

**City of Coral Gables City Commission Meeting
Agenda Items G-1 thru G-4
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**

Public Speaker(s)

Marshall Bellin, Planning and Zoning Board Member

Agenda Items G-1 – G-4 [9:39:57 a.m.]

Mayor Cason: Let's do the Boards and Committee items, let's start with G-1, which is a resolution granting approval of a residential waiver, which requires a four-fifths vote for Lourdes Cuzan, who is my nominee, in accordance with Section 2-59(b)(2) of the City Code, to serve as a member of the International Affairs Coordinating Council for a two (2) year term, which began June 1 of this year and continues through May 31, 2017.

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion.

Commissioner Lago: I'll second the motion.

Mayor Cason: Commissioner Lago seconds.

City Clerk

Commissioner Lago: Yes
Vice Mayor Quesada: Yes
Commissioner Slesnick: Yes
Commissioner Keon: Yes
Mayor Cason: Yes
(Vote: 5-0)

Mayor Cason: The next is a resolution granting approval of a residential waiver, again requiring four-fifths vote for Marshall Bellin, nominated by Commissioner Lago to serve as a member of the Planning and Zoning Board for two years beginning June 1 of this year through May 31, 2017.

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion. Do I have a second?

Commissioner Lago: I'll second the motion.

Mayor Cason: Commissioner Lago.

City Clerk

Vice Mayor Quesada: Yes
Commissioner Slesnick: No
Commissioner Keon: Yes
Commissioner Lago: Yes
Mayor Cason: Yes
(Vote: 4-1)

Mayor Cason: And G-3 is a resolution granting approval to Jeffrey Flanagan nominated by Commissioner Keon for an extension of time in accordance with Section 2-60(d) of the City Code to fulfill the remainder of his term to coincide with the remainder of Commissioner Keon's term of office, which again requires a four-fifths vote to serve as a member of the Planning and Zoning Board for a two (2) year term which began on June 1st through May 31, 2017.

Vice Mayor Quesada: Commissioner Keon advised him that he can't go any further.

Commissioner Keon: You know what happened with Jeff; Jeff was appointed to go the remainder of someone's term, so he hasn't actually, he hasn't really served for two year terms. He still has at least a year and part of a year that we could fill, so for that reason, he's kind of in limbo because he was appointed to fill the remainder of – he kind of came mid-term so he is not following the regular thing. So this would actually it would probably give him about three or four months more than the eight years, but it would only extend his term in two more years and then he would have termed out.

Commissioner Lago: I served with Jeff on the Planning and Zoning Board for a few years and it was a pleasure, very knowledgeable, take a lot of pride in being involved with the Planning and Zoning and representing the City in the best light, so it's a pleasure to have him continue.

Commissioner Keon: He is not conflicted...

Commissioner Lago: Yes, he's very knowledgeable, not conflicted, he is an individual who takes a lot of pleasure in representing the City, so it's a pleasure to vote for him.

Mayor Cason: Vice Mayor makes the motion.

Commissioner Lago: I'll second the motion.

Mayor Cason: Mr. Lago seconds.

City Clerk

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: And the final is G-4 is a resolution granting approval to Carolina Rendeiro nominated by Commissioner Keon for extension of time in accordance with Section 2-60(d) of the City Code to fulfill the remainder of her term to coincide with the remainder of the appointing Commissioner's term of office upon approval of a four-fifths vote by the Commission to serve as a member of the International Affairs Coordinating Council for a two (2) year term, which began on June 1st of this year and continues through May 31, 2017.

Commissioner Keon: Can I also speak to that. The reason I'm asking to extend her term is because she is the one that was able to bring the Sister City convention here to Miami. She serves on an international-wide basis, international thing and it was really to allow her to continue to serve through the time that the Sister Cities National Convention comes to Miami because of her involvement and what she did to bring it here, and so she can continue that work and when she's done she will no longer serve either.

Mayor Cason: She's done a great job on that committee.

Commissioner Lago: Yes.

Commissioner Keon: Yes, she has, so it's really just to let her finish out a couple of projects she has really spearheaded.

Commissioner Lago: So moved.

Mayor Cason: Commissioner Lago makes the motion. Vice Mayor seconds.

City Clerk

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

Commissioner Slesnick: Mr. Mayor, if I may make a comment before we move on. I wanted to appoint somebody to the Planning and Zoning Board and I got a lot of negative feedback on my appointee, my proposed appointee, so I appointed somebody else today, but I also want to bring up on Marshall Bellin, who is not a City resident, who was just reappointed to the Planning and Zoning Board, that I feel that the Planning and Zoning Board is the most important Board in the City and its really going to affect greatly the future of Coral Gables and what we do here, and I respect the man very much and I like his architecture and his belief and what should be built in Coral Gables, we go way back, and I really appreciate what he's done so far; however, I think that because this Board is so important to the City and the future development of the City and I had like five or six people that wanted to serve on this Board. It's probably the most popular Board for people to ask to serve on, and I really wanted somebody, I really feel we should have

somebody that if they live in the City then they have the City at heart, and we have so many people that are actually qualified that live in the City that they should be selected to serve on this Board and not somebody that lives in the City of Miami or the City of Pinecrest or the City of West Miami, but somebody who really cares deep down enough to live in our City that they should be appointed to the Planning and Zoning Board. So I really want to put this on the record that we should not be allowing other people who don't even live in the City of Coral Gables to represent us as-a-whole. We have a lot of development coming our way and I'm just going to be very attentive to how people vote on the Planning and Zoning Board. There, I've said my piece.

Commissioner Lago: Can I offer a response just to make sure we put this on the record, First off Marshall, I appreciate the last two years of you giving your time. I'm going to put some of your, I don't want to say "dirty laundry" but I'm going to put some of your family business on the record here, if you don't mind. First, Mr. Marshall Bellin has served on the P&Z as my appointment for the last two year, his office along with his business partner, Bellin and Pratt is located in the City. Bellin and Pratt has had no projects over the last two years come before the Commission, so he has had no conflicts over the last two years when any of his projects have come before the Commission. He has been conflict-free; he has had to not recuse himself over the last two years as my appointment for the Planning and Zoning Board. Mr. Bellin – the reason why Mr. Bellin lives in the City of Miami and does not live in the City of Coral Gables is because he has an elderly family member that lives with him that he is taking care of, and I have a lot of respect for that, especially at this point in time, I don't think he would want to move out of his home where he is taking care of that elderly person, which I think is your mother-in-law, correct?- it's your mother-in-law, and put a person who is in frail state through a move when he is going an incredible job representing the City conflict-free; and if he would have to have a conflict as a professional, as an architect, which some of us sometimes have. I've had one conflict over the last two years in reference to a project that was seeking a variance. It is standard practice as a professional, as we all are, to make sure that you recuse yourself, but before you recuse yourself you put it on the record. And that is completely legal, and that is something that must be done as per the Ethics Commission and the Board that we had about two weeks ago, when we had our ethics training. So I understand your concerns and I respect your concerns in reference to the Planning and Zoning Board, but Mr. Bellin has had no issues over his last two years come up where maybe it has resulted in a conflict. So I look forward to you serving over the next two years with the same dignity and grace and respect that you have done. Thank you.

Commissioner Slesnick: If I may one more comment. Again, we have 10,000 homes in Coral Gables where we have qualified people that could be serving and I appreciate Marshall you are living with your mother and taking care of her. However, I also noticed that Marshall is on several projects coming up in the Gables and in the City of Miami Beach they have a restriction that you can't serve on a Board or have the business come before the Board for the same year. So

I'm just going to, I've asked our City Attorney to look into this and maybe we could pass something about this, but Marshall has two or three projects coming up before the City of Coral Gables in the next year or two and I'm hoping that he either moves into Coral Gables or he recuses himself from the Board for a year's period when these buildings are coming up to model ourselves after the Miami Beach where there is no conflict of interest. Not just for one project, but for voting for one or another or another if you have other people that you are seeking their votes on the Planning and Zoning Board. So I'm going to ask our City Attorney to look into that, if you would like to address that Craig now?

City Attorney Leen: Certainly. The current law, both for the County and the City says that Mr. Bellin would not be able to vote on any of those projects. He would have to announce his conflict of interest and then he would have to step out of the room, then you will have to fill out a form for each of those three projects that you mentioned. The other thing is that he could not appear before the Planning and Zoning Board, nor could a partner of his appear before the Planning and Zoning Board on any of those projects. So those two provisions are already in place. If there are more enhanced provisions that you want that the Commission supports, I'd be willing to write whatever you'd like.

Commissioner Slesnick: I'm just going on the City of Miami Beach, which has a much clearer conflict of interest clause that you cannot serve on the Board for the full year that your projects are coming on board. So that's just something that I would maybe like to implement down the line.

Commissioner Lago: Just for clarity, I'd like to make sure we have everything on the record. Mr. Bellin, I heard plural, so I want to make sure that we have this correct. How many projects do you have coming potentially for a variance before the Planning and Zoning Board that are not as-of-right over the next two years?

City Attorney Leen: Conditional use.

Commissioner Lago: Conditional use.

City Manager Swanson-Rivenbark: I'm sorry sir; I know that City Clerk is going to say that you need to come to the mic.

Commissioner Keon: I also think that there is a project that I think you, aren't you the architect on that needs a change in zoning?

Mr. Bellin: Yes.

Commissioner Keon: But you would have to come before the Planning and Zoning Board on.

Mr. Bellin: Change of zoning and change of land use.

Commissioner Lago: That's what I'm asking.

Commissioner Keon: And change of land use – so is it only that one?- or you have more that will have to come before...

Mr. Bellin: We know one for sure, the other ones we don't know at this point, but I would say that it would take probably three ultimately.

Commissioner Slesnick: I'm sorry, I can't hear you.

Mr. Bellin: I said three potentially.

Commissioner Slesnick: Three.

Commissioner Lago: But for sure it's one.

Mr. Bellin: Yes – well we think it's one, if it moves forward. Its 33 Alhambra.

Commissioner Keon: I'm sorry, did you have more.

Commissioner Slesnick: No, go ahead.

Commissioner Keon: I served on the Planning and Zoning Board for eight years, and really just prior to my being elected as a Commissioner here in the City, so I have a long history of having served on the Planning and Zoning Board, and throughout that time there were other architects that were on the Planning and Zoning Board that did have projects, although they were City residents, but they did have projects here in the City, that they had to recuse themselves from, they recused themselves on the record, and they left the meeting, they didn't speak on behalf of the project or anything else, and it never was a problem during the eight years that I served on the Planning and Zoning Board. Could have been related to the other individuals that served on the Planning and Zoning Board, but it really was never a problem. You know I would hope that the individuals that are chosen by each Commissioner is chosen because of the expertise that they bring to that Board, and so a lot of times, at least for me now, out of respect for each of my fellow Commissioners I would trust that they are making a good decision, if don't feel they are

there is a means to have that conversation, but I haven't found it. I never found it to be a problem during those eight years and we went through some very big projects, and I thought everyone that was on the Board was exceedingly professional and very, very conscientious of any conflict that they might have. I know that they seek advice from the City Attorney. Have you ever found there to be a problem?

City Attorney Leen: In terms of?

Commissioner Keon: In terms of conflicts.

City Attorney Leen: I've told Board members who've come to me that they can't appear and I've told them to announce their conflict. So they've always done that as far as I know.

Commissioner Lago: That's pretty standard operating procedure.

City Attorney Leen: Yes, but I find that people do come to me and ask me and they followed my advice and so the broader ethics issue is, do you want a rule where Marshall or someone in a similar circumstance couldn't appear before the Board for a year, I think that's my understanding, that's not legally required, that would be a legislative change by the Commission.

Commissioner Lago: I think it would be very difficult then in reference to what Commissioner Keon is saying, to find qualified individuals who then serve on these Boards, because if you are telling me over the last two years you haven't had one project come before the Planning and Zoning Board and now you may potentially have three over the next two years, but one for certain, again, I'll take the law of averages, but if you are going to have one project over four years I need you to make a living to run your business and at the end of the day use your professional judgment to recuse yourself from not voting on that project. At the end of the day you are representing myself and you are representing the City of Coral Gables, so I expect after being a professional architect for close to 30 years that you will use sound judgment and that puts yourself and your license and myself in jeopardy and that's why I nominated you as a Planning and Zoning Board, as my appointment because you've done an incredible job, you understand what the City of Coral Gables, you are a good architect, and I believe that you are an astute individual who will hold up the ideals that this City represents. So in reference to their potentially being a conflict, I expect you to conduct yourself like all other individuals who have come before the Planning and Zoning Board who have a potential issue on their hands or a conflict.

Commissioner Slesnick: Marshall, I appreciate your expertise and your skill, it's just that 33 Alhambra Project is a controversial issue and there are two others that I've seen that could be

coming up here and both of them require other things besides, they are not as-of-right construction. So I just am very concerned that someone that doesn't live in the City and there are lots and lots of other people that would like to serve on this Board who don't have their voices heard, I just want to make sure that when you bring up the 33 Alhambra Project that we don't have a problem or an issue with it because you are serving on the Board.

Mr. Bellin: No. I will recuse myself.

Vice Mayor Quesada: Let me just complete my thoughts on this real quick. First, as far as Commissioner Slesnick your position on the members of this Board should be residents of the City. Previous Commissioners have had that position, Commissioner Cabrera, would never vote for anyone on any Board, much less the Planning and Zoning Board, if they lived outside the City and I tend to agree. I'd rather have someone in the City rather than someone else, unless a specific expertise that I think is beneficial to that Board. Green Task Force – we had some trouble with the Green Task Force right before we rewrote it now recently, which I think is going to be for the benefit for the residents and for the City pursuant to our revision. We've discussed this in the past, this very topic in the past, and one of the things that we've discussed; we don't want to penalize the volunteers who are helping us and these decisions, as far as being able to practice their trade. It's sort of a slippery slope when we are dealing with these types of Boards and these types of professions, because you want someone who has a lot of expertise in architecture, absolutely in dealing with the City of Coral Gables on that Board, absolutely. So there is an inherent conflict there. Do you want someone's that's got a lot of experience, especially dealing with architecture in our City?- or do you want someone who has no experience in our City and doesn't know what it's like to go through the third floor and the planning process, and the building process, in order to make our City better, in order to move projects, the right projects through the pipeline. So we get caught in a little bit of a catch-22. I haven't seen Miami Beach's language; I'd love to see it. I'd love to see other municipalities, Craig, if you can pull that together for us. What we've done in the past and what we've discussed in the past, I think we've already addressed it up here is, if there is a conflict obviously that person cannot vote, especially on this Board, they have to recuse themselves. I haven't really thought about the one year process at all. I'd like to think about it some more. I'd like to see what Miami Beach; I'd like to get a rationale and the intent, why they created it that way. I think it's probably pretty obvious, but I'd like to see what they have written down and get the full breath of it. I believe we have the legal requirements in place in order to preserve that transparency and/or to preserve that conflict-free environment, but again, it's really a balancing of are you going to penalize someone that's volunteering their time who has that experience, who has that expertise versus someone who may not have the experience, because we are a unique creature Coral Gables. When it comes to architecture, when it comes to design, when it comes to development, we want people who understand it, we want people on that Board making

decisions who are like-minded to us up here that are looking for the types of design that we are looking for that George Merrick was looking for, which I think we try to do. I'd like to sort of table the discussion for that. I'd like to see more from other municipalities and go from there, but again, my biggest thought is not to penalize those people that are volunteering their time and effort to come before us.

Mayor Cason: OK. Thank you Marshall.

Commissioner Lago: Thank you sir.

[End: 10:00:02 a.m.]