

1 is that there's a lot of flexibility for this
2 City, and the options for the developers.

3 MR. PARDO: I think the viewports are very,
4 very important. You see it everywhere, from
5 Washington DC, to any place, where you have the
6 viewports going specifically and accentuates
7 and complements the artwork and it just becomes
8 more enjoyable, by more people. So I think
9 that trimming some of the potential abuse areas
10 are important.

11 I also agree with Robert, that, you know,
12 paying for this at the end is really more in
13 keeping with being fair, but, you know, it has
14 to be done.

15 Can you tell me, does -- in the City's
16 coffers, for art, dedicated, where you've
17 received contributions, approximately how much
18 money do you have available at your
19 disposition?

20 MS. CATHERS: Right now, because we've had
21 some major acquisitions and decisions, right
22 now it's probably between three and four
23 million.

24 MR. PARDO: I'm sorry?

25 MS. CATHERS: Between three and four

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1 million is my guesstimate.

2 MR. PARDO: Thank you so much. I
3 appreciate it. Those are all of my comments.

4 MR. BEHAR: I want to address one comment
5 that Mr. Pardo made, because I've seen a
6 project that the artwork that was put in -- one
7 of my projects, that I didn't even participate,
8 and I think that the committee should look at
9 it more closely, to make sure it's compatible.
10 I haven't taken a picture of the project,
11 because I don't like the artwork, put it that
12 way. So I think that please be more --
13 scrutinize the artwork. I know it's
14 subjective, but be compatible.

15 MS. CATHERS: I'm just wondering, maybe
16 it's the piece that is addressed in the private
17 part. I'm not sure.

18 MR. BEHAR: Okay.

19 MS. CATHERS: But it could possibly be --
20 it is, in that case -- it was purchased outside
21 of an approval process, in keeping with their
22 requirement.

23 CHAIRMAN AIZENSTAT: Thank you.

24 I echo the same sentiments of my fellow
25 Board Members. I highly would like -- I would

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1 very much like to see the art be placed in a
2 building that it's intended to, as opposed to a
3 fund. I think that gives a lot of value to the
4 City, not just the property, but to the City as
5 a whole, when you're walking through. I
6 support what you're doing.

7 MS. CATHERS: And realistically, sometimes
8 it really needs to hit a certain bar, before
9 they can have a piece that's significant enough
10 for them to do that. So we're still working
11 with the different departments about the
12 collection and how that will happen. It will
13 be easy to administer on those larger projects,
14 but the smaller projects, we still want to give
15 them the opportunity to pay in advance.

16 So, like I said, it really is, I think, a
17 benefit, and I agree, for these larger
18 projects, that sometimes don't have that
19 capital in advance.

20 CHAIRMAN AIZENSTAT: Thank you.

21 Would anybody like to make a motion?

22 MR. BEHAR: I'll make a motion to approve.

23 MR. BUCELO: I'll second.

24 CHAIRMAN AIZENSTAT: We have a motion.

25 Alex goes ahead and seconds. Any discussion?

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1 No?

2 Call the roll, please.

3 THE SECRETARY: Felix Pardo?

4 MR. PARDO: Yes.

5 THE SECRETARY: Javier Salman?

6 MR. SALMAN: Yes.

7 THE SECRETARY: Robert Behar?

8 MR. BEHAR: Yes.

9 THE SECRETARY: Alex Bucelo?

10 MR. BUCELO: Yes.

11 THE SECRETARY: Sue Kawalerski?

12 MS. KAWALERSKI: Yes.

13 THE SECRETARY: Eibi Aizenstat?

14 CHAIRMAN AIZENSTAT: Yes.

15 Thank you.

16 MS. CATHERS: Thank you very much.

17 CHAIRMAN AIZENSTAT: We have two more
18 items. Mr. Coller.

19 MR. COLLER: Item F-3, an Ordinance of the
20 City Commission providing for a text amendment
21 to the City of Coral Gables Official Zoning
22 Code, amending Article 14 "Process" to revise
23 attendance requirements for the Planning and
24 Zoning Board, Board of Adjustment, the Historic
25 Preservation Board and the Code Enforcement

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Board; providing for a repealer provision, severability clause, codification, and an effective date.

Item F-3, public hearing.

CHAIRMAN AIZENSTAT: Thank you, sir. Sir.

MR. SOUTHERN: Craig Southern, Planning & Zoning Division.

CHAIRMAN AIZENSTAT: It sounds like a radio station when you come on.

MR. PARDO: I think you've said that before.

MR. SOUTHERN: Hopefully it's pleasurable.

CHAIRMAN AIZENSTAT: It does.

MR. PARDO: How's the weather?

MR. SOUTHERN: So this item is basically about Board attendance for the Planning & Zoning Board, Board of Adjustment, Historic Preservation Board, and the Code Enforcement Board. Hopefully everybody's had a chance to look at the Staff report, but, briefly, some of the items that are underlined, "A Board Member shall be automatically terminated if they fail to attend two of three successive meetings, unless excused. Excused absences shall include

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jury duty, illness, and absent from the City, when a Board Member is unable to attend remotely. In addition, excessive absences, as defined in Section 2-54 of the City Code, shall constitute grounds for removal by the City Manager."

There's also additional text amendments to Section 14-104.2, Subsection D, which basically repeats the same exact language about attending two of three successive meetings unless excused. It repeats, as well, in Section 14-105, for the Historic Preservation Board, and it repeats again for the Code Enforcement Board.

So that's primarily the main component of the text amendment, is that if -- a Board Member shall be automatically terminated if they fail to attend two of three successive meetings, unless excused.

CHAIRMAN AIZENSTAT: Thank you.

Jill, do we have anybody for public --

THE SECRETARY: No, no comments.

CHAIRMAN AIZENSTAT: No comments. So we'll go ahead and close it for public comment.

Alex.

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MR. BUCELO: I'm in agreement. I'm absolutely in agreement. I'm a yes vote.

CHAIRMAN AIZENSTAT: Sue, any comments?

MS. KAWALERSKI: I'm in agreement, as well.

CHAIRMAN AIZENSTAT: Felix.

MR. PARDO: I have a question. In all of your provisions, you mentioned Section 2-54, so I actually made a copy, since it wasn't in our packet, and it's pretty much, you know, pretty, close to what you're proposing. The only thing that I'm a little concerned with is, for example, it's either jury duty, or it's this, or it's that, and if you have the ability to be on Zoom or a phone call.

Let me tell you, I have a civil engineer that came down with a second case of COVID on Friday, and the first one, he was over it in a day, no issue. The second one, fainting spells, you know, impossible for him to be on the phone, watering eyes, couldn't see a screen. I think that the way that it's, you know, tightly defined now, is not in keeping with what was there. You know, it's -- I think -- I understand what you're trying to do, which is -- and we all do, if you make the

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commitment to be on the Board, be there, but I think that the definition of the exceptions is a little narrow right now, because if you're basically incapacitated at home, you know, with COVID and you can't see your screen because of watery eyes and you have fainting spells, you know, I think a medical condition like that, even though you have access to Zoom, even though you have access to your phone, doesn't necessarily mean you can attend remotely in a coherent fashion.

MR. SOUTHERN: Staff believes that would still fall under illness; so whatever that extended amount of illness would be.

MR. PARDO: Right, and I just want to make sure that that is understandable, because it says that it's not up to this group -- you know, calling in to this group. It's up to someone else. I don't know if it's the City Manager or whatever.

2-54 actually went into, you know, if you're in the United States Armed Forces, and, you know, you get called to active duty, and if you're a national, state or homeland defense or something like that -- you can see it's dated,

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1 right, but the intent was, you know, be there.
 2 And also, it says -- all of the Boards that
 3 you're talking about now are monthly Boards,
 4 and it said here, "For a Board that meets
 5 monthly on a regular basis, more than three
 6 unexcused absences in any consecutive
 7 twelve-month period," I think that was better
 8 done. I would, you know, hope that you could
 9 reconsider this, because that basically gives
 10 you the direction. The City Manager has the
 11 power to remove anyone that doesn't comply with
 12 it. That's in here, also. You mention this
 13 2-54.

14 I would think that maybe keeping more into
 15 that, instead of just, you know, handcuffing
 16 someone to jury duty or something like that,
 17 the same as armed services -- you know, I think
 18 it could have been done a little bit better. I
 19 would hope that we could defer this item, and
 20 have them come back, just fine tune it a little
 21 bit, and make it more in keeping with 2-54, and
 22 just giving enough latitude for that.

23 Those are all of my comments, Mr. Chair.

24 CHAIRMAN AIZENSTAT: Thank you.

25 Javier.

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1 MR. SALMAN: I would like to see a better
 2 description of the adjudication of an excused
 3 absence, as to how it can be done, who it has
 4 to be reported to, what the process is of that,
 5 and whether or not the acceptance of an excused
 6 absence by the majority of this Board would
 7 constitute an excused absence.

8 MR. SOUTHERN: Okay. We could --

9 MR. SALMAN: Second, I don't believe that
 10 the City Manager, who is not an Elected
 11 Official, but serves at the pleasure of Elected
 12 Officials, should be tasked with the removal of
 13 any Board Member, who has been approved by the
 14 Commission. I think he should make a
 15 suggestion to the board -- to the Commission,
 16 to remove a member, and let them unselect them.
 17 I don't think that -- that power should remain
 18 with the Commission, both, the removal, as well
 19 as the ratification of the member. That's just
 20 my thought.

21 MR. SOUTHERN: Yeah, we can definitely
 22 consider that.

23 CHAIRMAN AIZENSTAT: Thank you, Javier.

24 MR. COLLIER: Well, since this is -- has
 25 this been to First Reading already?

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1 My thinking is, if you want these
 2 amendments, I would make that as part of your
 3 recommendation, to go to the Commission and say
 4 you want -- if the Board feels this way, how
 5 excused absences are decided, who decides them,
 6 and feeling that it should be other than
 7 this -- the City Manager. I mean, you can make
 8 that as part of your recommendation.

9 MR. SALMAN: I think that the City Manager
 10 is more than adequate to make the
 11 recommendation.

12 MR. COLLIER: No, I'm sorry, but as far as
 13 who makes the decision.

14 MR. SALMAN: Right. Right.

15 CHAIRMAN AIZENSTAT: Robert.

16 MR. BEHAR: I don't have a problem. If
 17 this is addressing three absences within the
 18 year -- within twelve months --

19 MR. SALMAN: It's two out of three.

20 MR. BEHAR: No, but consecutive. You know,
 21 if I'm sick, and it doesn't count as a valid,
 22 you know, absence -- you know, listen, I would
 23 not disagree, in principal, with what you're
 24 saying, Felix, because it may be not only
 25 COVID, it may be something else that I'm going

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1 to be, you know, in the hospital.

2 MR. PARDO: You missed the plane.

3 MR. BEHAR: You know, so I do think that we
 4 need to put limitations on how many absences a
 5 Board Member -- because we don't want to be
 6 here, you know, only five of us show up, and a
 7 Board Member don't -- because it's not fair.
 8 If you commit to do it, you've got to follow
 9 through.

10 I don't have a problem -- you know, the
 11 only thing that I would maybe look at is
 12 clarifying the excuses -- you know, excused
 13 absences, where it may be a medical condition,
 14 like you said. I don't have a problem with the
 15 Manager making decisions, because at the end,
 16 who -- you know, who's going to do it? It goes
 17 back, or maybe a recommendation to the City
 18 Commission.

19 But I don't have a problem with this, if we
 20 could clarify some of the absences.

21 MR. PARDO: I would suggest that you send
 22 2-54 to the Board Members. It's crystal clear.
 23 And, in fact, it goes into meetings that are
 24 monthly, meetings that are less than a month,
 25 meetings -- and it tells you how many, but it's

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1 normally, in any consecutive twelve-month
2 period, like what Robert was saying.

3 The other thing is, that every board that
4 I've sat on, one of the first things on -- you
5 know, before accepting the minutes of the
6 previous meeting, the first thing is excused
7 absences, and it's voted on by the members.

8 MR. BEHAR: Right.

9 MR. PARDO: And the reason is, because
10 normally you pick up the phone and you're going
11 to call Jill and say, "Jill, you know, I'm
12 sorry. I broke my leg. You know, I'm in the
13 hospital. They're taking X-rays." you know,
14 and you're talking to someone. That's conveyed
15 then to the Chairman, and then the Chairman
16 brings it up at the very beginning, and the
17 Board votes on it.

18 MR. BEHAR: I hear you. What I think this
19 does is what -- the problem we have -- in the
20 City of Miami, I sit in the Urban Design Review
21 Board. A lot of times, we don't have a quorum,
22 and there are supposed to be nine members. We
23 don't have a quorum, because Board Members
24 don't show up, and it's not fair to the other
25 Board Members, not fair to the applicant, and

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1 this is going to -- in my opinion, you know,
2 this sets a strict rule that you have to be
3 here.

4 MR. PARDO: That's -- I think that's very
5 reasonable, and I think our City Attorney has
6 been very helpful in saying, you know, let's
7 get these suggestions in.

8 MR. BEHAR: I'm -- well, I'm going to let
9 the Chairperson --

10 CHAIRMAN AIZENSTAT: Just a question.
11 There's language in here about attending by
12 Zoom or if you're not able to come. Let's say
13 you're out of town and you want to attend by
14 Zoom. You don't want to miss a meeting. Are
15 you able to, given the language that's here?

16 MR. COLLIER: Given the language that's
17 here, I think they're suggesting an excused
18 absence, if you don't have the bandwidth or
19 whatever to be able to attend via Zoom, that
20 that could be considered an excused absence, if
21 you're out of the City and you appear by Zoom,
22 but the Zoom doesn't work, because either you
23 don't have the WiFi to be able to accomplish
24 it --

25 CHAIRMAN AIZENSTAT: But if you do, let's

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1 assume, you have the bandwidth. You're away
2 for whatever reason. Are you able to attend
3 by Zoom?

4 MR. COLLIER: It appears to be that it does.

5 MR. PARDO: You must have a quorum --

6 MR. COLLIER: Yes, you have to have a
7 quorum --

8 MR. PARDO: -- in person, always.

9 MR. COLLIER: That's correct. You can't use
10 the Zoom for purposes of a quorum.

11 CHAIRMAN AIZENSTAT: Right. But if you
12 have quorum -- let's just assume Felix is
13 traveling somewhere, and he wants to attend the
14 meeting. He does his best to attend the
15 meeting. He's very responsible, and he wants
16 to be here.

17 MR. COLLIER: Right.

18 CHAIRMAN AIZENSTAT: So if he's traveling
19 for work or for whatever reason, then he has
20 the opportunity, if he's able to, to attend the
21 meeting by Zoom, as long as we have a quorum in
22 place --

23 MR. PARDO: And by the way, you could have
24 a technical -- you could be in the heart of
25 Boston and have an outage, and all of a sudden

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1 you drop off. I remember, one time, the Mayor
2 was on a phone call, and he -- his call dropped
3 off. Technically, he couldn't speak or hear or
4 contribute, and that's beyond your scope.

5 I think that 2-54 really gives you a better
6 handle, more understandable. Me, I don't care
7 if it's the City Manager, but normally, the way
8 I've always seen it is, the part of the
9 beginning of the business is, excused absences,
10 and they've already been vetted, you know. So
11 it becomes a non-issue, but it's recognized by
12 the Board, and what Staff is doing is, they're
13 taking basically the attendance of, this was an
14 excused absence.

15 CHAIRMAN AIZENSTAT: Understood.

16 Given our discussion, is there a motion
17 that anybody would like to make?

18 MR. BEHAR: I will make a motion to approve
19 with the condition that maybe there's some
20 clarification as to what constitutes an excused
21 absence, maybe that incorporates more precise a
22 medical --

23 MR. PARDO: Is it First Reading? Are there
24 two readings for this one?

25 MR. SOUTHERN: Yes, there would be two

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1 readings.

2 MR. PARDO: Okay. I just wanted to make
3 sure.

4 MR. BEHAR: Just clarification for what
5 would be -- constitute as an excused absence.

6 MR. SOUTHERN: Okay. Outside of the jury
7 duty, illness and absence from the City?

8 MR. BEHAR: Yeah. I think that the example
9 that Felix made about, you know, health --

10 MR. PARDO: For example, just a take a look
11 at 2-54, which is part of our Code in the City
12 of Coral Gables, which you put in your --

13 MR. SOUTHERN: Right. Correct.

14 MR. BEHAR: I'm okay with that condition.

15 CHAIRMAN AIZENSTAT: We have a motion. Is
16 there a second?

17 MR. PARDO: Second.

18 CHAIRMAN AIZENSTAT: Felix, second. Any
19 discussion?

20 MR. SALMAN: Will you accept a friendly
21 amendment to clarify the process of excusing
22 the absence, the notification, should be to the
23 Secretary of the Board, a process?

24 MR. SOUTHERN: Who excuses the absence?

25 CHAIRMAN AIZENSTAT: No, who gives it.

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1 MR. SOUTHERN: What's the officiating
2 process?

3 CHAIRMAN AIZENSTAT: Yeah. The way --

4 MR. SOUTHERN: Does it need to be in
5 writing or it could be a phone call?

6 MR. SALMAN: For example, the last meeting,
7 first, it was an irregular meeting, because it
8 wasn't the second Wednesday of the month, and
9 last month, I was in Europe, which means that I
10 would have had to start the meeting at
11 midnight.

12 MR. SOUTHERN: Right.

13 MR. SALMAN: So I called Jill, and sent her
14 several e-mails saying, "I'm going to be out of
15 town," so that she was completely aware of the
16 fact that I was out of town. She could
17 communicate with -- individually with the
18 Chairman and let him know, so that my absence
19 would be excused as a voted on item on the
20 agenda.

21 MR. COLLIER: I'm not sure if the mere fact
22 of being out of town is going to count
23 informing Jill, at least under this proposal --
24 I'm not sure that, in and of itself,
25 constitutes an excuse absence.

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1 MR. SALMAN: Well, that's why I'm saying,
2 it should be an accepted excuse by the majority
3 of the Board. It should be decided by somebody
4 not just whether you're here or not, but
5 there's always mitigating circumstances.

6 MR. COLLIER: What you're saying, I think,
7 is that there needs to be a clarification as to
8 who renders the excuse.

9 MR. SALMAN: Bingo.

10 CHAIRMAN AIZENSTAT: Also, the notification
11 process, I think is what Javier is saying. So
12 normally what's done is, Jill, as the Secretary
13 to the Board, and anybody that's not going to
14 be here, communicates with Jill, and then Jill
15 lets the Chairman know or the Board know or
16 whatever the process is.

17 Now, when you're saying that being out of
18 town is not necessarily an excuse, what I read
19 in here is, out of the City limits is excused.

20 MR. SOUTHERN: Well, when a Board Member is
21 unable to attend remotely, like in the example
22 that you each just gave --

23 MR. COLLIER: Because of technical reasons,
24 you could not attend remotely.

25 MR. SALMAN: Yeah, but I could have

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1 attended, had I wanted to, being at midnight
2 and be here until, I don't know, 4:00 a.m.

3 MR. COLLIER: Then maybe that's part of the
4 clarification, because you could be in Europe,
5 for example, and it's six hours later. So it
6 could well be at 4:00 a.m. that you're signing
7 off.

8 MR. BEHAR: And that's not realistic.

9 MR. COLLIER: What you're asking for -- as I
10 understand, the clarification of this
11 absence --

12 MR. BEHAR: Then I will accept a friendly
13 amendment for the clarification, because some
14 of that, you know, is not fair. If you're in
15 Europe, you know, it's not realistic that I'm
16 going to be participating at midnight until
17 three o'clock in the morning, you know, on a
18 meeting.

19 CHAIRMAN AIZENSTAT: Do you accept,
20 Mr. Pardo?

21 MR. PARDO: I do.

22 MR. SALMAN: Thank you.

23 CHAIRMAN AIZENSTAT: Okay. We have
24 accepted. Thank you.

25 Any other comments? No?

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1 Call the roll, please.
 2 THE SECRETARY: Javier Salman?
 3 MR. SALMAN: We are voting for yes or no?
 4 Yes.
 5 MR. COLLER: With the amendments.
 6 MR. SALMAN: I'll say, yes.
 7 THE SECRETARY: Robert Behar?
 8 MR. BEHAR: Yes.
 9 THE SECRETARY: Alex Bucelo?
 10 MR. BUCELO: Yes.
 11 THE SECRETARY: Sue Kawalerski?
 12 MS. KAWALERSKI: Yes.
 13 THE SECRETARY: Felix Pardo?
 14 MR. PARDO: Yes.
 15 THE SECRETARY: Eibi Aizenstat?
 16 CHAIRMAN AIZENSTAT: Yes.
 17 Next item, please.
 18 MR. COLLER: Next Item, Item F-4, an
 19 Ordinance --
 20 MR. PARDO: Wait a minute. The friendly
 21 amendment had to be voted on and now you vote
 22 on --
 23 MR. BEHAR: No. No. We accepted the
 24 friendly amendment --
 25 MR. COLLER: The movant and the seconder

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1 accepted the amendments and was rolled in.
 2 We're all good.
 3 MR. PARDO: Good.
 4 MR. SALMAN: And we all voted for it with
 5 the amendments. So that's it.
 6 MR. PARDO: Yes. Thank you.
 7 MR. COLLER: Correct.
 8 Item F-4, an Ordinance of the City
 9 Commission of Coral Gables, Florida providing
 10 for text amendments to the City of Coral Gables
 11 Official Zoning Code, Article 2, "Zoning
 12 Districts," Section 2-101, "Single-Family
 13 Residential District," Section 2-102
 14 "Multi-Family 1 Duplex (MF1) District", and
 15 Article 5, "Architecture", Section 5-701
 16 "Minimum standards," and Article 16,
 17 "Definitions" to align with the updated
 18 Miami-Dade County requirements regarding the
 19 stormwater management for single-family and
 20 duplex properties; providing for repealer
 21 provision, severability clause, codification,
 22 and an effective date.
 23 Item F-4, public hearing.
 24 MR. SOUTHERN: Thank you, Mr. Collier.
 25 Once again, Craig Southern, Planning

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1 Official, Planning & Zoning Division. If we
 2 could please have the Staff presentation pulled
 3 up.

4 Okay. Just as Mr. Collier had indicated,
 5 this is a Zoning Code text amendment for the
 6 three following sections, Section 2-101,
 7 Section 2-102 and Section 5-701.

8 Briefly, the purpose of these text
 9 amendments are to align with the recent
 10 Miami-Dade County Ordinance, Ordinance 24-92.
 11 I'm going to read a little bit from the Staff
 12 report, just so we can get clarification on the
 13 purpose of what the text amendments are.

14 So, on September 4th of last year,
 15 Miami-Dade County adopted Ordinance Number
 16 24-92, which is a comprehensive regulatory
 17 update focused on strengthening the County's
 18 environmental protection framework, and
 19 enhancing the sustainability of regional
 20 stormwater management. The ordinance
 21 introduced significant amendments to
 22 environmental and zoning regulations, revises
 23 development standards and procedures related to
 24 drainage, impervious structures, including
 25 paved areas, and stormwater infrastructure and

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1 implements a range of technical updates.

2 So the new regulatory standards established
 3 by the Ordinance adopted by Miami-Dade County
 4 are relatively progressive and will apply to
 5 new construction, redevelopment and substantial
 6 improvements to existing development, and this
 7 has already come into effect as of March 31st,
 8 2025. Any increase in impervious surface area,
 9 included but not limited to structures, slabs,
 10 sidewalks, parking areas, specific types of
 11 pavers and highly compacted ground, will be
 12 subject to the updated standards outlined in
 13 the ordinance."

14 So, importantly, the ordinance provides an
 15 option for all municipalities within Miami-Dade
 16 County to retain local control over the
 17 permitting and inspection of non-structural
 18 impervious surface improvements for an
 19 individual single-family and duplex properties.
 20 So, in order to do so, our municipality, the
 21 City of Coral Gables, must notify Miami-Dade
 22 County of its intent to adopt local regulations
 23 meeting or exceeding the County's minimum
 24 standards by December 31st, 2024. We've
 25 already done that.

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