

City of Coral Gables City Commission Meeting
Agenda Item D-5
September 24, 2024
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, Amos Rojas, Jr.

City Clerk, Billy Urquia

Deputy City Attorney, Stephanie Throckmorton

Public Speaker(s)

Maria Cruz

Agenda Item D-5 [9:25 a.m.]

A Resolution of the City Commission appointing Nicolas Cabrera (Nominated by Mayor Lago) to serve as a member of the Board of Adjustment, for the remainder of an unexpired term, which began on June 1, 2023, and continues through May 31, 2025.

City Clerk Urquia: Mr. Mayor, agenda item D-5.

Commissioner Fernandez: My question is regarding the requirements to sit on this board. This is one of the few boards in this city that has additional requirements. Mr. Clerk, were you able to check if this individual meets all the requirements.

City Clerk Urquia: No sir.

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*Agenda Item D-5 – Resolution appointing Nicolas Cabrera nominated by Mayor Lago
To serve as a member on Board of Adjustment*

[Date]

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Commissioner Fernandez: Okay. The person does not. Here are copies of the requirements to sit on this board. There is a residency requirement, each member of the board shall be a resident citizen, domiciliary of the City of Coral Gables and an owner of real property or spouse of the owner of the City of Coral Gables during the term of appointment and also for at least five years prior to the appointment. I was not able to find any records of this individual owning real property in the City of Coral Gables presently or before. I think it would require further looking into Mr. Clerk.

Mayor Lago: Madam City Attorney.

City Attorney Suarez: So, membership is not – you don't have to be a property owner. Being a citizen is sufficient, citizen and/or.

Commissioner Fernandez: And an owner of real property or spouse of owner in the City of Coral Gables.

City Attorney Suarez: So, this is – let me see where it says this on here. The zoning code, I'm looking at the zoning code, Commissioner, and it says and/or, and let me see here this one.

Commissioner Fernandez: This is the actual requirements of the Board of Adjustment and in fact, this is the reason I didn't appoint somebody else to this board, because they were short by three months.

City Attorney Suarez: So, this is the summary that I believe is posted on the Boards and Committee's page of the zoning code, there seems to be an error on the summary, but the zoning code says and/or, citizen and/or.

Commissioner Fernandez: I had asked the Clerk's office for this information when I was originally appointing, and I was told there was a five-year ownership requirement. Mr. Clerk.

City Clerk Urquia: I don't recall providing you that information.

Commissioner Fernandez: That was when I was first elected.

Mayor Lago: Mr. Clerk, if I may. Do you have an email when that request was made?

Commissioner Fernandez: It was done in a meeting with the Clerk when we were discussing board appointments.

Deputy City Attorney Throckmorton: Commissioner Fernandez, Stephanie Throckmorton, Deputy City Attorney. We looked at this recently at Commissioner Menendez' request, we looked at a bunch of different boards, and my understanding of this requirement and the and/or, is that you could be an owner of real property located in the city, but not a citizen, as in you don't live in the City of Coral Gables, but you own property in the city, that's why its an and/or, to account for

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those who may own a commercial property in the city or be a spouse of an owner of a commercial property, but not be a citizen. So, the and/or is to account for that situation where you may not be a citizen, you may live in the City of Miami, but you are an owner of real property say on Miracle Mile, for at least five years, so you may qualify for the board in that way. So, it would be like a non-citizen board member is the and/or, is my understanding when we looked at this.

City Attorney Suarez: I think the confusion stems from the fact that this sheet, this is not the copy of the zoning code, but this sheet seems to have a scrivener's error, so that seems to be where the confusion is stemming from, the zoning code is what controls.

Commissioner Fernandez: Right, if I'm understanding you, the and/or is regarding the actual ownership of the property versus living outside the city.

Deputy City Attorney Throckmorton: No. So, the board member can either be a citizen of the City of Coral Gables, which we have defined to be somebody who lives within the city, it doesn't mean that you have to own property, you are a citizen, and/or, so you could also be a citizen and own a property in the city, or you can be a citizen or have owned property in the city for five years. The only situation where you would be not a citizen, but own property is when its not your home, for instance.

Commissioner Fernandez: So, can we get that fixed on the city's website?

City Clerk Urquia: Yes sir.

Commissioner Fernandez: Okay. I'll move it.

Vice Mayor Anderson: Second.

City Clerk Urquia: I have a member of the public requesting to speak on the item, Mr. Mayor.

Mayor Lago: Yes sir.

City Clerk Urquia: Mrs. Maria Cruz.

Mrs. Cruz: Mrs. Maria Cruz, 1447 Miller Road. I object strongly on this appointment because of obvious reasons. Let's see, public attacks, internet attacks, blogs, etc., that this person has done to several members of this Commission and several members and residents of this city. Civility is not one of his strong qualities and because of that I object.

Mayor Lago: Anything else Mr. Clerk.

City Clerk Urquia: No, Mr. Mayor.

Commissioner Fernandez: Let me just quickly answer to Mrs. Cruz. I understand your concerns, but the reason I'm moving this is, the Mayor has brought up similar concerns on one of my appointees before and I did move forward with that appointment. I think the Mayor has the right to chose who he wants sitting on this board, so if this is the individual he chooses, I will support that.

Vice Mayor Anderson: And I'll add to that. I've had concerns about certain individuals that I've appointed to boards, and I have not based upon very identical comments that were made about those members. I have not removed them from the board.

Mayor Lago: Mr. Clerk.

Vice Mayor Anderson: Yes

Commissioner Castro: No

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Mayor Lago: Yes

(Vote: 4-1)