

City of Coral Gables City Commission Meeting
Agenda Item K-1
July 11, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Jackson Rip Holmes

Agenda Item K-1 [3:04:00 p.m.]

City Clerk Item

A Resolution of the City Commission of Coral Gables, Florida supporting the continued existence of the Business Improvement District of Coral Gables.

Mayor Valdes-Fauli: And, now we have a City Clerk Item, Resolution of the City Commission of Coral Gables, Florida supporting the continued existence of the Business Improvement District of Coral Gables.

City Clerk Foeman: Mr. Mayor, the Economic Development Board at its meeting of June 27th made a motion to recommend that the City vote in favor of the Coral Gables B.I.D. District re-election for the next five years and this item is...

Commissioner Mena: I thought this was us voting as a property owner to continue the B.I.D. was my understanding. Didn't we vote on everything last time?

City Attorney Leen: It's both. So, what this does is it expresses general support of the City and would also direct staff and if it doesn't say that, we'll amend it to say that, direct staff to vote, the City to vote in favor of the B.I.D.

Commissioner Mena: OK.

Vice Mayor Keon: For our parcels.

City Attorney Leen: For our parcels.

Mayor Valdes-Fauli: Is there any comment from the public, any comments?

Commissioner Quesada: Why don't you speak and fill out the card after.

Mr. Holmes: Mayor, Commissioners, thank you so much. I'm going to speak fast...

City Attorney Leen: Mr. Holmes your address very quickly.

Mr. Holmes: Jackson Rip Holmes, 35 Sedona, Coral Gables, 33134, Apartment B. With respect to the B.I.D. thing, by the way, I just have to make a quick compliment to all of you; it's amazing how well our City runs, but so many different complex issues being handled, thank you. With respect to this vote that you are about to take, I do have one concern, I sent you an e-mail about this, and for the three great attorneys among you, it falls into a category you might refer to as dictum, you know a decision, and I want to make sure that the dictum is non-binding and unenforceable. Namely, in this particular thing, if you look through the notes there is a reference to a pitch, whatever it is that Executive Director Amador made to the Economic Development Board saying that she wanted them to recommend your approval of this because it allows the B.I.D. to speak on behalf of the entire District and all its members, quote, "with one voice." The way I read that, well first of all, I don't know which way to go, I'm going to go...the way that I read that, this is just dictum it's not binding, it's unenforceable. On the other hand, because it affects me and it frightens me, I want to make sure that it's non-binding and unenforceable, because I want to have the right, which I think is guaranteed under the United States Constitution to petition you, the government for redress of grievances, and so on.

City Attorney Leen: I want to be clear that you have that right under the First Amendment that this is not binding on you in that way, OK. You have the right to continue to petition the Commission. I want to say that on the record, OK, Mr. Holmes.

Mr. Holmes: It's not going to be something that would be enforced by the City government.

City Attorney Leen: City government will hear from you whenever you wish.

Mayor Valdes-Fauli: And you have always been heard, very respectfully heard and we welcome your participation. Anything else?

City Attorney Leen: Just a vote sir, motion and second.

Commissioner Mena: Motion.

Commissioner Quesada: Second.

Mayor Valdes-Fauli: Will you call the roll please?

Vice Mayor Keon: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Mayor Valdes-Fauli: And before we adjourn, I would like to inform or to be allocated by the Commission the ability to look at the Biltmore study, analysis, whatever and then report to the Commission. OK. Anything else? Thank you very much.

[End: 3:08:22 p.m.]