

**City of Coral Gables City Commission Meeting  
Agenda Item F-2  
October 10, 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  
Assistant City Attorney, Naomi Levi-Garcia**

**Public Speaker(s)**

**Unidentified Speaker  
Maria Cruz**

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Agenda Item F-2 [1:20 p.m.]

Update on the number of petitions received regarding annexation.  
(Sponsored by Commissioner Fernandez)

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Yes, sir.

Mayor Lago: Item F-2.

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City Commission Meeting  
October 10, 2023  
Agenda Item F-2 - Update on the number of petitions received regarding annexation.

Commissioner Fernandez: All right. I know that the deadline to receive the petitions for annexation of High Pines, Ponce Davis, and Little Gables was yesterday. So, I wanted to get a report on the number of petitions that were received for both considered zones.

City Clerk Urquia: So, Commissioner, the October 9th deadline was just a self-imposed deadline, but as of yesterday, for High Pines-Ponce Davis, we had received 328 petitions of the 509 needed, 12.89 percent. For the Little Gables area, we had received 356 petitions, where we needed only 333. That's 21.43 percent.

Commissioner Fernandez: Okay, so I understand that it is a self-imposed deadline, but we as a City have stood by these deadlines before. When the BID came before us and they had a deadline for when they could be receiving votes, the Commission did uphold that deadline. I believe that we should be upholding the same deadline. We've had numerous residents at the town hall or the Sunshine meeting that we held in High Pines and Ponce Davis about annexation asking for the City to stop the process. I'm going to make a motion to accept the petitions received for High Pines and Ponce Davis and end the annexation process for High Pines and Ponce Davis.

Vice Mayor Anderson: Mayor.

Mayor Lago: Madam Vice Mayor.

Vice Mayor Anderson: I'm still receiving questions from folks asking about particular facts so they can make a decision, whether it be permitting fees or time processing permit fees, a lot of information that they need in order to make a decision. Unlike a BID determination that was governed by strict guidelines within their documents and so forth, allowing these people adequate time to learn the information that they need to make an informed decision, I think, is something that we should encourage. There's no need to rush the process or truncate the process. I understand some folks have asked for it to be ended. Others have asked for it to be extended. So, we need to respect all, and my respectful suggestion is we give it to the end of the month, and if the numbers are in, the numbers are in. If the numbers are not in, they speak for themselves, but not cut people short on making an informed decision in the process.

Mayor Lago: Madam City Attorney, just in reference, I need -- I don't remember, can we talk a little bit about the BID? How was that handled in regards to the petitions that were submitted? Because I don't remember. Obviously, I meant that they were 11 votes short.

City Attorney Suárez: So, Mayor, I'm going off memory here, but there was -- there's the -- the resolution that reestablished the BID provided a deadline for receipt of those petitions. And that was a -- the continued existence of a BID, of a special assessment district, does require a majority approval of the property owners. And so that's a little bit of a different process. I do think it probably would have been within the purview of the Commission at the time to extend that deadline if the Commission so desired. But here, of course, it's up to the Commission. You know,

if you want to just accept petitions as of yesterday or extend the deadline, it's really up to the Commission.

Mayor Lago: I just asked you because I don't remember if it was set in stone or a resolution of some sort that says 45 days after the petitions or 50 days or 60 days.

City Attorney Suárez: I believe the BID was 60 days. I'm going off memory.

Mayor Lago: Okay, so it was an actual like date that was given, a number of days. I'm with the Vice Mayor. I think, listen, again, we're far in regards to High Pines-Ponce Davis, but I still think people are still considering the opportunity of joining the City Beautiful. I'm happy to see that Little Gables has met that threshold. I don't -- I don't think it hurts the City at all to give us to the end of the month. And if we don't make it by October 31st, we move on with Little Gables, which I think is wonderful. And maybe we can include High Pines-Ponce Davis, if it's the will of the residents. If not, then again, we abandon that process and, you know, we move with the great residents of Little Gables.

Commissioner Castro: What is the date of the deadline?

City Manager Iglesias: There is no deadline. We set an arbitrary date.

Commissioner Castro: For the petitions, wasn't it October 9th?

City Manager Iglesias: October 9th, but it was not a deadline. It was just -- we asked for -- if possible, provide them by the 9th.

Commissioner Castro: So, that's the wording on -- where was this deadline or this October 9th written on?

City Manager Iglesias: On the petition.

Commissioner Castro: Okay.

Commissioner Menendez: Could we read --? Could someone read that part into the record?

City Attorney Suárez: The petition language?

Commissioner Menendez: Where it talks about the date.

City Attorney Suárez: Let me --

Commissioner Menendez: Just how it's worded.

City Attorney Suárez: Let me try to find it.

Commissioner Menendez: No, no, I didn't mean to put you on the spot, but.

Vice Mayor Anderson: But you did.

Commissioner Menendez: Well, she is the City Attorney.

Commissioner Fernandez: And while we wait, when were the ballots initially sent out for the petitions?

City Attorney Suárez: Naomi, do you have that information?

Assistant City Attorney Levi-Garcia: Good afternoon, Naomi Levi-Garcia, Assistant City Attorney. Okay, the language on the deadline. Please return this card in the postage paid envelope by October 9, 2023. Thank you. A self-imposed deadline.

Commissioner Castro: So, that almost says it's practically a deadline returning by October 9th. I would feel comfortable giving another 10 days and respecting our deadline because we don't have enough petitions doesn't mean we need to keep on waiting for more to come in.

Vice Mayor Anderson: I was only suggesting to give the residents the time to get the answers to the questions.

Commissioner Castro: Right, so let's give them another 10 days and let's close it. I think that's fair.

Vice Mayor Anderson: I think the end of the month is fair because people are still waiting for responses and they may have follow-up questions. Ten days is an arbitrary deadline. That does not -- you know, we don't have no ability to communicate that to them in the interim. That, oh, you only have 10 more days to respond.

Commissioner Castro: On the petition, it says October 9th, and I think 10 days of grace would be sufficient. I mean, they already knew it was October 9th. We're being nice enough to give them another 10 days.

Vice Mayor Anderson: It was a "please return by."

Commissioner Castro: I would...

Vice Mayor Anderson: "Please return by" could mean that they put it in the mailbox on the 9th, and it might be in the mail in the process.

Mayor Lago: And also, we also had a day of vacation yesterday, so I know there was a bunch of petitions that were brought in and the mail wasn't working. So, listen, I think when you put it to October 31st, it shuts the door. Either we have it or we don't have it, and we move forward in one form or another. What is the will of the Commission?

Commissioner Fernandez: I guess if we have a deadline of October 9th, you know, it's like saying, well, you know, election day is November the 2nd, but we're going to be counting votes for another 30 days because people may have had questions about the candidates, or you know, may not have been decided on what the ballot measure was. The language is pretty clear, return by October 9th. We're not even close to the threshold. We're 181 petitions away, so I think these residents have been strung along this process. They're showing they're not interested in going forward with this. Why is the City of Coral Gables going to be the one pushing for this to continue? I think it's time to let the residents of High Pines and Ponce Davis rest on the issue of annexation. They have been extremely vocal about it. They do not want us to move forward with it. So, I stand by my motion to end the process of annexation of High Pines and Ponce Davis today.

Commissioner Castro: I'll second it.

Vice Mayor Anderson: And I will follow up on response. You're saying that all the residents in High Pines and Ponce Davis don't want annexation, yet they're asking questions that they need answers to in order to make a decision. And those answers are still being digested from them, yet you want to cut it off based upon your reinterpreting a please return by date as being a hard and fast deadline. It wasn't communicated as a hard, fast deadline that it must be received by October 9th. It's please return by October 9th. So, those very well could be in the mailbox today, could have been in the mailbox yesterday and on their way to us now. But if they still needed some answers to the questions, why do you want to slam the door? It's not going to change the outcome to extend it to the end of the month. Just being courteous to the individuals that needed the additional information in order to make a difference. No one here is pushing for annexation. The individuals that were in those areas and asked for it deserve the same respect and the same opportunity to be heard as individuals who do not want it. It is going to be what it is unless you slam the door on them. And what you're doing is slamming the door on them. Let them be heard. Let the votes be counted so they don't come back again and say, well, you know, if you hadn't slammed the door on us perhaps we would have got -- reached the numbers. But here's the additional petitions now that you've denied to be counted by this Commission. Let the process finish and then we'll be done with it. No one will have doubts that their voice wasn't heard by a Commission that imposed retroactively a hard and fast deadline out of language that says, just please return by.

Commissioner Fernandez: It's clear it's a deadline. I mean, it's on there. Anybody who reads this -- and in fact, most of the residents that were there, favor or against, realize there was an October 9th deadline. The question is, do we have over 181 people who are waiting for answers from the City, Mr. Clerk and Mr. Manager?

City Manager Iglesias: I'm not aware of 181 people.

Commissioner Fernandez: So, we're going to give extra time for people who supposedly are interested in going forward with annexation. I mean what percentage have we reached in High Pines and Ponce Davis?

City Clerk Urquia: 12.89 percent.

Vice Mayor Anderson: Have you asked them whether they would like it to be able to finish so that if they come forward again with petitions, other folks there that are interested in it? I mean, I had some people come to me and say, hey, listen, can we separate this into two pieces where Ponce Davis can be considered separate from a section of High Pines. There are people out there that are interested in annexation. So, I don't think that cutting them short in the middle of the process is the proper way to do it. Let it finish. Let it be over with. Let it be done once. Not come back again. That's what they wanted. They didn't want it to come back again and again. What you're doing is you're ensuring that those whose voices weren't heard will come to us again and ask to be annexed in the future. This way we can say, listen, you were given adequate time, you were given through the end of October, if you didn't get your petition in because you wanted it, I'm sorry I can't help you now.

Commissioner Castro: Well, there's a gentleman right there sitting down that he -- you were here for the discussion of annexation, correct?

Unidentified Speaker: Yes, I was.

Commissioner Castro: How do you feel about that?

Mayor Lago: But can we do something, sir, if you don't mind? Just let the Commission finish, and then we'll have another bite of the apple.

Commissioner Fernandez: But I think you're interrupting the Commissioner who's asking a question of somebody who's here to speak to us. Again, it goes back to the civility code that you're violating.

Mayor Lago: Madam City Attorney, just trying to make sure the meeting conducts in a way that we allow for the meeting to have a flow. Can you please tell the Commissioners and myself what is my intent in the meeting and what are my abilities in the meeting? Please.

City Attorney Suárez: So, Mayor, you recognize those who wish to have the floor and those who are going to speak through the Mayor.

Mayor Lago: So, I haven't held my colleagues accountable when you're speaking to say go through the Mayor. I don't want to do that. Again, we have a public comment section so that

people can speak. The gentleman will speak. Let's just finish the dialogue here and then we'll open up to the public. I don't have an issue with you having a comment. Do you have anything else you'd like to say, Commissioner, before I --? I think the Manager wanted to say something and then Commissioner Menendez also.

Commissioner Castro: No, no.

Commissioner Menendez: I just have one question. Based on whatever decision we render today, and how long does it take to get their ballot or their petition in the mail and received? Is it like a five day, three day? Postal service is, you know, giving it their best.

Commissioner Castro: Isn't it marked -- stamped with the day it was sent out? And we could go based on that.

City Attorney Suárez: So, I don't know currently how long regular mail is taking. I don't know the answer. I would think no more than a few days is -- would be my guess. I don't know if the Clerk has more information as to how long, you know, mailing time is right now.

City Clerk Urquia: I do not. I know there was no mail delivery yesterday because it's considered a holiday for the postal. But you know, two or three days.

Commissioner Menendez: I'm comfortable with extending it till next Monday, just to allow that mail to come in. I think it's fair. I know it was a holiday yesterday and I agree. That way, and actually, you know, give it time to receive. You never know, maybe the numbers change. But I'm good with moving it to next Monday. That way folks watching this, or they can tell their neighbors or folks that live in their areas, hey, we have -- you know, get it done.

Mayor Lago: Mr. City Manager, you had a question.

City Manager Iglesias: Yes, Mayor, thank you. Commissioners, we did not look at the ninth as a drop dead date. We wanted to put a date sufficient so that we could come back the second meeting in October, first meeting in November and have some date that was before that because people tend to wait until the last minute to send -- to send these things. So, there was no intention for that to be a drop dead date. The idea was to provide some type of grace period for that so that -- but if we -- if we don't -- if we extend it to the end of October, then you have people straggling in November. So, that was -- so we never looked at it as a -- just in -- as we were creating the petitions, we never looked at that as a drop dead date.

Commissioner Menendez: If we do it -- you know, if we extend it to Monday, that way we actually know what's going to happen or it's happening by the time we have our second meeting in October. So, if we move it to November, we can revisit this second meeting in October if we all agree to move it to Monday.

Mayor Lago: So, what is the will of the Commission?

Commissioner Castro: Well, there was a motion so...

City Attorney Suárez: A motion and a second.

Commissioner Castro: Do you want to...

Mayor Lago: But if I may.

Commissioner Castro: Maybe amend...

Mayor Lago: You have one Commissioner who's saying move it to a week from today, you have another Commissioner saying end it today, so I want to see if there's consensus. Mr. Manager, you have a question.

City Manager Iglesias: May I suggest something? Maybe we can use the drop dead date of the next Commission meeting and anything that -- because that was truly our intent, it was not that. But I do think that anything that was mailed today or mailed this week would get here prior to the second Commission meeting in October.

Commissioner Fernandez: I mean, to me, all this sounds like Coral Gables is the one pushing annexation, not the residents of the area who are going to be annexed. And that's the concern that I've been hearing from the community, not from High Pines and Ponce Davis, from the residents of Coral Gables. That's the concern that they have. If you want to move it to Monday, that's fine, but I think there has to be a postmarked date of today. I mean, that way there's enough time for those to arrive by Monday. But I don't think it should move past today. I don't want these ballot counters to go out and start getting people to stuff the ballot box. That's the concern that residents in that area have had for the last few months because of paid canvassers that have been coming around. We need to make sure this is a process that can be trusted. And it's not about, you know, ending the process early. Everybody who received that petition had October 9th as a date on that petition. It wasn't October 10th. It wasn't sometime in October. You may have seen it, Mr. Manager, as it's not a drop-dead date, but to anybody who received it, it is a drop-dead date. So, I still believe the process ended on October 9th if we did not receive the necessary number of ballots. If you want to move it to Monday, I would want a drop-dead date of when -- they have to be postmarked prior to Monday. I would say probably today, just to make sure that it is a clean process. I don't want somebody showing up at the ballot box and just dropping a lot of petitions.

Commissioner Castro: I could agree with that.

Vice Mayor Anderson: I will agree to disagree with you, and the following reasons are why. You can't change the rules in the middle of the game. And that's exactly -- excuse me -- that's exactly what you're doing. The petitions did not say you must have postmarked by. IRS rules are clear



when you have to have something postmarked. It's postmarked but not received. So, it could be postmarked and not received for another week. Monday would impose, you know, additional days where you don't have mail service in between, okay. Commissioner Castro's suggestion of 10 days would alleviate that necessity. But if you're going to put a drop-dead date that something must be received by or postmarked by, you must communicate that from the outset. And it wasn't. So, we should not penalize those who still needed to seek additional information. It is what it is. The petitions are out there for them to fill in. Coral Gables is not pushing this. It is up to them to fill in their petitions and either send them in or drop them off or bring them here to the Clerk's office, depending on how they choose to deliver their mail, okay. People can drop off mail as well as putting it in a post office box, which, as you know and I know from my experience, things are stolen out of sometimes. We had it yesterday in the news about mail being stolen. So, don't change the rules in the middle of the game. Play by the rules that were set out. They said, you know, please return, you know, please return by. That means that they could have put it in the mail, they could have dropped -- processed it to be dropped off. The 10 days is more than sufficient for that process to finish, and don't hold them to a postmark date of today. That is just wrong.

Mayor Lago: So, very briefly, I think I've heard everybody here and the Manager. Is everybody willing to accept the next Commission meeting as the deadline for accepting petitions at the Clerk's office?

Commissioner Fernandez: No.

Commissioner Castro: That's not what was discussed.

Mayor Lago: I'm just trying to find common ground here...

Commissioner Castro: Okay.

Mayor Lago: In between the end of the month. And I would appreciate it if you just let me have a few words. Remember, we're trying to be as civil as possible here. So, what I'm trying to say is the Manager came up with the next Commission meeting as kind of a middle ground in between what was proposed by Commissioner Menendez and what was proposed by the Vice Mayor, which is the end of the month. I think that's a clear date. It's the end of the month in regards to the last Commission meeting, and I think it would be an opportunity for us to vote on the issue and move on to the rest of the items on the Commission, and finally put this to rest. We can move forward with Little Gables, which has already sufficient petitions, and we make the decision based on whether we move forward with High Pines or Ponce Davis that are right now around 12 or 13 percent. So, I think it's a good compromise and we can move forward altogether on this issue.

Commissioner Castro: Do you think we could hear from the resident?

Mayor Lago: Of course, but I just wanted to finish our dialogue, and then if there's anything else that -- we're more than willing to hear from the resident again. Anything else from the Commission, Mr. Manager, Madam City Attorney?

Commissioner Fernandez: I think for me it's still -- you talk about changing the process. If it says October 9th, we're changing the process even if we extend it by one day. Extending it to October 31st subjects us to a lawsuit by those who were in the counting room and realized we didn't have the necessary number of petitions signed by the deadline which was on that petition. And correct me if I'm wrong.

Mayor Lago: So, are we subjecting ourselves to a lawsuit?

City Attorney Suárez: So, we can always be sued by someone. I don't think that that would be a strong legal basis for suing the City. There is no -- you know, it is a self-imposed deadline and the Commission does have discretion if they want to extend or change it. But it's -- again, I don't think that that would be -- but that'd be a lawsuit that we would be able to defend. But can somebody sue us? We can always be sued.

Mayor Lago: So, if there's nothing else further, I'd like to hear -- I promise I'm going to let him speak not for the first time, but for the second. Yes, sir, please join us.

Unidentified Speaker: So, first of all, I didn't ask to speak.

Commissioner Castro: I just asked him a question.

Mayor Lago: Sir, can you tell everyone when we met each other for the first time this morning what I told you?

Unidentified Speaker: We met for the first time this morning. You told me that I was going to -- I could speak before or after, or both if I wanted to. And I, in fact, had no intention of speaking a second time, but I was asked.

Mayor Lago: You know, I met you before, by the way, and I -- you came to speak to me. I came to speak to him, wishing him a good morning, and I said, you're here to speak on what issue? He said, annexation. I said, we'd love to hear from you, not once, after you told me you're in opposition, not once, but twice if possible.

Unidentified Speaker: That's absolutely true. I will vouch for that. In any case, to address what has been the object of the discussion, today's been very eye-opening. Gables has a lot going on, a lot of opportunities. But from the perspective of the community, I think, Commissioner, you hit it on the head. We were given a date. The ballots were not sent out once. They were sent out twice. The City of Coral Gables has spent over \$100,000 in this process as of this point, I believe. And we saw the date that it had to be returned by. We thought we could trust that date. I think if you

were for being in Coral Gables as I was many years ago, oh my God, I would have sent that ballot in day one. And if I had any questions, I would have asked those questions day one. I wouldn't have waited until the last day and, you know, maybe missed the deadline. I'd be too excited for it. And maybe in the future we'll be excited to be part of Coral Gables again. But right now I think the community is not. I think they have a right to rely on the October 9th date to return that ballot by. I think those that wanted to did. And something was very telling. You saw people here today from Little Gables, and they were very excited to have succeeded in becoming a part of the City. You didn't see a single person here from High Pines-Ponce Davis saying that they're disappointed with this process, that they want to be a part of the City, and that they need more time for their ballot. Not one person. So, my recommendation is at least for this process, that really you abide by the deadline set in the ballot.

Commissioner Castro: Thank you.

Mayor Lago: Well, moving on from the issue, what is the will of the Commission? What is an appropriate deadline that we can agree on, the entire Commission?

Commissioner Castro: I think today should be the last day that they should be turned in. Now, if we receive it, you know, in eight -- ten days, that's a different story, but today should be the last day that we should get any petitions back. It was on the 9th, today's the 10th. Not saying that we're not going to accept it if we get it in five days, that's not what I'm saying. We'll give them the time to receive it, but today should be the last day because I don't want campaigns or people to start campaigning because we don't have enough. It just doesn't make -- I completely agree with you.

Vice Mayor Anderson: So, it's 10 minutes, roughly, of two in the afternoon, if that clock is correct. It's 1:45 p.m. So, assuming people are watching this, you know, you're concerned that they're going to be rushing out and getting additional petitions.

Commissioner Castro: No, I'm just trying...

Vice Mayor Anderson: As opposed to...

Commissioner Castro: I'm trying to be more considerate leaving it to today because, in reality, it should have been yesterday.

Vice Mayor Anderson: Well, it didn't say postmarked by.

Commissioner Castro: It says...

Vice Mayor Anderson: And it didn't say delivered.

Commissioner Castro: Received by.

Vice Mayor Anderson: No, it says, please return. That means put it in the envelope and drop it off. Okay, so if they put it in the post office box yesterday, okay, and it was...

Commissioner Castro: What's the content?

Mayor Lago: Can we -- can we -- can we not interrupt each other...

Commissioner Castro: Okay.

Mayor Lago: And let the Vice Mayor finish her train of thought and you can speak also, please?

Vice Mayor Anderson: And it's dropped in the mail and delivered. I think we need clarity in what we're saying as opposed to just trying to truncate the process. By the time it comes to us in the mail -- okay, Commissioner Menendez suggested next Monday, you had suggested 10 days. If we want, we can split the baby between the two of those to give adequate time for this mail to be received. It does take time for the mail sometimes. It's not as expedient as some people would think. And I've had many things come late. So, want to split the baby on that, make a motion so that we can all receive by next Tuesday. I think that that would be an adequate resolution to this.

Mayor Lago: Commissioner Menendez.

Commissioner Menendez: I have a -- sorry, I have a question for the Clerk. When we have elections and folks mail in their ballots, I'm sure we receive ballots after the election, the votes are counted. Do you have a sense as to how long -- how many days after the actual election day we still receive ballots? I would imagine some people erroneously put it in the mail the day of the election thinking that's...

City Clerk Urquia: So, we still -- ballots are counted up until 7 p.m. on election day. That's as far as counted. Received, especially here for runoff elections, we still receive -- two to three days after the election we still receive ballots.

Commissioner Menendez: So, that's why I'm personally comfortable with a Monday, because based on the feedback, the information we got from the Clerk says it takes, you know, a few days for ballots to actually arrive. So, I think a Monday is reasonable if we're talking about waiting for the ballots actually to arrive. I think we go further out, I think it creates the appearance -- an appearance we don't want to project in our own community and that community. But reasonable time, I'm open for reasonable time.

Vice Mayor Anderson: All right. Today is Tuesday. I suggested Tuesday. Can you explain to me why next Tuesday is not a reasonable time? That's one week.

Commissioner Menendez: I did not know you mentioned Tuesday.

Vice Mayor Anderson: I did mention Tuesday. She had asked for 10 days, okay.

Commissioner Menendez: Does anybody have a...?

Vice Mayor Anderson: That would be towards the end of next week.

Commissioner Menendez: I need a calculator.

Commissioner Castro: Tuesday to Tuesday is seven days. Tuesday to Tuesday.

Commissioner Menendez: So, okay, so we're down to Monday or Tuesday. I'm fine with Tuesday.

Vice Mayor Anderson: Okay, then let's make it Tuesday. Because you start counting days, according to court rules, the day after, not the day of an action.

Commissioner Menendez: I'm comfortable with Tuesday.

Mayor Lago: Yes, Commissioner.

Commissioner Castro: So, what does Tuesday exactly mean? The day that -- after Tuesday, completely no more petitions are accepted? Or what does that Tuesday signify?

Commissioner Menendez: What we have is what we have.

Vice Mayor Anderson: That's it.

Commissioner Menendez: That's it. Anything -- well, the City Attorney now wants to comment something. Go ahead.

City Attorney Suárez: I just have a -- I would ask for clarification. So, are you saying Tuesday, any petitions received by Tuesday, meaning whether they're turned in in person, or do you want like a postmark date, or is it just received, you know, by the Clerk on Tuesday?

Commissioner Menendez: Why do you complicate it when we're so close to a solution?

City Attorney Suárez: No, I'm trying to clarify. I'm trying to clarify.

Vice Mayor Anderson: Yeah. Well, I mean, I don't think we can impose a postmark date when we didn't have a postmark date on the instructions to begin with. No one said it had to be postmarked. We had boxes where people could drop them off. We had, you know, mail-in ballots.

We have people dropping them off. To change the rules at the end of the game it's not fair to people.

Commissioner Menendez: So, since we're back between Monday and Tuesday, I actually -- since I'm, you know, compromising on a Tuesday, I'm comfortable with a postmark the end of the day Friday. We receive them Tuesday.

Vice Mayor Anderson: Okay.

City Clerk Urquia: Correct, but...

City Attorney Suárez: So, then that means that petitions that are turned in, you know, in person will not be counted after today. If anyone brings them in -- because they've been -- some that have been turned in in person to the Clerk's office. So, I just want to -- we have been accepting them.

City Clerk Urquia: That will...

Commissioner Menendez: I'd look for guidance from the Clerk.

Mayor Lago: Can we...?

Commissioner Menendez: We're close, we're close.

Mayor Lago: Can we have the conversation through the Chair?

Commissioner Menendez: Through the Chair...

Mayor Lago: To make sure that we have...

Commissioner Menendez: I ask the Clerk.

Mayor Lago: As much civility as possible.

City Clerk Urquia: I was going to ask the same question, which is, if someone was to bring me a, you know, walk into my office tomorrow and hand me a petition, should I be accepting that?

City Attorney Suárez: And to clarify -- Mr. Mayor, can I just...?

Mayor Lago: Yeah, of course.

City Attorney Suárez: Mr. Clerk...

Mayor Lago: Thank you.

City Attorney Suárez: We have been accepting...

City Clerk Urquia: We have. Just yesterday for Little Gables, we received over 50 petitions who someone walked in and delivered them.

Vice Mayor Anderson: Yeah, and through the Mayor, I mean, we did not establish rules on how these could be accepted. And to change the rules in the middle of the game, again, is just not good business practice. It's not good practice for our city. And I don't think we should prevent the Clerk from accepting petitions in the same manner that we have been accepting them in the past.

Mayor Lago: Mr. Clerk, if I may.

City Clerk Urquia: Yes, sir.

Mayor Lago: When you receive a petition, you still have to ratify that that petition is correct.

City Clerk Urquia: We will do that after the fact. We have not done that yet.

Mayor Lago: So, at the end of the day, that person will be contacted, and they will have to...

City Clerk Urquia: Miami-Dade County Elections will match their signature to the signature they have on file.

Mayor Lago: And by the way, this is just the beginning. There's a very long process that will ensue. And at the end of the day, God willing, there will be a vote of the entire community, if it's one community or two communities or zero communities, but that's the process. So, we have here -- we have a -- I think we've come to a consensus on Tuesday of next week. Is that what I'm understanding?

Commissioner Menendez: And to clarify the postmark, so this is my latest offer.

Vice Mayor Anderson: We're taking bids?

Commissioner Menendez: It's like a game show. I need a commercial break. Postmarked Friday, received Tuesday. That way -- so we want things postmarked Friday, but we'll still be receiving them on Tuesday because now we have two questions, when to receive them and the postmark.

Vice Mayor Anderson: So, you know...

City Clerk Urquia: But if they were to walk into my office on Monday and hand deliver one, I should accept it?

Commissioner Castro: No...

Vice Mayor Anderson: I...

Commissioner Castro: Only Friday, till Friday.

Vice Mayor Anderson: I...

Commissioner Castro: Because that's the postmark (INAUDIBLE).

Vice Mayor Anderson: With all...

City Manager Iglesias: Mr. Mayor.

Vice Mayor Anderson: Mayor -- through the Mayor.

Mayor Lago: Madam Vice Mayor.

Vice Mayor Anderson: All due respect, I've done a lot of deadline deliveries in my 37 years of law practice. If it is required to be postmarked, it's clearly in the rules. If it doesn't say that it must be postmarked and can only be delivered by means of the United States Postal Service, any delivery method is acceptable. Courier, FedEx, a friend, you cannot go back on people that now have these in their hands and tell them that they have to change the rules and, oh, by the way, you better be paying attention to the Commission meetings coming up because we're going to play -- change the rules in the middle of the game. You can't do that to people. That's just not fair. So, if you want to work in a democratic society that works by rules, you have to follow through by providing proper notice. They were not notified that it must be postmarked. They were not notified that they could not hand deliver them. We've been accepting through our practice that we accepted hand delivery. Why should they think that we would change the methodology by which they could drop it off somewhere at the 99th hour? Allow the process to finish and let's be done with it.

Mayor Lago: So, let me let me ask you a quick question through the Commissioner. Are you willing to accept Tuesday at five o'clock, the Clerk closes the door. If a petition has come in the mail, it's accepted. If a petition was hand-delivered, it's accepted. If it was brought by courier pigeon, it was accepted, but five o'clock on Tuesday is the last moment to receive a petition. If you receive petitions in the mail on Wednesday, because they came in on Wednesday, we don't accept them. Is that acceptable to the Commission?

Commissioner Fernandez: October 9th was the deadline. That should still be the deadline. We should not be changing the rules in the middle of the process because it's inconvenient to the result. 87.11 percent of residents of High Pines and Ponce Davis did not return a petition. And I can assure you there aren't 181 people out there who have asked questions of the City as staff doesn't



even know of any questions that have been asked. I stick by my motion to end the process. Let the residents of High Pines and Ponce Davis rest.

Vice Mayor Anderson: Okay, again, you're changing language. You're imposing a deadline. Deadline. You keep using the word deadline. The deadline was not communicated to those folks so they knew that it was a hard and fast deadline. We have a reasonable motion on the floor to extend the period of time to Tuesday, okay. No more petitions after that, no more mailings after that, no more drop-offs after that, but to provide the adequate time for response. Not everybody contacts the City Manager's office. Sometimes they contact some of us, okay. They make phone calls. They send emails. And they have a series of other people carbon-copied on it that are in the community that were asking for information because they need information to make a decision on. I think people deserve to have that information and be able to turn those petitions in. Yesterday was not a mailing -- a postal day, so that didn't count either. I don't see what is so hard about giving them an additional -- basically, if you start counting tomorrow, which is the typical way you count anytime you're dealing with deadlines in any court system -- that's Wednesday, Thursday, Friday, Saturday. Sunday is a non-mailing day. That's five days. Monday is your sixth day. It's 5 p.m. on Tuesday, it's over, okay. That's it. It wasn't communicated as a drop deadline. There was no requirements for a postmark. There was no restrictions on delivery methods. But yet, you want to retroactively at this point make it a hard and fast deadline. That was not clear on the instructions.

Mayor Lago: Commissioner Menendez.

Commissioner Menendez: Through the Chair, like if the Manager has any -- I mean, I think we've all spoken except for the Manager. If you have any thoughts on this.

City Manager Iglesias: I think we seem to be at an impasse, but if anything received by Friday in the Clerk's hand or by Tuesday or postmarked by Friday or received by the City Clerk on Friday and received by Tuesday. Postmarked and received is the same thing.

Mayor Lago: So, what is the will of the Commission?

Commissioner Castro: I mean, I've never seen a petition saying hard deadline. This is a maybe deadline. I think that when there's a date, that's the deadline. I think the language is self-explanatory. It's October 9th, and I don't think we have to put there so people understand that it's a hard deadline that it's a hard deadline. That's my opinion. Whoever was very happy to turn in their petitions, I believe they have turned them in already. I don't know if -- did you call -- did you do -- did you call a motion? If not, I'll call...

Commissioner Fernandez: Yeah, there was a motion.

Commissioner Castro: To just stop this since yesterday.

Commissioner Fernandez: There was a motion and a second.

Vice Mayor Anderson: All right.

Mayor Lago: Is there no further comment? Madam Vice Mayor, you have something?

Vice Mayor Anderson: Well, the other thing, you're referring to language you don't even have in front of you. Please return by does not mean must be received by. So, I think you're imposing a deadline that didn't exist by changing language that was on the instructions to a -- from a please return by date, please put in the mail by date, into must be received by date. Those are two very different things.

Commissioner Menendez: My suggestion, by the way, related to this, next time we send these petitions out, if this ever happens again, God forbid, that we work on the language so that we don't have this amazing lengthy discussion in the future.

Vice Mayor Anderson: I'll second that one.

Commissioner Menendez: Yes.

Vice Mayor Anderson: I will definitely second...

Commissioner Menendez: Unanimous.

Vice Mayor Anderson: I will definitely second that.

City Manager Iglesias: Commissioner...

Mayor Lago: Commissioner.

City Manager Iglesias: Last time that petitions were sent out, it was similar language. We used the same language as the petitions. Some straggled in and those were accepted. So, we did not look at that as a hard date. I understand that's the way the Commission is looking at it. And so, in the future, we will certainly address that.

Mayor Lago: Commissioner Menendez, are you willing to accept the compromise that was proffered by the Manager that the Vice Mayor is willing to accept and I'm willing to accept?

Commissioner Menendez: I'm comfortable with the Manager's compromise. I think it's fair -- a fair compromise considering the -- all the different ways of looking at the situation.

Mayor Lago: So, Madam City Attorney, we have a motion on the floor and a second. If you want to add -- and if you want to tweak that...

City Attorney Suárez: So, it would be up to the movant whether he accepts the amendment.

Commissioner Menendez: Right.

Commissioner Fernandez: No, I stand by my -- I stand by my motion.

Commissioner Castro: I...

Commissioner Fernandez: I stand by my motion.

Commissioner Castro: I second it, but I believe before we...

Mayor Lago: Hold on, hold on, hold on, hold on. Mr. Clerk.

City Clerk Urquia: Mr. Mayor.

Mayor Lago: Yes.

City Clerk Urquia: I have a member of the public requesting to speak on the item, sir.

Mayor Lago: Is this is a public comment?

City Clerk Urquia: It will be when the Commission takes action. Ms. Maria Cruz, Mr. Mayor.

Maria Cruz: Also known as Henchman Cruz. Maria Cruz, 1447 Miller Road. I am beyond confused here. We have a parliamentarian. I've heard there is a motion to accept Tuesday. No, there's a motion on the floor that was seconded to take October 9th as the motion. It was moved, it was seconded, the motion hasn't been voted on. The motion has not been -- it's been discussed. This was called discussion. You cannot have a second motion until you discard the one that is on the floor. So, I'm -- you know, I'm not an official parliamentarian, but I belong to enough places to tell you that this is not the way you conduct parliamentary procedure, okay? So, my understanding is Commissioner Fernandez moved to close as of the day that it was supposed to be returned, which was the 9th. Commissioner Castro seconded it. There has been a lot of discussion. The gentleman who lives there expressed his idea, his recommendation was, make it the 9th. This is exactly the problem that we have with the rest of the world around us. There is the way and there's the Coral Gables way. If we don't like the results, we find a way to go around it and do it differently. Okay, that's the impression he's going home with. And that's why, maybe, they don't want to join us because we always find a way. We set the rule and then when we don't like it, we change it. And we say, oh, that was the rule. So, somebody has to go look it up and say, no, that was not the rule. It said return by October 9th. I don't have a horse in the race, other than being a resident of the City of Coral Gables. I don't live in High Pines. I don't live in Ponce Davis. I don't live in -- but it said return on the 9th. Now, now the Manager said, this is the way their

petitions have been sent before. We paid a consultant major money to put together the petition to make sure the process was done right. Oh, now we -- now the process was not right. We send the petition twice. You had a Sunshine meeting that I watched in Zoom, and it was absolutely no, we don't want to do it. You have people here saying, no, we're not interested. The people from Little Gables were here. Yes, they want to do it. Yes, yes, yes. And they voted to do it. You got 20 percent, right? Whatever you had to have. Guys, can you read? Can you listen? This is not the way things should happen. You should follow what you set out. If every time we've done it, it's been the same form, then there's nothing wrong with the form. Oh, now we see the difference. Now, we're going to argue. You know what? There was a holiday on the 9th. Not everybody had the day off. The City was open. They could have brought it in. Some people brought it in. The people that were interested voted. No, we're going to give time for people to go knocking on doors. And I heard now that somebody brought in 50 petitions. That really rang a bell right away. Nobody should be bringing in 50 petitions, okay? Something is wrong. When it smells, it's wrong. And you all need to stick by the rules. It said return by the 9th. It didn't say return by the following Monday, following Wednesday. Let's see if it rained, we didn't have to bring it. The City -- the Clerk was here. They could have brought it up to yesterday. Pick up the phone. Is the City open? Read the newspaper. It didn't say Coral Gables was closed. So, why didn't they do it? Because they don't want it. How many times are you going to be told they do not want it? How much money have we spent on this failed process? You know what, that's why I come in. I am a resident. I pay taxes. Why are we spending money on something that is not what they want? And the more you push, the more they're going to say no because they feel that you're forcing them. You're pushing. You're going to make it happen regardless of whether they want to or not. It's not going to happen. Give it up. The 9th was the date. Vote today. Finish.

Mayor Lago: Thank you very much.

Commissioner Menendez: Last thing, Mayor, if you don't mind.

Mayor Lago: Just for the record, I know that we always want to make sure we're very clear. That was five minutes of public comment.

Commissioner Menendez: Since -- this is for Commissioner Fernandez. I just Googled to make sure. Since the postal office was closed yesterday, so there's no delivery, are you comfortable at least extending it to today?

Commissioner Fernandez: I think today is a reasonable date. If the postal service was closed yesterday, today would be the reasonable date. But I think moving forward past this date, we're just extending the process to give more time, more time to get the results that certain members want. We cannot get there. October 9th was the deadline set by the City on that form, whether you said the word deadline or didn't say the word deadline. It doesn't say -- election day, it doesn't say the deadline to vote is November 2nd. It just is election day. That's the day you vote. You can't decide, hey, a week later, I forgot to get my ballot and let me go to the Department of Elections and cast a vote. Or I had a question about a candidate, so I shouldn't vote today, I should

wait to get my question answered, but I'm going to ask after the deadline. We set a deadline. It is unjust and unfair to the residents of Little Gables, 87 percent of whom have said they don't want this.

Mayor Lago: You mean High Pines.

Commissioner Fernandez: High Pines and Ponce Davis, 87.11 percent who have not returned a petition. And I think it's not fair to the 12.89 percent who believe that this process can move forward to continue to drag it down the road when there realistically isn't a path forward. So, if you want to make it -- extend it to receive -- ballots received today, I'm okay with that. But I highly doubt that we're going to get to 181.

Commissioner Menendez: I'm just saying because of the postal office is closed.

Vice Mayor Anderson: Through the Mayor.

Mayor Lago: Yes.

Vice Mayor Anderson: I think the folks in High Pines and Ponce Davis that want this process not to happen again would prefer to have the process done fairly without the rules being changed after the fact. Because the last thing we want, and I think the last thing High Pines wants, is for another group of folks from down there to come say, hey, listen, we didn't know you were going to change the rules in the middle of the game. And change, you know, return by to must be received by on the Commission dais floor. That's not fair. Please tune in because you never know when this Commission is going to change its mind on language, okay, and change it into received by or postmarked by or in the hands of the Clerk by. I think we'd rather be done with this and not have to revisit it when folks say, listen, I didn't understand that you meant that it had to be in the hands of the Clerk's office by a certain date when I dropped it off in the post office box on Wednesday because I wasn't tuned into the City Commission meeting. So, I think it was a reasonable compromise that the City Manager offered up to provide adequate time for those petitions that are in process right now or folks that are just now digesting some of the responses they got to their questions to be able to make their decision and not come to us next week, next month, and saying, "Oh my God, I had no idea. Can you do it again? You know, because I wasn't clearly informed with the instructions that were handed out." I agree with Commissioner Menendez that we should have had the opportunity to examine the language. It's something that, you know, I've said about other things that have gone out from this City before. Language matters. The language that mattered -- that went out was not clearly saying must be received by. I'd rather do this once and be done with it and not have to entertain annexation of High Pines-Ponce Davis again in the future.

City Attorney Suárez: Mr. Mayor.

Mayor Lago: Mr. Clerk -- yes, ma'am.

City Attorney Suárez: Sorry, I just want to clarify a little bit about process here or procedure here. There is a motion and a second, and then we've had debate. We can have -- it is permissible once there is a motion and a second to have a motion to amend. Because I had stated earlier the movant would need to accept, but there can be a motion to amend.

Mayor Lago: Thank you for that clarity. Mr. Clerk, we have -- I don't think we have any further debate. We have a motion and a second.

City Clerk Urquia: Okay, just to be clear, the motion I have is to end the annexation process in High Pines-Ponce Davis effective tomorrow, Commissioner Fernandez?

Commissioner Menendez: Can I make a motion...

City Clerk Urquia: Effective tonight?

Commissioner Menendez: To amend...

Commissioner Fernandez: Correct.

Commissioner Menendez: To the 10th?

Vice Mayor Anderson: Okay, can you say that again a little louder for these old ears?

Commissioner Fernandez: Yeah, today. Yeah.

City Clerk Urquia: Effective today at five.

Commissioner Fernandez: Yeah, that's the motion he just read.

City Clerk Urquia: Okay.

Vice Mayor Anderson: I couldn't hear Commissioner Menendez.

Commissioner Menendez: Instead of the 9th, it's the 10th since yesterday the post office was closed.

Vice Mayor Anderson: Okay, no.

Commissioner Castro: Yes.

Commissioner Fernandez: Yes.

Commissioner Menendez: Yes.

Mayor Lago: No.

(Vote: 3-2)