

City of Coral Gables City Commission Meeting
Agenda Item H-1
February 27, 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

Interim City Manager, Alberto Parjus

City Attorney, Cristina Suárez

City Clerk, Billy Urquia

Assistant City Attorney, Naomi Levi-Garcia

Finance Director, Diana Gomez

Public Speaker(s)

Lynne Blustein

Agenda Item H-1

A Resolution of the City Commission calling a Special Election on the proposed non-binding straw ballot question to be held on August 20, 2024; providing for submission of a non-binding straw ballot question to the electors related to the possible annexation of Little Gables; providing for requisite ballot language; providing for procedure for balloting; providing for notice; providing for related matters; and providing for an effective date.

Mayor Lago: Moving on to the last item on the agenda.

City Attorney Suarez: Mayor, H-1 is a Resolution of the City Commission calling a Special Election on the proposed non-binding straw ballot question to be held on August 20, 2024; providing for submission of a non-binding straw ballot question to the electors related to the possible annexation of Little Gables; providing for requisite ballot language; providing for procedure for balloting; providing for notice; providing for related matters; and providing for an effective date.

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*Agenda Item H-1 – Resolution calling a Special Election on the proposed
Non-binding straw ballot question to be held on August 20, 2024*

Mayor Lago: How are you?

Assistant City Attorney Levi-Garcia: How are you. Good afternoon, Mayor and Commissioners, Naomi Levi-Garcia, Assistant City Attorney. Late last year, the Commission passed Resolution 2023-366, directing staff to place a straw ballot question on the August Primary Ballot. This resolution proposes the language for that question, authorizes the Clerk to take all necessary steps to work with the Elections Department, to make sure the question is on the ballot, and sets forth the other required steps for a Special Election.

Mayor Lago: Quick question, if I may. I'd like to have the Zoning Director please join us. How are you.

Zoning Official Garcia: Good, thank you.

Mayor Lago: Thank you for being here. One of the concerns that I have that we haven't talked about really in depth is the issue of SB-102 in this area. I know it's ever-evolving discussion at the state level. Can you give us just, I just want to put this on the record, so we have it on the record and it's something that's important. The current zoning county, whether if it was annexed and it became the Gables, what would be the effects in regard to, let's say, workforce housing, density, intensity. Can you give us a quick brief rundown in regard to how SB-102 could have a positive or a negative effect on that area.

Zoning Official Garcia: So, as currently in the state statute, it would be within one mile. It affects the height, the density, and the use of property, so all the commercial properties that are on 8th Street would be impacted and be able to, if the property owner is interested, be able to utilize the local to be able to change the height, as far as one mile of the property, as currently drafted and adopted in the state statutes, and the local act, and the highest density within the jurisdiction of the county, or in our case the city.

Mayor Lago: But if it became part of the City of Coral Gables, it would be one mile adjacent to that property, correct.

Zoning Official Garcia: Yes.

Mayor Lago: And the county would have no jurisdiction, any of the buildings in the county within one mile would not play into that project or it would?

Zoning Official Garcia: Correct – No. If it was annexed in the city, it would be city jurisdiction, not the county.

Mayor Lago: So that's one of the reasons why I think it's important to really consider annexation, because obviously now with SB-102, if we were able to annex this piece of property, I think that it's something beneficial we would control our destiny in regard to zoning. If not, you look at a

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one-mile radius, in regard to SB-102, but if it's the county, not only could you have workforce housing there, but you could also have a pretty significant large project. Again, I don't know the exact numbers, the height, the width, I'll have to study that, but I bet that the City of Coral Gables has more rigorous standards that would in turn limit the height or size or impact on the project. Just wanted to put that on the record, so that my colleagues can think about that in the future and just as SB-102 continues to evolve. It's an opportunity to potentially protect our borders, along with the crime issues and a few different things that I think are important. Are there any questions from the Commission?

Vice Mayor Anderson: No questions, but really some comments, because the last vote on this I indicated that I wasn't ready at this time, because really, I wanted to hear from the folks that live in Little Gables and have their vote take place first. It seemed premature to be expending the funds on hearing from Coral Gables residents and we don't even know whether the folks in Little Gables really want this. That was my comment on that, but be that as it may, and the vote has been taken to do this ballot, Commissioner Menendez, I think this does provide the opportunity to do what you wanted to do back in September and hear from the residents on other issues without spending an additional dollar and be able to save our city some money to be able to utilize it on other projects or on salary increases that have been needed for a long time for some of our folks that work the hardest in the general employees or in other contracts that are still pending, and we always have the issues of Capital Improvement Projects, such as sidewalks and street repaving's and many other things that we can use the additional money from. So, I'm asking at this time to consider, because it's not going to cost us an additional dollar to include the survey, essentially that you wanted to do back in September to get the view of the residents on whether or not they wanted to move the vote to November. This would not pose the same problems that the other type of surveys did because no one would be subject to the Foia request for their identity on which person voted this way or which person voted that way. This would be a great opportunity to hear from everybody.

Commissioner Castro: For the language that's on the ballot, through the Manager and with the support of the Commission, I would like for there to be, how much it's going to cost the residents, because when you're just asking this question, is that really giving the full picture of what's going to come out of their taxes.

Assistant City Attorney Levi-Garcia: We're confined in the number of words that we can utilize for both the title and for the question. It's 15 words for the title, it's 75 words for the question. So, of course, this language is up for discussion if you want to modify it, if that's the will of the Commission, we'll proceed accordingly. We're currently at 52 words, so logistically I'm not sure how we include that type of information and stay within the 75, and then what exactly – it's really different.

Commissioner Castro: We could put in a five-year or in a five-year term it's going to cost the city this much.

Assistant City Attorney Levi-Garcia: So, everything we currently have is an estimate.

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Commissioner Castro: Okay, its estimated then.

Assistant City Attorney Levi-Garcia: It's also dependent on the property's values of the Little Gables properties at the time of annexation, that determines what comes out of the city's coffers, right, and what's not kind of underwritten by their property taxes.

Commissioner Castro: So, we could write that it's an estimate, but we need to put out the information of what it's going to cost the residents.

Assistant City Attorney Levi-Garcia: So, I'm happy to rework the language. I would need the Finance Director to propose something as to what kind of estimate to include. I think it's hard to quantify in such a small amount of words.

Mayor Lago: Thank you very much.

Vice Mayor Anderson: May I make a suggestion.

Commissioner Castro: Yes, but they already had an estimate, and they went over with us the numbers.

Assistant City Attorney Levi-Garcia: In a full PowerPoint presentation.

Commissioner Castro: The same numbers they presented to us; we could present to the residents.

Vice Mayor Anderson: May I make a suggestion.

Commissioner Castro: Yes.

Finance Director Gomez: Good afternoon, Diana Gomez, Finance Director. So, as Naomi was saying, it is just an estimate, it's based on a lot of different factors, assuming that certain things would happen in year 1, in year 2, of that five-year timeframe the schedule that we presented in the individual meetings, and so, it would be very difficult to - giving just that number I don't know that its, it's not self-explanatory just to give a number, right. I think it would be very misleading, I don't know.

Commissioner Castro: But this language right here is misleading, because if I were to read this right here, I would say, absolutely, sign it over, it's not going to cost anything. But we're not being completely transparent with, it's going to cost us something.

Finance Director Gomez: Yes. I mean, absolutely. When we went over the numbers, we saw that there was a proposed loss in the first year and every year thereafter there was a lesser loss. So, the first year always has the largest loss because you have to make an initial investment. So yes, but

as to the actual language, I don't know that you can explain it with a limited amount of characters that we are.

Commissioner Castro: You can put less of the estimated amount within the first five years.

Vice Mayor Anderson: May I make a suggestion. Because having voted on a number of county proposals for ordinance changes and different ballot items that I have been doing since I was registered to vote when I was 18, and now I'm 63 years old, I've seen a lot more of these types of things. And what the educated voter does is you do research. Now we can make a reference to where they could learn the information from, but there's too much information to learn. It would be improper, I think, to put a solitary figure in there without more of a comprehensive discussion, which you're never going to be able to fit on any ballot item. I typically would go through and research the impact of anything, whether the county had various things where they were taking away rights to do one thing or another and you wanted to know what the impact on businesses were doing to make an intelligent choice on that item. So, I think if you want to put a reference to places where people can obtain that information that's one thing and that information could be housed there, but to put just a single figure on there, based upon an estimate on whatever economic conditions at a certain point in time would not be enough information for voters to be able to make that choice. We rely upon voters to educate themselves, just like when they vote for individuals on this Commission. You have a yes or no on whether you not want a name, and if you haven't done your research, you need to do your research and people need to do the research on this item in order to be able to understand what the cost and benefits are on everything that they do, whether it be a charter item, whether it be any other item, you should know what the cost and the benefits are.

Mayor Lago: If I may. So maybe the option is we mail to the residents a very simple brochure explaining what is the purpose of the annexation and what the cost is, is that even a possibility?

City Attorney Suarez: We're not allowed to do that pursuant to state law.

Assistant City Attorney Levi-Garcia: I think we'll be violating state statute if we did that.

Vice Mayor Anderson: Can we make a cross-reference to where they can find more information. I'm sure the Miami Herald will publish stuff as well.

Mayor Lago: Our website will be fine.

City Attorney Suarez: So, I think we'd have to research whether we can put something like that on a ballot question. I think maybe...

Assistant City Attorney Levi-Garcia: We can come back, research it and come back. We definitely can post information on our website, and we currently have a lot of information posted on our website.

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Commissioner Menendez: When this discussion came up months ago, there were presentations, just basically maybe getting that and doing like shrink it down a little bit so we don't have to go through all that and make it accessible on the website. I think that's a way to get there.

City Attorney Suarez: So, like Naomi mentioned, there is a lot of information already accessible on the website. I think the issue we're going to look at is to what extent we can reference a website on a ballot question.

Assistant City Attorney Levi-Garcia: If that's the direction of the Commission.

Vice Mayor Anderson: Well, you know we could put it out in E-NEWS, you know we have garbage bills coming.

Assistant City Attorney Levi-Garcia: Just to put things in perspective, there was a recent change in state statute that preempts the city from sending out information on a question that's going to come up on referendum. So, because annexation will eventually come up on a referendum and even now a straw ballot question is arguably a question that's on a ballot, right, we're not able to send information to people on that question. We can post information. We can have it available at meetings.

Commissioner Menendez: You can post it and I think we are not allowed to do it either, city or elected, send out, but let's say other groups, individuals want to share whatever we post, they can.

Assistant City Attorney Levi-Garcia: Yes.

City Attorney Suarez: That would be up to them, yes.

Commissioner Castro: Have you guys read the ballot question?

Vice Mayor Anderson: Yes.

Assistant City Attorney Levi-Garcia: I can read it in. I can read it out loud if you want.

Commissioner Castro: Just making sure everybody saw it. And you presented numbers to me, and I think you presented to the whole Commission and that's what I based my decision on, some of my decision on, but I don't understand why you wouldn't be able to present the same number.

Finance Director Gomez: So, just to be clear. I'm just saying that it's difficult in one sentence to explain what it would cost, that's all I was trying to say. The presentation, the study that was done by George Duyos and Associates, we had hired a consultant, he's the one that did the interviews with the departments and he did all that and we came up with a number, and so that number, like for the five years was \$5.9 million dollars would be the loss or the theoretical cost to the residents for that five year period. And so, to just say that the cost to the residents over a five-year period would be \$5.9 million dollars, I don't know that that's enough of an explanation because it would

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have to say estimated cost based on certain information because this was information, property tax information that we had at that point in time. All I'm trying to say is that it is really an estimate and that's it. Yes, we did this study, and these are the numbers that we came up with.

Commissioner Castro: But I think that point would show the person reading that, that it's going to cost us something, that it's not free. And that's the whole point that I'm making here.

Finance Director: Understood.

Commissioner Castro: But I feel that the reader will say yes, because they don't understand it's going to cost them something, right.

Commissioner Menendez: My related question. We've all voted on a bunch of ballot kind of questions in our lifetime. Could you find out if maybe a county ballot question or other cities have had a basic question like this, not annexation, but where there's a dollar or something in the language. I don't recall ever seeing it, but if it's out there it would be good to know. I don't mean for you to tell me right now on the spot.

Assistant City Attorney Levi-Garcia: We can certainly research that. What we're trying to convey is, there isn't an issue with just putting a flat number in the question, but we feel that there's probably an issue with that number being fully accurate without an explanation of the assumptions that lead us to that number. So, to just say that number in a vacuum, we believe there's a risk that that could be misleading a little bit.

Commissioner Castro: Even if you put estimated?

City Attorney Suarez: I think it goes beyond estimated. It's an estimate based on assumptions.

Finance Director Gomez: Different assumptions, yes. It's not very straightforward and that was my only point, that it needs explanation.

Assistant City Attorney Levi-Garcia: I can also look at reworking this language to make it more clear that there are costs involved with annexation, maybe without saying a specific number. If your concern is just making sure people understand this is not just an administrative process. There are costs involved.

Commissioner Menendez: I personally would like that. Anyone is intrigued then they will ask questions. It's all about asking questions and getting answers to the questions, and related costs, or costs associated with it. I think that at least, like you said, is not like, there's more to it.

Finance Director Gomez: Right. And then we can post the numbers with the assumptions that were made maybe on the website so that they can find the information readily available, because it's a little more thorough, I think.

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City Attorney Suarez: So, we'll bring it back. So, we'll work on something to include some language that suggests or indicates that there are costs, and we'll bring it back for approval.

Mayor Lago: Thank you for your hard work. I appreciate that. Madam City Attorney, the last item on the Commission is a resolution of the City Commission appointing Amos Rojas, Jr. as the City Manager of the City of Coral Gables and approving his salary and benefits package.

City Attorney Suarez: Mayor, she's been here all day.

Mayor Lago: Oh, I'm sorry, I apologize. I didn't know. Excuse me. I apologize about that. Mr. Clerk.

Ms. Blustein: May I.

Mayor Lago: Just want to make sure he has your card.

City Clerk Urquia: I do, Mr. Mayor.

Mayor Lago: The floor is yours. Take whatever time you need.

Ms. Blustein: Good evening.

Vice Mayor Anderson: Its appropriate.

Ms. Blustein: The last sentence of this resolution, H-1, says, the City Commission shall retain the authority to decide whether to proceed with annexation notwithstanding the results of the Special Election. Here's my question. Does that mean that if a majority of Coral Gables voters does not wish to spend the \$23.6 million dollars on annexation and vote no, saying they are against it, that their majority vote does not count. That's the question.

Mayor Lago: Good question.

Ms. Blustein: Is anybody going to answer it.

City Attorney Suarez: Mayor.

Mayor Lago: Moving forward.

Ms. Blustein: A previous presentation by your city showed that it will cost the Coral Gables taxpayers \$23.6 million dollars over the first five years. I am under the impression that the residents of Coral Gables would much rather have the \$23.6 million dollars spent on their many overlooked needs. It is no secret that I am vehemently opposed to the annexation of Little Gables. Many of us simply cannot afford to live in Coral Gables. It is no secret that Little Gables was never meant to be Coral Gables. Little Gables does not have the winding boulevards, lush green treescapes and

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uniform architecture that is the advertised promise of Coral Gables. And make no mistake, I'm not just here for myself. I am here for my many, many neighbors that could not attend most of these meetings. I speak for them as well. Why would I sit here all day? I am here because *una mujer tiene que hacer lo que tiene que hacer* (A woman's got to do what a woman's got to do). You just spoke about homelessness. You must know that annexation will create homelessness for many residents of the trailer park. I encourage you to think about what you just said and back off your urge to annex Little Gables. You just said you need to make homelessness a priority. You have the opportunity to not exacerbate the problem. Please take that opportunity. You also just spoke of music in the public schools. I've been playing the guitar for 60 years and it is the great joy of my life. One of the Oscar short documentary presentations is called, "*The Last Repair Shop*." I saw it at the fabulous Gables Cinema, and everyone can view it on YouTube. It's about the absolute necessity of music programs in public schools. I watched it twice. I'm a lifelong Miami resident. My father was a police detective, my mother was a mighty nurse and may have cared for you or someone you know at the Jackson Memorial Hospital Pediatric Outpatient Clinic or the Cardiac Ward at Mercy Hospital. I was raised to be in service of my community and I am a good neighbor. In closing, I would like to say the following. Dear Coral Gables Residents, when the August 20th election is held, please vote no regarding annexation of Little Gables. If you need a ride to the poles, I'll be happy to give you a ride. Remember that the \$23.6 million dollars of your hard-earned tax dollars would be much better spent on your city services for you and the vital repairs that are needed. Thank you very much.

Mayor Lago: Thank you very much. Madam City Attorney.

City Attorney Suarez: So yes Mayor, this is a non-binding straw ballot question. Ultimately it will be up to the Commission to decide whether to move forward and indeed, if you are going to move forward the resolution or there should be a public hearing that would ultimately require a resolution to file the application with Miami-Dade County, so its not binding either way. In other words, this question is not binding either way.

Mayor Lago: Perfect. Thank you very much.

Commissioner Castro: That was the answer.

Ms. Blustein: [Inaudible – off mic]

City Attorney Suarez: I said that it is not binding either way because if the Commission were to decide to move forward with the process regardless of the results of this ballot question, there would have to be a public hearing and a resolution of this Commission before they determine to file the application with Miami-Dade County. So, this was at the direction of the Commission is something to kind of gather input or see where the residents are on this issue, but it's not binding. They are using it as guidance essentially. It would be up to the Commission.

Mayor Lago: Yes.

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Vice Mayor Anderson: Mayor, and if a huge majority say yes, it still will have to go through the County Commission and the County Commission would still have to approve it, correct me if I'm wrong, for Little Gables residents to vote.

City Attorney Suarez: Correct. But even if there's a big majority in favor as a result of this question, we would still need to have a public hearing where this Commission would need to make the determination whether to file the application, and then it would go through the County hearing process, the county process, including hearings.

Commissioner Menendez: It would be one of many factors we would consider.

City Attorney Suarez: Yes.

Mayor Lago: Okay. Thank you very much. Thank you for being here and I apologize for the wait.