

City of Coral Gables City Commission Meeting
Agenda Item F-3
June 11, 2024
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago
Vice Mayor Rhonda Anderson
Commissioner Melissa Castro
Commissioner Ariel Fernandez
Commissioner Kirk Menendez

City Staff

City Manager, Amos Rojas, Jr.
City Attorney, Cristina Suárez
City Clerk, Billy Urquia
Asset Manager, Zeida Sardinas
Assistant Finance Director, Paula Rodriguez
Labor Relations and Risk Management Director, Raquel Elejabarrieta

Public Speaker(s)

Barbara Stein
Maria Cruz

Agenda Item F-3 [11:36 a.m.]

A Resolution of the City Commission authorizing a maximum reimbursement amount not to exceed \$41,900.00 for the labor and materials necessary to install a new ADA compliant ramp and railings on the second-floor stage area of the Miracle Theater located at 280 Miracle Mile, Coral Gables, FL 33134 as previously authorized by Resolution No. 2024-96.

(Sponsored by Commissioner Menendez)

(Co-Sponsored by Commissioner Fernandez)

Mayor Lago: Moving on to our F-3. Time certain, 11:30. Seven minutes late.

City Attorney Suárez: F-3 is a resolution of the City Commission authorizing a maximum reimbursement amount not to exceed \$41,900 for the labor and materials necessary to install a new ADA compliant ramp and railings in the second floor stage area of the Miracle Theater located at 280 Miracle Mile, Coral Gables, Florida, 33134, as previously authorized by Resolution No. 2024-96.

Commissioner Menendez: At this time I'd like to welcome Barbara Stein, Executive Producing Director of Actors' Playhouse, to help discuss this issue, this item, so that we can better be informed and make a decision.

Barbara Stein: Well, thank you very much.

Mayor Lago: Good morning.

Ms. Stein: Hello, I'm Barbara Stein, Executive Producing Director of Actors' Playhouse at the Miracle Theater. Thank you for the opportunity to be here today and for proposing the resolution. I'd like to introduce our General Manager of Actors' Playhouse, Brooke Noble, and our Production Manager and Director of the Facility Management at the theater, Carlos Correa, who works very closely with the City on all facility matters over the years. We're grateful for the opportunity to be able to serve the community better with this ramp. Thank you for the opportunity to consider it. We've submitted two additional BINs as requested by the last, by the Commission at the last meeting, and I'm happy to address any questions you may have about this situation.

Vice Mayor Anderson: So, I know I appreciate the time to be able to speak to you yesterday and view the facility and look at the needs and various ways to address stuff. I mean, we also wanted to bring up to the attention of the Manager, too, that we could facilitate the facility better by adding a drop-off area, just moving one of the regular parking spots into two handicapped spots that are in the front, off to the side, and have one central drop-off, because there are people that are dropped off, but people who can walk well into the facility. And I'll do remote parking if I ever can get my husband to come along. But I don't need to occupy a handicapped parking space, but he cannot do the walk to get to the distance. So I appreciate the time being able to walk through the facility...

Ms. Stein: Thank you.

Vice Mayor Anderson: Through the mezzanine area and the needs as well. I did go over with your Facilities Manager a couple of other items that are necessary. I also appreciated your willingness to consider doing a loan and I would like to challenge my colleagues here to raise the

money necessary to pay this off rather than the taxpayer dollars going in that because I've looked at the lease and it does cause some concern that, you know, what we do for one we have to do for another. We have that same issue with whether it's protesters thinking that they are being treated differently and we have that with tenants as well. So I'm willing to go to the challenge. I've talked to other folks that are supporters and were not aware that this need existed and they're willing to donate as well to fill this need. That is an opportune time to be able to make this renovation inside the facility.

Ms. Stein: Thank you, Vice Mayor. I'd like to substantiate your request for the holding zone out in front of the theater. We have many requests from people who have special needs and it is difficult to get in...

Vice Mayor Anderson: Yes.

Ms. Stein: And I appreciate that recommendation.

Vice Mayor Anderson: Thank you.

Mayor Lago: Anything else?

Vice Mayor Anderson: I mean, that's my suggestion on how we handle this matter because we have a fiduciary responsibility over the funds of the City and to maintain the terms of the lease.

Commissioner Menendez: I just want to add that when I was talking to the City Attorney and her team regarding this legislation and this matter, I think it's important and I'm grateful that it was added from the City Attorney's Office that this body has the authority to expend the funds for a valid municipal purpose. And I think helping with provide ADA compliant ramp and railings is a valid municipal purpose. So I just want to make sure that folks understand that in the legislation itself, it does recognize that we have the authority to do so. And I can understand the concerns about, you know, if you do for one, you do for the other. But we've encountered a lot of items and a lot of issues, even with the historic preservation, where we vote in favor of historic preservation for one and not the other. So that's our role. Our role is to go case by case, item by item, and make sometimes the easy decisions, sometimes the more challenging decisions. But I'm not concerned about worrying about others that may have an issue, the museum, for example, or something like that, because quite honestly, that's why we're here, to go on a case-by-case matter. And I honestly believe this is an honest municipal community purpose that we're doing.

Vice Mayor Anderson: I have no doubt that it is an honest municipal purpose, but I will make a motion to convert it to a loan and challenge you to raise a portion of the money. Each one of us, if we raise \$8,000, roughly speaking, we'll be able to fill this need without causing an issue in our city about doing for one and not doing for another because this will come back. This will come

back to address each and every one of us if we treat them differently, if we deviate from the terms of leases on one and not another.

Commissioner Menendez: One of the issues, and Barbara, you may explain that there's a window that you have for -- I'm sorry, through the Mayor.

Mayor Lago: We have a motion. You just made a motion. Is that it, you made a motion?

Vice Mayor Anderson: A motion, yes.

Mayor Lago: Does anybody want to second the motion? I'll second the motion. Mr. Clerk, do we have any public comment before I even move forward?

City Clerk Urquia: Yes, Mr. Mayor. Ms. Maria Cruz.

Maria Cruz: Here we go. We have a request for \$41,900 to provide ADA compliant ramp and railings for people that need that. And we're debating whether we need to fundraise, whether we need to get people to volunteer to donate. But yet I'm sitting here wondering how did we approve the remodeling, repair, refinishing, whatever we call Burger Bob's that is a facility for people to go have lunches, breakfast, maybe dinners that we started with I think half a million dollars or maybe less, and now because we wanted to make it a world-class place, it's up to more than a million dollars, but yet this is a need, and we cannot keep postponing it. This needs to be done. It's our facility. \$41,900 is laughable when we spend money for things that are really not needs, that could have been done for much less. So I am sorry. I support the item as written and I think it's long overdue that we do this.

Vice Mayor Anderson: Okay. So I just want to clarify something. No one is saying it's not going to be approved. It's called a loan and the money would be immediately provided.

City Attorney Suárez: So I think we will need some clarification on that because...

Mayor Lago: Before we move, Madam City Attorney, I think there were some comments that were made. I think they have to be corrected. Number one, when you talk about Burger Bob's, that is a City-controlled asset. There is no tenant in that property. No one is making money on that property. The City, in the long discussion that we had, was the City will control that property and we will run it as -- just like we're doing with the -- with other entities here in the City. And number two, that project was dealt through the budgeting process. We had a budget cycle, we discussed it, we wanted to find out how much money to allocate to that project. We took money from different line items case in point. I think it was correct me if I'm wrong \$500,000 from the land acquisition line item was moved over or it was 250. I'm not sure exactly what it was. I can't remember at this moment, but we were -- we went through a budgeting process. It wasn't brought up to the Commission as an emergency project that needed to be addressed. So those are things

that need to be corrected on the record to ensure that we have the right information. Before we move on -- before we move on to what the City Attorney said and further comment, I just want to make sure we address all public comment as we open public comment. Mr. Clerk, do we have anything else?

City Clerk Urquia: No, Mr. Mayor.

Mayor Lago: I'll close the public comment. Madam City Attorney, I apologize for interrupting you.

City Attorney Suárez: Yes, I think we would need some clarification to the motion because, as you know, the City's not in the business of loaning money and my understanding is, as drafted, the item provided for a reimbursement. So in other words, the project would be completed or as you know, they would make requests for reimbursement based on the work done once the City received certain documentation to the satisfaction of the City and staff. And there would be a reimbursement. So I just would need clarification as what's meant. Do you mean like an upfront funding and then we can incorporate something for that to be repaid? But my understanding is that we would not give them anything up front because they're going to be seeking reimbursement once it's done.

Vice Mayor Anderson: Right. Well, you know, you could probably -- yes, it could be rephrased that, you know, we -- that would be determined to be a loan and with a time period that is appropriate, we can negotiate what that is. In the meantime, you know, there are people willing to donate and I feel strongly that that Actors' Playhouse is a very important piece of our city. But the devil's in the details. I mean, I cannot take a lease that is in writing right now and we have similar terms for other tenants that had to pay for things that are part of the terms of their lease and treat them differently than another tenant, you know, and just, you know, reimburse for things at the last minute here. So that's why I rephrased this, and I think it's the fair way to do it. I do think there is fundraising that can be done for this 501(c)(3). It's a very vibrant facility in our community. I know from the folks that I spoke to that if a call for this particular item had been done for donations, that they would have been willing to open up their pocketbook and pay. So there is no need for it to come from our City coffers when indeed there are people willing to donate the money to do so.

Commissioner Menendez: I have a quick question. Madam City Attorney, last Commission meeting, didn't we vote and already approve the funds?

City Attorney Suárez: So there was an approval to authorize this, but the amount had not been set.

Commissioner Menendez: Okay.

City Attorney Suárez: So this, you know, without a maximum amount, then there's, you know, we need that direction today to have the maximum amount. But last commission meeting there was approval for authorizing the reimbursement, but the maximum amount had not been set. My understanding is that we had set the dollar amount. No, it was subject to the theater providing the -- or the Actors' Playhouse providing the additional quotes and the Commission setting what the amount of the reimbursement would be.

Mayor Lago: So if we may, just we have a...

Commissioner Fernandez: I disagree with you. I think that the motion was, because I believe either I made the motion or you made the motion and I seconded, was to approve no more than \$41,900, but we were asking them to come back with three offers or proposals for the Commission to give the final approval.

City Attorney Suárez: So, I'm happy to go back and review the transcript, but my recollection was that it was not specified that it would be up to that amount, rather come back and then we would have the Commission would set the maximum amount. But I am happy to review the transcript.

Commissioner Menendez: That is not my recollection either.

Mayor Lago: So we have a motion and a second. You want to keep moving forward, Madam Vice Mayor, for a vote?

Vice Mayor Anderson: Yeah, we might as well get the vote done and we'll...

Commissioner Fernandez: To your motion, appreciate the creativity, but the prior commission went down that road once with Burger Bob's. The Mayor agreed that his company would find a way to get it done cheaper. Burger Bob's never got done. So we cannot task individual members of the commission with trying to raise money for the project when this is an ADA issue, which the City ultimately could be liable for an ADA lawsuit on any issues at the theater because it is our property. In my opinion, we are putting money into a City asset to improve that City asset, whether it is for Actors' Playhouse who's running it or, you know, the Miami Philharmonic Band that comes in the future. This is something that will be a long-term investment on our asset as a City to ensure there are no ADA issues. And last time we heard about how there's a lift and the lift is perfect. The lift is not. It's far from perfect. In fact, there was a gentleman who was on the lift while I was there and he was on a walker and it was difficult for him to get the walker turned with enough space to get to the second floor landing. There is definitely no space for an electric wheelchair. If somebody is coming in an electric wheelchair, they're going to have to get off and be walked to their seats. That's an ADA issue and there is no ramp.

Vice Mayor Anderson: So if I may respond.

Mayor Lago: Vice Mayor, if I just -- can I just add something, please? Mr. Clerk, will you do me a favor, please?

City Clerk Urquia: Yes, sir.

Mayor Lago: It does not have to be for today. For the next Commission meeting, will you provide me with a transcript in regards to my comments in regards to Burger Bob's? There is a litany of things that happened in Burger Bob's that resulted -- and also, please put together a memo. You can have staff through the Manager put something simple together explaining what happened when we started the demolition process and how Zeida can remind everyone here that once we commenced the demolition process and we exposed the interior guts of the project, we found massive, massive structural issues that you could not see unless you are Clark Kent and you have, you know, x-ray vision. And I think it resulted in hundreds of thousands of dollars of additional costs that nobody could have foreseen unless they were able to see. If you could do me a favor, I would love to have that additional information provided, circulated to the commission so that we can make sure that we're speaking correctly on those matters.

Commissioner Fernandez: Mr. Manager, I don't need you to spend staff time preparing that information.

Vice Mayor Anderson: Okay, so I will...

Mayor Lago: But just wait...

Commissioner Fernandez: But I mean, I'm making a comment.

Mayor Lago: But I'm not even finished.

Commissioner Fernandez: You were finished with your comment. So...

Vice Mayor Anderson: I will respond.

Commissioner Fernandez: The comment about Burger Bob's that you made was that the price that was being pitched by staff, you had two members of staff in front of you, was way too high and was above the market. So your company was going to take care of it. Now you're saying that there was issues with the demolition, X, Y, or Z. That's not the question at hand here. There was a commitment from a member of this commission to their former colleagues that they were going to take care of the renovation of Burger Bob's and that never happened.

Mayor Lago: May I respond?

Commissioner Fernandez: Yes.

Mayor Lago: I just want to make sure you're done. Okay, first off, it is illegal and against the Charter as the City Attorney will tell you for my company to do anything here in the City in regards to public dollars. So there's no way I would have said that on the record. I don't have a contract with the City. I've never done anything with the City when it talks about public dollars. So that's not possible. So, Mr. Clerk, number one. Number two, the issue with -- I'm not blaming it on the demolition. What I'm stating is very clearly that once you opened up the walls of the building and you had to, through the demolition process, you encountered, this is why the previous city manager brought back to the Commission all the things that were found in regards to structural integrity in the building and that was brought forward. So what I'm asking the Clerk, you don't want to go through the Manager, don't go through the Manager. That's fine. I can request from the Manager that this get addressed. I would like for the Clerk to find the information, the transcript, and I would ask for the Manager to do his staff to provide a simple memo. It takes half a page, one page to address the comments that I made on the Commission that my company was supposedly going to take care of this. That doesn't work that way. So, just -- we can get to the bottom of it. It's very simple. It's not a big issue. But at the end of the day, Burger Bob's is going to be completed. I also in the budgeting process moved from something that is very near and dear to my heart, \$250,000, \$500,000, I can't remember the exact number, from land acquisition into Burger Bob's to ensure that we could make up the delta. So -- and I wasn't done in regards to my points, but I'm going to reserve my comments in regards to my opinion on -- in regards to this for after we take this vote because obviously we don't have the votes. I had the pleasure of sitting down with this nice lady yesterday for about 45 minutes and with staff and we had a very good conversation, a very candid conversation. So if you would like to have a vote or Madam Vice Mayor, I'm more than willing to...

Vice Mayor Anderson: I do need to respond. Commissioner Fernandez, I'm certainly glad that we have other tenants in the audience here. I'm certain that they're very glad to hear your comments about the City's willingness to pay for ADA remediation despite the fact that the terms of their lease require them to take care of these obligations. There may be very good reasons to modify terms of leases and that's the way if they're going to have items such as this, they should be negotiated as a modification of the lease. I am fully aware about Title II and Title III causes of action under the ADA because I have brought them against the State of Florida and I have brought them against the vendors that rent the facilities within public parks and other facilities that are owned by municipalities and or the State itself. Okay, that being said, we have a lease, okay, and the lease requires us to comply with its terms for the good of our residents, for the good and the transparency of our residents. There are other ways to get things done other than having a reimbursement on an item based upon a bid. As, you know, I shared with many people, I didn't realize I had gold in my garage in a way of four sheets of plywood because the way these bids were coming in, I mean, it went from absurd to ridiculous in the way of the pricing on it. So, with that being said, happy to approve this as being a loan facility. And we can get the supporters, reach out to supporters to help reimburse instead of them having to pay back the loan itself. And we can

work out reasonable terms. But for the good of our residents, we should not be deviating from the terms of our lease that our City Attorney's Office works hard to negotiate in order to preserve the assets of our city. Because it's not just this tenant we're talking about, it's every single tenant in our city that we rent to. We've been criticized in the past for mismanaging facilities in the City, okay, because we do not stick to the terms of lease or we do not enforce the terms of the lease. It's time that we utilize the proper procedures and don't deviate for one and now we're going to have to deviate for the rest. That's why I made the motion.

Commissioner Castro: I have a question. Do we still have any doubts or questioning regarding the pricing? I know that was one of the concerns during a previous Commission meeting.

Mayor Lago: Do you want me to respond? You want to respond, Vice Mayor?

Commissioner Castro: Anybody.

Mayor Lago: You can respond. You do construction more.

Mayor Lago: I do. At the end of the day, I have doubts. I have doubts. I haven't been afforded the actual pricing. I want to take a look at it. I haven't looked at the unit quantity. There's a lot of things that I don't think -- I just find it impossible to believe that that price is that much. Also, you're talking about a ramp. You're talking about an existing building that is ADA compliant. It's not out of ADA compliance. You're in compliance right now. So, I don't want to rush into anything. At the end of the day, I have a lot of questions. I don't know if anybody -- have you read the contract? The contract for...

Commissioner Castro: There was -- there was...

Mayor Lago: Did you read the contract?

Commissioner Castro: The actual contract?

Mayor Lago: Yeah.

Commissioner Castro: There was a proposal -- there was also (INAUDIBLE)...

Mayor Lago: But did you read the contract between the City and...?

Commissioner Castro: No, I haven't.

Mayor Lago: Okay. Did you also read the ADA report that was given to the City -- that was done by the City on July 2019? Do you know if the Miracle Theater is in the report?

Commissioner Castro: Where are these questions referred to?

Mayor Lago: No, I'm asking because these are all important...

Commissioner Castro: (INAUDIBLE).

Mayor Lago: Because they're not -- I'm just speaking onto the record.

Commissioner Castro: Okay.

Mayor Lago: I think it's important. These are things that a lot of the residents and business owners don't know because they don't have access to these documents. I didn't have access to this document, the ADA, I had to request it. For example, the Miracle Theater was not included in the ADA review. I reviewed this entire document and if you look at it here, all the facilities that were reviewed by this ADA consultant, they're right here. So to me, I think there's a lot of unanswered questions. I think that I don't want to get into that fact until we either go up or down on this front, because I want to ask Zeida a few questions on the record in regards to the consultant, and I want to understand a little bit about moving forward, what we can do to avoid these type of scenarios.

Ms. Stein: Mr. Mayor, am I allowed to speak at this point, or are you in the middle of a vote?

Mayor Lago: You know, we do things a little bit differently here, but out of respect for you, you can always speak.

Ms. Stein: Thank you very much. First of all, I appreciate all the comments from everybody and the ideas. They're very creative. But I must tell you that our lease, I must remind everybody that 28 years ago, we created a partnership with the City of Coral Gables. The City officials at that time took a big risk not knowing basically much about our organization except for the reputation we've established, which is quality, integrity, and follow-through of the seven years of our existence as a professional organization at that time. We filled a need in the City when the City's downtown was dying, and we filled a need by creating foot traffic, by building the theater into a three-stage performing arts center over seven years in a \$10 million project, which Actors' Playhouse funded and implemented over that time. Many of you may be residents of the City but may not have known what an amazing private-public partnership that was to achieve that, and we were very honored and pleased to have this relationship with you. So, 28 years ago when this contract was made, it was very important for the City to cover every aspect of the integrity of our organization, following through with projects. And of course, ADA compliance was part of it. And over the years, we've continually rebuilt and redone and upgraded our equipment. Even during COVID, we raised funds and grants to replace all the toilets, the touch toilets and the sinks throughout the whole building and the backstage with the dressing rooms and everything. We are constantly upgrading our hearing impaired equipment and we're now redoing our website to be ADA compliant. This particular situation has been under our radar for the last year. In fact, in

1998, when we did the second phase of the building, which was the second floor and the balcony, we explored the option to put a ramp. And we chose to do a lift because the space is very small, and we wanted to have an ambient lobbying experience up there. It was a great opportunity at that time. Now our audience is aging out, and we have people coming in with walkers, a lot of walkers and matinees. It's very difficult to get them up a squeaky lift. We have young people coming with special needs that can't absolutely get into the lift. That is a problem, and other individuals and adults as well. I remember at the last commission meeting, Vice Mayor, you made a very good point about we should have a ramp to go up the steps. Well, we do, actually, but in order to get up the steps with a small space, we have to put an individual in a wheelchair inside the elevator, hold the elevator door open so the incline can ramp them up the lift, and that won't even cover handling the major heavy equipment of the large equipment. We have a window of time right now, which is very unusual for the organization. As you know, we're 24-7 with our own productions and rentals to groups and our camps. And this is a unique time when the City, and we're grateful for it, is installing an HVAC system. So our theater organization has been asked to close down for four months. That's actually a very costly proposition for us. We gratefully are glad to get the air conditioner fixed, and we've accepted that, and we're at risk of losing hundreds of thousands of dollars. I won't go that far. About \$150,000 of guaranteed income at the time frame we're closing down. But that makes the timeliness of this very critical, because there's no other time we're going to be closed down to build this ramp. It isn't just a ramp, and it's just not a little bit of plywood. There's very little plywood in it, because I've checked with our contractors. And we have three bids. Two of them are very comparable. The cost of the railings alone in today's market is almost \$12,000, just for the railings alone. You have demolition, you have building, you have all kinds of aspects of what you have to do, drywall, painting, that the costs have been comparable except for one bid, which was very high. So you see that the cost is not out of line for the work. We really investigated that, and I might tell you it was very difficult to get extra bids because a lot of people did not want to get involved with bidding because they do work with the City fairly enough. We understood that. So we're happy that we were able to show the comparison of a price being equal so that you didn't think it was too high. We're very good negotiators with the City. We're also very good at getting in kind. And we've tried in many ways to see where support could come from, but the timeliness of this is critical of what's going to get done. And one more thing I'd like to add, going over this process for the last year, we've also investigated the fact of a larger lift, which we didn't bring up before, but I'd like to bring to your attention that the larger lift would cost the same amount of money with construction and the cost of the lift as it would to build a ramp that allows more comfort to people disabled, more independence and more opportunity to make people feel more dignified coming into the theater without having to go up a squeaky ramp of a lift. The larger lift couldn't be put in front-wise. People would have to squeeze in on the side and the cost of it would equal the same. The lift alone would be over \$20,000 for the larger lift. So we've been putting a lot of time into this and we brought it to your attention now because of the income that we could use as support with from the City and your building and the fact that it will make a big difference in the attitude of people coming to the theater and there are people who have not come for a long time because they're not comfortable. I cannot get to the balcony theater. We do at least two productions a year in the main

stage in the upstairs balcony theater. So I can answer any more questions you'd like about the work and research our team has done on this, but the energy has been magnificent and a lot, and we appreciate the opportunity to be able to serve the community at the highest level.

Mayor Lago: Thank you very much.

Ms. Cruz: May I? (INAUDIBLE).

City Attorney Suárez: I'm sorry, what were you looking at? What were you referring to?

Ms. Cruz: If you look at the (INAUDIBLE)...

City Clerk Urquia: She's looking at the verbatim transcript from the last commission meeting.

Commissioner Castro: The transcript. So the transcript...

Ms. Cruz: (INAUDIBLE).

Mayor Lago: But why don't we...

Ms. Cruz: Up to (INAUDIBLE).

Mayor Lago: Why don't we try to adhere if possible so that we can get everything on the record and not have conversations from the back of the room. Let's -- it's already out there, so let us address the issue, Madam City Attorney.

City Attorney Suárez: So yes, the transcript mentioned when we were getting to the motion, I believe it was Commissioner Fernandez's amendment. My amendment would be for the three options, offers to come back. Menendez said -- Commissioner Menendez said I'm fine with that and then later on, we said we have a motion in a second. Commissioner Menendez said let's vote. And then I said, I'm sorry, so you said have it come back because I heard that, but I don't know if that was part of the motion. Mayor Lago says it's to approve moving forward with the lowest vote and they're going to get two additional prices. And I said just to approve, but and then Commissioner Fernandez said bring it back to the Commission. So once they have the lowest and the amount will be approved. So in other words, the way I interpreted that was it has to come back to Commission to approve the amount you're all going to ultimately approve. Otherwise, if it was just get two additional quotes and go with the lowest and staff could have done that without coming back. But it's up to you all today. You can decide how you want to move forward.

Mayor Lago: That's what I was going to try to say for the sponsor of the item. I think we're getting caught on minutia. At the end of the day, it's going to be approved or disapproved. If the votes are there, it's going to get approved. I don't think it's something that we should be debating

back and forth whether it's an issue or not. I don't see it that way. If it's on the minutes, it's on the minutes. So do we have the minutes? Do we have the minutes? Like the actual transcript?

City Attorney Suárez: That was the transcript I was reading.

Mayor Lago: That's -- okay.

Commissioner Menendez: So basically my...

City Attorney Suárez: I was skipping through.

Commissioner Menendez: My motion that had the forty-one nine was amended only one way, which was Commissioner Fernandez says bring back three quotes. So that portion of forty-one nine was not touched. So it remains in the legislation.

City Attorney Suárez: It's up to the Commission how you want to move forward, what you'd like to do.

Commissioner Menendez: That's not my question.

City Attorney Suárez: Right. So the...

Commissioner Menendez: What did we approve? I just want clarification because there are folks that are here and folks that are watching via TV and cable. What we approved was the original legislation as written, as submitted, which was up to forty-one nine, and the only change once we voted, before we voted, was Commissioner Fernandez saying, I'd like to see three quotes, because at no point did I change the language on forty-one nine. Now others can comment about it, but it was my motion and I was the sponsor.

Mayor Lago: May I ask...

Commissioner Fernandez: I seconded.

Mayor Lago: I just -- may I ask a quick question to the sponsor? Madam City Attorney, you said that you have a difference of opinion. Do you stick with that or are we moving forward?

City Attorney Suárez: Right so...

Mayor Lago: Just give me one second. Do you stick with that difference of opinion or are you moving forward with Commissioner Menendez's recollection?

City Attorney Suárez: So there was a change to the resolution as drafted, as presented. There was a change here that was done via amendment. Once that happens, it's my office's responsibility to draft a resolution and the resolution that -- as I revised it was so that the proposals would come back. The purpose of coming back to Commission is to set the amount because for some reason or another, the Commission may have decided to go with a different amount even because -- you know, sometimes proposals are not exactly apples and oranges. And so there was -- and there was multiple times where Commissioner Fernandez said to bring it back for the offers to come back. And so the resolution that I approved was so that there was subject to the Actors' Playhouse obtaining two additional quotes and coming back to Commission for the Commission to set the maximum amount. And so that's why we're here today and that was the resolution that was approved.

Commissioner Fernandez: And no, that wasn't the intent of what I said. In fact, Commissioner Menendez is correct. We voted on the forty-one nine. The only reason I wanted those three coming back was so that if there was a change in the number, then we would change it. But Vice Mayor Anderson and Mayor Lago had said that they thought the cost was too high. So I wanted to make sure that on the record we got those three proposals and they were part of the public record. In my opinion, we voted on this last time. It was approved. Unless there was a change in the proposals that were proposed, there's no reason for this item to be coming back for a second vote.

City Attorney Suárez: Well, it said bring it back to the Commission.

Commissioner Fernandez: As a presentation.

Mayor Lago: That's -- I mean, again...

Commissioner Fernandez: Unless there was a change in the actual dollar figure, the intent of my second to his motion was to approve the forty-one nine as it was.

City Attorney Suárez: So I think we can have that clarification done here. That certainly something that we can be done today. Sorry about that.

Mayor Lago: Okay, so moving -- moving forward obviously, there's a little bit of confusion on the issue on the actual verbiage of the motion and what was approved and wasn't approved. At the end day, we can clarify that here with another vote. May I ask -- when we have a -- Madam City Attorney, what happens to the Vice Mayor's motion then?

City Attorney Suárez: There's been a motion and a second.

Mayor Lago: Okay, so can we take a vote on it? Take a vote.

Commissioner Fernandez: But wouldn't that be a motion and a second to reconsider the last vote?

Mayor Lago: Because that wasn't...

Commissioner Fernandez: Since we've already approved the \$41,900.

City Attorney Suárez: Well, anyway, I mean, it's really -- at this point, her motion was to asking to convert it. So, it's a motion to amend the prior resolution.

Commissioner Fernandez: But she wasn't on the prevailing side, so she cannot request an amendment to that.

City Attorney Suárez: So, it's not a motion to reconsider. She's making a motion to amend it. It's really a motion to amend the prior resolution. And frankly, the resolution as drafted and signed and approved says the Commission has to set a maximum amount.

Commissioner Fernandez: But that's not what the will of the Commission was. At least my will and the will of the sponsor was at the time. I mean, that's a problem in interpretation.

City Attorney Suárez: So I understand, but there was a lot of discussion that happened very quickly that day, and that was really, what I interpreted came of that was that resolution that it was -- that I revised to reflect that intention. We are here today, you all can decide how you want to move forward, yes.

Mayor Lago: Moving forward, what I recommend is that we try to do things through the Mayor, that we have, you know, a real -- we ensure that the quality of the testimony and everything that's stated is in one-way communication and that we're as clear as possible on all fronts, everyone. Mr. Clerk, we have a motion and a second.

Commissioner Castro: No.

Commissioner Fernandez: No.

Commissioner Menendez: Because as Barbara Stein explained, there's a window of opportunity with the AC system being installed this summer, we can't go on a Hail Mary that funds will be raised, so I vote no.

Vice Mayor Anderson: Because it will not delay the process to convert it to a loan, yes.

Mayor Lago: In agreeance with the Vice Mayor's comments, it's a loan at the end of the day. It can be taken care of immediately and addressed later as assistance for our friend here. So I'm yes.

(Vote: 2-3)

Mayor Lago: Now that that failed, moving on. I would like to speak to Zeida if possible. You're asking the Manager if he can come up? I saw you look at the Manager like wondering --

Commissioner Fernandez: Now hold on, we've already...

Mayor Lago: Wait one second.

Commissioner Fernandez: But we've already approved.

Mayor Lago: No, we haven't.

Commissioner Fernandez: There was a moment -- a motion to amend what was already approved last time.

Mayor Lago: Commissioner...

Commissioner Fernandez: Now you're bringing it up for reconsideration.

Mayor Lago: Commissioner, I'm not bringing up anything. I can bring up -- I'm having a conversation. I would appreciate it if you didn't interrupt me, please. So, Zeida, I have a few questions for you.

Asset Manager Sardinas: Yes, how can I help?

Mayor Lago: First off, where are we going to get the funds for this if it is approved today? Because obviously -- let's start somewhere else. Madam City Attorney, is this approved moving forward? Are we done? If we don't take any other action today, do we move forward?

City Attorney Suárez: In my opinion, we would need clarification because the transcript said, and at some point I asked, so once they have the lowest, it would come back to approve the amount. So I think we need some approval. And the resolution that we drafted for today, sponsored by Commissioner Menendez, contemplated what happened last time and did say that this is setting the maximum amount, which is why we do have a resolution on the agenda today.

Mayor Lago: I think we have to come to terms with that and just move on from that. Obviously, the votes are here. This is just clarification. So, my point is, Zeida, first of all, thank you for your hard work on this issue. I appreciate it. Moving forward, where would we get the money for this \$41,000? What line item would we be drawing from in the City's budget?

Asset Manager Sardinas: Well, that I would have to leave to Paula, but I believe it's just coming out of General Fund.

Mayor Lago: Okay.

Asset Manager Sardinas: Paula?

Mayor Lago: Thank you, Paula.

Assistant Finance Director Rodriguez: A ramp, an electric ramp to come up these stairs. So, the discussion was that once the Commission decided on a mechanism either for reimbursement or to fund this particular item that the funds would come from, we have an ADA project within our capital budget that has funds which is intended to be used for ADA improvements in facilities. And so that's where that...

Mayor Lago: So we have the funds. We have the funds. We have no issues.

Assistant Finance Director Rodriguez: Yes.

Mayor Lago: Two more quick questions and then we can move on and vote. Very simple. Number one, is the building currently ADA compliant? Yes or no?

Asset Manager Sardinas: Well, it is my understanding, sir, that...

Mayor Lago: Because she told me yesterday that it is ADA compliant.

Asset Manager Sardinas: It is my understanding that the lift as it is right now is compliant.

Mayor Lago: Okay. Fine. Okay. Moving on from there, I'm a believer and I ask for your guidance that this sets a dangerous precedent in regards to our fiduciary responsibilities in the City because as the owner of commercial real estate, when you have a contract with a tenant, you have to stick to that contract. If you start making, you know, opportunities for your tenants to wiggle their way out of certain responsibilities, it only compromises that contract. We are, like we said before, we are a community of law and order. This is the law. You sign a contract; you have to abide by that contract. And the contract says that within the envelope of the building, the City of Coral Gables is responsible for what's -- excuse me, the tenant is responsible for what's being provided. That is clearly my understanding and as I read the contract, that's my understanding. Am I wrong or am I correct?

Asset Manager Sardinas: The City Attorney and I have both read the contract. The language is actually in the Commission memo. It does make the tenant responsible for ADA compliance in the building.

Mayor Lago: I have no further questions.

Commissioner Menendez: I do.

Mayor Lago: I'm just saying for me.

Commissioner Menendez: I did.

Mayor Lago: And I know you do.

Commissioner Menendez: So, my question is, City Attorney, you and I spoke and it was clear and it's in the resolution. The City Commission as a body has the legal authority, if it chooses to, to allocate funds for a municipal purpose, which obviously providing ADA ramp and railings is. So we have the legal authority whether we vote yes or no, but the legal authority exists.

City Attorney Suárez: Correct. The proposed resolution is not illegal. The Commission can do this. It can make that determination and can do this.

Commissioner Menendez: A good example or parallel universe is when folks come with or projects come before us that they want additional height, more density, changes to their project. And everybody goes, you're violating our zoning code. But we as a body have the authority to make changes, Mediterranean Bonus, variances. We have as a body the legal authority to go take additional steps, and that's what we have here. We have an agreement, but we have the legal authority to tweak it. And I find it offensive for anyone, especially with Barbara Stein here, to even use the phrase wiggle out of the responsibilities. Because what Barbara Stein and her team is doing is not wiggling out of any responsibility. We are for politics over people. There are children, there are seniors that need to get there and feel like human beings. And we're letting politics dictate the day. And I'm not going to allow it. And I'm moving forward, and I know my position. It's people over politics. And I apologize to Barbara and your team to have to go through the wringer for something that is so common sense and so logical and so good for people that need. So I personally apologize to you for this circus.

Commissioner Fernandez: And I would add to that, it's a double standard to be putting this up here and start fighting over \$42,900 for Miracle Theater when this Commission unanimously voted on an insurance waiver for one of our largest contracts in this City. So you can't say -- you can't have it both ways. I'm against offering waivers, but I'm okay with giving waivers to larger contracts, which could potentially have put the City in a major risk had we been hit by a hurricane. So we can't have a double standard here. I'm going to make a motion to reaffirm and to support this resolution.

Vice Mayor Anderson: Through the Mayor.

Mayor Lago: I think you need...

Commissioner Menendez: I'll second.

Mayor Lago: I think you need to take a step back on some of the comments that were made and I appreciate the enthusiasm. But -- and Barbara and I had a great conversation yesterday. We talked a lot about theater and obviously her engagement in the City and what she's done in this community. And it was nice to have you here and sit down with you for...

Ms. Stein: Thank you.

Mayor Lago: Over 45 minutes.

Ms. Stein: Thank you.

Mayor Lago: While I appreciate, you know, the comments, this Commission voted what Mr. Fernandez is mentioning is the issue of the Biltmore. As Zeida can tell you, the conversation was a long conversation. Boards were activated, specialists in insurance were activated and we were very clear that the City would not be compromised as owners of the Biltmore. Am I correct or am I wrong?

Asset Manager Sardinas: Mayor, I don't understand the question and I'm sorry. I was trying to...

Mayor Lago: The question is -- the question is in regards to what we did in regards to the insurance -- the insurance discussion about the Biltmore because that's what Commissioner Fernandez is bringing up.

Asset Manager Sardinas: Oh, okay.

Mayor Lago: And I want to make sure that people understand because it's, you know, very hyperbolic about the conversations that we're potentially putting the Biltmore in jeopardy and I don't want people to think that. That's just not the right thing to do. I'd like for you to explain a little bit very quickly what we did as a Commission and voted unanimously in regards to the insurance for the Biltmore.

Asset Manager Sardinas: Okay. Well, I think that I am not actually the right person to discuss...

Mayor Lago: It could be Raquel. I just thought maybe you wanted to discuss it.

Asset Manager Sardinas: Raquel is better than I. Even though I was involved but Raquel handles the insurance.

Mayor Lago: Thank you, Raquel, and I'm sorry to put you on the spot.

Labor Relations and Risk Management Director Elejabarrieta: Good afternoon. So there was a - there's been two amendments and I think the one that Commissioner Fernandez is referring to might be the one that we did two years ago where we allowed the Biltmore to obtain significantly less property insurance in the event of a hurricane just because the property market was so tough and it would have resulted in millions of dollars of increase in premiums. And there wasn't enough volume out there for the Biltmore to purchase the insurance that was required under the lease. So what we did is we amended and it had to be via ordinance and it came before the City Commission. The lease was amended only for that year to allow them to have reduced property insurance and then for security for the City, we made them get a \$10 million letter of credit. So in the event that it was hit by a storm and they were unable to cover the deductible or the amount of the damage, we would be able to draw on the \$10 million letter of credit.

Mayor Lago: So, on that point, I appreciate that. What happened after when the renewal came for the insurance?

Labor Relations and Risk Management Director Elejabarrieta: So, this year was much better -- so that happened last year. So, this year in 2024, they renewed in March of 2024, the property market significantly better. They were able to obtain the full \$50 million that the lease currently requires. So, now they are in compliance with the lease. That was only a one-year amendment.

Mayor Lago: Yeah. And by the way, that happened across the board, both in the private and the public sector, and I appreciate you offering a little clarity on that front. In regards to Commissioner Menendez's comments about politicizing this, again, this is not politics. This is just talking about financially what we're doing here in the City. I had the same opposition when we talked about the country club café. Very clear, and we were talking about when we ran the numbers, potentially offering a rent of \$5 a square foot. I adamantly opposed that. I like the tenant. I liked the tenant a lot. They were amazing. But I couldn't side with a tenant and the Commission as a whole agreed with me and we moved in a different direction and I think we're doing pretty well right now in regards to the tenant that we have there and they're paying a significantly higher rent than was being proposed at that moment. So, again, this is not politics, you know, we can bring up issues. I'm happy you were able to bring us up to date in regards to the Biltmore to show where we really stand. You know, because I don't want people to get scared about such a jewel like the Biltmore. It's in my opinion, it's just not a good look for the City. So, Madam Vice Mayor, you wanted to say something?

Vice Mayor Anderson: No, I mean, it's just to conflate this as people over politics is very sad that members of this Commission would do such a thing, because I did do a complete walk-through of the facility. I identified a couple of other things that could be done. But when we're dealing with tenants, we have to realize that we have to treat all equally within the confines of the terms of the lease. Unfortunately, Ms. Stein and I didn't have a chance to speak before you brought the first thing. And I would have made some other suggestions that could have resulted in possibly the

same result if not better, okay? But if you're going to set the example here for all the rest of the tenants in our city that all they need to do is ask for reimbursement because this is the precedent that you've set. This is exactly what you've done. So I was trying to convert this into something that was more palatable, that is not going to come back and haunt our taxpayers, our Commission in the future. Yes, a ramp is the best option. And I'll give you a simple reason why. Because when you're trying to empty out a theater and you have a row of individuals that might be coming in there that are all disabled, that are all in either a power chair or a rolling chair, you're going to have to wait for the lift to come up and down and up and down as opposed to being able to roll them out. So I concur that a ramp is the best choice. How we do the semantics of providing either a reimbursement or a loan or raising the money for it so you don't have to pay the loan is all semantics, okay? But the purpose of doing that is so we have consistency between our leases and our tenants. Very happy to help support and very, very happy to see that the theater is doing well. Thank you for all your time and dedication to our city, the efforts that you've made, the monies you've invested, you've invested a significant amount of money. I recognize that. But it's not about you and it's not about, you know, trying to distinguish anything. It's about being uniform amongst all of our tenants.

Mayor Lago: If I may just add one final thing, at least on my end and this is something that I shared with you yesterday, correct? If you look at -- I looked at all the resolutions. I had our Clerk provide us all the resolutions over the last few years that I've -- whenever I've had to engage with Miracle Theater. Anything that has come before us, extensions of leases, finding ways to be more flexible, providing you the necessary flexibility that you needed to be able to run your business in regards to an extension of lease even before it was required. If you look at every single one of the votes, I have them all here. Going back even to 2015, I have it here 2015 I have voted unanimously in support of the Miracle Theater when I didn't have to. So this is not whether I support you or not. Listen, I love what you're doing. I think it's great for the community. I just have to be very careful when we open a door that could potentially offer the same opportunity for our tenants and deviate from our contract. So I do not want you to, you know, get the feeling that for some reason, like I said yesterday, there is an axe to grind. There's no axe to grind at all. But thank you for being here. Anything else? You have a motion and a second. I just want to make sure.

Commissioner Fernandez: I did have -- Madam Director, I don't think the question was fully answered about the Biltmore. If the damages, if we had been hit by a hurricane, the damages would have been \$100 million. The City would have been on the hook for about \$40 million, correct?

Labor Relations and Risk Management Director Elejabarrieta: Technically, the Biltmore would have had to...

Commissioner Fernandez: (INAUDIBLE).

Labor Relations and Risk Management Director Elejabarrieta: If they had the financial -- well, if they didn't have the financial resources, I mean, we would, I guess, take legal action, right?

Commissioner Fernandez: Right.

Labor Relations and Risk Management Director Elejabarrieta: But ultimately, would the City have been on the hook? Probably, right?

Commissioner Fernandez: Thank you.

Mayor Lago: But I also want to explain something, just to explain a little bit about insurance as a property owner. You can tell us. There wasn't capacity. They couldn't get the insurance.

Labor Relations and Risk Management Director Elejabarrieta: Not last year. They couldn't have.

Mayor Lago: Okay, but I want to put that on the record. They couldn't get the insurance. So you could go to market and you could say, I need you to -- let's do this simple math. I need you to get a \$100 million insurance policy. They came back with 10 examples. I can't get the insurance. What do we do? Do we go uninsured? I need you -- we told -- didn't we tell them, you've got to get the insurance? Didn't we tell them that?

Labor Relations and Risk Management Director Elejabarrieta: We did.

Mayor Lago: They went back and said, okay, here we go again, we can get you the insurance. They tried multiple times. So that's when we took that action and then we said, listen, after this year, the property markets, the insurance markets have gotten much better. We said, listen, we've got to hold you accountable. We need you to bump back up to the regular rates, to the regular amounts and we did that.

Labor Relations and Risk Management Director Elejabarrieta: And we did and they tried to do similar.

Mayor Lago: And by the way, you did that. You did that and they tried. And they tried. Mr. Prescott, who is a gentleman, tried to say, listen, can we stay at the previous rates? But you know what? We came to an agreement that this is a City treasure, but it's disingenuous to say that, you know, we had -- oh, we did them a favor. We didn't do them a favor. Please, and I want it to come from you, not from me. Did we have any other opportunity for them to bind at a higher amount? Yes or no?

Labor Relations and Risk Management Director Elejabarrieta: For the amount that was required under their lease, there was not sufficient capacity. The City also had to take a little bit less of that

year as well and we did a -- what is like a cost sharing so we didn't take the full and something similarly to that happened to the Biltmore as well.

Mayor Lago: Thank you very much as always. Thank you for your hard work. All right, so we have a motion and a second. If there is any further comment, we can move forward.

City Clerk Urquia: I'm sorry, can -- who made the motion?

Mayor Lago: The motion was made by Commissioner...

City Clerk Urquia: Fernandez.

Mayor Lago: Fernandez and second by Commissioner Menendez.

City Clerk Urquia: Excellent, thank you.

Commissioner Fernandez: Yes.

Commissioner Menendez: Yes.

Vice Mayor Anderson: No.

Commissioner Castro: Yes.

Mayor Lago: No.

(Vote: 3-2)

Mayor Lago: Thank you very much. Good to see you.

Labor Relations and Risk Management Director Elejabarrieta: Thank you.

Ms. Stein: Thank you very much. In closing, I want to thank you all very much and let you know that Actors Playhouse, we have a long-term lease with you. We're dedicated to continue to present the highest quality of programming there and follow up with everything we do. And I'm only sorry that this caused some commotion among this Commission and we appreciate the opportunity to move forward. Thank you very much.

Mayor Lago: Like I told you before, like I told you yesterday, Barbara, when we met, I have no doubts that you're committed to excellence. Thank you for being here.

Ms. Stein: I want to make you a subscriber.

Mayor Lago: Listen, I love theater, I love theater, but I just try to -- I try to, you know, limit, you know, certain things. Thank you very much.

Ms. Stein: Thank you very much.

Commissioner Fernandez: And Barbara, I apologize to you for having to endure this and to your team.

Ms. Stein: We understand.

Commissioner Fernandez: I think the City deserved better and you deserve better and I apologize on behalf of my colleagues.

Ms. Stein: I just want to say that we don't take this personally anybody among us. We understand that everybody has a difference of opinion and no apologies necessary. We understand we're strong people. That's why we've lasted this way and that's why we're sustainable and that's why we're going to be here for the City at the highest level for years to come. Thank you.

Mayor Lago: Thank you very much.