

City of Coral Gables City Commission Meeting
Agenda Item F-5
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

Public Speaker(s)

Agenda Item F-5 [Start: 12:35 p.m.]

An Ordinance of the City Commission amending Section 2-83(B) of the City Code, titled, “Citizen Input Addressing the City Commission” to establish an affirmative duty on the City Clerk to inform the Chair of the City Commission when the allotted time has expired, and establishing a 3 minute time limit for extensions of time; and amending Section 2-79(E)(2) of the City Code, titled, “Order of Business” to establish an affirmative duty on the City Clerk to inform the Chair of the City Commission when the allotted time has expired, to establish a 3 minute time limit for extensions of time, and to clarify that once the Public Comment Section is closed, it shall not be reopened; providing for severability clause; repealer provision, codification; and providing for an effective date. (Sponsored By Commissioner Menendez)

Mayor Lago: Moving onto F-5, which was pulled, but is now a discussion item. You want to have that now, what would you like to do?

City Commission Meeting

Commissioner Menendez: I can do it now.

Mayor Lago: Commissioner Menendez item.

Commissioner Menendez: Thank you. Its interesting that today the word process has been mentioned several times and for good reason. I think there is always opportunities to look at what we have as a city government and how we serve the people, and continuously look for ways to make the city's work more efficient and more effective, but more importantly, to make sure that our residents, the community has the tools and the opportunity to express itself. And as we know, I think the hard way, that sometimes our meetings end up at 1:30 in the morning and sometimes they end up after 12 or 13 hours; and what I've noticed is and I've had actually folks in the community call me and reach out to me that when we have the public portion when the public can speak, that on occasion someone will be waiting on Zoom 20 minutes, 40 minutes, an hour, hour and-a-half, two hours, and they never really get a chance voice their concerns or their support, and sometimes we have speakers that will speak for their three minutes, and then sometimes speakers, no fault of their own, they just have something to say, go on for 10, 20 minutes or more. And I see it as, its important to make sure that we give everybody equal time, and I want everybody to be able to speak, as we all do. And I asked the City Attorney and I asked her what are the parameters, what are the guidelines, in terms of the public speaking, because there seems to be sometimes confusion, sometimes it feels like it's a gray area. Like everything in life, I think its important for everybody to know what the guidelines are, and if I'm not mistaken, Madam City Attorney, the code says that there is a 3-minute time for speakers. Could you clarify that?

City Attorney Ramos: Yes. The current code says, the remarks of each speaker shall be limited to no more than three minutes in two separate sections.

Commissioner Menendez: Okay. What I noticed is, and there is a lot of pressure, depends on the subject, on the Chairperson, the Mayor, on the Commission, to manage that. I mean we're trying to pay attention and listening closely to what the community has to say, at the same time the code says there is a re-minute time limit. So, what I'm proposing is, take the pressure off of the Commission and allow an objective observer, be the Clerk, be the one that monitors that 3-minute mark, and when we are approaching that 3-minute mark that the Clerk objectively notify the speaker and the Commission, so it doesn't become like a subjective experience for the folks in the community thinking, oh, you stopped me at 3 minutes because you don't like me or you let that person speak for 10 minutes. Try to create some objectivity to the process. Also, I think its important, sometimes speakers need extra time. So instead of having an open-ended extra time, perhaps we can give them an additional 3 minutes. I'm open to giving them 2 additional 3 minutes, if you want to make it 5 minutes that's fine. But it's so unclear that it really does a disservice to the community, does a disservice to the staff and to the elected officials, because sometimes that's the cause of a lot of confrontation, that's the cause of a lot of misunderstanding. And we've seen in the past couple of years how some meetings just take off in a horrible direction, because everybody thinks that you are doing something personal against them. And if we have guidelines, then let's make sure those guidelines are clear. Everybody's on notice and we can enforce them in

City Commission Meeting

an objective manner. So, I did have originally an ordinance drafted. It was something that I wanted discussed, and I'd like to discuss it today. I reached out to folks in the community, and I've talked to several people to get their point of view on this. And they do realize that, yes, we need to find some structure; and structure so that folks actually can speak, and everybody has the opportunity, but they also realize because of the last year or so, they've been some heated confrontations here that sometimes the community may be a little bit sensitive to any efforts to sort of create structure. So, I want everybody in the community to understand that I'm coming at this from a good place, a fair place, and I think it's in the best interest of the community if we create a structure so that people can speak, and then, we can avoid confrontations as long as everybody knows what the ground rules are. So, Madam City Attorney, could you identify the three key points of the ordinance that is, not on the table today, but it's something I think as the platform for discussion.

City Attorney Ramos: What it does is, it adds a sentence that says, at the conclusion of the 3 minutes, as I explained to already prescribed, the City Clerk shall utilize an audible and visual signal to publicly notify the speaker and chairperson that the speaker has reached their allotted time. In addition, it says, if the time limit is extended that it's not extended for more than three minutes, and then later when we talk about the open public comment section, it says the open public comment section of the meeting is closed at the conclusion of one hour. And what it adds is, that once it's closed at the conclusion of one hour, it shall not be reopened, whether or not the one-hour mark was met. So, if there was only public comment for 15 minutes, and it's closed, that it can't be reopened.

Commissioner Menendez: And the only reason I added that part is because I've noticed on occasion, we give the opportunity to the public to speak, as we should, and it's their right, and then we move onto our own discussion and we are about to vote, and then all of a sudden we are told, oh, there is somebody now that came on Zoom and we are half way down the road for a final vote, and then our thought process or our ability to make a final decision is on hold. I don't know if that's the best way to do things. So, I'm very open to any suggestions, any ideas, that's just a template, and I'm here to listen to my colleagues, but I think it's important that we sort of get our arms around it, for the benefit of the community so that we all know what the ground rules are, and we can be as fair as possible to everyone involved.

Mayor Lago: Thank you Commissioner, I appreciate that. I know personally that I think you are coming from a very good place in regard to this issue. So, I want to tell you a little bit about one of the few powers that the Mayor has, people think the Mayor has so much power. The Mayor does not have so much power. The Mayor runs the agenda. The Mayor can make items time certain and I think as everyone of my colleagues here on this Commission can attest, when you have called me and said, hey, I'd like to do this item time certain. My response has always been to the Clerk, Mr. Clerk, of course, whatever my colleagues want. I'm trying to foster a new type of temperature in regard to the Commission, an hour interaction with residents in the business community and our employees. Sometimes I fail, because the conversation may get out of control, or the conversation may be extended, but I don't see anything wrong with that, because in the past we've had, yes, some heated discussions, and certain things have been said on the Commission which, as Commissioner Mena and Commissioner Fors can tell you, they have stood up and said, listen,

City Commission Meeting

[Date]

3

that's inappropriate. We have to listen to everybody, even if we disagree with them, we have to give them the platform to have a conversation. And I want people to understand that even when I vote against them, either be it a developer or a resident, or someone who has an issue or its one of my colleagues, that they have every ability to exhaust their advocacy efforts in regard to this issue. So, with the few powers that I do have, I understand that we want to keep it moving, the meetings moving, and I understand, and I agree with you that we are less productive as the day goes on, especially at night. And I've said it before, I think we've had a fiasco here at 1:30 2 o'clock in the morning, and I think it's a disservice, to be honest with you, its me saying it, I think it's a disservice to our employees. I understand that they work for the City of Coral Gables but having a meeting till 1:30 in the morning its counter-productive to our efforts. So, I don't have an issue with the Clerk notifying the speaker at 3 minutes, but at the end of the day I ask, because maybe one day one of you will be Mayor, I ask you to please keep whole the minimal powers that the Mayor has and allow me to address the agenda and allow people in this community to speak, if I deem it appropriate. And I usually deem it appropriate when you ask me, because I have yet to turn down one of you on an issue in regard to whether you want something time certain or you want to have a meeting after hours, whether you want to have a Sunshine meeting, because that's what makes this Commission different than every other Commission in Miami-Dade County. It's not adversarial, and we are lockstep working on behalf of this Commission. And I know where you are coming from. You are coming from a very, very good place, because you want to see efficiency and you want to see the same thing that I mentioned in regards to our employees and you want to make sure that people are heard and I have been incredibly kind of perturbed when you see 250 people that want to speak on an issue and as the hours go on, it keeps dropping and dropping and dropping and then we get those e-mails saying, I waited three hours to speak and you didn't get to me, because we were having a long discussion or because someone spoke for a hour and-a-half, two hours, when they shouldn't have spoken for that long. I ask you to give me an opportunity to kind of push my ability to ask that people be more concise and if you give me that opportunity, especially if we implement the Clerk's idea of or your idea of having a 3-minute buzzer, if someone needs to speak another minute or two minutes, fine, I'll grant them the time. We as a Commission will grant them the time, but I want to make sure that we don't bookend how much someone can speak, because I think it doesn't bode well for our efforts to be as transparent as we want to be.

Commissioner Menendez: I appreciate your comments and you know me well enough that the idea of the Clerk notifying. I propose it sort of for you, for future Mayors.

Mayor Lago: Of course.

Commissioner Menendez: Because when it's a heated discussion the most difficult thing to do is to tell a speaker by code, you have 3 minutes, by code we are enforcing the code, your 3 minutes are up. That's a very difficult thing to do as a human being when it's a heated moment. That's why I always felt like in sports, basketball game, there is a timekeeper, pushes the buzzer. The referee on the court can still make decisions and say no, they get another 10 seconds or 10 minutes, but I'm trying to, you know, heartfelt trying to make it less of an emotional situation where maybe its misinterpreted, and by no means dilute the power of the Commission and you as the Chairperson have all the power. So, I would at the very least, if we take anything, have the Clerk notify the

City Commission Meeting

[Date]

4

speaker and the Commission just adds that objective voice. But at the end of the day, you have the power and the authority to decide what direction it goes, and you have my full support.

Mayor Lago: So, I ask you to give me an opportunity to implement that concept, the time concept with the Clerk and be able to make a decision with your input, with the Commission's input, with the leadership of the Commission to say, please allow for further conversation. I think it's important and I think we've made some big steps forward, not only the Commission, but our employees, the Manager's office, the City Attorney's office, the City Clerk's office, we are sending a strong message, and I want to keep moving forward in that position. If we have an issue, we'll bring it back up and if you're seeing that I'm maybe not addressing it, and I'm not asking people to be a little bit more concise, then we can implement something that's a little more ironclad.

Vice Mayor Mena: I think to your credit, I think there has been a strong sentiment from the community that there's been a very positive shift, in terms of giving an opportunity for people to speak a little more. So that's a credit to you.

Mayor Lago: A credit to us, to all of us.

Vice Mayor Mena: I don't think we need an ordinance; I don't even think we need truthfully, a motion. I just think we need a discussion, which we're having, and then give you an opportunity and defer to you on how to manage it. The one thing I would say is, I do think it's a good idea to have an automated 3-minute something, and then you can give as much leeway as you want after that, but I think that that at a minimum, subconsciously let the person know, let's you know, like okay...

Mayor Lago: Let's be respectful. Let's be respectful of everyone's time.

Vice Mayor Mena: You're in overtime already – and that should hopefully, instead of the person maybe talking for 10 minutes maybe, they'll talk for 5 or 6 minutes. The accumulative effect is that...

Mayor Lago: Sometimes I feel that I needed 3 minutes. I may need a 3-minute time clock.

Vice Mayor Mena: You may be thinking about something else.

Commissioner Menendez: And by the way, I want to make it very clear also to the community at large, what we are discussing here and what I brought now as a discussion item, has nothing to do with any one person, any two people, any three people, a group, has nothing to do with anyone. Its about the process, which I appreciate my colleagues understanding its about the process, its not about an individual, its just something that we need to discuss and visit objectively and that's what we are doing.

Vice Mayor Mena: But I do think that there is some importance to the subjectivity that the Mayor has on that issue, because from my perspective there are two situations. You have the items of major public interest where you have 100 people and he needs the leeway to be able to say, alright, I'm going to strictly enforce a 3 or 4-minute because we've got to get to all these people. But you may have an item that is of importance to much fewer people but is of great importance to the few people that it does impact. We've had that with treehouses and with trees, you know in people's yards, and whatever it is. It may just be one or two people impacted.

Mayor Lago: And they need to go back and forth.

Vice Mayor Mena: People may need more than 3 minutes of time to really express the issue and have an opportunity to be heard on it. So, I think that subjectivity is important, so to me, the only thing I would implement, and by the way, I think this clock is new here. This is just a constructive thing, but it should be facing the speaker not us.

City Clerk Urquia: There's two; there is one for the speaker and there's one...

Vice Mayor Mena: Is there one over here?

City Clerk Urquia: Well, there is one here and...

Vice Mayor Mena: That little thing – anyways I think it needs to be more obvious to the person speaking, as opposed to.

Commissioner Menendez: And how does it work for folks on Zoom, because I want to be fair.

[Note: Timer sound goes off]

Mayor Lago: That's how it works. That's how it works.

Commissioner Menendez: That's how it works. Okay.

Commissioner Anderson: It used to be in the line of sight. They are not seeing it there.

Commissioner Fors: And maybe for Zoom as well.

Commissioner Menendez: I have a question for the City Attorney; and the code also establishes that the Mayor, the Chairperson has the authority to extend the time beyond the 3.

City Attorney Ramos: Correct. In fact, it even allows for the Mayor to reduce the 3 minutes, if for example, its one of those items where there are 100 people, the Mayor can say look, you are all here to speak against this project, we are going to limit you to 2 minutes or please consolidate your time, and one person speak for every 10 of you, for example.

City Commission Meeting

Commissioner Fors: My one point on this, and I also think its something the Mayor should have full discretion on, the one idea I do like also is the time limit and I view it, I would tell the public to view it, its not even a 3-minute time limit, its not a time limit. We are just going to have a timer here that may or may not tell you when it's been 3 minutes, that's just a notice to you, you've been speaking for 3 minutes. There are some people that will speak for longer than 3 minute and later say wow, I spoke too long, it advises them that they've spoken for 3 minutes, and that person can do what they want with that information. They may at that point think to themselves, let me be considerate, earlier I heard there are 60 people to speak, so let me wind it down. They don't have to; they are not obligated to it. Its ultimately at the Mayor's discretion, but I think it's a good tool to just ensure that people remain aware of how long they've been speaking to the extent that they decided they really do want to speak that long.

Vice Mayor Mena: And its not about giving people less time. The issue is, and we've seen it now a few times. I think last meeting there was a woman who stood up and left very upset because she had been sitting here since 9 in the morning, and it was 5 o'clock at that point, I think. Its trying to be fair to everybody who is waiting and that's the real issue. Its not about minimizing the amount that the person currently speaking is speaking. Its about the fact of not – making sure we don't cut off the people at the end of the line from being able to speak.

Commissioner Menendez: Equal time as much as possible.

Commissioner Fors: And by the way, on a side note, the attorneys here can attest to this. We go into court and argue very, very important issues and we get very strict time limits.

Commissioner Anderson: That dovetails into what I was going to bring up. Our cards don't cover the public speaking item and the other thing that we can do is, work with Ms. Pantin on providing some notification and have them check a box how much time do they need to spend, and we can govern it that way perhaps.

Commissioner Menendez: I think it's a great idea.

Commissioner Anderson: Its up to you Mayor, but if also on Zoom we could have something showing how much time they were taking up. I had a resident come back to me later on saying, hey did I really speak too long, I felt so bad afterwards.

Commissioner Fors: That's what happens.

Mayor Lago: I think everyone makes some very good points. Obviously, Commissioner Menendez bringing this up and I appreciate it. It takes courage to bring it up. So, I commend you for that. I have no issues. Let's start with the time clock and again, its at my discretion. You guys can lean over and tell me listen, they are not done, I think they have a little bit more to say or they may have a rebuttal, Mr. Fromkin had a rebuttal. When the Clerk tells me, Vince, this gentleman would like to add something or refute or provide more color in regard to an issue, I'm going to let every single person speak over and over again.

City Commission Meeting

Vice Mayor Mena: I agree.

Mayor Lago: Over and over again. That's one thing that we can never – for example, I'm going to give you a quick example. When I started doing Town Halls which City Manager staff, my staff, our staff, kills themselves doing, we started doing it, it was two and-a-half hours, staff would do a two-hour presentation, the public would speak for 30 minutes, they were upset. Now we are literally down to 20 minutes staff presentation update, and we are down to like an hour and ten minutes, hour and fifteen minutes of open public forum discussion. By the time that that hour and-a-half is done, no one else has a question to ask, because we've made it about them. We made it about addressing their issues. The update is very brief; our City Attorney, our City Manager, our Police Chief, our Fire Chief has to give an update, I give them 6 minutes, 5 minutes each to speak, they're done, and we move onto the public discussion. So, we are learning. I tell you that because we are learning, we are evolving to see what these people in the community want. What I won't do is, I won't go back to the way it was before. That to me wasn't conducive to conducting business and I think it left a bad taste in people's mouths. I agree with you wholeheartedly and I would like to start implementing the 3 minutes and then we as a Commission, Mayor, can say, give additional time, please wrap it up, it's a good opportunity for please wrap it up.

Commissioner Menendez: They know ahead of time; I think that half the battle has won there and for the benefit of everybody. I want to thank all of you, because as you said, its not an easy topic to bring up, because its subject to misinterpretation. I had conversations with folks in the community that are very vocal, and we were on the same page, and I was very happy for that. So, thank you for listening. Thank you for, I think finding the right solution and I think going forward its going to be better for everyone involved, and again, I appreciate your support and understanding of this.

Mayor Lago: Oh, please, thank you for bringing it up.