

City of Coral Gables City Commission Meeting
Agenda Item E-2
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 E-2 (Part of the Consent Agenda)

A Resolution of the City Commission confirming the re-appointment of Robert Behar to serve as a member of the Planning and Zoning Board (Appointed by the Board-As-A-Whole) for a two (2) year term which began on June 1, 2021, through May 31, 2023.

Mayor Lago: Commissioner Anderson, E-2, the floor is yours.

Commissioner Anderson: Well, not to be repetitious, but I do think we need to improve this process, that we need to have applicants submit their, if its going to be the determination of the Planning and Zoning Board, to the Planning and Zoning Board sufficiently in advance for them to be able to be interviewed by Planning and Zoning Board members as to potential appointee. I think that process is necessary. We haven't done it. I'd ask that it be deferred once and sent back to the Planning and Zoning Board with applications, and we take this up next meeting.

City Commission Meeting

September 14, 2021

*Agenda Item E-2 – Resolution confirming the re-appointment of Robert Behar
To server as a member of the Planning and Zoning Board*

[Date]

1

Mayor Lago: Are there any other concerns in regard to the item?

Commissioner Anderson: No.

Vice Mayor Mena: I'm all for doing a better job of promoting these positions. I think we can always do better on communication, but I'm in favor of this board that we have in this city which has the right to appoint somebody as-a-board-as-a whole has made a recommendation unanimously and I support the board and their autonomy and ability to appoint that member of their committee, in this case reappoint, and so, I'm comfortable with it.

Mayor Lago: I agree. Are there any other comments?

Commissioner Anderson: Just for my experience that there are no applicants that applied for being appointed to the Planning and Zoning Board because we don't do this type of outreach and that's why I think the process needs to be improved.

Mayor Lago: Well, what outreach so we can learn from this process, what outreach would you recommend that we undertake?

Commissioner Anderson: I think it needs to be put in the city news that there is going to be an opening on the Planning and Zoning Board, anybody that's interested in applying submit your CV and make yourself available to be interviewed by the Planning and Zoning Board members, either individually or in a group. It's a process that we need to improve because I was there and it happened rather without notice, you know. I asked to appoint you, you're eminently qualified, of course I don't object, we are serving together, but I don't think it gives us the transparency in process that we are looking for and we need to improve the process.

Vice Mayor Mena: Again, I think the transparency we are literally living it, by now they have to pass a resolution, it has to come to us, we have to approve it, its very transparent. The idea of having more people apply, again, I think that's great. I don't know about you all, I get tons of applications for all kinds of positions, I think we just finished appointing between the five of us what, 150 people to boards.

Mayor Lago: Yes.

Commissioner Anderson: But not for the Planning and Zoning Board, that's the one that we are missing.

Vice Mayor Mena: But that's because it's a reappointment by the Board as-a-whole of somebody who is already on the board who they think is doing a great job, otherwise they wouldn't support him unanimously. So, it's not like an open seat that nobody is currently occupying. It's a reappointment and I think that's inherently different. A lot of people with comments out there about this. I also wonder if this would be the discussion if it wasn't Mr. Behar, if we want to kind

City Commission Meeting

of be honest about the conversation. I think he's been criticized in the past because he does work for developers, obviously in the city as an architect.

Mayor Lago: I work for developers.

Vice Mayor Mena: Exactly. So again, I think every position should be advertised more and let's put them all out there, they are on the website. I get tons of applications. We can always do better, but it's a 6-0 vote by the board to reappoint somebody who's already been doing a great job serving and I respect the autonomy of that board, and I'm certainly not going to oppose their will.

Mayor Lago: And in regard to that, for example right now, I have a very nice lady who is my sustainability appointee and she's done a wonderful job. I just learned that due to work constraints she will no longer be serving as my appointee. I was notified by Marlin Ebbert that they have a person who is willing to serve, who is capable, who is interested, he happens to be a man. I'm asking anyone else who would like to serve on that board, please send me your resume, that's the only board that I have open and I will have it open probably next month, and I welcome anybody who would like to come, as long as you are passionate about sustainability, you are passionate about the City of Coral Gables, and you won't miss a meeting, which is critically important. But we need to be very, very careful when we start appointing people based on, not based on their qualifications, let me put it to you that way. Let's hire the best to serve this community. Commissioner Menendez.

Commissioner Menendez: One thing that came to mind. I served on the Parks and Rec Advisory Board and a lot of us served on boards for many years and I'm pretty sure every board of the city has a board as-a-whole appointee, so the concerns would spread to all those boards, just not the Planning and Zoning Board that we have here. There are appointments that the Commission makes as-a-whole, which I think on the Blue-Ribbon Committee didn't we have someone that we as-a-whole appointed. So, I think that's a defined line, a distinction between the board themselves making the appointment and we as a Commission making the appointment, and there are a lot of board as-a-whole appointments across all the city's advisory boards. So, I would like at least going forward, like Commissioner Anderson said, we do perhaps an even better job of getting applicants, people that are interested so that we can have a broader array of selections, people we can look at their backgrounds. But to single out this board versus all the other boards, not necessarily comfortable just singling one board when there are so many boards that are in the same situation.

Commissioner Anderson: I'm not trying to single out this board. It just happens to be that the process that this board uses doesn't have an open advertisement or applications from others. Eventually you are going to have individuals termed out on there and we need to do a better job of broadcasting this so that we can get in the brightest and the best. And so, we can have that discussion with applicants.

Commissioner Menendez: And I support that.

Mayor Lago: Can I ask you a quick question, Mr. Clerk.

City Commission Meeting

City Clerk Urquia: Yes sir.

Mayor Lago: In reference to Commissioner Anderson's comments, I just want to make sure that we are clear on this, about the process, that we don't use a process to advertise. What do we do exactly when there is an appoint as-a-whole?

City Clerk Urquia: All appointments – anyone can apply to any board at any time in the city, even if there is not a vacancy for that position.

Mayor Lago: Okay.

City Clerk Urquia: When applications are received, they are sent to the board liaison, as well as the department head in charge of the board. If it's a Commission as-a-whole or a Commission appointment, we send the resumes to you individually. That's the process that it is right now. In this case, it was different because, even though there wasn't a vacancy, no one applied for it, and the reason there wasn't a vacancy is Mr. Behar has been serving for two terms already.

Vice Mayor Mena: So, it's very normal for every appointment.

City Clerk Urquia: Correct.

Vice Mayor Mena: And by the way, the other part of the process you didn't mention Mr. Clerk is, online there is a portal, you can click on any board, you can see every member, you can click on each member, it will tell you when they were appointed, when their term expires, etc.

City Clerk Urquia: Yes sir.

Vice Mayor Mena: So, I think that's also important, because I routinely, if I have a question about a board, I'll go click on that and kind of see who's on it and when I'm doing my own appointments, I go check to refresh my memory about when they were appointed, how long they've been serving. I have to check whether they are due to term out, because they do term out at some point, and I think, if I recall correctly the way it says, second term, third term or fourth term or whatever.

City Clerk Urquia: Correct.

Mayor Lago: Not only that, I've had staff, I've had the Clerk's office, not on many occasions, on a handful, probably less than a handful of occasions, contact me and say listen, your appointee hasn't been to a meeting and it's an issue, and we need to address that. And I've had to remove people who are not willing to serve because of one conflict or another; people have work, they have their own profession and private lives. Is there any other further discussion in regard to E-2?

Commissioner Anderson: No. I just want to improve the process, that's one board I don't see it really happening on.

City Commission Meeting

Mayor Lago: Okay, to close that out.

Vice Mayor Mena: The difference between that board and the other boards though, that's what I'm not following.

Mayor Lago: Mr. Clerk, is there a difference between the process that's followed by that board versus other boards in regard to the ratification of an appointment as a board-as-a-whole?

City Clerk Urquia: No sir. It's the same process for every board. The board makes the appointment, it's a confirmation, you're just confirming the appointment made by the board, but its not your appointment, it's their appointment.

Mayor Lago: Okay. Do we know who made the nomination for Mr. Behar?

City Clerk Urquia: I do not know that. I can tell you it was a unanimous 6-0 vote, but I'm not sure who made the motion.

Mayor Lago: So, can we take a look at all the boards in regard to the nominations as a board as-a-whole appointee and see what else we could potentially do to promote further interaction between possible candidates who may want to serve on that board?

City Clerk Urquia: We can do a better job perhaps advertising vacancies as they come up. Right now, on our website, you have a list of vacancies and people can apply to any board, even if there is not a vacancy or on a specific vacancy. We can do a better job of promoting that.

Vice Mayor Mena: So, every two years when we reappoint, is every single person serving on a board treated as a vacancy?

City Clerk Urquia: No.

Vice Mayor Mena: Of course not.

City Clerk Urquia: It's not, because for the most part you try to reappoint the people you have there.

Vice Mayor Mena: That's right. It's not like every time your term is – you have 30 people let's say, those are not 30 vacancies. They are currently occupied by somebody and you, each of us and the boards themselves have the discretion to reappoint the person already serving on the board.

Mayor Lago: And by the way, what's happened there and if I may add something and I say this with the utmost kindness to my colleagues, my new colleagues on the Commission, I had some exceptional people serving on different boards that walked out and left to go to higher boards which I say, listen, great for them, but they served me with dignity and grace for a long time and

City Commission Meeting

they did such a great job, like it was very hard to lose Maria on a board and I lost some other people and we were able to bring new people onto those boards. So, sometimes you lose people and then you've got to find new people to serve on those boards. I'm just asking if there is an opportunity that we could just make the process even more transparent.

City Clerk Urquia: Mr. Mayor we can always do better.

Mayor Lago: And by the way, I want to put on the record, we do a great job already.

Commissioner Anderson: I'm not saying we don't do a great job. Planning and Zoning Board is a little different animal because those applications would have to come into the board as-a-whole to be able to review them.

Vice Mayor Mena: But that's true for all the boards as-a-whole appointments, isn't it?

Commissioner Anderson: No.

Vice Mayor Mena: I'm having a hard time understanding why this board as-a-whole appointment is different than other boards as-a-whole appointment.

Commissioner Anderson: For instance, a board as-a-whole appointment for even sustainability came from the Commission. It didn't come from the...

Vice Mayor Mena: No.

City Clerk Urquia: No ma'am.

Vice Mayor Mena: That's a Commission as-a-whole.

City Clerk Urquia: There is a Commission as-a-whole appointment and then there is Board as-a-whole appointment.

Vice Mayor Mena: That's an important distinction here. This appointment is made by the board not by us. There are other situations where we have a Commission as-a-whole appoint, that's not what Mr. Behar is. So, this really Board as-a-whole appointment is treated exactly the same as all the other board as-a-whole appointments.

Commissioner Anderson: I just never saw any applications come into the Planning and Zoning Board for the Board as-a-whole appointment, so something to look at here.

Vice Mayor Mena: Because there was somebody already in the seat, right.

Commissioner Anderson: Yes, there was, but we didn't know whether or not he was going to fill it again. Give the other members a chance to interview folks.

City Commission Meeting

Vice Mayor Mena: I'm all for more people applying and getting the word out there that you can apply to any board you want in this city, but we are treating this particular appointment differently and it's really not different and its long been the way it works in the city that you look at your existing people in your boards and you decide if you want to reappointment them. If you don't, and we've had situations where we don't, then you don't and then that creates a vacancy and that's typically when you'll solicit more. But we can do that in advance. Again, this was a reappointment by the board, not us and it's the same as every other reappointment on every board in the city. Again, I'm going to be honest, it feels like its about Mr. Behar, because I don't see what the difference is otherwise.

Commissioner Anderson: That wasn't the reason I brought this up.

Vice Mayor Mena: But not you, people from the public, I think people from the public have felt that, you know, have brought this up. Again, this is no different than every other reappointment and every other board as-a-whole appointment.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Mr. Mayor just one more thing. Going back to your question earlier, the appointment was made by the Chairperson, Eibi Aizenstat, and it was seconded by former Commissioner Withers.

Mayor Lago: Okay. So, for example, my point, I appointed Commissioner Anderson to the Planning and Zoning Board, not because my appointee had expired in the sense of, he had served eight years, no he didn't, I moved in a different direction, and I brought the Commissioner into serve.

Vice Mayor Mena: As we all have done.

Mayor Lago: For two years, like we all have done. Again, these individuals serve at the pleasure of the person that appoints them and we all serve at the pleasure of the residents. So, I just want to be very, very clear. I just don't want to politicize an appointment based on whether certain individuals in this community do not favor that person or not. I have a lot of respect for anybody who wants to serve on a board. They are doing it to only make our city better, that's my belief, and I want to move on from this and make the process even more sound, more transparent and engage people who want to serve on these boards, because no one is being paid to serve on these boards. There are a few perks and at the end of the day it really benefits the city as-a-whole and it benefits this Commission as-a-whole, because we learn from these individuals who are experts in their fields, that's why we try to find the most qualified people to serve on these boards. And I say it all the time, I don't know about certain things, and I need to learn from the appointees that I have on these boards, and it's a real privilege to have them serving us in this community.

Commissioner Anderson: I appreciate taking the time for this discussion.

City Commission Meeting

Mayor Lago: We can talk about it as long as you want, I don't have an issue with it.

Commissioner Anderson: I'll move the item forward; anybody want to second?

Commissioner Menendez: I'll second.

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Mayor Lago: Yes

(Vote: 5-0)