

**City of Coral Gables City Commission Meeting
Agenda Item G-3
May 30, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena
Commissioner Frank Quesada**

City Staff

**City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Historic Preservation Officer, Dona Spain**

Public Speaker(s)

Agenda Item G-3 [3:53:25 p.m.]

Update regarding the status of the windows at Coral Gables Preparatory Academy
(Sponsored by Vice Mayor Keon)

Mayor Valdes-Fauli: Vice Mayor Keon.

Vice Mayor Keon: The windows.

Mayor Valdes-Fauli: The windows.

Vice Mayor Keon: Dona is here, Dona can tell us about the windows. Apparently it seems to have come to a standstill, the whole issue of the windows. I know that the school system started to replace the windows without coming to the City. The school is on the national register of historic places, it is one of the most significant historic structures that we have in the City and I think it is really essential that we maintain that school as a historic site. We know that the issue of taking the existing windows, redoing them, putting in hurricane resistance glass and whatever,

that's not likely to happen, but you do have a window that would suit the purpose as best that that is available to do that and it would be the same color, it would be the green that were the original windows?

Ms. Spain: We actually sent a piece of a window to a laboratory and they tested it to see what the original paint color was and it was a green color.

Vice Mayor Keon: OK. And I know that you went through and got an estimate to do it and then you agreed that the settlement that we would only do the courtyard. I will tell you, I don't think that that's acceptable.

Ms. Spain: We haven't discussed that with the School Board.

Vice Mayor Keon: There is no acceptable solution to those windows at Coral Gables Elementary except to replace them with what is deemed appropriate and of the color that was originally in those windows. Now if there is a cost and I know that there is a cost to that, but...

City Manager Swanson-Rivenbark: It's important to have your colleagues...it's an important cost, but it's important to have your colleagues...

Vice Mayor Keon: I'll wait.

Mayor Valdes-Fauli: Anything else?

City Manager Swanson-Rivenbark: Sir, Vice Mayor Keon is speaking about the importance of selecting windows that are appropriate for the design of the building, and so we are waiting for your other colleagues for her to continue her conversation, because it's not an insignificant price.

[End: 3:56:10 p.m.]

[Note for the Record: This item resumed at 4:00:24 p.m. after completing Agenda Item G-8].

Mayor Valdes-Fauli: Windows.

Vice Mayor Keon: Windows – We dealt with the issue of the windows and the replacement of the windows at Coral Gable Elementary School two years ago it started, Dona?- is that right?

Ms. Spain: I believe so.

Vice Mayor Keon: In 2016, so it's a year and-a-half ago or 2015, so it will be two years in November, anyway.

City Attorney Leen: In May.

Vice Mayor Keon: Oh, I'm sorry, its two years now.

City Attorney Leen: Yes, it's two years.

Vice Mayor Keon: Two years and two weeks.

City Attorney Leen: Two years ago Dona Spain gave me a call that someone was trying to remove windows from the Coral Gables Elementary School and then we immediately took action.

Vice Mayor Keon: Well the school system went ahead, and to their credit, they recognized that they need hurricane proof windows and that the windows leak and to ensure and improve the air conditioning in the classrooms and for a lot of reasons the school needed new windows, but they didn't come through the City for the work and they certainly didn't consult our Historic Preservation Department, so that is one of among the most valued historic sites in the City is Coral Gables Elementary School. So, when they went forward to replace the windows they were doing them with the white flat aluminum window and they were taking out the evergreen wooden window that had been the original windows in the school. So, we knew that a lot of the windows were broken and we also know the difficulty in maintaining wooden windows in this environment, so as much as we would like them to be the original windows or the same style as the original windows, we recognize that maybe the aluminum maybe an acceptable solution as long as they are the color and of the style that in some way simulates the original window that's in the building, and there was a lot of discussion over it, we stopped it, we came to an agreement, because they were putting them in and to go ahead and put the white windows in, but we were supposed to come up with an agreement in a way to actually replace them with the appropriate kind of windows, and I know it went out for a bid. The City approved \$250,000 at one time toward that, toward the cost of the new windows, but the bids for the new windows are \$823,572, which is a lot more than our \$250,000, and I don't know where this money will come from, I don't know in dealing with the school system how we do this, but you know, I would like us to not, I don't think that only replacing them in the courtyard is an acceptable solution, that entire school is a historic, is on the National Register of Historic Places. It is among the most significant ones we have in the City. It is an unbelievably beautiful building. It was Merrick himself...

Ms. Spain: George Merrick actually commissioned...

Vice Mayor Keon: Merrick himself commissioned that elementary school to be built, he oversaw the design, and the building, and whatever, I mean it is part of the founding history of our City and we need to figure out a way to come to a resolution of this and get the right windows put in that school, and I'd like you to help us figure out how we get there.

Ms. Spain: I believe the appropriate window manufacturer that we should be using in that; they've already replaced the windows, so the option now is to put in an appropriate window, because number one, white is not appropriate.

Vice Mayor Keon: Absolutely inappropriate.

Ms. Spain: And, we agreed that they could beef up the profile of the windows that they purchased, we asked them to then make them the green color that we found, sent them the sample of what it should be and they didn't do that.

Vice Mayor Keon: They are not going to do that.

Ms. Spain: So, the \$800,000 and change is not the entire number of windows that have been replaced. Let me just back up a little bit – Hope's Windows or Aluminum, they are impact resistant, but they are the only company that's able to do those very large windows and also to approximate the appropriate profile that the wood windows had originally. There are other companies that do aluminum windows, but they would not look right.

Vice Mayor Keon: OK. So, we need to go with this particular one, because it's appropriate.

Ms. Spain: I asked Hope's Windows to send me to – I sent them all the plans from the architect that replace the windows, and I said, give me what it would cost to just take every window that they have now put in the window and replace them with Hope's Windows. It's over \$800,000, its \$1,245,000.

Vice Mayor Keon: \$1,245,000?

Ms. Spain: I'm just telling you.

Vice Mayor Keon: OK. And, that's not to replace all the windows in the school.

Ms. Spain: That is to replace everything that they have replaced.

Vice Mayor Keon: Everything that they have replaced – is it their intention to continue to replace other windows in the school?

Ms. Spain: I only know that there were certain buildings that weren't part of their scope, so there were some buildings that they had not changed the windows.

Vice Mayor Keon: Well, I know that the library and the media center and all that was built in the 80's, I think, '80's, so they probably don't need to be replaced, but it's within the elementary school, the original elementary school building itself. Can we find out exactly how many windows was their intention to replace?

Ms. Spain: In the future you mean, OK.

Vice Mayor Keon: Entirely – and what the cost is for that and then, you know, I don't care if we have to look for grants to go do this, or if we out of the Art in Public Places money is there money for historic preservation renovations?

Ms. Spain: There is the historic art fund is available for something like this. I don't think we have that amount of money in it.

Vice Mayor Keon: Well going forward we can do that. I know us to increase some of the fees related to commercial development, particularly in the downtown.

Commissioner Lago: But, those fees were....what were those fees exactly you are talking about?

Vice Mayor Keon: Well you have some park fees, there are some other things.

Ms. Spain: There is a Historic Art Fund; the Art Acquisition Fund would not qualify, I don't think.

Commissioner Lago: What I'm saying she is talking about fees, the park fees that we increase which, I think my understanding was about ten years is going to hopefully generate about \$20, or so million dollars. Those monies were directed just toward land acquisition.

Ms. Spain: Right – I think so.

City Manager Swanson-Rivenbark: That is not an earmark for historic, but what I think the Vice Mayor is saying is, when City does Art in Public Places, you have the ability to put it toward a historic restoration.

Ms. Spain: Yes. It's called the Historic Art Fund. I want to say, I believe there is \$300,000 in that account now, I could be totally wrong. I know there is not this amount of money.

Vice Mayor Keon: No, but there is \$300,000, we allocated \$250,000 toward this project, we are going to build the Public Safety Building.

Ms. Spain: If the Commission thinks that this is important enough, it doesn't have to be done at the same time. It could come out of the budget in the next four years, because right now the building envelope is intact. They've replaced the windows that they wanted to replace, the air conditioning units that are in each of the classrooms are now there, so it's a functioning building. It's not like we told not to do anything – we allowed them to go forward in order for the classrooms to be functioning.

Mayor Valdes-Fauli: Before we do anything, I'd like to make sure that they are going to take our money, I mean that they are not going to take our money and do whatever else they want to do, ignoring our historic standards which is standard operating procedure in my opinion.

City Attorney Leen: That is the underlying issue; I mean that has come up in the past.

Vice Mayor Keon: That is the issue. I'd like the City Attorney to also look into and address, you know we have had discussions in the past over earmarking historic properties and the amount of money that we have spent in legal fees on different things that are historic. I want to tell you, to me this building and preserving this building intact as possible is far more important, far more important than almost any of what you are designating as historic and what you are fighting for as historic. This is much, much, much more important.

Commissioner Lago: Dona, can I ask you a quick question? If you were to spend this amount of money who would be responsible for maintaining the doors and windows?

Vice Mayor Keon: Well you would have to reach an agreement with the school system.

Commissioner Lago: I'm asking that. I do this for a living, so I just want to know.

Ms. Spain: That cost that I told you, that includes installation, because I think it's appropriate; I think it's important to have the company that handles these windows do the actual installation, not just for the cost.

Commissioner Lago: That wasn't my question. My question was...

Ms. Spain: No, that would be the school.

Commissioner Lago: That concerns me a little bit, that concerns me a little bit.

City Attorney Leen: One issue we did raise with them, Mr. Mayor was, using TDR's, Transfer Development Rights for the property as potentially a way to help fund historic preservation, it was actually the City Manager's thought, as I recall, but there is this underlying issue which is that the School Board does not accept that our Zoning Code applies to them, which it does, its incontrovertible. There is a Florida Supreme Court case and then subsequent Fourth District Court of Appeal cases that indicate that our Zoning Code does apply to them and certainly our Comp Plan applies to them that's in the statute, it says that it applies to them. Nevertheless, the School Board, I believe for pragmatic reasons, because there are many cities in Dade County, they would prefer not to comply with our Zoning Code. So, they take that position, it's not legally correct; we inserted it in this particular case. In this case it was a historically designated landmark, they knew that, they even put it on their website, and yet they didn't comply with our historic regulations.

Ms. Spain: And in the past, they have applied for certificate of appropriateness for that building.

City Attorney Leen: Yes. So, I believe, I don't know this, but I believe they made a mistake, they probably didn't think about coming to us, but the main point for us going forward was to ensure that in the future they would agree to come to us if we were going to agree to pay money. I don't know if that issue is ever really looked into by the School Board.

Vice Mayor Keon: I would like us to direct the City Attorney to do whatever needs to be done to resolve this issue, so that either they can help fund, we can help fund, or we will find funds, or we will raise funds to fix, to maintain that school as it should be to be on the National Register of Historic Places.

Commissioner Lago: Dona, another question besides maintenance. I do a lot of these window replacements at Miami-Dade County Public Schools. Besides the maintenance, have you gotten a number for replacement of all the windows or is this just only a certain portion.

Ms. Spain: The numbers that I got were for the courtyard, which is \$191,000, but also I asked them to look at everything that had been replaced. I don't know, it was never part of the conversation what they intended to do in the future, but we can get that information.

Vice Mayor Keon: I think you need to have that whole conversation.

Ms. Spain: But, most of the buildings have already been replaced with these inappropriate windows.

Commissioner Lago: I think it also needs have a little bit of line item for when you remove the windows in reference to any retrofitting that you need to do...they need to change, paint, because eventually you going to have to, it's not just the windows, there are other line items that need to be looked at, they are going to have to be part of the budget. It's not a million dollars only, it's more than that.

Vice Mayor Keon: It's a lot of money, so whatever we need to do to resolve this issue and to be able to come to an agreement and an understanding with the school system that it is essential that that building be preserved, I would like us to direct you to do.

City Attorney Leen: I've been directed. The one point I would raise though is that this amount of money we are talking about, I don't think the School Board is going to agree to pay it.

Vice Mayor Keon: You know what, we'll find a reason. All we are asking you to do, we are not asking you to assume that they are going to do it or that they are going to come up with this money, but you know, we need to come to some resolution with the school system over the treatment of these historic buildings within our City.

Ms. Spain: They have in the past been responsive. They saved the administrative building at Ponce Middle School and also the gymnasium, so in the past years they've worked well with the City, because that was slated for demolition and we saved it.

Vice Mayor Keon: When was that?- what year was that?

Ms. Spain: Pardon me?

Vice Mayor Keon: What year was that?- so maybe it was under a different administration.

Ms. Spain: It could have been. I know that...

Vice Mayor Keon: But, the current administration....

City Attorney Leen: I got to say one other thing on the record. You know with West Lab, I raised the same issue, which was that our Zoning Code applied to West Lab and West Lab had to go through basically a conditional use review, the West Lab expansion had to come to the Commission for the Commission's approval. That sort of conditional use reviews are important, because it allows the City to regulate growth of schools, which of course schools are neighborhood, so there are a lot of conditions you may want to impose on a school coming into a neighborhood or expanding in a neighborhood.

Mayor Valdes-Fauli: OK. Let's bring this to a close.

City Attorney Leen: Mr. Mayor not only did they not agree, the School Board attorney sent me a number of e-mails strongly disagreeing.

Ms. Spain: Last week they applied for a tree removal permit at Coral Gables Elementary.

City Attorney Leen: So, my question to you though Mr. Mayor...

Vice Mayor Keon: There was a tree that was hanging over the portables over there.

Ms. Spain: But, they applied for a permit to remove it.

Vice Mayor Keon: OK, well good. So, maybe they are in a different position.

City Attorney Leen: Here's what I'll do. I'm going to recontact them, based on your direction and I'm going to let them know that we want to come to basically an agreement with them, interlocal maybe, as to how we are going to handle historic properties and if they don't agree I'm going to come back to you and ask you to reopen Chapter 164....

Mayor Valdes-Fauli: And, then in connection with this school, I will nominate Vice Mayor Keon to take the lead and sit down negotiate with them, do whatever it is, so it doesn't come before the Commission until we have a proposal or problem or whatever as opposed to just arguing about it.

Ms. Spain: I very much appreciate this conversation.

Vice Mayor Keon: That's fine, but it's really is a staff....it's really a full issue that we need the City Attorney's office to help them understand what their role is and what their relationship with us needs to be.

City Attorney Leen: Actually could the Commission pass a resolution, do you mind?

Vice Mayor Keon: I'd like to make that motion to give direction to the City staff and the City Attorney to...

City Attorney Leen: I think it states it in the record, to go forward and reach out to the School Board and ask them to come to an agreement about how we are going to handle historic properties in the future, and that they will come to us in advance.

Vice Mayor Keon: But in particular, how will we resolve the issue of the windows at Coral Gables Elementary, because you will need that in order to have them respond.

Commissioner Lago: Vice Mayor, I agree with the first part of your motion, but I would feel a lot more comfortable if at least we apply a number in regards to the cost, it could be a million, it could be \$2 million. I'm in favor of doing it, I just want to find out that we are not just voting on something that we don't have the funds and we don't have a budget for.

Vice Mayor Keon: We don't know that we should be the ones that are doing it either...I don't know if we work together to do it.

Commissioner Lago: What I mean we, I mean oversight, we have to get some oversight, because obviously we saw what happened, we didn't get oversight.

City Attorney Leen: Mr. Mayor what I would suggest is that...

Commissioner Lago: We are part of a team that has to get this done.

City Attorney Leen: Commissioner we can bring back the final solution. I just need a resolution, because I need something to send them, other than just another e-mail from me. I want to say that the Commission has spoken.

Commissioner Lago: So moved, so moved.

City Attorney Leen: OK.

Commissioner Lago: Anybody wants to second my motion?

Vice Mayor Keon: You need a roll call?

Mayor Valdes-Fauli: No. All those in favor say aye.

All: Aye.

Vice Mayor Keon: Thank you.

[End: 4:17:28 p.m.]