

**City of Coral Gables
Virtual Commission Meeting
May 12, 2020
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors
Commissioner Pat Keon
Commissioner Michael Mena**

City Staff

**City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Assistant City Attorney, Gus Ceballos**

Public Speaker(s)

Agenda Item E-7

An Ordinance of the City of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, “Development Review,” Section 3-606, to include Dade Heritage Trust, Inc. as party that may appeal decisions of the Historic Preservation Board; providing for a repealer provision, severability clause, codification, and providing for an effective date. (01-08-2020 PZB recommended denial, Vote: 4-2) (Sponsored by Vice Mayor Lago and Commissioner Mena)

Mayor Valdes-Fauli: Now we will take item E-7, Dade Heritage Trust as a party to appeal decision.

City Attorney Ramos: E-7 is an Ordinance of the City of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, “Development Review,” Section 3-606, to include Dade Heritage Trust, Inc. as party that may appeal decisions of the Historic Preservation Board; providing for a repealer provision, severability clause, codification, and providing for an effective date. This is a Second Reading item and it is a public hearing. Mr. Ceballos, if you are on, could you just walk us through. I know this has been on and deferred a few times, just to remind everybody where we are.

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Assistant City Attorney Ceballos: Can you hear me now.

All: Yes.

Assistant City Attorney Ceballos: Good afternoon, Mr. Mayor, Vice Mayor, Commissioners. This item is coming back before you again. Nothing has changed. Basically, this creates a carve-out in our current code that allows the Dade Heritage Trust to appeal any decisions of the Historic Preservation Board. If you remember, originally it was going to be an aggrieved party. We have since changed that and it is strictly just a small carve out as an appealable party, if you will, or any decisions of the Historic Preservation Board. Any question that you may have.

Mayor Valdes-Fauli: I'd like to open...[Inaudible]... as an aside, I received two calls from members of the Historic Preservation Board were deeply offended and agreed by the comments uttered by the former head of our Historic Preservation Department who is now the chair of the Dade Heritage Trust. They are very offended...[Inaudible]...their knowledge of...and maybe their commitment to it, but apart from that, we have, and it has been said many times before today. We have a very, very unique situation, a unique city and we should not bring third parties to opine on our historic merits or what we have. We have done wonderful jobs out of 85 applications, including Historic Preservation Board, 79 were approved. That's over 90 percent. We overturn one of those that were approved and even the district was declared historic. I am very much against this and I think we are creating problems for the Commission by having a party that has very little to do with Coral Gables, and especially a party today led by somebody who has impuned the Integrity of our members in the Historic Preservation Board. I'm very opposed to this. Commissioners comments.

Commissioner Keon: Well, I don't think it's necessary to have any...[Inaudible]... I think the process that the city has, the board You know, although you see I don't always agree with, but you know, those be put in place and I think the process that exists within the...the review by the be Historic Preservation Department is adequate and we have seen today that you know, when it moves the neighborhood, the neighborhood responds. So, they certainly can, you know neighbors and people within the community that has standing there that are within a certain period of you know distance from them, have the ability to do that. And I think we make really more of a local issue. I think we've served the community well in historic preservation, and I wouldn't add anybody to it. Thank you.

Mayor Valdes-Fauli: Commissioner Mena.

Commissioner Mena: I wouldn't say – look – I would agree with that. We have served the city well and overall, we have a good process. If you recall the nexus of this was we had one designation

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that for whatever reason our Historic Department did not appeal, even though they felt that the property should have been designated and that led to a series of discussions that we had about could we Implement some sort of backstop, if you will, somebody that could opine with the level of expertise that would be helpful and insightful. And so, that was the idea behind it. So, I'm open to trying it out. We've talked in the past. I know there's been other organizations and entities that have expressed interest. I've been against that I thought that Dade Heritage Trust is a reputable organization. That's not narrowly just for Coral Gables, which I think is good because it gives you an objective point of view. And so that was the idea behind it. But I'm open to discussion.

Mayor Valdes-Fauli: Okay. Commissioner Fors.

Commissioner Fors: You go ahead Vice Mayor Lago.

Vice Mayor Lago: Thank you sir. Listen, again, I echo sentiments of Commissioner Mena. Before I get into that, I mean listen, I don't want to speak for Ms. Spain. She served the city well for many years. She's a resident and she's very well versed on historic issues. Nobody will refute that. I don't think her intention was to put a stain or cast aspersions on anyone, especially on...

Mayor Valdes-Fauli: You did.

Vice Mayor Lago: On the Historic Board. You know, she's a reputable individual who I have a lot of respect for. So, I just want to make sure I put that on the record. In reference to – Listen, the buck stops of the Commission. This is an opportunity to have another entity which is not only the center in Coral Gables issues, but they can bring a little bit of light to certain other historic issues that could only benefit this community, and if we disagree, if we disagree with Dade Heritage Trust opinion on a matter or if they appeal the property, we as a Commission are tasked by this community to uphold or take one of the following four steps that is that is prescribed in reference to whether a property should be historic or not. So, I don't see any hurt or any issues by this at all. They could be something that could only benefit the Historic Preservation Board and the city as a whole.

Mayor Valdes-Fauli: Commissioner Fors.

Commissioner Fors: Quick question for City Attorney. If we pass, if we vote to include Dade Heritage Trust having standing for appeals. There's nothing to stop us once, I guess that vests from changing that in the future.

City Attorney Ramos: No. So, this is a legislative item. So, you can always go back and say we no longer want to allow Dade Heritage Trust. It would just be an amendment to the Zoning Code as this.

Commissioner Fors: All right? Yeah. I mean it first time this came up I said that I wasn't a huge fan of this mainly because I don't think it's consistent. I don't think it's entirely consistent with the way we usually approach things, which is like the Mayor was saying, this is a unique City and that we usually try to make our own decisions, not have anybody from the county, or the state,

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nothing...[Inaudible]...make those decisions for us. You know at the other day I do...[Inaudible]...I appreciate the comments of Vice Mayor Lago that the buck does stop here. And I think this is a case where I err on the side of preservation and the ability to for more parties to be able to file an appeal in this case a reputable one. I probably wouldn't support the inclusion of any other entities, but I think I support this.

City Manager Iglesias: I just want to say that the Historical Board has supported the Historical Department 94 percent of the time. So just to make that clear, 94 percent of time.

Mayor Valdes-Fauli: But they haven't supported it. It's been for very, very good reasons; 94% of the time we're bringing in a third party to overrule our Historic Preservation for it, and if we don't trust our Historic Preservation Board then let's replace it. Do I hear a motion?

Commissioner Keon: May I also. When the board or when the department didn't appeal that one incident that I think Commissioner Mena is referring to, it was because someone else appealed it and I don't think they realize the opinion of down from the city that they actually didn't have standing, and so you know, it wasn't for not having another voice in the room. It was just, it was really oversight and what the board said, what the department said afterward is that they'd be far more careful going forward to ensure that if there's an appeal to get a ruling on the standing of the person making the appeal before they just let it go, if they really feel strongly about it. That's why I would just as soon not...[Inaudible]...and Commission Fors point that you can always change it later. You know what, it is far easier to give something then it is to take away. So, if you give it and then you go back and try and take it away that is really a real affront to an organization that you would do that too. So, for that reason, I would rather we would just leave it as it is.

City Manager Iglesias: That issue Commissioner Keon was taken care of with Commissioner Fors, the prior ordinance where I believe the Historical Department has...[Inaudible]...to go ahead and appeal something like that in the future. So that cannot happen again without the Historical Department having an appeal period.

Mayor Valdes-Fauli: Commissioner Mena, Vice Mayor, it's your item, will you make a motion?

Commissioner Fors: Before we make a motion. One thing that I was – this was a tough decision for me, is that we have the best the best of my recollection, maybe I've forgotten, but have we had a person for the Dade Heritage Trust up here before us and tell us that they want standing to appeal these?

Vice Mayor Lago: No. I mean I've had conversations with several individuals. I don't remember to my knowledge if we've had some formal documentation or something in writing that I can remember.

Commissioner Fors: I'd feel better if they came to the next meeting, a representative from the Dade Heritage Trust came the next week to explain what their intentions are and how they intend to participate and use their standing power. You know, maybe...

City Attorney Ramos: Commissioner Fors, I don't think that they asked for it. I think the way that they ended up getting put on here is because of the initial thought and Gus will correct me if my recollection is wrong was, should we have other groups be able to do it; and then we went back and crafted to look at what's the best model. We looked at City of Miami and there it had a big catch-all that was way too expansive. We thought it was like any preservation group and panel for the purpose of preserving properties basically. That was too expansive. So, at the time, Dona suggested well, you are going to have another group even though I don't think she was in favor of having group. She said if we are going to have another one, that should be the one. I don't think it was because they came and asked us. I think it was us trying to find what would the other group be that would be most appropriate.

Mayor Valdes-Fauli: Madam City Attorney you're right. We whittled down the possibilities with Dade Heritage as the least hurtful or the least harmful in the process of preserving the dignity of our historic preservation,

Vice Mayor Lago: Mayor, I don't have any issues at all, as long as Commissioner Mana approves as a co-sponsor of this legislation, to defer at the request of Commissioner Fors to the next Commission meeting.

City Attorney Ramos: Commissioner Mena got kicked off. He's trying to log back on.

Vice Mayor Lago: That's fine. I don't think he'll have any issues. We can move on to the next

Mayor Valdes-Fauli: Deferred to the next Commission meeting, is that okay with everybody?

City Clerk Urquia: Miriam, I received multiple emails on this item. Do you want it read into the record now, or do we transfer them to next meeting?

Mayor Valdes-Fauli: No. Alright.

City Attorney Ramos: If no action is being taken at this meeting they can be read at the next meeting.

Mayor Valdes-Fauli: They'll be read at the next meeting.

City Attorney Ramos: But I would like to give Commissioner Mena an opportunity to weigh in since he's a co-sponsor. Maybe we go to the other two items. All right.

Commissioner Mena: I'm here. Sorry. I had technical issues. I'm sorry, I missed the last two minutes. So, what's happening now? Somebody moved to defer.

Mayor Valdes-Fauli: I'm suggesting that's okay, that we defer this till the next meeting.

Commissioner Fors: I essentially suggested that, perhaps even to have somebody from Dade Heritage Trust to come to speak on it.

Commissioner Mena: The only thing I would say is, Frank respectfully, we've deferred this item. Would this be the fourth time?

Mayor Valdes-Fauli: Yes.

Commissioner Mena: I don't even feel that strongly about it to do that. So, you know, I don't...[Inaudible]...not a slight to any of you guys, but I think Dona is now on the...

Vice Mayor Lago: Yeah.

Commissioner Keon: She's going to be the President of it.

Commissioner Mena: Yep.

Commissioner Fors: Commissioner Mena, we just heard that Dona was not in favor of adding another party with standing...

Commissioner Keon: She wasn't.

Commissioner Mena: She was a member of Dade Heritage Trust.

Vice Mayor Lago: I think she may have a difference of opinion.

Commissioner Mena: As a member of Dade Heritage Trust she is not in favor of the Historic Preservation Association of Coral Gables being added.

Commissioner Keon: If you have to add somebody that would be the only one that we could consider, but I don't think you need to add anyone, is what she said.

City Attorney Ramos: That's my recollection as well. Initially, she came out against it. She was still here. This was like six months ago, and when pressed, well but if we want to add a group, then she said, if you're going to add one it should be these people. My understanding is, she may have changed her opinion now, but where she stood six months ago, her opinion was that no one should be added.

Commissioner Fors: And Commissioner Mena, my comment was prompted by my question of whether anybody from the Dade Heritage Trust had ever asked for the organization to be granted standing or had ever come to the Commission hearing to explain why they think that would be beneficial to our city, why they think we should do it.

Mayor Valdes-Fauli: [Inaudible]...and the head of our Historic Preservation Board was not in favor of adding anyone. Okay. Do you want to defer it, or do you want...? Do I hear a motion?

Vice Mayor Lago: Are you willing to defer to hear Dona's comments at the next Commission meeting?

Commissioner Mena: That's fine. If we want to defer it again, that's fine. I understand.

Mayor Valdes-Fauli: You know, this is, we shall name it the cockroach of our City Commission agendas. So, we'll all survive anything.

Vice Mayor Lago: Next item.

Mayor Valdes-Fauli: H-9.

City Attorney Ramos: I'm sorry, a small item I want to say on the record. So that Billy doesn't have to publish again. Are we deferring to a date certain of May 26?

Vice Mayor Lago: Yes.