

City of Coral Gables City Commission Meeting
Agenda Item I-1
June 14, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Steve Kramms, Coral Gables Art Cinema

Agenda Item I-1 [11:00:10 a.m.]

Request for guidance from the Commission regarding the exercise of the City's consent rights relating to the proposed cinema by Landmark Theaters at Merrick Park, along with consideration by the Commissions of conditions of approval of the consent.

Mayor Cason: Craig, Item I-1.

City Attorney Leen: Mr. Mayor, Item I-1 is a request for guidance from the Commission regarding the exercise of the City's consent rights relating to the proposed cinema by Landmark Theaters at Merrick Park, along with consideration by the Commissions of conditions of approval of the consent. I am pleased to inform you that Mr. Kramms has met with Mr. Charters and they've been able to come to an agreement as to how to proceed and each of you have a copy of the letter that has been sent by General Growth that included conditions of approval that are being proffered for the Commission to impose as conditions of the consent. What's being asked

of you today is to, Mr. Kramms would like to speak and I know Landmark Theaters is here and General Growth as well, I'm not sure if they would like to speak, but I know Mr. Kramms would. After you hear from the theater, pardon me, the Art Cinema in Coral Gables, you and Mr. Kramms you would then consider whether to allow, basically what we are asking, the City Manager and I would like guidance from the Commission and in a sense you are authorizing – I've already given the opinion, she had the authority to do this, because typically these leases you are granting the authority to the Manager to administer them, but this was a special case, because it caused a lot of debate and some controversy and the goal of the City was to try to resolve that and we did our best to do that. I believe we have done that. So we wanted to bring it to you so it could be discussed and then you would basically ratify that authorization. You would authorize us to go forward. You would also be accepting these conditions of approval. So they could be enforced by the City, so that would be part of your vote today; and then in addition, what this would do is, it doesn't mean that we have a final agreement. What will happen now is we'll have to negotiate the final documents with General Growth, but the consent has been approved. So the consent would be part of that. All this will become final once whatever necessary agreements there are to implement this occur.

City Manager Swanson-Rivenbark: Just as clarification though Mr. City Attorney, we know of no other issues that would be raised. All issues have been incorporated in this letter, will condition or will recommend to the Commission that they condition the approval on the City's enforcement of this letter, but that when it comes to drafting any type of agreement with the City, we have no additional materials that...

City Attorney Leen: There are no issues that we know of. It would be handled administratively, nothing will come back to the Commission, this will be the final Commission action on this matter.

Mayor Cason: Mr. Kramms.

Mr. Kramms: Good morning. The Coral Gables Art Cinema is pleased to report that as a result of this discussion, as Craig mentioned, with General Growth Properties and Landmark Theaters that it's reached an agreement whereby the Cinema feels it can exist in harmony with the proposed new theater at the Shops of Merrick Park. It's agreed that the tenant will not cause the Coral Gables Art Cinema to be excluded from accessing any film title it wishes from the various film distributors. This is known as clearance. This was always at the heart of our concern. Since this has been resolved our main objections no longer exist. General Growth and Landmark have demonstrated goodwill by resolving this key issue. The parties have gone several steps further by offering space for our Cinema to promote its program at the Shops at Merrick Park, offering a spot to promote the Coral Gables Art Cinema on its website and have generously offered to

donate \$50,000 to the Cinema to help us with our programming. Our expectation is that this relationship will grow in the future. I wish to thank John Charter Executive V.P. of General Growth, who is here today, and Michael Fathom, Executive Vice President of Landmark with their genuine desire to resolve all these issues. The City Manager and the City Attorney were also instrumental in bringing the parties together and providing a framework to integrate this agreement into the requested consent. For this we are extremely grateful. Although we are comfortable with what we have achieved, it's important that the Commission understands that going forward it's the City's responsibility to be certain that the spirit as well as the letter of the agreement is honored. Let's be clear, by giving this consent and the terms of the consent affect the very survival of our little jewel in the Gables. We are a not-for-profit and a charitable organization, created by the City as a result of an RFP that was issued by it. This is a public/private partnership that was designed to create an Art Cinema in downtown Coral Gables. We are fulfilling the terms of our agreement and I think you'll agree so much more. We'll continue to rely heavily on the Commission and the City to support our expansion program and our facilities program. We've been waiting for this matter to be resolved before proceeding with these plans. As some of you may know, we've been asked by a major local foundation to submit proposals so they may consider a LEED gift in order to make this vision a reality. I'd like to thank our Board of Directors and expressly our Executive Board, our new Chairman _____ who was recently elected to our Board as Chairman, our Treasurer Brett Horowitz, Secretary Marlin Ebbert, for their support, guidance, and wisdom. Lastly, I'd like to thank Jorge Picadenas for his counsel and wise advice in this matter. Our two Directors Ben Delgado, Javier Sheves, as well as our Programming Director, who incidentally was the creator of the first Coral Gables Cinemateque and the Miami International Film Festival....Thank you very, very much for seeing us through this and giving us the time and the wide birth to resolve this issue.

Mayor Cason: Thank you. Does anyone from Landmark want to speak or anyone else from your...?

Mr. Charters: Good morning, John Charters from Merrick Park and General Growth Properties. I know you folks spent a lot of time working on this issue with us, so we appreciate that, so I'll just keep it short and sweet. I want to thank Steve and all the folks at the Art Cinema for taking a lot of time, a lot of phone calls, a lot of meetings, a few meals along the way to figure this thing out. I think Landmark is going to be a great partner. We appreciate separately, even from this issue, Jennifer from Merrick Park, we appreciate the partnership, we feel we have with the City, it's always been very supportive, we had issues to work through, but at the end of the day we all seem to get there. And again, thanks for your time, the Manager, City Attorney, have spent a lot of time on this. The Manager has provided wonderful guidance along the way so that we first of all knew who we should be dealing with to sort through things. So, again all the folks at the Art Cinema, we look forward to working with you. I know folks at Landmark are excited about it;

Michael Font is here today and has been here many times as probably you folks have heard to try to help us sort through this issue. So, I've taken enough of your time. I hope you will vote in favor, provide your guidance on this matter and I appreciate your support.

Mayor Cason: Thank you so much and thank you both of you have worked this out. This was something that we didn't want to have to resolve it. We thought that if you all got together and talked and reasoned and dialogued, it's in short supply in the U.S. these days, that we could work it out and we all love art movies. I used to see two a day when I went to college, just came back from my 50th anniversary and hundredth year of our movie theater, and love art cinema, love the kind of things you do. It brings people into the City, it brings a lot of money, brings a lot of support for our restaurants, so I'm really pleased that you worked it out.

City Attorney Leen: Mr. Mayor, so I've taken a copy of the resolution that's been handed out to each of you. I provided a copy to each of the parties; I've received no objections related to it. I'll just read what it does. That the City Commission hereby authorizes the City Manager to exercise the City's consent rights with respect to the Landmark Theater with conditions that stipulated in the June 7, 2016 letter from Mr. John C. Charters, which conditions may be enforced by the City Commission. This letter will be attached to the resolution. Section 3 says, such consent would become effective upon approval and execution by the City Manager and City Attorney of all agreements and documents necessary to effectuate the cinema use and as previously mentioned this matter will not come back before you, we would have all the authority that we need to proceed with signing any documents that are necessary to effectuate the Commission's will, which has been expressed today, which will be expressed today.

Mayor Cason: Do we have a motion on I-1?

Commissioner Lago: So moved.

Commissioner Slesnick: Second.

Mayor Cason: Commissioner Lago makes the motion, Commissioner Slesnick seconds – City Clerk.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: Congratulations.

Commissioner Lago: Congratulations.

[End: 11:09:35 a.m.]