

City of Coral Gables City Commission Meeting
Agenda Item G-11
May 23, 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

Public Speaker(s)

Gonzalo Sanabria

Agenda Item G-11 [3:41 p.m.]

Discussion regarding potential options to address concerns of homeowners' associations for southern coastal communities. (Sponsored by Mayor Lago) (Sponsored by Commissioner Menendez) (Sponsored by Vice Mayor Anderson) (Sponsored by Commissioner Castro) (Sponsored by Commissioner Fernandez)

Mayor Lago: Let's talk about G-11 in regard to associations and moving forward with that process. So, tell us a little bit about what's the issue.

Mr. Sanabria: Thank you Mr. Mayor. The first time I speak in front of the two new Commissioners. It's a wonderful addition and I appreciate the fact that you are resilient, receptive and accessible. Thank you very much. I sent you all an e-mail regarding this item, which was originally put forth by Mayor Lago and also favored by Kirk Menendez, and it failed to pass by one single vote which is the enactment of an HOA advisory board which is long, long overdue in this city, and the facts of the details, I mean the devil is in the details, I understand that, from other comments I've heard, but I'd like to see us move forward, not just for the sake of Gables by the Sea Homeowners

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Association, in which I'm a board member, but for everybody concerned. So, I'd like to sit back and listen to your comments. Thank you.

Mayor Lago: Sir, thank you very much. Right now, we'll move on, close the public comment, everything is done. Since Gonzalo is here, I wanted to address G-11, please. This is sponsored by everyone on the Commission. I think everybody is interested. We sponsored myself and I think it was Commissioner Menendez also, I can't remember, it's been so much time now. We sponsored a very similar item which was a discussion about doing another board in the city that would potentially offer a voice to homeowner's associations in the city. The discussion was back and forth what constitutes an HOA, and what I think we need to do is, and I'm willing to draft the legislation, bring it back to the Commission, everybody can sponsor it if they'd like. There has to be a framework, there has to be an actual framework to be able to be included in that board. It just can't be an entity that was formed last year, two years ago, ten years ago, it has to be tied to a certain area, it has to be an HOA, it has to be registered, it has to be legally bound, so that we can have that inclusion into the board. The good thing about this would be an opportunity for these HOA's to come together, share information on a monthly basis, to understand there's a lot benefits, but there's also a lot of oversight that will be required. They would have to do financials; they would have to provide a litany of information. Obviously, they'd be under the scrutiny of the Sunshine Law, so they won't be able to be with their friends at the Coco Plum Marina talking about what's happening on the board. You won't be able to have that discussion. So, these are things that I think we're all in tune with and I think we agree with, now is just structuring the deal.

Commissioner Menendez: Through the Mayor. I'm very supportive of this for many good reasons, many benefits, not only to the city at large, but also the effort of engaging a growing city, because there are parts of our city that I think, at least the appearance that they don't have the opportunity like maybe folks that live closer to City Hall to participate in the process. So, this is a way of extending the process, so the people feel engaged, and we learn a lot on a regular basis, but I agree with you. I sat down with the City Attorney and the key is, to make sure that it's structured in a way that its airtight, so that they accomplish what they want to accomplish for the benefit of their area, but a benefit of the city, but we don't lose control make it unmanageable. So, as long as we can come up with airtight legislation on the structure of what this would be like, I think it's a great benefit for our city.

Vice Mayor Anderson: Through the Mayor.

Mayor Lago: Yes.

Vice Mayor Anderson: Mr. Gonzalo and I had an extensive conversation at Publix, when we ran into each other there, and I asked him some questions like, what would be the parameters, you wouldn't want every HOA throughout the city, because your concerns are along the waterways. So, I had made the suggestion of HOA's south of U.S.-1 and those along the waterway as a proposal. I'm sharing that with you all to know what I had discussed with him.

Mayor Lago: Colleagues, anything else.

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Commissioner Fernandez: Quick point. My concern was really about the Sunshine Law and what effect Sunshine Law would have on these HOA's ability to work with each other outside of this group.

City Attorney Suarez: So, the Sunshine Law would apply to the members of the board created by the city. So if a board member is part of one HOA and there is a board member, obviously as a part of another HOA, and they cannot discuss matters that might come before their board, so concerns that are discussed before their board they cannot discuss those outside of the Sunshine and that also means no sending text messages or phone calls, or e-mails about those common issue, if they are going to come before their board.

Commissioner Fernandez: Its exclusive to those board members. It does not preclude anybody else on the board from communicating with another.

City Attorney Suarez: Right. There's just one board member involved, they can communicate with their own HOA, they can communicate with other members of the HOA's, but they can't communicate with their fellow board members.

Commissioner Fernandez: Because there is a group of HOA chairmen who already meet on a regular basis, folks from Coco Plum, I think there are two other HOA's, a total of five HOA's that meet on a regular basis. So, I don't know if maybe another possibility is to just have somebody from the city sit in on these meetings so that we're not precluding them from the ability to have meetings. Just throwing that out there.

City Attorney Suarez: Of course, that would be an option for the Commission to decide, but if the Commission does decide to go with the board, then I would suggest that the HOA is not nominated as a representative, someone who sits on that other board of chairmen, then they wouldn't be able to meet, but if its somebody else then it's not an issue.

Mayor Lago: Okay. What I'm willing to do, if anybody wants to work with it, I'm going to redraft the legislation that we worked on for the election that we presented, that narrowly lost, and circulate it to all my colleagues on the Commission through the City Attorney.

City Attorney Suarez: So, establishing a board.

Mayor Lago: Yes, establishing a board, and present it in the next Commission meeting.

Commissioner Menendez: I'll make a motion for that.

Vice Mayor Anderson: Second.

Mayor Lago: Mr. Clerk.

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City Clerk Urquia: All in favor.

All: Aye.

City Attorney Suarez: So, Mayor, just for some clarification. We'll work with staff to identify the HOA's and then we'll bring, my thought would be that the ordinance establishing the board would list the HOA's themselves, list them by name.

Mayor Lago: Yes.

City Attorney Suarez: And then obviously, first reading the Commission can tell us if there's anybody that we missed, any association that we missed, and we can include a mechanism for maybe adding any additional HOA's in the future, we'll include something like that.

Mayor Lago: I think it has to be ironclad the breakdown of how you get, this is not – this has to be an actual HOA.

City Attorney Suarez: We'll actually name them as part of this.

Mayor Lago: Homeowner area that is defined, that there's a board, and I think it would be great to maybe get some input from some of the members, for example, from Gonzalo's team and maybe we can have Kings Bay, we can have Coco Plum. Grab somebody and say, listen, what do you think is an opportunity to really make this board be really beneficial. Not just add a board to add a board. Let's do something great.

Commissioner Menendez: Through the Mayor. In terms of adding HOA's in the future, I'd almost prefer that on an annual basis, because I don't want to be adding every Commission meeting somebody created an HOA, now they want to be part of that. I want to be methodical. I want to be careful, so that again, it's manageable and it accomplishes not only the spirit but the intent, the purpose of what we're trying to do here.

City Attorney Suarez: Understood.

Mayor Lago: So, moving on. Perfect. Thank you.