

**City of Coral Gables City Commission Meeting
Agenda Item G-13
August 24, 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 Attorney, Miriam Ramos

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Assistant City Attorney, Stephanie Throckmorton

Public Speaker(s)

Edward Martos

Unidentified Speaker (on behalf of Mary Snow)

Estrellita Sibila

Jackson Holmes

Maria Cruz

Mark Trowbridge

Aura Reinhardt

Jillian Hornik

Nick Sharp

Ricardo Alberty

Elvis Fuentes

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Agenda Item G-13 - Resolution of the City Commission re-establishing and supporting the continuation of the Special Assessment District to be known as the Business Improvement District of Coral Gables, for a period of five years, subject to approval by a majority of the affected property owners, providing for an updated voting procedure for ascertaining whether a majority of the affected property owners approved continued existence of the BID; providing for levy of special assessments, location, nature, estimated cost of services, details of assessment procedure, future increases, and publication of legal notice.

Agenda Item G-13 [12:42 p.m.]

A Resolution of the City Commission re-establishing and supporting the continuation of the Special Assessment District to be known as the Business Improvement District (“BID”) of Coral Gables, for a period of five years, subject to approval by a majority of the affected property owners; providing for an updated voting procedure for ascertaining whether a majority of the affected property owners approve continued existence of the BID; providing for levy of special assessments thereof; providing for location, nature and estimated cost of services to be provided; providing details of assessment procedure and future increases; and providing for publication of legal notice.

Mayor Lago: Moving on to Item G-13, 11:30 AM. Imagine, we’re two hours behind. I apologize.

City Attorney Ramos: G-13 is a resolution of the City Commission re-establishing and supporting the continuation of the Special Assessment District to be known as the Business Improvement District of Coral Gables, for a period of five years, subject to approval by a majority of the affected property owners; providing for an updated voting procedure for ascertaining whether a majority of the affected property owners approve continued existence of the BID; providing for a levy of special assessments thereof; providing for location, nature and estimated cost of services to be provided; providing details of assessment procedures and future increases; and providing for publication of legal notice.

Mayor Lago: Before we move forward, I know that we took on I-3. Did we do both I-3 and I-4 at the same time?

City Attorney Ramos: Yeah.

Mayor Lago: We did?

City Clerk Urquia: Yes, sir. We did.

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Mayor Lago: Okay, perfect. Sorry.

Assistant City Attorney Throckmorton: Thank you. Good afternoon, Mayor and Commissioners. This is a resolution that is being brought back to you after our June meeting. So, if you'll indulge me in just a few minutes to recap how we got here so we -- for the public and for you all as a little reminder. In April of this year, the City Commission adopted a resolution starting the petition process to determine support for the reestablishment or the BID for an additional five-year period. That petition process was scheduled to go through the end of June. At the June 28th City Commission meeting, after discussion by the City Commission, the Commission adopted a resolution canceling the then current petition process and asking the City Attorney's Office to look at alternative methods of determining support for the reestablishment of the BID. Just to clarify, the June process was a petition process where property owners sent back executed petitions to indicate support for the BID, and any petitions not returned were counted as a no vote. That petition process sent a petition to each property owner. And for condominiums within the BID boundaries, each condominium association received a petition to respond for the condominium building. According to the BID, by the June 28th Commission meeting of the 178 petitions sent out, 91 were returned indicating support for the BID. I believe that met the 50 percent threshold required under Chapter 170. The City Clerk has not yet certified that process or reviewed the individual petitions, but that was what was received as of June 28th. Following that June meeting, our office has been working diligently to look at alternative election methods, looking at other business improvement districts, and we spent time looking at many additional election methods. What you have before you today is an alternative method of election to the most recent process. That alternative is to allow for one vote per folio located within the BID. That would result in each individual condominium unit receiving a ballot. That appears to be the most legally defensible alternative to our current petition process. It's the method utilized by some of our neighboring BIDs. We have also provided you with sample ballots where property owners indicate support for the bid with a yes/no vote rather than the current petition process, which is something

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that was discussed at the June meeting. Should the Commission decide to go forward with the new election process, there are a few additional details we would need you to clarify regarding the time for the election, the election period, details regarding who is responsible for sending and receiving ballots, et cetera. Alternatively, we can always return to the status quo and finalize the last petition process for a period of time for the BID. We would need to look at what if any petitions were received between the 28th and the 30th, if we were going to go back to the old petition process. I understand there are representatives from the BID here as well as other members of the public who wish to speak on this item. I'm happy to answer any questions you have about what's before you or what alternatives you have, but I'm happy to turn it over to whoever else would like to speak if the Mayor wants to do that or go forward with any questions you may have.

Mayor Lago: I think it's a good idea to hear from the public. Thank you...

Assistant City Attorney Throckmorton: Thank you.

Mayor Lago: Very much by the way. Very concise.

City Clerk Urquia: Okay.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: So, the first member of the public requesting to speak is Mary Snow.

Edward Martos: Mr. Mayor, through the Chair, if I may. I'm here on behalf of the Business Improvement District. And if you wouldn't mind, I'd like to make a few statements and a very brief presentation. My name is Edward Mar -- if that's okay.

Mayor Lago: Go ahead.

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Mr. Martos: Thank you. I appreciate that very much. My name is Edward Martos, offices at 2800 Ponce de Leon Boulevard, here in City Beautiful. I have a lot of ground to cover, but I'm going to do it extremely fast. And if you need me to slow down and you want to discuss anything, you have questions for me, please let me know. My goal for this is to lay out the principal issues and how they affect the BID, how they affect the ongoing operations of the BID in the very short term.

Mayor Lago: Was it detailed in this letter?

Mr. Martos: No.

Mayor Lago: No?

Mr. Martos: No, that was a letter by my partner covering other items. This is something different, okay. And then I want to look at the solution, the alternative method that's been proposed by your City Attorney's Office, okay. Finally, I'm going to let the other board members speak. We have several board members here. And I will be available for questions if you have any questions, okay. So, I'll be -- again, I'll be very quick. We're here today effectively because about 60 days ago, two particularly vocal property owners brought up concerns, serious concerns, and we do not disregard any of them. I want to make that very, very clear. But in that 60-day period, the result was a suggestion to effectively -- and I'm going to explain why -- restructure the entirety of the BID and how it operates. And 60 days is not a reasonable amount of time to get a good method. It's just -- it simply isn't. I'm not saying we can't get there, okay, but 60 days won't cut it. And so, I wanted to understand why it is you did what you did, and I've reviewed the meeting like at least half a dozen times, and I watched it over and over again. I heard every single point. And I think I understand exactly why you voted. You voted the way you did to effectively throw out ballots that were already in, okay -- or petitions, however you want to phrase them. We're comfortable with them being called petitions. Fifty-one percent of all property owners already in,

and you effectively threw them out. I'm thinking to myself why did you do this. The BID has a great history. You all know it. Some of you have been board members. Mr. Mayor, of course you're a board member now, as the City Mayor. I think there was a good thing combined with a bad thing that ultimately resulted in a very ugly outcome, okay. And I want to go over those and suggest an alternative outcome, okay. The good thing was that, Mayor, you brought up excellent points. Like always, you got down to the bottom line. The bottom line is you need a system that is fair, that feels fundamentally fair. We agree with you, 100 percent. Commissioner Fors, you brought some very good points up. You immediately honed in on -- you really did. You brought up some excellent points, honing in right away on the issue of foreclosures -- right? -- because you were looking at the statute and you saw that that was a possibility. You're right to go there. That's a drastic thing and we understand why you did. Let me address that very briefly because you had some questions about the possibility of a foreclosure. Chapter 170 of the Florida Statutes creates a mechanism for public assessments, and it talks about foreclosures, and we happen to fall under that. But we are not the kind of public entity that Chapter 170 contemplated when it was written in 1923, okay. And in 1923, if you look at the paragraphs on -- in the state law, you can actually track down that the paragraph on foreclosures hasn't really been amended since then. We don't foreclose on anybody, and it certainly wouldn't be coming from the BID because the BID is a private entity, businessowners, okay. The City has the option of foreclosing. To our knowledge, the City has never done anything like that. In fact, what we issue are primarily warnings and notices, and in an extreme case, okay, something is recorded with the expectation that it will be paid when the property is sold, so foreclosure has never happened. It's not on the table. It's not in the cards, but you were absolutely right to bring that issue up, and I'm glad that you did because we can address it. Commissioner Menendez, you honed in on state law, and I think you're absolutely right. State law has certain requirements that are both confining our ability and also creating guiderails in a good way. And you highlighted that you could always do more. You could always provide more notice. We agree with you. And I've already spoken to my client, and the BID is willing to provide additional notice going forward. What that form of that notice takes -- looks like, we're going to develop. Perfectly fine. Commissioner Anderson, okay, you

emphasized the need for clear, easy to read ballots. There's a debate over whether they're ballots or petitions. I think you used the word ballots. That's why I wrote it down. And we agree with you there too, okay. We are happy, eager, willing, ready, able to make our ballots better. I do need to highlight one point though, and that's we had 51 percent response on these ballots. They weren't entirely unclear, okay. And when I say response, I don't mean turnout. I mean a one position, one with 51 percent of all property owners. Okay, well, I understand.

Commissioner Anderson: No, no, it's only...

Mr. Martos: If you want to interrupt...

Commissioner Anderson: It's only clear if the language is clear.

Mr. Martos: Understood.

Commissioner Anderson: If everybody raises their hand and say yes, but they don't know what they said yes to, it's not clear.

Mr. Martos: Your point is well taken. We're happy -- Commissioner Anderson, we're happy to work with you and with the City, okay, to address that, and that's the purpose of, you know, why -- one of the main purposes why I'm here today, okay. Commissioner Mena, you weren't in attendance at that moment, and it was a long day, I know, but if you have concerns, you let me know and we're happy to discuss them. Okay, so that was the good. And again, I want to home in on Mayor Lago's point about fundamental fairness because that, at the end of the day, is the bottom line, and we're on the same page. That was the good thing. I said there was a good thing, a bad thing, and an ugly thing, right? The bad thing, okay, was that we were hearing from two property owners, okay, and hearing from two property owners alone isn't inherently bad, but what it means is you lose the forest for the trees. There are 136 distinct property owners, okay, and you

haven't heard that number because that's not a number that's been tossed around yet. A hundred and thirty-six are the distinct entities and people who own the different properties. There are very many more folios. There are very many more parcels. There are very many more lots, businesses, but that's how many owners there are, okay. You only heard of two -- from two out of 136. And what happens is that a very complex situation was oversimplified. When you've got a complex situation oversimplified bad things happen. Okay, I'll give you some examples. Throughout, we talked about taxes, taxes, taxes, taxes, taxes. That was the word tossed around the entire time. The BID doesn't live on taxes. In fact, our BID stands out from other BIDs in that we have, to my knowledge, no tax revenue, entirely funded by assessments. Our BID was created by businesses who self-assess, okay, and that's the only source of revenue that we've got, okay. But we kept hearing about taxes. The distinction, by the way, is critical. And the attorneys -- all the attorneys here -- we have many -- I'm sure catch onto it right away. An assessment is tied to a benefit, and that benefit is tied under Florida law to the amount of land you have, or in some cases, the amount of frontage you have, okay. It's not a one-to-one, right? It's a -- how much land you've got, okay. Taxes don't work that way. Now, there's a couple of other differences that I think -- or misconceptions that I think really hurt the conversation. We talked about the entire process as if it were a civilian election for a candidate or for a referendum item. This is not a civilian election. This is sophisticated businessowners, property owners who are voting in an organization that they created, and they are assessing themselves, okay. This is an internal thing. What this is, in my opinion, frankly, is a lot more like a corporation and its stockholders taking a vote, okay. And the -- like in most corporations, some stockholders have more stock than others. They get more votes than others, okay. I think that's a better parallel than a true, you know, civilian election, if you will. Now, that was the good, your excellent points; the bad, the skewing of the facts and the perception. Now, the ugly. The ugly is the proposal that is in front of you today, okay. It is a rushed solution, and it's going to have an outcome that I don't think anyone has perceived. And I've run the numbers. I'm going to hand this out, but don't feel obligated to like get lost in it. Mr. Clerk. This document that you see here is a demonstrative. I took the assessment rolls -- at our last meeting, it was called -- at the June meeting, it was called a...

Mayor Lago: Thank you, sir.

Mr. Martos: Tax roll. It's not a tax roll. It's an assessment roll, okay. And what you see here color coded are all the condominiums minus two. I'm sorry, minus three. And those three are excluded because they're actually owned by the City, and they're primarily just one or two units that you have dispersed and you've created condominiums for legal reasons, but they're one owner, so I've actually excluded those.

Mayor Lago: Can you do me a favor? And I apologize for interrupting you. How much more time do you think you need? What are we looking at?

Mr. Martos: Three minutes.

Mayor Lago: Okay, perfect.

Mr. Martos: Alright. So, in green, you see one condominium building, 232 Andalusia. Okay, and you'll notice that it has just a handful of owners. In blue, a different condominium building, 55 Merrick. Now, get this, okay, under the solution that's been proposed to you today that's in your agenda packet, okay, you would have one owner in rows 23 through 52, and I know that's one because I went into their corporate documents. It's one guy, okay. That one guy would have 21 votes. He would have an 8.6 controlling interest in the BID, just the one guy. How much does he pay in assessments? One point two percent of all assessments. There's another guy. Let's turn the page. Let's look at the orange sheets.

Mayor Lago: But he owns...

Mr. Martos: This...

Mayor Lago: He owns separate folios, correct?

Mr. Martos: Um-hmm, and units and condo units. But the size of the units determine what his assessment is. So, while he has an 18 percent say in what happens, he only pays 1 percent -- 1.8 percent in assessments, okay. And I'm not saying that...

Mayor Lago: I understand the point you're trying to make.

Mr. Martos: Alright. Or in the orange -- look at page 3. You see the old property owner right in the middle. Keep going to page 4. It's all one person, and that entity is controlled by one individual, 65 votes. He would have -- that would amount to 18.8 percent controlling interest. He pays 4.8 percent in assessment -- of the assessments. It gets even uglier. Under this scenario, one person with 1,200 square foot condominium would pay \$600 a year in assessments. He would have the same voting rights as Publix, the single largest payer. Publix also has the single largest parcel, okay. And that one person with a 1,200-foot condo, okay, would have the same vote, pay \$600 a year while Publix pays \$68,000 a year. Ross Dress for Less, okay, it's on your table, Row 275, one vote.

Mayor Lago: We get the point.

Mr. Martos: Two 2 percent. The Colonnade Hotel, same situation, okay. So, here's our solution. You know the BID. Commissioners, the BID has done a lot of good. As I said, you're members of it, okay. Umbrella Sky, Illuminate Coral Gables, Restaurant Week, Murals on the Mile, all of this has been with help from or through the BID, okay, and support from the BID. It's done a lot of great work for 25 years. And completely upsetting its fiscal year by undoing the vote -- our fiscal year ends September 30 by the way, okay -- and changing the entire process in a matter of 60 days, okay, effectively restructuring the thing in 60 days is not the appropriate way to go about

this. Our request is very simple. Approve the vote that occurred, okay, after, of course, the Clerk certifies the vote. He hasn't done that yet. That has to happen. Approve the vote, not for five years, which is what the voters asked for, but the City Attorney says you have discretion here, okay. Instead, do it for a lesser time. We think it might take more than a year, but if you think it's one year -- I see your head, I hear you. If you think only one year would work, we're willing to do that. Our only goal -- the BID's only goal is always to provide a resource to our business community and our residents, and we're hoping to continue to do that. And with that, if you have any questions, I'll be available. Some board members are going to speak. Thank you very much, Mayor. I appreciate the time.

Mayor Lago: Thank you. Mr. Clerk, how many speakers do we have?

City Clerk Urquia: Twelve.

Mayor Lago: Commissioner Menendez, to ensure that you're satisfied based on your lunch needs...

Commissioner Menendez: I'm on a diet so...

Mayor Lago: I need you to be happy. What are we looking at? Do we take a lunch break now and come back? Or do we hear this probably two minutes a per...

Commissioner Menendez: Why don't we go through the public comment?

Mayor Lago: Okay, let's go through the public comment.

Commissioner Anderson: If we could just ask everybody not to repeat and remember we're hungry.

Mayor Lago: Go ahead, Mr. Clerk. I would -- if you could go, I mean, a minute because we always everybody to run over a little bit.

Commissioner Menendez: Unless you have a problem, you know, just to the point and we'll listen, and we'll do our best.

Mayor Lago: Yes, well said.

City Clerk Urquia: The first speaker is Ms. Mary Snow.

Commissioner Fors: By the way, before (INAUDIBLE) begins, very quick, just so it's out there and it gets addressed as people are speaking, the foreclosure for me was not really about what -- it was not whether you could foreclose or whether you will foreclose, but it was what can you foreclose on. And the disconnect with me was that, you know, if you -- if the assessment is on the condo's tax or assessment bill and you foreclose the condo's common elements, then -- and the condo votes, then there's some congruency there, but there's a disconnect if it's based on the common elements, but it ends up on each individual's assessment or tax roll, and you could ostensibly -- whether you can or will -- foreclose on the units, in which case then they should each have a vote. That was my disconnect.

Mr. Martos: I understood that, and my goal was to cut through that Gordian knot by saying we don't foreclose, so the issue's not going to come up.

Commissioner Fors: But can you foreclose?

Mr. Martos: Can we? No, only the City can do that. We cannot.

Commissioner Fors: Yeah, but somebody can.

Mr. Martos: You can, yes. Well, you five can.

Mayor Lago: Good afternoon.

Unidentified Speaker: Good afternoon. Mary Snow had to leave, so she asked me as past president of the Community Foundation to make her remarks for her, so please indulge me. I'm reading from her notes, but she was here to support the BID, who is a partner and collaborator on many projects. The BID helps to execute and enhance the experience in downtown. She wanted me to highlight the 2018 Umbrella Sky in which both the City, the BID, and the Foundation worked together as partners. The BID was a financial partner with us and provided a lot of events support, which as you know really had an incredible impact on the downtown area. They assisted the Foundation with the restaurant rally program and helped us identify and spread the word. We had a donor at the Foundation who provided a substantial donation during COVID for restaurants to be able to give gift cards out to people in need. The BID provided -- some of you may or may not know this -- but COVID meals, two meals a day for eight weeks to people who were out of work individuals. Mary and I worked very closely with Nick from Three-fold Café and other people from the BID to make that happen. They host volunteers from Gables High School in their office and at their events. And we have collaborated on other initiatives where we have served as their fiscal sponsor and they've collaborated, which are the silence project and the Venetian poles. So, we just want to say that the BID is a wonderful partner, and they make things happen in downtown. Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Estrellita Sibila.

Estrellita Sibila: Good afternoon and thank you once again. My name is Estrellita Sibila. I am a businessowner and property owner within the special assessment district to be known as the Business Improvement District of Coral Gables. I want to say thank you to this Commission, the City Attorney's Office, and to everyone in the Administration for taking a deep look at this. And the basis of what this issue is, and it's essentially taxation, representation, and whether those people who are on that assessment roll ever got the right and notice to vote. Whether or not the Business Improvement District has done great work over the 25 last years, we can all agree on they have provided a benefit throughout the City, but that's not what the question here is today. The question is whether that petition went to the proper people and whether those people had an opportunity to vote, and that answer is no. And even with the petition that they circulated to the condominium associations, not a single one came back. Not a single one of those individual tax folio owners never received the notice of that, so we can't sit here and assume that all of those petitions that were never received would have been a yes vote and count towards this 50 plus one that they're alleging that they've already collected on the petition that was already cancelled by this Commission. So, I think we need to be very careful in what message we're sending here. We can't allow an agency that says that they're independent from the City tell the City that they want a continuation to go forward on a process that we've all agreed is incorrect and not legal. And now they're asking for an extension on the work that they should have done during the last five years to determine who the right petition and who it should have gone to and whether that boundary should have been different or not. What they're asking and what they're arguing is something related to the allocation method, not the right to vote. We don't say to somebody that's in Gables Estates, you get a larger vote than somebody in the trailer park that they're looking to annex. This isn't a matter of "I have a better or bigger vote because I have more space." So, we just...

Mayor Lago: Take your time, take your time.

Ms. Sibila: Need to be careful. Thank you.

City Clerk Urquia: Thank you.

Mayor Lago: Mr.

City Clerk Urquia: Jackson Holmes.

Mayor Lago: Mr. Holmes.

Jackson Holmes: Greetings. I thank all of you for the courage that you've shown to stand up for voters. And the things that were put forward to you by Mr. Marco (sic), I guess, I submit actually are dishonest. Let me give you one example. I swear to you under penalties for perjury that I've been threatened with foreclosure, and he's trying to tell you the law isn't what it is, that it has a mechanism for foreclosure. I've been threatened with foreclosure by the BID. So, he's coming here and telling you, "Oh, no, no."

Mayor Lago: How have you been threatened, if you don't mind me asking? Because I don't own property...

Mr. Holmes: Okay.

Mayor Lago: In the BID.

Mr. Holmes: There's a fellow named Cooperman (phonetic). He's one of the developers. I go to the BID meetings, and he says, "Shouldn't we foreclose on Mr. Holmes." There's been other comments. That's the one that happens to be the most chilling to me. So, the idea -- I mean, there was a lien placed on my property, okay. The law is the law. And he's saying, "Oh, don't worry about the law because we actually have never actually done it," but I've been threatened. I'm telling you this under penalties for perjury. It's been multiple occasions where people at the BID

meeting say to my face, "Shouldn't we foreclose on Mr. Holmes." And you know, this is an issue that's been around. Are they going to tax people without representation? This isn't something that just came up out of nowhere. Ms. Sibila has been bringing this up for years, and they just go forward. No, no, no, just let us go with the status quo. They're not concerned about whether people are taxed without representation. If they were, they would have been -- now they say, "Oh, it's all at the last minute. We don't have time. Approve it as it is, then we'll get to work on it." They had years to be working on this. What I submit is we need to go forward one folio, one vote. And if you don't mind, I ask you to put it in the hands of the City Clerk. I've worked in this for and against the election of the BID over the past 25 years. I ran for executive director in the first BID. I've seen it from the inside. These people cannot be trusted. I'll take out the most poignant example. (INAUDIBLE) Molina got up in the faces of people counting the votes. I mean, I would never do that. I'd be afraid of being arrested. There's a state judge and she's walking up to people at the Supervisor of Elections office, getting in their face and saying, "You should do this, you should do that." I mean, it's appalling to me. You all are more familiar with vote counting than I am. Have you ever had a party that's in the race come up to you and say, "This is how you should be doing your job?" Thank you.

Mayor Lago: Thank you, sir. Mr. Clerk.

City Clerk Urquia: Maria Cruz.

Maria Cruz: Maria Cruz. First, a disclaimer. I do not belong to the BID. I don't have any ownership of anything there. I usually do not agree with Rip, but in this case, I think that what the City has proposed makes sense; one folio, one vote, end of the story. Reasonable, fair. What I'm hearing now is we've been doing it a different way, but now, after five years, we see that we need more time to continue doing what we're doing. Something is wrong with that. Enough.

Mayor Lago: Thank you, Ms. Cruz -- Madam Cruz.

City Clerk Urquia: Mark Trowbridge.

Mayor Lago: Mr. Clerk. Dr. Trowbridge.

Mark Trowbridge: Good afternoon, everybody.

Mayor Lago: How are you?

Mr. Trowbridge: So, I thought I'd just give you a little history for many of you who were not here 25 years ago, or on this date 25 years ago. As you know, the BID is celebrating its 25th anniversary, but a little more than that, three businesswomen went to a national conference about BIDs in Colorado at the request of Ron Sheffield, our Chamber of Commerce chair that year. And when they came back from that conference, while they were excited and charged and got to the business of convincing local merchants and developers to form the Coral Gables Business Improvement District, and that model would call for the creation of an independent taxing district that would be an advocate for property owners, merchants in the downtown, as well as handling marketing, promotion and advertising. And those ladies were Jeannie Becker, Diane Brant, who owned -- many of you remember -- a wonderful store called Reminiscence Gifts and Antiques on Miracle Mile. And unfortunately, it closed back in 2014 but spent two decades on the Mile. And a long-time property owner and BID board member Judy Weissel. So, our Chamber during that time held a number of seminars about the benefits of having a BID, and they were open to the public, and the City worked closely, of course with Miami-Dade County, to put together an election process that ultimately in July of 1997 passed. It was actually the second bite of the apple. The first election did not proceed. And so, they went back, looked at the boundaries, and ultimately, came up with a little bit of a better plan. The BID was expanded, of course, later on in 2007 with the growth of our downtown, and of course, over the last 25 years, have worked collaboratively with us on a number of issues, including, of course, the new streetscape project for Miracle Mile

and Giralda Plaza. With great support from our partners at the BID, and of course, the City, we go all the way back those 25 years, and I'm proud to say that that relationship has stayed intact between our organization and theirs. We enjoy reciprocal board representation, collaborations on programs, and even this week, we worked together on a new broker brochure with the City. Our history is interwoven, and I ask you again to continue to look at this issue and be thoughtful in your proceedings. Thank you all very much.

Mayor Lago: Thank you, sir.

City Clerk Urquia: Aura Reinhardt.

Aura Reinhardt: Mr. Mayor, Commissioners, Mr. City Manager and City Attorney.

Mayor Lago: Good afternoon. Pleasure to see you.

Vice Mayor Mena: We can't hear you.

Ms. Reinhardt: Nice -- oh. Are we there?

Mayor Lago: Yes.

Ms. Reinhardt: Are we there? Thank you.

Commissioner Anderson: Sometimes you have to -- I've been told I have to move really close to the mic.

Ms. Reinhardt: Okay, there we go, okay. So, my name is Aura Reinhardt. My offices at the Business Improvement District are at 220 Miracle Mile, Suite 234. And thank you for the

opportunity. There was a lot of things I would have said, but we've heard a lot of them already about the BID, and you, of course, are familiar with the BID. But I do want to remind you what our mission is, and that is to foster the district as a center of culture and commerce. You know that we also act as an advocate for the businessowners and property owners located in the district, and you'll hear more about that as well. But you also know that we aim to stabilize and improve the district through marketing and promotion. That is one of our key objectives. Based on state and local law, especially the Florida Statute 170, the BID and its members can get together and use the City's finance collection powers to assess themselves. For an independent non-profit organization, that service is essential, and we've found through the collaboration. The funds collected are used for purchasing supplemental services like advertising, event programming, education resources, cooperative promotions. And I know you've already heard that no one is debating that the events aren't good events, but I do want to stress the importance of what the BID and its commitment and the resources it has has done for the downtown Coral Gables. Now, that's the fun part, all the events and so on. But we can only do what we do because we collaborate with the Economic Development Department here in the City, and they have been super partners to us, the Chamber of Commerce, and the Coral Gables Community Foundation. We also support and get support from the cultural institutions like the museum, art, cinema, and Miracle Theater. Enough said, but there is no doubt that together all these organizations create and deliver the best possible experiences for our visitors and residents here in the City Beautiful. There's no doubt about that. You've already heard some examples, so I won't go (INAUDIBLE) murals with the augmented reality programs we've had, studios on the Mile, et cetera. I'd like to remind you all though that the BID benefits from having a Commission seat on the board of directors, giving us a direct communication path to City leaders like yourselves, we have access to -- who have access to our monthly meetings, board meetings, our financial reports, and the latest and greatest about what we're planning and what we're doing, and we really value that back and forth and cooperation. What I'd like to do -- and I know my time is up, but if we could extend it so I can read Mitch Kaplan's letter, some of you have seen it. He asked me -- called me from -- he's on holiday. If I could possibly read it, if that's alright.

Mayor Lago: Go ahead.

Ms. Reinhardt: Thank you. Dear Mayor, Commissioners, City Manager, City Attorney, City Clerk, I spent many years on the board of directors of the BID. I've been a retailer in downtown Coral Gables since 1982, when I founded the first Books & Books on the corner of Salzedo and Aragon. Today, I am a property owner and partner in the historic building that houses our anchor store. Working closely with the Business Improvement District since its inception, I can attest to the detailed work that went into developing the BID assessment process and the petition process we now have. This process, as I know you know, was proposed and approved by the City of Coral Gables and Miami-Dade County. I was therefore surprised when I learned that the Commission had overturned the finished election because of two dissenting voices. This raises some profound question, what about the voices of the property owners who voted to reestablish the district? Why should their fair votes be thrown out? The BID's importance is undeniable. I have witnessed how it affects -- its efforts have helped develop Downtown Coral Gables into the vibrant culturally diverse district that it has become. It's been a great partner to the City on City -- many City projects. And I'm skipping so we don't go over the details. The BID has -- also acts to encourage the businesses it works with to be in line with City ordinances and initiatives when it comes to concerns about the use, care, and upkeep of downtown district. An alternative to the action proposed would be to certify the election that's already taken place, and if changes are felt to be needed, they should be done in an orderly fashion with feedback from the BID property owners, residents, and other stakeholders. Thanks for the opportunity to address you.

Mayor Lago: Thank you very much for being here.

City Clerk Urquia: Jillian Hornik.

Jillian Hornik: Good morning.

City Commission Meeting

August 24, 2022

Agenda Item G-13 - Resolution of the City Commission re-establishing and supporting the continuation of the Special Assessment District to be known as the Business Improvement District of Coral Gables, for a period of five years, subject to approval by a majority of the affected property owners, providing for an updated voting procedure for ascertaining whether a majority of the affected property owners approved continued existence of the BID; providing for levy of special assessments, location, nature, estimated cost of services, details of assessment procedure, future increases, and publication of legal notice.

Mayor Lago: Hi. How are you? Good afternoon.

Ms. Hornik: Or good afternoon. My name is Jillian Hornik. My family owns residential property, a commercial property, and a nearly 80-year-old retail business all in Coral Gables. For over five years, I've had the honor to serve on the BID board in various capacities, dedicating thousands of hours of volunteer work for the greater good of our community. I now serve as the chair of this independent non-profit organization whose mission statement lists only two specific purposes, those are marketing and advocacy. Obviously, you're well aware of our events and programming on the marketing side. Therefore, today I'm standing before you to strictly advocate and represent for the voices of hundreds of members which continue to be ignored, many of whom elected you to represent them. This group includes general property owners, businessowners, past board members, and staff whose lives will be affected by your decision today, many who feel strongly, but who are too scared to speak publicly due to their fear of retribution. Today, the Commission was supposed to be presented with multiple possible options from the City Attorney for consideration, yet as of yesterday afternoon, only one option was submitted to the agenda for vote. You cannot confidently say that this one option that gives a bulk of the vote to only a few condo buildings located in our 19-block BID District is the best option. How can you proceed knowing that the retail businesses and restauranteurs who developed the Merchants Association over 70 years ago and who drive a majority of the parking revenue, sales tax, and foot traffic to this downtown will be now the minority? These changes will not only upset exponentially more stakeholders, but it would also create additional problems. This is a very complicated situation that needs more time for professional evaluation. What hasn't been discussed today is that a task force was developed in 2006 to analyze the methodology of voting and property assessments. It took this task force, along with a professional hired consultant, over two years to formulate the best method, recognizing that there are a variety of types of properties in the downtown, including residential condos, retail condos, hotels, stores, restaurants, religious institutions, and both public and private land. This has all already been discussed, and it has all already been taken into account.

We are not reinventing the wheel. The past acting City Attorney was included in the survey process, which was developed and approved not only by our past City Attorney, but also the Florida Attorney General at the time, Charlie Crist. We continue to operate under these same election and billing processes to this day. In summary, the completed legal reelection should be validated without question. A majority of the property owners have already spoken. Allow the BID to proceed with its operations. We commit to reinvestigating this topic over the next few years, given the proper time, but this issue was not raised early enough to address properly. Thank you.

Mayor Lago: Could I ask you a quick question?

Ms. Hornik: Yes.

Mayor Lago: First, thank you for being here. It was a very nice letter. So, you mentioned something in your letter -- and I want to be very clear -- you mentioned retribution. So, you said that there's fear of retribution. I visit countless members of the BID, of the Chamber. I'm constantly shopping in downtown. Are there businessowners that are afraid of retribution? In what...

Ms. Hornik: Correct.

Mayor Lago: In what sense? They're afraid that the Commission's going to do something?

Ms. Hornik: Businessowners, City staff.

Mayor Lago: Would you like to expand? I'm giving you an opportunity.

Ms. Hornik: Obviously, I'm not going to single out anybody. But...

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Mayor Lago: Can I tell you something?

Ms. Hornik: Consultants.

Mayor Lago: Can I tell you something?

Ms. Hornik: Sure.

Mayor Lago: I'm afraid of retribution. You want to know why? Because I voted against the Miracle Mile upzoning, and there is a person who owns 13 properties on Miracle Mile who has taken extensive retribution against me and has spent hundreds of thousands of dollars calling me a racist and terrorizing my wife over the last month before I got elected.

Ms. Hornik: I don't know anything about that.

Mayor Lago: I -- you do know, you do know. So...

Ms. Hornik: I don't.

Mayor Lago: The thing is, you have to be very careful when you use words like that because you open the door for people like me to address issues here in front of you, and I'm not afraid. I don't live in fear of whether I won't be in office, or I will be in office. We will address things in the public eye.

Ms. Hornik: Yeah, that's why...

Mayor Lago: And the bottom line is...

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Ms. Hornik: I wanted to speak to...

Mayor Lago: The bottom line is that the retribution is...

Ms. Hornik: You directly...

Mayor Lago: The retribution that was taken out on me and my family based on my decision with my daughters -- my two daughters' private schools...

Ms. Hornik: I...

Mayor Lago: Is something that...

Ms. Hornik: If you could clarify. I don't even know what you're discussing.

Mayor Lago: So, I'm just saying I think we need to be a little bit more careful when we use words like retribution in a public setting like this because it sends the wrong message that this Commission is out there to hurt anybody. What we are is, we are for -- we are entitled as elected officials to represent the entire community, and we have concerns, and we bring up those concerns.

Ms. Hornik: I agree.

Mr. Martos: Mayor...

Mayor Lago: And I have done -- and I have worked -- this Commission, and I, and the City Manager, and City Attorney, and City Clerk have worked tirelessly to ensure that your downtown is clean. We're relandscaping all of the downtown. We're holding City properties accountable,

and we're doing all those things to make sure that -- there's enough police and fire -- and we're doing these things because it's critically important that all these things are in place so that your business can be successful. And when the sidewalks haven't been cleaned in a decade, both on City property and private properties, it's a -- it's shameful. When we haven't relandscaped areas in 15 years, it's shameful. And I'm the one that's walking with my colleagues in the downtown to Merrick Park, all the way to 8th Street, to ensure that we give you all the tools necessary to succeed because your success is the City's success.

Ms. Hornik: And the -- that is all...

Mayor Lago: But don't forget that 30...

Ms. Hornik: Appreciated.

Mayor Lago: Thirty percent...

Ms. Hornik: But that's not what we're discussing today.

Mayor Lago: Thirty percent of our tax base comes -- excuse me, sir.

Mr. Martos: Yes, please.

Mayor Lago: Excuse me. Thirty percent of our tax base comes from the downtown. I'm well aware of that. But when you use the word "retribution," it's very, very, very concerning.

Ms. Hornik: Maybe it was...

Mayor Lago: Very concerning.

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Ms. Hornik: Not the right word, but what I was trying to communicate is various people were interested in speaking in support of the BID but were afraid of what action might be taken against them from that knowledge.

Mr. Martos: Mayor, Mayor...

Mayor Lago: No one is taking issue.

Mr. Martos: Your point is very well taken, and we thank you for your understanding. Appreciate it.

Mayor Lago: The problem -- you know the problem that people have?

Mr. Martos: We understand.

Mayor Lago: You know that they don't want to follow the rules. And there's permits, and there's code enforcement issues that need to be addressed, and people think they're above the law.

Mr. Martos: Understood.

Mayor Lago: And guess what, I'm not above the law because I get Code Enforcement that shows up at my doorsteps and says, "You got to address the following issue," because it's important. So, we all have to be held to the same standard.

Mr. Martos: Understood.

Mayor Lago: And that's the key.

Mr. Martos: Understood. Thank you, Mayor.

Mayor Lago: There is no retribution for the record.

Mr. Martos: Understood. We -- and I agree. Thank you, Mayor.

Mayor Lago: Thank you.

City Clerk Urquia: Next...

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Speaker is Nick Sharp.

Mayor Lago: Mr. Sharp, how are you, sir?

Nick Sharp: Good. How are you?

Mayor Lago: Good to see you, my friend.

Mr. Sharp: You too. Alright, thanks for your time. So, a lot of people have said a lot of things. I'm going to bypass them. I don't need to tell everybody here the value that the BID has. This is also not a referendum on the BID. That happens by the property owners who are the people who vote to self-assess. I am going to address a couple points though because it's been presented that it's two property owners who were here at the June meeting. I've watched the June meeting. I couldn't attend in person. I'm sure you're all aware it's not just two regular old property owners.

There's quite a history there, and I'm happy to go through it sideways. I've only got two minutes. I'll go through (INAUDIBLE).

Mayor Lago: I'll give you all the time you need.

Mr. Sharp: You know, it's not two property owners, alright. It's two disgruntled members of the community that are speaking as if this is on behalf of a larger section. Public information request after public information request. There's been a lawsuit to the BID, and then the other member hasn't paid his assessments for numerous years. You know, and I don't know if he's been threatened with foreclosure, but it's never happened at any meeting that I've ever been a part of. So, again, it's not two -- just two normal old community members that we're speaking here. I want to address further to what Jill said. There was a two-year study conducted, alright, two years of talk to assess this building by building, ownership structure by ownership structure, business type by business type. It's very, very complicated. It's not a linear process between the ground floor square feet that you have versus the assessment that you're made, and there's many, many examples of where that's not linear. And on first review, on a one off, one off, it doesn't look like it's a fair structure. I wasn't here in 2006 and 2007 when they came up with it, but it is the process that's been used for 12 years, and the City -- Assistant City Attorney who was here at the June meeting said that the process had been followed correctly as it stood at that time. What we end up with if the -- you know, and my understanding is we would -- the City Attorney was directed to come back with alternatives. What's in the resolution isn't an alternative, it's one solution. That solution would fundamentally change the structure of the BID from a property owner and business organization to an organization that is controlled with 47.7 percent of the voting power by three condominiums. There is no chance that that organization will get reelected because no business owner and no property owner is ever going to vote to pay into an organization controlled by three condos, and that's what this structure is. My point is, is that it's very, very complicated to come up with a structure that's going to result in a fair process. This was looked at in 2006 and 2007, where the current process, less than perfect as it is, was arrived at. What is here in front of you is

not a solution, and the BID will not exist if that's passed. The last element that while we're working around this issue, and if it is extended -- you know, my background was finance. I was the CFO of a half a billion dollar company before I was washing dishes and brewing beer. I'm concerned as a board member of this board that if we don't have certainty come the end of our time in September and October, we have a fiduciary duty and a fiduciary responsibility. We have commitments out through the end of the year and into next year, and without certainty as a BID board, we don't know where we stand. And I think it's very, very important that that's assessed, right? I just don't think that the right time to do this was when the election was almost finished, right? And now whoever's fault that is, we are where we are. And I think there is things that we can look at and they could be rectified going forward and communication and all the other things that people have met. But I'm really, really concerned for the existence of the BID. And I think like most other people, I think the BID adds great value and I'm concerned about its existence.

Mayor Lago: Thank you, sir.

Commissioner Anderson: I have a quick question for you. In order to sort through these problems, if it was a one-year extension, and we examine things in that one year period, in your opinion, would that work?

Mr. Sharp: Yeah, I think if everybody got stuck into it -- there's a lot of work to do, but I think it's possible to come up with a solution. It's not going to be a perfect solution. Again, this is not a linear thing, and it is complicated. You know, they'll be at an individual -- by individual basis, I think it's tricky, but I think a year is enough to come up with a solution that satisfies the majority of the stakeholders, City included.

Commissioner Anderson: Thank you.

Mayor Lago: Thank you. Mr. Clerk.

City Clerk Urquia: Venny Torre. Okay.

Unidentified Speaker: He had to leave.

City Clerk Urquia: Ricardo Alberty.

Mayor Lago: Sir, how are you?

Ricardo Alberty: (INAUDIBLE).

Mayor Lago: Thank you for being here.

Mr. Alberty: Just one second. I just want -- (INAUDIBLE) even though I do represent -- I am on the BID Board, I'm not here talking about from the BID Board. I'm here talking from a businessowner. Okay, and I just want to say a few words, and I really want to thank you for the time. My name is Rick Alberty, and I'm speaking to you today as a business manager for our businesses, the Well Groomed Gentleman on Miracle Mile. Businesses in Coral Gables have not been easy for the last few years. First, we started with streetscape. And you know, Peter, how long that took, a lot longer than we expected. And then we got hit with COVID. And then after COVID, the businesses, if you take a look at the Mile, thank God we are where we are now, but man, we had a lot of vacancies at one time. The key to success to any business in Coral Gables to make sure that the patrons come out either to the Mile, Giralda, our downtown. The BID has done just that by having excellent events like Halloween on the Mile, Valentine's Day, Frost Music Festival, so on and so forth. Now, they've taken it upon themselves to even make sure that Miracle Mile's completely lit for our holiday season, and I take my hat off to them. Without the BID and their efforts of advocacy, I really don't know if many of the businesses on Miracle Mile would be able to grow or survive. All I ask is to do the right thing. Give us the opportunity to really take a

look at this in a way that it affects everyone, but it will help everyone to be able to vote properly, and I think all the businesses would appreciate that. Thank you.

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

City Clerk Urquia: Mr. Mayor, we do have one additional speaker. It's through Zoom, and it's the Coral Gables Museum.

Mayor Lago: Perfect.

Elvis Fuentes: Hi. Good afternoon, everyone. And thank you for giving me the opportunity to speak in support of the BID. I'm Elvis Fuentes, the executive director of the Coral Gables Museum. And we have been in collaboration in several occasions with the BID. They have supported several of our programs, and we're very happy with this collaboration because it has been a new (INAUDIBLE) for the museum. And we have, you know, all the (INAUDIBLE) of the BID present in some of the event that we have organized, and in particular, they have been supportive of a very community-based program that we have (INAUDIBLE) Coral Gables that this year we did a special edition focused on downtown Coral Gables. And it was highly successful. We're actually beginning now a new series of programs also focusing on the Coral Gables downtown, precisely thinking of this idea that it's an area in the City that pretends to work particularly. And we're expanding also the collection of the museum by acquiring several of the works that were presented in this conference. The conference was in part supported by the BID, and we're very appreciative. We're very grateful for that. So, that's all I wanted to add in support of BID, and I hope that the extension gets approved. Thank you very much.

Mayor Lago: Thank you, Mr. Director. We appreciate you being here and your insight. Mr. Clerk.

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

Mayor Lago: Can we please close the public comment?

City Clerk Urquia: Yes, sir.

Mayor Lago: Madam City Attorney.

Assistant City Attorney Throckmorton: Mayor, Commissioners, happy to answer any questions or help effectuate whatever motions you would like to make at this moment.

Commissioner Fors: I have a quick question. I have a quick question. I'm assuming that it's not possible, but there's no kind of opt-out mechanism for folks who don't want to be in the BID. Does the assessment have to be uniform over a geographic area or what?

Assistant City Attorney Throckmorton: So, the resolution itself has the BID boundaries and includes the folios that would be included. So, at the moment, those are the folios and those are the boundaries. So, long-term, that's something we can look at, changing the boundaries and looking at what properties would or wouldn't be exempt. But what's presented to you today and what was approved in April, what went forward with the petition process, it's those boundaries and the folios within those boundaries.

City Attorney Ramos: And to your point, when people vote, no, you can't opt out. You're -- the majority has spoken.

Commissioner Fors: Yeah, yeah, yeah. I know you can't in the way that we do it, but can a mechanism be created for opt out? Because I mean, my -- perhaps I'm oversimplifying it, but my

first thought is, you know, if a condominium doesn't want to be in the BID, they should opt out of it, continue with the BID without them.

Assistant City Attorney Throckmorton: So, that would require changing the boundaries of the district. So, if you think of it like a district as a whole, it's the district that votes and it's a majority of that district. Changing the boundaries of the district is certainly something that can be done. I don't know that that can be done after an election or once the BID is created, the district itself is created, opting out individual members as it were.

City Attorney Ramos: I also want to address -- they said the City Attorney's Office was asked to come back with many options and only one option was presented. We looked at many options.

Assistant City Attorney Throckmorton: Yes.

City Attorney Ramos: And initially, we were even going to present a few more options, and then we stepped away from them because we found that there were different issues in state law that didn't allow that. So, it doesn't mean there aren't others. We just haven't thought of them yet, so we presented you with what we believe is the best practice based on what we found thus far.

Commissioner Fors: And that option -- just to be clear -- is one vote per folio?

Assistant City Attorney Throckmorton: Yes. And so that does, as was presented to you, give 174, I believe, additional votes than what is contemplated now, and that would be to the individual unit owners, as I believe the BID attorney presented. It's not 174 individuals. It's, you know -- some owners own multiple units, et cetera, but it is an -- it would be an, I believe, an additional 174 or 172 ballots or petitions, which currently it's 178.

Commissioner Fors: And we didn't do anything -- we're not -- we haven't discussed any alternative in terms of who gets -- on whose bill the assessment ends up?

Assistant City Attorney Throckmorton: We've looked at...

Commissioner Fors: Condo versus individual.

Assistant City Attorney Throckmorton: We've looked at that. There are condo law considerations about assessing the condominium association itself rather than the individual units, which is how it's done now. There are issues, as you heard, about assessing it versus -- on square footage and giving votes like that. We've looked at a lot of different methods, and assessing the individual folios is what seems to be best practice and make the most sense, sending the assessments to the individual folios rather than the association. There's issues with doing that.

Mayor Lago: Okay, Commissioner.

Commissioner Menendez: A few thoughts. First, off topic, just because I hear the comment repeated on a lot of issues that come before the City, so just a generic comment. I guess public comment etiquette 101, when you're bring -- talking about an important issue that's a heated issue, to say to the elected officials, "Well, we voted for you. We expect you to do this." You have to understand that on the other side of the room, there are people that voted for us that expect us to do that. So, there's always going to be one side or the other. We're not going to appeal to everyone or appease everyone's demands because the room could be split. And even if it's 80/20, there's still 20 percent that we have to listen. At the end of the day, we do our best. We do what's fair, but that comment, I hear it -- and a lot of times, and quite honestly, it's irritating because we're here to do our best and we do listen. So, just -- that's just something I needed to throw out there. This, I remember initially, was strictly a matter about notice and receiving the ballot, and it seems to have grown. There's an expression in Spanish. This is *un plato arroz con mango*, which the

translation is, this is a tossed salad. It's all over the place, and it's hard to define what's in it. One thing that caught my attention, it was an eye-opener, I thought -- sir, you did -- I thought you did a very good job in presenting different ways of looking at it. That Publix example to me was an eye-opener. I didn't think about it, but it was an eye-opener. Commissioner Anderson mentioned taking some time to come up with alternatives. I'm open to that suggestion. One suggestion -- and I've been asking about it -- what do other cities do with their BIDs? I found out that some -- I think it's City of Miami, or Wynwood, or I forgot who it was, it's under -- directly under the City, managed by the City, not privately managed. I think every time we take a step forward, we seem to sink a little bit further, and I don't see a clear end in sight despite the great efforts by the Law Department. But we're facing with condo rules, state statute. Every time we move forward, we entangle ourselves further. So, I want to find a solution that's fair, but at the end of the day, we need to make the decision that's the right decision, but unfortunately, I don't see a right decision.

Assistant City Attorney Throckmorton: Thank you...

Commissioner Menendez: At least not currently.

Assistant City Attorney Throckmorton: Thank you, Commissioner. It is certainly a complicated area, and we have spent a lot of time looking at that -- these issues the last few weeks, Just to mention the Wynwood BID and the Coconut Grove BID, they are City boards. They are assessed per folio, but I will note they have a different assessment methodology than our BID does. Our BID is based on a ground floor square footage, essentially the lot coverage. They have much different method -- methodologies and they assess based on different uses, et cetera. So, they are comparable, but also very different in other ways. So...

Mayor Lago: Mr. Vice Mayor, do you have any comments?

Vice Mayor Mena: It's interesting to me that, you know, Coconut Grove and Wynwood use a different, you know, folio based method. As a decision maker, I -- you know, in terms of the process and the legality of the process that was undertaken here, you know, I feel kind of compelled to -- you know, to take advice from our City Attorney and having kind of spoken through it with her. You know, I think, technically speaking, you know, this complied with the current process. I think the real question then is, are people satisfied with the current process? So, you know, I think that should be evaluated. I -- having spoken to the City Attorney, I was kind of of the mind of -- and I think you mentioned earlier because she mentioned it to you as well of the possibility of doing a shorter period of time and then really digging in and evaluating this whole thing thoroughly.

Mr. Martos: Yes.

Vice Mayor Mena: But you know, I'm not of the mind that, frankly, anything should take more than a year as it relates to...

Mr. Martos: That's...

Vice Mayor Mena: You know, I...

Mr. Martos: I think...

Vice Mayor Mena: I think that's...

Mr. Martos: We can read a room, and we...

Vice Mayor Mena: Yeah.

Mr. Martos: We'll make it work. We will make it work, but the -- our goal is to make sure that we can operate. And as Nick pointed out, it creates a shadow over our ability to fundraise and operate if we are missing our fiscal year and we're not having revenues coming in.

Vice Mayor Mena: I -- and I could appreciate that.

Mr. Martos: Yeah.

Vice Mayor Mena: And so...

Mr. Martos: Yeah.

Vice Mayor Mena: But you know, but I do think there are some real things that need to be discussed here because I do think, based on some of the comments, that there is a bit of a...

Mr. Martos: We agree.

Vice Mayor Mena: Sort of a fairness issue underlying some of this process, and I think that we should evaluate that and take action. We just -- we shouldn't do it in a rushed fashion.

Mr. Martos: We agree.

Vice Mayor Mena: And so, you know, that -- right now, my mindset is -- and I don't like to use the word "extend," but basically approve it for a year with an understanding that we would reevaluate things during that year. And I won't be here for the entirety of that year, but as long as I am, the things that I would be focused on are the -- again, why we don't use a folio method as compared to sort of neighboring BIDs...

Mr. Martos: Okay.

Vice Mayor Mena: And I would add successful and effective neighboring BIDs. These aren't like, you know -- I think they're quality...

Mr. Martos: Yes.

Vice Mayor Mena: Destinations in South Florida that do a good job. It's not, you know, like just anybody. So, yeah, I think they're good comparables to kind of look at and understand why do we do things differently...

Mr. Martos: Right.

Vice Mayor Mena: And make sure that this Commission has the proper, you know, oversight over things so that we avoid these issues going forward. You know, the other distinction being the -- you know, our BID operates as this independent 501(c)(3) as opposed to a City board, what the implications of that are, et cetera. You know, let's look at those issues, and let's make a decision. So, that's relying on the legal opinion from our City Attorney about the actual process that was undertaken here, but also understanding that I think there's still some underlying fairness issues, that would be my gut as to how to approach the situation in a, you know, thoughtful and kind of methodical way, but in an expedient way because...

Mr. Martos: Yes.

Vice Mayor Mena: To your point, a year is a year, but it's also -- you know, we'd have to get moving sooner than later on all of that process...

Mr. Martos: Agreed.

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Vice Mayor Mena: And we'd have to figure out if there needs to be a consultant, you know, who's paying for the consultant, all those kinds of things, but that would be my general thought.

Mayor Lago: Perfect. Commissioner, anything else?

Commissioner Fors: No, no, just, you know, the condo issues that prevent the approach that a condo gets built, condo common areas are subject to levy, individual owners aren't subject to levy within their own units is really my big hang up.

Mr. Martos: I'll research that further.

Commissioner Fors: Yeah, and I'm conflicted as well. I think the fairness issues are valid, and that - what I just mentioned speaks directly to those fairness issues. And at the same time, you know, I appreciate the work that the BID does, and I want to be very careful about doing something that signs their death sentence unless fairness overrides that. So, I'm pretty conflicted on it and think we need to do it very carefully but...

Mayor Lago: Thank you. Commissioner, do you have anything before I say something? I think that we have another comment that you'd like to say. Would you like to come up?

Commissioner Anderson: No, you go ahead.

Mayor Lago: Please be brief.

Ms. Sibila: Thank you for your indulgence. I was just wondering what is the legal grounds for an extension to be given by this Commission for one year when the original petition that derives the life of the current BID only had a five-year. This Commission debated whether or not they wanted

to grant more than five years back then, and the answer from this Commission and the folks that were sitting here representing the Commission was no, five years was the maximum. So, I'd like to understand where that legal authority...

Vice Mayor Mena: Can I ask --? So, I just want to make...

Ms. Sibila: To extend it please.

Vice Mayor Mena: No, I want to understand -- because you're saying more than five, but I'm saying -- we're saying less than five.

Ms. Sibila: Well, right now...

Vice Mayor Mena: So, I'm not following...

Ms. Sibila: If you all are contemplating extending what for one year? The current BID that sunsets September 30th, or are you looking to validate a process that was cancelled that excluded half of the tax-paying citizens on it?

Mayor Lago: Let our attorney explain this really quick.

Ms. Sibila: Thank you.

Mayor Lago: Just so you can provide a little clarity.

Assistant City Attorney Throckmorton: It was my understanding that what is being suggested and what the BID suggested and is being discussed is finalizing the process of the petition process that began in June, but rather than for a five-year period, which was approved by the petitions, shrink

that to one year. So, it would -- the current five-year period would still end, and there would be an additional new one-year period of the BID is my understanding.

Mr. Holmes: But that violates (INAUDIBLE)...

Vice Mayor Mena: Whoa, whoa, whoa, whoa, whoa. Hold on.

Commissioner Anderson: Wait, wait, wait.

Mayor Lago: I give everybody...

Vice Mayor Mena: Everybody had a chance to speak.

Mayor Lago: Everybody has...

Vice Mayor Mena: There's no need to...

Mayor Lago: A chance to speak.

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Mena: Because we -- because the Mayor allowed him to. If you would like to come up and say something, just like Ms. Sibila, you're welcome to. But just, you know, ask and we'll do it.

Mayor Lago: We just got to maintain decorum, you know. Just like you can't come up here and make accusations, you got to maintain decorum, and that's what sets us apart from other cities.

So, if you'd like to say something, let us -- let me just finish with the attorney, and then I'll bring you up to say something, okay?

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: No, not at all. Please, my pleasure.

Assistant City Attorney Throckmorton: And Ms. Sibila is correct. We would not be extending the current BID period. That was only voted for for a five-year period. This would be -- it's my understanding -- sort of reconsidering or reamending your previous resolution to finalize the petition process that was opened in June, but rather than going forward with the five-year assessment period, just a one-year assessment period is my understanding.

Mayor Lago: So, let me tell you -- let me tell you -- because Ms. Sibila brought up a very good point. The only reason why I vote in favor of this is because our hands are kind of tied right now, and it's not achieving what I want. What I want is for every folio to have a vote. And my City Attorney has not provided me with the road map to be able to achieve that today because she's still in the process of getting further information. They're still looking at potentially seeing what other BIDs are doing, and obviously, I understand that we want to see how we can continue with the BID in one form or another. But to me, if I'm still on this Commission, depending on what happens on April, my election, I'm going to vote no again. And I will vote no because if we haven't been able to find a route to provide every folio number with a vote, I'll vote no. So, my point is that I'm doing -- if my colleagues want to continue and allow for one year just to kind of get through this and move forward and allow the BID to continue its work, which goes in line with the City -- don't forget the City helps out the BID in a lot of their efforts, and the BID helps the City. We work together on this, but this is an issue of fairness. This is an issue of taxation without representation. Yes, it is. Yes, it is.

City Attorney Ramos: Mayor, I just want to clarify. You -- the resolution as written today does give that option of one folio, one vote. It just may precipitate an unintended consequence without the benefit of the time to look carefully at...

Mayor Lago: Yes.

City Attorney Ramos: What could happen.

Mayor Lago: And that's what I'm fine with.

Mr. Martos: Yes.

Mayor Lago: So...

Commissioner Anderson: So...

Mr. Holmes: You said you would allow me to speak.

Mayor Lago: Of course, please.

Mr. Holmes: I really don't know why he's allowed to keep interjecting here. He's not being subjected to time limits. He's only giving one side of the issue. I submit to you that when you voted on June 28, it was because you felt -- and Ms. Sibila has proven that it was an illegal election. The state statute -- I've finally studied this law. I have a law degree from the University of Florida. I have various legal accomplishments. I won a multi-state probate proceeding, more or less pro se. The state law is very clear. It's -- this -- I said this fellow is not telling you the truth. One of the things he said is that State Statute 170 doesn't apply. Well, in the Florida Attorney General's opinion, the state -- the City said, "Yes, it does apply." Okay, so why is he telling you something

that's not true? And what is acknowledged in that Florida Attorney General's opinion is that an absolute majority of the affected property owners has to vote yes. It's a self-taxing district. People are voting to tax themselves, so you require an absolute majority. That election was not done that way. They're taxing, by my count, 167 business condos without giving them notice or the right to vote, so it was an illegal election. This idea that you want to ratify something which violates state law for one year, I mean, you know, you all do what you want to do, but as far as I'm concerned, you're saying, "Yes, we ratify an illegal election that tax people without representation, that violates Florida Statute 170."

Mayor Lago: Thank you very much, my friend. I appreciate that.

Commissioner Anderson: Okay. I had...

Mayor Lago: Thank you.

Commissioner Anderson: Just a couple comments before we take a vote on this. You've had five years prior to the current petitioning process for some of these issues to have been flushed out. And right now, my vote for it is going to be for the one-year extension, but it won't be next time, if we don't get these issues resolved. I don't want to sink the ship that has done so much good for our downtown district, and that's why for now my vote is yes. But you need to get it together, and you need to get it resolved, and you need to have whether it's a fractional voting system or whatever it is that is the fairest way so everybody has a voice, so everybody has a vote on this during this workshop period and invite all the stakeholders in for their comments so that we have a fair process. It needs to be done, or the next time, it'll be no.

Mayor Lago: Thank you. Commissioner.

Commissioner Menendez: So, after listening to all the comments, listening to the -- my colleagues, listening to myself, I have a legal question, so take your time to answer. So, if the Commission wants to do that one-year period to find as close to a perfect solution as possible, how do we go about it? Do we have the authority as a Commission to grant one year? Is it something where we have the authority to rescind the decision we made prior? How do we get there, if that's what the Commission -- where it wants to go?

Assistant City Attorney Throckmorton: It would sound to me that what you would need to do would be to amend your previous resolution to allow the petition process in June to be finalized. I would suggest that any ballots that were received or petitions that were received by either the City or the BID between the end of the petition process and your meeting June 28th could be counted, that to the extent that the City Clerk certifies that those petitions meet the 50 percent threshold and certifies that the Chapter 170 requirement has been met, that come back to you all. And then the regular process proceed, which is two public hearings on the assessment, and the assessment invoices be mailed out, but that your final action would be to create the BID for a 12-month period from today or from when the results are certified.

Vice Mayor Mena: Can I ask that you or the City Attorney address the -- because again, I have to rely on your expertise on some of these things. And while I'm an attorney, I don't practice in this area. So, your position on why the process that was undertaken technically at least complies with the applicable laws.

Assistant City Attorney Throckmorton: Chapter 170 requires all affected property owners, 50 percent plus one majority of the affected property owners. As you all know, condominium associations are sort of an en -- they're not a separate entity. They represent the condominium owners, and we believe that the condominium association vote is the vote of the representative owners. Now, as you said, there may be fairness issues or it might not be the practice you want to do going forward, but that through the condominium associations, the individual units are able to

vote as a property. Just as we mentioned, a 20,000 square foot property gets the same vote as the 2,000 square foot property, and it's one vote per property owner, and the condo association represents the ownership of the whole building through their condo association procedures.

City Attorney Ramos: And it's the method that we have historically used.

Assistant City Attorney Throckmorton: Yeah.

City Attorney Ramos: Doesn't mean there's not a better method, but it's...

Vice Mayor Mena: Right.

City Attorney Ramos: A legal method.

Vice Mayor Mena: Right.

Mayor Lago: How was this handled --? How was this...?

Vice Mayor Mena: Mr. Holmes, can you please have a seat, please?

Mayor Lago: Can you have a seat, sir, please?

Vice Mayor Mena: Please.

Mayor Lago: Do you mind sitting down, sir, please? Thank you. Before the BID, how was this handled?

City Attorney Ramos: There was no BID.

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Assistant City Attorney Throckmorton: There...

Mayor Lago: There was no party. There was no -- nothing that was going on. This was just empty.

Assistant City Attorney Throckmorton: Oh, you mean event wise or...

Mayor Lago: Yes.

Assistant City Attorney Throckmorton: Promotion wise?

Mayor Lago: All that kind of stuff.

City Attorney Ramos: Fifteen years ago, I don't know.

Assistant City Attorney Throckmorton: Twenty-five years ago was when the BID was established. I'm not sure if some functions that the City used to do were taken over by the BID or the Chamber. That's not...

City Attorney Ramos: We may not have had them. I don't...

Assistant City Attorney Throckmorton: Yeah.

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: What is that? Can you tell me a little bit about that? Mr. Trowbridge.

(COMMENTS MADE OFF THE RECORD)

Mr. Trowbridge: Yeah, there was a Miracle Mile Merchants Association that went back even to the '50s. You had people like Albert Freedman and others who -- kind of loosely knit together. They did not obviously have the, you know, structure in place and the ability to do the big things that I think the BID came together to do and still does to this day but...

Mayor Lago: It was similar to a chamber.

Mr. Trowbridge: It was a subset of that. You know, some of them were members of the Chamber, like Carol's Jewelers, and many of those that are no longer on the Mile. But just like you have in Red Sunset, they have a merchants association, not a BID, the same thing in Coconut Grove when they were a BIC before they were a BID.

Unidentified Speaker: Right.

Mr. Trowbridge: So, when I worked for the City of Miami, we were really in effect helping them with their merchants association, but it's at least a forum to bring people together and have a conversation. And I think, you know, 25 years ago, the Chamber, working with Judy and Diane and Jeannie began that process, and they were -- you know, any opportunity to bring people together to talk about this path forward, and then people put their arms around it and have reelected and reelected and reelected it because of their faith.

Mayor Lago: So, maybe -- you know, again, thank you, Mr. Trowbridge. Maybe not today, but maybe the answer in the near future is maybe the City handles this if we can't come to an agreement, and I'm willing to do that. We've shown this year, through Ortanique, through the Burger Bob's, through the Coral Gables Country Club that we know what we're doing. We can handle things, and we can do things from in-house. The Manager has an exceptional team, and we

can continue to push forward and provide a great transparent product. And I have no fear in that. I'm not afraid of the private sector. So, moving on, I think we've had multiple rounds of discussion. Do you have something you want to say because you're standing up there? Because I need -- I've got to close this up. We've heard from enough people.

Ms. Sibila: Sure. I -- one last thing that I wanted to mention was that there's this eye-opening statistic that each of you Commissioners keep referring to as to how many votes we would have. I need to clarify because right now what -- the disconnect is also we have parcels that are 137,000 square feet that only get one vote, where there's owners that have a parcel that's 2,300 square feet, but is an individual folio, and they get one vote. So, please don't be swayed by that. And also, how can we go forward with that lack of notice? I think you're making a substantial error that's a flawed error in allowing that vote to count when this Commission's already been on notice that the tax assessed parcels were not given a notice and an opportunity to vote. This BID was operating for the last five years. I raised this issue about there being a tax assessment bill that goes to my property over two years ago, so this was not a new issue that they just heard about. This is an issue that I brought up for years and they chose to do nothing about it.

Mayor Lago: So, let me ask the City Attorney on that front. Ms. Sibila is making a statement in regards to notice.

City Attorney Ramos: The notice argument is the petition and the assessment argument. It's the same thing we're saying. Could there be a better method? Of course. But we believe that the method is legally defensible and the one that's been in place for the last 25 years.

Ms. Sibila: The issue is that the state law says affected property owner, and then -- in Chapter 170. And Chapter 718 says very specifically that a special assessment district cannot lien or charge the condominium property, so that notice is not a notice to the affected property owner if you don't

even have the right to tax that owner. So, we're playing semantics here, but again, it looks like the only outcome that we're pushing for is an illegal election being counted, which...

Vice Mayor Mena: I don't...

Ms. Sibila: Is not the outcome that this Commission...

Vice Mayor Mena: I don't under...

Mayor Lago: So...

Ms. Sibila: Should be...

Vice Mayor Mena: I don't agree with you on that. I think we're -- look, the goal is to come up with a system that -- going forward that addresses some of the concerns you're talking about.

Mayor Lago: Yeah.

Vice Mayor Mena: And you know, again, I understand you disagree with the legal opinion. I think it's a nuanced argument, you know, but the opinion is what it is on the notice issue. And again, the goal is to take a reasonable approach to addressing this issue so that going forward it's a better process that everybody's satisfied with.

Mayor Lago: So...

Ms. Sibila: Back when this was changed...

Mayor Lago: In closing. Let's...

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Ms. Sibila: Sure.

Mayor Lago: Because we've had this back and forth discussion. This doesn't happen in any other City, and we need to bring it to a landing. So, tell me 15 seconds, and I'm inviting Aura to stand up here, please, and give the necessary time so she can rebuttal if she has anything she'd like to say.

Ms. Sibila: I'd like to invite this Commission to have the Attorney General opine as to who an affected property owner is and whether or not that is a condominium association so that we could put this issue to rest. There's no real reason for us to go back and continue to debate. If it's illegal, it's illegal. And if they didn't do the right petition process, then we shouldn't be giving them another year to continue.

Mayor Lago: Madam City Attorney, moving forward, could that be an option?

City Attorney Ramos: It's an option. I don't know that it's the most advisable option based on our reading of the law but...

Mayor Lago: Again...

City Attorney Ramos: Something we can consider.

Mayor Lago: Okay. Thank you very much.

Ms. Sibila: Thank you.

Mayor Lago: Ms. Reinhardt, would you like to have a few moments to put anything on the record that you'd like? I want to make sure today they say that I'm fair. They say I'm a lot of things, but one thing I am is fair and transparent.

Ms. Reinhardt: Fair. Commissioners, thank you very much. I know it's taken much more time than we thought it would. I appreciate your evaluating very carefully the situation that we're in, and I think what we've come to hear is that there is definitely a will to continue operating so that those organizational activities that we have can be put into play, but more importantly, that you are giving the BID, and the City, and our various partners we want to call into play here the opportunity to look very carefully at what you've all brought up as a concern. I do want to say for the record though that this last election, as agreed by many of you, was legally done, legally undertaken, and was done as we have in 2012 and 2017. So, therefore, we do not feel that there was fault in that election process. We do understand that we have opened up a lot of opportunities to do better, and we certainly feel that we can, and we'd like to work with you on that. The one year, if that's the only option we have, we'll do one year. If it were two, I'd be happier because we all know that the last time we did this, it was two years. And what I can tell you is that the City -- well, you should tell me the City has had such an incredible change in its landscape, the environment's different, the buildings are different, our zoning laws are different. We have a whole new thing to look at. This is not going back to just what we did before. It's what we can do for the future at the City. So, we're happy to -- if we have to take the one year, I understand. I would have preferred a two-year opportunity so that we get it right and we don't make any mistakes. Thank you.

Mayor Lago: Thank you very much. Alright. What is the will of the Commission? Commissioner Menendez.

Commissioner Menendez: Well, I'm -- to wrap things up -- and we can vote it up, vote it down. It's not an issue, but we need to vote on something...

Mayor Lago: Yes.

Commissioner Menendez: Based on all the comments. So, Madam City Attorney, staff -- both city attorneys, assistant, would it be two motions, one motion? What would the wording be to get to that one-year process?

Assistant City Attorney Throckmorton: I believe it would be amending your current -- your past resolution in June to allow the petition process to be completed, i.e., count any ballots that were received by the 30th, to direct the City Clerk to continue with the process of certifying the election, one way or the other. He hasn't certified it yet as he would normally do. Bring it back to you at the next meeting for your final approval, and then the public hearings on the assessment. And as far as the one year, you could state that now that you would want, you know, if approved, that the BID would only be for 12 months after the certification of the results, and we can reiterate that when the results are presented to you.

Commissioner Menendez: So, the one year is when it comes back to us. But right now, it's basically amend...

Assistant City Attorney Throckmorton: Amend the resolution...

Commissioner Menendez: Our prior action?

Assistant City Attorney Throckmorton: To allow the petition process to be completed.

Commissioner Menendez: So, I'll make a motion on what she said.

Mayor Lago: Okay. Do we have a second?

Commissioner Anderson: Second.

Mayor Lago: Okay.

Commissioner Anderson: I like that motion. It was...

Commissioner Menendez: Thank you. I practiced.

Mayor Lago: Go ahead.

Commissioner Anderson: Your memory wasn't tested.

Commissioner Menendez: I practiced a lot.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Mayor Lago: No.

(Vote: 4-1)

Mayor Lago: Moving on.

Assistant City Attorney Throckmorton: Thank you all.

Mayor Lago: Thank you.