

City of Coral Gables City Commission Meeting
Agenda Item G-4
May 20, 2025
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 Richard D. Lara

City Staff

Acting City Manager, Joe L. Gomez

City Attorney, Cristina Suárez

City Clerk, Billy Urquia

Public Speaker(s)

Tom Wells

Agenda Item G-4 [5:01 p.m.]

A Resolution of the City Commission removing Thomas Wells as a member of the Charter Review Committee and appointing Nestor Menendez (Nominated by Commissioner Lara), to serve as a member of the Charter Review Committee.

Mayor Lago: Moving onto G-4.

City Attorney Suarez: G-4 is a Resolution of the City Commission removing Thomas Wells as a member of the Charter Review Committee and appointing Nestor Menendez (Nominated by Commissioner Lara), to serve as a member of the Charter Review Committee.

Vice Mayor Anderson: I'll move it.

Commissioner Lara: Second.

City Commission Meeting

[Date]

1

May 20, 2025

*Agenda Item G-4 – Resolution removing Thomas Wells as a member of the Charter Review Committee
And appointing Nestor Menendez, nominated by Commissioner Lara*

Mayor Lago: Do we have any public comment Mr. Clerk.

City Clerk Urquia: Yes, Mr. Mayor. Mr. Thomas Wells.

Mr. Wells: My name is Tom Wells, I live at 1310 Coral Way, Coral Gables, Florida. I currently serve and was unanimously elected as Vice Chair of the Charter Review Committee. I've attended every committee meeting, including two Town Hall meeting with residents and one joint committee meeting with the Commission. I researched and proposed numerous changes for consideration, prepared a memo assembling all comments collected from residents, elected officials and prepared another memo correlating such comments specific provisions to the Charter. I've enjoyed representing residents and working with other committee members throughout the process which started in September of 2023. Charter Section 26 provides a board or committee member may be removed at any time by majority vote of the Commission. Such provision does not address whether that removal is with or without cause. The Charter for City of Del Rey and City of Plantation each provide a member may be removed without cause. Other provisions of our Charter, Sections 8, 11 and 13 provide that a person may be removed from that position without cause. However, the right to remove a person without cause is absent from Section 26. In 2022, Florida Supreme Court case, *Cook v City of Jacksonville*, if a constitution provides a provision applied to some people but not others, then such provision only applies to other people if the Constitution is amended to say that. Section 112-501 Florida Statute requires cause to be shown to remove any municipal board member in a resolution specifying facts sufficient to advise such board member as to the basis for his removal at reasonable notice and opportunity to be heard by such board member. The Commission went through this process when it removed Ms. Miro from the Planning and Zoning Board in 2023 for not attending meetings and dissolving Mr. Lara's Anti-Crime Committee in 2022. Section 112-501(8) provides that the law applies in the absence of the Charter provision. Because the right to remove a board member without cause is absent from the Charter, Section 112-501 applies. I do not know of any reason for my removal. I believe its bad public policy to remove anyone from a board simply because they did not necessarily agree with the Mayor on everything or receive 45 percent of the vote in a Run-Off election. The message sent to residents is that some elected officials do not care about diverse opinion or the right to free speech. This does not bring our community together or respect the city's volunteers or the 7,400 votes cast for me in the recent election. I hope acting independently that you do not approve this motion. Thank you.

Mayor Lago: Thank you. Mr. Clerk, any other public comment.

City Clerk Urquia: No, Mr. Mayor.

City Commission Meeting

May 20, 2025

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[Date]

2

Mayor Lago: We have a motion and a second.

Commissioner Castro: Through the Mayor.

Mayor Lago: One second. We have a motion and a second.

Vice Mayor Anderson: We do.

Mayor Lago: Who made the motion?

Vice Mayor Anderson: I made the motion.

Mayor Lago: So, you speak first.

Vice Mayor Anderson: I don't know of anything legally and the City Attorney would correct me if I'm wrong and prevent us from moving forward on a vote for this matter today. I think a member of the Commission has a right to appoint who they chose.

Mayor Lago: Commissioner Lara.

Commissioner Lara: I just want to say thank you to Mr. Wells for his service.

Mayor Lago: Thank you. Commissioner.

Commissioner Castro: I want to go ahead, and I want to respect Mr. Lara's decision to go ahead and appoint someone else. I just want to make sure that behind all legalities behind that because he was here siting legislation, and I don't want to go ahead and do that vote and be really working against the law.

City Attorney Suarez: Our Charter is clear that the Commission can establish advisory boards and that the members of such boards and commissions can be removed at any time by a majority of the Commission, particularly with the Charter Review Committee, it is an ad hoc committee, and so, just kind of theoretically the Commission could dissolve the Charter Review Committee and then could decide to convene it at a later date as well. But in general, the Commission has the authority to remove members from such boards by a majority vote of the Commission.

Commissioner Castro: I respect your opinion 100 percent, and I see where its coming from and I'm going to go ahead and vote in favor. I feel a little heartburn when its so close to the end and we are going to go ahead and put somebody new when this person has been there during the whole term. That's the only concern I have; however, I want to respect your decision.

Commissioner Lara: Well, I appreciate that. Through the Mayor.

Mayor Lago: Thank you.

Commissioner Lara: I appreciate that you are saying that Commissioner Castro. Of course, you know, I'm all about moving forward, right, but even this Charter Review Committee was convened two years earlier than it formerly would have been and its constituted, its made up of a group that's two short of what, the number 2, short, of what it historically had always been. So, all of this is not inconformity with the way we've done things in the past, the way it was convened, and how it was convened. So, when you say that you feel heartburn, I think you said, that its coming to an end, well you should take stock in the fact that it was accelerated to begin with, right. So that being said, right, it is my right, City Attorney correct; to nominate a member to this Charter and it is the majority's decision whether or not to appoint. So, I'm exercising that right.

Mayor Lago: Commissioner Fernandez: My policy has always been to vote against removals from committees, that's on the record. I do believe your appointee brings a lot to the table as well, so I think he's a good choice. I'll be voting no, not because of him, just because of my policy in the past and I'm going to stick to that.

Mayor Lago: Two very quick points. Number one, typical Wells fashion, taking a jab at the Mayor saying that if you disagree with the Mayor you're removed. That's not the case. He is not even my appointed. I didn't appoint him. I appointed Don Slesnick, who's the Chair of the Board, so there is no need to bring me into anything. I'm not making the one decision here, that is Commissioner Lara who has every right to make a decision as clearly stated by our City Attorney. So that jab is just unnecessary. The second point that I think was very well taken and I'm actually happy that I wasn't the one that brought it up. Commissioner Lara brought up the fact that this board was brought together two years in advance, and they shaved off the City Attorney and the City Manager's position to have five people to ensure that they have control over the board. That had not happened the three times before it had been put together and that was done by the Commissioner to my left and the Commissioner to my right. So, when you look at it, from the beginning it was

already flawed, at the end of the day. But I'm looking forward to seeing what the board brings us forward. I think its important to always consider what a Charter Review does. This would be the second Charter Review that I've had the privilege of being a part of, but at the end of the day, the individual who serves at the pleasure of the elected official also serves at the pleasure of this community. So, Mr. Wells, thank you for your service. I appreciate that. It has nothing to do with me whether you agree or disagree with me. At the end of the day, you served at the pleasure of the Commissioner of that seat. So, I will be voting in favor. Mr. Clerk, call the order.

Commissioner Fernandez: No

Commissioner Lara: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 4-1)