has to go through that.
 9 MR. CEBALLOS: Correct.
 10 MR. TORRE: But that stops and initiates a
 11 process, that who reviews it second to that, as
 12 it relates to grounds for appeals?
 13 MR. CEBALLOS: I apologize. I don't have
 14 that off the top of my head. That typically
 15 goes to the Clerk's Office and then it would go
 16 to the City Attorney's Office. I've never had
 17 an appeal where somebody wasn't clearly an
 18 aggrieved party. Nobody has ever submitted
 19 something to that request, but it's something
 20 that we have to look into. I can provide you
 21 the answer at a later date.
 22 MR. TORRE: I'm just hesitant to open for
 23 more people to have rights to make appeals. So
 24 the appeals should be affected parties for
 25 certain reasons and not for just any particular

1 should be for real, not because of other
 2 measures that people feel differently in the
 3 community. So opening that up, to me, is not
 4 the way I would approach it. I think it should
 5 be more soundly brought back to what are the
 6 grounds and the real appeals should fall
 7 through.
 8 MR. CEBALLOS: I will note one thing. This
 9 is not an atypical provision in the Code. A
 10 lot of other municipalities that have similar
 11 boards have similar provisions, the City of
 12 Miami being one of them. They have a very
 13 similar provision, that allows for groups like
 14 Dade Heritage Trust to appeal and grants them
 15 standing. So this is not an atypical request
 16 for this provision to be in the Code.
 17 MR. MURAI: I think -- you know, I'm
 18 familiar with Dade Heritage Trust. I think I
 19 was on their board at one point a long time
 20 ago. I think they're very -- as you said, it's
 21 a very respected board. It's been around for a
 22 long time. And I'm all in favor of it. And
 23 I'm in favor of referring to the City the
 24 request that your organization also be
 25 included. I'm not prepared to amend this.

1 reason.
 2 MR. CEBALLOS: Originally when this was
 3 proposed, it was a discussion that was had
 4 before the City Commission, and during that
 5 discussion, it was decided that it would
 6 probably be better if it was very narrowly
 7 tailored, and it was the opinion of the
 8 Historic Preservation Department that it would
 9 only be this one individual group, and that's
 10 the reason why, to eliminate that exact
 11 circumstances from happening.
 12 MR. TORRE: So I have been a member of Dade
 13 Heritage Trust for approximately six years. I
 14 ran as treasurer and I was a member of that
 15 group. I love them both and I'm a
 16 preservationist.
 17 The point being that those groups change
 18 over time and those group, not particularly to
 19 these groups, any group, can have political
 20 influences be tossed upon it. So I'm hesitant
 21 to put those groups in charge of positions that
 22 affect a property owner or somebody who really
 23 has standing, real standing, as it relates to
 24 the City.
 25 So I think the reasons for these things

1 MR. BEHAR: Let's go ahead and hear from
 2 anybody else.
 3 MR. MURAI: I was trying to get through.
 4 MS. ANDERSON: Go ahead and complete your
 5 comment.
 6 MR. BEHAR: You would like to make a
 7 motion, you said?
 8 MR. MURAI: No. No. No. I'm just saying,
 9 I'm ready to support the amendment.
 10 MR. BEHAR: Rhonda.
 11 MS. ANDERSON: I'm also prepared to support
 12 both organizations. I think both are respected
 13 and have the best interest of our City in mind.
 14 I don't think this would unduly delay the
 15 processes, but might help provide the
 16 Commission with additional information that's
 17 necessary for them to make an appropriate
 18 decision as to whether a historic piece of
 19 property should be preserved. So I'm in favor,
 20 as well.
 21 MR. BEHAR: Maria.
 22 MS. VELEZ: Wouldn't these organizations
 23 have an opportunity to speak at the Board
 24 level?
 25 MR. CEBALLOS: They're open meetings, so

1 they're public meetings. Anybody could speak.
2 The only difference is, they wouldn't have
3 standing to move forward with an appeal, if
4 Historic Preservation decided to designate or
5 not designate or demolish or whatever it may
6 be, they wouldn't have standing to move forward
7 to a second review and appeal before the City
8 Commission.

9 MS. VELEZ: But they would be heard at the
10 Board level before any decision is made by the
11 particular Board?

12 MR. CEBALLOS: Yes. That's correct.

13 MS. VELEZ: I don't particularly want to
14 open up the floodgates to more participants and
15 more people and more organizations to have
16 standing. So I'll side with Venny.

17 MR. BEHAR: Chip.

18 MR. WITHERS: So, in order to have
19 standing, you have to be publicly noticed and
20 live within a thousand feet? That's how it is
21 right now?

22 MR. CEBALLOS: Correct.

23 MR. WITHERS: And that's the only -- so is
24 that the only people that can appeal right now?

25 MR. CEBALLOS: I'd have to check the Code.

1 I don't have it handy. I don't know if the
2 Director has a copy that I may review or --

3 MR. WITHERS: Are those the only folks that
4 can appeal, is if it's noticed and live within
5 1,000 feet?

6 MR. COLLIER: Yes. I believe that the
7 definition of aggrieved party is what we're
8 talking about, and in that --

9 MR. CEBALLOS: The definition, yes.

10 MR. COLLIER: -- within 1,000 feet. So if
11 you're not within the thousand feet, then
12 you're not --

13 MR. CEBALLOS: In that case, it would be
14 determined if any injury would be too remote.

15 MR. COLLIER: Right.

16 MR. WITHERS: But what if a decision is
17 made and I argue the fact that it sets -- I
18 don't live -- I'm not noticed, I don't live
19 within a thousand feet, but something is
20 changed that could adversely affect me, because
21 precedence has been set. Is it not an
22 aggrieved party at that point?

23 MR. CEBALLOS: Currently the way that the
24 Code defines it, no. And this is strictly
25 appeals from the Historic Preservation Board.

1 MR. WITHERS: Okay. So this just applies
2 to Historic Preservation?

3 MR. CEBALLOS: Correct.

4 MR. WITHERS: So how do you qualify what
5 groups can become aggrieved parties now? I
6 mean, both of these groups are very legitimate
7 groups. I know them both. Someone sets up
8 there now historic preservation to save the
9 trees on Obispo Avenue, and I'm an aggrieved
10 party, are they going to be accepted?

11 MR. CEBALLOS: If they're not listed in the
12 Ordinance, then, no. As of right now, the way
13 it currently --

14 MR. WITHERS: I mean, they can come and
15 request to be listed in the Ordinance. So who
16 is going to make that --

17 MR. CEBALLOS: They would have to go
18 through this process, and, yes, at the end of
19 the day, it could go to Commission for Two
20 Readings and if they chose to make, you know,
21 Billy Bob Tree Restoration and they chose to
22 put them on the list, they --

23 MR. WITHERS: Then they can appeal that
24 decision as an aggrieved party for not being
25 accepted, I guess?

1 MR. CEBALLOS: That's well within the
2 Commission's right to make that decision.

3 MR. WITHERS: So there's no standard on who
4 can be qualified as an aggrieved party, except
5 those that live within a thousand feet and be
6 noticed?

7 MR. CEBALLOS: Only what is currently in
8 the Code as defined as an aggrieved party.
9 This creates a specific carve-out for the
10 Historic Preservation Department.

11 MS. VELEZ: Maybe that should be revisited
12 as to what is an aggrieved party.

13 MR. MURAI: But, I think, in the meantime,
14 I think somebody -- it's important, I think,
15 for somebody to speak for preservation and I
16 think Dade Heritage Trust, as we already said,
17 has been around for a long time and that's
18 their goal and their mission. So I'm all in
19 favor of that, and I'm in favor of reviewing
20 whether other organizations should be
21 permitted.

22 MS. ANDERSON: Right. I mean, they are
23 better equipped than the residents that are
24 within a thousand feet.

25 MR. BEHAR: Well, I have a problem with it,

1 and I'm going to use the City of Miami as an
 2 example, with Miami 21, that they opened up the
 3 possibility to notify any of the association
 4 that reside within the City of Miami, and I've
 5 seen cases where people that are outside the
 6 affected area could come in and create, you
 7 know, an appeal, and I don't -- I agree with
 8 Maria and Venny, I don't feel comfortable
 9 opening up the gates, the floodgates, to be
 10 able to allow for people from the outside of
 11 the immediate area to --

12 MR. MURAI: But the people in the immediate
 13 area may not be concerned at all with
 14 preservation. Somebody should be and somebody
 15 should be able to speak about it.

16 MR. BEHAR: But the Board --

17 MR. MURAI: The aggrieved party in, you
 18 know, a project, as is going to be presented
 19 today, is one thing. Preservation is another
 20 thing. Maybe no one there could give --

21 MR. TORRE: If it's such a big case, could
 22 not DHT, or whoever other, convince Staff to
 23 make that appeal?

24 MR. CEBALLOS: I'm sorry?

25 MR. TORRE: Staff has the ability to make

1 the appeal.

2 MR. BEHAR: Well, they're going to present
 3 to Staff.

4 MR. TORRE: What I'm saying is, if Staff
 5 has not appealed --

6 MR. CEBALLOS: That would be correct.

7 MR. TORRE: -- it's because -- I mean, the
 8 hardest one is a financial grievance, right.

9 That should be the number one, economic
 10 hardship and so forth, but there could be other
 11 reasons, obviously, but Staff can also appeal,
 12 meaning --

13 MR. CEBALLOS: There's nothing that would
 14 prevent Staff from appealing.

15 MR. TORRE: If there's such a big cause for
 16 that, somebody that doesn't have the thousand
 17 feet, just like you said -- that catch-all from
 18 the Staff can catch those folks that feel
 19 strongly and convince Staff to make the appeal.

20 MR. CEBALLOS: That is a possibility, yes.

21 MS. ANDERSON: With the limited time frame.

22 And I've seen this in the past, as well,
 23 there's been occasions where Staff hasn't been
 24 able to get the notices of appeal in on time,
 25 and when you're dealing with something as

1 specialized as is historic preservation, where
 2 you're not opening floodgates, you have a
 3 specific organization that specializes in
 4 historic preservation, it's not opening up the
 5 floodgates, but it's giving our City an
 6 opportunity to preserve important
 7 characteristics of our area.

8 MR. BEHAR: So correct me in something
 9 here. We have a Historic Board in the City of
 10 Coral Gables that's going to make a
 11 determination.

12 MR. CEBALLOS: Correct.

13 MR. BEHAR: And that we have -- how many
 14 members sit on that Board?

15 MR. TORRE: Nine.

16 MR. BEHAR: Nine members. And the question
 17 is, are we going to appeal their decision by --
 18 to outside groups, that have -- other than the
 19 immediate within a thousand foot radius
 20 resident?

21 MR. CEBALLOS: Currently it's presented as
 22 one, but you're welcome to modify it.

23 MR. BEHAR: And what we're saying is that,
 24 let's bring another two groups in to question
 25 the decisions that a board that is either

1 residents -- you have to be a resident, right?

2 To be on that board, you have to be a resident
 3 of Coral Gables -- to appeal their decision?
 4 Basically that's what we're going to add now,
 5 it's to --

6 MR. MURAI: But we're not talking about two
 7 organizations. We're talking about one.

8 MR. BEHAR: "Bueno," one, but -- okay. One
 9 organization.

10 MR. MURAI: And, you know, there could be a
 11 vote of five to four, a very controversial
 12 vote, and, you know, DHT I think is specialized
 13 and should have a right to at least present it
 14 to the Commission.

15 MS. ANDERSON: In addition, there might be
 16 some facts that weren't known at the time of
 17 the Board meeting, that could be brought to
 18 light through the process.

19 MR. BEHAR: Should we then do the same,
 20 extend a period so then our Staff could appeal,
 21 so it goes to Commission? I mean, is there
 22 some mechanism that could be --

23 MR. TORRE: I make the case, DHT is great
 24 and we all love it, but it's still a body that
 25 is not under our control, it's not under the

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1 control or anything to do with Coral Gables,
 2 and, again, total respect for both. They can
 3 be fallen under the influence of outside -- or
 4 outside influences can come into those and we
 5 have no control of that. We do not want to
 6 make those processes political. They need to
 7 be citizen based.
 8 MR. MURAI: I don't think DHT --
 9 MR. TORRE: But that's today.
 10 MR. MURAI: -- in my opinion has ever been
 11 political.
 12 MR. TORRE: But ten years from now, this
 13 law will still apply, and twenty years from
 14 now, the law applies.
 15 MR. MURAI: But if ten years from now,
 16 twenty years from now, if things change, you
 17 can get rid of the Ordinance. It's not
 18 permanent.
 19 MR. TORRE: I think there are better ways
 20 to strengthen the process that goes through the
 21 selection of the Board Members, the decision is
 22 made, should be made by Board Members who were
 23 selected appropriately, and those decisions
 24 should be held to be strong decisions.
 25 MR. MURAI: We're not giving DHT a

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1 MR. MURAI: May I move it?
 2 MR. BEHAR: Go ahead.
 3 MR. MURAI: Yeah. I move the adoption of
 4 the amendment.
 5 MS. ANDERSON: I'll second it.
 6 MR. CEBALLOS: Is that adoption as
 7 presented?
 8 MR. COLLER: Can I get a --
 9 MR. MURAI: As presented.
 10 MR. COLLER: As presented. Okay. So just
 11 for an abundance of clarity --
 12 MR. MURAI: As presented.
 13 MR. COLLER: -- as presented.
 14 MR. BEHAR: Jill, please call the roll.
 15 THE SECRETARY: Chip Withers?
 16 MR. WITHERS: No.
 17 THE SECRETARY: Maria Velez?
 18 MS. VELEZ: No.
 19 THE SECRETARY: Venny Torre?
 20 MR. TORRE: No.
 21 THE SECRETARY: Rene Murai?
 22 MR. MURAI: Yes.
 23 THE SECRETARY: Rhonda Anderson?
 24 MS. ANDERSON: Yes.
 25 THE SECRETARY: Robert Behar?

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1 decision-making ability. We're just saying
 2 that they should have a right to present their
 3 case to the Commission. That's all. I think
 4 it's pretty simple.
 5 MS. ANDERSON: And I agree with that. They
 6 should have the right to present it to the
 7 Commission.
 8 MR. WITHERS: Well, no, many times the
 9 appellant isn't even the aggrieved party, but
 10 they've been asked to be an aggrieved party by
 11 someone that is aggrieved.
 12 MR. MURAI: That's right.
 13 MR. WITHERS: And we've all been down that
 14 road before. So, I mean, if someone really
 15 wants to be an aggrieved party -- and, listen,
 16 I'm a big supporter of Dade Heritage Trust. I
 17 move stuff all over town for these guys and so
 18 -- Venny, I kind of hear what you're saying.
 19 It kind of concerns that you're letting in an
 20 outside group into our -- not into our affairs,
 21 but into our process. I mean, into our affair
 22 is fine, but into the process is what concerns
 23 me. It's not our affairs, it's the process of
 24 how they're getting in. So I don't know. It's
 25 a tough one.

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1 MR. BEHAR: No.
 2 MR. COLLER: So I want to just get it
 3 clear, that was three-three; is that correct?
 4 MR. BEHAR: No, four-two.
 5 MR. COLLER: Four-two. So the
 6 recommendation that then goes to the Commission
 7 is for denial of the proposed amendment. So it
 8 goes to the Commission with a recommendation of
 9 denial.
 10 MR. CEBALLOS: Are they required to make an
 11 affirmative vote?
 12 MR. COLLER: Oh, do we need a reverse vote?
 13 MR. CEBALLOS: Well, currently the Board
 14 took no action. The motion failed.
 15 MR. TRIAS: The motion failed.
 16 MR. COLLER: I'm sorry, you're right. The
 17 motion -- so we need a reverse motion.
 18 MR. BEHAR: Okay. Do we have another
 19 motion then?
 20 MR. TORRE: To negate the action?
 21 MR. MURAI: You have to move that --
 22 MS. ANDERSON: Move to deny.
 23 MR. COLLER: The motion would be to
 24 recommend denial of the proposed amendment.
 25 MS. VELEZ: I so move.

1 MR. TORRE: I guess I'll second it.
 2 MR. BEHAR: Okay. Jill, can you call the
 3 roll again, please?
 4 MR. WITHERS: Can we discuss that for one
 5 second?
 6 Is there a better way to do this, than this
 7 way? I mean, we know what the intent is, I'm
 8 assuming. Is there another way to get the
 9 aggrieved party -- I guess what I'm saying is,
 10 the Commission obviously -- you've got two
 11 Commissioners supporting this, the Vice Mayor
 12 and a Commissioner, pushing this forward. So
 13 it's obviously concerning to them enough to
 14 bring it to us.
 15 So by just saying, no, to them, I'm not
 16 sure that's -- do we want to try to figure
 17 out -- you know, Mr. Chairman, I don't know. I
 18 mean, are we happy with just saying, no,
 19 it's --
 20 MR. MURAI: Why don't we say, yes?
 21 MR. TORRE: Well, I looked at the video and
 22 I was not here for the meeting. I think it
 23 went a little quick, and I think that this
 24 needs a little more studying, in terms of what
 25 other -- what's Charleston, what's Savannah

1 unanswered questions.
 2 MR. BEHAR: Is it something now that we
 3 should, I don't know, defer to a later date,
 4 until you come back and analyze this and come
 5 back with a different --
 6 MR. CEBALLOS: I can take your
 7 recommendations just to the Commission, at the
 8 end of the day, but it's up to you.
 9 MR. COLLER: I think that what you could do
 10 is, if the recommendation is for the denial, to
 11 put an explanation that you believe an
 12 alternative procedure should be developed,
 13 including maybe special notice to particular
 14 groups of the hearing. So that could be part
 15 of your recommendation for your denial. As an
 16 alternative, consider giving notice to these
 17 individual groups of hearings of the Historic
 18 Preservation Board.
 19 MR. MURAI: And once you give notice, there
 20 will be an aggrieved party --
 21 MR. COLLER: That would have to be tailored
 22 in the Ordinance, that if -- by giving notice,
 23 that does not mean that they're an aggrieved
 24 party.
 25 MR. WITHERS: Right, but it brings them

1 doing? What are other cities doing, in terms
 2 of aggrieved parties' standing, all of these
 3 things. I think they need to be studied a
 4 little bit more. I think we should hopefully
 5 better our system and the way we do things, and
 6 that should happen. I just don't think this is
 7 the right method. That's all I'm saying.
 8 MR. BEHAR: And there has to be a better
 9 way to do it, to address this, you know.
 10 MR. WITHERS: Yeah. I mean, I like the
 11 principle of it. I mean, because a long time
 12 ago, if we didn't have groups like this, we
 13 wouldn't have near the historic character of
 14 the City that we have right now. I mean, a lot
 15 of it has been preserved because of exactly
 16 groups that have decided to fall on their
 17 swords on stuff like this.
 18 So I like the idea behind it. I'm just not
 19 really keen on the process of the way they're
 20 invited to the party, I guess. There's got to
 21 be another way to get them heard. You know,
 22 maybe we allow these groups to register as
 23 participants, you know, just like someone's
 24 notified, I don't know. How do they find out
 25 about this? Do they -- there are just so many

1 into the process at the very beginning. It
 2 doesn't bring them into the process after a
 3 decision has been made.
 4 MR. TORRE: You know, and what he said is
 5 the truth, it should be an aggrieved party. It
 6 should be somebody who has a reason to make the
 7 appeal. It should not be an open blank or open
 8 -- it should not be a casual thing to be done.
 9 The aggrieved situation is the key. And what
 10 does aggrieve here mean --
 11 MR. MURAI: Venny, I don't think DHT is a
 12 casual organization when it comes to
 13 preservation.
 14 MR. TORRE: No. No. And we're not trying
 15 to put DHT in the discussion at all. This is
 16 not about DHT, by any means. It's about our
 17 process. The process is -- we need to improve
 18 it. That's why we're here, that's why we're
 19 discussing this, but I think it needs a little
 20 more discussion.
 21 MR. WITHERS: Well, I think the Historic
 22 Preservation folks, and certainly I support
 23 them a hundred percent, they don't look at a
 24 specific area that they have to live in to
 25 protect historic preservation. They look at it

1 as, you know, as one of the key ingredients to
 2 make our City special, and that's that we honor
 3 historic preservation.
 4 So I think a lot of them feel, Dade
 5 Heritage Trust feels, they have a County reach,
 6 that anything that touches historic
 7 preservation, they want to protect and be
 8 involved in. They don't have to actually live
 9 and be aggrieved. They're just aggrieved to
 10 being aggrieved. You know what --
 11 MR. TORRE: I know.
 12 MR. WITHERS: I mean, you and I don't care
 13 if they tear a house down ten miles from here.
 14 It doesn't affect us. It's not in our City.
 15 But it does affect the overall thread of the
 16 Dade Heritage Trust mission. I think that's --
 17 MR. MURAI: And that's why they should be a
 18 party to these proceedings.
 19 MR. WITHERS: And maybe the definition of
 20 an aggrieved party is someone that does have
 21 good standing and meets criteria that we set up
 22 as the City. I don't know.
 23 MR. CEBALLOS: And just for the record,
 24 what's presented, they would not be considered
 25 an aggrieved party.

1 know, a motion. It got denied. Right?
 2 MR. COLLER: At this point, there really
 3 isn't a motion on the floor. There was a
 4 motion to approve that failed.
 5 So ordinarily you would have a reverse
 6 motion, which is --
 7 MR. MURAI: It's already been moved and
 8 second. Let's just vote on it.
 9 MR. COLLER: It's been moved and second for
 10 denial.
 11 MR. MURAI: Exactly.
 12 MR. BEHAR: And it got moved and second for
 13 denial, correct.
 14 MR. COLLER: But we haven't had a vote on
 15 it. We've had --
 16 MR. TORRE: We were having a discussion
 17 whether there's another way, maybe a deferment,
 18 to allow some other method to take place for
 19 correcting this process.
 20 MR. COLLER: Right. Well, I think the
 21 Commission is looking for input from you. You
 22 can say that we feel another method should be
 23 considered in your denial. You can do it that
 24 way.
 25 MR. TORRE: My thought is, there's a lot of

1 MR. MURAI: I know that. I know that.
 2 MR. CEBALLOS: Okay. They would just be
 3 the carve-out specifically that would allow
 4 them to appeal.
 5 MR. TORRE: It's very subjective. So,
 6 yeah, not liking a decision, for whatever
 7 reason, can make you an aggrieved party,
 8 because you just don't like the decision, and
 9 it's very subjective. So it becomes very
 10 difficult to say who is aggrieved and who is
 11 not aggrieved.
 12 MR. MURAI: But we're not talking about
 13 that. We're talking about somebody standing up
 14 for preservation. That's it. One
 15 organization, not anybody else. So I think
 16 those arguments are not valid.
 17 MS. ANDERSON: An appeal just based upon a
 18 subjective belief is not going to move forward
 19 anyway.
 20 MR. MURAI: Of course not. You can't.
 21 MS. ANDERSON: You would have to have valid
 22 grounds --
 23 MR. MURAI: And you have to be an aggrieved
 24 party.
 25 MR. BEHAR: Going back to, we took, you

1 other great cities doing stuff. I just don't
 2 know what that is. And the process should be
 3 -- we should learn, what is Charleston doing,
 4 what is Savannah doing, what is -- I mean,
 5 there's a --
 6 MR. CEBALLOS: As part of this initial -- I
 7 don't have a dog in this fight. I'm here just
 8 representing the will of the Commission and the
 9 Historic Preservation Department. My
 10 understanding is, the Historic Preservation
 11 Department did do that research and looked to
 12 see what other comparable cities have done.
 13 Part of their staff was originally part of the
 14 staff in Miami when they originally made this
 15 specific notch out for, I believe theirs is
 16 501(c)(3)s and DHT. So that research was done
 17 by them. It was not done by me. I cannot
 18 speak to it. I don't know what other cities
 19 have done, but I believe that research was
 20 done.
 21 MS. VELEZ: It's a shame they're not here
 22 to tell us about it, because that would help.
 23 MR. TORRE: Do you know if this
 24 recommendation is from Historic Preservation as
 25 a recommendation to the Commission?

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1 MR. CEBALLOS: Yes.

2 MR. TORRE: This was their recommendation

3 to the Commission?

4 MR. CEBALLOS: By the Department, not the

5 Board.

6 MR. TORRE: By the Historic Preservation

7 Department?

8 MR. CEBALLOS: Correct.

9 MR. TORRE: This was their recommendation

10 of how to take --

11 MR. CEBALLOS: Originally, when this was

12 drafted, I followed the will of the Commission

13 and it was designed to be a bit more open-ended

14 even more. Basically, anyone that was a

15 501(C)(3), that had as part of their mission

16 goal preservation in the City of Coral Gables,

17 could be considered an appellant for this

18 purposes.

19 It was then narrowly tailored, after the

20 Department's input. So this is a reflection of

21 that Department's desire.

22 MS. VELEZ: The Department could still

23 appeal the decision of the Board?

24 MR. CEBALLOS: Yes.

25 MS. VELEZ: That's not being --

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1 THE SECRETARY: Robert Behar?

2 MR. BEHAR: Yes.

3 MR. CEBALLOS: Thank you.

4 MR. BEHAR: Now let's go back to the

5 regular agenda, Item E-1. Mr. Attorney, can

6 you read it, for the record, please?

7 MR. COLLIER: Item E-1, a Resolution of the

8 City Commission of Coral Gables, Florida

9 granting conditional use approval pursuant to

10 Zoning Code Article 4, "Zoning Districts,"

11 Section 4-206, "Business Improvement Overlay

12 District", to permit outdoor seating fronting

13 Miracle Mile for a nonrestaurant facility,

14 Wolfe's Wine Shoppe, on property legally

15 described as Lots 16 and 17, Block 3 of Crafts

16 Section, 124 Miracle Mile; including required

17 conditions; providing for severability,

18 repealer and an effective date.

19 Item E-1, public hearing.

20 MR. MURAI: Didn't we do this already? I

21 thought we went through all of it.

22 MR. TRIAS: Mr. Chairman -- no, let me --

23 MR. MURAI: We didn't do this?

24 MR. BEHAR: No, we haven't.

25 MS. ANDERSON: Not the application.

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1 MR. CEBALLOS: That is not being affected

2 in any way today.

3 MR. TRIAS: The definition of the aggrieved

4 party includes the City Manager. So the City

5 Manager has that authority.

6 MR. CEBALLOS: So by the City Manager and

7 their designee, it would basically be the

8 Historic Preservation Department.

9 MR. MURAI: Can we vote on this, please?

10 MR. BEHAR: All right. Let's call the roll

11 to vote on it.

12 MR. COLLIER: The motion for is

13 recommendation of denial.

14 MR. BEHAR: Denial.

15 Hold on a second.

16 THE SECRETARY: Rhonda Anderson?

17 MS. ANDERSON: No.

18 THE SECRETARY: Rene Murai?

19 MR. MURAI: No.

20 THE SECRETARY: Venny Torre?

21 MR. TORRE: Yes.

22 THE SECRETARY: Maria Velez?

23 MS. VELEZ: Yes.

24 THE SECRETARY: Chip Withers?

25 MR. WITHERS: Yes.

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1 MR. BEHAR: Now, Mr. Trias, can you

2 please --

3 MR. TRIAS: Mr. Chairman, the request is

4 for four tables on the sidewalk on Miracle Mile

5 right in front of Wolfe's Wine. As you know,

6 that business has been there for a while, and

7 restaurants are allowed to have outdoor seating

8 under a permit for outdoor seating on Miracle

9 Mile; however, Wolfe's Wine is a retail store,

10 so it's not a restaurant.

11 So then the Commission, fairly recently,

12 adopted this process by which a non-restaurant

13 could have outdoor seating as a Conditional

14 Use. It's a process that the Commission is

15 still discussing, whether it's the best process

16 or not, but at this point, this is the process

17 we have.

18 Mr. Wolfe is here. He has complied with

19 the notice requirements and so on, and if you

20 have any questions, but this is really just to

21 have four tables in front of the store.

22 MR. BEHAR: Mr. Wolfe, would you like to

23 come up and say something? No. Okay.

24 Do we have any member of the public wish to

25 speak on this item?