

**City of Coral Gables City Commission Meeting
Agenda Items G-12 and G-13
September 14, 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

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant City Attorney, Stephanie Throckmorton

Public Speaker(s)

Agenda Item G-12 and G-13 [Start: 3:05 p.m.]

G-12: A Resolution of the City Commission directing that Regular City Commission Meetings begin at 9:00 A.M. and directing that certain City Commission agenda items be heard no earlier than 4:00 p.m.

G-13: A Resolution of the City Commission directing that certain City Commission agenda items be heard no earlier than 5:00p.m. (Sponsored by Commissioner Anderson)

Mayor Lago: Moving onto G-12 and G-13, which are related.

City Attorney Ramos: Yes, this is in the alternative. So, G-12 is a Resolution of the City Commission directing that Regular City Commission Meetings begin at 9:00 A.M. and directing that certain City Commission agenda items be heard no earlier than 4:00 p.m. and G-13 is directing that certain agenda items be heard no earlier than 5:00 p.m. So, Stephanie will walk you through the two versions and we'll go from there.

City Commission Meeting

September 14, 2021

Agenda Items G-12 and G-13 are related – Resolution directing the Regular

City Commission meetings begin at 9:00 a.m. and certain agenda items be heard no earlier than 4 p.m./5 p.m.

[Date]

1

Assistant City Attorney Throckmorton: Mayor, Commissioners, we are talking about our favorite subject again, meeting times. We don't have a PowerPoint this time. We've narrowed down a little bit, but I just wanted to give a brief overview of the current practices and the two options that are on the agenda right now. Today is a great example of our current practices; we have a 9 a.m. meeting, we had multiple time certain items; we had an item of great public importance noticed for 5 o'clock, we've deferred it, but this is an agenda that is an example of our current practices, how they work through the Chair and the Commission directing time certain items. So that's current practices. We have two proposals, G-12 is based on the last Commission meeting that we had looking at what is now G-13 and narrowing it a little bit. So, I just want to clarify what is in G-12. So that is 9 a.m. meetings with certain items to be heard no earlier than 4 o'clock, at least once before final action of the Commission. Those items are amendments to the Comprehensive Plan or Land Use Map, mixed-use projects requiring City Commission approval, planned area development applications, any project requiring conditional use approval, and amendments to those previously approved conditional uses, PAD's, etc., and any other item as directed by a majority of the City Commission. That would include items today, like the land use change for the Fire Station. It would include items like the conditional use for Riviera, which was deferred, but that would have been heard at 4 o'clock. So those are two examples of items that would be heard at 4 o'clock with G-12. G-13 is sponsored by Commissioner Anderson. This was on the meeting agenda last time. It was the fourth option, if you recall, so that is 9 a.m. meetings with certain items to be heard no earlier than 5 o'clock. Those items are ordinances amending the City Zoning Code, amendments to the Comprehensive Plan or Land Use Map, the same mixed use projects requiring City Commission approval of PAD's and amendments to previously approved projects, and it includes procurement awards for contracted goods and services over \$5 million dollars. So today, we would end up with a similar item at time certain, these would be 5 instead of 4, but it also includes any amendments to the City Zoning Code and procurement awards over \$5 million dollars. The ones today were not \$5 million dollars, so they wouldn't have been heard at 5 o'clock. Obviously, the City Commission retains the discretion to set time certain items as a majority and through the Chair, no matter what, with both of these items. One thing that was discussed last time for G-12, was talking about, if it wasn't actually that important, but we had set it for 4 o'clock, if a majority of the Commission could move up the time. That is not included in these as drafted because realistically the items in G-12 are all quasi-judicial items, and if they were noticed for a particular time, it's a problem to move the time. So, it doesn't give that discretion if there is a time certain, there's a time certain of no earlier than 4. It doesn't mean that it has to be heard exactly at 4, it just means no earlier than 4, as written. So, again, our current practices are like our meeting today, time certain for 5 o'clock, 10:30, however the Chair and the Commission directs; and then G-12 and G-13, which are similar. G-13 has a bit more of an extensive list of items and its 5 o'clock rather than 4 o'clock.

City Attorney Ramos: And both ordinances do express this state that failure to abide by this resolution does not invalidate the ordinance. So, under state law and under our city code, you can't challenge the ordinance, because it didn't follow this process. That's expressly stated in the resolution.

Assistant City Attorney Throckmorton: Yes.

Commissioner Menendez: My first question off the top of my head is, you mentioned that you didn't include the other language, because it was quasi-judicial and if we properly notice you can't move it, but does the Mayor as the Chairperson and the Commission as the governing body have the ability to move an item, have an item that falls under those categories be scheduled earlier in the day.

Assistant City Attorney Throckmorton: Yes. So, the resolution sets that time.

Commissioner Menendez: Originally you mean.

Vice Mayor Mena: From the get-go.

Commissioner Menendez: From the get-go, not at the last minute.

Assistant City Attorney Throckmorton: Yes. Yes. So quasi-judicial items can always be set for time certain through the Chair or the majority of the Commission, and if an item would have been set for 4 o'clock based on the resolution and it's set for a different time, the resolution doesn't prohibit that, but it's a direction from you all to the staff to do that.

City Attorney Ramos: Yes – and in fact I would say that we would add waiver language if that's what you all want that says that this could be waived by the Commission. So, you could say yes, we know this is of great public importance, it doesn't matter we are doing it at 9 in the morning.

Vice Mayor Mena: Can you just, if it's easy enough, I almost wish you had a presentation this time, can you highlight just for the sake of clarity, I guess the distinction other than the 4 o'clock, 5 o'clock.

Assistant City Attorney Throckmorton: Sure.

Vice Mayor Mena: The types of items that are included in 13, but not 12, I guess.

Assistant City Attorney Throckmorton: Sure. So, item 12...

Vice Mayor Mena: Let me ask the first question, does 13 include everything in 12?

Assistant City Attorney Throckmorton: Yes.

Vice Mayor Mena: And then it also includes some additional.

Assistant City Attorney Throckmorton: Yes.

Vice Mayor Mena: Okay, so why don't you just highlight what the additional are.

City Commission Meeting

Assistant City Attorney Throckmorton: So, 13 includes everything in 12, which are amendments to the Comprehensive Plan or Land Use Map, mixed used projects, PAD's, and conditional use approvals, and then amendments to those, and any other item as directed by a majority of the Commission, so that's the code as written. So, it's those two things really, amendments to the Comp Plan and mixed-use projects, conditional use PAD's. Those are what's included in 12 and 13; 13 adds two additional items and at a different time, but two additional items are zoning code changes. So that could be a text amendment that strikes one or two things that's small, or it can be a zoning code amendment as part of a much larger project that might be captured in the mixed-use project PAD application, but it also could include smaller items. So that's zoning code changes is added in 13; and the other item that's added is procurement awards for goods or services over \$5 million dollars. Those are not normally set for time certain, sometimes they are if they are, for instance, involving like the Public Safety Building, some of those items have been time certain items, but it would depend on – we don't normally set those as time certain items, but 13 would set that as no earlier than 5. So, 13 captures 12 plus and at a different time.

Vice Mayor Mena: I've given this a lot of thought and we talked about it, I don't know how many times now, and I fall sort of similarly where I fell earlier today with the time limit restriction. My honest position is I'm against both of these items, and I would rather leave things as they are, and have the flexibility and the ability as we've always had to set any items, we want within any category at a time certain later in the day. So, from that perspective, I'm frankly against both of these items at this point. I'd rather defer to this body to be able to decide when items should be heard later in the day, items of great importance, rather than try to pre-assess what those items are in this fashion and itemize them. So, I'm against both, to be honest with you, that's where I've come down on all of this after all this discussion. I think we've seen some of the adverse consequences of some of the later meetings. I'm not convinced that we get more participation. I'm not convinced of the quality of participation or discourse is improved, and so, at this point I would rather continue to have this body through the Mayor decide when items should be heard at a later time of any category, maybe it's about a school, maybe it's about a tree, maybe it's about a sidewalk that for some reason we think should be at 5 o'clock, let's put it at 5 o'clock, if it doesn't need to be it doesn't need to be. So that's where I am. So, with that said, if I had to choose one there, I would go with the one with lesser items at 5, between these two, but my position is I'm not sure why we are predetermining what should be at that time. We haven't done it in the past. I think we've always put items of great importance at times that can be heard. I'm actually a fan, frankly of when we have items of truly great importance of having Sunshine meetings, where we just focus on that item, where we roll up our sleeves and we spend 3 or 4 hours on that item and get very topic-specific discussion on that item, and we can do that, not at the Commission meeting. We can get all the input we need, we can really discuss, we can get a lot of feedback from staff, and I think they've been much more – those meetings, to me, over the years have been far more productive than trying to do it at the tail end of a day, like today, where its 3:15, where if we were wrapping up this meeting in half-an-hour we didn't then have to go to our offices and stick around for another hour to then start again, after the full day on the most important topic. I'm not buying into the idea. Again, I'm for having items of great importance at a time certain and at a time that's convenient. It doesn't even need to be on a Commission Day, where you can have a Sunshine meeting. But I feel like we've been trying to figure this out for three or four meetings now. We even kind of did

City Commission Meeting

[Date]

4

September 14, 2021

Agenda Items G-12 and G-13 are related – Resolution directing the Regular

City Commission meetings begin at 9:00 a.m. and certain agenda items be heard no earlier than 4 p.m./5 p.m.

a little mini pilot, if you will, and it was by my opinion, by any description it was a disaster, to be honest with you. That's been my experience. So, I would rather just let's put the things that need to be at 5 o'clock at 5 o'clock. If they need to be on a Wednesday, let's put them on a Wednesday. If they need to be on a Monday, let's do it on a Monday. If they need to not be in Commission Chambers, they need to be in the neighborhood, let's go to the neighborhood. We can do all those things; we've done all those things. That's where I am with it.

Commissioner Anderson: I put this on because I thought it deserved some discussion, not particularly married to any one of these two proposals, but I think we had like the perfect storm for our first dry run – Budget meeting followed by a Commission meeting. So, I'm not sure that necessarily is the litmus test, but I do think that we do need to have some, certainly for our residents as to particular items that they are most interested in and I favor at 5 o'clock, so people get out of work they know they can pick up the phone and at least be able to listen in and participate.

Mayor Lago: So, Commissioner, if I may, just to ask you a quick question to compromise. What would be, because I agree with both of you, what would be let's say, two items of significant importance that we both can agree on that should be heard at 5 o'clock. I think the first one, would be, obviously, development projects.

Commissioner Anderson: Correct.

Mayor Lago: Obviously, they are not as-of-right, if not they wouldn't be coming to the Commission, but the Charter also forces mixed-use projects to come before the Commission, as per the Charter, even though they comply with the zoning code. Even though they are as-of-right, they are still mixed-use, they have to come before the Commission. I'm willing to include those also at 5 o'clock, because maybe somebody wants to give some comments and they can't make it or 4 o'clock, 5 o'clock, whatever that may be, and we can move forward from there. What other item can we as a body...

Vice Mayor Mena: Even those require more than one reading, oftentimes we're talking about them three or four times, because there are changes, oftentimes. If we want to go like to the zoning code update, we had ten meetings.

Mayor Lago: For example, the Mediterranean Bonus discussion right now.

Vice Mayor Mena: The Med Bonus – we are about to have next time the third or fourth and I guarantee you there is going to be seven or eight before it's all said and done.

City Attorney Ramos: And a lot of those, Commissioner, also have mail notice requirements.

Vice Mayor Mena: Right – and so, it's not that I'm against doing it at 5.

Mayor Lago: I know you're not.

City Commission Meeting

September 14, 2021

Agenda Items G-12 and G-13 are related – Resolution directing the Regular

City Commission meetings begin at 9:00 a.m. and certain agenda items be heard no earlier than 4 p.m./5 p.m.

Vice Mayor Mena: But there might be a scenario where it doesn't need to be at 5, so why would we give up that flexibility, and by the way, I still – I know that for some people it's more convenient at 5. I insist that for a lot of people it's less convenient.

Commissioner Anderson: That's why I think having one of the readings done at 5, gives the best of both worlds.

Mayor Lago: Okay.

Assistant City Attorney Throckmorton: So, unfortunately not all mixed-use projects have two readings. For instance, a site plan, a mixed-use site plan is a resolution, that's a one-time reading. So not all development items have two readings also. So, I just want to be clear that not all times would you get the chance to do two.

Vice Mayor Mena: And not all of them are controversial or of great public importance, some are.

Assistant City Attorney Throckmorton: Of course.

Commissioner Menendez: I have a suggested compromise. Instead of, let's say we do identify the one or two types of projects, instead of saying it's going to be at 4 o'clock or no later than 4 o'clock, for example, why don't we say, those types of items will have a Sunshine meeting, that way we don't deal with a 4 or 5 o'clock issue and we have the flexibility to assign a Sunshine meeting dedicated to those items that are of great importance, and we give the full attention, all our energy, instead of tying our hands in a daylong, nightlong Commission meeting, we create a Sunshine scenario for those types, because I think it would be more productive than having it at the end of the day.

City Manager Iglesias: Commissioner, that is a lot of Sunshine meetings. I think what the Vice Mayor is saying that for major projects that do require that kind of input, then we do have the Sunshine meeting, but if we have a Sunshine meeting for all those, then there's a number of Sunshine meetings.

Commissioner Menendez: I mean like a specific. And we should retain the right to decide which of those, not an automatic blanket, they're all Sunshine, but from that buffet table.

Commissioner Fors: I'll say, we can do that whenever we want.

Commissioner Anderson: It's at our discretion.

Commissioner Fors: I say, my point of view, there is no secret my problem is from the get-go, I am not convinced that there is better participation at 5. My immediate circle participates more before 5 than after 5. I appreciate that my immediate circle is different than somebody else's immediate circle, they might participate more at 5 than during the day. It's just going to vary. After the pilot program we did, I made pretty obvious. I didn't think it was working. So, I think I'm

City Commission Meeting

finally prepared to personally give up on this idea because I don't think it works and I don't think it's necessary, that's my personal opinion. So, I'm against both proposals and I will say that I can assure you that nobody here on this Commission will ever request to have a meeting at 5 p.m., like the Blue-Ribbon Committee and hear a no from me, I'll say yes, every single time and I think everybody else here would too. So, I'm very comfortable with just leaving it at that and putting what we want at 5, having Sunshines for what we want at 5, not having it for other things, doing it for one reading, not for the other reading, as we deem necessary. That's just where I'm at, after wrestling around with this for a couple of months.

Assistant City Attorney Throckmorton: Commissioner, if I can make a suggestion, sort of hearing from your discussions and our past discussions. I think perhaps a resolution reiterating a commitment of this Commission to whenever possible set time certain, not saying what that time is, but set time certain for a list of items would be helpful and in letting the Chair and the Clerk know that these are items you want to be set for a time certain, whether sometimes that's 5 o'clock or 6 o'clock, or sometimes you know, it might be 11 o'clock, because it's an important item to some people, but maybe it's not going to garner the public participation that a larger item would be at 5 o'clock, but you want to have that specificity, so maybe something like that, just reiterating a commitment to trying to set time certain for items such as this.

City Manager Iglesias: The Commission already has that ability to do that.

Assistant City Attorney Throckmorton: You do. You do. I mean if you want to pass something today.

City Manager Iglesias: I think the Commission has that ability to set time certain for any of those items and I believe that has happened before.

Assistant City Attorney Throckmorton: Of course. Yes – and it happened today.

City Manager Iglesias: I think we are giving the Commission itself something it already has.

Assistant City Attorney Throckmorton: Of course, but if you look at the agenda today, as an example of the authority you all already have and that the Chair has, and the discretion you all have to request time certain.

City Attorney Ramos: The difference would be, Mr. Manager, is to have a list of things that have to be time certain, so it's no longer at the discretion, it has to be, that's the difference.

Assistant City Attorney Throckmorton: But the time is not set.

City Manager Iglesias: I understand that. I'm just saying to the Commission, it has that authority right now and I believe the Commission understands which of those items should be time certain and which do not have to be. By setting that in that way there is not the flexibility.

City Attorney Ramos: Agreed.

Assistant City Attorney Throckmorton: I made it more flexibility than that, but.

Commissioner Fors: I think what you were saying was that to, I guess make us feel better, we'll all just say that we are going to advise staff of the types of things that we'd like for them to come and check with us to see if we want to make that special request.

Assistant City Attorney Throckmorton: Exactly – or just sort of, these are the types of items you would like to have time certain, whether or not the time certain is 5 o'clock or 6 o'clock or 10:30 like today. We have plenty of items time certain, just to be clear for the public.

City Manager Iglesias: I just feel that we have a very responsible Commission that will do the right thing when it's required to do and that's my feeling.

Mayor Lago: How about we do this. How about we decide at the next Commission meeting to have three triggers that will be considered before an agenda is published for 5 p.m. time certain. What would those three triggers be? – number one, development projects; number two, procurement items over X; and number three, I'll leave it up to the rest of the Commission.

Assistant City Attorney Throckmorton: So that is G-13.

Mayor Lago: I understand.

Assistant City Attorney Throckmorton: Okay.

Commissioner Fors: He is saying will be considered.

Mayor Lago: Will be placed on the Commission, which by the way, we pass legislation last Commission meeting, which was supposed to have lobbyist names on these items, and they weren't placed, unless nobody is lobbying on behalf of anything.

City Clerk Urquia: No one's lobbying on behalf of any of the items on the agenda.

Mayor Lago: If you let me finish Mr. Clerk, you are always one step ahead. Let me tell you, you don't speak for a while and then all of a sudden you are out there.

[Laughter]

Mayor Lago: I don't know if I like it this way or the way before, okay, just kidding, just kidding. Can we do something where maybe it says lobbyist N/A, something like that so people say they didn't forget to do it, maybe under every item lobbyist N/A.

City Clerk Urquia: Alright.

City Commission Meeting

Mayor Lago: Thank you Mr. Clerk, he's on fire today. So, I think the whole trigger point is, it's a reminder and the Commission would address it just like I address it when we start the meeting with Public Comment, we'll say in the following Commission meeting we have the following items or the current Commission meeting.

Vice Mayor Mena: Can you explain what you want to do again. I didn't follow.

Mayor Lago: Basically, like a list of three different triggers. Obviously, development projects would be one, for items in procurement over X amount.

Vice Mayor Mena: When you say triggers what do you mean by that?

Commissioner Menendez: For us to consider.

Mayor Lago: For us to consider.

Commissioner Menendez: But not automatically tied.

Vice Mayor Mena: That's what she was saying sort of, no?

Assistant City Attorney Throckmorton: Unfortunately, we don't often know, because a lot of these are applications, so we don't know what's going to be coming and sometimes we have a month in between meetings, so we might not know what's going to come between November and December when we meet in November about what will be on the December agenda.

Mayor Lago: That's what I'm saying. For example, in today's Commission meeting you had one item that I can see, unless you consider the Fire Station, which is under \$5 million, I don't see any other procurement item that was here, maybe I missed it.

City Attorney Ramos: The Fire Station had a rezoning, so it would be kicked to 5.

Mayor Lago: Okay. I'm sorry. The Fire Station, I forgot the second.

Vice Mayor Mena: You weren't in the room, there was like three, right.

Assistant City Attorney Throckmorton: Yes. For example, the things on this agenda that would be triggered by either G-12 or G-13 for a time certain item were the land use map change for the Fire Station, along with the associated item. Also, the Riviera site plan amendment, that would be with the Country Club, that would have been after 4 o'clock, and the Mediterranean Bonus item, which was already noticed for 5 o'clock today would have been heard at 5 o'clock.

Mayor Lago: What I would request is that at the beginning of every Commission meeting, just like we have written down City Manager items, Board and Committee items, City Attorney items, let's

City Commission Meeting

say after the Pledge of Allegiance and Protocol documents, before the Approval of Minutes, you can have an item that says, 5 p.m. trigger items, whatever you want to call them, I couldn't care less, whatever makes you happy, whatever is the will of the Commission, and those will be considered immediately on the Commission floor, whether this Commission will put them at 5 o'clock.

Vice Mayor Mena: That day?

Mayor Lago: That day.

Commissioner Anderson: I don't think...

Vice Mayor Mena: I think you have less notice almost.

Mayor Lago: Or for the following Commission, items that will be considered for the following Commission.

Vice Mayor Mena: The problem is you don't always know when it's coming or not.

City Attorney Ramos: We rarely know is the problem.

Mayor Lago: What I'm trying to do is, I'm trying to find common ground so that certain items that we should have – I'm in favor of having all development items at 5 o'clock, and if we can start with that, I'm willing to put aside the other items.

Assistant City Attorney Throckmorton: If you want to express that as a resolution of this Commission, you have that discretion as the Chair and the Commission right now can direct a preference to hear those items at 5 o'clock, just generally through you, the Chair without...

Vice Mayor Mena: What's a development item?

Mayor Lago: Development projects – and I understand it, but I want to build consensus among my colleagues. Development projects that are being considered by this Commission, even if they are mixed-use and they are as-of-right, it still has to come before the Commission.

Commissioner Anderson: I would join you on that.

Mayor Lago: I think that's simple. That's after 5 o'clock, it can be something...

Vice Mayor Mena: Any mixed-use approval, is that what you're saying?

Mayor Lago: Anything that's coming before the Commission.

Vice Mayor Mena: But in the realm of development or for a mixed-use. Like for example, like the site plan or the Riviera type plan?

City Attorney Ramos: A PAD.

Vice Mayor Mena: A PAD. That's what I'm trying to understand. I know what you're actually thinking of the classic sort of approval of a new mixed-use development. I get that.

Commissioner Anderson: These are the things that people want to participate in the most and have overwhelmingly expressed satisfaction with the ability of this Commission and allow participation. Is there another threshold we can hit Mayor?

Mayor Lago: I think it should be development projects that are under consideration, development projects. Again, like the construction of the Fire Station, which requires – excuse me.

City Attorney Ramos: We need to define what that is, is the problem.

Mayor Lago: Well, the Fire Station would be one.

Assistant City Attorney Throckmorton: What I believe captures that is the item that's on both items G-12 and G-13, which is mixed-use projects requiring Commission approval, PAD applications, projects requiring conditional use approvals and amendments to those previously approved plans.

Mayor Lago: I would approve that.

Vice Mayor Mena: Any amendment to the plan?

Assistant City Attorney Throckmorton: Major amendments that require City Commission approval to those plans. So, for instance, I believe the Riviera one is an amendment to a previously approved plan.

Vice Mayor Mena: Which we've talked about, I think three or four times now, and I don't think we've ever had a human being speak on it.

Mayor Lago: We had their lawyer speak about it one time, that's it.

Vice Mayor Mena: Because nobody cares.

Commissioner Anderson: Well then, we go back to projects like the Plaza.

Vice Mayor Mena: Sure.

Commissioner Anderson: If it's a change to that, it really should come back to us.

City Commission Meeting

September 14, 2021

Agenda Items G-12 and G-13 are related – Resolution directing the Regular

City Commission meetings begin at 9:00 a.m. and certain agenda items be heard no earlier than 4 p.m./5 p.m.

[Date]

11

Vice Mayor Mena: If it's a meaningful change, yes, I agree.

Mayor Lago: I will make a compromise for that.

Vice Mayor Mena: We can still do that. I just want to remind everybody; we can already do that.

Mayor Lago: That item will be at the discretion of the Commission and our City Attorney and City Manager can contact each one of us, like they do on a daily basis, to speak about certain items to say, would you like this item to be, a simple item, we are dealing with brick pavers on Blue Road. You want this item at 5 o'clock, we have nothing else at 5 o'clock. Its not a problem, we've heard it five times, let's move on, or if its dealing with a major project, let's hear it at 5 o'clock, take the temperature of the Commission and we'll move forward on that item.

Assistant City Attorney Throckmorton: So that's our current practices. So, I don't know that we need a resolution for that. Right now, a majority of the City Commission through the Clerk or the Manager can request a time certain, the Chair can always set a time certain. I think that you all have expressed a clear desire to hear certain projects at 5 o'clock, which the Manager and the Clerk can take that feedback from you all to set those items at 5 o'clock, if you guys don't on your own or the Chair does it on his own, but a resolution that specifies that is what you already have that discretion.

Commissioner Menendez: So basically, its just emphasizing what we already do as a common practice and as we do as a common practice, do we have the flexibility to say, 3 o'clock, 4 o'clock, 5 o'clock, or does the code say we are bound to a certain time?

Assistant City Attorney Throckmorton: Right now, the Chair can set time certain items and a majority of the City Commission can direct a time certain.

Commissioner Menendez: Because I think that's important as well, because things come up and sometimes, we are available at 6, sometimes we are available at 3, just like sometimes we are available at 9, but not at 12; and I think it emphasizes the fact that we do recognize and we do acknowledge the importance of certain types of items more than others, in terms of the impact on the community. But just like several of what our colleagues said, I want to make sure that we retain, what was the word I think earlier, authority, our authority to make decisions and not be bound and sort of boxed in, because the Charter and the Code gives us the authority to make decisions.

Assistant City Attorney Throckmorton: Yes.

Commissioner Menendez: What we don't want to do is, take away our decision-making ability.

Assistant City Attorney Throckmorton: As the Mayor stated eloquently earlier before he set the time certain items on the agenda today, when people approach him requesting a time certain, he sets those time certain items. So, he retains that ability and the majority of you can always, if the

City Commission Meeting

Mayor for some reason doesn't want to grant that time certain can always ask for a time certain as well, a majority of you. But the Mayor does a wonderful job of setting all these time certain. Every time certain we've had in the past has been set by the Mayor unless the whole Commission directs an item be heard at a later date and time. So, the system works in that way. If you want to provide a little bit more guidance to the Chair or the Manager, I think I've heard you loud and clear that you would like some development projects to be heard later in the day to the extent that they are not already being set for a later time, for instance, the Mediterranean Bonus item today.

Vice Mayor Mena: My issue is some of them are important and some of them are not.

Commissioner Menendez: Exactly.

Vice Mayor Mena: That's just the reality of any type of category however you want to describe it. Sometimes they are going to be important, and sometimes nobody cares.

Commissioner Anderson: Are brick pavers on Blue Road a development project now?

Vice Mayor Mena: No, but it falls into your resolution.

Assistant City Attorney Throckmorton: It falls into the category...

Vice Mayor Mena: Your proposed resolution would have included that. We would have had to come back at 5 o'clock for that.

Commissioner Anderson: It wasn't set in stone. Nothing was on the agenda at the time, so I just had the last one put back on, so this was really for discussion, and we can determine where the line of demarcation is. The desire of the residents is really to have the major projects be heard at 5 o'clock. Major things like the Med Bonus discussion at 5 o'clock.

Vice Mayor Mena: I still think we can do that whenever we want.

Assistant City Attorney Throckmorton: I'm not sure if we set it for 5 o'clock today, but it was set for 5 o'clock.

Vice Mayor Mena: I also don't think both readings, if it's a two-reading item need to be. I also don't think if you have a Sunshine meeting, which you will have sometimes, because you want to solicit even more feedback.

Commissioner Menendez: Exactly.

Vice Mayor Mena: If you have that Sunshine meeting, do you need then two readings at 5 as well?

Commissioner Menendez: So, we can continue more or less along the path that we've continued. I think that's the way we started the initial discussion, and if we find out do we need to adjust

City Commission Meeting

along the way, so be it, but I think like everyone said here, I think the Manager said, this body in particular has proven itself to be responsive to the community, and we do acknowledge there are issues that need to be discussed time specific, and there are others that perhaps will be the only ones actually discussing the item. So perhaps we should retain our authority, our decision-making abilities and cooperate and work with the community and if we need to adjust down the road, we make the adjustments then.

Assistant City Attorney Throckmorton: I think our office and the Manager's office and the Clerk have certainly heard your desire to make sure you are aware of these items, as they come forward to the extent that you are interested in time certain items.

Mayor Lago: So, let's bring this in for a landing, because we have to discuss special assessments which was supposed to start at 3 o'clock. What is the will of the Commission moving forward? We are going in circles.

Commissioner Fors: I'm a no on this.

Mayor Lago: Okay. But both of you are a yes on having PAD's, major changes to the code, major zoning code changes, rewrites at 5 o'clock, 5:01 p.m.

Vice Mayor Mena: When necessary.

Commissioner Menendez: Time certain but not specifically it has to at 5. It could be at, you know, time certain.

Commissioner Fors: Decided by us whenever we want to do it.

Commissioner Menendez: Exactly – discretion.

Commissioner Fors: That's what I'm saying, not mandatory.

Mayor Lago: We don't have time certain on this right now.

Commissioner Anderson: No, we don't.

City Attorney Ramos: There is no motion on either one, I think.

Commissioner Anderson: No, there isn't. Planning and Zoning meets at 6 o'clock, it's something that people can rely upon. I'm looking for something people can rely upon. There is no purpose of us passing something that doesn't...

Commissioner Menendez: Well, these items have to be, these are things that are scheduled way ahead of time, because they are quasi-judicial, so they have at least, what? – how much time do they have once we announce that it's going to be.

City Commission Meeting

Vice Mayor Mena: Ten days at least.

City Attorney Ramos: At least a week. The agenda is published the Tuesday before the meeting.

Commissioner Fors: But if it's a big project, we're going to hear it at 5.

Vice Mayor Mena: Let's just be clear about something, let's be honest, Mayor, let's be honest about something. There has not been one major mixed-use project in this city that has been approved under cover of darkness and in some secret backroom. We always do this transparently, you know that.

Mayor Lago: I've tried to pass this in the past, it hasn't worked out in my favor and that's fine. The issue here is that we have certain residents that want it at 5 o'clock certain items and we are trying to find common ground. We have talked this through and through.

Vice Mayor Mena: I agree.

Mayor Lago: I'm ready to move on.

Vice Mayor Mena: I'm not against doing it at 5 o'clock when we decide to do it at 5 o'clock.

Mayor Lago: At our discretion.

Vice Mayor Mena: Yes.

City Attorney Ramos: That's true now. You don't need to anything.

Mayor Lago: Either we hold a Sunshine meeting to iron this out and we have maybe a WWF wrestling match here to figure out who wins, because right now we don't have consensus. So, I'm going to move on.

Commissioner Anderson: Go right ahead.

Mayor Lago: I'm going to move on.

Vice Mayor Mena: Commissioner, can I say something though. We don't have consensus if what you mean by consensus is 5-0, I agree with you.

Mayor Lago: I would like to get 5-0, that's why I was trying to find common ground on the issue of just development projects.

City Attorney Ramos: But you just need 3-2.

City Commission Meeting

September 14, 2021

Agenda Items G-12 and G-13 are related – Resolution directing the Regular

City Commission meetings begin at 9:00 a.m. and certain agenda items be heard no earlier than 4 p.m./5 p.m.

[Date]

15

Mayor Lago: But I don't count votes to 3. I count votes to 5.

Vice Mayor Mena: What if a new mixed-use development project we say that...

Mayor Lago: Or zoning rewrites.

Vice Mayor Mena: Or zoning rewrites or anything else that requires two readings like that, we say that at least one of the two readings will be held at 5 o'clock.

Mayor Lago: I'm willing to accept that.

Commissioner Anderson: Sold.

Vice Mayor Mena: The City Attorney to see how we...

City Attorney Ramos: What happens when you are changing the Comp Plan and its not mixed-use and you are going from 60 to 500 feet, that's...

Vice Mayor Mena: Does that require two readings?

City Attorney Ramos: Yes.

Vice Mayor Mena: So, add that in there.

City Attorney Ramos: But then we are back to the same resolution, you understand.

Commissioner Fors: I'm a no. I think this Commission is going to put everything at 5 p.m. that's important.

Vice Mayor Mena: I was going to stick to a no too.

Mayor Lago: Commissioner Fors is a no and Vice Mayor Mena is a no, then this needs more work and I ask the Commissioner to try to find some common ground. I'm willing to have a Sunshine meeting to work this through. I want to make this 5-0. I don't want to make this 3-2 or 2-3, or whatever it may be, okay.

Vice Mayor Mena: And the last thing is, try us on the next item you deem of significant public importance, ask us to have it at 5 and we'll 99.9 percent of the time we're going to say yes.

Commissioner Anderson: But we'll have the Med Bonus in October.

Mayor Lago: We had it today.

Assistant City Attorney Throckmorton: It was noticed at 5 o'clock today.

City Commission Meeting

Commissioner Fors: The fact of the matter is we rarely need to ask, because either staff, usually Mayor Lago has usually done it already before we even need to ask to put it at 5.

Commissioner Anderson: I don't want us to be going past 9 o'clock, another 15 minutes maybe. I don't ever want to revisit 1:30 (a.m.) ever again in my life.

Mayor Lago: That doesn't work, doesn't work. So, let's move on.