

City of Coral Gables
Planning and Zoning Board Meeting
Summary Minutes of January 13, 2010
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables

EXCERPT

| Members: | J13 F10 M10 Ap14 M12 Jn9 |
|------------------|---------------------------------|
| Eibi Aizenstat | P |
| Robert Behar | P |
| Jack M. Coe | P |
| Jeffrey Flanagan | P |
| Pat Keon | P |
| Tom Korge | E |
| Javier Salman | P |

| Appointed by: |
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| City Manager |
| Commissioner Rafael "Ralph" Cabrera, Jr. |
| Mayor Donald D. Slesnick, II |
| Commissioner Maria Anderson |
| Planning & Zoning Board |
| Commissioner Wayne "Chip" Withers |
| Vice Mayor William H. Kerdyk Jr. |

P = Present

E = Excused

City Staff:

Eric Riel, Jr., Planning Director
Jill Menendez, Adm. Assistant
Martha Salazar-Blanco, Zoning Official
Carlos Mindreau, City Architect
Cynthia Birdsill, Economic Sustainability Director
Catherine Cathers, Art and Culture Specialist
Patrick G. Salerno, City Manager

Court Reporter:

None present

AGENDA ITEM NO. 5

ZONING CODE TEXT AMENDMENT – ARTICLE 3, DIVISION 20, “ART IN PUBLIC PLACES”. AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE ZONING CODE, ARTICLE 3, DIVISION 20, ENTITLED “ART IN PUBLIC PLACES,” IN PARTICULAR SECTION 20-102, ENTITLED “DEFINITIONS”; SECTION 20-103, ENTITLED “ART FUNDS”; AND SECTION 3, ENTITLED “APPLICABILITY OF THE ORDINANCE” TO ALLOW FOR COLLECTION OF FUNDS TO THE HISTORIC PUBLIC ART FUND AND ART ACQUISITION FUND; PROVIDING FOR SEVERABILITY, REPEALER, AND EFFECTIVE DATE.

Cynthia Birdsill, Economic Sustainability Director, presented the text amendment to the Board. The item before the board is seeking an amendment to the Art in Public Places ordinance so we can start to collect funds before the Master Art Plan is in place. The City Commission adopted ordinance on December 11, 2007. A grant is in place from the State of Florida, Division of Cultural Affairs and

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the City is seeking a master plan consultant to help finalize the Master Art Plan by the end of June 2010. In the meantime, this amendment would not allow the City to lose any funding in case someone does development before June.

Therefore, the Economic Sustainability Department as well as the Cultural Development Board, which voted on the same at their meeting of November 18, 2009, recommend approval of this amendment. Present from the Cultural Development Board and in support of this amendment was Dr. Carol Damian. The City Commission approved the First Reading of this amendment on December 15, 2009.

The Board had questions regarding where the funds would come from. Ms. Birdsill stated the funds come from development in the City, private developers will donate 1% of their construction budget to a public art fund and municipal projects will donate 1% of their budget to historical art public fund.

Robert Behar asked if the developer will have the option to do the art work at their project or will it be mandatory to donate to the funding. Ms. Birdsill clarified that until the Master Plan is in place they will be donating the funds, after the Plan is in place they will be able to select through the art work. The Board still expressed concern regarding developers being forced to donate to a fund, that we don't know what's going to happen or when it going to happen. It was clarified that once the monies goes into a fund it cannot be removed or moved before June.

Jack Coe understands that the developer puts a certain amount of money into a specific fund and someone in City decides what the art work is going to be used for and the monies is spent from that art work as opposed to requiring the developer to have specific art work for the funding. Ms. Birdsill stated this would offer the City the opportunity to buy art work that is more expensive and might have more impact as the fund builds up.

Cultural Development Board will look at the art proposed, who has an art advisory panel, with art professionals, who will assist them make a decision and recommendation to the City Commission who will make a final decision at the end.

After June, the developer would have the option, once the Plan is in place, to donate or contribute, if the developer does not wish to do art work they can donate.

It was confirmed that the City Attorney signed off on this amendment.

Mr. Aizenstat stated for the record the arrival of Javier Salman.

Mr. Aizenstat made a motion to approve the text amendment as written and presented to the Board. Mr. Coe seconded the motion with an amendment to the motion that the developer does not have to provide any money or art to the City until the Master Plan is in place, giving the developer an option to provide either the funds or the art work now or once Master Plan has been adopted.

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Martha Salazar-Blanco, Zoning Official, was asked if there were any project in the pipeline related to this amendment. She is aware of one specific project awaiting to work with this, but no other projects are pending.

Ms. Birdsill would be willing to amend this amendment so that the developer would pay the required monies into the public art acquisition fund before the Master Plan is complete and when the Master Plan is approved by City Commission, they may choose to keep the monies in the fund or instead go through the art approval process to incorporate artwork at the development site or choose other options as specified in the ordinance. Following the art approval process, the monies would be returned to the developer to complete the Art in Public Places requirement as agreed upon and approved by City Commission. The purpose of the amendment is to say the developer will be obligated to the art fund at this time even though the master plan is not done, changing that from the original ordinance.

There being no further discussion or questions by the Board, Mr. Aizenstat accepted the amendment to the amendment and called for a vote. The text amendment was approved as follows:

Roll Call: Jack Coe, Jeff Flanagan, Javier Salman, Eibi Aizenstat and Robert Behar (all ayes).

This item would be going to City Commission on January 26th or February 10th.

Summary minutes prepared by Jill Menendez.