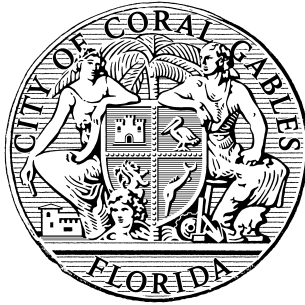


# **City of Coral Gables**

*405 Biltmore Way  
Coral Gables, FL 33134  
[www.coralgables.com](http://www.coralgables.com)*



## **Meeting Minutes**

**Tuesday, June 1, 2010**

**9:00 AM**

**City Hall, Commission Chambers**

### **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*

*Patrick G. Salerno, City Manager  
Elizabeth M. Hernandez, City Attorney  
Walter J. Foeman, City Clerk*

*The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings.*

**ROLL CALL**

**Present:** 5 - Mayor Slesnick II, Vice Mayor Kerdyk Jr., Commissioner Withers, Commissioner Anderson and Commissioner Cabrera Jr.

**INVOCATION**

Reverend Thomas Shafer from the First United Methodist Church of Coral Gables gave the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Ralph Cabrera led the Pledge of Allegiance.

**LEGISLATIVE SUMMARY****A. PRESENTATIONS AND PROCLAMATIONS**

- A.-1. [10-0406](#) Presentation of Certificates of Commendation to Coral Gables students and residents for the 2010 Silver Knight Award winners Alexandra Martinez (Journalism), Veronica Rigl (Drama) and Honorable Mention winners Margaret Tarleton Cookson (Business), Emily T. Martinez-Lanza (General Scholarship), Hector Lopez (New Media), Marc Andrew Briz (Social Science), and Andrew Alton Roberts (Athletics).

[Note for the Record: Mayor Slesnick prefaced his remarks by recognizing those young citizens who have distinguished themselves in high school by either winning a Silver Knight Award, or receiving Honorable Mention in the areas of Art; Athletics; Business; Drama; English and Literature; General Scholarship; Journalism; Mathematics; Music; New Media; Science; Social Science; Speech; Vocational-Technical and World Languages.

Further stating that since some of said individuals are here, on behalf of the City Commission, he would just like to say thank you and wish them well on the next phase of their life's journey, whereby he read selective portions of the Certificates of Commendation into the public record; further acknowledging Coral Gables High School Principal Adolfo Casa, who thanked the City Commission, who acknowledged the fact that his school had received a lot of warm wishes from the city of Coral Gables; further stating that Coral Gables Senior High School is one of the more prestigious schools in the entire United States, and that he wanted to congratulate his students who were going to be called up on their great accomplishment; further stating that said below referenced award recipients represent the "Best of the Best," more particularly identified as follows:

- 1). Margaret Tarleton Cookson: Honorable Mention in the category of Business, from Palmer Trinity High School, who has received a full scholarship to go to

Davidson College;

2). Alexandra Martinez: Silver Knight Award recipient in the category of journalism; further stating that she intends to attend Columbia University;

3). Hector Lopez: Honorable Mention in the category of New Media, from Coral Gables Senior High School; further stating that he intends to attend Washington University in St. Louis, Missouri.

4). Marc Andrew Briz: Honorable Mention in the category of Social Science, from Coral Gables Senior High School; further stating that he will be attending Brown University in the Fall;

5). Veronica Rigl (Absent) Silver Knight Award recipient in the category of Drama, from Palmetto High School, whose grandparents are residents of Coral Gables;

6). Andrew Alton Roberts: Silver Knight Award recipient in the category of Sports, from Ransom Everglades, and whose parents and grandparents reside in Coral Gables; and

9). Emily I. Martinez-Lanza, Honorable Mention in the category of General Scholarship from Gulliver; further stating that she will be attending Harvard University].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 1

**A.-2. [10-0403](#)**

Presentation of awards from Learning for Success, Inc. for the KAPOW (Kids and the Power of Work) Program.

[Note for the Record: Mayor Slesnick prefaced his remarks by stating that he is happy to bring to the City Commission meeting this morning a special presentation that involves our city's Information Technology Department; Fire Department; Police Department and City Clerk's Office; introduced John Casbarro, Executive Director of the Learning for Success, Inc. for the KAPOW (Kids and the Power of Work) Program; further describing the KAPOW program as an incredible program that accentuates the importance of having a career; training for the importance of a career; making kids productive citizens, etc.; further posing the question to the viewing public as to whether one can change the lives of young people in seven (7) hours?-absolutely, responded Mr. Casbarro, further reiterating the wording that appears on the postcard describing the KAPOW Program; further informing the City Commission that he is present on this Commission meeting date to testify as to the wonderful participating volunteers at George Washington Elementary School from our city of Coral Gables; further explaining that what said participants do is to go into the elementary school for one hour and teach the children about work- addressing such issues as what does it take to become successful in life? Also providing insights into

different skill sets (including but not limited to vocational skills; decision making skills; communication skills; teaming skills; positive work habits, etc.); further pointing out that said program culminates into a field trip, or field day experience, interacting with people who work at the various participating departments.

Mr. Casbarro presented plaques to those participating individuals from the various city departments, as more fully identified herein below: George Varona (Information Technology Department); Captain Troy Easley; and Laura Rodriguez (Fire Department); further presenting a certificate to the Police Department for their involvement with the field trip that the students into the various city departments; further explaining that the goal of his organization is to train future employees in Coral Gables and in our community; future explaining that this Calendar Year KAPOW has 8 classes and 5 volunteers; further stating that KAPOW is currently trying to match up the total number of volunteers to the number of classes; future adding that this coming Fall, they will be joined by Billy Urquia, Deputy City Clerk, which would constitute 5 volunteers out of the total number of 8 classes].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 5

**A.-3. [10-0386](#)**

Presentation of 25 years service pin to David Albury, Fire Department.

**Attachments:** [CM Albury](#)

[Note for the Record: City Manager Salerno requested of Fire Chief Reed to present the 25 years service pin to David Albury, wherein Chief Reed informed the City Commission that Chief Albury began his career with the City in 1985 as a firefighter; became a certified paramedic in July 1988; assigned as a paramedic riding rescue in February of 1989; earned his State Paramedic Certification in July of 1988; earned his Advanced State Training in December of 1989; became a SWAT-MEDIC in January of 1990 and obtained his Fire Inspector's Certification in July of 1990; was promoted to Fire Lieutenant in February of 1992; later was appointed to Staff Fire Captain in June of 1996.

In terms of his personal attributes, Chief Reed explained that Captain Albury is known as someone who leads by example, and as someone who assigns tasks to those personnel whom he knows can get the job done; further acknowledging that Captain Albury is viewed as a great asset to both the City and the community and is congratulated for his years of dedication, loyalty and talented contributions for the past 25 years].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 2

- A.-4. [10-0387](#) Presentation of 25 years service pin to Charles Brannock, Fire Department.

**Attachments:** [CM Brannock](#)

[Note for the Record: Chief Reed informed the public that Charles Brannock joined the City in June of 1985; further stating that he honed his skills through the years and in January of 1997, he became a Driver Engineer, was promoted to an Emergency Medical Technician in September of 1998, and became a Certified Paramedic in May of 2001.

In assessing Firefighter Brannock's personal attributes, Chief Reed characterizes him as an excellent team player, demonstrating a high degree of initiative, while displaying courtesy when dealing with the public; further stating that he goes above and beyond in his time allotment and dedication to various community programs such as the Big Brothers Organization and Muscular Dystrophy Association. Chief Reed sums up his assessment of Chief Brannock stating that it has been an honor working with Firefighter Brannock.

Firefighter Brannock thanked Chief Reed, city officials, stating that he loves working for the city; further adding that he appreciates each and everything that he has received from the city of Coral Gables].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 3

- A.-5. [10-0388](#) Presentation of 25 years service pin to Joseph Hamilton, Fire Department.

**Attachments:** [CM Hamilton](#)

[Note for the Record: Chief Reed stated that Captain Joseph Hamilton began his career with the city in June of 1985; completed his State Paramedic Certification in November of 1990; his Advanced Training in April of 1992; was promoted to Fire Lieutenant Combat, in December of 1995, and in July of 2004 achieved Fire Captain status.

In terms of his personal attributes, he shows perception, insight, forward thinking and great problem solving skills; further adding that Captain Hamilton is known as a an exceptional communicator, displaying sound judgment in all areas of his professional responsibility.

Mayor Slesnick requested of the aforementioned 25-year recipients, his colleagues on

the City Commission and the City Manager to join him on the dais for a photographic class shot].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 4

**B. APPROVAL OF MINUTES**

**None**

City Clerk Item No. 6

**C. CONSENT AGENDA****Passed the Consent Agenda**

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., to Adopt the Consent Agenda. The motion carried by the following vote:

**Yeas :** 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

**RESOLUTION NO. 2010-101****C.-2. [10-0377](#)**

Resolution authorizing the acceptance and execution of a grant award in the amount of \$11,752.00, from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2010, to fund the Coral Gables Project Return to assist residents at risk of wandering.

**Attachments:** [RESOLUTION - PROJECT RETURN](#)  
[C-2 Signed Cover Memo](#)  
[Signed Resolution 2010-101.pdf](#)

**This Matter was adopted by Resolution Number 2010-101 on the Consent Agenda.**

City Clerk Item No. 8

**RESOLUTION NO. 2010-102****C.-3. [10-0379](#)**

Resolution authorizing the execution of a Combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement for law enforcement services between the City of Coral Gables and the City of Miami Beach.

**Attachments:** [COMMISSION COVER MEMO - MIAMI BEACH - MOU](#)  
[RESOLUTION - MIAMI BEACH MOU](#)  
[MUTUAL AID AGREEMENT - MIAMI BEACH](#)  
[Signed Resolution 2010-102.pdf](#)

**This Matter was adopted by Resolution Number 2010-102 on the Consent Agenda.**

City Clerk Item No. 9

**RESOLUTION NO. 2010-103****C.-4. [10-0396](#)**

Resolution authorizing the execution of an Affidavit as part of the requirements to receive reimbursement fines from the Miami-Dade County Parking Fines Reimbursement Program Fiscal Year 2009-2010.

**Attachments:** [Fines Resolution](#)  
[Miami-Dade Fines](#)  
[General Affidavit](#)  
[C-4 Signed Cover Memo](#)  
[Signed Resolution 2010-103.pdf](#)

**This Matter was adopted by Resolution Number 2010-103 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2010-104**

C.-6. [10-0399](#)

Resolution establishing a payment of up to One Hundred Twenty-Five Dollars (\$125.00) per hour for services rendered by the City's Hearing Officers and providing for a four (4) hour minimum payment.

**Attachments:** [Hearing Officer Cover Memo](#)  
[Hearing Officer Resolution](#)  
[C-6 Signed Cover Memo](#)  
[Signed Resolution 2010-104.pdf](#)

**This Matter was adopted by Resolution Number 2010-104 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2010-105**

C.-7. [10-0404](#)

Resolution authorizing the termination of the agreement with the Public Health Trust d.b.a. Jackson Health System for the services of Medical Director for the City of Coral Gables Fire Department without cause, pursuant to the agreement entitled, "Fire Department Medical Director Professional Services Agreement."

**Attachments:** [MED DIR PROF SVC AGREEMENT.pdf](#)  
[Sec 2-829, Article VIII Procurement Code.pdf](#)  
[RES 2008-129 MED DIR.pdf](#)  
[Cover Memo - Resolution - TERMINATION OF MED DIR PSA.pdf](#)  
[C-7 Signed Cover Memo](#)  
[Medical Director Resolution](#)  
[Signed Resolution 2010-105.pdf](#)

**This Matter was adopted by Resolution Number 2010-105 on the Consent Agenda.**

City Clerk Item No. 12

**RESOLUTION NO. 2010-106**

C.-8. [10-0402](#)

Resolution expressing concern about any proposed changes to the Miami-Dade County ad valorem tax exemption program for historic properties.

**Attachments:** [RESO RE COUNTY AD VALOREM TAX 06.01.10](#)  
[Cover - AV COUNTY RESO 06.01.10](#)  
[C-8 Signed Cover Memo](#)  
[Signed Resolution 2010-106.pdf](#)

**This Matter was adopted by Resolution Number 2010-106 on the Consent Agenda.**

City Clerk Item No. 13



**RESOLUTION NO. 2010-107**

- C.-9. [10-0405](#) Resolution authorizing the execution of an Interlocal Agreement with Miami-Dade County, Florida, for the construction of a guardhouse, road closure with emergency access gate and associated improvements for the Hammock Lakes Security Guard Special Taxing District.

**Attachments:** [Interlocal Agreement](#)  
[Resolution No. 2008-54](#)  
[Resolution No. 2009-36](#)  
[Miami-Dade County Ord. No. 09-63](#)  
[Summary Report](#)  
[Hammock Lakes Guard House Resolution](#)  
[Hammock Draft Resolution](#)  
[C-9 Signed Cover Memo](#)  
[Signed Resolution 2010-107.pdf](#)

**This Matter was adopted by Resolution Number 2010-107 on the Consent Agenda.**

City Clerk Item No. 14

**RESOLUTION NO. 2010-108**

- C.-10. [10-0408](#) Resolution authorizing execution of the second addendum to solid waste and recycling collection service contract with Waste Management Inc. of Florida.

**Attachments:** [C-10 Signed Cover Memo](#)  
[Waste Management Resolution](#)  
[Second Addendum to WM Contract](#)  
[Signed Resolution 2010-108.pdf](#)

**This Matter was adopted by Resolution Number 2010-108 on the Consent Agenda.**

City Clerk Item No. 15

**RESOLUTION NO. 2010-109**

- C.-12. [10-0410](#) Resolution supporting the Regional Planning Councils of Southeast Florida in preparing a comprehensive joint application under the federal sustainable communities initiative and establishing a working partnership agreement with public, private, non-profit, and civic sector organizations, including but not limited to water resource, housing, human services, environmental and transportation agencies, community-based organizations, local governments, non-profits, academia and research institutions, school boards, and private sector organizations.

**Attachments:** [SFRPC Letter](#)  
[C-12 Signed Cover Memo](#)  
[Sustainable Communities Resolution](#)  
[Signed Resolution 2010-109.pdf](#)

**This Matter was adopted by Resolution Number 2010-109 on the Consent Agenda.**

City Clerk Item No. 16

**Presentation of Boards and/or Committees minutes requesting no action from the City Commission:**

- C.-13. [10-0382](#) Historic Preservation Board Meeting of April 15, 2010

**Attachments:** [NoAction04.15.10.MinutesforCC05.25.10](#)  
[HPB Minutes April 15, 2010](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 17

- C.-14. [10-0383](#) Coral Gables Merrick House Governing Board Meeting of April 12, 2010

**Attachments:** [CGMNoAction-04.12.10MinutesforCC06.01.10](#)  
[Merrick House April 12, 2010](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 18

- C.-15. [10-0384](#) Senior Citizens Advisory Board Meeting of May 3, 2010

**Attachments:** [Cover Sheet Minutes 05-03-10.pdf](#)  
[Min 05-03-2010 draft.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 19

- C.-16. [10-0389](#) Cultural Development Board Meeting of April 12, 2010

**Attachments:** [04 CDB Commission cover for 4-12-10 Minutes](#)  
[04 CDB a Minutes APRIL 12 2010](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 20

- C.-17. [10-0393](#) Property Advisory Board Meeting of April 21, 2010

**Attachments:** [PAB Commission Cover no action 5-1-10.pdf](#)  
[PAB 4-21-10 Mtg. Minutes.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 21

- C.-18. [10-0401](#) Code Enforcement Board Meeting of May 19, 2010

**Attachments:** [memo cover may 2010](#)  
[ROLLCALL may 2010](#)  
[MAY 2010](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 22

**Pulled from Consent Agenda**

**RESOLUTION NO. 2010-110**

**C.-1. 10-0367**

Resolution authorizing the execution of an Interlocal Agreement with Miami-Dade Transit Agency for federal funding pass-through arrangements with the American Recovery and Reinvestment Act (ARRA) of 2009 to purchase trolley(s) to operate the City of Coral Gables circulator service.

**Attachments:** [Resolution ARRA](#)  
[Interlocal Agreement Between Miami](#)  
[C-1 Signed Cover Memo](#)  
[Signed Resolution 2010-110.pdf](#)

[Note for the Record: Following the roll call being taken on the Consent Agenda, Mayor Slesnick requested of Commissioner Cabrera to address his concerns regarding Agenda Item C-1, whereby Commissioner Cabrera stated that he wanted to get some clarification on the aforementioned trolley purchases, more particularly, inquiring as to whether these vehicles were trolleys that the city is replacing?-adding?- further inquiring as to whether the aforementioned trolleys were 1st generation machines?-12th generation machines?- the size of the machines, etc.? further inquiring of Parking Director, Kevin Kinney, through the City Manager, to enlighten him regarding said purchases.

Mr. Kinney informed City Commissioner Cabrera that said vehicles were replacing some of the older first generation hybrid trolleys that the city had maintenance difficulties with, that were previously in the system; further stating that said diesels represent proven technology vehicles that replace the older ones, which are no longer on the road; further stating that the city is looking at mid-range vehicles, which look similar to our current fleet].

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-110. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 23

**RESOLUTION NO. 2010-111**

**C.-5. 10-0397**

Resolution relating to the provision of Fire Protection Services, Facilities and Programs in the City of Coral Gables, Florida; establishing the estimated assessment rate for Fire

Protection Assessments for the fiscal year beginning October 1, 2010; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof; and providing an effective date.

**Attachments:** [Fire Assessment Rate Establishment\\_hje rev 05 24 10\\_2](#)  
[PreliminaryRateResolution final 05 24 10\\_2](#)  
[C-5 Signed Cover Memo](#)  
[Signed Resolution 2010-111.pdf](#)

[Note for the Record: Following the roll call being taken on the Consent Agenda, Mayor Slesnick requested of Commissioner Cabrera to address what were his concerns for pulling Agenda Item C-5 from the Consent Agenda- whereby Commissioner Cabrera prefaced his remarks by inquiring as to whether City Manager Salerno had any idea as to what would be the projected rate per household for the fire protection assessments?- further inquiring as to whether the projected rate was \$50 per household?- whereby City Manager responded in the affirmative, stating that it is the same rate as it was last year.

Vice Mayor Kerdyk inquired of the City Manager as to whether there will be more discussion of this matter at a later date?- whereby City Manager Salerno stated yes, and this item before the City Commission represents a preliminary step in the process].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-111. The motion passed by the following vote:**

**Yeas :** 4 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**Absent :** 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 24

### **RESOLUTION NO. 2010-112**

**C.-11. [10-0409](#)**

Resolution authorizing execution of Addendum No. 1 to the Professional Services Agreement for Disaster Debris Services with the primary contractor, Ashbritt, Inc., for the purpose of providing additional bonding requirements and further authorizing execution of subsequent professional services agreements with the secondary or backup contractors, Ceres Environmental and JB Coxwell Disaster Recovery, inclusive of the same language as the Ashbritt, Inc., Agreement and Addendum No. 1.

**Attachments:** [2010 RESO Addendum No1 to Disr Deb Ser Ashbritt](#)  
[addendum # 1 to PSA Dis Deb Ser Ashbritt](#)  
[Reso 2009-61 authorizing debris mngt cont](#)  
[PSA for Disr Deb Ser Ashbritt Inc](#)  
[Cov Sheet Ashbritt Addendum No 1 reso 6 1 2010 \(2\)](#)  
[C-11 Signed Cover Memo](#)  
[Signed Resolution 2010-112.pdf](#)

[Note for the Record: The verbatim transcript for Agenda Item C-11 is available for

public inspection in the Office of the City Clerk and in Legistar].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-112. The motion passed by the following vote:**

**Yeas :** 4 - Commissioner Withers, Commissioner Anderson, Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

**Nays :** 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 25

## **D. PERSONAL APPEARANCES**

### **D.-1. [10-0400](#)**

Mari Gallet, Executive Director of the Business Improvement District, to provide a report on the activities of the BID.

**Attachments:** [June 2010 BID Presentation to Commission](#)

[Note for the Record: The verbatim transcript for Agenda Item D-1 is available for public inspection in the Office of the City Clerk and in Legistar].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 7

## E. PUBLIC HEARINGS

**Anyone who wishes to address the City Commission on an item to be considered for public hearing must fill out a Speaker Card and turn it in to the City Clerk. Speaker Cards can be obtained on the credenza located outside the Office of the Mayor, during the day of the City Commission Meeting**

Anyone who wishes to address the City Commission on an item to be considered for public hearing must fill out a Speaker Card and turn it in to the City Clerk. (Speaker Cards) can be obtained on the credenza located outside the Office of the Mayor, during the day of the City Commission Meeting

## ORDINANCES ON SECOND READING

### ORDINANCE NO. 2010-10

#### E.-1. 10-0366

An Ordinance of the City Commission of Coral Gables amending the following regulations of the Official Zoning Code:

1. Article 3, "Development Review", Division 3, "Uniform Notice and Procedures for Public Hearing", Section 3-303, "Reconsideration of City Architect Determination - Panel Review by Board of Architects", amending requirements for reconsideration of City Architect determinations;
  2. Article 3, "Development Review", Division 5, "Planned Area Development", Section 3-505, "Time limit on approval"; and, Section 3-509, "Commencement of construction", providing consistency with similar Zoning Code provisions regarding time limitation of approval and construction;
  3. Article 4, "Zoning Districts", Division 1, "Residential Districts", Section 4-101, "Single-Family Residential (SFR) District"; Section 4-102, "Multi-Family 1 Duplex (MF1) District"; Section 4-103, "Multi-Family 2 (MF2) District"; Section 1-104, "Multi-Family Special Area (MFSA) District"; Division 2, "Overlay and Special Purpose Districts", Section 4-204, "Special Use (S) District"; Division 3, "Nonresidential Districts", Section 4-301, "Commercial Limited (CL) District"; Section 4-302, "Commercial District (C)"; and, Section 4-303, "Industrial District (I)", to allow trellises as a permitted accessory use;
  4. Article 5, "Development Standards", Division 1, "Accessory Uses", Section 5-113, "Trellises", to permit the use of metal as a construction material for trellises; and,
  5. Article 8, "Definitions", to provide for definitions; and,
- providing for severability, repealer, codification and an effective date.  
(Passed on First Reading May 25, 2010)

**Attachments:** [05 25 10 CC Cover Memo - Zoning Code Text Amendments - 1st Reading](#)  
[05 25 10 Exhibit A Ordinance - ZC Text Amendments 1st Reading](#)  
[05 25 10 Exhibit B 05 12 10 PZB Staff Report](#)  
[05 25 10 Exhibit C 05 12 10 PZB Meeting Minutes](#)  
[E-2 Signed Cover Memo](#)  
[06 01 10 CC Cover Memo - Zoning Code Text Amendments - 2nd Reading](#)  
[06 01 10 Exhibit A Ordinance - ZC Text Amendments - 2nd Reading](#)  
[06 01 10 Exhibit B 05 12 10 PZB Staff Report](#)  
[06 01 10 Exhibit C 05 12 10 PZB Meeting Minutes](#)  
[E-1 Signed Cover Memo](#)  
[Signed Ordinance 2010-10.pdf](#)

[Note for the Record: Following the reading by the City Attorney of the title to Agenda Item E-1 into the public record, there being no public testimony proffered by

any member of the public, nor there being any deliberation by any member of the City Commission, on a motion being made by Commissioner Anderson and seconded by Commissioner Withers, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-1].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2010-10. The motion passed by the following vote:**

**Yeas :** 4 - Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 26

## **F. CITY COMMISSION ITEMS**

### **RESOLUTION NO. 2010-113**

**F.-1. 10-0130**

Resolution appointing Larry Thomas McMillan (Nominated by Commission-As-A-Whole) to serve the unexpired balance of a two (2) year term, as a member of the Firefighters Pension Trust Fund, said term which began on June 1, 2009 through May 31, 2011. (Deferred from the January 26, May 11 and May 25, 2010 City Commission Meetings.)

**Attachments:** [Firefighters Retirement Pension Trust Fund R-2010 - Draft re Firefighters Retirement Board C-2 Signed Cover Memo](#)  
[R-2010 - Draft re Firefighters Pension Trust Fund Firefighters Retirement Pension Trust Fund F-1 Signed Cover Memo](#)  
[Firefighters Retirement Pension Trust Fund R-2010 - Draft -Firefighters Pension Trust Fund F-1 Signed Cover Memo](#)  
[F-1 Signed Cover Memo](#)  
[Larry Thomas McMillan, Esq. - Resume.pdf](#)  
[Signed Resolution 2010-113.pdf](#)

[Note for the Record: Mayor Slesnick prefaced his remarks by reminding his colleagues that during the last City Commission meeting of May 25, 2010, that he had indicated that he would follow-up on the resume that was submitted to the City Commission, tendering the name of Larry Thomas Mc Millan, Esquire, as a prospective appointee to the city's Firefighter Pension Trust (175 Board); further stating that said individual who has served in the State Attorney for the past 7 years; further stating that said individual is a practicing attorney here in Coral Gables, and also resides in Coral Gables; further stating that having spoken to Mr. Mc Millan, that he has indicated that he would be delighted to serve, if appointed by the City Commission].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-113. The motion passed by the following vote:

**Yeas :** 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 27

**F.-2. [10-0407](#)**

Resolution appointing \_\_\_\_\_ (Nominated by Commission-As-A-Whole) to serve the unexpired balance of a two (2) year term as a member of the Historic Preservation Board, said term which began on June 1, 2010 through May 31, 2011.

**Attachments:** [F-2 Signed Cover Memo](#)  
[Historic Board Member App. Resolution](#)  
[Sharon Langer's Resignation Email.pdf](#)  
[R-2010-Draft-Commission-As-A-Whole - Historic Preservation Board](#)

**This Resolution was Deferred**

City Clerk Item No. 28



**G. BOARDS/COMMITTEES ITEMS**

None

City Clerk Item No. 29

**H. CITY MANAGER ITEMS**

None

City Clerk Item No. 30

**I. CITY ATTORNEY ITEMS**

None

City Clerk Item No. 31

**J. CITY CLERK ITEMS**

None

City Clerk Item No. 32

**K. DISCUSSION ITEMS**

Mayor Slesnick: Mrs. Anderson.

Commissioner Anderson: I'm good, thanks.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: You know, I was hoping I was able to bring a letter that I received recently. Did you all get the same letter from Mr. Miles McGrane?- he copied the rest of the members of the Commission - Miles McGrane, the attorney.

Vice Mayor Kerdyk: I don't think he sent me.

Mayor Slesnick: About what? I can't remember it.

Commissioner Cabrera: You know the letter is sitting on my desk in my office.

Mayor Slesnick: We can get it and come back to you.

Commissioner Cabrera: Would you mind?- so I can - none of us got the letter because I learned that, later on I've learned that today that none of us got the letter, but I found the letter, it's addressed to all five of us, it will make sense when I get that letter and share it with you. Let me go do that.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: I don't have anything else to add.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: Yes, I do. I don't mean to spring this on the City Manager at the last minute, but I was just reading an e-mail. Where are we with, and I don't know how much you can say, and how much you can't say; where are we with the finalization with the financial review of the Biltmore and what's your timeframe?- where are we on that?- as far as I know we approved the agreement, the Trust Agreement, they started the investigation, I guess at this point.

City Manager Salerno: A couple of weeks ago, the Biltmore has been providing PriceWaterhouse with the documents. What I'm told is they've been responsive in providing that information to PriceWaterhouse. It is voluminous and there are weekly updates when there is something to say, I expect to have a weekly update this Friday, and at this point I can only tell you it is going along and they are making progress in

their analysis, but again, all the documents they have asked for to my understanding, nearly all I doubt it is all, nearly all have been provided, and it's an ongoing process right now. I expect it to move within a reasonable time to coming to their ability to formulate their recommendations, and at that time we'll have the information necessary for you to act. I don't want to put a timeframe on it, they are working - they have a team of three folks that are working on it, and I'm told that they are making progress. We want the benefit of their complete analysis and not to give a judgment in some respect before they are able to come to their own conclusions.

Commissioner Withers: I don't know how the rest of the Commission feels, but is there going to be an opportunity for us to meet individually with the....?

City Manager Salerno: Absolutely. In fact I believe...

Commissioner Withers: Can we do that before the next Commission meeting?

Commissioner Cabrera: Meet with whom? Meet with whom? You didn't get to finish your sentence.

Commissioner Anderson: PriceWaterhouse.

Commissioner Withers: The consultants.

Commissioner Cabrera: Oh, OK.

City Manager Salerno: I think the City Attorney has already...

City Attorney Hernandez: One-on-one.

City Manager Salerno:...That has been anticipated in conjunction with the City Attorney that the Commissioners wanted the opportunity to have one-on-one briefings to whatever extent.

Commissioner Withers: Will that be before their main presentation or would it be after their main presentation?

City Attorney Hernandez: They are serving, if I may, they are serving as a consultant to the city so I don't anticipate and I would not recommend that they may give a public presentation. I believe that they should meet with each of the Commissioners, I so advised the City Manager, they need to meet with the City Manager, and then at that time we will know where we need to go in terms of negotiations with the Biltmore, just as we've done in other situations, Village of Merrick Park, you know go forward, and hopefully bring to you something that we either agree with the Biltmore on, or we

disagree, but you know...

Commissioner Withers: That's my whole point is, we don't meet again till what?

City Attorney Hernandez: July 13th.

Commissioner Withers: So if this report is done in the next couple of weeks and you've reviewed it, hopefully we'll have the opportunity, can we schedule meetings before the next Commission meeting with these?

City Attorney Hernandez: If it's done.

City Manager Salerno: If it's done we'll do that, I can't prejudge and schedule things before I'm told the consultant is ready.

Mayor Slesnick: My concern and I've expressed this to the Manager on several occasions is that, you know we are talking and I know that everybody is doing what they can to get it done, including the Biltmore. I don't see, this is kind of like something that was said a long time ago, I can't see this process ending in the next couple of months, Chip, just can't see it. This fact finding that we're doing is just fact finding, and then it's going to go into negotiations, and it's going to have meetings as you said are appropriate with each of us maybe. We are talking about, I don't see anything happening constructively on the whole issue before August, if we are lucky, and I am scared to death that the Biltmore is facing a summer season like all the other properties, tourist properties, and they have a line of credit which is held up by this whole thing, and I just have to tell you I am concerned, I've been concerned, and I will stay concerned that we are not in the business here of, I will again say this, what I have announced to the city the way that the Biltmore did about their need to renegotiate and their withholding, no, that's not the tact I would have taken, I don't agree with it, but the fact is they have been good corporate citizens for seventeen years providing the citizens of the city up to the terms of their agreement, the payments, and we don't want to drive them out of business, and I can tell you if they don't get this line of credit for the summer they are going to have a hard time staying in business, and I think we've got to do something on an interim basis to get them that line of credit. It needs to be done. I don't care if we forfeit the right to go back and default them, it wasn't our purpose in the beginning to default them. The purpose was to work out an arrangement that we can go forward; they have a 99 year lease with the city, they've been productive people, we want to keep them there, there is no reason that we - we've seemed to have taken an attitude that we want to like purge ourselves, I don't want to do that; I want to work out a productive resolution on their part and our part. If they can't come to table and meet our needs in the end then there will have to be some change, but the fact is I want them there to be a part of the discussion, and they may not be if we take this - we are not doing anything until the end of this study. We've got

to do something.

Commissioner Cabrera: I just tell you, it's going to be very difficult for us to really be able to do anything but fish or cut bait, and that is cooperate with them in terms of what their needs are, or tell them that we are not going to move forward as partners. I don't see any other alternative; too much time has gone by and it continues to go by and so this process just lingers, and lingers, and lingers, and we sit here and talk about it every time one of us brings it up...

Mayor Slesnick: OK, I'm prepared to support telling the Manager and our city administration that I'd like to have some type solution to their credit issues, if that requires a letter waiving our default rights at this moment, or if that requires an interim agreement, that's what I'm prepared to do, so...

Commissioner Withers: What do you mean by that, Don?

Mayor Slesnick: I don't even know. I have the City Attorney and City Manager figure out what I mean.

Commissioner Cabrera: Well I think the interim agreement would be - I would not want to waive default, but I would certainly be willing to support you on an interim agreement basis.

Mayor Slesnick: There's got to be a way, you know, there's just got to be a way; and I can tell you right now, if the Biltmore right now goes out of business in July this Commission should be ashamed of itself, and this administration...

Commissioner Cabrera: But Don, but Don...

Mayor Slesnick:...I'm just saying that, that's what - we are all sitting here drawing the line in the sand saying we are not going to cross that line.

Commissioner Cabrera: Don, Don, this is the third or fourth time we've had this conversation and every single time we show a tremendous desire to have the administration move this process forward in an expedited fashion, each and every time, I have yet to see any of us say, we have to take our time, we really have to study this, we really have to get all our eggs in line, I don't ever see this body do that, I see us all trying to make something happen, but then you know you kind of get told its work in progress.

Commissioner Anderson: Let me give you some of my point of view for whatever its worth. It's a fine line because I believe - I love the Biltmore what they've done in the last seventeen years, and if there were a way to have a letter, if there were a way to

fashion something that would not remove our rights from anything, I would love for that to happen; however, I don't know what that looks like, I don't know what that language would look like, I wish we could finish this audit so we could do that. I understand the situation; I just don't want to waive our rights to do anything. I would like to relieve them of - to be able get their credit released, but I don't know, I'm not a legal person; I have banded that about with their administration and I don't know, it doesn't always seem possible because there are certain legal terms, I'm not sure that...

City Attorney Hernandez: In December when they requested, and obviously we refer to have these discussions with you one-on-one, they have their discussions with their attorneys privately and this puts us in a very difficult posture advising you on moving forward, but in December when they requested a letter from my office, we worked on a letter and provided to them what we felt was a letter that was protective of the city, but at the same time it was a letter. Initially, we were told by them, yes, please send it, I don't remember the name of the party, and then their attorney called me and said, please do not send that letter; and so when they have asked us for correspondence that you know, is assistance, we have attempted to assist without prejudicing the rights of the city in protecting the Biltmore. I agree with the City Manager that we need numbers in order to give you appropriate advice, and I hear you Mr. Mayor and we will try...

Mayor Slesnick: You know, we are acting as litigants as opposed to partners, that's my problem. We are supposed to be partners with these people for 99 years and we are acting as if we are litigants against them now. Again, before anyone misunderstands me, I understand who caused this issue, it was caused by the Biltmore declaring they weren't paying the rent; they said that there were good reasons for that. The Manager is doing a diligent effort to determine if the reasons are in fact good reasons why they need a new deal. I don't fault anyone for any of that, what I do want is for us to seemingly - you know, you can even come to a dissolution of your partnership at some point in time, but until you get to dissolving it you can act as if you are partners with one goal in mind, that is to save the Biltmore Hotel, to continue it as a premiere property in the State of Florida, and an outstanding landmark for the City of Coral Gables. We should all be in this together, we should all be working toward that goal, and we should not be acting as if we are going for each other's throats. It's no one's fault except the Biltmore, let's blame them, they started the issue; they say they have good cause for starting the issue and we are getting to the bottom of that cause, but until we get there I really and truly believe that we need to be more outreaching and more encompassing, and more understanding and try to get this, so that we can get through the summer. A year ago, a year and-a-half ago, I bought a charity auction item to support our Chamber of Commerce, which was a weekend at the Biltmore, I have never used that until this weekend, I decided finally with grave reservations by going over to the enemy lines and staying at the Biltmore, I'm serious, that's where we are

getting to, you know, it's like, you almost feel like sneaking in the back door, so somebody doesn't say well did you go over and talk to the Biltmore people. So I went over and we spent part of the weekend because we live five blocks away its kind of hard to relocate, you kind of run back and forth, but we did. There are maintenance issues that need to be addressed there with the historic building that there is lack of money to do, there are problems there; the place though was really bustling with people because it was the Memorial Day weekend; people love the Biltmore, I mean, you know you walk around and people would talk about what a great place, what an iconic place it is; people I didn't know, and as you walk around there was a certain swelling up of pride that this is a city property and that this is a city asset, and I just don't want to see...

City Attorney Hernandez: Why don't I do this in order to attempt to at a minimum alleviate some of your concerns and set up a telephone conference with each of you and our Special Counsel and our City Manager, and that way we can walk you through the pros and cons from our perspective, OK?- and then at that point you can then at least act with knowledge, and understanding of both sides of the issue, not just one side. I don't believe that we have had....

Mayor Slesnick: Excuse me, excuse me, wait, wait, wait, are you suggesting that we are not understanding of our city side?

City Attorney Hernandez: No sir I'm not.

Mayor Slesnick: Excuse me Liz; we are part of the city side.

City Attorney Hernandez: Mr. Mayor, what I'm saying is that we haven't had a one-on-one with you on the interim agreement that proposed by the Biltmore.

Mayor Slesnick: Excuse me, excuse me, I've talked to you and I've talked to the Manager, I know your concerns, I know the Manager's concerns, I appreciate concerns; I'm asking that we try to find some way to bend a little bit around our concerns to get the job done, that's my request. I'm leaving it at that, I don't need to be briefed anymore, and for you to imply that I don't understand the city's point of view...

City Attorney Hernandez: I didn't imply that sir, and if I did, I apologize for that, that was not my intension to imply.

Mayor Slesnick: Liz, I stay in contact with you regularly and I appreciate everything you ever tell me, and this is not - you know, everyone wants to take everything personal, this was not an attack on the City Manager, not an attack on the City Attorney, not an attack on anybody. I have expressed my heartfelt feelings that if I

leave office next year and the Biltmore Hotel is closed or something like that, I will be crushed, and maybe I'll run again just to make sure it gets reopened.

Commissioner Anderson: Well, I'll actually personally would like a briefing; I'd like to learn a little more because it's been awhile, and I speak with Mr. Prescott, we chat and I have to tell you it's heartbreaking for me, because I don't want them to go, and if we could figure out a way, but I don't know what that way is unless either the audit is finished or there is a letter, I don't know enough, and I suggested what about a letter?- I suspect many of us have thought of different things to help. I would like that briefing...

City Attorney Hernandez: OK.

Commissioner Anderson:...because I really need to know more so we can see if we can fashion something whatever that may or may not be.

Vice Mayor Kerdyk: I feel uncomfortable speaking about this in this forum. I know that we are embroiled in a situation here, but I do understand the need and want of seeing the Biltmore survive; I don't think any of us want to see the Biltmore fold its tent. The interim agreement is something that we've spoken many times Mr. City Manager, about, and you've articulated your position as far as it goes, and it's something that I'd like to see completed, but when I've talked to Mr. Prescott its always been, you have to forego all the past rent to make this interim agreement fly, and I don't know if I can do that, so....

Mayor Slesnick: That is certainly not to be contemplated, OK?- that is certainly...

Vice Mayor Kerdyk:...because I'll do anything to help them bridge this gap, if there is anything we can do to help them bridge this gap to get to the loan that they need to utilize to operate that hotel, that's something that I would encourage doing. I don't want to forego the past, as I've said before, I think its two different situations; I think we look at the past one way and then we look at how we move forward from that point forward. So I'm still trying to get all those pieces to the puzzle before I make that final, final decision.

City Attorney Hernandez: And that was my intention in doing that.

Vice Mayor Kerdyk: But I would like to tell you one last thing, I forgot to mention, if I could just spin this into another situation. Today is a big day, June 1st, you know what today is?- today is the day, well it's not so good, but today is the day we get our tax valuation. Let me tell you what it is, are you ready?- because I just got it from the Tax Assessor, ready - decrease 6.8 percent another \$4.8 million dollars from our budget, that's the preliminary numbers I've gotten. So when we are starting to talk about



helping people out and stuff like that, we've got to worry about ourselves too, helping ourselves out. Those numbers you need to validate them, but whatever it is we are going to be dealing with another situation. But I am a hundred percent for helping the Biltmore especially getting through the difficult summer months, a hundred percent.

Commissioner Withers: Let me just go back to the study here because I want to make sure we understand it. So we'll have the opportunity to meet with the consultants and then you'll, I'm assuming that's just us, that's without staff, without the City Attorney, that's just one-on-one?

City Attorney Hernandez: If you don't want me there?

Commissioner Withers: No, I don't know, I'm just curious to know how that's going to be set up.

City Manager Salerno: Well I would normally expect the City Attorney to be there, and myself.

Commissioner Withers: OK. No, that's fine; I don't have a problem with that. I just want to make sure we understand. So at that point we are going to talk to them and then you are going to come back, are we going to meet in public with a recommendation?- or...I just want to understand this process going forward.

City Attorney Hernandez: And I appreciate that Commissioner, because we've been obviously struggling with that as well because it is our desire to move forward, this is a partner and that's the way at least I view it and I know that Pat views it that way as well, and you know, the idea is to try and move forward, I'm assuming that once we get whatever picture is advised to the Manager, that at that point the Manager and my team and we'll meet with the Biltmore and say, this is what we can or cannot support, and hopefully in that menu of what can and cannot be supported we can reach consensus and agreement. We may not necessarily reach complete consensus, I'm hoping we will, but sometimes what will happen is you'll get a report from legal and administration saying, we support A, B, and Z, and Biltmore may be asking we also need Y and R, then it will be up to the Commission to decide.

Commissioner Withers: But it's collectively.

City Attorney Hernandez: Right

Commissioner Withers: We are not going to be expressing to each Commissioner how we feel?

City Attorney Hernandez: No, no, it will be a collective...the final agreement has to be

a collective.

Commissioner Withers: But before that, getting to that point. We just heard a sidebar a minute ago where Bill stated a position and Don said he agreed with that position, but I never really heard that before.

City Attorney Hernandez: We cannot meet outside of the Sunshine.

Commissioner Withers: Of course Liz, I know that. I've only known that for nineteen years.

City Attorney Hernandez: OK. I'm sorry, I may be misunderstanding you guys today, you know, I'm trying to...

Commissioner Anderson: We can meet at the Liberty Café or the Country Club.

City Attorney Hernandez: Yes, there you go. You know, we will be meeting with each of you; obviously, I'm certain that the Biltmore has and will continue to reach out to each of you, hopefully with facts and figures from the consultants. We will have more information upon which to make appropriate decisions.

Commissioner Withers: Well look, it's a short term, it's a middle term, and it's a long, there are three issues here, OK. The middle term and the long term I think will shake itself loose after we've seen the numbers and decide what we want to do and how we want to move forward. I think that the concern that I've heard you all speak about today is the immediate short term issue. Now philosophically, if there's a business out there, and I don't care if it's the Biltmore Hotel, I don't care if its Barbara Stein Theater, I don't care if its Merrick Park, but I would think that if we have someone that is a caretaker of a city asset, especially - listen, I went through the closing of the Biltmore and the reopening of the Biltmore and I know the compassion that Bill's Dad had for it, and he was one of the driving forces behind it, but I can tell you right now that if there is a caretaker or an owner of one of our city properties that wants to take money and reinvests into that property, it's really only going to benefit us and maintain the asset, I don't know why we are not just doing cartwheels trying to get this person to help it out. I mean, we should be doing everything we possibly can short of writing a check to help that person get money to improve their asset. I don't understand the legal consequences, but heck, if there are going to be issues down the road what difference does it make?- whether they get a million dollars now or they need a million dollars eight months from now, why not get the million dollars now and put it into the property?- because we are going to end up with it anyway at the end of the day.

Commissioner Cabrera: This goes right back to what Don said though, this all comes back to what Don said; Don started this by saying...

Commissioner Withers: I'm sorry; go ahead Ralph.

Commissioner Cabrera: No, that's OK.

Commissioner Withers: No, I want to hear what you said.

Commissioner Cabrera: No, it's not important. No, I'm not interested in speaking.

Commissioner Withers: OK. Mr. City Manager if I'm way off base on this let me know why I'm off base on this.

City Manager Salerno: Commissioner let me just suggest a different perspective to what you said. Number one, you saw a short, a mid, and a long term; I think the premise for all three, the short, the mid, and the long is the PriceWaterhouse information, because based upon that information, it's going to give you what path you decide collectively you want to go on. It's not going to give you an answer for the short term, that's going to be different for the mid-term, that's going to be different for the long term. It's going to tell you a professional assessment of the finances of the operations and their ability to meet their obligations across the board, to the city, how they perform; are they performing in accordance with the market, are they performing better than the market, are they performing worse than the market, are there things that need to be changed.

Commissioner Withers: Understood.

City Manager Salerno: If you were told that there were fundamental problems with the way they operate, this is hypothetical...

Commissioner Withers: I understand.

City Manager Salerno: I don't you'd say OK, let's help them right now in the short term, but I'll have a different opinion on the mid and the long. Just like if you were told they are doing everything they can correctly, they are doing a bang up job, they are doing - and it's just purely the economy that has taken its toll, you might have a different view, and I would dare say that it probably be the same view for the short, the mid, and the long. I'm saying, you are not going to get three different assessments at different times; you are going to get an assessment that you, because you'll have the ability directly to ask questions of the consultants that will give you the answers for the short term, the mid-term, and the long term. The City Attorney has made a significant investment in time. It's taken nine months to get to an escrow agreement, they have started working only since, I think their first kick-off meeting with the Biltmore that Liz and I were at was in late March, the first documents I think were given to them

perhaps in April, and they are moving expeditiously, but to - I'm trying to give you a perspective there that the information you get is going to help you over those three....

Mayor Slesnick: Mr. Manager with all due respect, I understand the logic; I'm telling you we won't be at these negotiations until September or so, and we want to make sure that we are dealing with the same people in September, there is an absolutely need to get them through this, and you know what?- if they did it for seventeen years and lived up to the lease, I don't think they should be distrusted that they are screwing with us in the last couple of years on their payments; and the people of Coral Gables ought to know that we audit them all the time, we are now doing way beyond what the audit has been required by the lease. So they'd been paying us according to their audits and according to the terms of the lease for a long time. I need to make sure they are there, and now the word is on the street and it did not come from Mr. Prescott, did not come from the Biltmore, I do not get all my information from the Biltmore, thank you kindly, that there are people lining up now and being lined up to take the lease and....excuse Seaway. Well, I don't think that's a proper approach for us to be taking to get to the lease negotiations, and I certainly hope it's not true, that there are people there now being courted to be ready to step in.

City Manager Salerno: Mayor just so it's clear. I have not had any conversations with one person interested in leasing it, Ms. City Attorney have you?

City Attorney Hernandez: No.

City Manager Salerno: I have not even heard of anybody, so inclined.

Mayor Slesnick: Well there are a couple of prominent citizens that are talking about...

City Manager Salerno: All I can speak for is myself...

Mayor Slesnick:...I'm just saying, I don't know who they've talked to, but they have seemingly talked to somebody. So I just - Mr. Manager with all due respect, I understand your point, I want to see, and it's just me, everyone else can speak up, but I'd like to see us find a way to help them get to their credit line to get through the summer, so they'd be there to negotiate with for the long and intermediate term. That's my feeling.

Vice Mayor Kerdyk: I just want to reemphasis, I agree with that; I see exactly what you're saying, the short, the medium and long term, that's the only way we can make a good decision, but the fact is that we want them to make sure they are there, so that we can make that good decision, that's what concerns me. It's just making sure they can get to that credit to help them over the very difficult months, and then we can make that proper assessment when you give us the tools.

Commissioner Anderson: If there's a way to do that without relinquishing any of the things that we need for our protection, I'm all for it, but I need to know more in an expeditious fashion.

Mayor Slesnick: Don't speak out of turn but, Rip I think everyone is trying to work on accelerating PriceWaterhouse, it's just an incredibly lengthy process, and a very delicate process, a very detailed process, and getting the report is just the beginning, that's what we are missing here.

Commissioner Withers: Liz and Bill, I don't know if you were on the Commission then, but the saving grace that the city had when the Biltmore reopened was that Barnett Bank was forced to come up with maintenance money to keep the air conditioning on. The doors weren't open, but the monument, the assets inside were protected, and if that wouldn't have happened it would have started from ground zero; and I don't know, I would just think if there was a business out there that protects one of our assets, and there was a way that we can help them open up a line of credit to keep them operational, we would be absolutely, I think it would just be a very poor business decision to let them fail and then we would have to pick up the pieces. Listen, if we are not partners with Gene and Seaway in September and October because they've mismanaged it, and we feel someone can come and manage it better or we feel, yes, they've done the best they can and it's a combination of things that have caused them and the environment to run into the situation they are in, then we make a decision moving forward based on either one of those scenarios, that's fine, but if there's anything we can do, I don't know, I don't know what the hang-up is with their lender, I don't know if it's a bluff, I don't know if it's a negotiating ploy.

Mayor Slesnick: The lender is afraid that they will loan the money and they'll be defaulted by the city.

Vice Mayor Kerdyk: They are carrying a high debt on that property, high debt.

Commissioner Withers: Well I know.

City Attorney Hernandez: They're what?- I'm sorry.

Vice Mayor Kerdyk: They are carrying high debt on that property; it's just not low debt.

City Attorney Hernandez: I hear you Commissioner, I will definitely follow up.

Vice Mayor Kerdyk: So that's why the lender is somewhat cautious about giving, because their equity - everybody lends on equity, what equity is in the property.

Mayor Slesnick: Remember - people forget so soon, but Chip correct me if I'm wrong, but Barnett, I mean let's face it, the city took an incredible piece of property for one dollar, was it?- from the federal government, but that's deceiving, it sounds like you got a great deal, what you did was, the city took a gigantic asset and a gigantic liability and then Barnett Bank went down the tubes over the Biltmore - what was the final total debt there?- \$87 million?- or - the amount to run this hotel and to rehabilitate it runs, and then the second investment pushed it over a hundred and something million, I mean you are talking about a building that is not just - you could have built a new hotel cheaper and run it easier and kept it up easier than you had the Biltmore; but the Biltmore is an iconic landmark national historic register, and the symbol and emblem of Coral Gables on most posters and magazine covers and everything else.

Vice Mayor Kerdyk: You know just one more comment to that. The reason that Mayor Thomson could probably tell us if she was here, but the reason it was saved at that point was there was a special tax credit in the mid '80's or early '80's when this came about, or this thing would still be sitting vacant, and there was some great tax incentives that allowed people to invest in and people invested in it, and you're right, they drove up the debt and they failed in the early '90's I think, it was or late '80's, and then they reopened and the Biltmore has run seventeen or eighteen consecutive years without any problems.

Mayor Slesnick: But it carries a large debt, and by the way, I just didn't want anybody to misinterpret that somehow the current ran up a large debt, it's been a large since the day it reopened.

Commissioner Withers: Would it be out of the realm of reason for the lender to talk with the city?- Bill you know better than I do.

Vice Mayor Kerdyk: If he could get great comfort by talking to the city, but...

Commissioner Withers: I'm just looking for any way to get this thing resolved.

Commissioner Anderson: For me, I speak personally, I just gave Liz - I want to have that conference ASAP, because I want to know can we fashion something. I'm looking for answers as well

City Clerk Item No. 33

## **ADJOURNMENT**