

**City of Coral Gables City Commission Meeting
Agenda Item H-3
July 7, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick**

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)

Zeke Guilford, Representing the Applicant

Agenda Item H-3 [11:43:50 a.m.]

A Resolution approving a waiver of the Art in Public Places fee for Temple Judea pursuant to Article 3, Section 3-2103 Subsection B3 of the Coral Gables Zoning Code (Historic Preservation Board vote: 6-0).

Mayor Cason: I don't know if we can do H-3 in the next ten minutes. Zeke are you here for that? Why don't you come up and make your presentation, hopefully we can finish this.

City Manager Swanson-Rivenbark: And sir as he comes forward, I just want you to know that we have briefed each of you on the ordinance itself, the waiver provisions, the historic nature of this particular Synagogue, the amount in public art already in place, and so it is following the waiver procedures.

Mr. Guilford: Good morning Mr. Mayor, Commissioners, for the record, Zeke Guilford with offices at 400 University Drive. We are here today requesting a waiver of the Art in Public Places fee. This is pursuant to Section, I think 3-2103 Subsection B3 in the Coral Gables Zoning Code. I met with the City Attorney some time ago, well let me back up and tell you why we are here. About a year and-a-half ago, you all passed a site plan to allow the expansion of the Temple, and by doing that and the cost of the construction, we were put into we had to come up with the Art in Public Places. The issue is, there is no difference between a private developer versus a non-profit like the Temple. So where a developer can basically say, Oh, the Art in Public Places, we are just going to, instead of charging \$100,000 per unit, we'll charge \$105,000 and just pass that cost along to the end-user. In our particular case, the congregation raised the funds for the construction and now we are asking them to waive additional funds for the Art in Public Places. In our particular case, it becomes a hardship to the congregation, because we were not passing it through. Also, what happens is, when you look at, we do have art in the property; we have the tree for sculpture in the courtyard and actually if you even look at the building, it was designed by Morris Lepidus and you could say that it is actually a piece of art in itself, I think there are only four or five Morris Lepidus buildings in the City. It has mosaics, it has stained glass windows, which you can see from the public, so all these reasons we are asking you to waive it, but you are really not waiving the fee per say, because according to the Code what happens is, we then have to put that money back into the building to maintain the building, which obviously by looking at the building we more than will continue to do over time. This matter went – I believe staff is recommending approval. It also went to the Historic Preservation Board and they unanimously recommended the waiver. If you have any questions we are more than happy to answer them. Also, I have Joe Greenberg here from the Temple with me.

Mayor Cason: I always thought that Art in Public Places was for commercial buildings. I never thought it was for the non-profits.

Mrs. Spain: It's not in the Code. The Code doesn't address that, I don't believe.

Mayor Cason: OK.

Commissioner Lago: I also think this is not a very common occurrence. There isn't many churches or religious buildings that at least built in our City, what was the last time one was built?- there you go. Dona you've been here 25 years...

Mrs. Spain: Not since I've been here.

Commissioner Lago: This is a non-issue; this is a non-issue for me. You are talking about a spectacular architecture, which is one of the busiest portions of our City and it's a beautiful

building, and they keep it very well. The construction – I think we were all at the groundbreaking.

Mayor Cason: Yes.

Commissioner Lago: It's going to be an incredible facility and they bring a lot to this community, so I think it's a pleasure.

Mayor Cason: So we'll do a motion. Vice Mayor makes the motion, Commissioner Slesnick seconds.

City Clerk

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: Thank you very much.

Commissioner Keon: Maybe we should take a look at that Code and ask that someone look at that with regards to Art in Public Places, we can look at it maybe to cover the non-for-profits churches or some of these different buildings.

City Attorney Leen: Its obviously a policy decision. Its just a definition, so you'd have to alter the definition – non-municipal project is defined to include everything.

Vice Mayor Quesada: Why don't you draft it, bring it back to another Commission meeting and we'll discuss it.

Commissioner Lago: Its not only the cost-savings in reference to the Art in Public Places, its also the fact that Zeke gave his time here today, there is a cost associated with going through the process that a non-for-profit could hopefully save that money.

Mrs. Spain: And this waiver is because its historic, not because its non-profit.

Commissioner Keon: OK.

Commissioner Lago: OK.

Mayor Cason: Thank you.

City Attorney Leen: One thing. I don't meant to --- that means that the money has to go back into the building, they have to maintain the building, that's part of the waiver. Do you want me to address that? Do you want the ordinance not to apply to non-profits?- or do you want, Madam Manager...?

City Manager Swanson-Rivenbark: If we can research it and come forward with a recommendation before the drafting. It was really important that we provide attention to the historic buildings by allowing them the waiver process, but non-profits could be something as big and bold as the University of Miami, and so when we are looking at making these kinds of changes we'd like to first study what the implications might be.

Commissioner Lago: That's why I asked is it a common occurrence?- how many times has it happened over the last...

Mrs. Spain: Maybe its not in the definition, its just another waiver...

City Attorney Leen: It's a good thing to consider a factor, could be a factor that you consider.

Commissioner Keon: And it could be churches or whatever.

Commissioner Lago: Religious institutions.

Mayor Cason: Come back to us with some suggestions.

City Attorney Leen: We will.

Commissioner Lago: Thank you.

[End: 11:49:36 a.m.]