

City of Coral Gables City Commission Meeting
Agenda Items F-5 and F-6 are related
October 24, 2023
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, Peter Iglesias

City Clerk, Billy Urquia

Deputy City Attorney, Stephanie Throckmorton

Public Speaker(s)

Agenda Items F-5 and F-6 are related [2:45 p.m.]

A Resolution of the City Commission readopting the Civility Code for members of the City Commission, expanding its applicability and providing for procedures and consequences for violation of the Civility Code.

(Sponsored by Commissioner Castro)

A Resolution of the City Commission readopting the Civility Code for members of the City Commission, expanding its applicability and providing for notice, procedures, and consequences for violations of the Civility Code.

(Sponsored by Vice Mayor Anderson)

Mayor Lago: Moving on to the last two items of the day, F-5, F-6.

Commissioner Fernandez: There's also F-8.

City Attorney Suárez: Mayor, I'll read them both into the record. F-5 is a resolution of the City Commission readopting the Civility Code for members of the City Commission, expanding its applicability and providing for procedures and consequences for violation of the Civility Code. F-6 is a resolution of the City Commission readopting the Civility Code for members of the City Commission, expanding its applicability and providing for notice, procedures, and consequences for violations of the Civility Code. Deputy City Attorney Stephanie Throckmorton will present the resolutions.

Deputy City Attorney Throckmorton: Good afternoon, Mayor, Vice Mayor, Commissioners. I will briefly introduce both items, give you the sort of skeleton of the two resolutions, and then happy to answer any specific questions if you have any of them. F-5 is the item sponsored by Commissioner Castro. This resolution readopts the Civility Code for members of the City Commission. As some of you may recall, in 2021, this body adopted Resolution 2021-187, which adopted the Civility Code for members of the City Commission, as well as the Civility Code for employees of the City. F-5 readopts that Civility Code and clarifies that it applies to elected officials during any and all meetings that are open to the public, not only official City meetings, and in any and all interactions and communications. And it sets forth procedures for consequences of violations of the Civility Code. Those include a written reprimand for a finding by a majority vote of a first violation and urging of the member to refrain from appearing in his or her official capacity at public events. And if there's a subsequent violation, the member may be directed by a majority of the vote to issue a formal public apology. That's F-5. F-6 also readopts that same Civility Code from 2021, provides for notice, procedures, and consequences for violations of the Civility Code. It also notes that it is applicable in all public settings and communications, though it modifies one of the bullet points in the Civility Code to note that members shall refrain from using profanity or untruthful disparaging remarks. This one sets forth a notice procedure. An item to make a finding of a violation of the Civility Code shall be published seven days prior to the meeting during which the resolution will be considered. Evidence shall be presented in a timely manner, which is five days prior to the meeting and made available to the public. There needs to be duly certified translations if that's necessary. And the member who is the subject of the resolution shall be given an opportunity to be heard. The consequences for violations of F-6 would be a first violation, would be a warning from the City Commission. A second or subsequent violation may result in a public reprimand from the City Commission. This in no way alters any of the procedures laid forth in the City Charter that remain in your discretion. So, happy to answer any questions as needed, but I will leave it to you all.

Commissioner Castro: I presented the -- F-5 hoping that I could represent this city with the most respect and pride possible. I input there some consequences that I don't think are very harsh.

Maybe you guys can help me out putting some more in. I worked with the City Attorney. A lot of the consequences that I had presented were taken out because they weren't legal.

City Attorney Suárez: Yeah, we have some concerns about First Amendment, you know, parameters and about also, you know, the Charter does say that you all can censure your own members, so we feel that the consequences that are in here now kind of fall under that umbrella of censure, and so that would be okay, but kind of going beyond that would be problematic, and we would get into -- you know, we would have concerns about the First Amendment. And even, you know, I think we told all of you in your individual briefings, but you know, there are some First Amendment concerns even with this, and you all are elected officials, you all, you know -- and outside of City business, you make statements, you make comments, and so just want you to be aware of the parameters you're setting for yourselves.

Commissioner Castro: So, today we've had a wonderful meeting and I'm very proud of all of us. But let's continue this and this resolution here is to put some teeth into it so that we can continue meetings like this every other Tuesday.

Vice Mayor Anderson: It's not quite every other Tuesday.

Mayor Lago: Yeah, it's not quite every other Tuesday. Madam City Attorney, so how does it play with proxies? How do we handle proxies?

City Attorney Suárez: You mean somebody else speaking on behalf of --? So...

Mayor Lago: How do we --? So, let me give you an example. So, how do we handle, you know, blogs and other individuals that are making comments, falsehoods. Like I'm blessed to finally, after six months, you know, get my COE report yesterday, and I gave you a copy of it and it's public record stating that I don't have any conflicts at all. And I never did have a conflict, but there was comments made by one individual before they were in the office of elected official who blatantly said that I had conflicts and said that I was, you know, in a situation that could, you know, put me in peril as an elected official. And the COE that came out, that you have a copy of and the Manager has a copy of, and it's public record, it just came out yesterday, refutes all that, stating it very clearly in regards to my position in Little Gables, my brother, all that kind of stuff. After tens of thousands of dollars having to be expended on that, the effort, my name was cleared to great heights. So, how do we deal with people like proxies that are working on behalf of other entities, working on behalf of Commissioners here or they're spreading falsehoods? Like for example, Mr. Clerk, if you'd be so kind, can you please put up my videos? I want to show you examples of things that are happening.

Commissioner Castro: This is during my item?

Mayor Lago: Yeah, it's okay. I want to show you -- give you examples of how do I deal with this. I want an understanding from all of us. How do we deal with this?

City Clerk Urquia: Mr. Mayor, I haven't received any videos.

Mayor Lago: Oh, you haven't?

City Clerk Urquia: No.

Mayor Lago: It's a shame. Well, I have it on my -- I was hoping it would get sent over. For example, this Saturday, you know, they used a picture of my father on social media and saying that I'm going to be arrested for Little Gables and all kinds of different things. And obviously, they had no clue that on Monday my COE was coming out with this after six months. But you know, it's not only your concern, it's about bringing in, for example, individuals into this room here and stating things about my children and where they go to school and mentioning my father on Twitter and on Instagram. You know, if you have something to say, we should say it in public. And that's the good thing about being able to go on radio and TV and say things in public. You shouldn't use proxies, Gables Insider, Political Cortadito, you know, other individuals that are, you know, bottom feeders in this community that they work, you know, in the shadows and are paid proxies of other individuals. So, I'm all for our Civility Code. I think it's great. I think it's perfectly fine. I'm the one that presented it a few years ago. But let's also not kid ourselves when you hide behind these entities who, you know, at the end of the day say horrific things and will drag my poor father in on a Saturday and put him all over Twitter and Instagram and then everybody puts their hands up and says, it wasn't me, you know. Or talks about my kids on social media and puts pictures of my kids. It wasn't me. But everybody wants to cry and say, hey, you said something that, you know, this or this or that. But the envelope gets pushed further and further and further and further. Because I have the videos of the comments that, for example, you made on Actualidad Radio two weeks before you got elected and the things that you said that are now obviously not true. They're not true because they're right here in the COE report. It's very clear, it's right here. Came out yesterday. They're clearly stated here. But they are there in perpetuity. They've been used and that's been a snowball effect and it's got a life of its own and now it's become fact to many people who come up to me and say, hey, but you own property in Little Gables. Hey, but you have clients in Little Gables. Hey, but you do business in Little Gables. But that's the problem when you say things, and I'm with you. I'm all -- I'm going to support it 110 percent. I'm going to be in favor of it. But let's also be, like I said before, remember I said, let's be careful when we throw stones in glass houses because who knows what comes back.

Vice Mayor Anderson: So, Mayor, I would like to address some other aspects about this, which is why I brought a separate resolution to address different issues. But we have to remember who we're really harming here. We're not really harming just ourselves, but we're harming the community. Okay, so I'm going to share with you some additional examples that you should

remember. And I'd ask the Clerk to bring up the first one, dated September 24, 2023, if you're able to do that at this time.

Commissioner Castro: What is he bringing up?

Vice Mayor Anderson: You'll see, you'll see. It's the same process was used on our other meeting when I complained we didn't have a process, you know, why process is necessary. Okay.

Commissioner Castro: Oh, thank you.

Vice Mayor Anderson: This came out on September the 24th, 2023, making various statements. And this is an excerpt. This is not the complete article, okay, talking about the Mayor and the Vice Mayor having resorted to sabotage, targeting community-based projects like Phillips Park renovation that are close to the Commissioner Menendez's heart. He also said in the upcoming Commission meeting, they will once again attempt to defund Phillips Park. They are trying to divide and destroy the community. My resolution -- I'll give you copies of this so you can refresh your memory. My resolution talks about process so we don't sandbag anybody. And it talks about truthful information being utilized. You can pass it down. Truthful information is important when you're going to be talking about an issue, because when you're using untruthful information, like the information that you published throughout the community on this item, if you had done your due diligence, if you had listened to the Commission meetings in the prior year, you would have understood that the entire Commission, including myself, felt that Phillips Park was a priority. You would have understood that in July I asked for the swapping of the funds, long before there was an election vote that you disagreed with. Because we all agreed the vote -- that the election was to be moved in November, in July. We all supported it in May.

Commissioner Fernandez: No, we did not. I said August.

Vice Mayor Anderson: Oh, you said August, but you said it had to be moved. And August was zero benefit.

Commissioner Fernandez: No, there was benefit.

Vice Mayor Anderson: This was not sabotage.

Commissioner Fernandez: But we're not even...

Vice Mayor Anderson: So, listen.

Commissioner Fernandez: We're not even talking about that.

Vice Mayor Anderson: So, let's not try to derail the train here. Because the train was on the fact that this said this was sabotage. It wasn't sabotage. I put forth the idea to move the money from Phillips Park being reserved into the windows -- into the windows of City Hall back in July at the first draft of the budget. So, to get out there and publish that I had the intent to sabotage Phillips Park, a project that I supported, is false information. That's why...

Commissioner Castro: Look...

Vice Mayor Anderson: Don't interrupt please. That's why I put in my resolution that you have to prove that the information is false. There is going to be differences of opinion up here, and we can agree to disagree, but to publish harmful information like this -- not that it harms me. I'm the public -- I'm in the public eye. But it harms the community -- is a disservice to this community. Similar post by a different member of this Commission. And the reason why I'm bringing this up now is we have to remember who it is that we're harming. And Clerk, if you could bring up the post of the Instagram post on the Planning and Zoning Board. And look at the facts of the number of absences. You have seven absences.

City Clerk Urquia: Cable TV could put up Zoom.

Vice Mayor Anderson: Seven absences on page two, yet page one claims one unexcused absence. It's a distortion of reality that harms the community. I think I covered it very well during the Commission meeting as to what the purpose of this posting was. No one should be presented with something like this and asked -- be asked for a censure without it being placed on the agenda, without having the information translated. You placed an item on the agenda in Spanish and expected me to trust the translation. That would never happen in a court of law. That should never happen to anybody. It should be put on the agenda so the public knows that it's coming. The entirety of the interview should be available, translated, so that all members of the community can listen to it, and not just the Spanish-speaking community. You're harming our community every time you do something like this. That is the sandbagging of a member of our Commission, tearing the Commission apart. We need to have process. We need to have process that is respectful, with notice, and an opportunity to respond. The foundation of our country was built upon that. Our forefathers drafted the Constitution in order to provide process so that people, no matter how heinous the crime, had due process of law. You had an opportunity to present evidence. You had an opportunity to defend yourself and not to be sandbagged in front of the judge, jury, and executioner on the same moment of being called out upon it. So, if you take a look at the language that I put in here, I've amended the proposal that Commissioner Castro has brought, and I support doing this type of strengthening of our resolution on civility, but we need to do so in a respectful manner. Disparaging marks must be untruthful because everybody's definition of what is disparaging depends on how thin your skin is. So, if it's an untruthful statement, I think we're less likely to run afoul of First Amendment concerns, because you and I are going to disagree on things, whether it's disparaging to say whether or not a 17.5 difference in height versus, you know, a 40-foot difference in height versus a 3-foot difference of height might be offensive to someone after

they've put hard work into something. But if it's truthful, it's truthful. We can agree to disagree. So, that's why I put in untruthful. This draft of the resolution didn't go into the detail of what all interactions are because I think it's self-evident what all interactions are, whether it's written, whether it's smoke signal. I would like to add even sign language in here, or other communications, not just written and audio. All types of communications should be covered. Whether it's on this dais, off this dais, on Instagram, via email, vicariously sent out through a neighborhood group, vicariously made on public airwaves in any manner, we should not be disparaging to each other with untruthful information. Because that -- it's not just harming us, it's harming our residents.

Mayor Lago: So, if I may, I now have the PowerPoint. Before we put it up, I had some comments that I had prepared...

Vice Mayor Anderson: Sure.

Mayor Lago: That I think are important when you talk about untruthful comments. So, I'm glad that Commissioner Castro brought up this issue of attacks, since I've been thinking about bringing this issue up myself. This very topic has been one that's been on my mind for quite some time, prior to even considering the annexation of the surrounding unincorporated regions into our esteemed city. And more so after my family and I have unfortunately been at the receiving end of both professional and personal belittlements. These range from misinformation to blatant defamation, as was proven in the CO [sic] yesterday. Regrettably, some such assaults have originated from distinguished members within this very chamber. Others, alarmingly, have been steered by external entities with vested interests, like I mentioned before, which are controlled by members of this board, Political Cortadito, Gables Insider, and other individuals who are pushing a narrative and feed that narrative to the Herald, and then feed that narrative to radio stations, until you have to spend 20, 30, \$40,000 proving that you're innocent until the CO [sic] takes six months to prove -- to state that -- put that statement out there. Given the trajectory, I anticipate that as long as the question of annexation remains a point of contention, such undue scrutiny and slander towards my family and I will persist. The objective appears clear, to thwart a transparent democratic process by which our constituents decide the fate of annexation. This is the clear -- one of the clear reasons that we're having here with individuals like the Miami-Dade County Fire Union, Billy McAllister, who are playing a major role through funding a lot of these attacks. They've orchestrated media campaigns, disseminated untruths about my character, and now seem to be enlisting the support of state and federal agencies to press baseless charges against me. When you receive a phone call from members of FDLE saying that you, that a member in the Commission, is calling FDLE to have me investigated is a first for me in 10 years. Though some rumors are largely overblown, let me assure everyone that my dedication to the welfare and progress of Coral Gables remains unwavering. As long as we champion the democratic right of our residents regarding annexation, regarding any issue, we must be prepared for continued resistance, be it from annexation adversaries, biased media outlets, or certain community groups, along with members of this Commission. It is an unfortunate reality, but one we must confront

head on. Always remember our commitment to our City's residents. Let me show you a few things that I deal with on a continued basis that deals -- because everybody here says that, I think the Vice Mayor put it very well, has thin skin. Mr. Clerk, let's roll the tape. Remember, this started on my first day of being elected mayor with a brand new Commission after 10 years of serving and never having one issue on this Commission. This is my father; this came out on Saturday. This was done by Grant Stern, not only stating that I'm going to be arrested for what I was cleared for on Saturday, but also stating that not only am I ruining my reputation, but I'm ruining my father's good reputation. Imagine having your own father put up on social media. It's pretty interesting. And this is an individual who hangs out with the likes of all the cast of characters that were here for annexation the other day, who for some reason now want to join the discussion here in our community. My father has nothing to do with politics. My father should be left out of the discussion, all family members. This is clear as day. Moving on, Mr. Clerk. Constant attacks stating that, call the State Attorney's office, get him arrested, get him arrested for corruption. Again, moving on. Our friend calling me an anti-Semitic scumbag from his Twitter account. I just used this one because this is the cleanest one out of all the dozens and dozens that I've been facing over the last two weeks, which is perfectly fine. Again, moving on, our friends at the Coral Gables Community Newspapers, stating at the top, it's the wrong week to be an anti-Semite. Based on the fact that I used someone's legal name, okay. Moving forward, and this, the *pièce de résistance*, my first day in office as mayor after 10 years of service -- Commissioner Menendez has been here with me, the Vice Mayor has been here with me. This is the first day. How come on the first day of having a brand new Commission, this is the way we start off? Is it me or is it something new that's here? I don't know what it is. I didn't pay for this. But again, this is at a level that no matter what you want to say that you feel that you feel hurt by comments, this is taking it to a level that is extreme, damning, and intentionally hurtful, especially when your family's in the room and your young kids are in the room. So, this is to give you an example of the level that things have gotten to here in the City and that there's two sides to every story. And I'm more than willing, more than willing to have a productive conversation. As you see, I continue working on items that I believe are important to the City, continue offering a helping hand here in the City to see who is willing and who is interested in engaging in projects. But the idea is to leave the politics aside and start working on things. The new Commission has been active for six months. This is probably the Commission that has accomplished the least of any that I've been here, the Commission as a whole. Yes, the Commission as a whole -- the Commission as a whole is the -- this is the Commission that has accomplished the least in regards to, in my opinion, legislative accomplishments and moving items forward. And look, here he is, the gentleman I was just talking about, my father.

Commissioner Castro: We can...

Mayor Lago: So, to me, I think that we should concentrate on working together, but don't come to me and tell me -- please don't come to me and tell me that your feelings are hurt when you've seen the, as we say in Cuban, the *barbaridades*, the horrific statements that have been made against myself and my family and that are perpetuated all over social media, on TV, on all kinds of things,

attacking me and painting me as an anti-Semite, as a person who is anti-women, who is anti -- who is anti-City of Coral Gables, who is corrupt, when after six months of struggle -- I'll show it to you again -- the COE clears me of any issues in regards to Little Gables, which is something that I have the tape here, which was clearly stated that you got information that I was under investigation. And this clearly states that I was never under investigation, never under investigation, never. It's clear as day. So....

Commissioner Fernandez: (INAUDIBLE) has a different opinion when we spoke.

Mayor Lago: Well, my point is that this is in writing. I actually have something in writing.

Commissioner Fernandez: Well, what it says is that...

Mayor Lago: I have something -- I have...

Commissioner Fernandez: They've concluded the investigation.

Mayor Lago: No, no, no. There was never an investigation. I have it here.

Commissioner Fernandez: That's not what his office said.

Mayor Lago: Said it here.

Commissioner Fernandez: That's not what he said.

Mayor Lago: I have it -- see, Commissioner, I have it in writing. I have it in writing, very clear. Our City Attorney has one, City Manager has one, and it's public record. At the end of the day, you got a little rambunctious that day on the radio, and you said some things about me and my brother, my brother's a private citizen, and it's very clear. You made comments here that were defamatory towards myself and my brother. And that again, on the radio, you said it. I have a copy of it right here. I didn't want to take up people's time. I think that would be very damning for the City. You made comments that, again, are very similar to the comments that you used to make in Gables Insider. And to me, to me, I'm more than willing to move forward and work with this Commission, but there has to be mutual respect. And you have to tell the people, the Gables Insiders, the Political Cortaditos, the fire union, to lay off and to stop, for example, posting my father, who just happened to walk in here on a Saturday, and put a picture of this gentleman who's done nothing and does not deserve to be on Twitter, does not deserve to have his name mentioned, and saying that I'm personally shaming his legacy where he is his own man and he has delivered upon this community, serving his residents and his patients for years. So, I think we can rise above, we can rise above, but there has to be two sides of the coin.

Commissioner Castro: The whole point...

Commissioner Fernandez: So, to...

Commissioner Castro: The whole point of this resolution is to move forward and represent this city with dignity and respect. We cannot control the environment, but we can certainly control the way we behave and we represent the City. This resolution was not intended to put up another show, which I'm very disappointed in.

Mayor Lago: It has been.

Commissioner Castro: Very...

Vice Mayor Anderson: Commissioner...

Mayor Lago: Every Commission...

Vice Mayor Anderson: If I may.

Mayor Lago: Every meeting, the last four meetings, has been Commissioner Fernandez putting out an affidavit, to sign an affidavit. It's a video of this and a video of that. People get tired of it every single day. You're mad now because I showed you the proof of what they're doing to me and it upsets you. It should upset you. It should upset you because those are the individuals that support you and that come up here every single Commission meeting and attack me and say that I have business in the City, that I'm corrupt, that I'm doing things in Little Gables. And again...

Commissioner Castro: Do you know...

Mayor Lago: And again, here is a very clear example...

Commissioner Castro: Wait.

Mayor Lago: Of thousands and thousands of dollars that were spent to clear my name when it all started with one individual to my left on the radio making a statement. And now it's why we're here.

Commissioner Castro: Okay. Do you know that those things that you put up, I hadn't seen maybe a good 50 percent of them, and that you just gave yourself, you just showed this to everyone. Look what you're doing to yourself.

Mayor Lago: Thank you.

Vice Mayor Anderson: So...

Commissioner Castro: I didn't...

Mayor Lago: Thank you.

Commissioner Castro: It's disappointing.

Vice Mayor Anderson: My point on taking your resolution and modifying it is so that we have an orderly process, so we don't have any more episodes of things being shown against you, you or the Mayor or myself or Commissioner Menendez where you're surprised in the middle of the Commission meeting with something that was not on the agenda, that one of your colleagues was going to be asking for a censure or reprimand and so forth. You need to have notice. You need to have an opportunity to respond. Just as our founding fathers felt that we should have that type of process in our country as it exists in our U.S. Constitution, as we have this process in our Constitution for our state, our city should be following the same type of notice and opportunity to be heard as well. So, that's why I've added Section 3 essentially to this resolution. I didn't think that the language was necessary. While relevant mailings, interviews, and stuff is all inclusive of all interactions with each other so that we're not putting out defamatory false information on each other that is hurtful for each other and hurtful for this community. Provision requires seven days' notice, put it on the agenda, and you have to put forth the evidence that you have five days prior to the meeting. Any audio, written -- and I'm going to ask the City Attorney to add other communications be translated if they're in a foreign language, whether it's sign language or some other type of language. That's why I'm adding other communications. And that those translations must be certified. I've litigated far too many cases where the translation of a word makes a difference. So, I'm not going to rely upon your translation or your translation. I need a certified translator in order to make a ruling. We need process here. We need due process. And to deny that to any one of us that's sitting here on this dais also denies it to the residents of this community. I'd like to move forward. I hope we can continue to make progress like we did on today's Commission meeting. I was just trying to bring you perspective by reminding you of what could have happened to you too and I chose not to do it.

Commissioner Fernandez: But I think the conversation that has happened here today is another clear example of denial by the Mayor of the actions that he continues to take. He's accusing us of things that he put on screen that somebody else has said, yet his PAC, which he said here, Coral Gables First is his PAC, has paid for text messages attacking the members of the Commission.

Mayor Lago: That's not true.

Commissioner Fernandez: Okay, has sent out a letter.

Mayor Lago: I did send a letter, yes.

Commissioner Fernandez: Okay, and then there's other publications who you are using to put information out about us. The point is...

Mayor Lago: That is untrue.

Commissioner Fernandez: We need to move on.

Mayor Lago: That is untrue.

Commissioner Fernandez: We need to move on. I will move Commissioner Castro's changes to the Civility Code.

Commissioner Castro: And I second that.

Commissioner Castro: Yes.

Commissioner Fernandez: Yes.

Commissioner Melendez: Yes.

Vice Mayor Anderson: No, not without process.

Mayor Lago: No.

(Vote: 3-2)

Mayor Lago: Alright, let's go over F-6.

Commissioner Fernandez: We already did.

Mayor Lago: Want to pass that one too? We can pass that one too.

City Attorney Suárez: So, we already read F-6.

Commissioner Fernandez: It was done together.

City Attorney Suárez: It would be a...

Mayor Lago: Let me run the meeting. Let me run the meeting. Let me run the meeting. Let me run the meeting. Let me run the meeting, okay. We just approved Castro's, which was...

City Attorney Suárez: Correct.

Mayor Lago: F-5, correct?

City Attorney Suárez: Correct.

Mayor Lago: Okay, I'm talking about F-6.

City Attorney Suárez: Correct.

Mayor Lago: Let me run the meeting. I know what I'm doing. So, my point is that, would you like to make a motion on your item?

Vice Mayor Anderson: I would like to make a motion.

Mayor Lago: I will second it. Mr. Clerk.

Commissioner Fernandez: No.

Commissioner Menendez: No.

Vice Mayor Anderson: I don't need to say it loud for it to be heard. Yes. I'd like process.

Commissioner Castro: No.

Mayor Lago: Yes.

(Vote: 2-3)

Mayor Lago: Thank you.