

City of Coral Gables City Commission Meeting
Agenda Item K-2
September 13, 2022
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 (On Zoom)

City Staff

City Attorney, Miriam Ramos

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Assistant City Attorney, Stephanie Throckmorton

Public Speaker(s)

Edward Martos

Jackson “Rip” Holmes

Aura Reinhardt

Estrellita Sibila

Maria Cruz

Agenda Item K-2 [12:39 p.m.]

A Resolution of the City Commission with attachments, officially accepting the City Clerk’s Certification and Declaration of Results using a petition process to ascertain whether a majority of the property owners support the continued existence of the Coral Gables Business Improvement District.

Mayor Lago: I think the final item we have, Mr. Clerk, is K-2.

City Attorney Ramos: K-2 is a resolution of the City Commission with attachments, officially accepting the City Clerk's Certification and Declaration of Results using a petition process to ascertain whether a majority of the property owners support the continued existence of the Coral Gables Business Improvement District.

Assistant City Attorney Throckmorton: Mayor and Commissioners, hello again. Just a quick recap before I turn it over to the City Clerk to discuss the certification of the results. As you recall, in April, the Commission approved the continued existence of the BID for a five-year period and directed a petition process be held. At the end of June, this Commission cancelled that petition process. As you all recall, at the last meeting, our office presented you with an alternative election methodology. The Commission reinstated the balloting process that had begun in June and asked the Clerk to review -- or that was cancelled in June and asked the Clerk to review and certify all those ballots received by the end of the original petition process in June. What's before you today is the Clerk certification of those 91 ballots that were received and your approval of that certification. I'll let the Clerk answer any questions.

City Clerk Urquia: Mr. Mayor, Commissioners, after the last Commission meeting, the Business Improvement District turned into our office the 91 votes that they had received. On canvassing them, we determined that 11 of those votes were presumed invalid by my office. There were additional votes that were presumed invalid due to the authorized signature on those votes. But we were -- the property owners were given an opportunity to cure those votes. But ultimately, the votes was 11. Out of 178 properties that make up the Business Improvement District, 87 did not return a petition, and therefore, they're considered "no" votes. So, this leaves the BID about 10 votes shy -- 9 votes shy.

City Attorney Ramos: Mr. Clerk, I want to make a clarification. There was no cure period. So, if you submitted a ballot that was insufficient, there was no ability to correct that. What there was was if we were not sure if you had the authority to sign on behalf of the entity, you could submit proof that you did.

City Clerk Urquia: Correct.

City Attorney Ramos: I want to make that distinction.

City Clerk Urquia: Yes.

Vice Mayor Mena: Would that even -- whichever ballots subsequent proof was provided in support of after that process, we're left at a net of negative nine.

City Attorney Ramos: Correct.

City Clerk Urquia: Yes.

Vice Mayor Mena: Okay.

Mayor Lago: Okay, so you've asked for a few moments to speak.

Edward Martos: If you'd be so kind. I'll be very brief.

Mayor Lago: Let's be brief because we have -- we have to have lunch.

Mr. Martos: I assure you.

Mayor Lago: And we have some other items on the Commission agenda today.

Mr. Martos: Thank you. I assure you. Commissioners, for the record, Edward Martos, offices at 2800 Ponce de Leon Boulevard, and I'm here on half of the BID. Commissioners, when you voted -- this is really about intentions, right, and what you voted at the last meeting, your intentions were crystal clear. You wanted to give the BID a year to reform the method of voting, okay. I think the ballot's intentions, each person who signed these ballots, okay, their intentions were clear when they signed them. If you review the Clerk's files, there are technicalities. We're all lawyer -- well, four of us are lawyers, and you know, technicalities are important. I'm not disregarding that, but they are technicalities. Intention, at the end of the day, I think is very clear of each one, right. Opponents of the BID, like Ms. Sibila, her attentions were very clear from day one. She wanted a new election, okay. My client's intentions -- to be crystal clear -- are to serve the business community of Coral Gables. So, in order to push everyone's intentions forward, I have this proposal, very simple. Defer today, allow us until September 28th to sit with the City Attorney's Office, okay, and work out a new voting mechanism. The last meeting, we asked for a year. Now, we're asking for two weeks, okay. And the reason for that is we want to continue serving. That's the BID's purpose. That's what we do. That's our only intention. And in order to do that and have clear, you know, sources of revenue, et cetera, we need to have an election or to repair these things, right these ballots. So, the two weeks is not going to affect the BID. I don't think it's going to affect the City. If we cannot cure -- the election option which we will be presenting at -- on September 28 will be perfectly viable, and it's what Ms. Sibila's stated intentions were, it's what this council's -- kind of Commission's stated intention was at the last meeting, and it's certainly what our intention is. Frankly, I think it's also -- notwithstanding the technical deficiencies with the ballots -- the ultimate intentions of people like Commissioner -- former Commissioner Kerdyk who signed and his ballot was invalidated because his son was the notary. We're lawyers. We understand that's important, okay, but the intention was still clear. It was still there. So, we could fulfill everyone's intentions with a deferral, and I promise you, I will be sitting with the City Attorney's -- their -- her office is outstanding, by the way. I'm very happy working with them.

We will be coming back, if you would grant us that place on your agenda for September 28th. Commissioner...

Mayor Lago: Thank you very much.

Mr. Martos: Mayor, thank you.

Mayor Lago: Thank you very much.

Mr. Martos: I appreciate it.

Mayor Lago: Mr. Clerk, who else do we have here who would like to -- public comment.

City Clerk Urquia: Mr. Rip Holmes.

Mayor Lago: Mr. Holmes. I ask you also to please be brief, please. Thank you.

Jackson "Rip" Holmes: Thank you all very much. I take issue with Mr. Martos. First of all, in the last presentation at the last meeting, he claimed to you that the BID is a private organization. Now, this is not true, right, and he said that there was no meaningful threat of foreclosure. But, as we stand here today, I'm under threat of foreclosure, right. The City filed a lien against my property, and then I had to basically say to the BID that I wouldn't criticize them publicly so that they wouldn't foreclose, right, so he's not telling you the truth. Now, he says that their intent is public service. How is that possible? They have been taking money from people that they have not been representing and not been serving, and those people face the threat of foreclosure. How -- which people are we talking about? Almost half of the total voting bloc, the -- 167, if I'm counting correctly, business condos, right. Taxation without representation in violation of Florida State Statute 170, which has been affirmed in an opinion of the Florida Attorney General to our

City Attorney's Office back in 2006. They solicited a thing about how do we do the BID elections, and the Attorney General of Florida said, "You do them according to Florida Statute 170," which now somehow she's magically said, well, we're not -- everything is legal. We can violate Florida Statute 170. She's violating -- I apologize to you for bringing this up, Florida Statute 170. She's violating it.

Mayor Lago: Okay.

Mr. Holmes: And she -- and I've asked her for the basis for saying it's legal. None. There was no -- I have an outstanding public records request. What is your legal basis for claiming that that election is legal? There's nothing, nothing coming from her. In fact, Ms. Throckmorton told me, there is no basis for her statements that it's a legal thing. Okay, it's time to put an end to this taking of money from people that they're not serving. He says they're serving, no. Are they? I've been banned from being on the BID board because I'm advocating a department store for downtown, okay. That's service? Now, one more thing, if you'll allow me. Because I once was advocating for the Business Improvement District in the early two or three elections, and I saw how they operate, and so, I'm saying to you -- under penalties for perjury now -- they would get a "no" vote, and they would say, "Have so and so and so and so call this person and try to turn their vote around." Now, that's the way they conduct the elections.

Mayor Lago: Thank you. Thank you very much.

Mr. Holmes: So, these ballots that have been invalidated are invalidated because they don't do proper elections.

Mayor Lago: Thank you, sir. I appreciate you being here. Mr. Clerk.

City Clerk Urquia: Ms. Aura Reinhardt.

Mayor Lago: Ms. Reinhardt, how are you? The floor is yours. Thank you.

Aura Reinhardt: Thank you very much. I do have a couple of slides to show if I can. And this is -- I guess is my marker, right? Yeah. But first of all, dear Commissioners, Mr. Mayor, Vice Mayor, and City staff, the BID will continue to keep their promise and support to its members who care about the success of our downtown and who invest to support their property values and their tenants' businesses, and these are our retail merchants. So, for the record, I would like to give the City Clerk -- present signatures from these merchants, the people on the street. These are the store managers, the restaurant servers, the museum guides, the coffee shop baristas, the hair stylists and the trendy mixologists. These are all employees of our downtown who see the effects and benefit from the effects of the BID activations every single day, and they support and want the BID to continue. We all want to cure the situation we are in. A situation was started on June 28 when a legal voting process was quickly eliminated by the Commission. It was a legal voting process, which was eliminated three days before the end of the vote. We want the 91 submitted votes to have a voice. They are silent, they are the majority, so they are our silent majority and should be treated with the same respect as the one dissenting voice we've had. Their intent -- and we've heard that word before the day -- their intent to vote in favor is important to them as it's important to Coral Gables businesses as a whole. It would only be fair to have them have a chance. What I'd like to do now is just show you through a couple of slides to show you what we're going to be continuing to do between now and yearend with activations in the City. As you know, we have programs that are committed to. This is a good example of one that we have started. It's lighting -- new lights on all the trees on Miracle Mile, and we are waiting for final sign off, I believe, from Mr. Iglesias on this. But we have purchased the lights already, and we have deposits down, and we're ready to roll whenever we get the go-ahead.

Vice Mayor Mena: Do the funds that you already have on balance cover these expenses?

Ms. Reinhardt: Pardon me?

Vice Mayor Mena: Do the funds that the BID already has...

Ms. Reinhardt: Committed to this.

Vice Mayor Mena: Currently...

Ms. Reinhardt: Yes.

Vice Mayor Mena: Prior to any additional assessment...

Mr. Martos: Correct.

Ms. Reinhardt: Yes.

Vice Mayor Mena: Already cover these expenses?

Ms. Reinhardt: Absolutely.

Mr. Martos: Yes.

Ms. Reinhardt: Everything you're going to see now is...

Mayor Lago: Can you do me a favor?

Ms. Reinhardt: We've been working on...

Mayor Lago: Can you sit down?

Ms. Reinhardt: We've been working on for a long time. That's right. We have a dog day coming up. This is one -- going to go through September quickly. You're familiar with our pumpkin arch. We've already purchased this, and it's coming again in October, so it's coming up to now. And of course, the very famous Halloween on the Mile, which is something city-wide, not just Coral Gables wide. We are producing all of the activations already on that. We have a new thing that we are in the works with, and we're working with the antique car club and with one of our Coral Gables residents, and many of you are familiar with him. He has a private car collection, and William Bonn is lending us 30 of his cars. And we have chosen to do this on Veteran's Day weekend. This will be an All American car show. Of course, the holidays come, and the holidays are very important to all of us. As you know, we do the Christmas tree on Giralda and all the activations that come around that, and we light up the -- and we light up that street. And of course, there are other things that come and go. I'll tell you here, we have seminars inside some of our stores, as you see here with Pura Vida. We have concerts going on and other things, and of course, we do a lot with the children's programming in town. End of year, the Holiday Market, the Holiday Market was the carolers that we sponsor, the Holiday Market with, of course, Santa Claus that comes and is there for photographs with our kids, and the stores and the markets that take place on Giralda and on the (INAUDIBLE) Plaza. Just wanted to show you that we are committed to making the rest of this year a happy one. And we hope that you will agree that we can come back and present to you a way forward for a new election. Thank you.

Mayor Lago: Thank you very much. Mr. Clerk.

City Clerk Urquia: Ms. Estrella Sibila.

Mayor Lago: Ms. Sibila, the floor is yours. Please brief -- please be as brief as possible. Thank you.

Estrellita Sibila: Thank you. I appreciate it. And thank you all for taking such consideration around this issue. The final certification of the votes is important because the reason that it's there is to ensure that the right voters voted and that they did it correctly. And then information that went out to the people that did receive the petition, the limited half that did receive the petition, did have very clear instructions in the enclosure sheet that they needed to include the resolution and the authority of the person that was signing that along with the ballot that was submitted. There was no instruction that provided that they would have a cure period to be able to fix or provide further authority or clarify any authority. So, even the votes that they're currently short, they were short even more votes. And every single time I've made a question about the process, the goal point -- the goal post seems to move. The question was, well, which votes are -- what is the methodology to invalidating a vote? What makes it illegal? No response to that. Who establishes that before the votes come in? Who's looking at it? Who's reviewing it? It's the City Clerk's job. Now, we're getting wind that perhaps the BID could somehow manage to correct more ballots between now and some other period of time. The question here is not whether they've done great things or whether they have more things planned beyond the period in which they were set to sunset and that they've entered into contracts beyond their existence. The question here is whether or not they got sufficient votes, valid votes for the petition to go forward and their sunset to continue. The answer to that is no. It's no. The people that they circulated the petition to, if not enough of them turned back valid votes. You heard how they request the petitions. They will continue to call and ask and insist. You also know that, very simply, they solicit these votes directly. And you also heard from them that they are very sophisticated businessowners and voters, each one of these. They all know how to read. They all know how to notarize. We're not here to give everybody a second and third and fifth chance. We were told these are sophisticated voters. They're big business folks. How is somebody having their own parent/child notarizing legal documents for them? We can't make that legal. We can't go back and change what happened. And this Commission decided to go back and change what happened already once. You canceled the initial petition at the request of the 167 voters that did not receive a notice. We're not just a

condo association. We're an affected taxpayer and Florida law has a taxpayer whole section of the law that requires that adequate notice be provided to the tax-paying party, and we did not receive that. And that's why I came, and I made an objection. It doesn't have to do with the programming that the BID supports. It doesn't have to do with whether or not they have lighting in the fall for us or not, or whether the pumpkin patch will continue to exist. If those are the concerns, I will happily give you a pumpkin patch from my very own family foundation's money, if that's the deciding factor here. The issue is whether or not the affected property owners that are subject to the special assessment want the special assessment to go forward. That answer was a no. And further, the question ultimately is whether or not we're served and given a special benefit for being taxed this additional sum, and the answer to that question is also no. The BID has it clear that they have an opt-in process were anybody, anybody throughout the City can participate and get all the same benefits that I'm being taxed for, the same benefits that I could be foreclosed upon if I don't pay. So, what is the special benefit that they provide? I still don't understand. But what I do know is that there was a petition that was circulated. They chose to ask and request that that petition be validated if they got sufficient votes to move forward. Now that they don't have sufficient votes, now they want something else.

Vice Mayor Mena: But didn't we end that process early though?

Ms. Sibila: They had the correspondence that went out to the voters that did receive it, got it early in May, in the late portion of May and had two months to submit their votes. So, I don't know that the difference of two days really pushed them under the bar.

Vice Mayor Mena: We'll never know, to your point. It's a fair -- I'm just asking the question.

Ms. Sibila: Absolutely.

Vice Mayor Mena: But at the end of the day, they're short nine votes based on what I've been told. I'm just saying...

Ms. Sibila: And possibly even more than nine votes...

Vice Mayor Mena: Sure.

Ms. Sibila: Should the corrected votes...

Vice Mayor Mena: Whatever they're short, we don't know how many votes would have come in over the next three days before we halted the election, so I think that's one factor just of many in a very complicated situation. And I appreciate all your comments throughout the process because I think you've brought a lot of important issues to light. I think these are important issues. I think the fundamental thing that you've been sort of focused on since the beginning is the actual process, you know, and what benefit you get, how the votes are -- how the election process even works. And I think -- I don't know -- I'm -- at least can say I'm committed to changing that -- I just -- the problem we had when we discussed it at the last meeting is we're in a bit of a time crunch. And to your point, all the things you're talking about, about events in the City, those are things that we have to just consider because they are amenities not only for our downtown, but for our residents that, hypothetically, will go away if we just were to wind things down and not allow all those events you saw to go forward. So, we have to balance the legal considerations which you've articulated, and our City Attorney's spoken about, and the real world effect of the consequence of our decision. We could -- there's a number -- I've wrestled with this decision. I think this is a very challenging issue. Standing -- sitting here right now speaking to you, I'm still not sure exactly which direction I'm leaning. I want to speak to my colleagues about it. But I think we could discuss whether there's an opportunity to cure some of the signatures. I think we could discuss -- I heard the gentleman's proposal. I don't know how realistic that is. To be honest, I appreciate it, but I also don't know how realistic it is. And...

Mr. Martos: (INAUDIBLE).

Mayor Lago: Sir, if you could do me a favor.

Mr. Martos: Of course.

Mayor Lago: Please sit down.

Vice Mayor Mena: We'll give you an opportunity...

Mayor Lago: Thank you.

Vice Mayor Mena: At the right time.

Mayor Lago: We're not going to do this today under no circumstances.

Vice Mayor Mena: Yeah.

Mayor Lago: I'm not going to allow this to happen here.

Vice Mayor Mena: So, you know...

Mayor Lago: So...

Vice Mayor Mena: We need to decide what the objective is.

Mayor Lago: So, Vice Mayor -- are you done with your comment?

Ms. Sibila: Yeah. My -- I had one more last comment, and that was simply that this forum is here to protect the taxpayers. It's not here to serve the interests of the BID. And at the end of the day, this was put in place 25 years ago when there was a completely different scenario. Social media marketing didn't exist. Websites weren't even a thing. You know, we're looking at supporting something that the system has changed, the world has changed, and this has not changed with it. The City has changed; this has not changed with it. They've had all of the money and all of the opportunity to do that, and they chose not to do anything, and now they're just choosing to put the pressure on this Commission to act on their behalf...

Vice Mayor Mena: They chose...

Ms. Sibila: And continue to act...

Vice Mayor Mena: Sorry, I just want to make sure I understand what you're saying. They chose not to do what exactly?

Ms. Sibila: To consider expanding, modifying, revisiting how they allocate or tax any of these properties.

Vice Mayor Mena: Sure.

Ms. Sibila: I've made this objection previously to the BID regarding receiving an actual tax assessment to my property and not receiving a vote. I've raised the issue of whether or not it's even fair that my property gets taxed because we don't get any benefit. So...

Vice Mayor Mena: It's a fair question.

Ms. Sibila: This is a very...

Vice Mayor Mena: I understand it.

Ms. Sibila: This isn't a -- this just happened and, you know, now, oh, my gosh, in the last minute, this is falling apart. This has been brought to their attention for over two years, and they've rolled over money from previous years to continue to have more money amassed. And they had all of the opportunity to do that. They had all the money to get consultants. They had all the time to do this and look into it. The money that is left is over a million dollars there, and that money belongs to the taxpayers. So, are we just going to let them continue to operate with the money that they didn't use correctly? Perhaps the City could take over control of that money and utilize that.

Mayor Lago: Anything else? I want to just make sure we're fair to everybody with time. You have anything else you'd like to add?

Ms. Sibila: Yeah, I think there was a sunset in the original legislation for a reason, and if there is not sufficient votes that are legal in this petition process that's governed by state law, there's just no room for this Commission to accept that as a valid petition.

Mayor Lago: Thank you.

Ms. Sibila: So, thank you.

Mayor Lago: Thank you.

City Attorney Ramos: Mayor, before the Commission speaks, if I could address a legal issue.

Mayor Lago: But I'd like to do something first.

City Attorney Ramos: Sure.

Mayor Lago: Mr. Clerk, do we have any other public comment?

City Clerk Urquia: No, sir.

Mayor Lago: I'd like to close the public comment. Madam City Attorney.

City Attorney Ramos: Mayor, I'd just like to address the comments that were made earlier. Number one, as we have reiterated, Chapter 170 was not violated. There may be a better process, certainly, and that's what we're moving toward. But our position remains that Chapter 170 was not violated. The individual that spoke has misquoted Ms. Throckmorton and also misunderstands the Attorney General opinion that he's referring to.

Mayor Lago: Thank you for that clarity. Okay, so basically what we have before us here is a resolution to either -- to accept the Clerk's findings. I think we've done a lot of -- you've done a lot of the conversation already, Vice Mayor, in regards to looking for a clear path moving forward.

Vice Mayor Mena: There's no clear path, unfortunately.

Mayor Lago: To me, it's clear on my front, and I'll tell you why it's clear on my front. And this is all I'm going to have to say, and then the will of the Commission will move forward. There is a path moving forward. There was a time provided to get the votes necessary to continue with the BID. That was not achieved. The BID can survive either under the auspice of the City or under their own accord. It wouldn't be the first time. We have to make a decision whether we're going to allow continued bites of the apple when it's very clear that they're nine votes short. My vote is -- today is to accept the Clerk's findings and move on from this issue. If the BID would like to

reorganize in their own capacity, I wish them luck. I think it's a great idea, and there's opportunity to do that. But the findings are very clear, and the Clerk has provided them today, and I think we take action, and we move on from this.

Commissioner Fors: I have a couple of questions. First, I share the views of the Vice Mayor in terms of the fact that we halted the vote with two or three days remaining for vote. That creates some -- it's unsettling...

City Clerk Urquia: Two days.

Commissioner Fors: For me. I wish we would have known back then.

Assistant City Attorney Throckmorton: The meeting was on the 28th, and that's when it was halted. I believe it was scheduled to go through the 30th.

City Clerk Urquia: That is correct.

Assistant City Attorney Throckmorton: I do want to clarify that at the last Commission meeting, the action you all took was to certify all ballots that were received by the 30th, so it did address those two additional days. Now, to the extent that there was work that the BID would have done in those days, I can't address, but the resolution was...

Mayor Lago: To accept.

Assistant City Attorney Throckmorton: All those received by the 30th.

Commissioner Fors: Okay. So, I'm not going to repeat what the Vice Mayor already said, but that's -- that creates some lack of comfort for -- some lack of comfort for me. The resident

(INAUDIBLE) that she brings up a lot of good points, and I think I've acknowledged those points from the very beginning. And I do think that, no doubt about it, everybody on this dais thinks that it's certainly time to look at it again in terms of how certain things work in the BID and what the BID is, et cetera. But I do view that as separate from what is -- what we're talking about in terms of whether -- what happens with this vote that happens here, and those things are something that we would speak about over the next year before the next vote, but that's my initial approach to that. Now, I do have a question for the City Attorney. Is -- when we talk about an opportunity to cure, you know, you say what can -- some things are curable, some things cannot be cured, right? And that depends on -- does that depend on statute in terms of what can be cured or not, or -- because at the end the day, it depends on the definition somewhere of what is curable and what is not. Who makes that definition? Or do we have discretion to say what is curable and what is not?

City Attorney Ramos: Yeah, there's no statute about -- under 170 about what is curable and what is not, it's up to the Commission. If I recall correctly, the ones that were thrown out were because they did not have the authority to sign on behalf of. So, someone else could sign; that would cure it -- that does have the authority. Or because the notary section was incomplete or done incorrectly. That can be fixed. You do a correct notary, you know. So...

Commissioner Fors: So, we're making -- so, when focus on that and the fact that there's -- that the definition of what can be cured and what cannot be cured is within the discretion of this Commission, then it's important to take a step back and acknowledge that we're making a conscious decision based on our exercise of that discretion, which affects the outcome of this vote, right? So, we can't just sit up here and say, you know, we're law -- some of us here are lawyers, some are not, but in any event, we're elected officials, and we're here to abide and comply with the law and enforce it. And therefore, we have no choice but to invalidate these X amount of petitions. We can't say that. We're making a policy decision right now on what the definition of cure is, so I want that to be acknowledged. And by extension, you know, that decision is the difference between this rolling over a year, where we have these important discussions regarding

what the BID's going to look like going forward and killing the BID right now, which has been in place for 25 years, which a lot of our small businesses appreciate and want. We've heard them all -- we've heard many of them come up here and speak. So, I just want to -- I want to make sure that when we make this decision, whether we make it today or not, or whatever it may be, that we acknowledge that we're not just blindly following the law. In other words, there's no statute out there that says that this can be cured, this can't be cured, that a conscious policy decision is being made as to what's curable, which I think makes it a very, you know...

Vice Mayor Mena: Yeah.

Commissioner Fors: A decision we have to think about very carefully.

Vice Mayor Mena: The issue I have with that though is somebody having the wrong person notarize it, to me, that is a technicality. Somebody not having authority to sign it, that's not a technicality. To me, that's like a nullity. That's like nothing happened. I can sign a contract in the name of the company I work for right now. If I don't have authority to do it, it's like a -- it's an absolutely nullity.

Commissioner Fors: And I see that distinction...

Vice Mayor Mena: Hold on.

Commissioner Fors: As well.

Vice Mayor Mena: So, that, to me, is different. So, I don't know how many of those -- I heard the Kerdyk was a notary situation. I don't know how many others there were like that.

City Attorney Ramos: Mr. Clerk, which ones were based on authority in the end?

City Clerk Urquia: Give me one second.

Commissioner Fors: And then how do you reconcile that with ostensibly two extra days for them to have just presented a new petition without actually curing it, but they still would have had two days but for our halting of the vote.

Vice Mayor Mena: And then the other thing -- just to address the Mayor's comment because I understand it's not a crazy suggestion what he's suggesting, but my question is why -- and I think it's a little bit more complicated is only this. If you go that route, what happens with the funds that were already collected?

Mayor Lago: Those funds are returned back to the businessowners. And let me give -- let me pose you a quick question. When we run for office -- you've done it twice, and I wish you would do it for a third time, but you told me no -- just giving you a little pressure on the record.

Vice Mayor Mena: No.

Commissioner Anderson: I think his mind's been made up.

Vice Mayor Mena: Go ahead.

Mayor Lago: I'll try to the last moment.

Vice Mayor Mena: Go ahead, go ahead.

Mayor Lago: We have to sign documents. Those documents are reviewed by the Clerk. Those documents have to be submitted by a deadline. When I sign those documents, I sit down with my

team. I sit down with my accountant. I cross every t; I dot every i. And that document does not leave my hands until my lawyers have reviewed it, my accountants have reviewed it, my entire team has reviewed it to make sure that everything is done according to the Charter and the City rules, and the County. Same thing when I submit RFPs and RFQs. I have lost an RFQ in the past for something as simple as not initialing a page. You know, in the document, it says all 100 pages have to be initialed at the bottom, and I missed a page. So, the rules are the rules. If you make exceptions, we put ourselves in a position where influence then becomes the deciding factor, who knows more people, who's got more power, and who's got more ability to flip their way or the highway. So, again, you know, nobody takes it easy on us when we've got to follow the rules. There's guidelines and there's ways of doing things.

Vice Mayor Mena: I'll be honest with you. I could care less about influence right now. Honestly, my worry is, you know, we -- there's a lot of funds, especially in the holiday season, which is really important to our commercial businesses that are supportive. And so, I get what you're saying. Again, I don't think you're suggesting something that's, you know, outlandish in any way at all. I think there's definitely room to potentially go that way. I'm worry about what it means, in effect, for the holiday season coming up. I hear you about returning the money to the business owners. I would say, on that point, I think it's a complicated issue. Those funds were assessed previously under the prior election that impaneled the BID. They were not the result of this election. So -- and they have a very -- they're earmarked for...

Mayor Lago: Yeah.

Vice Mayor Mena: A purpose, right, like they were assessed for exactly the type of events we're talking about. So, I would just say on the sort of menu of options here -- again, none of which is ideal -- I think there's a scenario where if you do decide to go the route you're suggesting, where the monies would still be put towards doing those events through the end of this year...

Mayor Lago: And I don't have an issue with that. And by -- if I may. If -- I'm not suggesting it. That is what is the outcome if they're -- if the votes are not achieved. It's called...

Vice Mayor Mena: I thought you were saying to give it back to...

Mayor Lago: No, no. I'm saying the outcome is very -- is detailed out, is detailed out in regards to sunseting of the BID if the following -- if the votes are not achieved.

Vice Mayor Mena: Right.

Mayor Lago: So, to me, I have no issue. By the way, let's also give credit where credit is due. The Manager and his team, we've put up most -- 50 percent of the money, and we've assisted in every step forward.

Vice Mayor Mena: Absolutely.

Mayor Lago: Murals, you know, all of the other projects that come before the City. Our Public Works Department works hand in the hand with the BID. We've contributed money. We have a litany of other projects that we work on together. We continue to do that. I have no issues, no issues at all following to the end of the year, allowing our small businesses to continue to reap the benefits of us working together with the BID to ensure that these projects move forward, and then sunseting the BID as stated -- as clearly stated in the by-laws in regards to the BID. And I'm more than willing to do that. I'm flexible on that front, but my vote is very simple. They didn't get the votes. The Clerk has stated that, and I'm willing to vote today in favor of the Clerk's resolution.

Vice Mayor Mena: Can we get clarification?

City Clerk Urquia: Yeah. Just to be clear, five votes were rejected due to something other than notaries.

Mayor Lago: Okay.

City Clerk Urquia: So, six were due to notarization; five was for something else.

City Attorney Ramos: And they weren't all authority. Some is because the property address is incorrect and not corrected, or the owner so...

City Clerk Urquia: No, not the address, the owners.

City Attorney Ramos: The owners...

City Clerk Urquia: The property owners listed on the petition were not the correct owners of the property.

Vice Mayor Mena: So, again, that's -- that to me is...

Commissioner Anderson: That's (INAUDIBLE).

Vice Mayor Mena: Dead on arrival.

Commissioner Fors: And that's based on what, on SunBiz?

City Clerk Urquia: Our property appraiser's office. The property was -- for example, one was previously owned by a trust, and then now the property's owned by a corporation. So, the person that signed it signed as a trustee of the trust, not a person of the corporation.

City Attorney Ramos: So, the question becomes, if only the notarized ones are allowed to cure, does it get them where they need to be?

City Clerk Urquia: They don't.

Vice Mayor Mena: They don't, right.

Commissioner Anderson: They don't.

Vice Mayor Mena: No, I get that.

Commissioner Anderson: Alright.

Commissioner Fors: Chronologically -- just two last questions. Chronologically, was the BID aware of the issues with the validity of certain petitions at the time that we halted the election?

City Clerk Urquia: Commissioner, the BID had the petitions in their hand all the way up until August 25th.

Commissioner Fors: And had they already been told...?

City Clerk Urquia: No, they had not. I had not reviewed them...

Commissioner Fors: Because you made...

City Clerk Urquia: But the...

Commissioner Fors: Your determination after we halted the vote.

City Clerk Urquia: Correct. But this would have been rejected even if the Commission had not thrown out the election in June, because June 30, they would have submitted the petitions, and I would have rejected all of them at that time.

Commissioner Fors: Unless they had found out in between that there were some infirmity or what have you, yeah.

City Attorney Ramos: Just to be clear...

Vice Mayor Mena: No, unless they, hypothe...

City Attorney Ramos: They could have done that on their own.

Vice Mayor Mena: Unless they, hypothetically, had gotten nine more votes in those next two days from...

Commissioner Fors: Yeah.

Vice Mayor Mena: Other people that didn't vote.

Mayor Lago: Which is...

Vice Mayor Mena: A hypothetical. That's not...

Mayor Lago: Which, by the -- they were allowed until...

Vice Mayor Mena: Sure.

Mayor Lago: The 30th, as our City Attorney mentioned before. They were allowed to accept votes until the 30th so...

Vice Mayor Mena: How many --? Do you -- does anybody know the answer to how many votes they had last time?

City Clerk Urquia: A hundred and thirteen.

Commissioner Fors: I had one last question, unless you were going to say something about...

Vice Mayor Mena: No.

Commissioner Fors: I had one last question. Is there, by any chance, any other taxing district that does -- in any neighboring municipality -- that does set forth a procedure and definitions for curing petitions? And I wouldn't expect you to know off the top of your head.

Assistant City Attorney Throckmorton: I'm not aware. The other BIDs conduct their petition process differently than ours, but I'm not aware of that. And their clerks -- City of Miami, for example, their City Clerk does certify the results. I'm not sure if their clerk has different procedures, but the clerk does certify those petition results as well.

City Attorney Ramos: I just need to say a couple things before the Commission starts to move forward because I think there's a basic misunderstanding between the BID's position and ours with regard to their ability to continue to exist as a special taxing district. A resolution in 2017 for these five years clearly included a sunset provision. That is October 10th. After October 10th,

unless something happens, this BID is not -- there's no longer a special assessment district, and we have to figure out what happens with that money.

Commissioner Fors: Regardless...

Mayor Lago: Madam City Attorney, if I may. Can we amend --? In the resolution, can we add a provision stating that until January 1st, January 2nd, so we can make it through the holidays, and then address the issues of the funds?

City Attorney Ramos: The problem is you had an election in between.

Vice Mayor Mena: Yeah.

Mayor Lago: Yeah, I'm just -- I'm asking. You guys are the attorneys so...

Vice Mayor Mena: No, no. (INAUDIBLE). That's the...

Mayor Lago: Give me one second. Give me one second.

Vice Mayor Mena: That's the challenge.

Commissioner Fors: Is it sunseting because...

Vice Mayor Mena: Because of the prior vote.

Commissioner Fors: They didn't get the petitions? Or they're sunseting regardless to get the petitions or to re...?

City Attorney Ramos: Correct. There's no way for them to continue to exist without the petitions. If they could correct -- amend, whatever we want to do with the petitions, or the Commission wanted to give them two more weeks to get the petitions they need, then you could make them exist until January and let them expend the funds they have available. But there has to be a vote of the majority of the property owners.

Mayor Lago: That's not going to...

Commissioner Anderson: Well, I...

Mayor Lago: That's not -- we just can't be bending the rules like that and going back and forth. I mean, that's just a bad look on the City.

Commissioner Anderson: I mean, it's troubling, especially now that we know that five votes were completely rejected and they're nullity votes. My understanding is the BID's a 501(c)3. What prevents the money from going back to the owners and they can assign it to the BID so they can continue on with business as normal, but they're just not a special taxing district anymore?

City Attorney Ramos: If the property owners that were assessed the money want to voluntarily not take it back...

Commissioner Anderson: Correct.

City Attorney Ramos: Sure. They're a 501(c)3. They can basically donate their...

Mayor Lago: They have the vehicle. They have the vehicle.

City Attorney Ramos: Their refund.

Mayor Lago: They have the vehicle.

Vice Mayor Mena: But the validity of the assessment of those -- again, the assessment of those funds was valid.

City Attorney Ramos: Agreed.

Commissioner Anderson: It was valid.

Vice Mayor Mena: It was pursuant to the...

City Attorney Ramos: The problem is...

Vice Mayor Mena: Election five years ago and the subsequent...

Commissioner Anderson: Correct.

City Attorney Ramos: Agreed.

Vice Mayor Mena: Assessments (INAUDIBLE)...

City Attorney Ramos: The problem is how to...

Vice Mayor Mena: This election.

City Attorney Ramos: Yes. The problem is they're supposed to, like we do for the -- we have them on at 3 o'clock today or 4:30, we moved it. You're supposed to assess every year if you're

overtaxing, and you're supposed to come and ask for a correction or a reduction. That wasn't done.

Mayor Lago: Yep.

City Attorney Ramos: That's the issue. But fine, that money is there. The question is, how does it get spent for the benefit of those property owners when they no longer have the authority to exist after September -- after October 10th as an arm of the City?

Commissioner Anderson: Well, then I'm going to repeat the question. They're a 501(c)3.

City Attorney Ramos: Yes, with no money.

Commissioner Anderson: If they're not a special taxing district, do they cease to exist as a 501(3)c [sic].

City Attorney Ramos: No, they just have no money.

Commissioner Anderson: Just have no money. So, the money technically, let's assume, goes back to...

Vice Mayor Mena: Why do they have no money?

City Attorney Ramos: Because they can no longer take possession of the money that was taken when they were a special assessment district.

Vice Mayor Mena: They already have possession of it.

City Attorney Ramos: Okay, they can no longer spend the money as a special assessment district that doesn't exist.

Vice Mayor Mena: Why can't they spend it as a 501(c)3?

City Attorney Ramos: Because -- well, they can if the property owners who would be due a refund want to give them their refund.

Commissioner Anderson: Or assign it.

Mayor Lago: Yep.

City Attorney Ramos: A 501(c)3 cannot take possession of money that was forcibly taken for their purposes.

Vice Mayor Mena: Again, it wasn't...

Assistant City Attorney Throckmorton: So, for instance...

Vice Mayor Mena: Again, it was...

Assistant City Attorney Throckmorton: Yeah.

Vice Mayor Mena: Properly assessed pursuant to the special taxing district at the time that it was collected.

Commissioner Anderson: Correct.

Assistant City Attorney Throckmorton: So, if...

Vice Mayor Mena: It wasn't...

Assistant City Attorney Throckmorton: If the...

City Attorney Ramos: Yes.

Assistant City Attorney Throckmorton: For instance, if the BID was a City board, like it is in other boards, and this vote had failed, you -- the board would be dissolved as of the date of the sunset. The BID -- the Coral Gables BID happens to also be a 501(c)3 who takes those funds from us, so it's as if the official City part has -- will dissolve as of the date...

Vice Mayor Mena: The City's not -- but what is the City's role in that process? Because what...

Assistant City Attorney Throckmorton: We...

Vice Mayor Mena: In other words, does the City have the...

Assistant City Attorney Throckmorton: We create the...

Vice Mayor Mena: Does the City have the ability to take possession of the funds and spend them with the same spirit and the same --? I'm asking what the legalities are here because I'm not clear...

Assistant City Attorney Throckmorton: We're looking at the issue. It's unusual for a special assessment district to have a large amount of funds at the end, as the City Attorney explained

previously. And again, the same issue is that the special assessment district no longer exists, and so that special benefit, special purpose test is...

City Attorney Ramos: If we have a very specific set of things that they were going to do -- and actually, Ms. Reinhardt went through that today -- that's one of the things our special counsel asked us is do we know exactly what they were going to do with those funds. And I think if we have a very specific list based on what she told us, it is possible that the City may be able to take that money and spend it on that very specific list. The question is whether that list was made up by them out of (INAUDIBLE), or whether the property owners agreed to that because that is a special benefit to them.

Mayor Lago: So, are you just --? You're going to run the meeting, or am I going to run the meeting? I just want...

Mr. Martos: No, respectfully...

Mayor Lago: I just want to understand a little bit about what we're going to do here.

Mr. Martos: You're discussing the corporate structure...

Mayor Lago: Okay, let's do even better. How about we do something better, really quickly? How about you stand up here and come in here, and I'll go back there. Okay, come on. We'll do the meeting like that.

Mr. Martos: Forgive me, Mayor.

Commissioner Fors: Let's just...

Mayor Lago: I just want to make sure -- I just want to kind of understand what we're doing here because it's -- we have rules. We have rules here, and we have to...

Mr. Martos: I was only...

Mayor Lago: Follow the rules.

Mr. Martos: Trying to help with information.

Mayor Lago: But I'm going to -- but I have very competent staff. I have very competent staff, and I have incredible Commissioners. We're going to work through this. We're trying to find a way to resolve this issue, but you got to have faith. I will call you up, but then people are going to say I gave you preferential treatment over them, and they're going to be back and forth. I get all these emails. Let's just conduct ourselves. Let us get to the finish line, and then I'll get everybody one last bite at the apple, okay? But just, please, let's be respectful of the process.

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: Okay. Before I let anyone else in the public speak again, again, Madam City Attorney, if we were to proceed with ratifying the resolution that was proffered by the Clerk, but we also would like to ensure, like the Vice Mayor was saying, that the events planned for, you know, the holidays are within reach and we can address that -- even though I know that probably a lot of these holiday -- I would expect a lot of these holiday decorations and vendors have already been solidified via some sort of payment or contract...

Vice Mayor Mena: Right.

Mayor Lago: What can --? How can the City of Coral Gables and the BID work together to make sure that we achieve our goal of ratifying the resolution but also not jeopardize the events that are planned for the downtown? Which, by the way, again -- I will say it again for a second time -- the City is a partner in. Our team works very diligently and writes pretty large checks in support of the businesses.

City Attorney Ramos: So, Mayor, there's two possibilities that I see, and we have a follow-up call. We have the team researching it that does this for a living. There's no clear answer, but we have two possible ways forward that I see.

Mayor Lago: Okay.

City Attorney Ramos: Okay. One is that these events be part of the BID's winddown period. Special counsel told us that a winddown period is permitted where funds can be expended for certain things.

Mayor Lago: Would you know how long that would be?

City Attorney Ramos: It's a reasonableness test so...

Mayor Lago: Would you say two months?

City Attorney Ramos: We're looking at...

Mayor Lago: Three months?

City Attorney Ramos: You all are talking about getting through the holidays. We're talking about three months. I think maybe we're in the right place based on what special counsel said, so that's a possibility. The other...

Mayor Lago: Okay.

City Attorney Ramos: Possibility is that the funds be given to the City and the City effectuate those events. We're looking at both, but they're almost independent from the decision you're making today...

Mayor Lago: Okay.

City Attorney Ramos: With regard to what's happened with the ballots. What's happened with the ballots is what's happened with the ballots. The Commission can allow more time if that's what the Commission wishes. But absent that, I just don't see a way forward in terms of the BID continuing to exist.

Mayor Lago: Okay. But there -- but we're going to have some clarity in regards to a winddown.

City Attorney Ramos: By the next meeting, we will have a plan for you.

Mayor Lago: Which is --? What is the date of the meeting?

City Attorney Ramos: September 28th?

City Clerk Urquia: Twenty-eighth.

Mayor Lago: I just want to put it on the record. Okay, so that would give us more than enough time because, obviously, the deadline is October 10th -- correct? -- I think you said.

City Attorney Ramos: October 10th is when they cease to operate...

Vice Mayor Mena: Sunset.

City Attorney Ramos: Except that they...

Mayor Lago: Sunset.

City Attorney Ramos: Can have a winddown period.

Mayor Lago: I just want to make sure. I don't have those dates in front of me. So, that would give us more than enough time, understanding that this Commission would clearly say something to the effect of we want the winddown to be the first week in January, the second week in January, the third week in January, something that is -- again, allows the BID to land on its feet and move forward in ensuring that these holidays events are properly planned and that nobody suffers through these months. So, I think that's pretty clear. Does anybody else have anything else they want to say before I ask this gentleman who would like to say -- and somebody on the other side who would like to spend two minutes also? Anyone else?

Commissioner Menendez: Mayor.

Mayor Lago: I'm sorry, Commissioner. Man, I'm sorry about that. My bad.

Commissioner Menendez: Don't worry about it.

Mayor Lago: No, I just -- I should have...

Commissioner Anderson: We're used to having your face here.

Commissioner Menendez: Well, I miss you all dearly. Well, not all of you, but most of you. Just joking. Question -- because I had the question earlier in the discussion, and I know we're way past that point. Were there any "no" votes that were disqualified for...

Vice Mayor Mena: No, not...

Commissioner Menendez: Technical or just all...?

City Clerk Urquia: So, Commissioner, because this is a petition-based election, it all has to be affirmative towards the continuation of the BID. A "no" vote is basically you not turning in a petition is counted as a "no" vote. So, in that case, there were 87 "no" votes.

Commissioner Menendez: Got it. And my other question for -- I know we're talking about the winddown period because -- we're talking about winddown, I assume, because the Code basically -- the legislation that created it has -- is -- Madam City Attorney, it's in our Code, as in ordinance, I would imagine, the sunset provision, right?

City Attorney Ramos: The 2017-144 resolution, as amended, gave a winddown of five -- basically says the BID shall be wound down after five years. And five years of that date is October 10th.

Commissioner Menendez: And there's no way, like, the Mayor (INAUDIBLE) push that back?

City Attorney Ramos: No. I think that would be problematic. What I do think maybe to accomplish our goal, as I mentioned, is that some -- that these events would be allowed during the winddown period. We will look at that.

Mayor Lago: Okay.

Commissioner Menendez: No, I understand. No, no, that -- those were the questions I had. I was -- like Commissioner -- Vice Mayor Mena, I was comfortable, perhaps, doing a period so that they could cure but only those that dealt with the notary situation. And of course, once the discussion went further, we realized it wouldn't make a difference. So, I'm supportive of what the Mayor's proposing.

Mayor Lago: Okay.

Commissioner Fors: I have one final question before we vote. There's no concern -- and I think I asked this question, and I don't think there was -- but there's no concern with the halting the vote two days before the end of the period in terms of liability to the City. I mean, does the BID even have standing to...

City Attorney Ramos: No. There's no property interest in having a BID. That's not a thing that exists. And to Ms. Throckmorton's point, the ballots were counted through the 30th, so it would just be if they could have gotten others during that period. And at the end of the day, it's the Commission's decision...

Vice Mayor Mena: Yeah.

City Attorney Ramos: How long it is...

Commissioner Fors: They could get a hundred percent of the stakeholders' petitions and the Commission could still not do the BID. Is that right?

City Attorney Ramos: Well, it's a petition process, so arguably, yes, as long as you have good reasons.

Commissioner Fors: Right.

City Attorney Ramos: Obviously, you can't be arbitrary and capricious.

Mayor Lago: Alright. Sir, the floor is yours.

Mr. Martos: Thank you very much. Very brief. I was trying to make the conversation fast, sir. We don't need this item to be reversed. If it's the will of the board, it's the will of the board. We're perfectly fine with that. I don't want to lose sight of my request. And my request was a space on the agenda for the September 28th so that we could present to you options for a new petition that could be done as soon as October 1st through October 30th. We're asking -- my request is for authority to do a new election, just as many of you have suggested is necessary and Ms. Sibila has said is necessary. My hope is to get authority today from this body that we can come back on the 28th with these options after working with the City Attorney, by the way, and speaking with Ms. Sibila, okay. And that was what I didn't want to have lost in the conversation. If it's the will of the board we accept it, of course, we accept it, and we have no problem with accepting the decisions by the Clerk, okay. I just wanted to clarify -- that might go fast, sir, and that's -- that was my...

Mayor Lago: Listen, I want to -- and I want to...

Mr. Martos: Goal, okay.

Mayor Lago: And I want to clarify something.

Mr. Martos: Yes.

Mayor Lago: I want to clarify something.

Mr. Martos: Yes.

Mayor Lago: Every time you've asked to meet with me, I've met with you.

Mr. Martos: You have.

Mayor Lago: Before the Commission meeting, you asked to meet with me. I brought you into the office and we sat down. As I was putting my tie on, you were there talking to me.

Mr. Martos: Yes, it was wonderful.

Mayor Lago: Okay. And we...

Mr. Martos: I appreciate that.

Mayor Lago: And we shared a moment there in my office.

Mr. Martos: Um-hmm.

Mayor Lago: Okay?

Mr. Martos: Um-hmm.

Mayor Lago: So, my point is that we're open to have a discussion as long as it takes, but we have to have respect, because if not, we do this like the County, and I don't want to get to the County...

Mr. Martos: Right.

Mayor Lago: Where people speak before the Commission meeting, it ends, and there's no conversation, anything else after that. That's not the point. We -- I love having a conversation, but there has to be respect for people who are here, my colleagues, and all the employees. So...

Mr. Martos: Understood.

Mayor Lago: I am more than willing to listen to you. You can schedule a meeting with me. You can come see me Open Door Fridays. You can come and schedule a meeting with the Vice Mayor, my colleagues on the Commission. They're more than open and available.

Mr. Martos: Absolutely, thank you.

Mayor Lago: Thank you. Would you like to say anything else, or would you like for us to take a vote on this? Does anyone else on the Commission have anything else they'd like to say? Aura, you'd like to say something else. Yes, ma'am.

Ms. Reinhardt: It's very short. I would hope that the Commission keeps in mind that there is a very important body that we haven't made reference to and those are the members. These are the people who have self-assessed in the past. They're the people who have contributed to the BID for many, many years, and they're the ones whose monies we are in fact holding and investing in the downtown. By definition, as a board and as a membership board, we will need to go to them

to let them know what decisions to do with their funds and with the events that are going forward as well. So, I would just ask that we keep in mind that there is another level here of people who are committed to what the City has -- is and to what they have done in the past in the City. And these are the members who, in fact, up until the last vote, voted more than the 51 percent to do what we are doing now, so please keep them in mind.

Vice Mayor Mena: That's -- that -- Aura, that's the problem. The -- because I do -- listen, I wanted to make this work last meeting. You don't have the votes.

Ms. Reinhardt: No, I know. But I'm just saying...

Vice Mayor Mena: Right, so that's why I'm frustrated because...

Ms. Reinhardt: I understand.

Vice Mayor Mena: I -- you know, the...

Ms. Reinhardt: I understand.

Commissioner Anderson: I have a...

Vice Mayor Mena: And so, you know...

Ms. Reinhardt: No, that...

Vice Mayor Mena: I feel like my hands are frankly tied because, at the end of the day, you don't have the votes.

Ms. Reinhardt: Um-hmm.

Commissioner Anderson: Right.

Vice Mayor Mena: I would have been willing to -- again, if it was real technical -- if there was -- if you told me there was 10 kids who notarized their parent's thing, you know, something like that, to me, that's a technicality. But these other things, wrong owner, no authority, that to me is like it didn't happen.

Ms. Reinhardt: Appreciate that but...

Vice Mayor Mena: And so, you're -- at that point with the five notary things, you know, you're still at least four or five votes short so that's the challenge. So, that's where...

Ms. Reinhardt: So, that's...

Vice Mayor Mena: I am with it. I do -- I'm open to a discussion, whether it's on that timetable or another about a potentially new process down the road for, you know, a different sort of election for a possible BID. I don't think we need to decide that today, but I do think we need to figure out the funds situation and how to work...

Ms. Reinhardt: I...

Vice Mayor Mena: To deal with those funds and to deal with the events that, from what you said, you already have contracts on...

Ms. Reinhardt: Committed to, yeah.

Vice Mayor Mena: Lights and things. And I think we all want to see those events still move forward smoothly. So, that's...

Ms. Reinhardt: I agree.

Mayor Lago: Yeah, so...

Ms. Reinhardt: And my reference was just to inform and keep these members informed and not make decisions...

Vice Mayor Mena: Of course.

Ms. Reinhardt: In the blank. We need to go back to them as well. That's where I was going with that.

Mayor Lago: If I may, in regards to informing.

Ms. Reinhardt: Yes, sir.

Mayor Lago: At the end of the day, that's your job.

Ms. Reinhardt: Absolutely.

Mayor Lago: You are the head of the BID.

Ms. Reinhardt: But we didn't speak about them at all.

Mayor Lago: And I hope that you inform them...

Ms. Reinhardt: Absolutely.

Mayor Lago: And have them understand. You know, please provide them with -- we can provide -- the Clerk, will you provide the BID Director with multiple tapes that we -- in regards to our conversation here?

Ms. Reinhardt: No, I can find...

Mayor Lago: Just like the Vice Mayor said...

Ms. Reinhardt: I can find them online.

Mayor Lago: If the votes were here, we wouldn't be having this discussion. We would be ratifying the BID for five years and moving on. That's not the case. The case is that we don't...

Ms. Reinhardt: Absolutely.

Mayor Lago: Have the votes, you don't have the votes. So -- and I'm -- we're -- I think we're finding a very flexible solution for January. And then if we can find another option for the BID, either it's with the City or it's freestanding, there's a new election, we'll cross that bridge when we get there, okay?

Ms. Reinhardt: Thank you, Mayor. And if we can...

Mayor Lago: No, thank you.

Ms. Reinhardt: Consider September, September 28th to come back with a solution, we would be honored to do that.

Mayor Lago: We'll see what we can do.

City Clerk Urquia: Mr. Mayor, before you move forward, Ms. Maria Cruz wanted to make some comments.

Mayor Lago: Ms. Cruz.

Maria Cruz: This is going to be short and sweet. You can only (INAUDIBLE) and there were so many times. I am an independent observer. I have no interest whatsoever. How many more times? I'm a firm believer that when people know that their backs are against the wall, they come prepared to offer. This business of give me two more weeks so I can come back with options means they don't have any options at this time. And you know what the right thing to do is sunset it. She said at the beginning that she had already paid. Those items are already paid, she said, okay. So, if they're already paid, the money has been spent already.

Commissioner Anderson: Actually, you know, from things I've learned, there's contracts, there's down payments, but of course, until...

Vice Mayor Mena: Deposits.

Commissioner Anderson: There's delivery, you're not going to pay the rest of it. But where I sit right now, I agree that we should validate the vote because we don't have the votes there, you know, the Clerk's findings. And if the BID wants to come back with a new, you know, revitalized plan and revote and so forth, we can hear it at that time.

Vice Mayor Mena: Yeah, the reality is, I don't know if it matters if it's the 28th or not. It -- because it's going to sunset either way. If I give you a month, you're going past October 10th, so...

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Mena: Up to -- I leave it to the Mayor whether he'd like to -- it's my fault because...

Mayor Lago: Just come up.

Vice Mayor Mena: I'm addressing his proposal.

Mayor Lago: Just come up, just come up.

Vice Mayor Mena: I'm addressing his proposal.

Mayor Lago: At the end of the day -- but let's -- we got to get going.

Commissioner Anderson: We got to get going is right. We have a (INAUDIBLE) schedule.

Mr. Martos: It's very simple.

Vice Mayor Mena: What's that?

Mr. Martos: It's very simple, very short. The reason why it matters is because I'm trying to have items resolved by October. I want the election to be completed by October 30th so that we're in less of a legal gray area and we do less unwinding. Unwinding costs money. I'd rather all the money go to BID purposes...

Vice Mayor Mena: Right.

Mr. Martos: And not to unwinding purposes.

Vice Mayor Mena: And I hear you on that. I would just say, again, I'm open to a new proposal for how we move forward. I think it's important that we get it right.

Mr. Martos: Correct.

Vice Mayor Mena: Not that we get it fast.

Mr. Martos: Correct.

Vice Mayor Mena: So, I'm just a little skeptical, respectfully...

Mr. Martos: I understand.

Vice Mayor Mena: That in two weeks...

Mr. Martos: Here's what I...

Vice Mayor Mena: You can have (INAUDIBLE).

Mayor Lago: What I'd like to do is, once we make this vote, is I'd like to concentrate on ensuring that the holidays are addressed, the holidays are addressed.

Vice Mayor Mena: Right.

Mayor Lago: While you can work hand in hand in your plan, in your proposal, whether you stand alone or whether you're involved with the City, but more importantly, let's concentrate on making sure that the holidays are a success. We're coming out of COVID. We're dealing with a lot of issues. Our downtown is doing very well, very healthy. We're extending trolleys now, Saturdays. We're looking to Sunday. There's a lot of opportunities in the downtown, so let's concentrate on ensuring that we have a successful holidays and we move forward on addressing the opportunity for the BID. Okay, this is the last -- the last point, please. We need to take a vote.

Mr. Holmes: Thank you. After this fellow misled you the last time telling you that it's a private institution, it's not a private. This is a hundred percent funded by taxpayer money. I can't -- he pushes my button, right.

Mayor Lago: Don't worry about that.

Mr. Holmes: The -- thank you. The thing is this organization has done much harm. If you think about all the business condos that have had to pay under threat of foreclosure over the past 25 years, how much money are we talking about? They're paying in the neighborhood of 25 percent of a million dollars every year -- right? -- so what is the multiplication? The harm that these people have had to pay money for nothing, how many millions does that make up? Twenty-five times whatever, you know, do the math, right -- 25 times 20 to 625, six million -- whatever it is, you know. So, the harm -- the longer they stay in business, the more they're -- harm they're doing.

Mayor Lago: Thank you.

Mr. Holmes: Thank...

Mayor Lago: Thank you very much.

Vice Mayor Mena: Mr...

Mayor Lago: Thank you.

Vice Mayor Mena: Mr. Holmes, I just -- I would just add, on the point of harm, I appreciate the fact that -- I'm not -- I don't know if the nature of your business -- and we've talked about it in the past...

Mr. Holmes: There's even more harm. They're using this as...

Vice Mayor Mena: But let me finish. Can I just...

Mr. Holmes: A development wing...

Vice Mayor Mena: Can I finish?

Mr. Holmes: Trying to crush us...

Vice Mayor Mena: Can I finish?

Mr. Holmes: On Miracle Mile...

Vice Mayor Mena: I let you speak.

Mr. Holmes: With more construction that blocks...

Vice Mayor Mena: I let you speak.

Mr. Holmes: Our stores.

Vice Mayor Mena: Mr. Holmes...

Mr. Holmes: You know...

Vice Mayor Mena: Can I finish?

Mr. Holmes: What happened...

Vice Mayor Mena: Mr. Holmes...

Mr. Holmes: With streetscape.

Vice Mayor Mena: Can I finish?

Mr. Holmes: It's an...

Vice Mayor Mena: Mr. Holmes.

Mr. Holmes: Ongoing harm that has to stop.

Vice Mayor Mena: Okay.

Mayor Lago: Let's allow the Vice Mayor...

Vice Mayor Mena: You know what, Mr. Holmes...

Mayor Lago: Let's allow the Vice Mayor to speak.

Vice Mayor Mena: Never mind, never mind.

Mr. Holmes: Thank you.

Vice Mayor Mena: Never mind. Thank you.

Commissioner Anderson: Okay.

Mayor Lago: Mr. Vice Mayor.

Vice Mayor Mena: No, it's better not to provoke people. Go ahead.

Mayor Lago: You sure?

Vice Mayor Mena: Yeah, I'm positive.

Commissioner Anderson: Thank you.

Mayor Lago: I'd love to hear from you though.

Commissioner Anderson: Do we...

Vice Mayor Mena: That's alright.

Commissioner Anderson: Do we have any...

Mayor Lago: Okay.

Commissioner Anderson: Anybody else?

Mayor Lago: Alright.

Commissioner Anderson: Or can we...

Vice Mayor Mena: If you knew what I was going to say, you wouldn't.

Mayor Lago: Yes. Everyone has had multiple opportunities to speak. With that being said, are there any further comments or would someone like to make a motion to accept the resolution from the Clerk?

Commissioner Anderson: I'll make the motion to accept the resolution from the Clerk.

Mayor Lago: Do we have a second?

Vice Mayor Mena: I'll second it.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Mayor Lago: Yes.

(Vote: 5-0)