

City of Coral Gables City Commission Meeting
Agenda Item 2-2
Commission Chambers
December 8, 2020
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors, Jr.
Commissioner Pat Keon
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia

Public Speaker(s)

Ariel Fernandez

Agenda Item 2-2 [12:13 p.m.]

A Resolution of the School Community Relations Committee requesting that the City Commission require notices that are sent to the Miami-Dade County School District be sent to the Superintendent's Office, the District 6 School Board Member's Office and the affected school's principal via certified mail.

City Attorney Ramos: 2.2 is a Resolution of the School Community Relations Committee requesting that the City Commission require notices that are sent to the Miami-Dade County School District be sent to the Superintendent's Office, the District 6 School Board Member's Office and the affected school's principal via certified mail. Naomi Levi-Garcia should be on to speak to this item, if there are any questions.

Mayor Valdes-Fauli: Are there any questions? Alright, will you call the roll please. Do I hear a motion, sorry?

City Attorney Ramos: There is no action required if the Commission doesn't wish to move forward.

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*Agenda Item 2-2 – Resolution of the School Community Relations Committee
Requesting that the City Commission require notices sent to MDC School District*

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Mayor Valdes-Fauli: We wish to move forward, is there a motion? This is 2.2, School Community Relations Committee requesting that the Commission require notices be sent to the Miami School District.

Naomi Levi-Garcia: Mayor, if I could clarify for the benefit of the Commission. This is Naomi Levi-Garcia, Assistant City Attorney and Intergovernmental Affairs Manager. Good morning everyone. I just wanted to point out that what this resolution does, in addition to the resolution that you all passed in October, is that it requires the notices to be mailed to the District 6 School Board Members office, and it requires all of the notices to be sent via certified mail, which is not currently required.

Vice Mayor Lago: I don't know if my colleagues disagree with that. I don't see any issues with that at all.

City Manager Iglesias: Vice Mayor, I've already sent a letter out to all the agencies that provide our mail service with the Superintendent's address and to send the notices also to the principal of every school. So, I've already sent those letters out, those letters to every one of those, so I think that would be sufficient.

Commissioner Mena: Is there any issue with the certified mail aspect of it.

City Manager Iglesias: We normally don't do that. I think this mail, this would send it directly to the address of the Superintendent, it would send it to every affected school within our notice area, to the principal.

Vice Mayor Lago: Why not do both, if you don't mind me asking, what does it matter? Its just another layer, another layer of protection. We've heard it probably two or three times today already from residents and from people who say that they want more notice or that they want more ability to give input.

[Inaudible – Everyone speaking over each other]

Vice Mayor Lago: I send certified mail and I know that Commissioner Fors and Commissioner Mena do as a result of their jobs. I have to send probably five or six items a day certified mail to ensure that my subcontractors are aware of their insurance requirements, of contract notices, intent to liens. What does it cost me? - \$2, \$3 for a letter.

Mayor Valdes-Fauli: Let me comment on this.

City Manager Iglesias: If we forget to certify this or something.

Vice Mayor Lago: And my last comment is this point and I'll leave it here is, at the end of the day its another opportunity for us say listen, we sent you a certified letter and you decided to not take any action or let it go by the wayside. It's just an opportunity.

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City Manager Iglesias: That's something we normally do not do, Vice Mayor.

Mayor Valdes-Fauli: Hello? Can you hear me?

Vice Mayor Lago: Yes sir.

Mayor Valdes-Fauli: We've been accused for about an hour and fifteen minutes this morning by many people of not providing, the last two or three Commissions, of not providing notice. They asked that we pass this resolution to make sure that on the School Board gets notices. I don't think we'll lose anything by doing this. We comply with them so they can't say in the future that we refused to provide certified mail to the affected school principal, School Board Member's Office and the Superintendent. I don't see anything wrong with this and they have accused us of not doing it, so let's pass a resolution. Do I hear a motion?

Commissioner Mena: Look, I don't necessarily have an issue with it. My question is, just to pick up on the analogy of what Vice Mayor Lago brought up, as an attorney we serve and file things everyday in cases we have. We do it by e-mail electronically nowadays, believe it or not. When you e-mail something, you have a record that it was sent. Is there a reason why when we send these things there can't just be some system in place whereby, we e-mail all the principals and the School Board and whoever else and just blast out e-mails? I'm good with it one way or the other. Its always good to provide notice, but at some point if you create so many layers and layers and layers of red tape and how you do things, then you are just setting yourself up for failure if it doesn't happen, and then later on they are going to say, look, you didn't even follow your own rule.

Mayor Valdes-Fauli: I agree with you, 100 percent. I agree with you, 100 percent. You are very much right and I would hate to be the person that says, that we shall notify these people by registered mail or by certified mail when ten or fifteen people talking about the Carver issue said that we weren't providing notices. I don't think that we have anything to lose by passing this. If the Commission doesn't want to pass it, then I respect the wish of the Commission and let's go on to the next item.

Commissioner Mena: Mayor, we are just trying to get some clarity from staff on what issues there may or may not be. Go ahead.

City Attorney Ramos: So, I think we need to distinguish. Mail notices required by the zoning code is not defined as certified mail, as far as I know. So, if we are looking to make required mail notice certified mail, I think that's going to be an ordinance that amends the zoning code.

Commissioner Mena: So, let's just make it mail notice.

City Attorney Ramos: Its already mail...

Commissioner Mena: To the additional...

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City Attorney Ramos: It already is. You all adopted a resolution last time and Naomi can take you through what it does, that implements additional notice. Its just not by certified mail.

Vice Mayor Lago: Madam City Attorney, and I'm sorry to interrupt Commissioner Mena, just look at your own ordinance. It says, affected school principal via certified mail.

City Attorney Ramos: What says that?

Vice Mayor Lago: It says, its very clear, that school principals....

City Attorney Ramos: This is a lower board's ordinance, resolution asking you to take action.

Vice Mayor Lago: I understand, but I'm saying it basically says here, they want it by certified mail.

City Attorney Ramos: No, no, I know what they want. The question is, how we get to what you want?

Commissioner Mena: The question is, if we require it for everything else by normal mail, why can't we just do normal mail?

City Attorney Ramos: Which we've already done, by the way, you have done that in your last resolution.

Mayor Valdes-Fauli: We do. But the School Community Relations Committee has requested that we pass this resolution.

Commissioner Mena: Right, but there are two parts to the resolution. One part is that we send it to the additional individuals.

City Attorney Ramos: Which has been done.

Commissioner Mena: One part is that you do it by certified. I think we all agree on let's send it to the additional individuals, more notice the better. I'm not sure you need to send it in a different fashion to these individuals than you do to everybody else who get sent notice.

City Attorney Ramos: Naomi, can you explain what the resolution that the Commission adopted at the last meeting did.

Mayor Valdes-Fauli: Naomi? Hello?

City Attorney Ramos: So, I'm going off memory, but the Commission adopted at the last meeting a resolution that required for us to notify the providers of the lists, because you remember most

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notices goes out by developers, not by us, so there is a list, there are three or four different list providers in the city, I suppose, that routinely provide these. So that's the letter Peter is talking about. In accordance with that resolution you all adopted, he sent out a letter asking those providers to add the Superintendent's suite number, because it was going to the main building, not to the Superintendent's office. So, to add Superintendent's office to that, and in addition to send it to the principal of the school that would be affected. That's already been done, adopted and is being implemented by the Manager's office. The only thing this is doing is asking for that process to be done by certified mail.

Commissioner Mena: Certified mail is a very antiquated process.

Mayor Valdes-Fauli: What difference does it make.

Commissioner Fors: Often comes up as undeliverable a lot of times.

Commissioner Mena: Yes, exactly. I would just make sure that we send notice to these individuals at whatever address is appropriate, in the same fashion we send all our notices. We were not previously providing notice to these people, right?

City Attorney Ramos: We were providing it to the School Board, but not to the Superintendent's office and not to the principal.

Commissioner Mena: Right. So now, we will be providing the notice to the Superintendent's office and to the principal. I would just – look, I get the notion of hey, let's just do it because its easy and I get that and I appreciate that, I really do, but I don't want to make it so technical that now you don't comply with your own rule and then you run into an issue.

City Attorney Ramos: The only additional thing...

Mayor Valdes-Fauli: Let's go on. We will tell the Community Relations Committee that we will not do it. We will add the people, but not do it by certified mail and let's go on to the next item.

City Attorney Ramos: The only additional thing that this might add is the School Board Member's office. I'm uncertain if that was in the resolution.

Commissioner Mena: Okay. So, here's what I'm going to do. I'm going to make a motion.

Naomi Levi-Garcia: Sorry to interrupt. That was not in the original resolution, so this would add the School Board Member's office.

Commissioner Mena: I'm going to make a motion to adopt the resolution as prepared with the one exception of just doing it by ordinary mail, as you do all your notices.

City Attorney Ramos: So, to adopt a resolution that adds the School Board Member's office but removes the certified mail requirement.

City Manager Iglesias: Commissioner, we've already adopted it.

Commissioner Mena: I was just told by Naomi that part of it was not.

City Manager Iglesias: Well the School Board Members, we can also include them. I have no issue with that.

Commissioner Mena: Again, my motion is, let's adopt a resolution with everything it has with the exception of the certified mail part, so that its consistent with the way you send all notices.

Commissioner Keon: I'll second it.

City Manager Iglesias: That's fine.

Mayor Valdes-Fauli: Okay. Is there a second to the motion?

Commissioner Keon: I did.

Mayor Valdes-Fauli: Okay. Will you call the roll please?

City Clerk Urquia: Before you move on, Mr. Mayor, just really quick. So, Mayor, this is not the resolution being adopted. Are we bringing one back or...?

City Attorney Ramos: I think they can vote now, and we'll just prepare the resolution after the fact.

City Clerk Urquia: I do have someone on Zoom who would like to speak on this item, Mr. Mayor.

Mayor Valdes-Fauli: Okay.

City Clerk Urquia: Its Mr. Joshua Goodman.

Mr. Goodman: Yes, hi. Thank you for taking, my apologies, I was a little confused as to when you were supposed to speak. I'm a resident a ___ Majorca Avenue. With all due respect to the City Attorney, I think she is being disingenuous, and I have to...for the benefit of the Commissioners and the City. There were public hearings previously on the development of the lot in front of...

Commissioner Mena: This is not the item on Carver, sir. This is not the item on Carver.

Mayor Valdes-Fauli: This is not the item.

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Mr. Goodman: I understand that, but...

Commissioner Mena: So, you can't be heard on it now. I'm sorry.

Mayor Valdes-Fauli: No. I'm sorry.

Commissioner Mena: That's not what we are discussing right now.

Mayor Valdes-Fauli: This is not the item. We are discussing notice items to the principal and Superintendent's office. Thank you.

City Clerk Urquia: Mr. Mayor, I also have a board member of the School Community Relations Committee, Mr. Ariel Fernandez would like to speak on this.

Mayor Valdes-Fauli: Okay.

Mr. Fernandez: Good morning or good afternoon. As a point of clarification, the reason that we put in certification as part of the requirement, there had been questions in the past as to whether the mail has been delivered, so the reason that we put in a resolution requesting certified mail was just to ensure that the city had proof that the documentation was sent and received by the School District. Just wanted to clarify that.

Mayor Valdes-Fauli: Thank you. Anything else? Any other comments, if not, please call the roll.

Vice Mayor Lago: Yes
Commissioner Mena: Yes
Commissioner Fors: Yes
Commissioner Keon: Yes
Mayor Valdes-Fauli: Yes
(Vote: 5-0)

Mayor Valdes-Fauli: Thank you.