

City of Coral Gables City Commission Meeting
Agenda Item E-4
April 16, 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

Public Speaker(s)

Joe Jimenez

Geannina Burgos, Cultural Development Board Member

Agenda Item E-4 [1:30 p.m.]

An Ordinance of the City Commission amending Ordinance No. 2022-32 which approved a Planned Area Development for the property legally described as Lots 1-12 and Lots 35-46, including the public alleyway lying in between, Block 10 and Lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street), Coral Gables Florida to allow for the Art in Public Places contribution to be made pursuant to an Escrow Agreement.

Mayor Lago: E-4, I think is something we could address briefly before we go to lunch.

City Attorney Suarez: E-4 is an Ordinance of the City Commission amending Ordinance No. 2022-32 which approved a Planned Area Development for the property legally described as Lots 1-12 and Lots 35-46, including the public alleyway lying in between, Block 10 and Lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and
City Commission Meeting
April 16, 2024

2701 Salzedo Street), Coral Gables Florida to allow for the Art in Public Places contribution to be made pursuant to an Escrow Agreement. This relates to the Regency Park Project, which I will include in the title, if it's approved today on second reading.

Mayor Lago: Are there any questions, any concerns. Do we have any public comment from the community.

City Clerk Urquia: No, Mr. Mayor.

Mayor Lago: Alright. We'll close the public comment.

Commissioner Fernandez: There were concerns that were brought up yesterday at the Cultural Affairs Board regarding this setting precedent. I know that that was one of the concerns that staff had as well. I don't know if staff can come up and address – I think this has happened before. This is not the first time that this has happened, and also, what are the options that were presented initially so that residents can understand how we got here.

Mayor Lago: Mr. Jimenez, would you like to present, go first.

Mr. Jimenez: Yes. Thank you, Mr. Mayor. Joe Jimenez, offices at 2020 Salzedo Street, Coral Gables. The code and the ordinance that approved this project require either obtaining a waiver which would be spending the requisite amount of Art in Public Places funds on the project, designed and approved by city boards, then eventually by this Commission or by simply paying the one percent fee that's calculated by the Building Official. We simply because there was a lot of talk, we're also constructing a park across the street on Salzedo and Almeria, there was talk around the community and around from city staff, from everybody maybe putting the art there. We just ran out of time to get the waiver. We want to do the work. We want to be responsible for the art. We want to bring it to you, just like we did at 2020 Salzedo, which ran out of time, and we're item from getting a building permit. The Art in Public Places waiver takes roughly three months to get in that ballpark, three maybe four, depending how many times you've got to go to the drawing board, and again, we're happy to do it. The escrow agreement would require us to obtain it within six months, so that we can start now the design, work with staff, work with the advisory boards, and then eventually the Commission. If we are working in good faith the escrow agreement also gives the Manager, if he so determines, that we are working in good faith to extend that for a brief period. We cannot get our CO without completing this anyway. That part does not change. The money would be in escrow. It's not a bond. It's not a letter of credit. Its cash with the title company that's already approved the escrow agreement once you all approve it, hopefully. So, in any possible way there is to ensure that the city gets its funds or its art as per the code, we were just asking for a little more time, because we don't know whether to put in the park, we don't know whether to put on the building and we still have to discuss that. It's going to be your park, so we'd

absolutely like your input on that. But that's what it is, and we just ran out of time and we're anxious to start the next phase of the construction, which has already begun the final foundation.

Commissioner Menendez: I personally, the solution that gets everybody, gets the city to where we intend to be at the end of the day, so its an adjustment and I'm not concerned with precedent because sometimes you have to create precedent because it's the right thing to do at the right time, and I think, in my opinion, it makes sense.

Vice Mayor Anderson: Just a couple of comments. Our Arts Advisory Panel, Cultural Advisory Board will still have the same amount of input as they would have, otherwise as to the quality and the selection of the art.

Mr. Jimenez: All this does is allow us to get our building permit before obtaining the waiver, which is what that's the amendment to the PAD ordinance, that was one of my requirements. It's as clear as day. I'm ready for a permit. I haven't obtained the waiver, so I'd have to – I can pay the funds and get it right now, which I'm happy to do, but we want, given Mr. Codina's love of art and given his past performance, he really wants to do this. He really wants to give it some thought, do it correctly. If it involves a sculpture in the park, and on the property and there's a mix of the two, we just ran out of time, and there were some questions. Every other part of the waiver goes exactly like it's required by the code. We go right to the board, then eventually come here.

Vice Mayor Anderson: I'd like the time for a better piece of art to be selected.

Commissioner Castro: This is very simple. They need more time to comply with Art in Public Places. They cannot pay for their building permit because they have a hold of Art in Public Places. Now, in order for them to comply with this – for them to be able to get their permit, they are going to go ahead and put the money that's supposed to go to Art in Public Places that they are going to go ahead and pay us as per contract and put it into an escrow account. So, it's a win-win for us no matter what. They cannot not do the Art in Public Places because we already have the money in escrow, that's the worse case scenario they don't do it. That's not the case, because they won't be able to have a CO. So, it's just a matter of giving them a little bit of time to be able to pay for their permit and start construction.

Mr. Jimenez: And just to put it on the record, the amount is a little over \$1.2 million dollars, that will be in escrow. The cost of construction is determined by the Building Official was a little over \$122 million dollars. I'm hoping that leads to a significant art installation wherever it may go, but at that number we really want to give it some real thought. This isn't buying a little statue and putting it somewhere just to satisfy a code requirement - \$1.2 million dollars hopefully gets us something impressive.

Mayor Lago: Thank you, sir.

*City Commission Meeting
April 16, 2024*

Commissioner Menendez: I'll move it, Mayor.

City Clerk Urquia: Mr. Mayor before you move on, we have Geannina Burgos from the board who wishes to speak on the item.

Mayor Lago: Okay.

Ms. Burgos: Good afternoon, Mayor, Vice Mayor and Commissioners, thank you so much for having me here. My name is Geannina Burgos, I'm one of the members of the Cultural Development Board, and I was asked to speak on behalf of the board on this issue. Yesterday it was brought to our attention that this item was going to go before the Commissioners on the agenda and we have concern about it. There is a process for Art in Public Places for a particular reason. The developers, the way that these processes go, they have plenty of time to go through and pick great art and go through the process through the Arts Advisory Panel, the Cultural Development Board, which is our responsibility to ensure that Art in Public Places is at the quality that it needs to be for a city like this; and we have a concern with this waiver, which is a waiver of the waiver, right, because the initial ways to deposit the money were into the Art in Public Places fund is otherwise a waiver to put the art piece together and have it go through the process, because there's been plenty of time to do this, and we're concerned that then every developer will ask for this situation to happen. I understand that the developer wants to act in good faith and wants a great piece there and that's what we want as well, but we're concerned because there's a process in place for a reason. If we start circumventing this process, it's going to become a problem down the line. And so, the Cultural Development Board is not in favor of this going forward.

Mr. Jimenez: And I appreciate concerns about precedent, but every time you have a precedent when new facts come along you can distinguish it. Why is it not the same? Which is why it's so important to stress again, there has not been plenty of time. Part of my project is your property and I defy you to find anybody in this building who has given me clear direction as to what you all want there. When I got this approved two years ago, I stood here before at least three of you saying, this is a public park. I want to make sure that there is buy-in from the community because it's yours, it's yours, and we haven't gotten there. If there's going to be art there, we've never discussed it with you all. There's obviously been changes, so there's new opinions and we will hear from whoever we have to hear from, but to her contention that there has been plenty of time, I don't want it out there that we were simply being lazy. A significant portion of our property is public land and we have not worked with you all. There's a new Manager now, there's new Commissioners. So, even had we worked and there were opinions back then that are no longer quite frankly represented by the people in front of me. So, I don't want it to seem like we just didn't do it and we had plenty of time. When we're going to work together, and develop and I'm going to develop your property, I would really appreciate your input as to what I put on there. So,

*City Commission Meeting
April 16, 2024*

[Date]

4

that's a distinguishable factor in this. I appreciate her concerns. I do. But there is a slight distinction that was missed by those comments. So, thank you very much.

Mayor Lago: Thank you, sir. What is the will of the Commission?

Commissioner Menendez: I'll make a motion. With all due respect to the board, I think you've had a lot of issues, historic preservation, things that on a case-by-case basis were necessary. We've made decisions based on the facts, based on the situation and I think that's why we're here to be able to look at the facts and the current situation and make a decision. So, I'll move it.

Commissioner Fernandez: And I think going forward what I would like to see is that the board is factored into this equation before and I don't know if that's something that you and I need to work on together, Madam City Attorney on making sure that this doesn't come to us fresh, should have gone to the board first for the board to make a formal recommendation.

Mayor Lago: Is there a motion and a second.

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Thank you.