

September 27, 2021

**VIA ELECTRONIC MAIL**

Miriam Ramos, Esq.  
City Attorney  
City of Coral Gables  
427 Biltmore Way  
Coral Gables, Florida 33134

**Re: Agenda Item No. I-2 / City Commission Meeting of September 28, 2021 / Proposed Resolution Amending FY 2020-2021 Budget / The Plaza Coral Gables / Request for Deferral**

Dear Ms. Ramos:

It has come to our attention that the above-referenced resolution proposed for the upcoming September 28, 2021 City Commission meeting amending the fiscal year 2020-2021 annual budget (the "Proposed Resolution") would have a significant impact on our client's development which is currently under construction and known as "The Plaza Coral Gables." Specifically, the Proposed Resolution would divert project monies presently partially allocated for public art in the vicinity of The Plaza Coral Gables. Significant funds have already been invested in the proposed public art program for The Plaza Coral Gables and Agave Plaza Trustee, LLC ("Agave") is left with a difficult decision to make regarding the public art program for The Plaza Coral Gables given the City's potential change in position, without our client's knowledge, from Resolution 2020-199 adopted by the City Commission on September 8, 2020 and the subsequent course of conduct between the parties on this matter (including unanimous approval by the City's Cultural Development Board and the Arts Advisory Panel of the proposed artwork).

Until this Proposed Resolution affecting our client was made public, both the City and Agave had worked together in good faith for three years to secure and address the interests of both the City and Agave. The intent of the \$2.7 million additional contribution pursuant to the Development Agreement, which is the result of monies to be contributed by Agave and not the sale of City-owned property or other City funds, was to address both public safety and public art needs, and the result of the Proposed Resolution would be to unilaterally disregard public art entirely. The proposed artwork, which is a significant part of the City's vision to put the City's art program on the map worldwide, is in danger of not being realized.

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Additionally, although it is not clear from the cover memorandum accompanying the Proposed Resolution, the monies being contributed by The Plaza Coral Gables which, in part, are the subject of the Proposed Resolution, will not be paid until Fiscal Year 2022-2023. Accordingly, we are requesting that the Proposed Resolution be deferred to afford Agave and the City the opportunity to meet and discuss a possible compromise solution that would allow for The Plaza Coral Gables' public art program to be completed and fully curated. The public art which will be installed as part of this project, which is a product of long collaboration between the City and Agave, promises to make the City of Coral Gables a leader in public art, and scaling back that program will be a disservice to the City. We think that it is incumbent upon the parties to, at the least, attempt to work out a mutually agreeable solution where everyone's interests are preserved.

If you have any questions or would like to discuss this request further, please contact me at 305-367-6061. My client and I are also available to meet with you in person to discuss this request further if necessary. Thank you for your attention to this matter.

Best regards,



Mario J. Garcia-Serra

cc: The Honorable Mayor and Commissioners, City of Coral Gables  
Mr. Peter Iglesias, City Manager