

City of Coral Gables City Commission Meeting
Agenda Item F-1
November 9, 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

Assistant City Attorney, Gus Ceballos

City Clerk, Billy Urquia

Public Speaker(s)

Juan Galan

Jerry Proctor

Barbara Perez

Agenda Item F-1 [4:16 p.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.

Lobbyist: Jerry Proctor

Mayor Lago: Moving on. F-1, ordinance on second reading.

City Attorney Ramos: Yes, Mayor. F-1 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 a severability clause, repealer provision, and providing for an effective date. This is a public hearing item. Mr. Ceballos.

Assistant City Attorney Ceballos: Good afternoon, Mr. Mayor, Vice Mayor, and Commissioners. This item came before you two meetings ago. There have been no changes since that meeting. The only reason why we had to wait an extra meeting is that the special taxing district amendment policy requires notice 21 days, so an overabundance of notice to all of the residents. If you recall, the original submittal of the petition came back on time. There was 105 initial signatures. We had a couple of issues with a few of them. We then spoke with the applicant again, and we had some more issues, 17 to be accurate. And at the current moment, we have been able to verify through our process 100 out of 149, which is just over the required 66.7 for it to come before you. At the end of the day, the Commission does have the option, if they wish to request an election, but you also have the option to approve this particular amendment, which is to increase the lights from 55 to 123 and change the method of assessment from a linear foot to a per parcel charge. If you have any questions, I'll be more than glad to answer them.

Mayor Lago: If there's no discussion, Mr. Clerk, do we have any comments?

City Clerk Urquia: Yes, sir.

Mayor Lago: Any speakers?

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City Clerk Urquia: I do. Mr. Juan Galan is here to speak on the item.

Mayor Lago: Mr. Galan, the floor is yours.

Juan Galan: Sorry, I couldn't be here last time. And if I had been here, I think you might have considered voting differently. There's a couple of corrections that you need to know about. One of them is this amendment has nothing to do with the City saving \$50,000 per year. That has already been achieved. The special taxing district has been created. The City is assured if this amendment is not enacted or if it fails in election, or whatever happens, the City is assured that you're going to save your \$50,000 per year. The amendment has nothing to do with it. That's one correction. The next correction is I know Mr. Ceballos, and I know he's worked hard on this, but I believe he forgot to mention eight properties that are trust properties which are not signed by the trustee on the petition. And I think there's four attorneys on the dais. I don't need to explain to you that trust properties need to be signed by the trustee, okay? So, you don't have 100 because he corrected 12 of the sprawls and four corporations that you got the -- whatever the right term is legally. But he did not mention the eight trust properties that I have brought to his attention that need to be corrected by the trustee signing, not the occupant or the beneficiary of the trust.

Mayor Lago: Would you like to get a response per item, or would you like for us to wait to the end?

Mr. Galan: Whatever you...

Mayor Lago: I'm just asking what would you like.

Mr. Galan: Whatever is appropriate.

Mayor Lago: Okay, let's first go with the issue -- let's go with item by item. So, Mr. Galan -- which, by the way, I have visited at his home, we've discussed these issues. Obviously, all of us have received his concerns in regards to what we're about to ratify today. The issue of us saving \$50,000 in regards to deeding this lighting to FP&L, Mr. Manager.

City Manager Iglesias: Mayor, FP&L has a new tariff, which makes sense for us because we're not in the pole business.

Mayor Lago: Of course.

City Manager Iglesias: And they will actually maintain the poles. What we pay for is the energy cost, so we're moving towards this tariff because it provides less liability as far as the City is concerned, and also, we don't have to maintain, and we're also receiving maintenance. So, this just makes sense, and that's what we're moving towards.

Mayor Lago: And we're moving in that direction because the residents in the community have requested for an upgrade in regards to their lighting, correct?

City Manager Iglesias: That is correct, Mayor. The lighting...

Mayor Lago: So, this goes...

City Manager Iglesias: Is getting old. There's quite a bit of maintenance involved, so this will be an upgrade.

Mayor Lago: It goes hand-in-hand with our agreement with the residents. We will transfer you over to FP&L, but we're asking you to consider -- we will consider granting your request of the lighting, correct?

City Manager Iglesias: That is correct, Mayor.

Mayor Lago: Okay.

Mr. Galan: But this amendment has nothing to do with that. That has already been approved. That was approved by an election that was created for that special light district.

Mayor Lago: Of course, a hundred percent, but who voted on the election?

Mr. Galan: I understand.

Mayor Lago: Who voted on that election?

Mr. Galan: There were 70 people that voted for...

Mayor Lago: I'm asking...

Mr. Galan: And 30 voted against.

Mayor Lago: But I'm asking who voted on that election.

Mr. Galan: The residents, the property owners.

Mayor Lago: Did they -- did the election fulfill the necessary threshold to be approved?

Mr. Galan: Yeah.

Mayor Lago: Okay, so it's done. It passed.

Mr. Galan: No, no.

Mayor Lago: It was elected.

Mr. Galan: But my point is this amendment that you're hearing today, the second reading, the first time -- okay? -- there was a discussion about how this was going to save the City \$50,000.

Mayor Lago: It is going to.

Mr. Galan: Not true. That's already done.

Mayor Lago: I understand, but we're still going to save the \$50,000.

Mr. Galan: Of course, and this -- but my point is, at the meeting last time, there was comments made that this was good.

Mayor Lago: Mr. Galan, everything is intertwined. I started working on this five years ago with the Coco...

Mr. Galan: I understand.

Mayor Lago: I started working on this five years ago with the Cocoplum Phase I residents who came to speak to me about their concerns about lighting. Like I said to you then, I say to you now, I have no dog in this fight. If it goes one way or goes the other, it's not a big deal. All it is is that the residents have the opportunity through a democratic process to vote in favor or against. They have voted in favor of transitioning to the FP&L tariff, so that's one thing that's done. That was part of the deal that has -- which is part -- that was a smaller portion of the larger part of the deal, which was the upgrading of the lighting system. So, it all is intertwined over the last five years, as Gus can tell you.

Mr. Galan: Excuse me. You used the term "election" and "democracy." That's all I'm asking. I'm asking that...

Mayor Lago: Of course.

Mr. Galan: This amendment go to election. That's all I'm asking.

Mayor Lago: But it's -- again, I will answer that question with our counsel. Moving on to the second point about the signatures, can you please provide us your guidance in regards to that?

Assistant City Attorney Ceballos: So, after the original submittal, we reconvened with the petition, and we went one by one on all the signatures. And we are comfortable with that these signatures are representative of the authorized person for -- as of right now, although there were more submittals, we're only counting a hundred.

Mayor Lago: Okay. So, right now, our counsel, which I depend on -- and we have four attorneys in this Commission -- feel comfortable. Gus is a reputable individual who has been working for the City for how many years now?

Assistant City Attorney Ceballos: Four.

Mayor Lago: He does not work -- if I may -- for the Cocoplum Homeowner Association. He does not work for any other individual.

Mr. Galan: I understand.

Mayor Lago: He does not work for any other individual...

Mr. Galan: Understand.

Mayor Lago: That lives in Cocoplum. He works on behalf of the City of Coral Gables. He is stating on the record that he feels comfortable, and the City Attorney feels comfortable in regards to the process.

Mr. Galan: And I'm saying on the record that, first, the person that brought to their attention the four business properties that needed a resolution was me, okay?

Mayor Lago: And we welcome that.

Mr. Galan: The person that brought to their attention the issue that they were counting trusts for signatures was me.

Mayor Lago: Mr. Galan...

Mr. Galan: Okay?

Mayor Lago: We welcome that. That was...

Mr. Galan: And I don't agree. My point to you is very simple.

Mayor Lago: That's perfectly fine.

Mr. Galan: I don't agree with their...

Mayor Lago: That's perfectly fine.

Mr. Galan: With their assertion.

Mayor Lago: And I respect that you don't agree, but the Attorney has stated very clearly that there was no shenanigans, that everything was done right. They clarified it, and we're moving on. Your third point?

Mr. Galan: My third point is something the Attorney made very clear. The City of Coral Gables has used this as the standard, Miami-Dade County. Miami-Dade -- for signature verification for this amendment. Miami-Dade County does not rely on signature verification as he stated at that meeting, which I watched the YouTube of that meeting, okay? And he said very clearly that Miami-Dade County always goes to an election. That's all I'm asking for, go to an election.

Mayor Lago: Let me answer. Let me move on. Mr. Ceballos, could you address this gentleman's point?

Assistant City Attorney Ceballos: That is correct. Any and all petitions that go to Miami-Dade County always end in an election.

Mayor Lago: Are we in Miami-Dade County?

Assistant City Attorney Ceballos: Yes.

Mayor Lago: We're in Coral Gables. We do things a little bit differently, right? What would you recommend that we do?

Assistant City Attorney Ceballos: The policy sets forth that the Commission has the ability to decide one way or the other. At the end of the day, there could be 90 percent support...

Mayor Lago: We've already had an election, correct?

Assistant City Attorney Ceballos: The election to transfer it over and to create it, yes.

Mayor Lago: Okay, perfect. Alright, moving on, the next question.

Mr. Galan: Alright.

Mayor Lago: We've already had elections here already. We've discussed this already.

Mr. Galan: For a...

Mayor Lago: Next, next...

Mr. Galan: Previous project.

Mayor Lago: Next question.

Mr. Galan: No, it's not a question. It's just equal taxes for all was requested by this amendment, which is the real purpose of this amendment. It's not fair -- and as the president -- that you as a City may not want to set. Why? There are 19 corner lots -- I counted them -- and two double (INAUDIBLE) properties. Now, that would -- this project benefits only those 21 properties. There's 128 other properties that would have their annual special light district taxes go from \$218.77 to \$448.97, more than double. How fair is that, okay?

Mayor Lago: Okay, Mr. Ceballos, could you give examples of where we've done similar -- we've taken similar action?

Assistant City Attorney Ceballos: In particular for that particular change, I'll go back to the original creating document. So, when this was originally brought forth by the petitioners to Miami-Dade County, the intent had always been to do a per parcel charge. The City had always chimed

in that we were going to do a per parcel charge. For some reason, Miami-Dade County -- before it went to an election -- I guess their standard format for lighting districts is a per foot linear charge, and they would not -- although the petitioners attempted, and I even tried to intervene on their behalf -- would not change the actual election.

Mayor Lago: Exactly.

Assistant City Attorney Ceballos: And they basically said, "This is going to go per linear foot, and once it becomes Coral Gables property, then you guys can change it as you feel necessary," so that was always the original intent. But because of the County's unwillingness to move, we got kind of stuck with it.

Mayor Lago: So, this is not about us; this is about the County. We've discussed this on multiple times. You've brought it up on email. I sat down with our attorneys; we've reviewed everything. Once this is ratified, we can move in a different direction, per parcel, but right now, we're going to do it the way the County wants to do it. Next question.

Mr. Galan: Well, if you're going to do it the County -- the way the County wants to do it, then this...

Mayor Lago: The way that Gus has just stated very clearly.

Mr. Galan: Then this amendment has to not go forward.

Mayor Lago: The way that Gus just stated very clearly right now.

Mr. Galan: Excuse me?

Mayor Lago: The way that Mr. Ceballos just stated. We're moving forward in the direction that we have in front of us today on that item. What is your next question?

Mr. Galan: No, it's not my next question.

Mayor Lago: Or your next statement.

Mr. Galan: The issue is it's -- the per parcel is not fair. I mean, I would be in favor of it if you did your property taxes that way because you'd save me about \$20,000 a year. So, the whole issue here is why eliminate what the County -- the County has always been the special tax district, if you will, primary goal, primary way to do things, okay? Now, the City for the first time takes this over. This amendment is not something that the County has. This is something that the City has passed -- okay? -- and you've determined that you're going to rely on the signature standard for verification that the County uses, but the County doesn't rely on that because the County always uses elections.

Mayor Lago: But though -- let's not...

Mr. Galan: No, I'm not...

Mayor Lago: Let's not try to muddy the waters here...

Mr. Galan: That's the facts.

Mayor Lago: As much as possible. Mr. Ceballos, will you respond, because I feel like we're going in circles here?

Assistant City Attorney Ceballos: So, in regards to the County creating it and the City creating it...

Mayor Lago: Yes.

Assistant City Attorney Ceballos: At the end of the day, the law does not allow the City to create the district.

Mayor Lago: Okay.

Assistant City Attorney Ceballos: So, really the County...

Mayor Lago: That is the...

Assistant City Attorney Ceballos: Was the...

Mayor Lago: But let's stop there. You heard that, right? Okay, so it's clear. It's clear. We followed the process that was given to us and allowed and afforded to us.

Mr. Galan: But let me ask...

Mayor Lago: I know what you want, I know what you want. I know that you don't want this. I understand and I...

Mr. Galan: I want an election. I want...

Mayor Lago: I understand, I understand.

Mr. Galan: I want the residents to vote based on facts.

Mayor Lago: There has been elections.

Mr. Galan: No, there hasn't been.

Mayor Lago: Yes, there has. There has been elections, and we're moving forward. We are moving forward, so finish. I apologize for interrupting you, Mr. Ceballos.

Assistant City Attorney Ceballos: I was just stating that the County frankly was a steppingstone. We all knew where it was going to end up. And frankly, just the steppingstone, the County, made it a little more difficult for us. They were unwilling to -- you know? -- to see the fact that it was an error and a mistake, at least in regards to the method of assessment. And so, they told us basically once it transfers over to the City of Coral Gables, City of Coral Gables can go ahead and make whatever change they deem appropriate.

Mayor Lago: Next -- next question.

Mr. Galan: The resident -- I just want to point out something to you. Again, all I'm asking for is democracy and election. I'm not asking that this amendment be denied if it gets elected by people...

Mayor Lago: So, let me address you. Let me...

Mr. Galan: With real facts.

Mayor Lago: Address your comment.

Mr. Galan: I'll accept it.

Mayor Lago: Mr. Ceballos, are we avoiding democracy or an election in any form or way? Or are we following the protocol that's set forth by the County and by...?

Assistant City Attorney Ceballos: Our special taxing district policy, which was adopted by this Commission two years ago...

Mayor Lago: Okay.

Assistant City Attorney Ceballos: Allows the Commission to decide either way as long as there's 66.7 percent support, so you can choose to have an election or not.

Mayor Lago: It's done.

Mr. Galan: Yeah, but...

Mayor Lago: This is what we have before us.

Mr. Galan: But can I explain...?

Mayor Lago: This is the way -- this is the standard that has been set forth and the guidelines that we followed in other special taxing districts.

Mr. Galan: I understand that, but what you don't understand is that this...

Mayor Lago: You understand it.

Mr. Galan: Element of data was never shown to the petitioners who were asked to sign the petition. They were never told they were going to go from...

Mayor Lago: Let's stop...

Mr. Galan: Two hundred and eighteen dollars...

Mayor Lago: Let's stop there one second. Let's stop there one second. Mr. Ceballos, this gentleman is saying that we did not show the petitioners certain documentation in regards to the increase in the rate.

Assistant City Attorney Ceballos: Well, I'll have to back it up even further.

Mayor Lago: Yes.

Assistant City Attorney Ceballos: We changed the Code, specifically, the policy, so the petition - before it even went out -- came to this Commission. There was public notice, and everyone was put on notice of exactly what the petition was going to say. It was then approved by the Commission, then given to the petitioners...

Mayor Lago: Yes.

Assistant City Attorney Ceballos: Which had four months to get the petitioners' signatures.

Mayor Lago: So, again...

Assistant City Attorney Ceballos: So, I...

Mayor Lago: What we're doing here is we're muddying the waters. We're trying one last ditch effort to try to derail what we have before us.

Mr. Galan: No, we're not.

Mayor Lago: Again, you just made a comment that we did not show petitioners the fee schedule. That's...

Mr. Galan: You did not.

Mayor Lago: Yes, we did.

Mr. Galan: No.

Mayor Lago: Mr. Ceballos...

Mr. Galan: I'll bet a million dollars.

Mayor Lago: Mr. Ceballos...

Mr. Galan: You want to bet a million dollars?

Mayor Lago: I'm not a gambler.

Mr. Galan: Okay.

Mayor Lago: Mr. Ceballos, did we...?

Assistant City Attorney Ceballos: This Commission approved the petition.

Mayor Lago: Okay.

Assistant City Attorney Ceballos: And the petition included that language.

Mayor Lago: And the petition -- wait, wait, stop.

Mr. Galan: It did not include this number.

Mayor Lago: Wait, wait, wait. Stop for a second. Stop for a second.

Mr. Galan: (INAUDIBLE).

Mayor Lago: The Commission approved the petition, and that was included for the petitioners to review.

Mr. Galan: I'll give you a million dollars to your favorite charity if that petition included these two numbers right now, and I'll write the check.

Mayor Lago: Mr. Ceballos, will you address this gentleman's comment? I want to be very clear...

Assistant City Attorney Ceballos: I'm not sure what...

Mayor Lago: With Mr. Galan because...

Assistant City Attorney Ceballos: What two numbers are we referring to?

Mr. Galan: These two numbers as they're represented, \$218 going to \$448.97.

Assistant City Attorney Ceballos: To the best of my recollection, those items were part of the petition at all times.

Mr. Galan: No, they were not.

Mayor Lago: Alright, moving forward. Next statement.

Assistant City Attorney Ceballos: I can pull it...

Mr. Galan: I have a copy of the petition.

Assistant City Attorney Ceballos: And provide a copy to him.

Mayor Lago: Okay, next -- but next -- anything else?

Mr. Galan: That's it.

Mayor Lago: Okay. Does anybody else have any questions and want to discuss this item any further? I've tried to go item by item because I knew where we were going to end up today on this issue. I had a feeling that we were going to -- in an effort to try to confuse as much as possible -- and also, we have Mr. Jerry Proctor here, who can give us a little bit more background, if you'd like a little bit more background. Not -- you know, Gus did an exceptional job, but he can clarify whether we missed any points as a result of Mr. Galan.

Jerry Proctor: Good afternoon.

Mayor Lago: Thank you, Mr. Proctor.

Mr. Proctor: Mr. Mayor.

Mayor Lago: And I appreciate your patience, by the way, both of you for being here.

Mr. Proctor: No problem. Jerry Proctor, 7600 Red Road. I don't have any corrections, but maybe to put everyone at ease, we had a process we just finished where we had to get 67 percent of

residents -- that means that all residents are counted, which is 149 -- 67 percent of that is about 100. We got 105 signatures in support. That's a greater number in support than we've ever gotten through the election. With the County saying does the Gables want to take over tax districts, I think we got 80 some votes. When we had the vote to create our special taxing district, which was an election, which is what the Mayor is speaking about, we got 85 votes. In this process, we got 105 supporting votes. It's the most we've ever gotten.

Mayor Lago: So, I want to put that...

Mr. Proctor: Yeah.

Mayor Lago: I want to put that in -- I want to memorialize that because we hear that there hasn't been an election, there hasn't been an election, there hasn't been an election. It's clear, the numbers are there. I've been working on this for five years for the residents, and it's time that we move forward on this issue. The facts are clear. This is taking up a lot of time of staff, a lot of time. I commend the City Attorney. And with all due respect, I like you, Mr. Proctor, but you've potentially taken a lot of our time too, along with a lot of expenses, and you've been working on this for years. And you got us to the finish line here -- not me, you've gotten the residents to the finish line. I just want to put this to bed. Either we move forward, or we don't move forward because this has taken -- how many years have we been working on this? It's been like four years at least, right?

Assistant City Attorney Ceballos: Since I've been here.

Mayor Lago: How many years you been here? There you go.

Assistant City Attorney Ceballos: I will like just to clarify on the record. We did pull up the courtesy notice...

Mayor Lago: Yes.

Assistant City Attorney Ceballos: And the petition back from April. Both of those had those numbers.

Mayor Lago: Okay.

Assistant City Attorney Ceballos: (INAUDIBLE).

Mr. Galan: Not these numbers.

Mayor Lago: Mr. Galan.

Assistant City Attorney Ceballos: One hundred percent.

Mayor Lago: Mr. Galan.

Assistant City Attorney Ceballos: We just pulled it up.

Mayor Lago: Our City Attorney has just told you that the numbers are there. We have to accept what we have before us and move forward.

Mr. Galan: All I'm asking...

Mayor Lago: We can't continue...

Mr. Galan: All I'm asking is for an election. If you don't want to do an election, then fine. That's your provision. You can do an election if you want to. I have questioned whether those numbers are valid. He knows that he could not...

Mayor Lago: He has answered you...

Mr. Galan: Account at the trustees.

Mayor Lago: Mr. Galan, he has answered you very clearly. There is support, and now it's time to move forward. Do any of my colleagues have any questions?

Commissioner Anderson: No.

Mayor Lago: Will anybody make a motion?

Vice Mayor Mena: I'll move it.

City Clerk Urquia: Mr. Mayor...

Commissioner Anderson: Second.

City Clerk Urquia: We do have one more person on Zoom requesting to speak on this item.

Mayor Lago: Go ahead.

City Clerk Urquia: It's Ms. Barbara Perez.

Mayor Lago: Okay.

Vice Mayor Mena: (INAUDIBLE).

Mayor Lago: Hmm?

City Clerk Urquia: Ms. Perez.

Barbara Perez: No, I'm sorry. I had -- I wrote a question about a prior item.

City Clerk Urquia: Alright, thank you.

Ms. Perez: I don't have any...

City Clerk Urquia: Thank you.

Mayor Lago: Alright. Can I get a motion?

Commissioner Menendez: I move it.

Vice Mayor Mena: I moved -- I think we already did, but yeah.

Commissioner Anderson: Seconded.

Mayor Lago: Go ahead. Can we get a vote?

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Thank you. Have a wonderful day.

Unidentified Speaker: Thank you.

Mayor Lago: Thank you for all your hard work.

Unidentified Speaker: Thank you.