

City of Coral Gables City Commission Meeting
Agenda Item G-16
May 9, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item G-16

Discussion regarding requirements for appointments of members to the Planning & Zoning Board.
(Sponsored by Commissioner Fernandez)

Mayor Lago: Moving onto G-16. I would like to see if we can wrap this up at 7 o'clock. I have to go.

Commissioner Fernandez: When it comes to the Planning and Zoning Board, one of the concerns that I've received from residents is, members of the community who are actively working on projects and are presenting before the board. If you recuse themselves, it presents a semblance of impropriety when they are presenting before their fellow board members. I had kind of tweaked some language with the City Attorney as to what I kind of wanted, you wrote it down.

City Attorney Suarez: So, they don't present before their own board.

Commissioner Fernandez: Correct – they don't present.

City Attorney Suarez: They recuse, and they don't participate.

City Commission Meeting

Commissioner Fernandez: Correct.

City Attorney Suarez: So, I think what you were suggesting is tweaking the requirements and qualifications for those who can serve on the Planning and Zoning Board and I'm just going to kind of paraphrase what I think your intent was and you obviously told me, to preclude individuals of certain professions that I think you'll need to define, who work on projects that will come or likely to come before the Planning and Zoning Board to not have them serve on that board.

Commissioner Fernandez: Right. So basically, during the time that you're serving on the Planning and Zoning Board, you will not be bringing any projects forth, that your company is not bringing any projects or working on a project that will come before them. That's basically what I'd like to put up for discussion.

Mayor Lago: Sorry, I can't support that, and I'll tell you why, because we live in the greatest country in the world and I'm not going to be in the business penalizing people because they're prosperous or because they are doing well. We want people who are embodying a mentality of success that they are doing the best that they can, and if they are coming to serve on a board and they are willing to recuse themselves before they bring anything before the Commission, they are not going to vote or make reference to that board, I wouldn't want to have people – I want to have people, I want to have the strongest members on that board. I want to have people who are super educated, who are super enlightening in regard to their craft. I want to have the best of the best. I don't want to have people on a board, especially on the Planning and Zoning Board, which is again, probably one of the most powerful boards in the city, outside of the Commission, who are not well versed, who do not have that type of experience. I understand what you're trying to do. Understand you want to tighten all the boards; you are trying to do everything. You are trying to make sure that you get people who support development or who make money in one form or another in construction and design, but to me, I think excluding people who are accomplished in their field and bring jobs before the City of Coral Gables. We have a downtown that is just as large as Brickell. You would be excluding so many people in this community who do work in construction and design and architecture and people who are consultants, people who do traffic engineering, people who are sub-consultants. The amount of people – you'd be left with people who don't have the experience, in my opinion, to serve on a Planning and Zoning Board...that's what I think. I served on the Planning and Zoning Board for two years...

Commissioner Fernandez: We have more than enough qualified people to take seven positions on the Planning and Zoning Board. We have the very best in Coral Gables in every profession, and I know for a fact that is the most desirable board that people would like to serve on, and I know that we have plenty of qualified people who would not have a semblance of a conflict of interest in front of the board.

City Commission Meeting

Mayor Lago: I don't think working in the construction and design industry is a conflict of interest.

Commissioner Fernandez: It's not about working – it's about working on projects that are coming before the board.

Mayor Lago: But you're not voting on them.

Commissioner Fernandez: It doesn't matter. It's like basically, you bring a project before the City Commission, it puts us in a position that we're now voting on one of our colleague's projects. It makes it a more difficult decision for the rest of the board.

Mayor Lago: I would hope that the people who are serving on that board can stand on their own two feet and make a decision and not be swayed by whether they have a colleague on that board or not. They are voting on the merits of that project. They are not voting on whether they know somebody. They are voting on a project on the worth of that project. Can you? Can you do that? I think you can.

Commissioner Fernandez: And I think we have qualified people who can take those positions without any conflict of interest.

Mayor Lago: In my opinion, I'm not going to penalize people for being successful or for people who are willing to give up their time to serve on a board.

Commissioner Fernandez: Its convenient to serve on that board, if you're working on these projects.

Mayor Lago: But you're not voting on the project.

Commissioner Fernandez: You're not. On the Planning and Zoning Board you are basically making decisions that are going to influence the future of our zoning. You are actually placing yourself at a higher advantage when you are designing your projects.

Mayor Lago: Again, I put myself as an example. When I served on the Planning and Zoning Board, I was faced with people who are colleagues of mine, who I dealt with all the time in regard to design and I had to vote against their projects. Just for example, I voted against many, many different projects in regard to people, developers who I have done business with many times, and I said, listen, I can't support your project, and I've had to recuse myself on projects. That doesn't mean that just because I'm in the industry doesn't mean that I'm going to vote in favor of every single project. That's not the way that it works. I send a very clear message in regard to what I'm willing to support and what I'm not willing to support, and its clear. I think that by taking that position, I think we're short-changing ourselves and we're penalizing people for their success. I

don't believe in that. I think that to me is anti-business and it doesn't send a message – it sends a message that we don't trust people in our industry to be able to police themselves and be ethical.

Commissioner Fernandez: That's a message residents are sending. They don't trust people in the industry.

Mayor Lago: Commissioner, I don't think – I think you're talking about a very small minute of people in this community.

Commissioner Fernandez: Mr. Mayor, I've heard that many times. I heard that from the Manager last week that we had a minutia of people who came out to vote and who actually made a decision, but the residents came out and voted and they want a different direction, and this is one of the things that they've been asking for. I will step back because Vice Mayor Anderson...

Mayor Lago: Propose legislation and we can vote it up or down.

Commissioner Anderson: So, I'm going to throw a wrinkle in for you, because I dealt with this issue before, okay, and we have a Board as-a-whole appointee, but we don't have – I understand we have applicants now. I don't know if its been advertised well, but have a presentation done to the Planning and Zoning Board about Board-as-a-whole appointee by somebody on staff, we have these three people or we have these two people that are all qualified and we could look at term limits, we could do a rotation on the Board-as-a-whole appointee, things of that nature to kind of mix it up. Now, I can tell you that from my experience, when I was on the Planning and Zoning Board, and I opposed a project that Mr. Navarro had done prior to my service. He didn't look very comfortable the first time that he was in front of me, because he thought I was going to judge the project based upon his personality in the way we dealt with each other, as opposed to the project. I dealt with it based upon the qualifications of that project and I didn't hold anything against him, based upon our prior experience. I do think it needs to be something that is presented before the board, so that they have options on who to choose for the Board-as-a-whole appointee. We can look at other permutations on that just like we did talk about for the Board of Architects, as to who should be the Board-as-a-whole appointee and move forward. But I do think we need to move beyond reappointing the same person all the time and having some options. You may choose the same person. I have no control over that, but the applicant base should be a little broader.

Commissioner Castro: I don't think it's a bad idea.

Commissioner Anderson: There were some qualified people that applied the last time, but I think we didn't have time. It was a timing issue. Is that something, City Manager, you can come back with.

City Manager Iglesias: We can take a look at it, yes.

City Commission Meeting

Commissioner Anderson: Okay.

Commissioner Menendez: My only question is for the City Attorney. Currently, if they have a conflict or an appearance of a conflict, they need to recuse themselves. It's not only our code, it's the state statute, how does that work?

City Attorney Suarez: Yes. Its both county -- its our Coral Gables Code, County and State Statutes that govern whether there is a conflict and those are analyzed on a case-by-case basis.

Commissioner Menendez: What are the repercussions if we find that there is a conflict?

City Attorney Suarez: If they ask for an opinion as to whether there is a conflict and we give them an opinion, then if there is a conflict they would have to recuse and leave the room, of course.

Commissioner Menendez: And if they go ahead and vote and a conflict is discovered?

City Attorney Suarez: That would be go down the trail of an ethics violation.

Commissioner Fernandez: So, I guess, we'll go with Vice Mayor Anderson's recommendation to staff and then we'll go from there.

Mayor Lago: Moving onto G-17, unless there are any comments, okay, go ahead.

Ms. Cruz: I'm here. Can you hear me.

Commissioner Castro: Yes, we can hear you.

Ms. Cruz: Alright. Listen, I've been saying that they must recuse and leave the room, is a good, good policy, but I was sitting in the Board of Architects the other day, and there was a person there that had a project that was going to be presented and he recused. He sat across from the table where the people were sitting and we could see him getting involved, even though he was across the room, okay. You cannot do that. Recusing and staying there is a common thing, number one; number two, I know that all of us are perfect professionals. I know that nobody would do anything wrong, but you know what, perception is reality in the eyes of the people, and they are very concerned about perception of architects sitting there. You know they talk about...Oh, my God, this resembles your project from last year. You know what, that does not give a good ideas to the residents, okay. We need to look at that. We need to see why the same people, you know there are some boards that the same people can sit there for ever and ever more, and if they cannot sit, they find a way to do it, okay. I know that you would like to believe that it doesn't happen, but believe me, that's not what the people think. Thank you.

Mayor Lago: Mr. Clerk.

City Commission Meeting

City Clerk Urquia: That's it Mr. Mayor.

Mayor Lago: Alright. Close the item. What is the will of the sponsor?

Commissioner Fernandez: The Manager is going to work on it.