

**THE CITY OF CORAL GABLES
CONSTRUCTION REGULATIONS BOARD
MEETING MINUTES**

MONDAY, APRIL 14, 2014, 2:00 p.m.

City Commission Chambers, 405 Biltmore Way, Coral Gables, Florida

| MEMBERS: | A | M | J | J | A | S | O | N | D | J | F | M | APPOINTED BY: |
|---------------|----|---|---|---|---|---|---|---|---|---|---|---|-----------------------------------|
| | 14 | | | | | | | | | | | | |
| Walter Lista | P | | | | | | | | | | | | Mayor Jim Cason |
| Scott Kravitz | A | | | | | | | | | | | | Vice Mayor William H. Kerdyk, Jr. |
| | | | | | | | | | | | | | Commissioner Pat Keon |
| Eugenia Lage | P | | | | | | | | | | | | Commissioner Vince Lago |
| Rolando Diaz | P | | | | | | | | | | | | Commissioner Frank C. Quesada |

STAFF IN ATTENDANCE:

William Miner, Building Division Director

Yaneri Figueroa, Assistant City Attorney

Virginia Goizueta, Plans Processing Lead

Antonio Silio, Plans Processor, Development Services Department

A = Absent

E = Excused

P = Present

+ = No Meeting

Recording and Preparation of Meeting Minutes: Nancy C. Morgan, Coral Gables Services, Inc.

I. CALL TO ORDER:

The meeting was called to order by Mr. Miner at 2:00 p.m.

II. ROLL CALL:

Mr. Miner verified the presence of each Board member, noted the absence of Mr. Kravitz and advised that one Board vacancy existed. He also stated that the Board would select a Chairperson during this meeting.

III. INTRODUCTION OF CITY STAFF:

Mr. Miner introduced staff members present, their positions with the City as well as their primary purpose for participating with the Board. He explained that Mr. Silio would serve as primary Board liaison and Board Secretary.

IV. PREAMBLE OF BOARD PURPOSE AND AUTHORITY:

A thorough review of the Board's Preamble was conducted by Mr. Miner, beginning with Ordinance #3161, approved in 1995, that created the Construction Regulations Board. He explained the parameters of Board authority and responsibility, concluding that today's meeting officially re-established active Board service. Copies of the Preamble were distributed to all.

During discussion, Mr. Miner, Mr. Silio, Mr. Diaz and/or Mr. Lista relayed the following facts:

- There is no record of Board-reviewed cases prior to 2008 (records exist from 1990 to 2008), and no meeting minutes were available for review and approval at this meeting. After the former Board Secretary left City employment, records could not be located. Mr. Silio said he would make another attempt to reach John Abbott.
- Mr. Diaz recalled a motion made regarding a case involving a contractor heard during two Board meetings held in the past year and a half. Mr. Silio said a restriction was placed on the contractor's license, but there was no record of the regulatory agency or entity that stipulated the restriction. He added that no record existed in City files of the case or action taken.
- Mr. Lista recalled a case where a contractor was suspended for charging too much for his services, but given an opportunity to redo the work and be reinstated. He said he would check his personal Board records in an attempt to find a record of the action.

Mr. Miner relayed the notification Board members need to disclose about ex parte communication with anyone regarding matters to be heard by the Board.

One case may be brought to the Board in the near future if issues between the parties are not resolved via arbitration.

V. ADMINISTRATIVE TOPICS:

- a. Membership: Board members stated their appointing Commissioner and the year their appointments were made. Mr. Lista (Mayor Cason), appointed in 2012; Mr. Diaz (Commissioner Quesada), appointed in 2010; Mr. Lage (Commissioner Lago), appointed in 2013. Terms are for two years, but can be renewed if Board members wish to continue service unless they are replaced by their appointing officials.

One Board vacancy needs to be filled. Mr. Miner asked Board members to let him know of potential qualified professionals who might be willing to serve.

- b. Frequency of Meetings:

Mr. Silio advised that a meeting date is reserved on the City calendar each month; however, if a case must be heard by the Board, the meeting will be noticed to the Board and the public. At least one meeting will be held annually, even if there are no cases to be heard. Board members advised that email notice was sufficient.

Mr. Diaz made a motion to schedule at least one meeting annually, even if there are no pending cases to be heard. Mr. Lista seconded the motion. Ayes: Mr. Lage, Mr. Diaz, Mr. Lista. Nays: None.

- c. Board Support:

Mr. Miner reviewed the department's budgetary provision to provide sufficient funds to facilitate staff's ability to conduct research and occasionally engage independent opinions to provide sufficient facts for the Board to make an educated determination about each case and possible disciplinary action.

Mr. Diaz advised that Miami-Dade County's Board of Rules and Appeals conducts probable cause meetings and formal hearings for contractors regarding permit and violation-related issues. During discussion, Mr. Diaz referenced Miami-Dade County's Board of Rules and Appeals, and staff members Danny Vuelta and Michael Goldsby (Secretary, Board of Rules and Appeals). Mr. Silio relayed his long-term professional relationship with both individuals. As discussion continued, Ms. Figueroa advised Board members about legal limitations that applied to issues they were discussing.

At Mr. Miner's invitation, Ms. Goizueta reviewed staff procedures necessary to provide Board members with comprehensive information derived from research and the gathering of discovery that applies to each case brought before the Board. She said the County's Board of Rules and Appeals charged fees to help cover costs, and provided a packet of information that described its services and fees.

Mr. Miner explained that the City wanted to follow suit for the work of this Board, and asked for input about putting the concept into practice. During discussion of different fee structures, Ms. Figueroa advised that fees should not rise to the level of punishment. It was agreed that a provision could allow for reconsideration of a fee and that the Board would have the authority to remove a fee after the problem was cured. Mr. Miner suggested that staff develop a draft fee schedule and send it to the Board for study in advance of the next meeting. Ms. Goizueta and Ms. Figueroa will contact other municipalities to research their policies and procedures.

VI. CHAIRMAN SELECTION:

Mr. Lage nominated Mr. Diaz to serve as Board Chair. Mr. Lista seconded the nomination. Ayes: Mr. Lage, Mr. Lista, Mr. Diaz. Nays: None.

VII. PENDING CASES:

None

VIII. NEW BUSINESS:

Mr. Lage recommended that Board services provided for Coral Gables residents be publicized and promoted as a service to homeowners and contractors via the City's television programming, E-newsletter and website. Mr. Silio will follow up on the recommendation.

IX. ADJOURNMENT:

There being no further business to come before the Board, the meeting adjourned at 3:05 p.m.

Respectfully submitted,

Antonio Silio

Secretary to the Construction Regulations Board