

City of Coral Gables City Commission Meeting

Agenda Item F-2

June 26, 2008

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, David Brown

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

City Clerk Staff, Billy Urquia

F-2 [Start: 11:37:55 a.m.]

Appointment of two members to the Trial Board by the City Commission City Commission-As-A-Whole

Mayor Slesnick: F-2. This is an appointment of two members of the Trial Board. As you know we have had two members elected to the Trial Board, we now appoint two members and then they, the four elect a fifth member. And I know that we were provided with three names of people who are willing to serve, and will just open this up to discussion and nominations.

Commissioner Cabrera: Actually, the five of us received this morning an e-mail from a Mr. Robert Leon, Bob Leon; Mr. Leon doesn't remember this, but he used to, he's a physical trainer. He used to train me years ago, so I know Mr. Leon, he's a former Police Officer, and he took the time to write us this e-mail; and I'll read it very briefly; he says: "I would like to be considered for the Trial Board seat opening, requested by Margaret Pass. I am a twenty-two (22) year veteran retired Police Sergeant with ten years of homicide and robbery investigational experience. I formed the Hialeah Robbery Unit in 1986, and have been involved in thousands of investigations and trials over the years. I am a twelve year Coral Gables resident and current business owner. I owe no allegiance or have no ties to City government"; and I happen to concur with that commentary because I've never seen him involved in any part of our government; and he thanks us for considering him. So I'd like to go ahead; I had our staff support person make copies of the statement I just read you, and I'd like him to be considered as a potential member of the Trial Board. What I would like to do now though is I'd like to get some information, because when this whole Trial Board thing started, I began to try to find suitable nominees, any nominee to consider this tumultuous job, because I think it will turn out to be one; and the gentleman that I brought forward is Mr. Soto, and Mr. Soto if you seen his resume was the former Chief of Staff to Mayor Alex Penellas and the Chairman of the transitional government

between Mayor Penellas and Mayor Alvarez. He's an attorney, went to George Washington, he is a relatively new resident of the City of Coral Gables, I'm very excited that he is willing to get involved in his local government, so he's my nominee, but I'm just curious how did the other two names come about?

City Manager Brown: Commissioner Anderson suggested Enrique Lopez, so I got his resume and floated it to everybody, and then I suggested Nan Markowitz, she had called me earlier in the year and said I'd like to get involved in a Board, if you have one; I called her up and asked her if she'd be interested, so I floated her resume, and then you gave me the third one.

Commissioner Cabrera: Yes, and now we have a fourth one. You know, my issue with this is, and we already talked about this so this is no surprise to you, my issue is that I first of all respect and admire both Ms. Markowitz and Mr. Lopez; I've known both of them through my involvement in City government. In fact Ms. Markowitz, if I recall, one of the founding members or one of the initial members of the Citywide Traffic Advisory Board. Mr. Lopez has served our City well in many capacities; not only was he our Chairman of our Utilities Board, but he's also been very diligent in his attendance to all of our budget cycles; I've listened to him make very strong presentations on the budget each and every year; and he's never shy about writing us some very, very thoughtful and helpful feedback on many issues affecting the City. But I have one issue and that is I believe those two people have ties to you. I believe that they have a relationship with you, a personal relationship with you, and I believe that the Trial Board, the trial itself will have aspects that will question your management skills, and may question some decisions you made; and therefore, I am very uncomfortable in supporting Mr. Lopez and Ms. Markowitz, and it has nothing to do with their integrity. I consider them to be of the highest integrity, but I just personally can't support them and so I invite thoughtful debate on this issue because I don't want to mislead the public that I have anything against either Ms. Markowitz or Mr. Lopez, as I said before I hold them in the highest esteem. Any comments or thoughts?

Mayor Slesnick: I think all citizens have some kind of relationship. The two people that have been elected certainly have dealt with Margaret Pass over the years on a professional level; I don't know what their relationship or their thoughts about Margaret Pass are, but certainly Felix Pardo and Joe Greenberg have long standing relationships.

Commissioner Cabrera: Yes, I understand, but I'm speaking as Mr. Brown's supervisor, I'm not speaking in generalities, I concur; I think Mr. Pardo and Mr. Greenberg had associations, business associations with Ms. Pass and Mr. Brown for that matter, but you know, my bone of contention is much more than that. You know, at the end of the day I want to give Ms. Pass every opportunity, and I think she deserves it; everyone deserves a fair trial, and again I'm not insinuating that she wouldn't get a fair trial from these people, but it leaves too much of a concern in my mind.

Mayor Slesnick: Let's say it both ways Ralph, I won't disagree with what you just said, but let's say the City deserves a fair trial.

Commissioner Cabrera: I agree. I think both sides deserve a fair trial, I'm not saying that they don't.

Mayor Slesnick: And I agree with Ms. Anderson's comment in the paper today that I too was hoping to see the Trial Board go away, that would not have affected this Trial Board, but I don't see this as a productive exercise in the first place.

Commissioner Cabrera: It may not be, but we are stuck with it. You know what the saddest commentary I can make today outside of what I've already said, is the fact that five people couldn't come up with five names; we had to receive a name from the Manager's office and we got another name today from the gentleman that seems to be genuinely interested in serving on the Trial Board.

Commissioner Anderson: I don't know about that, I gave a name.

Mayor Slesnick: I didn't go out looking for names; I just waited for people to come up.

Commissioner Anderson: I did give a name.

Commissioner Cabrera: I'm not saying you didn't; I'm not suggesting that at all; I'm saying five people, you are one of five.

Commissioner Anderson: Thank you for the math.

Vice Mayor Kerdyk: You know I got to say, I like all three of them. I know Javier Soto very well. Nan Markowitz, I have a lot of respect for, I deal with her with the PDP, and of course I know Enrique Lopez; I think all of those would be three good appointments to the Board, and I'm going to have a tough time choosing on which ones I'd like to proceed with. I think it's a difficult situation to make a decision on.

Commissioner Anderson: Why don't we just go down and do the vote and see how it goes.

Mayor Slesnick: Why don't we do this?...why don't we consider...let's do this, consider all four nominated and we will then go down the line and vote on each of the four, everyone gets two votes, place them where you want.

City Attorney Hernandez: OK and then once you come down, just procedurally, once have your two, I will then need a motion as to which will serve a two year term and which will serve a one year term. I handed out the two provisions that apply to the Trial Board for your perusal and we need to designate the terms of the two members. Thank you.

Commissioner Anderson: I'll nominate Enrique Lopez for a...

Mayor Slesnick: They are all nominated.

Commissioner Anderson: They are all nominated.

Mayor Slesnick: They are all nominated unless there is objection to that. We just go down the line and we'll vote, cast them the two that you wish to, and we'll do it in alphabetical order too. Now some has to tell me what the alphabetic order is. You've got Leon, Lopez...

City Manager Brown: You've got Leon, Lopez, Markowitz, Soto.

Mayor Slesnick: So it will be...we'll vote on Leon, we'll vote on Lopez, we'll vote on Markowitz, and then Soto. On nominee Bob Leon, Ms. Anderson.

Commissioner Anderson: No, not for any other than, I just don't know them.

Mayor Slesnick: OK, no if you're not... just say yes, if...Mr. Cabrera.

Commissioner Cabrera: Yes.

Mayor Slesnick: Mr. Kerdyk

Vice Mayor Kerdyk: No response.

Mayor Slesnick: Mr. Withers.

Commissioner Withes: No.

Mayor Slesnick: I will not vote for Mr. Leon, so we've got one vote there. Mr. Lopez – Ms. Anderson.

Commissioner Anderson: Yes.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: No.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: Yes.

Mayor Slesnick: Yes too. Ms. Markowitz – Ms. Anderson.

Commissioner Anderson: Yes.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: No.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: No comment, no.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: Yes.

Commissioner Cabrera: What was your vote Mr. Kerdyk.

Vice Mayor Kerdyk: No.

City Attorney Hernandez: What was it, I'm sorry?

Commissioner Cabrera: I couldn't hear it.

Mayor Slesnick: I'm voting yes. Mr. Soto – Commissioner Anderson.

Commissioner Anderson: No.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Yes.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes.

Commissioner Withers: I have no more.

Mayor Slesnick: I have no more. Then we have Mr. Lopez and Ms. Markowitz and according to the votes Mr. Lopez got four votes and Ms. Markowitz got three, do you think that should be the way in which they...

Commissioner Withers: I'll move that Mr. Lopez serves the three year term...

City Attorney Hernandez: Two year.

Commissioner Withers: ...Two year term and one year term for Ms. Markowitz.

Mayor Slesnick: Is there a second to that.

Commissioner Anderson: Second.

Mayor Slesnick: Any discussion? Mr. Clerk.

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Mayor Slesnick: Yes

(Vote 5-0)

Mayor Slesnick: And let me offer this for what its worth, but I would like to see us refer Mr. Leon and Mr. Soto to the other four members as people that we believe would be well suited to be the fifth person. It's up to them.

Commissioner Cabrera: I'll just refer them, I don't think, I think it would be, I don't think it would be genuine to say that we recommend them.

Mayor Slesnick: OK, I'm not pushing; I just meant, I thought that these people did step up and volunteer themselves.

Commissioner Cabrera: Sure. Sure.

Mayor Slesnick: Let me say this, Mr. Soto is a person that I know and appreciate very much and I think he'd be great.

Commissioner Cabrera: Unfortunately he didn't make it.

City Attorney Hernandez: Mr. Mayor, just some housekeeping on this then. We now have four members of the Trial Board and I'm not sure who will serve as the secretary to the Board in order to communicate with Mr. Cypen, who is the Board's attorney to set the first meeting so that they can then start considering a fifth member.

Commissioner Anderson: You need an independent?

City Attorney Hernandez: I don't know if it's the City Clerk's office, or how does the City...

Mayor Slesnick: I think it should be the City Clerk's office, I mean that is a public official of our City, but its....the public official is not in the chain of command and had nothing to do with the oversight of this person. Mr. Clerk are you "copasetic" with that?

City Clerk Foeman: Yes, no problem Mr. Mayor, I am willing to serve.

Mayor Slesnick: And by the way, that's a good time to mention the fact that Walter's office is really.... he is missing Susan now for a long time, and now we are asking him to do something else, he has produced so much good work. David, we really need to work with Walter on getting him some additional help, I mean, we do, we just do. We need some at least at the present time some temporary.

City Manager Brown: I'll certainly work with Walter; I've never said no to him, whatever he needs he usually gets. I'll get with him.

[End: 11:48:48 a.m.]