

City of Coral Gables City Commission Meeting
Agenda Item F-9
March 29, 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

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant City Attorney, Stephanie Throckmorton

Public Speaker(s)

Agenda Item F-9 [Start: 3:53 p.m.]

A Resolution of the City Commission directing staff to include on the agenda for each regularly scheduled meeting of the Property Advisory board whether any unsolicited proposals and/or letters of intent involving the concessions, sales, or leases in connection with City-owned property have been received and to provide a copy of any such proposal or letter of intent to the Property Advisory Board at that time. (Sponsored by Vice Mayor Mena)

Mayor Lago: F-9 – Vice Mayor Mena.

City Attorney Ramos: A Resolution of the City Commission directing staff to include on the agenda for each regularly scheduled meeting of the Property Advisory board whether any unsolicited proposals and/or letters of intent involving the concessions, sales, or leases in connection with City-owned property have been received and to provide a copy of any such proposal or letter of intent to the Property Advisory Board at that time. Ms. Throckmorton.

City Commission Meeting

March 29, 2022

Agenda Item F-9 – Resolution directing staff to include on the agenda of the Property Advisory Board whether any unsolicited proposals and/or letters of intent

[Date]

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Assistant City Attorney Throckmorton: Mayor and Commissioners, this is returning to you after our last meeting on a resolution from the Property Advisory Board. It defines what a letter of intent or an unsolicited proposal is and states that same would be placed on the Property Advisory Board's agenda and provided to those board members when the city receives them.

Mayor Lago: Commissioner Mena.

Vice Mayor Mena: Yes. So, I thought it looked good. The only question I had was, I spoke briefly about this with the City Attorney. There is some language at the end that says, I'm sorry, I pulled it up here.

Assistant City Attorney Throckmorton: Would you like me to read the definitions?

Vice Mayor Mena: Its just towards the end of section 2, it says, that an LOI shall mean a plan of proposal that has been submitted to the city but was not requested by the city and is not in response to a competitive solicitation or advertising by the city, which is fine. Then it goes on to say and includes detail beyond the conceptual level and sets forth proposed terms such as fixing costs, payment schedules, financing, deliverables, and project schedule. And that last sort of part of the sentence, I'm just trying to understand.

Assistant City Attorney Throckmorton: If its an and or an or, or how much detail.

Vice Mayor Mena: It's really an and.

City Attorney Ramos: The idea is that somebody just sending a letter to them instead of City Hall is not sufficient. That's not a letter of interest. You have to say I'm interested in buying it for this amount. You know more particulars that can be evaluated.

Vice Mayor Mena: But I don't want it to be so ridged that each one of those delineated elements has to be there or else you don't have to.

City Attorney Ramos: So right now, it's an and. You're the sponsor, so if you want to change.

Assistant City Attorney Throckmorton: The proposed terms set forth proposed terms in detail, including...

City Attorney Ramos: Including but not limited to, maybe.

Assistant City Attorney Throckmorton: But that would still...

City Attorney Ramos: Or three out of five, or something.

Assistant City Attorney Throckmorton: Yes.

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Vice Mayor Mena: Do we really get a lot of these?

Assistant City Attorney Throckmorton: Not very many is my understanding.

City Manager Iglesias: Not very many.

Vice Mayor Mena: But then what's the problem? By the way, why don't we just put a period before the and and cut the sentence out. End with by the city.

City Attorney Ramos: And that's not an LOI. Opposed to this says, I want to buy City Hall is not an LOI.

Vice Mayor Mena: Okay.

City Attorney Ramos: I have to have some criteria.

Vice Mayor Mena: Okay.

Assistant City Attorney Throckmorton: We could just say, proposed terms in...

Vice Mayor Mena: Detail beyond the conceptual level period.

Assistant City Attorney Throckmorton: Beyond the conceptual level.

Vice Mayor Mena: And err on the side of giving it to them. If they want to post it, give them the post it.

Assistant City Attorney Throckmorton: We can certainly amend that to end at, beyond the conceptual level.

Vice Mayor Mena: I know its silly, but it doesn't really happen that often, is my point, so I don't want to – I'd rather they just get whatever was submitted than slice this too thinly.

Assistant City Attorney Throckmorton: Understood. There is, I just want to point out, there is an exception in Florida Statutes for certain proposals they are covered by the Florida Statutes and Florida Constitution. So that's certain unsolicited bids that fall into that category would not be provided as they are exempt from public record, and we want to stay in line with the Florida Statutes that provide that protection. So just to be clear, that there is an exception.

Vice Mayor Mena: I thought about part too. I chose not to bring that part up. Again, the biggest thing is, just let the board now LOI comes in.

Mayor Lago: Make a motion.

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Vice Mayor Mena: So yes, that would be – would you rather just put, Madam City Attorney, would you rather just end it after, and includes details beyond the conceptual level.

City Attorney Ramos: It might be helpful to say instead i.e., and list what those items might be. Not require them but make them examples of what's beyond the conceptual level. That may be a good, like midpoint.

Assistant City Attorney Throckmorton: Or ending after, proposed terms, those terms may be prices, they may be financing, they may be deliverable.

City Attorney Ramos: Right. We could say i.e., after proposed terms.

Assistant City Attorney Throckmorton: Beyond the conceptual level and sets forth proposed terms period.

Mayor Lago: What is your desire?

Vice Mayor Mena: Sorry, I'm looking at it trying to figure out the best approach here.

Commissioner Fors: Essential terms – term of art.

Mayor Lago: This is what happens when you're surrounded by lawyers.

Commissioner Fors: I also had the thought of saying, another way about it, but it might be too ridged for you is, if its something that the city intends to respond to, so if its something that the city is not responding to, but I think that's too.

City Attorney Ramos: The thing is, the timing there maybe off, because we may not know if we're responding. I think if you go with proposed terms and then we put a parenthesis which may include items such as, it addresses your concern and at least gives some examples.

Vice Mayor Mena: Sure.

City Attorney Ramos: Okay. We'll bring it like that on second and you can decide.

Commissioner Menendez: Can we all just recuse ourselves.

City Attorney Ramos: Oh, that's right, it's a resolution, there is no second reading, that's right.

Assistant City Attorney Throckmorton: So, item such as.

Vice Mayor Mena: Put a period after conceptual level.

Assistant City Attorney Throckmorton: Period after conceptual level.

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Vice Mayor Mena: And use your judgement and discretion soundly and just give them anything that comes in.

Assistant City Attorney Throckmorton: I think the city has received the message.

Mayor Lago: Just send it to them.

Vice Mayor Mena: Because why not, if there was a public records request, they can have it, so.

Assistant City Attorney Throckmorton: Understood.

Commissioner Menendez: Final answer.

Mayor Lago: Send it to them. That's it.

Vice Mayor Mena: That's it.

Mayor Lago: So that's the motion. Second.

Commissioner Anderson: Second.

Mayor Lago: Mr. Clerk.

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Mayor Lago: Yes

(Vote: 5-0)