

City of Coral Gables City Commission Meeting
Agenda Item E-2
November 13, 2007
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael "Ralph" Cabrera, Jr.
Commissioner Wayne "Chip" Withers

City Staff

City Manager, David Brown
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia
Cathy Swanson, Development Director

Public Speaker(s)

Patty Greenberg, National Health Care
Steve Helfman, Attorney
Rip Holmes, Coral Gables Property Owner
Dr. William Schiff, Coral Gables Resident

E-2

Ordinance on Second Reading. An Ordinance of the City Commission of the City of Coral Gables authorizing the acquisition by the City of the Palace-owned parcel and the simultaneous ground leases of the City's public properties for their development as a Senior Housing Facility by and between the Palace Management Group, LLC, a Florida Limited Liability Company ("Palace"), and the City of Coral Gables, a Florida municipal corporation, pursuant to Ordinance No. 2004-30, of City-owned property located at 45 and 50 Andalusia Avenue, Coral Gables, Florida and privately owned property located at 83 Andalusia Avenue, Coral Gables, Florida, the legal descriptions and folio numbers of which are set forth as follows:

- (1) 45 Andalusia Avenue (City owned-Municipal Lot 9) Lots 35 through 43 and Tract B, in Block 4, of Coral Gables Craft Section, according to the Plat thereof, as recorded In Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida. Folio No. 03-4117-005-0890

- (2) 83 Andalusia Avenue (Palace owned Parcel-f/k/a Melody Inn Parcel) Lots 44 through 47, in Block 4, of Coral Gables Craft Section, according to the Plat Thereof, as Recorded in Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida. Folio Nos. 03-4117-005-0971; 03-4117-005-0980 and 03-4117-005-0990

(3) 50 Andalusia Avenue (City Owned-Parking Garage 5) (The "Parking Garage"): Lots 10 through 20, in Block 5, of Coral Gables Craft Section, according to the Plat thereof, as recorded in Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida. Folio Nos. 03-4117-005-1070 and 03-4117-005-1120
(Passed on First Reading October 23, 2007)

Vice Mayor Kerdyk: Ms. Swanson.

Ms. Swanson: Thank you Vice Mayor. Before I begin my presentation allow me to introduce the people in the audience that brought this to this level. We have Jacob Shaham, who is Chairman and CEO of The Palace; we have Oscar Roiz, who is the Chief Financial Officer; Adam Rosenblum, Vice President of Marketing; we have Mario Garcia-Serra from Greenberg Traurig, they were their counsel; from our side we had Patty Greenberg and Bob Matraza from National Health Care, they were your senior housing experts defining what kind of housing and what kind of standards you wanted to make sure were built into the lease; we have Steve Helfman and Ignacio del Valle, they were the drafters of this extensive lease agreement, in fact its two lease agreements under the tutelage of the City Attorney. We have also Barry Abrahamson; Barry is not here today; he delivered to you a very extensive financial review last meeting. We are prepared to answer questions, if you have them related to the financials. We gave you a presentation that lasted about an hour and-a-half at the last meeting, extensively going over all the different lease provisions. During that discussion, you asked us to focus on some changes, or some clarifications; and first what I'd like to do is speak on those clarifications, and then if the City Commission would like we are prepared to review the lease agreement in its entirety. Your agreement this time has yellow because we wanted you to know that this incorporated the changes based on your discussion with us; and so if you look through the two lease agreements, you'll see that new wording is also listed in yellow, and I'd like to go over that. Before I go over the language changes, you also asked us to look at some other provisions that will come into play as it relates to the regulatory process. You'll recall that you are seated now as a landlord looking at executing a long-term lease agreement with the Palace. You will have this project be brought back to you after it goes through the regulatory process, and then you will be able to review it as a government entity. In that government review, the question of robotic parking came up and staff has committed to you that we will develop a very objective workshop that involves national experts on robotic parking, in dialog with the City Commission so that you can understand when and when not robotic works in a public parking facility. We are not going to be looking at it as private applications, but clearly as a public parking application; and we will develop that list of experts and workshop in conjunction with your Parking Director and also your Public Works Director. We've made some calls, we've had some discussions with panel experts, and we think that you will be very pleased with the level of objectivity and detail that, that workshop will yield. Commissioner Cabrera also asked us to move forward with an inter-jurisdictional discussion where City of Miami is at Douglas Road with multiple projects that will come on-line; that the Miami-Dade County is really the controller of traffic signals and traffic measures in Dade County; and that this project itself will yield a traffic impact. You wanted to make sure that those discussions happened at the early end of the dialog rather than at the end; we've had that first meeting in the City Manager's office, the City Manager set that up; and we'll have David Plummer, which is the Palace's consultant continue that dialog both with the City of Miami and Miami-Dade County. So you all should feel comfortable knowing that the impact of this project as it relates to traffic both within Coral Gables and also outside of Coral Gables, in addition to the other projects that are coming on-line will be coordinated and planned as a part of this process. You also asked us who owns Miracle Mile walk-through because it is so critical to City Commissioner Meeting

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pass not only the public parkers that are in the south parking facility, but also the Palace residents themselves onto Miracle Mile. The legal counsel did extensive research, on first blush it shows that the City of Coral Gables does own the walk-through. I say on first blush because in a later title search it was clear we own that walk-through; we own the width, and the ground of the walk-through, but after a certain height the prior owner did retain air rights developments. So we've got that passage way, but we don't have the property above it. Kevin Kinney will be interested to know that in the 1970's, the City purchased it through a parking construction fund. You've also asked the City's Public Works Department to research the other walk-throughs, and I know that they are doing that, but for the purpose of this lease the walk-through that is immediately north of the Palace residential building is owned and controlled by the City of Coral Gables.

Vice Mayor Kerdyk: Great news!

Ms. Swanson: I'm sorry.

Vice Mayor Kerdyk: I said that was great news. I didn't think anybody expected that.

Ms. Swanson: You actually paid money in the seventies ('70's) to purchase that right.

Vice Mayor Kerdyk: Super.

Ms. Swanson: And we've included that as an attachment. You have an extensive attachment actually in your Manager's memo and that is listed as, I believe, Attachment G. The other two issues that you asked us to drill down and get better definitions were the Gables resident priority status, and third party insurance requirements. Specifically, Commissioner Cabrera asked the question, what happens if a Gables resident or a Gables family member who qualifies is on the list, they get that call, their unit is ready, but they are just not ready? What happens to them in the process? So the senior housing consultant in conjunction with the Palace conversed and they believe that the most equitable way, and the way that it is drafted here in your revised draft is that, that person, if they are not ready to activate their entrance at that time, they go to the end of the Gables priority list, but they are still above non-resident on their priority list. So they are still on the list of higher priorities, the Gables resident; but they will have lost their spot on the top list because they are not ready to activate; and we have that wording drafted in the section, and our senior housing consultant can go over that in detail. But that's basically the intent of it. You get the call, are you ready to move, you know, I'd really rather wait a little bit longer to move in, that's their choice, but then they go back onto the Gables priority list but they are no longer in the same position they were. The other question that Commissioner Withers asked was actually third party insurance requirements; the fact that people are allowed to come in and you wanted to know specifically what are those providers, what are their insurance requirements. So in Section 3.17, they clarified that as well and our consultants can speak to it, but basically they require workman's compensation insurance, consistent with statutory obligations and post by Florida's Workman's Comp; they have coverage of one hundred thousand (\$100,000) per accident; five hundred thousand (\$500,000) disease policy; and a hundred thousand dollar (\$100,000) disease per employee. These are special provisions as it relates to health care providers and the kinds of insurance...

Mayor Slesnick: Well Cathy, that ignores the point I brought up that there is an entire industry out there of people who can take Aides and RN's from nurse registries who are not required to have workman's comp, and of course they can get them at a lower cost, and by State law they are not required to have worker's compensation.

Ms. Swanson: Patty, can you come up and help us with this issue.

Mayor Slesnick: So I had suggested that the requirement be that they must carry everything that is required by State law as a general, and that will give more options to the people who wish to have their health caregivers.

Ms. Greenberg: Patty Greenberg – If they are coming from a nurse registry, the nurse registry is required to have....

Mayor Slesnick: No, it's not; not for independent contractors. I represent the nurse registry industry in the State, and I can assure you it's not required to have worker's comp for independent contractors.

Commissioner Cabrera: I concur with you.

Mayor Slesnick: Rather than argue about it, I'd just like you to take another look at it as we go through here. I was hoping to give people the complete choice as you would have at home of who you would like to bring in to be your caregiver; and I had suggested in answer to Chip's question, which I thought was a great one, is that they be required to have all coverages which are required by law; and whether its Federal or State, and that way we don't need to argue, and of course, if you can prove that it is required by law then they have to have it.

Ms. Greenberg: Well, we may have accomplished that. I think it says worker's comp covering statutory obligations imposed by Florida Worker's Comp or occupational disease laws, so if they are exempt under that rule then...

Mayor Slesnick: Well, how about we say, if require, I mean, something that says if required.

City Attorney Hernandez: We'll definitely do that Mr. Mayor.

Mayor Slesnick: OK. Everyone needs to be safe. Chip's point is absolutely great; people need to know and I think that the facility has a right to set standards for people coming in to a point, but on the other hand we need to give people the same choice they have before to get different kinds of coverage for themselves; and if they can get nurses from nurse registries cheaper than they can get from home health care – see, home health care has to have worker's comp for their employees, nurse registries don't. But they certainly should be required to have professional liability insurance – absolutely.

Ms. Greenberg: And we have that in here as well, liability insurance.

Mayor Slesnick: But I take it the City Attorney, and if it's OK with you Chip, the City Attorney assured me that will be taken care of.

City Attorney Hernandez: We'll review it to make sure it's in there, and if not we'll make sure.

Ms. Swanson: We'll make a note of that and we'll meet with the City Attorney after -- if required, or whatever language is necessary to meet that intent, we'll incorporate it. Included in the Manager's memo to you, you had an extensive legislative history that talked about the process, the RFP, the selection; the Evaluation Committee.....is Dr. Schiff here? Our "ace in the hole", our Evaluation Committee was absolutely phenomenal, aggressively looked at it and Dr. Schiff has followed this process all along, including raising concerns, ways to make it better, ways to address the traffic issues and all, and we really appreciate the personal time and concern that he has put into the process. That legislative history was provided to you; the financial evaluation including the reality that our requiring a three hundred and thirty-seven car public replacement parking is over an eight point five million dollar (\$8.5M) commitment beyond the regular rent schedule; the memorandum to the Commission and directors that the Manager provided in 2007, and that was related to our MOU where we nailed the business terms, the intent of the agreement, and this is the result of it in drafting. The proposed community development district; you'll recall there is a special provision in this lease for those three hundred and thirty-seven public replacement parking spaces to be allowed to be a community development district, which makes it tax exempt in construction and also in real estate taxes; it is woven into this document, and we reviewed the process as well as the risk memo from two groups. One: our special counsel detailed a memorandum on it that basically there is minimal, minimal risk for the City, and also as important the PFM group, and we've now included that in the attachment. Don Nelson has bond advisors that help look at how the City can regain its triple A (AAA) bond rating; what they do so it doesn't impact our borrowing capacity, and they in turn have issued a memo, its dated as of October 12th, its included in your packet, that the CDD process does not impact your borrowing capacity, or your bond rating; and then there is the attachment sheet which I referenced on who owns the walk-through and the conclusion was that you all do. Mayor and Commissioners if you would like, I'd be happy to review all of the provisions of the lease agreement.....

Mayor Slesnick: No, that's OK. Let's go back to Attachment G, to Mr. Kerdyk's thing, this is about the walk-through. Madam City Attorney is it – I know we have a consent judgment here, but I mean, do we have, and its recorded in the official records, is there any kind of deed document though, am I missing that?- I don't see it here. I mean, we have other court judgments which all of a sudden, which years after they are – become problematic. You think that we need some.....its here in the very first part of the binder that's got the City Manager memorandum, and then attached to it is a bunch of attachments.

Ms. Swanson: When you go to MiamiDade.gov and you do your property search, and you click in, it reads that the City of Coral Gables is the owner of that; we just drilled down deeper to make sure that it was what part of it did we own, but it does show that the City of Coral Gables is the owner of that walk-through.

Mayor Slesnick: That's great and what I'm saying that I might like to see us take a look at whether we need a deed of record or something.

City Attorney Hernandez: That's a good observation; we need to make sure that if we need to record these documents and record the deeds, then we will.

Mayor Slesnick: OK – obviously it seems that we've recorded the judgment, and it shows on the record that we are the owners, but anything just so that ten years from now somebody doesn't say; well you know what.....

City Attorney Hernandez: Absolutely.

Mayor Slesnick: Mr. Helfman – and by the way we appreciate....

Unknown: Covered?

Mayor Slesnick: Yes, it's covered.

Ms. Swanson: It is covered today.

Unknown: And the previous owner kept the air rights.

Mayor Slesnick: That's what I read here – see it's kind of complicated, they not only kept the air rights, and they kept foundational rights, too.

Mr. Helfman: What we'll do – we are satisfied that the final judgment that you have the title to that. We can certainly – we can actually issue a title insurance policy based upon what we have found and we are happy to do that for you.

Mayor Slesnick: That's great.

Mr. Helfman: And we'll coordinate that with the City Attorney's office.

Mayor Slesnick: How much does that cost?

Commissioner Withers: Good to see you Steve.

Mr. Helfman: I mean, it'll be a minimal value.

Mayor Slesnick: OK. Thank you. I appreciate the research that was done here too on behalf of our City Attorney, that's great.

Commissioner Withers: Can I ask a question about – Cathy, I want to compliment whose ever idea it was on...I guess is it a survey that's going to be done annually as a customer satisfaction survey?

Ms. Swanson: That was a consultation with our senior housing consultants and the Palace themselves; they do conduct those surveys already.

Commissioner Withers: I really like that idea because the last thing we want to read about in newspapers or upset people, etc., etc., etc....Let me just ask you a question about that, I assume the survey will go to residents and also kids of the residents and how Mom and Dad talk to the kids....

Ms. Swanson: Adam Rosenblum is going to explain how they administer those surveys now which will also....

Commissioner Withers: And while you are talking about that, maybe Liz can listen; I don't quite understand why a City review of the survey becomes a public record; its only if we keep a copy of it, it becomes a public record?

City Attorney Hernandez: No, it is a public record; any record....

Commissioner Withers: Even whether we survey it or not, I mean, whether we keep a copy or not, it's still a public record, so I don't quite understand why you said we can't get a copy.

City Attorney Hernandez: Once the City receives a document in the normal course of its business it is a public record.

Commissioner Withers: Whether we keep a copy or not. I know there was a concern about us retaining a copy because you did not want it to become a public document, but once we see that document...

City Attorney Hernandez: It's ours.

Commissioner Withers: It's already public, so I would like for us to be able to keep a copy. So maybe you can address that also.

Mayor Slesnick: Were there some HIPPA problems here?

Mr. Helfman: Well we don't use any...

Mayor Slesnick: Medical information.

Mr. Helfman: With something like that, there are no days or medical information in the surveys. Generally in the surveys for independent living – for independent living, or congruent living if you will, we survey the residents directly, and for the assisted living, we do it to the family members who are involved....

Commissioner Withers: Great.

Mr. Helfman:... Because the ability to fill out the surveys and get the best information.

Commissioner Withers: Is that annual.

Mr. Halfman: Actually we do bi-annually – we just finished it right now; we do it in April and October of every year, because if we just do it once a year it doesn't really allow us to monitor if any changes have been approved upon for an entire year; by doing it twice a year we have the ability to monitor and see if any changes have taken place, and if we'd done better we are in areas of improvement sooner rather than later.

Commissioner Withers: The reason I would like the City to participate is there might be some questions about parking access; access to Miracle Mile; questions that we might want to know as a City that you might not want to know as an operator. So is there a way for us to piggy-back on that?

Mr. Halfman: I don't see why not, I don't see why not.

Commissioner Withers: If you are going to be surveying the folks in there...

Mr. Halfman: That's fine.

Commissioner Withers: And if there is a problem with us maintaining a copy of the survey results.

Mr. Halfman: No, not at all.

Commissioner Withers: OK.

Mr. Halfman: It's a useful tool for us and the fact that we do it twice a year, I think it's better than once a year for the feedback that you get. Generally we get about – for independent living, we get about eighty percent (80%) participation or feedback on the survey; so we get a very wide sample size, and very high statistical significance of the data that we get.

Commissioner Withers: Great, great. Thanks.

Mayor Slesnick: Any other comments or questions at this time.

Commissioner Cabrera: Yes, I want to – like Commissioner Withers commend you for not only giving us a very quick presentation, saving us all a lot of time, but also address the issues that we brought to your attention, and I'm very satisfied with the idea of the wait-list, so gentlemen thank you very much for your cooperation. As far as the – I do want to just take the liberty to tell the Commission that we did meet as Cathy – as Ms. Rivenbark outlined with City of Miami officials as well as Public Works, our Parking Director was there in the Manager's office to talk about traffic flow issues, and there are some challenges, but the best part of the process is that we started it early, thanks to Dr. Schiff, and he brought it to my attention. So we are going to be addressing a number of issues affecting the intensity, the density of the area, but more importantly the flow of the area because I'm saddened to say that the intersection at Andalusía and Douglas is failing, according to my Miami-Dade County.

Ms. Swanson: Today.

Commissioner Cabrera: Today – it's failing today. Incidentally, I forgot to mention we had County representative from Public Works there. It's failing today, and so are Miracle Mile and Douglas, so those two intersections are failing, and I'm willing to bet that Galiano and Andalusía, and Galiano-Miracle Mile could also be failing at the levels that they are in today. So we have some challenges ahead in terms of the traffic and the flow of traffic. On a bright note, or silver lining, which we will be talking about at the end of the Commission meeting, you know how I always get on this high horse about the on-street parking, well we are going to lose on-street parking, but the good news is that we'd been able to save it on – we are going to lose on-street parking on the north side, but we are going to be able to save on-street parking on the south side, or create parking on the south side, thereby having a net result of approximately two parking spaces loss – on-street parking.

Commissioner Withers: Moving in the right direction.

Commissioner Cabrera: The moving – let's just say we are starting to take that turn; I think most of that can be accredited to Mr. Kinney, so I appreciate his involvement, and I'm very grateful for you putting that meeting together with the Manager's office. And the last thing that I wanted to talk about was the robotic parking issue. Again, I'm very pleased that you are doing the work you are doing, but Mr. Slesnick and I had a side-bar during the discussion, and it actually was his idea, and I think at some point in time Don and I are going to publicly notice a meeting between the two of us to talk about our differences, with regards to robotic parking, and do so in a way that provides both sides of how we each feel rather than to take the time in a Commission meeting. So for those that are watching and those that maybe interested, I think we are going to go ahead and try to do this in a fashion where we agree, or disagree, or debate, and inform and educate one another, and I really appreciate the fact that you brought that up, so I look forward to that opportunity, and I hope you all will continue to keep those two options in the forefront; I hope you won't make your decisions as of yet; I hope that's still open, and I'll tell you this, if it's not open to do me a favor, and let us know, so that we don't waste your time, and we don't waste our time. I'm not doing that – I'm not saying that to you out of disrespect – I'm actually saying that to you out of respect for the process because you all have been with us, and this is a collaboration, a relationship that I want us to do and want to go forward with it and want to be productive. Good, thank you sir, I appreciate you saying that. That's it for me. Well done as usual. I bet Cindy did most of this work.

Ms. Swanson: Absolutely.

Ms. Swanson: If there are any questions on any of the provisions....

Mayor Slesnick: We're fine. We have one person signed up to speak from the public, Mr. J. Rip Holmes of 50101 Collins Avenue, Miami Beach.

Mr. Holmes: You all know me; my name is Rip Holmes, at 256 Miracle Mile, Coral Gables. My remarks will be short; I wanted to do a lot of statistical financial analysis today, but I didn't get to it. The City did not make its expert and financial information available to me; and in addition we may be going into a recession, and I've been struggling with that; I think that the City should do a little bit of soul searching because if you listen to some of the Governor's aides, whatever slump that we are in is partly due to City and County excess property taxation. I urge you all to

think about the Omni Mall in Miami, and think about the City of North Miami Beach; the Omni Mall what twenty years ago was the place to shop north of downtown Miami, and now it's some kind of university, American International University, it's no longer even a mall. The City of North Miami Beach, is the City I meant to refer to, used to have one of the best malls, 163rd Street Shopping Center; it was a great community, not too far below Coral Gables; we had some great people, great leaders there; the City of North Miami Beach, I think, should be a lesson to all of us what can happen to a City like Coral Gables. Right now the whole demographics of that City has changed, its been lowered, perhaps in some ways like many of our big cities around the country over the past fifty years; the whole demographic and quality of life has gone down. What I submit to you is that this flawed project is taking us down the road of making Miracle Mile an Omni Mall past tense, and may be taking the City of Coral Gables in the direction of the City of North Miami Beach, and many of our downtowns around the country. Think of Detroit – I don't think you want to live in downtown Detroit, Chicago, lots of places, but fifty years ago they were like Coral Gables. So what happened? Downtowns urbanized; this project is urbanizing Coral Gables. It change the demographics; none of you want to live in downtown Miami, and we don't want Coral Gables to become a downtown Miami, but by taking a project, which on its own is a good idea, but doing it in the wrong way, omitting a department store on the ground floor, we are creating an unlivable environment for retail, which will eventually give way, unless we get a department store across from Publix, to mixed used buildings about fifteen stories each, which urbanizes Coral Gables, and then you get – think of all the wealthy residents we have here, I mean, Coral Gables is such a great place, but those residents, you know, as population trends have shown leave when they see a city urbanize, and they move wherever they move – to Pinecrest, out west, to different places; they want to take their kids away from that urban environment. So, I'll add one more point and then I'll conclude. We need to be looking at the City's tax base, you know, Mayor Slesnick, forgive me for talking to you directly, you've been a very strong advocate for trying to preserve the City's tax base, but this project is going to hurt the City by conservatively, a million dollars (\$1,000,000) a year, over the course of this time, so that's a hundred million dollars (\$100M) that you are voting to approve keeping the City from getting. I think that as time goes by you are going to see that this was a needlessly devastating blow to the City's tax base, to Miracle Mile, and to the quality of life in Coral Gables.

Mayor Slesnick: Thank you. Mr. William Schiff, 236 Candia. Dr. Schiff, we appreciate your good work as outlined by Ms. Swanson.

Mr. Schiff: Thank you very much, and thank you Cathy. I've held my peace throughout this entire thing, because basically I'm an unpaid observer representing myself, even though I'm part of the Senior Citizens Advisory Council. I wanted to thank you for this opportunity. I'm impressed of what I've seen so far of the operations of the City of Coral Gables based on what's going on with the Palace. The Palace people have been very cooperative, the City has been very cooperative; you've got some extraordinary people working for you, and you've commented on Cathy, she's one of many, but she is the backbone of this procedure that's been going on through the City Manager's Office. I do want to disagree with the previous speaker. For a number of years, I had an office in the Omni area, and I left to move to Coral Gables – to move my dental office to Coral Gables, and the demographics of that area is totally different than what it is in Coral Gables. I don't see any comparison at all. He may have some other valid comparisons, but I don't think that was a good one, because I went through that and it's a totally different situation. Anyway, I urge you to vote yes today, get the process moving. The Palace people are

getting itchy, and I don't blame because it's a long procedure for them, and they still have a long way to go, and we would like very much to see this proceed on schedule today. Thank you very much for this opportunity.

Mayor Slesnick: Thank you Dr. Schiff, appreciate it; thank you again for your efforts. We are going to close the public hearing. Cathy, we have at least one question here.

Vice Mayor Kerdyk: Cathy, just one quick question. First of all, congratulations on the super job that your staff did; Dr. Schiff, everybody involved in the situation. We've been working on this Palace deal for a couple of years, but if you really hackleback to where we initially went out for RFP's on those lots that border on Andalusía and on Aragon, it's really been an eight or nine year project, so it's going to be nice to see something come to fruition. In that line, could you please articulate and tell me the logistics and timeline that is going to be from this point forward of when we can expect the Palace to come to fruition.

Ms. Swanson: If the leases to be executed at the Commission's request and if you give the Manager authorization, possession date, so the garage will still continue to operate, the City meters will still continue to operate, so life goes on and it's really seamless till January 4, 2009. At that point they will have pulled all of the building permits, construction financing, everything would be in place, including the demolition permit, and then they are ready to go, that also includes the CDD. Demotion then would begin January 7, 2009; vertical construction May 2009; project opening December 2010.

Vice Mayor Kerdyk: Great. I hope this fills out that guideline right there.

Mayor Slesnick: Maria.

Commissioner Anderson: I just have a comment. I too was remembering how long it's taken us to get here, and how disappointed when that first RFP didn't happen with the other housing situation, but in the long run, I think, we were much better served, and serving our community by having the senior housing project; and I want to congratulate staff and all the volunteers, Dr. Schiff, and everyone who served on the Committee and the Palace for coming to us and being such a responsible bidder, and I think it's a great day. I wanted to just thank you all, and am looking forward to seeing that, and I hope not to move into it because maybe I'll be somewhere else.

Ms. Swanson: Well you'll have priority as a Gables resident.

Commissioner Anderson: That's true.

Mayor Slesnick: Let me just address a couple issues that were raised by a speaker that number one, I'm not quite sure of the relationship between this project and Omni Mall and 163rd Street, but both of those projects had major department stores in them and failed. Secondly, we may be giving up some income for the City choosing this course of action over another course of action, whatever that may be, I'm not sure that's proven out; but anyways the fact of the matter is it's what each of the Commission's have said for the last six years or so, and that is doing something like this for senior community is a project that needs public investment. Our giving up of

possible future income – a possible future income, although I think this is a very profitable project in the end, but possible future income for the City is well worth that investment for the seniors of this City. So that's how I feel. Any other comments, any other questions?

Mr. Clerk.

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Mayor Slesnick: Yes

(Vote 5-0)

Mayor Slesnick: We now take the next step, we've gotten here. Excuse us, it was my impression, I guess everybody thought that because we voted that we had had a motion right at the beginning of the discussion the City Clerk didn't get that.

Vice Mayor Kerdyk: I'll make the motion.

Commissioner Cabrera: Second.

Mayor Slesnick: So it's been moved, I thought we did have it.

City Manager Brown: No we did not.

Mayor Slesnick: OK, we have a motion by **Commissioner Kerdyk** and seconded by both **Mrs. Anderson** and **Mr. Cabrera**.

Commissioner Anderson: No problem, whatever. Whatever works.

Mayor Slesnick: Well we can have two seconds. **Mr. Clerk** would you call the roll again please?

Mr. Clerk.

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Mayor Slesnick: Yes

(Vote 5-0)

Mayor Slesnick: Thank you Mr. Clerk, appreciate you getting us straight, although sorry for the confusion.