

City of Coral Gables City Commission Meeting
Agenda Item F-5
October 12, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant City Attorney, Gus Ceballos

Public Speaker(s)

Agenda Item F-5 [Start: 11:08 a.m.]

An Ordinance of the City Commission amending the Cocoplum Phase 1 Street Lighting Special Taxing District, as created by Miami-Dade County pursuant to County Ordinance 20-114, to increase the proposed streetlights from 55 to 123 lights and change the method of assessment from assessing on the basis of lot frontage to applying a per parcel charge; providing for severability clause, repealer provision, and providing for an effective date.

Mayor Lago: Moving onto F-5.

City Attorney Ramos: F-5 is An Ordinance of the City Commission amending the Cocoplum Phase 1 Street Lighting Special Taxing District, as created by Miami-Dade County pursuant to County Ordinance 20-114, to increase the proposed streetlights from 55 to 123 lights and change the method of assessment from assessing on the basis of lot frontage to applying a per parcel charge; providing for severability clause, repealer provision, and providing for an effective date. This is a public hearing item, Mr. Ceballos.

City Commission Meeting

Assistant City Attorney Ceballos: Good morning, Mr. Mayor, Vice Mayor and Commissioners. So, you may recall this item came to you guys a few months ago with the approval of the language of the petition. The petitioners then took that petition and got it circulated. They originally submitted within the timeline just before the four-month timeline. They were possibly contemplating coming back to the Commission requesting an extension. They did not have to do that. So, in regard to the actual petition itself, because I know that you've all been copied on some e-mails, so I'm going to try to address that as best as I can. So originally the initial submittal included roughly 105 signatures; there are 149 parcels within the community. So, to achieve 50 percent, they would have required at least 75 votes to achieve the 66.6 required to come to the Commission and waive the requirement of an election, they needed 100 votes or 100 signatures. They submitted the petition with 105 signatures. On initial review, we came to the conclusion that 101 looked good, 4 of them were corporate owned properties that were not on Sunbiz, and I had no way to confirm the signatures or who was signing. They went back and they got four corporate resolutions from each one of those and that kind of shored up their account back to 105. Then we had some deliberation between what the county policy is, and just for your knowledge. The county does not do any sort of verification whatsoever on the petitions. In other words, if the property says its owned by George Fors, and there is a scribble next to it, they take that as George Fors signature. They make no attempts to verify the signature. Why is that important? We were following the same process that the county had originally set up, but the one nuance difference is that because of our amendment process or policies, there is an option for this to move forward without an election. At the county, regardless of how many signatures you get, the decision isn't made until there is an election at the end of it. Our code allows or our policies allow for an option, always at the discretion of the Commission, to move forward without requiring an election if there is an overwhelming majority of support. So, the reason why I say that is, we went through the list, we found 17 signatures that were minor deficiencies, meaning there were two names on the property, only one had originally signed or there was some sort of issue with it. The petitioners went back and were able to provide 12 out of those 17 verifications, they are still working on the other 5, but as it currently stands with our verification, we are at 100 signatures, which is the minimum for that 66.67 percent. I will say this, this has been a learning process for all of us, since this is the first time, we really go through this process with the nuanced petition approval and things of that nature. We've moved kind of the goalpost for the petitioners' multiple times. I want to say that they've done an exceptional job, they've been diligent. They have taken our instruction and gone back to the residents, and they have done an excellent effort to make sure that we do this as best as we possibly can. So, with that being said, I'm assuming they are here, and they'll probably want to speak in regard to their process, but as it currently stands, there is just over the required 66.67 percent of signatures on this petition to move forward. At the end of the day, its always at the discretion of the Commission. They could have brought 90 percent petition signatures and you can all still request an election to be held, but it's up to you.

Mayor Lago: Thank you Gus. Thank you, Mr. Ceballos. I've been working on this for a long time with Cocoplum and as the gentleman will tell you, if he comes up and speaks to us, and Gus will tell you whose been working on this for a long time. Gus' comments about the commitment of the residents is, I think, he's underplaying it a little bit. They have been committed to this process. They want to continue to upgrade Cocoplum Phase I to bring it up to the caliber that it deserves,

City Commission Meeting

and staff's commitment in moving forward and addressing these issues is one that I have to commend. We have gotten some e-mails from one individual who opposes this, obviously, but everyone has the right to oppose, that's perfectly fine. But everything has been done, in my opinion, and I'm not a lawyer, been done with good intentions, in the Sunshine. They've dotted their I's and crossed their Ts in an effort to just bring better lighting, more reliable lighting to their community. So, this is what I've been working on for probably four or five years. I ask you to support this. There is no reason why not to support this and let's move forward to continue to beautify one of these communities. By the way, its also taking the liability and the cost away from the city. We are spending, and correct me if I'm wrong Mr. Manager, close to \$50,000 a year maintaining these lights.

City Manager Iglesias: Yes Mayor. This is based on a new tariff of FPL, and it also provides any maintenance or any reconstruction by FPL. In addition to that, this subdivision has very unusual lots, so really the lot requirement is really the appropriate way versus frontage, to really assess it. So, we concur.

Mayor Lago: So, moving forward it's a win/win for all involved, and I think there is an opportunity for us to continue to support an area, in my opinion which is continuing to grow, and you see a lot of young families moving in there, and I think it's a great opportunity to just benefit this area a lot.

Assistant City Attorney Ceballos: And if I may just for the purpose of clarification, just so we know how we got here. The request here was just increasing the lights from 5523 and, as the Manager just suggested, we are just changing the method of assessment. Originally, when this was at the county for the initial creation, the petitioners wanted these changes to be done, but the county took basically kind of a hands-off approach, and basically put it onto the city. Once it becomes part of the city, it's the city's responsibility to make the change. So, the petitioners always wanted to make that change from the initial petition at the county. For whatever reason, the county was unwavering in their lack of desire to make that change. So, we are here because of that. That's the reason why this petition, this district was just created a few months ago. They have not been taxed this year, it wouldn't happen until next year, but that's the reason why there's an amendment so close to the initial creation.

Mayor Lago: So, with that being said, if there is any further comment or any public comment, I'll entertain a motion.

Vice Mayor Mena: I'll move it.

Commissioner Fors: Second.

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Mayor Lago: Yes

City Commission Meeting

(Vote: 5-0)

Mayor Lago: Thank you very much. One step further. Thank you.