

## **City of Coral Gables City Commission Meeting**

**Agenda Item E-3**

**January 25, 2011**

**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, Patrick Salerno**

**Interim City Attorney, Lourdes Alfonsin**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

### **Public Speaker(s)**

**George Volsky, Coral Gables Resident**

**Richard Namon, Coral Gables Resident**

**Christine Rupp, Coral Gables Museum**

---

E-3 [Start: 11:57:06 a.m.]

An Ordinance of the City Commission of Coral Gables authorizing entering into an Amended and Restated Agreement for Operation of the Coral Gables Museum with Coral Gables Museum Corp., with regard to city-owned property at 285 Aragon Avenue, Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (Passed on First Reading January 11, 2011).

Mayor Slesnick: Item E-3.

Interim City Attorney Alfonsin: An Ordinance of the City Commission of Coral Gables authorizing entering into an Amended and Restated Agreement for Operation of the Coral Gables Museum with Coral Gables Museum Corp., with regard to city-owned property at 285

Aragon Avenue, Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (Passed on First Reading January 11, 2011).

Mayor Slesnick: Can I have a motion?

Vice Mayor Kerdyk: Mr. Kerdyk moves, can I have a second?

Commissioner Withers: Second.

Mayor Slesnick: Second by Mr. Withers. There is no discussion immediately from the Commission; we have three speakers signed up to speak. We have Mr. George Volsky.

Vice Mayor Kerdyk: Can I ask a question before you start? Mr. Volsky do you mind if I ask a question before you start?

Mr. Volsky: Oh, absolutely.

Vice Mayor Kerdyk: I just wanted to ask, one of the questions I had at the last meeting was the mission statement, and I see you are going to talk about that. Why don't you go ahead and talk about it, I can follow up on the conversation.

Mr. Volsky: Mayor, I would like to say a few things on the point of order very briefly. I think it is significant and is deplorable that you've given one hour to an issue of one house, whereas speaking about the museum you'll give me three minutes plus maybe a couple of more than Mrs. Namon gives me, and this goes on and on. And then another issue this early again on a point of order; the City Attorney advised you that you have no conflict of interest voting for the museum. I want to read something for the record, there is...

Mayor Slesnick: Is the timer on please?

Mr. Volsky: No, this is....

Mayor Slesnick: Mr. Volsky anything you say is on your time; you have no points of order time, you are on your time clock. Please turn the time clock on, and if it's not working....

Mr. Volsky: Well according to a....again, you should give me more time because this is something which has to do with the future of the City, much more important than one house, which brought here about five lawyers, plus....between you and one of the architects. Also, I have discovered a document in which this Commission has apparently forgiven the museum \$1

million - \$1 million, and I've got it here. Anyhow, what I want to say is the conflict of interest states which everybody in the County supports. If you have a relation with any member of the entity, which presents an issue you should abstain, and this is here, you know that, and she also knows this, and I don't know whether she has advised you of this. OK, be this as it may. I'm in favor of the contract with the Coral Gables Museum, but I want to have it correctly; I've been involved in this for more than 15 years with this issue – more than 15 years, and you were too, and actually you might not remember, you wanted the museum to be an outreach of historic museum of South Florida. You remember that, you had a "bug", which presented to this Commission a recommendation this be a bunch of museums of South Florida. You recall that? – you do. We have here in the letter which I have brought you, and wonder if you got it before, is written by Mr. David Doheny, who is supposed to be the best knowledgeable person on the museum issues, and one of the best in the country. He was for a number of dozen years Vice President and General Counsel of the National Trust for Historic Preservation in Washington (DC). He said there are some very important flaws in the agreement, and I think you ought to take... I wish that you would read it and take this under consideration, and make it right because I also believe, I agree with Mr. Doheny that there are some flaws. Now, one of the flaws is the mission statement. I want to say I've been involved in creating several museums in this country for the last 40 years – 40 years, and it is unthinkable that the owner of a museum gives to the entity, which doesn't have any experts, the rights to frame the mission statement, it's unthinkable.

Mayor Slesnick: Excuse me one second, excuse me one second Mr. Volsky; are you saying that Mrs. Namon has given you her time?

Mr. Volsky: Pardon?

Mayor Slesnick: Did you say that Mrs. Namon gave you her time?

Mr. Volsky: This depends on how long her husband is going to speak.

Mayor Slesnick: No. If she's given you... Mr. Volsky we are not playing...

Mr. Volsky: No, you are playing games; I'm sorry, you are playing games, I beseech you, I ask you for two additional minutes because....

Mayor Slesnick: I'm giving you three additional minutes as she said she is giving you her time. So why argue with me Mr. Volsky. Would you give Mr. Volsky three minutes please?

Mr. Volsky: What I'm saying to you is that this is too an important issue to disregard what Mr. Doheny has said. He couldn't come here and speak to you because of family problems, but he is the biggest expert and actually he has asked to be involved in this issue, he was disregarded. He was someone who was General Counsel of the National Trust for Historic Preservation in Washington; if his views are not taken care of I don't know whose view it is. Also, on the other issue which I mentioned, I found the document. In 2004 you stipulated a salary of Jorge Hernandez at \$300,000, then you added \$500,000 more, \$50,000 more, and most important, in December of, this is something which I found, in December 2006 you increased his salary from \$350,000 to \$450,000, and it says and I'm quoting, "*It is based on the contribution of the Coral Gables Museum in the amount of \$1 million.*" My question to you sir, to everybody, where is that \$1 million?- or if it isn't there we can ask Mr. Hernandez to give us back, because it isn't here, I don't know if you have seen this, and it was voted by everybody except Commissioner Anderson who was absent. I can offer this; this was exactly passed on the 20<sup>th</sup> of December of 2006, it was increasing his – based on the contribution of Coral Gables Museum in the amount of \$1 million. Two weeks ago you passed a resolution about the Foundation \$2 million – alright, that's fine, that's fine, the money will come later, that's fine, and I appreciate it, but where is that million dollars?- and you voted for it; you voted – you accepted the contribution of \$1 million and I don't see one penny of it, but the City already paid Mr. Hernandez \$100,000. So this is a side of this museum, but I ask you to read carefully Mr. Doheny's letter and see whether this should be incorporated, because it would be an absolute travesty if someone who is the best expert, one of the best experts in museums in the country, suggests to the City this should be done and be disregarded; and actually again, I repeat he offered his services and the museum people disregarded it. I wish – I'm in favor of the agreement, there it is, it should go on, but something should be done, and the mission statement, which I framed is a mission statement which similar to Viscaya, it was framed after a very prolonged discussing lasted two weeks, and based on that Viscaya was approved by the American Association of Museums. This museum has to be approved to be viable, otherwise it's going to be just nothing; and incidentally, I don't know if you know, they are already in the process of hiring out for weddings, Barmitzvahs, etc., this is not a museum.

Mayor Slesnick: Thank you.

Mr. Volsky: I wish you to read this.

Vice Mayor Kerdyk: I'm going to ask about the mission statement, because the City Manager asked at the last Commission meeting that City staff look at the mission statement, and listen to Mr. Volsky's comments on it, and what was determined on that Mr. City Manager?

City Manager Salerno: We reviewed the comments in general and thought we could improve upon them, and subsequently we had conversations with the association that accredits such facilities, reviewed their standards and added language that deals with the audience. It may have been fine as it was, we didn't feel any reason why we shouldn't make it better, ran that pass the museum, they supported the change. So the only change that was made in the mission statement from last time, from First Reading to Second Reading is association with delineating the audience that the museum is attempting to reach.

Mr. Volsky: May I ask what association was that?

City Manager Salerno: Excuse me?

Mr. Volsky: What association was that?

City Manager Salerno: The American...

Ms. Birdsill: The American Association of Museums.

Mr. Volsky: Well they didn't go through the process. You know what the process is? They send several people to look at the mission statement and every operation, this is a process. Was this in writing or just a telephone conversation?

City Manager Salerno: We did not go through the process, it would not be our obligation to go through the process to get accredited, that would be the obligation of the museum.

Mr. Volsky: I know the process; I went through two processes at Viscaya, I know what the process is and Viscaya had to pay \$20,000 for an expert and as a result of this was the statement which was similar to what I presented. Unless they do something in writing, words fly in the air, and nobody asked me for my input. This is just one thing, another thing that Mr. Doheny says quite clearly about the agreement, and he is, I am the amateur expert, he is the expert, he's a very prominent lawyer and one of the great experts in museums and I think Chip, you ought to look at this, because this has to do with the future, this is not just one house, this is going to be there maybe longer than you live and certainly longer than I live. So this I want to have it right, because this belongs to all of us, your children and grandchildren.

Mayor Slesnick: The next speaker Mr. Richard Namon.

Vice Mayor Kerdyk: I do think we should to talk to Mr. Doheny, I think it was a good suggestion.

Commissioner Withers: I've already e-mailed him, thanked him for his comments and asked that we can get together and so....

Vice Mayor Kerdyk: That's good.

Mr. Volsky: And I think if you believe that if some amendments ought to be made you should make them because he didn't write it because you know....

Mayor Slesnick: Mr. Namon.

Mr. Namon: Yes, it's good afternoon. The lease between the City and the Museum is very important to the museum donors and the City budget. The museum must be self-sustaining and not become a burden to the City. This lease does not assure that; it is a lease made between friends and associates, this is not a lease made at arm's length like it supposed to be. It is a bad lease. This is not because City Hall has bad people, the opposite is true, it's because some of you are involved and overly optimistic about the museum's future. Not all of you have analyzed the lease with a critical eye. The donations finalized in Item C-4 and C-5 today are laudable gifts, however they show a personal involvement by the Commission with the museum. As a matter of public service Mrs. Slesnick is on the Museum's Board of Directors. These are reasons why it is a bad lease, I'm sorry, there are reasons why this is a bad lease, too many to elaborate here. For example, the lease doesn't include a museum business plan, projected income, staff growth, membership or call for a detailed budget every year. Those are reasonable requirements for a lease that gives free rent to the museum for up to 60 years. Equally troubling the lease ask the City for and I quote, *"In the event that the museum has a vacancy or long term temporary absence of its museum director, the museum may request from the City that the City provide administrative staff assistance for a short period of time acceptable to the City"* unquote. The museum doesn't have a director at this time, if the City accepted such a request how would the City be paid for its services? The City has no experience in administrating a museum. The lease is filled with good intentions, but is short on details. Before the lease is signed the museum should show how it will operate when it doesn't have a sitting director. It could arrange for help from a local museum, or retain an administrative consultant. The museum is supposed to be self-sustaining; it should never ask City Hall to administrate it. The lease needs to be written for the good of both the museum and the City. It is a good task that needs to be done and again, I will ask Mayor Slesnick and Commissioner Withers not to vote on the lease because in my opinion disregarding what the City Attorney has said, it is a conflict of interest. Thank you.

Mayor Slesnick: Thank you Mr. Namon.

Mr. Volsky: [Inaudible]...the question that I posed about the \$1 million would you agree to...reneged on this?- this ought to be stated by whoever forgot about this. So I would like this to be clarified clearly, because you accepted in good faith \$1 million from the museum association, whether it was pledged or documented or whatever, now it disappeared.

Mayor Slesnick: Mr. Volsky you are out of order. Thank you.

Mr. Volsky: Mayor, Mayor please don't be beaurocratic, this is too important, too important to....

Mayor Slesnick: You've made your point.

Mr. Volsky:...this is too important because you'll be at most two years here, please, please, and take me seriously....serious matter.

Mayor Slesnick: Mr. Manager did you have any comments?

City Manager Salerno: Certainly we appreciated the comments from Mr. Namon and Mr. Volsky during this period. The agreement needed to be amended, it requires four votes, let's make everybody perfectly aware, it will take four votes to amend this...

Commissioner Cabrera: Well thank you.

City Manager Salerno:...when it was approved in 2006, it was approved by resolution, should have been approved by ordinance at that time, was not approved and presented to you as an ordinance, this corrects that flaw in the matter. It has been negotiated very diligently by the parties, I believe it is now a good agreement, I can recommend and support it, Cindy has done a great job in taking a document that needed a lot of work, but it is now a document that both parties can go forward and live with. It is not – there are numerous aspects of this that has been clarified, and I agree with Mr. Namon's comments to the extent that this agreement has addressed the needs that had to be clarified. There was a lot that needed to be clarified, and it has been, but we also don't want to burden, this is not a city-run operation. It was the intent, I believe, looking at the past documents that it was the intent of this Commission that this be an independent entity from the City, and you cannot burden and tie their hands because that's the reason why – that's the beauty of having a non-profit corporation exist; they need flexibilities that cities don't operate under, and I'm confident that this agreement – these are trying times for any non-profit corporation from a financial perspective, and the generosity that's been shown by Commissioner Withers and the Mayor and the client that he represents is going and putting their mouth where...they are putting their money where their mouth is in that regard, and I certainly

recognize that is what citizenship is all about. Good citizenship is supporting those entities that are intended to do good for the overall community. So, I want to thank Cindy for the work she's done in getting the ordinance where it is today, it is before you, it is proper. We believe that should the museum decide to seek accreditation in the future that this mission statement will not be a problem in any respects in going forward. We've had conversations with people that do it, but they don't give you a pre-accreditation before you apply, and that would not be us, but we did go through the standards that are required and I've talked with other folks with museum expertise, and ran that past the changes that we made, only with respect – the only thing that needed to be added between First and Second Reading was the issue of the audience, which may not have been necessary, but why not take care of it. So we support the ordinance as you have it before you on Second and final reading.

Interim City Attorney Alfonsin: Mr. Mayor, if I may?

Mayor Slesnick: Yes.

Interim City Attorney Alfonsin: I'd like to again address the issue of a conflict. The City Attorney's legal position, the City Attorney's Office legal position is that there is no conflict for either yourself or Commissioner Withers. In order to support that legal opinion, I have spoken to Robert Meyers who is the Director of the Miami-Dade County Ethics Commission, and he agrees with the position that there is no conflict.

Mayor Slesnick: Thank you very much. You know as to the mission statement; first of all, the mission statement is a mission statement and that's the long and the short of it, and it's a comprehensive mission statement. It provides opportunities in many areas for grants and for outreach for money to come into the museum, and it incorporates the essence of what Coral Gables is, and I asked Arva Parks about that and she sent me the following this morning, as a matter of fact. I got it this morning, and it is a quote that she found in the Coral Gables advertisement which appeared in the Miami Riviera newspaper on November 12, 1926, this is November 12, 1926, this is from a Coral Gables advertisement: "*The ideal was to build a City with a soul nothing in it should be unlovely and nothing is. Wise thoughtful standards of artistry, of architecture, of city planning, of tropic landscaping, fan the soul to its first [inaudible] of being, and it has gone on from strength to strength.*" So in this statement we talk about artistry, architecture, city planning. Arva writes this note herself, "*This quote is from a full page advertisement by George Merrick's Coral Gables Corporation in the Miami Riviera just two months after the 1926 hurricane. It was obviously written to remind people to be hopeful about Coral Gables' future. Although George Merrick was not listed as the author from my research and knowledge of his writing styles and his thoughts, I believe he wrote it. The Coral Gables Museum's mission is to educate people about how these standards that Merrick called the*

*“City’s Soul” created a special place that continues to thrive 90 years after the first lots were sold. It also serves as a laboratory on the importance on Coral Gables history and core values and the lessons they teach today and unnumbered tomorrows,” signed Arva Parks. And I just wanted to share that with you because I think that addresses well the mission statement and what it’s about and what our museum can be and should be about.*

Commissioner Anderson: I have to tell you, I understand the need to change the agreement because it was a poorly worded agreement and it left the City very vulnerable, but I have to add, and I’m struggling with this one because I do believe that there is – we are going to end up with the building, and we are going to end up running it unless there is some serious plan to make it, and I wanted to make it, I voted in the past for it, but I’m having a hard time seeing this, but I’m trying to separate the two. We had a very well written letter by Mr. David Doheny from Alava Avenue, who’s been on the National Historic Preservation Board who talked about that accreditation, maybe I missed that, but there should be some things that should be tied in that aren’t. I have to tell you I’m having a hard time, because I really believe a museum is a valuable thing and I believe that this document is trying to correct a bunch of errors.

Commissioner Cabrera: I’m sorry, are you finished ma’am?

Commissioner Anderson: Yes, I’m still struggling.

Commissioner Cabrera: Well not to sound redundant because I think you made very good points, I’m going to, I’m going to kind of echo some of your thoughts and before I do, if I may, I’d like to make some fundamental comments because there is this air out in the community that somehow, some way I don’t support the museum. If I didn’t support the museum I would have never given \$1,000 as a founding member of the museums organization; if I didn’t support the museum, I wouldn’t tout it at my son’s school, and I wouldn’t ask his architecture teacher to have an event at the museum and pay it out of my own household funds. So I think it’s really critical for people out there in the audience and those that may be watching at home and those that go around the City talking about the museum and my views, I think it’s a wonderful, wonderful cultural institution, that’s how I see it and we are very fortunate to have had a member of our Commission take on the responsibility of creating this vision and this actual facility that we, I think, the majority of us if not all of us are very proud of. So let me put that aside as far as my own feelings about the museum, and hopefully to those of you that continually criticize me for saying that I don’t support it, I hope to have put that forever to rest. I’d like to also say like my colleague to my right, that the agreement is a vast improvement from where it started, and to the best of my knowledge the agreement was a 5 to 7 page document and it has turned into a 55 page agreement now. So I want to be clear that I’m very, very supportive of that, and I commend all of those who worked on it. Mr. Doheny, and I don’t know if I’m pronouncing his name

correctly, Doheny, you know it's unfortunate that we all received his letter Fat 9:26 a.m. on January 25<sup>th</sup>, I'm sorry, but it's unfortunate. I wish I would have received this letter 3-4-5 weeks ago because it's a very, very well written letter; and I highlighted just a couple of sentences and paragraphs that he outlined for me and I'm really glad that Mr. Withers and he already had an opportunity to talk, but I want to make it clear that based upon his letter and Mr. Volsky has said it, and Mrs. Anderson has said it, he in fact lets us know that he served for a dozen years as Vice President and General Counsel for the National Trust for Historic Preservation in Washington, DC, that in itself is very impressive. I want to take the liberty of giving you a couple of other sound bites from his letter, and he states in the third paragraph, "*Nowhere in its 55 pages of text is the Museum Corporation held accountable to the City for creating and adhering to any accepted standards for organizations and operations of this kind.*" That's very important and he goes on to write, "*On the contrary in Article IV the Museums Corporation simply quote, agrees to operate a general museum consistent with the provisions of the mission statement,*" end quote, *which in turn provides no operating, fundraising or quality standards whatever.*" And then he says this is the most important sentence to me in that paragraph, "*This is so vague as to be almost meaningless.*" And on page two of that same letter he writes something that occurred to me a long time ago that I know am going to piggyback on and somehow politically take credit for, but the fundamental issue I had with this relationship between the City and this not-for-profit organization was not giving them the independence that they required, but the problem that I had was the fact that there was no true, true oversight between this government and this not-for-profit, and ladies and gentlemen whether you want to agree with me or whether you want to debate with me today, my experience as a City Commissioner has shown me that these kinds of relationships have not fostered well for our City; and I'm not going to sit here and give you exact examples, but we are living one now and we lived one years ago that hopefully is turning the corner and doing well. And let me tell you what he writes on the second page, "*The agreement should also require that a responsible Coral Gables official or his or her delegate to be named by the Commission serve as permanent ex-officio member of the Museum Corporation Board of Directors to assure appropriate and timely communication between the two entities.*" You see what happens when you go back to the voting records, I may have not voted for some things and I may have walked out of the Chambers for others, and that's because I had serious consternation with the fact that I saw no connection between the museum and the City, and I was once scolded in a very nice way, not by Mr. Guilford, but by someone else and told, hey look, we don't want this to be a political kind of organization, we want it to be a real not-for-profit and we want it to really exist independent of the City, and I admire that, but you know what?- we don't live in a perfect world ladies and gentlemen, it is political, it's political and I'll tell you why its political because as a sitting Commissioner I found out at a social event that its director was no longer employed by the museum, I don't know what happened, nice guy, worked his rear end off and all I saw him do were good things, but yet we got rid of the person. So, I share the same concerns my colleague to my right shares, and I know this requires a four-fifths vote, and I don't want you

all to think that I'm going to be the third or fourth vote that goes against this because unfortunately, I don't know. I still have – I saw the letter or the e-mail, excuse me, the memo from Ms. Birdsill to Ms. Spain, inspite of the fact that I asked for others to report back on this matter, and I have to share with you regarding the hiring and the funding of a receptionist it's vague at best, it's extremely ambiguous, it lacks clarity. As far as the percentages of space occupied by the City and the Coral Gables Museum with regards to the electric bill, I don't understand why we have to continually support it financially; we are already doing what we can to support it. I will continue to support it privately, if the Museum Corporation comes to me for another donation, I'd gladly give it. I can't give it to the magnitude of my colleagues, but I can certainly help support a living institution that's new to our City, and I want it to do well. I want my kids and their kids to come back to our City one day and say, hey you know my Dad, he wasn't the guy behind this, but we had a little something to do with it, and it's really exciting. I have to tell you, on a personal note, that event that I had at the museum for my son's school which we paid for the insurance and Ms. Rupp was kind enough to allow us to make a small donation, I was very proud that night not only of the building, but I was proud of my children and the fact that they were sharing this new building, this renovated building with their school-mates and their teachers, and it gave me a very warm feeling, and I said, you know this is what it's all about, this is what we should be doing. I'm sorry for having bored many of you that decided to sidebar me while I spoke, but at least I got this off my chest, and so I'm not really sure if I'm going to support it or not, but now I think you know how I feel about it.

Commissioner Anderson: Let me ask a question. Is it possible that we postpone this and look at this particular letter; I think what's the kernel of the second page of this is very valuable; accreditation standards, a variety of things that will help it succeed, and it will help make sure it happens. I could support that. Right now, I would like to see if we can work on it between here and the first meeting in February, because I would like to support it.

Commissioner Cabrera: If you make a motion, I'll second your motion.

Mayor Slesnick: Can I address that Maria?

Commissioner Anderson: Yes, you can address it, but I don't know if it's going to change my mind. And this happened – I'll be honest with you, I rarely, rarely, you know, this really was a very compelling letter.

Vice Mayor Kerdyk: He's a good man.

Mayor Slesnick: First of all our City Museum, it's just like our Merrick House. We had people urging us, wait a minute, we had people urging us to meet certain standards to have it accredited

as a house museum, and the majority of this Commission stood up and said that's not what we want, we want an interactive house, we want a house that serves the public and is open to the public and is usable by the public, so we abandoned that. We don't know now if we start putting a yolk of accreditation on this museum, we have no idea whether or not this museum is ever going to have the financial and the administrative capabilities of larger more sophisticated organizations like the Historical Association of South Florida to ever achieve accreditation. To demand that they gain accreditation could be the yolk that takes this thing down. Is that a goal?- it may be a goal down the road, as we look at that if we decide that, that is something that is desirable, then that is fine; but to now put that yolk on you to get accreditation or else, it just doesn't make much sense to me, and if we don't start letting them operate, they have been in limbo now for a long, long time waiting for this to come before us and they are not going to get any more donations until they get operating, they are not going to be able to build the kind of financial backing they need until they can start operating, and right now they have waited and waited and waited, and I think that time is of the essence.

Commissioner Anderson: And it can't wait one Commission meeting? I mean, I'd like to make a motion to defer to the February 8<sup>th</sup>, and we'll decide. I think I'm owed that courtesy because I'd like to vote for it.

Vice Mayor Kerdyk: You know what?- I'll second that because I think you are owed that courtesy too. I have no problems to support that.

Commissioner Cabrera: I was going to do that, but thank you for doing that.

Vice Mayor Kerdyk: You can go ahead and do it....

Commissioner Cabrera: No, no, no....

Vice Mayor Kerdyk: But the point is that I think the Commissioner is owed the courtesy for a two week period to try to clarify some matters in that document.

Commissioner Anderson: Yes – and in February....

Vice Mayor Kerdyk: I know how I feel about it, but I still out of courtesy....

Commissioner Cabrera: Would you be comfortable, I know it's your motion and its Mr. Kerdyk's second, would both of you, I'm going to be quiet I'll wait until everyone is available so that I can get the courtesy that I deserve. No, I'm just waiting for full attention on this matter. I

try so hard to give other attention and I just don't get the same respect and it's so damn hard. I'm just going to take a breather for one second until everyone's eyes and ears are on us.

Mayor Slesnick: I presume he is asking a question about this.

Commissioner Cabrera: It doesn't matter; this happens all the time. When I first got into office it was a commonplace thing and I've tried so hard not to do it, and so has Mrs. Anderson, but decorum is sometimes lacking. OK. Ms. Anderson.

Commissioner Anderson: Motion to defer til February 8<sup>th</sup> to discuss this, and get better briefed on possibilities.

Commissioner Cabrera: OK. And would you be comfortable, and I mean this sincerely both you and Mr. Kerdyk, would you all be comfortable, because I've got two issues regarding the memorandum that I'm sure both of you have copies of, dated January 21<sup>st</sup> from Ms. Birdsill to Ms. Spain, to get greater clarification on number 4, which is the hiring and funding of a staff member, and secondly, I'm going to share with both of you that I'm going to have a very difficult time supporting anything, but an appropriate share of the City's space allotment be paid by the City for utilities; and I'd like to ask staff to relook at that 63-35 percent breakdown because here's something else I learned, and again I learned because I don't know anything about the museum, I only know what's fed to me, which is awful for a politician to say; I know that we also have IT (Information Technology) equipment that does take up a lot of space, and it may be storage and it may be backup. I don't know what it is, but I'd certainly like to make sure that that's included in that 35 percent that belongs to us, because I'm sorry, but I cannot subsidize the utility for a not-for-profit. I think it's wrong, I think it's self-serving, and it reeks of favoritism, I can't do that. But at the same time I want to pay for what is fair for the City's share. So Mrs. Anderson, would it trouble you if I ask for clarification on those two items as well?- or would you like me to take that as another item?

Commissioner Anderson: Would you? I'd like to just keep this....

Commissioner Cabrera: Well here's what happens, if I take it as another item it will go unaddressed, I just don't have the political juice to get the matter addressed. So I'm just...

City Manager Salerno: Mayor could I add some comments here?

Mayor Slesnick: Yes please.

City Manager Salerno: Thank you Mayor. Let's put into context the electricity issue, OK. The original agreement called for the City to pay 100 percent of the cost of electricity – 100 percent. In reviewing the agreement and having discussions with representatives of the museum, we approached them and asked them and gave them the information on what the actual split is of space, and asked them in the spirit of this arrangement that shouldn't they have some role in managing their electricity costs, and have a stake in it. They stepped forward, they agreed; the original term that was approved by this Commission had 100 percent of the cost of electricity borne by the City. They have agreed to amend that in this agreement so that they would pay 25 percent giving them a stake in the management of the electricity costs there. The 65-35 percent was prepared by Ms. Spain working with folks representing the museum I believe, the architect. So it has been refined, would you say Dona?- and whether its 64-63-62, I would proffer that, that doesn't make any difference here because the reality of it is the intent on the part of staff was to get them to agree to recognize that they should have some stake in managing their utility costs, where they didn't have to agree, but if it's the will of this Commission to put a burden on them that they didn't have before that was entered into, let's say in the heyday of the economy when things were going great, and today any non-profit corporation is having difficulties making ends meet, and to ask them to pick up perhaps a greater burden, I would only want to share with you that I think you are asking for, you are laying on top of this organization an additional burden that will weigh on them; but again, that's a question of this group, it's also a question of the Museum Board, because it takes two to have the agreement and I think they stepped forward and agreed to do something that is clearly showing good faith in that regard.

Commissioner Cabrera: I'd like to rebut now, if I may, because I didn't ask for staff's input on this, but I'm grateful....

City Manager Salerno: I wasn't responding to you Commissioner, I was asking the Mayor if I could put on the record information regarding how that was classified. So I know you didn't ask for it, I was not doing that.

Commissioner Cabrera: No, I'm going to be quiet while you are speaking. Are you done sir?- are you done sir?- are you done?

City Manager Salerno: Yes.

Commissioner Cabrera: OK. His comment – the Manager's comments about the original agreement, hey listen, I'm glad that that was rectified, I don't agree with the original agreement, so I don't understand why that had to be a point of reference. I'm also very happy that staff met with the museum, I'm very delighted that this kind of dialogue. Here's the difference, I don't rubber stamp recommendations from this government, and I didn't do it in 2001, and I'm not

going to do it in 2011. Ladies and gentlemen, I'm an independent thinker; I represent the people of Coral Gables, I don't represent the City Manager's office, I don't represent the Coral Gables Museum, I represent the people of Coral Gables. Shaming the City Commission to simply agree to do this by using words such as burden is inappropriate and it's uncalled for. I'm not a little kid, I don't need to be chastised, I don't need to be told to approve this thing, because somebody met with someone else and made commitments; I am a member of this governing body, and until I leave office I'm going to make decisions that are good for the City of Coral Gables. It's not about personalities, it's not about dislikes, it's not about hatred for others, it's about what I believe is in the best interest of our City. So if you don't like it, it's too bad you can't vote me out, I'm still here. So, unfortunately Mr. Mayor, I will address you, I agree with the Manager, his disagreement with the first agreement I'm delighted that he fixed it, I think he's made great strides, but I still have this concern, and if at the end of the day this group decides to approve this document, so be it. As you said last night at your political fundraiser that I attended and supported, we don't always agree, but we move forward after that. So hopefully we'll move forward after this one.

Mayor Slesnick: I'm sure we will.

Commissioner Withers: Don, can I comment please?

Mayor Slesnick: Yes.

Commissioner Withers: And Maria, I respect your deferral, and Ralph I respect your position, and Bill I respect your position. My remarks are kind of going to be across the board, but I want to over the next two weeks as you approach this, I just want you to keep a couple things in mind. Number one, as far as the accreditation; accreditation has always been on the radar screen of this museum. It's very costly, it takes a lot of time, there are a lot of things you have to do to become an accredited museum. Randy Nimik who was brought on early on to help framework this, who had 20 years of museum experience with the Historic Association of South Florida, understood this. It is in their goals, it is an objective, and it's going to take time and money. We have time we don't have money; and like Don said, it's one of those things that what does it buy you?- it buys a little bit of recognition; does it serve the people of Coral Gables better as far as having an accredited museum?- maybe as far as getting some exhibits, maybe moving in grant writing and whatever, yes. So accreditation has always been on the radar screen. When I leave this office in April, I plan to become very, very active in the museum. I've already started putting together a business plan, I've already started a catering policy, I've already started an array of things, and I commit to you that I am personally going to be involved in this thing, probably more so than I've been involved in anything else except for my business and family right now. And that's why I made the commitment; I wouldn't have made the commitment to the money if I wasn't sure this

thing wouldn't succeed. Secondly, as far as the whole framework and I wish Mr. Doheny, I don't know where he has been for the last 10 years, I wish he would have like Ralph said, instead of 9:21 this morning getting this letter, I wished he would have reached out to this committee before, he would have been very valuable in this.

Commissioner Anderson: I totally agree.

Commissioner Withers: We discussed the mission statement; I've been to maybe one or two Board meetings over the past three or four years at the museum and that was done on purpose, because I did not want there to be any conflict between me as a Commissioner and the museum. The only time I was asked to go to those Board meetings was as a guest, and I never attended Board meetings for that specific purpose. So, I just – the record I think will reflect and Chris will reflect my involvement at that museum has been away from....

Commissioner Anderson: I never questioned that.

Commissioner Withers: Let me finish. The framework early on, and you have to keep in mind that of the \$5.5 million that this project cost, I think there is probably close to over \$3 million hard dollars of citizens money, not City money, not grant money, but if you take the couple million dollars from the Gallery, you take the money that I've committed, the money that Perrin has committed, the money that Kirk Landon committed, the lion share of this money is public, excuse me, private dollars. The other amount of the money that was contributed was through historical preservation grants, Dade County Bonds, I don't know that there was a whole lot of, and one of the things I'm going to do is do a complete financial accounting of this, I don't know how many hard dollars or pure dollars were out of City taxpayers dollars. I'm not talking about – I'm talking about the City of Coral Gables not State of Florida and not Dade County. I think you are going to find that the amount of money that the City put into this building probably covers what the space is that it cost for them to renovate and build out, because people have to understand that, that whole second floor is going to be the Department of Historical Resources; there is going to be shared space in the community meeting rooms. So I'm not sure that the citizens of Coral Gables aren't getting a terrific bang for their buck, but what I want to point out is early on, one of the first decisions that we made, and that meeting was with Bobbi Litt, it was with George Corrigan, it was with Mary Young, it was with myself, it was Randy Nimik, and it was with Raul Rodriguez, Dona helped me out, was Raul the architect?- OK – was what is the framework of this museum? Do we have it controlled with members of the City Commission?- do we have under the government's control? We looked at three or four models in this County that didn't work when that happened, and it was Randy Nimik that kind of, and again, 20-sum years in the sector of museums of South Florida, who has worked with Dade County, we kind of, and these five folks at this meeting, we all kind of agreed that you know what?- it wasn't best to

have this under the auspices of the City of Coral Gables. I can tell you right now that this museum would love to be embraced and financed and supported by the City of Coral Gables. In a heartbeat they will sign everything over to the City right now if you will agree as a Commission to maintain it and run it and staff it. They'll do it, and I will vote, I will say let's do it. But the agreement was that's not how this thing was going to take place. It was going to be a private entity that was going to be kind of launched, and right now the City's support for this museum annually is 65 percent of the electricity, that's what the City....now granted, they have a position for a receptionist, which is also going to be the receptionist for Historic Preservation Department, and yes, they have a free building, free rent, that's a big number, but I really think that if someone said the amount of lease the City is giving to the City, what is the goodwill and what is the City's exposure as far as having a museum and a cultural center downtown far outweighs the cost of what the lease would be. So, I just want everybody to understand that, it was never intended to be a City run museum, and when you do that, you kind of have to grant that party some autonomy to make their own rules and set their own. Now, the last thing as far as the mission statement goes. We all realized early on that this museum would never survive as a history museum, it just wouldn't. You are only going to be able and walk in and see George Merrick's dining room dinner plates once or twice a year and that's about it. In order for it to really succeed it was going to have to become a community center, and it was going to have to be a broader museum. I wasn't involved in it, and I'm not going to comment on whether I agree with it or not, but the change in the mission statement to include City planning, architecture, and things other than strictly historic preservation was planned to attract a broader audience, it was planned to attract more partners, more joint ventures, and it was certainly planned to be able to apply for more grants; and that was the whole reason for the change in the mission statement. If those purists that think it should be just a history museum – when I first thought of this that was my blinders, I thought it should just be a history museum, but as I was coached by Arva Parks, George Hernandez, Randy Nimik, and other that have experience in this field, Bobby Litt, they all agreed that history is a good foundation, but if you really want to make it broad, and you really want to make it successful you have to have a broader approach. So that's my remarks.

Commissioner Anderson: And I appreciate that, and I just need a little more time to digest this information.

Commissioner Withers: Understood.

Commissioner Anderson: And my desire would be to vote for it, because I think I voted for it all along the way.

Commissioner Withers: I know you have.

Commissioner Anderson: And all I need is a little more time and I understand it, and I hear your passion, and this is your project, and I certainly right before you are leaving office, I don't want to do anything to do that, but I have to absorb the information, and I have to see if I can, or if I'm wrong in my point of view, and if I'm wrong I'm really willing to admit it, but I need the time.

Commissioner Withers: And by the way, this new agreement, and Pat knows how I feel about it, has not tilted more in the museum's favor whatsoever, in fact if anything it has tilted significantly more to the City's advantage.

Commissioner Anderson: I realize that too.

Commissioner Withers: So, I mean, I was in favor obviously originally of the first agreement, and Pat knows how I feel about some of the issues in the second agreement. When I wear my museum hat I was not in favor, when I wear my City hat obviously I have to support the agreement.

Commissioner Anderson: I understand that. Duly noted and I just need a little more time.

Mayor Slesnick: We have a motion to defer this on the floor to the first meeting in February. All those in favor say aye.

All: Aye.

Mayor Slesnick: Opposed like sign.

Commissioner Cabrera: I'd like the courtesy of responding to Mr. Withers, I'm sorry, he made some really important comments. Chip....?

Commissioner Withers: Yes sir.

Commissioner Cabrera: I never wanted a City run museum....

Commissioner Withers: Never what?

Commissioner Cabrera: I was never in favor of a City run museum...

Commissioner Anderson: No, me either.

Commissioner Cabrera:....so if I gave you that impression, I'm sorry. What I was in favor is of a stronger continuity between this City Commission and the museum. So if you read anything else into that, I certainly did not mean to give you that impression. I will support this agreement after Ms. Anderson has the appropriate timeframe in which to review it and digest it, but I will not support this agreement unless I get greater clarity on the position of receptionist, and unless I get greater clarity on this utility matter. I appreciate the Manager's initiative to engage me in public forum through the Mayor, I think that's very much welcomed, I think it shows good government at work, but I definitely need to feel comfortable about those, and you know, I'm down to just those two.

Commissioner Withers: Well, I can tell you Ralph, on the utilities because that was discussed six months ago, and I'm not sure, but I think they looked at it for square footage, and they looked at it as far as volume.

Commissioner Cabrera: OK.

Commissioner Withers: And I think the numbers, I'm not sure, but they support somewhat pretty much close to what the concept is...

Commissioner Cabrera: I just want to be able to see it.

Mayor Slesnick: Hours of operation.

Commissioner Withers: Hours of operation.

Commissioner Cabrera: I want to be able to see it. I don't want to just hear somebody just tell me what he negotiated with somebody and how we need to now rubber stamp it, OK. That's my concern Chip, and last but certainly not least, none of us have really discussed the fact that we have someone at the museum on a day-to-day basis working very hard to make it a very good institution, a very profitable institution to that degree that it can be, and I would encourage staff to work with the staff member which is Christine Rupp, and she is sitting in the audience, and I think we would all be amazed how much we would learn from her knowledge and her own personal experience at being there every single day of the week, and it may make for a better agreement when it's all said and done, because it's a good agreement, it's a vast improvement from what we started. But if this falls on deaf ears, oh well, it won't be the last time, but I would hope that the rest of you feel strongly that someone with the talents of Christine, Chris who has worked diligently after Steve left, I think we should engage her and find out some of the issues that may still be out there that lack clarity and are still somewhat ambiguous. How do you all feel about this?

Commissioner Withers: You ought to be careful what you ask for because she'll give you an earful, I can tell you that.

Commissioner Cabrera: But that's a good thing, who better than the person that's living it.

Commissioner Withers: But if we are choking on some utility costs and some receptionist cost, I think Chris will...

Commissioner Cabrera: But what's wrong with that?- what's wrong with that?- are you being funny?- or are you being serious?

Commissioner Withers: She'll be looking for some other things. Listen, I welcome it. Chris, we are looking at some gates we need, we are looking at some security we need, we are looking at...I mean absolutely, trust me.

Commissioner Cabrera: Ms. Rupp would you come up here for a minute? I can do this. Ms. Rupp we've known each other for a long time.

Ms. Rupp: Yes, we have.

Commissioner Cabrera: Bring the mike down. Thank you. Do you have any problems with what I've just suggested?

Ms. Rupp: I have no problems; my concern and it concerns the museum is that everybody is happy with this agreement, and that it assist both entities in moving forward in a positive direction. If I could, there are a couple of things I'd love to clarify based on what's been said today.

Commissioner Cabrera: OK.

Ms. Rupp: However, as far as the mission statement is concerned and the potential liability for the future of the museum. The Coral Gables Museum since I've been on board in 2007, has received grants based upon that mission statement, from the State of Florida, from Miami-Dade County, from the City of Coral Gables, and the Florida Humanities Council and other private foundations. As for David Doheny, David worked with the Coral Gables Museum on our preservation education series two years ago; where David helped us procure a wonderful speaker who also was affiliated with the National Trust for Historic Preservation. So I welcome David's comments; however, we are not purely a history museum, as it's been said. So the fact that he is

an expert for the National Trust for Historic Preservation is fabulous; George Hernandez, our architect, is a Trustee for the National Trust for Historic Preservation. So I welcome his expertise, however, to base a decision today on that one singular e-mail and his comments to me seems to be a little bit short-sighted, because there are several people, several experts in this community who have experience in history and preservation and architecture and urban planning, and they probably all have an opinion on how the museum should or should not operate, but I totally respect your comments Chip, that the City is not in the business of running museums nor should it be. We have a wonderful functioning Board of Trustees that's fighting very hard to produce a first class museum for this community, and through the programs that we've presented, our First Friday Gallery Night on January 7<sup>th</sup> for over 300 people walked through the doors of the museum. We are on a good path and I hope all of you can see that. You come to the museum; you participate, and see that we are on a very positive path. So while there may be some glitches in this operating agreement that is causing some of you to pause in passing it, I really hope those things are clarified so we can move on. The delay in this agreement, the delay in getting the museum up and running has really impacted us negatively in this community. As you know, we have great things to offer; great things to offer families, kids, students, adults, partnerships that we form in this community should not be negatively impacted by continuing to delay this vote. Thank you.

Commissioner Cabrera: Thanks.

Commissioner Anderson: I'd like to make a comment. I truly believe that – my voting record stands on it, I've been supportive, I just need more time, and I would hope that in the next two weeks I don't get, you know, branded as an anti-museum person, because that's happened, that's happened before on other issues, and I can live with it, but I'm done with that. I need more time and Chris you know I care for you, I don't believe my asking for a deferral is shortsighted.

Mayor Slesnick: I need to make a couple of comments and then we'll close after a couple of quick votes. I just wanted to remind everyone that this Commission moved forward wanting a City museum and wanting a City facility, but let's not forget also that it's not just a museum, but it was the restoration of our historic Police and Fire Station, which would have cost the citizens of this City "X" number of million dollars, but it didn't cost the citizens of our City "X" number of millions because there was money brought to the table from the State and from the County and from the Decade of Progress Bonds, and from private grants, that not only restored our historic Police and Fire Station, restored our historic Police and Fire Station, and I hope Mr. Doheny appreciates that because if we had sat around debating for too long over certain things, we may not have had that restoration of a great classic building. It also brought \$2 million of private money to the table to build an incredible new wing which is now the property of the citizens of Coral Gables, that is paid for by private donations, that \$2 million. The downtown

museums, Viscaya, the History Museum, gets so much more support from the County than this group has ever asked for, and we are the ones who asked this group to be created and come to the table to work with us. We were not lobbied by this group to create a museum; we created a museum idea and then went out searching for a group to work with us. So, I'm willing to certainly give them the support they need; I've done it in my own personal donations, Jeannette and I; we've done it in the fact that I brought my clients to the table; we've done it in other ways, and I certainly don't mind, and I have to tell you my feeling for the community is, we have had two people show up for the last couple meetings to oppose this agreement, and we have hundreds of people out in the community giving and supporting the museum and asking us to move forward. So that's my thoughts.

[End: 1:01:00 p.m.]