

City of Coral Gables City Commission Meeting
Agenda Item F-5
May 11, 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

Assistant City Attorney, Gustavo Ceballos

City Clerk, Billy Urquia

Public Speaker(s)

Juan Galan

Ira Jacobson

Jerry Proctor

Agenda Item F-5 [11:40 a.m.]

A Resolution of the City Commission approving the petition language for the Cocoplum Phase 1 Street Lighting Special Taxing District to increase the proposed amount of streetlights and change the assessment method.

(Sponsored by Mayor Lago)

Mayor Lago: Madam City Attorney, we're on F-5.

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Agenda Item F-5 - Resolution of the City Commission approving the petition language for the Cocoplum Phase 1 Street Lighting Special Taxing District to increase the proposed amount of streetlights and change the assessment method.

City Attorney Ramos: Yes. A resolution of the City Commission approving the petition language for the Cocoplum Phase 1 Street Lighting Special Taxing District to increase the proposed amount of streetlights and change the assessment method. Mr. Ceballos.

Assistant City Attorney Ceballos: Good morning, Mr. Mayor and Commissioners. So, before you is the approval of the petition language. I want to make that abundantly clear. You are not approving the petition in and of itself. You're just approving the language of the petition before it gets provided back to the petitioners, and they will go ahead and circulate it amongst the district. So, the request in this petition is two-fold. First request is they want to increase the proposed lights from 55 lights to 123 lights. That -- when it was originally transferred from the County, we had the ability to go up or down on the number of lights as we saw fit, but because there is a significant cost impact, we decided that it would be better and more prudent for us to bring it back to the Commission and make it part of the petition process. In addition to the increase in lights, there's also a request to change the method of assessment from a linear frontage to a per parcel charge. That was originally requested with the County. The County had took the position that their normal SOP for lighting districts is a linear frontage, so even though the petitioners requested it and they wanted a per parcel charge, the County took the position where we're not going to change it. Once it gets to the City of Coral Gables, you can petition the City of Coral Gables to make that change. So, that is the two requests that are being proposed in front of you. I will note that there was an item that was added to your -- to the agenda last minute, which is an updated version of the petition. The only actual change is if you look at the signature pages, it has the name to the corresponding property as you can find on property appraiser's, to make it easier so that everybody knows exactly who's supposed to sign and who -- specifically for the verification purposes, it's just going to make it easier on all of us if all the names are already input into the system. I'm here to answer any other questions.

Mayor Lago: Thank you. Mr. Clerk, do we have anyone that wishes to speak on this item?

City Clerk Urquia: Yes, Mr. Mayor. The first speaker is Mr. Juan Galan, Jr.

Mayor Lago: Mr. Galan, please state your name, your address, and the floor is yours.

Juan Galan: First of all, congratulations to each of you that won the election, and congratulations to the two new ones that got the gold letters on the names, you know. I'm here today because I do think that this petition has been brought to your attention too early, and there are items that have not been either disclosed to the residents or have been taken into consideration by the City. The first thing is, is there a conflict of interest? I sent the Mayor a Wikipedia description showing 27 pages on how you can define conflict of interest. The truth of the matter is, when one party benefits by facilitating to others a transaction, there is a conflict of interest, and in this case, the City will significantly benefit because it will no longer pay for the repairs of the light or the electricity. That cost will be transferred to the people that are being asked to sign a petition. That has never been disclosed. I have the original ballot in the County; it was not there. The note of petition, it's not there. The petition that is going to be circulated, I have not seen, but I've asked to include language that would disclose the benefit to the City, and I have been told the City will not do that. So, that's an issue. So, when you have a conflict of interest, the next thing that happens -- since I spent 18 years in an accounting firm although I'm not an accountant -- is independence. Who should verify the petition's signatures? Should it be a person or staff that is a party to the transaction and may benefit, or should it be an independent party? I think these petition signatures, whatever they are, there's only one authoritative body that's been trained in signature verification that has the most current and up-to-date signatures of every property owner. That's the County Elections Department. It is not the City Attorney's Office. They may be great attorneys, but they're not experts in signature verification. The County Elections Department does that. So, I would question whether the 20 percent that was done in order to bring it to you is an accurate verification. Okay, so no benefit disclosure. Also, the other thing that hasn't been disclosed is a one-way street. There's no way out. Once you get into a special lighting district, if you have reviewed it, which it has not been disclosed to the residents, it is extremely onerous to get out of that. You would have to pay FP&L and follow their rules, not the City rules, okay, and our neighbors don't know that,

okay. The last thing and most important is best offer is, is this a competitive bidding process. Why is the City only working with FP&L? There's a public company (INAUDIBLE) -- I have it right here -- has over 500,000 streetlights that they manage and install and supervise. The City is not going through competitive bidding. Why? Okay, more importantly, since I know that Mayor Lago is very interested in green, as is Commissioner Anderson, there is a company -- it's called Solar Lighting International. They do quality solar street lighting. That hasn't been considered. So, I don't think this petition is ready to be brought to the Commission because these options have not been evaluated, okay. You need to evaluate competitive bidding, if you're going to go traditional, or you need to look at solar street lighting, which does not require all the cabling that regular street lighting requires. Plus, there may be a reduced cost to the neighbors who are the ones that are going to pay for the streetlights. Okay, so that's the main things, but the other thing I need to bring to your attention because I do think that the City has not evaluated it, is this Cocoplum Civic Association a legitimate and valid organization. I am told using (INAUDIBLE) language, somebody else told me that the current officers on board of the Cocoplum Civic Association did not go through the normal member notice, notice of election process. I am told by a neighbor who was a founding member of the association, that they are a self-appointed group of officers and directors. I think the City has a responsibility to look into this. I personally found that, asked the attorney, and he's never responded. He hasn't denied it, he hasn't agreed to it. So, that's my concern. And I will give these two papers to...

Mayor Lago: I'm going to respond to you personally as the sponsor of this item. Mr. Clerk, do we have anyone else that would like to speak on this issue?

City Clerk Urquia: Yes sir, I do.

Mayor Lago: Okay. Do you mind if we hear everyone and then I'll respond?

Mr. Galan: No, fine.

Mayor Lago: I took all the notes, and I want to respond to...

Mr. Galan: Should I give this to the director of Public Works? I don't know who does the competitive bidding here.

Mayor Lago: No, no, just sit -- please just sit down and I'll call you back up, but I just want to make sure we listen to everyone first. Mr. Clerk.

City Clerk Urquia: The next speaker is Mr. Ira Jacobson.

Mayor Lago: Mr. Jacobson. Good morning. Please state your name and your address for the record, please. Thank you.

Ira Jacobson: My name is Ira Jacobson. I lived at 299 Cocoplum Road. I'd like to thank the Commission for hearing me and congratulations to Mr. Lago on your election to Mayor. Okay, now this proposal with these assessment by linear feet is grossly unfair. I hope it gets changed. I would like the City Commission to arbitrarily change it. I understand you're not able to do that. But there are some lots that are pie-shaped lots, have 60 feet of frontage, some on the corner have 360 feet. Some people have been paying five or six times as much as others. I don't think it's changed. Now, I know this petition is coming up for a vote, but people can vote on changing it to by property assessment and also increasing the number of street lighting. I think that should be split up. If someone decides it's fair to change it to property assessment but doesn't want to pay for more lighting, they're kind of stuck because if they vote for the fair assessment, they vote themselves more expense. That's called a poisoned pill in politics. I think you should -- respectfully I suggest that you would return the resolution with a suggestion that the vote be on two separate items; one, change the assessment to a by property assessment. The other suggestion is to have the other one for the increased lighting, so people have a choice, one or the other or both, so they can vote for the property assessment equality without incurring the additional expense if they don't wish to do so. That's my suggestion. Also, I don't know if you can modify how the

linear feet is measured. It should be just on the street in which the address is, so people that live on a corner won't be doubly assessed. So, like someone who lives on Cocoplum and Los Pinos, measure the footage -- if their address is something something Los Pinos, measure the footage on Los Pinos. Don't add up both of them. Then it'll be more equal. Okay, those are my comments that I suggest you return the resolution with those conditions that you split the vote up into two separate items. Each vote should be on a single item anyway. That's the proper way to do things. Alright, well, thank you for your attention.

Vice Mayor Mena: Thank you.

Mayor Lago: Thank you very much.

Mr. Jacobson: That's all my comments.

Mayor Lago: Have a nice day.

Commissioner Fors: Thank you.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Mr. Mayor, the last speaker we have registered is Mr. Jerry Proctor.

Mayor Lago: Mr. Proctor, please say your full name and provide us your address for the record.

Jerry Proctor: Good morning. Jerry Proctor, (INAUDIBLE) office at 9130 South Dadeland Boulevard, Miami. Mr. Mayor, thank you for the opportunity. Congratulations to you and to Commissioners Menendez and Anderson. I am the attorney for the Cocoplum Civic Association, a volunteer association that is bringing this matter forward. We appreciate the cooperation of staff and the Commission. This is, as Mr. Ceballos indicated, merely a resolution, an action on your

part to approve language to take in front of the residents of Cocoplum Civic Association, number one. This is not an affirmation of support or objection of the action that's being brought. The action that's being brought is to increase the lighting, thereby improving the lighting for the residents in the community and to change the method of assessment as Mr. Ceballos indicated. The community members, the voters, will be free to vote up or down on both items. Mr. Jacobson's concerns are noted, and he will have the same right as every other citizen and voter in the community. We simply ask at this point to be able to take this matter forward, continue to work with the City and with Florida Power and Light to obtain the best coverage of lighting without overspilling, to obtain the best -- what we think is the most fair assessment method, and to come back to you. This application, even if we are successful in our petition, will come back to you probably in the summer months. So, this is again, just a process and a language approval at this point. We ask and appreciate your continued support. I'm here to answer any questions.

Mayor Lago: Thank you, Mr. Proctor.

City Clerk Urquia: That's it, Mr. Mayor.

Mayor Lago: There's no one else?

City Clerk Urquia: No.

Mayor Lago: Okay, perfect. I just want to be very brief in regards to this issue. I've been working with the Cocoplum Phase 1 residents for probably, I don't know, probably three to four years to bring this to fruition. What we're voting on today is just language. We're not advocating for or against. And I've been very clear to Mr. Galan, I don't have a dog in this fight. To me, all I want to have -- all I want to see happen is very clearly for the democratic process to take its place and for people to be able to vote whether they want additional lighting in their neighborhood or they don't want additional lighting. In regards to the conflict of interest, there is no conflict of interest. I've already had a conversation with our City Attorney. We don't have a conflict of interest. No

one is benefiting on this Commission on whether these lights are installed, at least I don't think anybody is. The City of Coral Gables will, yes, reduce our maintenance, but the residents will also benefit because they will have FP&L -- if this is approved -- to be able to provide the redundancy and the attention to their lighting system, which if a hurricane comes -- as we've seen in the past - - FP&L is the only entity in this community that can service a serious electrical issue. I'm not talking about repairing an outlet in your house. We're talking about if the grid fails to some extent, so there is no conflict of interest. And I don't want to get into that idea where we start muddying the waters to confuse people. What we're voting on today is language, it's very simple. This will go before the residents of Phase 1, and they will vote yea or nay in regards to whether they want additional lighting. In regards to the signature verification, Mr. Ceballos, I'm not privy to that information. What -- how has this been conducted in the past? Are we doing something out of the norm, or are we continuing in the process which has been done before?

Assistant City Attorney Ceballos: We are following the same procedure that Miami-Dade County uses for their same approval process. Basically, there is no additional verification. We basically verify that these signatures correspond with the property ownership information. That's about the extent of our verification.

Mayor Lago: So, again, another issue that has no bearing in today's decision.

Mr. Galan: Not true.

Mayor Lago: Would you like to come up, please?

Mr. Galan: Yes, I will because he just said that he...

Mayor Lago: What we will do -- if you would be so kind, I'm giving you the opportunity -- this Commission is giving you the opportunity to come and speak for a second time.

Mr. Galan: Appreciate it.

Mayor Lago: But what I will not accept, please, that you disrespect the Commission or yourself. So, please tell us what your concerns are.

Mr. Galan: Well, he just said something which is very interesting. Of course, they checked against the property owners, not signature, wording. They have not verified signatures, like the County Elections Department verifies signatures, which is how the first ballot election was done.

Mayor Lago: Let me -- let's hear from the City Attorney. Go ahead, sir.

Assistant City Attorney Ceballos: I have to defer to my communications with the County when I reached out to the County staff who are basically in the same position as I am, kind of administering this process. They basically indicated that they follow the exact same procedure that we're following, which is basically they receive the property appraiser information, and they make sure that the corresponding signature or the corresponding name matches up to that name. There's no additional involvement from the County election process to my knowledge, from what I have been told by the County. Now, when it goes through the Election Department, there's an actual ballot that gets sent out, but to my understanding, there's no signature verification. I'll be more than glad to follow up with the County and make sure that we are following the same process, and if there is any additional process that they recommend or that they follow, I'll make sure that we go ahead and process the exact same way.

Mayor Lago: Please do that.

Assistant City Attorney Ceballos: Will do.

Mayor Lago: I appreciate it. That should answer your question. Okay, now let's move on to FP&L. As I mentioned to you before, FP&L is the best option. I have brought (INAUDIBLE)

here, I have brought multiple entities, both private to do P3 partnerships to find a way. I would love nothing more than for us to install solar lighting, but the technology is not there, just like I have requested and I will now bring a new electric trolley to the City, which I will be visiting probably in the next month, so that they can showcase its capabilities. I have brought electric trolleys to the City. They are not sufficiently up to our standards to the wear and tear and to the technology that we need to bring them online just yet, maybe in two or three years, maybe this new iteration works. Perfect, then we'll bring it to the City. But right now, when you talk about redundancy, the solar technology is not there just yet to have poles that do not have any conduit. We need that redundancy. It has to be done. So, to me, the best opportunity here is FP&L, not only is it just for the lighting, but also for their tariff and also for the simple fact that the maintenance is in place during a potential natural disaster, where you'd be fighting with other municipalities and they don't have the bandwidth to provide the services, just in case something like that would happen. So, are there any other questions that were posed by Mr. Galan that you want to clarify? Because again, this is not -- we're not voting in favor or against the lighting. What we're voting today is to allow for the language to proceed and to allow for a democratic process for the residents of Phase 1 to make the decision on whether they want lighting, yea or nay. And I've been working on this for four years.

Assistant City Attorney Ceballos: If I may, I can address a couple of the items that he brought up.

Mayor Lago: Yes.

Assistant City Attorney Ceballos: One, in regards to the comment about the civic association being legitimate or illegitimate, I can't...

Mayor Lago: Yes.

Assistant City Attorney Ceballos: Speak to that. That being said, our amendment process for the letter of intent, you're either one of two things. You're either a mandatory HOA or you're just a

regular resident. In this particular case, we are treating them just like a regular resident, meaning they needed to submit a letter of intent with 20 percent of the residents. So, the fact that they're an association really has no bearing on this case. We're treating them like we would any other resident.

Mayor Lago: Yes.

Assistant City Attorney Ceballos: Whether it would have been just a resident initiative, whether - the civic association really plays no role in that. A lot of the comments that were stated are taking the interpretation that this is a petition creating the district. The district already exists.

Mayor Lago: Exists.

Assistant City Attorney Ceballos: The district was created by the County. It's already been transferred. All those other items are really not up for discussion at this particular moment. All we're discussing in this particular moment is whether we believe this petition provides adequate information to all of the residents within the district so that they know exactly what they're voting on. That's it. There's nothing else that's really being considered, at least not in this particular case. I'm going to echo what the Mayor stated. You're not putting any sort of stamp of approval on this petition process. All you're doing is approving the language. This petition comes back to you. Once the petitioner gets -- circulates it and gets signatures from all of the residents, depending on the level of support, then you have different options. If they receive 50 percent support -- anywhere between 50 percent and 67 percent -- you will then have the option -- not the option, but the opportunity to move forward with an election. If they do not achieve 50 percent support, the motion dies basically. If they achieve 67 percent support in the petition or more, it then comes back to you and you have the opportunity to vote on it once again whether you want to move forward and make the change, or you still have the option to send it to election as well. So, either way, it still comes back to you for the actual approval. This is just approving the petition language, making sure that it's adequate and making sure that all of our residents are receiving sufficient

notice of exactly what they're voting on. In regards to the conflict of interest, I think you've already addressed that. This was not created by us. This was a City -- this is a resident-driven initiative. It was not created by the City. And specifically, the petition that we're approving today, the changes that are being proposed, I do not believe -- I'll defer to Public Works if they feel differently. Any benefit to the City, although incidental, is unchanged with this particular petition, whether it's assessed in -- per parcel or by linear footage makes no difference to the City. If there's an increase in lights, there's a benefit to the residents, but there's really no difference to the cost the City is getting or benefit that we're going to incur. I think that addresses pretty much everything that I have on my list. If anyone has any other comments, please let me know and I will do my best to address it.

Mayor Lago: So, one second, if I may. Do my colleagues have any comments...

Commissioner Menendez: I do, Mayor.

Mayor Lago: That they'd like to...

Vice Mayor Mena: Yeah, I do as well.

Mayor Lago: Please, let open it up to the floor.

Commissioner Menendez: With regards to the signature verification, I just want to make sure that if we're instructed to obviously modify our standards or the way we go about verifying it, that it should not apply just to one group, this group. If it's something that we realize we should have been doing or should be doing, it should be applied across the board. I don't believe we on the run should single out any one group to make their standards much more challenging than any other group or situation that we encounter. Secondly, yesterday, I had the opportunity to walk the area with Phase 1 residents. Clearly, I think most everyone knows that Cocoplum area is one of the most beautiful, walkable areas in City of Coral Gables. And I personally saw the need for

increased lighting because you had dark, you know, dead areas and it's clearly unsafe. But you know, we are here to address and vote on specifically, I think, as Mayor Lago said, the language of the petition. There are other issues, I'm sure, that can be resolved in dealing with the City Attorney's Office, City Manager's Office, but I just wanted to know my position on the verification and having walked the area, I can understand the need for lighting.

Assistant City Attorney Ceballos: In regards to the verification, like I said, I'll reach out to the County and make sure that we're following the same procedure. It should be noted that up until this point, all we've received is a letter of intent. But the letter of intent really does not have the same level of verification needed as most other -- you know, an actual petition. So, if this is the actual petition, we haven't received the petition with the signatures back yet, so we still have an opportunity to make sure that we do it exactly the same way the County does without, you know, coming across as...

Commissioner Menendez: I just don't want it to be applied just to this group.

Assistant City Attorney Ceballos: Understand.

Commissioner Menendez: If we realize there's a better way to do it and we're going to go forward with this group, going forward, we should apply the same standard, just not pick one group instead of the other.

Assistant City Attorney Ceballos: Will do.

Vice Mayor Mena: Yeah, I'll try to be brief. Some stuff has already been addressed. Mr. Galan, I just -- you mentioned a conflict of interest, and you seem, you know, pretty adamant about that. I genuinely don't see it. I understand the point you're trying to make. The problem is the City's not deciding whether there's lights or not, the residents are. If we were just making the decision, maybe, but even then, I mean, any decision we make, any decision has a net positive or a net

negative effect on our balance sheet, so it can't be that every time something has a positive effect on it that it's a conflict. If we agree to sell a piece of property, we make money. Do we have a conflict then in doing that? I don't see that.

Mr. Galan: (INAUDIBLE).

Mayor Lago: Let's...

Vice Mayor Mena: Disclosure...

Mayor Lago: Mr. Galan...

Vice Mayor Mena: Of what?

Mr. Galan: Of the benefit that the City will receive. The first election didn't (INAUDIBLE)...

Mayor Lago: Mr. Galan.

Mr. Galan: (INAUDIBLE).

Mayor Lago: Excuse me.

Vice Mayor Mena: Let him come up.

Mayor Lago: Listen, we're on the record here. So...

Mr. Galan: (INAUDIBLE) I mean, I'm telling you what I believe honestly, okay.

Mayor Lago: Mr. Galan, Mr. Galan, if you want to speak at the Commission, please stand up.

Mr. Galan: I did.

Mayor Lago: Ask to be...

Mr. Galan: You told me to sit down.

Mayor Lago: Ask to be recognized and you can please join us, but you're not going to run this meeting. I'm going to run this meeting.

Mr. Galan: Go ahead.

Mayor Lago: And I'm treating you with the utmost respect and I ask you to please treat me with that same respect.

Mr. Galan: Yeah.

Mayor Lago: No, you're not. Please, Mr. Vice Mayor.

Vice Mayor Mena: If it's -- I appreciate that. If it's okay with you, I'm happy to have him come up.

Mayor Lago: Yeah, of course. Bring him up.

Vice Mayor Mena: Yeah, come up, come up. I just wanted to explain to you for my -- because I'm listening to your comments and I've read your emails, and I'm just giving you sort of my individual response to what I perceive as the conflict of interest issue. I don't see a conflict of interest, again, because the end of the day, the residents will decide. You're mentioning something about disclosure...

Mr. Galan: No disclosure.

Vice Mayor Mena: Well, I don't know what you mean by that exactly.

Mr. Galan: Here's the election ballot. It says nothing about the fact that if this ballot -- if you vote in favor of this ballot, the City will no longer pay for repair, maintenance, and electricity that the property taxpayers for 41 years have not paid for.

Vice Mayor Mena: Who is the City?

Mr. Galan: The City is you.

Vice Mayor Mena: The City's you.

Mr. Galan: Yeah.

Vice Mayor Mena: The City's the taxpayer.

Mr. Galan: But the...

Vice Mayor Mena: We're not a for-profit entity.

Mr. Galan: I understand, but there is no...

Vice Mayor Mena: Our dollars that we save are dollars saved to every resident, including the residents of Cocoplum.

Mr. Galan: But in this case, you're double taxation because we're already paying for the light, and now you are putting in a new burden on us. There is double taxation, and you're not disclosing that. All I want is disclosure.

Vice Mayor Mena: Right.

Mr. Galan: Let the people vote...

Vice Mayor Mena: Is it...

Mr. Galan: With honesty.

Vice Mayor Mena: I understand. We all want that. But it is telling the voter that if they approve this, they will have to pay X dollars for the maintenance, right?

Mr. Galan: Right, but it doesn't say the other side, which is the City will no longer pay it, so the City is...

Vice Mayor Mena: Isn't that common sense?

Mr. Galan: Excuse me?

Vice Mayor Mena: Isn't that common sense though?

Mr. Galan: I don't think so.

Vice Mayor Mena: If I tell you, if you vote for this, you're going to pay for the maintenance, isn't it common sense that the City's not paying for it?

Mr. Galan: No, you're going to pay -- it doesn't say anything about -- none of these ballots say anything about what you're really paying for and what the City is no longer going to pay for. I'm just bringing you sheets of paper...

Vice Mayor Mena: For the lighting, right?

Mr. Galan: (INAUDIBLE) they don't say that.

Mayor Lago: Vice Mayor.

Mr. Galan: All I want -- all I'm asking for is disclosure in a petition.

Mayor Lago: Vice Mayor.

Mr. Galan: It's simple.

Mayor Lago: If I may.

Vice Mayor Mena: Yeah.

Mayor Lago: If I may interject. I've been dealing with this situation for three to four years now. Every step of the way, there's a question from this gentleman. And like I've told him very clearly, I've told him in writing, I'm telling him here, we have no dog in this fight. We just want to bring this to fruition to allow the voters to make a decision, to exert their will, whether they want the lighting, or they don't want the lighting. But there's this constant accusations back and forth as to, you know, there's a conflict of an interest, we're not being transparent. And like you said, common sense applies to this decision today. What I see is an effort to try to muddy the waters and an effort to try to stall or stop the process. Like I've told Mr. Galan -- and he's had the floor here probably

more than any speaker that I can remember has had -- we have no interest in doing anything that goes against the residents or the City. Don't try to muddy the waters and move forward.

Vice Mayor Mena: The residents...

Mayor Lago: Move forward in this process. Let the residents make a decision.

Vice Mayor Mena: If the residents don't want it...

Mayor Lago: If they don't want it, don't (INAUDIBLE).

Vice Mayor Mena: We will continue to carry the...

Mayor Lago: Yeah.

Mr. Galan: I understand.

Vice Mayor Mena: Right.

Mr. Galan: But also, Mayor Lago, with all due respect, you said Ameresco is not an option. Can you show me the study where the City has evaluated Ameresco versus FP&L because I don't think it exists.

Mayor Lago: Sir.

Mr. Galan: Okay?

Mayor Lago: Sir.

Mr. Galan: Excuse me. I'm an engineer as well, okay. Have you shown me the study where the City has evaluated Solar Lighting International as an option? Because they have multiple municipalities around this...

Mayor Lago: Mr. Galan.

Mr. Galan: Around the country that do it.

Mayor Lago: Mr. Galan.

Mr. Galan: So, I mean, you know...

Mayor Lago: You don't -- listen to me.

Mr. Galan: Let's be honest.

Mayor Lago: Mr. Galan, we are being honest. You have the floor. Again, you have the floor.

Mr. Galan: Yeah.

Mayor Lago: Mr. Galan, we don't have to move forward with Ameresco or any private entity. They're not going to provide, number one, the service that FP&L will during a national -- during some sort of disaster. And number two, our ACM can give you a great detail in regards to why we moved forward with a FP&L and why we're using those tariffs.

Mr. Galan: Well...

Mayor Lago: If you want to...

Assistant City Manager Santamaria: So, the tariffs are available.

Mayor Lago: Yeah.

Assistant City Manager Santamaria: It was a selection by the petitioner. We really -- in our world, whether it's Ameresco, I think, or Mesco, whatever the name of the company is, it doesn't matter to us. It was a decision made by the petitioner to engage with FPL. And regarding disclosure, Mr. Galan, I respectfully state to you that we have been talking all along with the petitioners about how this is going to work out, and how the City was divesting itself of the ownership of these lights, which is in the best interest of the City. So, there has been disclosure.

Mr. Galan: To the Civic Association.

Mayor Lago: Well, there's disclosure on the record right now.

Vice Mayor Mena: Can I ask you...

Mayor Lago: We're disclosing. This is a public record.

Vice Mayor Mena: Can I ask you a question? Mr. Galan, can I ask you a question? Am I misremembering? Last time we were here on a Cocoplum issue, were you not part of the civic association or am I...

Mr. Galan: No.

Vice Mayor Mena: Misremembering that?

Mr. Galan: No. That had to do with the lawsuit, which I have not funded and they engaged in, and I refused to be engaged in because I didn't see any benefit and not have to do with the signage

on Islands of Cocoplum and Cocoplum. I am not a part of the civic association. I was some years ago, okay.

Vice Mayor Mena: Yeah, I'm saying some years ago. This was a long time ago.

Mr. Galan: Many years ago. No, no, I'm talking about 23 years ago I think I was a member.

Vice Mayor Mena: Okay.

Mr. Galan: But again, yes, I agree with Eduardo and I've worked with him before and with Gus. Yes, of course, the Cocoplum Civic Association knows that, the board, and the officers, that's five or six. We're talking 150 property owners. These 150 property owners have never -- have only heard from me and it's only been like 40 or 50 that I have on my email that the City is going to no longer pay for this and is not going to credit you...

Mayor Lago: Mr. Galan.

Mr. Galan: On your taxes.

Mayor Lago: Mr. Galan, do you -- that is -- Mr. Galan, again...

Mr. Galan: Yeah.

Mayor Lago: That's not the case. That's not the case.

Mr. Galan: No, it is the case.

Mayor Lago: No, it is not. It's not the case.

Mr. Galan: You have an opinion and I have an opinion.

Mayor Lago: I have met with residents. I have met with you in your home for two hours.

Mr. Galan: I know.

Mayor Lago: I sat in your back porch for two hours, talking about a litany of different things that happened in the City. So, not only have I, but other members of this Commission, staff, we've met with these residents. We've explained the process and the mechanics of the process, and it's been completely transparent. And it's going to be a transparent process at the end of day, you want to know why? Because the vote's going to take place and democracy will win.

Mr. Galan: I agree.

Mayor Lago: Whether it's yes or no, and that's it, that's the only...

Mr. Galan: But I agree.

Mayor Lago: Again...

Mr. Galan: But all I'm asking for is disclosure in the process.

Mayor Lago: There is disclosure. I'm giving you disclosure right now. This is a public meeting.

Vice Mayor Mena: Yeah, it's also -- you know, tax dollars don't really work that way. Some of us have sidewalks, some of us don't. We still pay the same taxes. You know, when the Coco...

Mr. Galan: I know that.

Vice Mayor Mena: Right, when the Cocoplum Association, for example, hires off-duty police, for example, for security or whatever, you don't get a discount on your taxes for...

Mr. Galan: That's different.

Vice Mayor Mena: Police officers.

Mr. Galan: There's no offset.

Vice Mayor Mena: Right.

Mr. Galan: You did not reduce your policing costs...

Vice Mayor Mena: No.

Mr. Galan: In Cocoplum because you did that.

Vice Mayor Mena: Right.

Mr. Galan: We paid for that extra. A special lighting district is a different phenomenon.

Vice Mayor Mena: But you, the residents, are on both sides of the aisle on that because you're the taxpayer. And if we save money, the taxpayers save money.

Mr. Galan: All I'm asking for...

Vice Mayor Mena: All taxpayers.

Mr. Galan: All I'm asking for is let the City's -- the people who are going to be asked to vote on that petition, be told the truth, which is the City will reduce its expenses. I know that because I found out about it, and I've disclosed it to the 30 or 40 that are on my email list.

Vice Mayor Mena: Sure.

Mr. Galan: But I can't disclose it to the 150 that are going to be asked to sign the petition. I don't think it's fair to have a situation where the City benefits and it is not disclosed to the people that are being asked to sign a petition.

Assistant City Manager Santamaria: Mr. Galan, we have disclosed. We have told the truth.

Mr. Galan: Put it on the petition.

Assistant City Attorney Ceballos: We have disclosed.

Assistant City Manager Santamaria: That is up to the petitioners, sir.

Vice Mayor Mena: The residents...

Assistant City Manager Santamaria: It is not up to us.

Vice Mayor Mena: So, the residents of Cocoplum will pay the costs for maintenance regardless of whether the City saves money or not. That's on the ballot. They'll decide. Let me just...

Mr. Galan: You're being asked by one other resident to split the -- I came up here to tell you that I do not believe that this petition is ready to be voted on for a number of reasons: A, signature verification; B, disclosure or non-disclosure on the position; and C, competitive bidding or the use of other contractors, which again, I'm an engineer, okay. I'm also a consultant. You show me a

study where the City has looked at Ameresco or Solar Lighting International and the people in the City -- Mr. Iglesias, an engineer, Eduardo Santamaria's an engineer -- have decided they don't meet the qualification. Great, I accept that, but that has not been done. My opinion is the same as his opinion, okay. We're both engineers. Look at the facts and make a decision. The City has not looked at Ameresco or Solar Lighting International versus FP&L.

Mayor Lago: Mr. Galan.

Mr. Galan: And you have another neighbor that says this petition should be split up. So, my question to you is...

Mayor Lago: Mr. Galan.

Mr. Galan: Why are we rushing into this?

Mayor Lago: Mr. Galan, just going back to Mr. -- the ACM's statement. Our role is not to look at Ameresco, GE, Phillips, that's not our role. That is the role of the petitioner. So, take it up with the group in Phase 1 and say that you would like to see other lighting manufacturers come into play. It's not our role, and we're not going to continue to entertain that here because we're going in circles. So...

Mr. Galan: I understand.

Mayor Lago: I mean, again, this is our -- all we're discussing today is language. That's it.

Vice Mayor Mena: I had one last question. I'd hope -- Gus, just if you could walk us through. The one thing that I did find of interest was this whole idea of the linear feet versus per parcel because I can understand that when you look at it -- when you're looking at whether it's equitable, basically, you know. I'm not sure that the person with a corner lot -- to the gentleman's point --

that has, you know, whatever, 300 feet of frontage -- although it is, to your point, two streets -- benefits any more from the street lighting than the person who maybe has a hundred linear feet. So, can you walk me through how that works, why that process has evolved that way and where it stands today?

Assistant City Attorney Ceballos: So, that's just the County's process. The way that they look at it is that if you have a corner lot and you have 300 feet, you are getting a benefit of this new lighting across 300 feet. As opposed to if you're a home that only has a 100-foot frontage and you have two other residential properties next to you...

Vice Mayor Mena: Right.

Assistant City Attorney Ceballos: You're only getting a benefit of those new lights on the front 100 feet. I can't speak to why they choose it that way.

Vice Mayor Mena: Is the lighting going to go through every street?

Assistant City Attorney Ceballos: Yes.

Vice Mayor Mena: Not just the main...

Assistant City Attorney Ceballos: Yeah, correct.

Vice Mayor Mena: Okay.

Assistant City Attorney Ceballos: It will go down Cocoplum Road, and it'll go through every single street in the Cocoplum Phase 1 area. We reached out -- as I indicated before, we really didn't have an active process in the initial petition to the County to begin the process of creating

the district. We were only asked to chime in as a city if we were on board with the idea of the creation of the district and whether we would accept control of it once it was completed.

Vice Mayor Mena: Is that aspect of it from the County's perspective negotiable at all, or is that...

Assistant City Attorney Ceballos: So, the reason why I bring that up is because I inserted myself...

Vice Mayor Mena: The per parcel versus linear feet I'm referring to.

Assistant City Attorney Ceballos: I inserted myself in their process only to speak on behalf of the residents.

Vice Mayor Mena: Right.

Assistant City Attorney Ceballos: Because I do believe that it was their intent, and the original petitioners did make that abundantly clear to me, that it was always their intent to do a per parcel charge so that everybody be paid equally.

Vice Mayor Mena: Correct.

Assistant City Attorney Ceballos: Whether you lived on a corner or not.

Vice Mayor Mena: Yeah. But I agree with that because I do think that street lighting is a benefit for everybody. I get the logic somewhat that somebody with more frontage has more lighting, but if you're driving down a street, if you're driving to your own house that's at the end of the street, you know, you're still benefiting from the street lighting and the quality of street lighting and the maintenance of the street lighting.

Assistant City Attorney Ceballos: Exactly.

Vice Mayor Mena: Et cetera. So, if there's a way to do it per parcel, I would certainly be agreeable to that. I think it's more equitable that way.

Assistant City Attorney Ceballos: So, basically...

Vice Mayor Mena: And I think it puts a decision in front of the voters who are making the decision that nobody can say, "Well, yeah, you're voting for it because you have a smaller lot and I have a bigger lot," type of thing. You know, let's just make it as equitable as possible, if possible. Again, I understand there's limitations in terms of what the County may or may not be willing to do.

Assistant City Attorney Ceballos: So, basically, like I said, I reached out to the County and their response was, once the district is created, we'll transfer it to you and you do whatever you want. The Commission has taken -- the County has taken the position that if we want to change that assessment method, it is well within our rights to do so, and that's the reason why it's going through this petition process because we don't have any other mechanism to modify these districts that were created by an election of the residents but for our amendment process that we adopted back in 2019, I believe.

Vice Mayor Mena: But can there be something in the language that -- again, you have to educate us on what the process can be, but is there a way to have language in there that says that once it's approved, that we would switch to a per parcel approach?

Assistant City Attorney Ceballos: That's the language that's in here.

Vice Mayor Mena: Okay.

Assistant City Attorney Ceballos: The proposed changes is just -- says that. And changing the method of assessment from an assessing on the basis of a lot frontage to applying a per parcel charge.

Vice Mayor Mena: Perfect.

Assistant City Attorney Ceballos: Okay.

City Manager Iglesias: And Vice Mayor, if I may clarify. This subdivision has a lot of irregular lots. For instance, you get to a cul-de-sac, and you may have a small...

Vice Mayor Mena: Yeah, fan out, right.

City Manager Iglesias: Frontage but a huge amount of area.

Commissioner Anderson: Right.

Vice Mayor Mena: Right.

City Manager Iglesias: So, the lots are not regular like in some of the older subdivisions.

Vice Mayor Mena: I understand.

City Manager Iglesias: So, I believe that's why they want the lot by lot instead of the...

Vice Mayor Mena: No, I'm in favor of the lot -- the per parcel. So, okay, if that language is already clear in there, then I'm okay with that.

Mayor Lago: Are there any other further comments? Commissioner Anderson.

Commissioner Anderson: Just a couple comments because I know the signature verification issue was a point. I second Mr. -- Commissioner Mendez -- Menendez's point. And one other comment is that not everybody in that district is a voter, so using voter registration is not going to be an effective method. The ownership of the property is the more reliable method to use. I've walked that area. I was there in the evenings as well. I know that it's needed for also public safety reasons and so forth. I looked at the 12-page petition. The coversheet itself discusses, you know, the change to a per parcel type of an assessment and lays out what the cost will be, you know, just like if I made a choice to have an extra FP&L pole on my piece of property, separate and apart from what the City provides or FP&L provides. I would be incurring additional costs, and I'm signing off that I'm going to pay an additional cost. Other than that, I have no other comments or questions.

Mayor Lago: Mr. Ceballos, from the Clerk, Mr. Proctor would like to speak. Mr. Proctor.

Mr. Proctor: Thank you, Mr. Mayor. Just very quickly, Jerry Proctor. Just to put one issue to bed, hopefully, we have disclosed to all of our residents from the beginning that we would like to -- for equitable reasons -- to assess these costs and these annual fees on a per parcel basis uniformly, not on a frontage basis. So, this has been disclosed continuously in correspondence, in Zoom meetings, and other ways, one-to-one conversation between...

Mayor Lago: Mr. Proctor's frozen. Are there any further comments from the Commission?

Unidentified Speaker: Mr. Mayor.

Mayor Lago: Yes, sir. Go ahead.

Mr. Proctor: (INAUDIBLE).

Mayor Lago: Let me just let Mr. Proctor finish.

Mr. Galan: Mr. Proctor says they've disclosed.

Mr. Proctor: It's up to us (INAUDIBLE).

Mr. Galan: I'm a recipient. Go ahead.

Mayor Lago: Go ahead, Mr. Proctor. I apologize.

Mr. Proctor: That's okay. I'm wrapping up.

Mayor Lago: Go ahead, Mr. Galan.

Mr. Galan: The way they communicate is via an email that is sent out by the secretary of the board. That email does not go to the 150 property owners. It goes to about 60 recipients. It does not disclose the entire...

Mayor Lago: Did you receive that email?

Mr. Galan: I received it, yes.

Mayor Lago: Okay.

Mr. Galan: Okay. It's the Cocoplum Civic Association mailing list coming from the secretary of the board. It's about 60 people there; it's not 150.

Mayor Lago: But you receive it, though.

Mr. Galan: Yeah.

Mayor Lago: So, you were noticed.

Mr. Galan: But the other 150 property owners, the other 90 people that are not receiving it have not received it. There's an issue with communication...

Mayor Lago: I understand.

Mr. Galan: When you don't have an HOA.

Mayor Lago: And I promise you this will be all laid to rest once the language is approved and a vote is taken. Either it will go your way or the Civic Association's way. So, I wish you luck. And I -- like I told you when we spoke on the phone this week, and when we spoke on email, please do your best to lobby your residents, your neighbors, and explain to them your side of the story and what you would like to see in regards to Phase 1, okay? I wish you luck. If there's any other comments for the Commission, I'll entertain a motion.

Commissioner Menendez: I'd like to make a motion.

Commissioner Anderson: Second.

Mayor Lago: Mr. Clerk, can we get a roll call?

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Thank you.

Mr. Jacobson: Can I make one more comment?

Mayor Lago: Yes, sir. Go ahead.

Mr. Jacobson: I just want to make a suggestion that you return it with a suggestion to the Cocoplum people that you have two separate votes on the two separate items.

Mayor Lago: Okay.

Mr. Jacobson: That's all.

Mayor Lago: Thank you. I appreciate it. Have a wonderful day.

Mr. Jacobson: Okay, thank you.