

City of Coral Gables City Commission Meeting
Agenda Item I-1
April 26, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item I-1 [Start: 12:38:18 p.m.]

Discussion regarding selection of election date and method for proposed Charter Amendments.

Mayor Cason: Let's move onto the last one I-1, was it, the Charter.

City Attorney Leen: Thank you Mr. Mayor. So Item I-1 is a discussion regarding selection of election date and method for proposed Charter amendments. My office has put together a draft ballot language, which we are still working on for the seven items and we are going to circulate, we'll circulate drafts to you, to each of individually you can take a look at, we'll also circulate drafts to the City Manager, she can take a look at it, so each of the different officials of the government have an opportunity to look at it. Those are not before you today. Remember at the last meeting the Commission directed the City Attorney to prepare this ballot language and it will come to you at a meeting approximately, I believe it's 60 to 120 days before whenever the election will be set, and so we will pick a Commission meeting that's appropriate for that. What's before you today is, last time the Commission was also asked which election day would you prefer?- and the Commission had indicated at that time, although you can always reconsider

that, that's something you could reconsider, is not to go forward with the August date. Of course if you do want to go forward with the August date it needs to be decided very quickly, because we are going to have to do that before basically at a May meeting. But what the Commission had decided at the last meeting was to look at the November date, or the mail ballot which would be in January, February or March of next year, and the Election Department had told us that they could, the County Election Department had told our Election Supervisor, who is the City Clerk and myself that, that's the time that they would prefer. They also said in regards to a mail ballot, as I recall, and Mr. Clerk, please correct me if I'm wrong, that the cost was about \$120,000 approximately, and that the cost for the November ballot was much less, I think it was about \$100,000 less, Mr. Clerk do you remember?

City Clerk Foeman: Yes, it was \$40,000 piggyback off of...

City Attorney Leen: So about \$80,000 less, about \$40,000. However, the benefit they mentioned, they did say with a mail ballot we could slip in a document, its neutral, but that explains what each of the seven items does. What they said the benefit of the November ballot is that it has a very high turnout; the Commission has expressed a concern, well what about voter fatigue?- because there are a lot of things on that ballot and then there'll be the seven Charter Amendments. Mr. Clerk, you had looked at the truck ordinance change, which was on the November ballot in 2012.

City Clerk Foeman: That is correct. In the truck ordinance there was about a 68 percent voter turnout, 68 percent on that particular issue and the General Election is roughly about 78 percent turnout, so it was like a 10 percent drop-off between the General Election and voting on that specific Charter Amendment issue.

Mayor Cason: Were you able to do any research where you had a large, this would be seven items, six or seven items, any other elections in Miami-Dade recently that would give us any indication of fatigue when you have a whole bunch of...

City Clerk Foeman: I had made a request on April 18th to the Deputy Supervisor of Elections. I did get a response from her this morning. She told me that she would have a report for me, because they didn't have any reports specifically tailored to percentage turnout for municipal referendum issues. So she told me that I would have that report today; and she told me preliminarily after instructing specific members of her staff to review that, that roughly it was about averaging about 50 percent on other municipal issues that were actually responding to those referendum issues, and roughly citywide on the Presidential Election, it was roughly about 70 percent citywide that municipalities were turning out.

Mayor Cason: In other words, in a Presidential Election are you saying that we have a large number that only 50 percent got to the bottom...?

City Clerk Foeman: I'm saying in the Presidential what she had informed me and she told me the statistics would support that and I don't have a report yet. She is telling me that roughly about 70 percent turnout citywide among other municipalities, but specifically as it relates to Charter Amendment issues, is averaging about 50 percent.

Mayor Cason: OK.

Commissioner Keon: So there is a 70 percent turnout in a municipality for the General Election or for the National Election, and 50 percent of the voters that turned out or 50 percent actually voted on those items?

City Clerk Foeman: Referendum issues.

Commissioner Lago: You have about a 20 percent drop-off.

Commissioner Keon: Right. But what do we usually have in our municipal election, what's the turnout?

Commissioner Slesnick: I have pulled some records on our elections and so forth, and thankfully Coral Gables, especially in Presidential Elections has a much higher turnout than the 70 percent. Out of all these different cities that we pulled, Coral Gables is one of the top four communities as far as voter turnout, but in like the August 2014 Primary Election, out of 31,000 voters roughly, 5,000 voters turnout, about 16 percent. In the November Election much more turned out, but if you are talking about 30,000 people vote 30,000 voters, 20,000 turned out in that election, so 20,000 versus the 5,000 in the August Election.

Mayor Cason: Just one element that I hadn't thought of before, I think maybe Craig or the City Manager mentioned it. Roughly now about 50 percent of the people in Coral Gables vote absentee.

Commissioner Slesnick: Yes, they do.

Mayor Cason: So it's sort of a mail ballot at any rate, in the sense that if you had it a couple of weeks in advance you could sit and look it over. The only difference is you wouldn't be able to put in the explanation of what the seven – now if your language is very clear as what they are

voting on, so it's not complicated for probably the majority of Coral Gables residents, then maybe that obviates the need for a mail ballot. I don't know.

Commissioner Lago: It gives us an opportunity to save close to \$100,000.

Mayor Cason: My concern was just to make sure that we give every opportunity for people to vote and they understood what it is, because a lot of times the language is so confusing, especially on the state issues, like on solar, are you voting for or against, you don't know what it is.

Commissioner Keon: We have the ability; we control the language that goes on the ballot.

Mayor Cason: If you have good, clear language and if half the people at any rate are going to vote absentee, which is a mail ballot...

Commissioner Slesnick: So half of them would be voting anyway. I think it's a big expense for picking up some of those people that might not be interested anyway.

Mayor Cason: We already lost 10 percent on the pickup truck, which was a hot issue at the time.

Commissioner Slesnick: So you are thinking about the November Election or August?

Mayor Cason: I would change my view and say let's go for November, save the money, have good language and whatever we can do with public campaign to explain what this is all about to get people to turnout.

Vice Mayor Quesada: November, so moved.

Mayor Cason: Do I have a second?

Commissioner Lago: I'll second it.

Commissioner Keon: I'll third it.

Mayor Cason: The Vice Mayor made the motion, and everybody else seconded. City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

City Attorney Leen: So Mayor Cason, what will happen is I will be, I'll send an e-mail to the Commission afterwards saying what Commission meeting, I'll talk to the City Manager and we'll send you the Commission meeting that the items will come before you for a final review and vote, you have seven items. I'll also circulate those to you in advance, so no one is surprised, and each of you can look at it and give me individual comments. You can't obviously copy each other, but you can e-mail me whatever comments you have if it's not what you thought been correct. I want everyone to be completely on the same page with this so you understand what's being put on the ballot.

Mayor Cason: When will you, something we discussed, the item on the outside auditor being a referendum or an ordinance?- because that's the only one that can be done by an ordinance, right? I'm not sure that, that's interesting to most voters.

Commissioner Keon: You can do it by ordinance.

City Attorney Leen: Yes. You can do it by ordinance.

Mayor Cason: In other words, if we did it by ordinance, we'd have only six and not seven items to vote on. It may make it farther down the list.

Commissioner Slesnick: Mr. Mayor which one were you going to drop off?

Mayor Cason: The one on outside auditor report. We can do that as an ordinance and not have to burden the people.

Commissioner Slesnick: I agree.

City Clerk Foeman: Mr. Mayor, I just need the Commission to direct and to instruct me to draft a letter to the Supervisor of Elections requesting to place our Charter Amendment issue on the November ballot. We have to get approval before we can actually have it there. So, if I could get...

Mayor Cason: I think that vote was included.

City Clerk Foeman: Included that. OK.

Mayor Cason: And the only question now is do we agree that we want any discussion on taking the outside auditor and make it an ordinance, you'll come back to us and we'll take care of it that way.

City Attorney Leen: One thing I could do, this is an item that was sponsored by Commissioner Keon. I could work with her on an ordinance with her and City staff. I know the Finance Department has some thoughts on that, I know the City Manager, and we could put together a draft ordinance that meets your goals, you could sponsor it. That could be on one of the next meetings.

Mayor Cason: Would that save us anymore money in terms of the elections by reducing one question from seven to six?

Vice Mayor Quesada: Look, it will make it easy on the residents.

Mayor Cason: Make it easy on everybody.

Commissioner Keon: Make it easy on the residents. You don't have to have it on there.

Mayor Cason: Do we agree to go ahead and do that?

Commissioner Keon: Yes.

City Attorney Leen: So you are instructing me?

Commissioner Slesnick: A point of clarification. When is our next discussion on the Charter Amendments, because I've had that question come up? There weren't that many people that were here at the last hearing for the...

City Attorney Leen: I will send you the date. I will talk to the City Manager. I want to make sure everyone has a chance to look at them. There'll be a date in a couple of months.

Commissioner Slesnick: A couple of months.

City Attorney Leen: We'll advertise it in advance. We'll make sure people know in the newsletters.

Commissioner Keon: We would be voting on the language of the ballot question?

City Attorney Leen: Yes.

Commissioner Keon: When would we have to be done?- is it the end of August, do we have to have it done for the November Election?

City Clerk Foeman: [Inaudible – off mic]

Commissioner Slesnick: For November?

City Attorney Leen: That's for August.

Commissioner Slesnick: That's for August.

City Attorney Leen: I think that's for August, Walter. Are you sure?

Commissioner Slesnick: I think that's for August.

City Attorney Leen: I will defer to you.

Commissioner Keon: For the November Election?

City Clerk Foeman: August.

Commissioner Keon: I thought it was August, yes. When's our meeting in July?- the beginning of July?

City Attorney Leen: It could be either – we have to do it between 60 and 120 days before the November election.

Commissioner Slesnick: July 26th.

City Attorney Leen: So July.

Commissioner Keon: But is the July 26th meeting too late?

City Clerk Foeman: No.

City Attorney Leen: No.

Commissioner Keon: OK. So it will be on the July 26th meeting, we would vote on the ballot language. But should we see it before that?

City Attorney Leen: You could do it at the meeting before too; you could do it at the meeting before.

Commissioner Keon: OK.

City Manager Swanson-Rivenbark: Do it the meeting before, just in case you have additional changes.

Commissioner Keon: Yes. We may want to do it before in the event there are some changes to it.

City Attorney Leen: So why don't we aim for the meeting, the June 14th meeting.

Commissioner Keon: The June 14th meeting.

City Attorney Leen: And we could always make it effective whatever date we need, so that it's 60-120 days. OK. We'll aim for the June meeting, we'll make sure people know about it, you'll get it in advance, each of you, and we'll draft an ordinance. Mr. Clerk would you note as a unanimous consent motion that they've directed, the Commission has directed me to do the auditor one as an ordinance where Commissioner Keon will be the sponsor, and I'll work with her regarding the language.

Commissioner Keon: Thank you. The last time you did the Charter Amendments you did it at 5 o'clock in the evening, I think so that it was for the benefit of the committee, or it was for the benefit for the public input, is that right?

Vice Mayor Quesada: I think it's the benefit for everyone, the committee and the residents.

Commissioner Keon: If it comes back to us, you know when it comes back to us, do you want it as part of the regular meeting?- or do you want it at a 5 o'clock meeting again, so there can be input?

Mayor Cason: Basically the main decision and we've made it what's going to go on; it's just a question of the wording that it's clear or not.

Commissioner Keon: OK.

Mayor Cason: I don't see the reason that we have to do it at 5. We had nobody show up; we had one person.

Commissioner Slesnick: Two or three.

Mayor Cason: So I would think that this should be...in the sense it's just clear language.

Commissioner Lago: The only thing that would come up for discussion would be the issue of spending the extra money to do the ballot and we are not going in that direction.

Mayor Cason: We've already decided that, so this is just language that...

Vice Mayor Quesada:...and clarity.

Mayor Cason: Yes --- and clarity. So let's just do it at a regular meeting rather than have people come back again at 5 o'clock with probably very few people showing up.

City Attorney Leen: And Mr. Mayor, I see the City Clerk. One thing that we are doing now is we are logging Parliamentary Motions and other types of motions, so if you could say for his benefit so ordered, it would be useful.

Mayor Cason: So ordered. I love that saying.

City Attorney Leen: There you go Mr. Clerk.

Commissioner Slesnick: Could we have a time certain for that in case people do want to come speak on June 14th?

Mayor Cason: Yes. People can come and speak.

Commissioner Slesnick: For the time certain.

Mayor Cason: Or send an e-mail, if they have the language we'll have it, and if people have thoughts on it and make it clarified send it to us.

Commissioner Lago: I think we've had how many public meetings in regards to this?

Vice Mayor Quesada: You know how you can make it easier, because I know we have the setup now through Granicus, our online system that you can submit questions, maybe whatever notice we have related to these questions, it also gives you the link to the reader to Granicus, because if you can't make the time certain you can at least submit the questions and we can address that point.

Mayor Cason: So ordered.

[Laughter]

Vice Mayor Quesada: Well you created a monster.

[Laughter]

City Attorney Leen: Mr. Mayor one other thing, if I could say. It's not on the agenda, but I was asked to report back on 1411 Mantua, and I just want you to know that we are going forward in preparing the forfeiture complaint, but there has been significant action taken or at least they are starting to take significant action. If you drive by the property you'll see that the landscaping is now been deemed in compliance, the lawn's being mowed. We are expecting them to come back with bids for the roof and porch repair, it should have been by yesterday, so I'll double-check whether that was done, and at some point that they bring it into compliance, at that point the forfeiture action will be dismissed. But we are proceeding with it until we get action; and then on 5626 Granada, I just want to report to you that that also is going forward. You should see the receiver approved the change order to increase the size of the water supply line from one inch to two inches; there's been a mesh on the construction fence since Monday, April 18, 2016; there's a sign going up advising that this is a City requested court order receivership; provides the receivers phone number...

Mayor Cason: No trespassing, we agreed on that.

City Attorney Leen: No trespassing, OK. I will let them know. Mr. Iglesias, our new Acting City Manager is going to be helping us with these properties to make sure they are brought into strict and swift compliance, and I appreciate that.

Commissioner Keon: Thank you.

Mayor Cason: So ordered.

Commissioner Keon: So ordered. [Laughter].

[End: 12:53:48 p.m.]