

City of Coral Gables City Commission Meeting
Agenda Item F-1
March 8, 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)

F-1 [Start: 10:02:43 a.m.]

Resolution appointing Craig E. Leen City Attorney of the City of Coral Gables; further approving a salary and benefits package, as set forth herein.

Mayor Donald D. Slesnick, II

Mayor Slesnick: Item F-1. This is a Resolution appointing Craig E. Leen City Attorney of the City of Coral Gables; further approving a salary and benefits package, as set forth herein the resolution. Do I have a motion?

Commissioner Withers: I'll move it.

Mayor Slesnick: It's been moved by Mr. Withers; second?

Commissioner Anderson: Second.

Mayor Slesnick: Second by Mrs. Anderson – discussion.

Commission Cabrera: I have a couple of comments. First of all I appreciate the work you've done Mr. Mayor, based upon the wishes of this Commission you negotiated the terms of this compensation and salary. I guess what I would ask you to consider, I'd ask the Commission to consider given that Mr. Leen is a constitutional officer of the City of Coral Gables, I would hope that he would be given the same and/or equal, yes the same benefits as our other constitutional officers, keeping in mind that you really can't duplicate everything, but let me get to the point and the points are these. I believe the City Attorney Mr. Leen is going to be requested to travel to and from courthouses, I believe he is going to need to meet with State and Federal agencies on matters pertaining to legal issues affecting the City of Coral Gables. I also believe that he is going to probably have numerous meetings with law firms outside of the confines of City Hall, and therefore him getting a car expense of \$450 basically puts him on par with a department head and not a constitutional officer; and in fact I took the opportunity to review the City Manager's resolution back in March and I see that the Manager was provided with a City-owned automobile with unrestricted use, and that the City would provide insurance and maintenance coverage and protection as well as the gasoline for the operation of that vehicle, and I just believe that \$450 for a car expense does not put him on the same footing as the City Manager, and that's my first concern with what you've done, and again, I don't mean that in a critical way, I just see it in that fashion; and then secondly, I point out that once again the City Manager is given a \$500 per month general expense allowance, and I believe the City Attorney should be given the same. So those are the two areas that I wanted us to think about modifying for the sake of continuity among constitutional officers or equality.

Mayor Slesnick: OK. I appreciate that and of course Mr. Leen and I discussed both those points and I know the Manager has a car, but it was during that timeframe that we were cutting back on the number of cars that the City gave out to employees, and we chose to go the direction of the City Clerk's office which is \$450 per month. I talked to Mr. Leen about both those items Ralph, and both of them I thought were somewhat controversial with the public's eyes and I was trying my best to bring Mr. Leen in with a fair compensation package that he would agree to and approve, which he has done and yet not raise any irritations if you will with people who believe we shouldn't be using City cars, or people that think we shouldn't have expense accounts. That's really the rationale; I was trying my best to do a conservative thing and Craig was satisfied with that.

Commissioner Cabrera: And I applaud you for that, but at the same time we are getting him for a very reasonable salary; I don't believe we have given him an exorbitant salary-compensation package, and again, I want to keep this on an equal footing. So what pains me is that I don't want to see one constitutional officer with a better program than the other. I think that's wrong especially when you have an attorney someone that went to law school. We're big on attorneys

in this town these days, we tend to hire a lot of them, and we give them big salaries because they are the best and the brightest. Well, I think this is the best and the brightest and I want to be as good to him as some of the others best and brightest that we've hired recently.

Mayor Slesnick: OK. Listen, I'm not arguing against being good to our employees because you know I'm satisfied with that. I think though if we went that direction immediately we need to look at the City Clerk's package and so you are opening that door.

Commissioner Cabrera: The problem is that, not the problem, but the issue is that the City Clerk's position is so much different, I mean the City Clerk, but listen I'm willing to do that.

Mayor Slesnick: He is a constitutional officer too.

Commissioner Cabrera: He is and I would be short changing him if I told you that I would not be willing to look at that because he's done a fine, fine job and he's proven his worth to the City time and time again.

Mayor Slesnick: Let me ask you this as a suggestion, and only as a suggestion, not to even argue the point, but as a suggestion what if we approve it as we are and bring the subject back as we go into the next budget cycle for both the City Clerk and City Attorney to see if we want to.

Commissioner Cabrera: Or listen, I'll give you another recommendation in keeping with your conscious efforts of frugality, why don't we just also consider removing that from the City Manager? For nearly two years we funded the gasoline from here to Sunrise, so I mean let's look at it more in your tone and possibly make everybody equal and put everybody on a \$450 per month car allowance, and then put everybody on the P-Card instead of an expense account? I ask you to consider that.

Mayor Slesnick: We can do that for the whole look at that as we go through the summer and the budget.

Commissioner Cabrera: I'm not going to let it die because I'll be around.

Mayor Slesnick: I'm saying as we go through the summer.

Commissioner Cabrera: I would rather take that approach than anything else. I was just trying to be fair to the guy.

Vice Mayor Kerdyk: I'm for revisiting the issue when you bring it up in the summer time when we have time to look at all the constitutional officers at one time. I think that's a good idea, but I understand what you are saying, because there is something about the City Attorney travelling and the car allowance, but I also understand that they negotiated the deal, so if we wanted to go back and relook at the item why don't we do it collectively, put the three officers and try to come up with some equalization of those three officers.

Commissioner Cabrera: That's fine. I would be open to that as long as you all are open to allowing me to bring it back. Don't get this the wrong way, if this is just a ploy to get me to approve this, I'm going to approve it because I want us all to be consistent on this process, but I'm not going to let this go because the reality is that I like the approach of reducing the constitutional officers expense accounts to a P-Card, and I like the idea of reducing people having take home cars to a car allowance better than I like raising Mr. Leen to a car and an expense account. So let the record reflect that.

Mayor Slesnick: OK. And we will come back to it.

Commissioner Cabrera: And it may not fly.

Mayor Slesnick: It's not a ploy.

Commissioner Cabrera: I didn't say it was, I couched my comments by saying that not that I believe that you would do this to me, none of you would do that to me.

Mayor Slesnick: Hope I'm here so I can live up to my promise.

Commissioner Cabrera: I hope you are here too; I hope I'm here.

Mayor Slesnick: Did we have a motion?

Commissioner Anderson: A motion and a second.

Commissioner Withers: Don, can I ask you a question. What was your discussion on the short and long term disability coverage?

Mayor Slesnick: It stemmed from the fact that as Mr. Cabrera had pointed out, we had agreed to a long term disability package which was requested by the City Manager and that appeared in his resolution is something that Craig picked up on, and I thought that it was a fair request to have some coverage of long and short term disability, but as you can see in the rewrite, I asked the

City Attorney and City Clerk to write it such as that we would chose the short and the long term disability coverage so that we would have control over the cost.

Commissioner Withers: I just want to make sure that chosen is maybe there should be a comma...

Mayor Slesnick: Go ahead.

Commissioner Withers:....maybe a comma – so chosen and paid for by the City, not chosen by Mr. Leen and paid for by the City.

Mayor Slesnick: OK. I'd like to clarify that then – chosen by the City and paid for by the City.

Commissioner Withers: I understand.

Mayor Slesnick: But let's make sure, I don't want any....Mr. Clerk if you would amend the resolution to make sure it says chosen by the City and paid for by the City. Any other comments and questions?

Mr. Clerk

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Mayor Slesnick: Yes

(Vote: 5-0)

Commissioner Withers: Don, thank you, nice job, you got it done quickly.

Commissioner Anderson: Thank you very much.

Mayor Slesnick: Thank you. I appreciate it.

Vice Mayor Kerdyk: He starts April 1st?

Mayor Slesnick: April 11th.

Vice Mayor Kerdyk: April 11th.

Mayor Slesnick: So he'll be here April 11th the day before the election.

Commissioner Cabrera: By the way, I called Mr. Leen on my own to tell him I was going to do this and he was exactly as you pointed out. He was very satisfied and appreciative of the work you had done and you know it shows the sensitivity of this professional. He was concerned that he did not want to give the impression that at any point in time he was uncomfortable with what you did and I found that to be admirable.

Vice Mayor Kerdyk: You know what else, I'd like to point out that one of the things that you negotiated at one point is that both the City Manager and Mr. Leen are on 401(k) now, which is something that we maybe striving to go to for some of our other employees – 401(k). So both of those are on 401(k) not part of the pension plan, which is a good thing. So thank you.

Mayor Slesnick: Of course Mr. Leen would have liked to be part of the Florida Retirement System, which he is part of now but we checked that out and there was no way to do that, but I wrote in there that if ever there was a way to do it we could do it, but at the moment he is satisfied with that. Two of our City officials are not part of the unfunded actuarial projected liability of the fund. I would point out too that we've never mentioned this, but Mr. Cabrera and I who bit the bullet and tried to set an example and went to the Florida Retirement System ended up paying out of our personal pocket about \$20,000 each just to buy back into the Florida Retirement System to get the credit that we thought we had. Anyways we hope that, that helped the City. Thank you Ralph.

Commissioner Cabrera: Thank you Don.

Mayor Slesnick: I think Ralph will hold this against me.

Commissioner Cabrera: I tell you what?- the one person I admire the most for taking that action, for taking the strongest position on the pension sits to my right.

Mayor Slesnick: I know. Well Mrs. Anderson has not accepted or asked for any pension liability or pension benefits from the City.

Commissioner Cabrera: Even before we had pension woes.

[End: 10:15:05 a.m.]