

City of Coral Gables City Commission Meeting
Agenda Item C
July 9, 2024
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago
Vice Mayor Rhonda Anderson
Commissioner Melissa Castro
Commissioner Ariel Fernandez
Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez
City Manager, Amos Rojas, Jr.
City Clerk, Billy Urquia
Asset Manager, Zeida Sardinias

Public Speaker(s)

Maria Cruz
Tom Wells
Jackson Rip Holmes
Lyn Bluestein

Agenda Item C [10:08 a.m.]

Public Comment

Mayor Lago: We'll move onto Public Comment. Mr. Clerk.

City Clerk Urquia: Mr. Mayor, the first speaker this morning is Mrs. Maria Cruz.

Mrs. Cruz: Yes, it is, Mrs. Maria Cruz, 1447 Miller Road. It's a beautiful day today. Seeing the Boy Scouts was wonderful, but even though we had a wonderful Fourth of July celebration, in my book the best ever. I don't know what's going to happen when we do the 100th because this was very good, but there was an issue, and I'm sorry I have to bring it up, because I'm not the only one

City Commission Meeting
July 9, 2024

that sees. Perhaps I'm the only one that doesn't mind talking and many of you don't pay attention I'll stop.

Mayor Lago: I'm paying attention, but I'm also doing work up here. I have to do work for the city.

Mrs. Cruz: I'm sorry, but if you're not going to listen, I'll stop.

Mayor Lago: I'm listening. You have my full attention. Please proceed. The clock is running.

Mrs. Cruz: No, the clock cannot be running because you're not paying attention.

Mayor Lago: I am paying attention. Please move forward.

Mrs. Cruz: This is directed to you sir. You need to pay attention.

Mayor Lago: I am paying attention. Always paying attention.

Mrs. Cruz: I and many others that were watching witness again how the Mayor disrespects the elected officials. I'm sorry, we've seen cropped pictures, you know, they are taken out of the pictures, so they are invisible, but this time it really, really got bad. He was able to introduce Congressman Jimenez first and last name. He was able to introduce Commissioner Kevin Marino Cabrera, first, middle and last name, but our elected officials didn't have names. Our elected officials are invisible. So, here I am, and I have the pleasure of introducing our elected officials and in case you all need name tags, next time you go to an event, I'm going to leave them with Mr. Urquia so you can grab one so when you stand there, the Mayor can remember your name. We have Vice Mayor Rhonda Anderson, we have Commissioner Melissa Castro, we have Commissioner Ariel Fernandez, and we have Commissioner Kirk Menendez. Ms. Anderson, Mr. Fernandez, Mr. Menendez, I apologize for the disrespect. And I don't know if you all noticed the disrespect is not only to you. I am very grateful that Mr. Urquia remembers my name, but the Mayor doesn't. It is Mrs. Maria Cruz.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Tom Wells.

Mayor Lago: Mr. Wells, good morning.

Mr. Wells: Good morning. My name is Tom Wells. I live at 1310 Coral Way, Coral Gables and my law firm is located at 901 Ponce de Leon Boulevard, Coral Gables. I'm here today to discuss comments made by certain Commissioners at the last meeting as to property leased by the city. One Commissioner stated at the last meeting that the lease requires to comply with the terms for the good and transparency of our residents and you have to treat all tenants equally within the compliance of the lease. Another Commissioner stated that when you have a contract with a tenant you have to stick to that contract and if you sign a contract you have to abide by the contract. A copy of the lease with Michelle Bernstein's restaurant is with me if you'd like to read it. Mayor Lago and Commissioner Anderson and Menendez approved the lease on February 15, 2022.
*City Commission Meeting
July 9, 2024*

Section 23.A6B provides that in the event of default is triggered if tenant fails to complete tenant improvements and open for business within 24 months of the effective date. That requires Ms. Bernstein's restaurant to open by February 14, February 15, 2024, to avoid a default on her lease. Article 13 also requires...to complete tenant improvement by February 2024. The restaurant is not open. SRA Martinez' Instagram says that it will not open till this fall. It will be in default for at least six months for breaching its lease contract. The lease requires the tenant also to spend \$1.3 million dollars on lease space and if the cost exceeds that amount, the tenant has to pay for such excess. Comments have been made about how much the tenant is spending in excess of its minimal requirement. That is a tenant obligation. I am not requesting the city take action to terminate Ms. Bernstein's new restaurant, despite being in default for at least six months. The city's most important functions are providing safety and services to its residents, not being a commercial landlord. Each tenant needs lease are different. The city's failure to enforce the terms of Ms. Bernstein's lease for not opening timely does not affect other tenants with similar provisions. But there is a cost to residents with lengthy close retail space which withholds service options to residents. Withholding service options due to lengthy renovation delays with Burger Bob's is one of the reasons why the prior City Manager was fired. So, Burger Bob's closed on February 2022, and renovation did not start until October 2023, 18 months later. I am looking forward to Burger Bob's opening very, very soon, and for the Commission to focus on its primary task, providing safety and services to its residents. Thank you.

Commissioner Castro: Thank you.

Mayor Lago: Madam City Attorney, if I may, so that we can have the information that Mr. Wells provided. Can you provide a copy of the contract for Ms. Bernstein's agreement, number one; number two, can you also please, not just to me, provide it to the entire Commission. Can you also please provide a breakdown in regard to the permitting process and how that falls in regard to the 24 months that are required in the contract.

City Attorney Suarez: Certainly. I'll provide the contract and I will review that information.

Mayor Lago: I'd like to understand also any delays, who is responsible for those delays, whether it was a design delay, contractor delay, are they waiting, for example for switch gear to come in, which takes about almost a year. Now with the latest delays in regard to that portion of the electrical scope. So, I'd like to find out exactly why that's delayed, and I wholeheartedly agree with Mr. Wells. Hold them accountable and make sure that they start paying anything that deals with regards to their default clause that they should be held accountable, and they should start paying. Nobody in this city that has a contract should be given a free ride. We are held to a contract in the private sector every single day. Case in point, your car insurance; case in point, your home insurance; case in point, everything that you have to pay there are contracts, even your cell phone has a contract. You can't get out of your cell phone contract. So, I would like to be made a little bit more aware in regard to the contract. What are the clauses, the provisions and understand what is required, what offers extensions to those 24 months. For example, like you can have in construction what is called a rain delay and that will buy you one day a week of extension. It won't give you additional general conditions, but it will give you an extension. I want to understand the

reasoning behind, I'm not sure they are late already, because I don't have their construction schedule. I'd like to understand where they stand. Madam Vice Mayor.

Vice Mayor Anderson: I'd like to add to that request, as far as the lease is concerned, any communications regarding extension requests, tolling provisions that have happened since the lease was signed.

City Attorney Suarez: I'll work with the Manager's office to obtain that information.

Mayor Lago: And also, the amount of money that was spent on the project in regard to their obligation, supposedly \$1.3 million. I want to see if they spent more in regard to the interior renovations. I imagine they have a contingency. I imagine they've had change orders in the project. Every single project does. There are unforeseen conditions once you start demolishing walls and breaking slabs. So, I'd like to understand all that information and please send that, if you can to the entire Commission so we can all be a little bit more versed on that.

Commissioner Castro: I think the point he was trying to prove was a complete different one and I don't think we should be going after this restaurant in particular. I think the point he was trying to prove here is that safety should be our priority to our residents, and I think that's where we should stick to.

Mayor Lago: Commissioner, if I may. Safety is our number one priority, but there are also requirements in regard to when you sign a contract. So, if he's bringing up the fact that someone is in default of a contract, we want to make sure we hold everybody to the same standard. That's all I'm saying. It's pretty simple.

Vice Mayor Anderson: And as well, if there needed to be an extension that is something that needs to come back to the Commission, here, to have a public hearing about so we need to address this in the proper fashion.

Mayor Lago: Exactly. Yes ma'am, how are you? Good to see you.

Asset Manager Sardinas: Mayor, Commissioners, good morning. Just to clarify the record. Yes, the contract was signed in February of 2022, and it was supposed to be done by February 2024. Its important to note they have been paying rent, even though they are not open.

Mayor Lago: So, they are within the contract.

Asset Manager Sardinas: They have been paying rent. The delays in construction are related to many things. There were Covid constraints from when they started; the grease trap had to be changed and put outside the restaurant. There were just a lot of...

Mayor Lago: Was it unforeseen condition. Was that considered before design?

Asset Manager Sardinias: Because the grease trap in that restaurant was inside the kitchen and it had to be moved to the sidewalk.

Mayor Lago: Is that by the new code that's required?

Asset Manager Sardinias: Um huh.

Mayor Lago: Okay.

Asset Manager Sardinias: There were a lot of different things. They have followed their permitting process. I have conference calls with them every single month. We monitor what it is that they are doing and their construction schedule. I just had a site visit there this week to look at everything. Their mill work was being done in Italy. Its important to note that although by contract, they were supposed to spend \$1.3 million dollars, their budget is above \$3 million right now of what they have been investing in that restaurant, and that's something I have been verifying with receipts. So, I keep track of all of that. Like I said, I was there last week. This coming week they should have their mill work here and all of their furniture which is being manufactured in Italy, and they have an Italian team that's coming to install all of that. So, there's been clear oversight, at least on our part over the contract, but I'm happy to send you documentation to all of this.

Mayor Lago: I would like to see that. Again, its not about punishing them. They are paying rent; they are following the contract. They've spent over \$3 million dollars on the...

Asset Manager Sardinias: They have been.

Mayor Lago: So, I welcome that.

Asset Manager Sardinias: They are paying both rent and additional rent, you know for all the pass-through charges, property taxes, everything else.

Mayor Lago: My goal is to get them open and if you could find out as part of the memo that the City Attorney will put together for the entire Commission. What can we do to help them get open as quickly as possible is anything pending, and if we can do that, I'm more than willing to.

Asset Manager Sardinias: They have told us that hopefully by the end of August, they will be open and so if everything goes well with the installation of the furniture and everything that they have coming in, they should be done by then. But other permitting – I just signed all their operating agreements for their applications to do their operating licenses, and they should be open by the end of August, beginning of September.

Mayor Lago: So, all that's left would you say is FFNE.

Asset Manager Sardinias: Yes. I was there. I walked the site last week.

Mayor Lago: Okay. So, all that's left is FFNE and they are paying rent and it's in their best interest to open as quickly as possible.

Asset Manager Sardinas: Absolutely.

Mayor Lago: So, they can start making some revenue, and its our best interest also.

Asset Manager Sardinas: Yes.

Mayor Lago: We want the traffic. We want the activation. Great work.

Asset Manager Sardinas: Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Jackson Holmes.

Mayor Lago: Sir, good morning.

Mr. Holmes: Thanks so much. Let's see if I can be helpful to the city with my following remarks. We know that we have a shortage of police applicants and its nationwide, as best as I can determine, so it didn't really originate with us, and its somewhat, well its really out of our control. So, we have to anticipate that this shortage, this Waco or whacky, excuse me, supply and demand problem that we have is going to continue and so, the cost of maintaining a high-quality police retention is going to continue to increase. Therefore, I propose to you all for your consideration that we take some radical changes in moving art funding which is pretty low on voter's priorities and moving that art funding over to this continuing crisis of insufficient applicants for police causing our cost to keep good police keeping going up. We've got to anticipate this is going to continue and that can even reach into – people will say, well, no, no, its in the code that all this money from these developments goes to art. Well, let's modify the code, because our residents are not going to get up in arms if we spend less on the arts, but they will get up in arms if we don't retain our high-quality police officers. Thanks.

Mayor Lago: Thank you, sir, and if I may, I just want to put it on the record. Madam City Attorney, will you address this gentleman's statement in regard to the fact that we could use Art in Public Places monies for potentially hiring or recruiting police officers, giving them even the best equipment that they already have. Can you address the issue as it relates to the Miami-Dade County regulations and code. Thank you.

City Attorney Suarez: Yes Mayor. So, we cannot. Its not a matter of modifying the code. We could not modify the code in that matter, in that manner because we are required to comply with the Miami-Dade County Art in Public Places. We have our own program, so we are allowed to do it that way because we have our own Art in Public Places program, but we cannot modify our code to use those funds for those purposes. It has to be restricted for Art in Public Places.

*City Commission Meeting
July 9, 2024*

Commissioner Menendez: I have a question for everybody that's watching. Those funds, the source of the funds are from, where do we get those funds from?

City Attorney Suarez: So, the funds come from public projects so our city projects, or municipal, when we do certain work on our municipal buildings, as well as private developments.

Commissioner Menendez: Arguably we could create a program where future funds that are generated could go in a different direction or split.

City Attorney Suarez: Not for purposes of our police operations. You are saying to charge private developments for that.

Commissioner Menendez: Right.

City Attorney Suarez: No. That's not something we would be able to do, sir.

Commissioner Menendez: Even through legislation.

City Attorney Suarez: No.

Mayor Lago: So, what I would recommend you do, if I may, just give me one second, what I recommend you do since you're so interested in this. I recommend that you lobby the county, you lobby the county, start with the County Commissioner, speak with the Mayor, and say that I would like to make a change to the Art in Public Places ordinance or I would like to offer a similar vehicle to fund police and fire, and see if we can get it passed through the county and potentially tac it on like we tac it on to permitting, when you pay for your permits, you pay a one percent into a fund and that money is used for Art in Public Places.

Mr. Holmes: [Inaudible]

Mayor Lago: Please be brief, we have a long agenda. Thank you.

Mr. Holmes: I take your point, Ms. Suarez, Mayor Lago. I understand what you're saying. I also though want to point out that, for instance, we sold the residence of the fellow from South Com, and we took approximately half of that money for the arts. So, there are things within the city's discretion. Yes, don't challenge me on that. I could prove I'm right. The things that are within the city's discretion, I think we should really try to stop spending a lot of money on the arts and redirect that money to the police fund. Thank you.

Mayor Lago: Thank you. Madam City Attorney, if I may. He made a statement in regard to when we sold the property on, I think it was on Granada.

City Attorney Suarez: Granada.

Mayor Lago: Granada, excuse me, yes, adjacent to the Biltmore. Can we do a little bit of research through the Clerk and find out where the proceeds of that sale went.

City Attorney Suarez: Yes sir, absolutely. I'll work with the Manager's office. I think there was a resolution approving how it would be expended.

Mayor Lago: I don't remember what it was.

City Attorney Suarez: I don't remember either.

Mayor Lago: It was like five or six years ago.

City Attorney Suarez: It was.

Mayor Lago: If you could, could you potentially provide that as a public record so that everyone can see it. We can even bring it back at the next Commission meeting to make sure that everybody is aware of actually what transpired.

City Attorney Suarez: Yes. Will do.

Mayor Lago: Thank you very much. Mr. Clerk.

City Clerk Urquia: Lyn Bluestein.

Mayor Lago: Good morning.

Commissioner Castro: Good to see you.

Ms. Bluestein: Thank you. Lyn Bluestein, 4330 S.W. 15th Street. Good morning, everyone. So, why am I here again today? You might be thinking, why is she here again today. It's okay.

Commissioner Castro: We love you. We love you.

Ms. Bluestein: Well, I'll tell you why. I'm trying to save my neighborhood from the clutches of Coral Gables. I'm here today because mail in voting and early voting will happen before August 20th and this might be one of last chances I get to explain to the voting residents of Coral Gables why they should vote no on the annexation question that will appear on their ballot. I went to the picnic on June 29th to meet residents of Coral Gables and discussed annexation with them, and I met a lot of lovely people. And to my surprise none of them knew that the annexation question will appear on their August 20th ballot. And everyone I spoke to agreed that they were against annexation, and it would do them no good. Their lives will not improve if annexation were to take place. It will not save them any money for sure. In fact, they were shocked to find out that according to the Coral Gables presentation of November 14th, the City of Coral Gables would spend approximately \$23, 594,000 over five years to annex my neighborhood. I'm going to repeat that number, \$23,594,000 over five years. I wanted to verify something with one of the police

*City Commission Meeting
July 9, 2024*

officers that was at that picnic, and I asked him a question. I asked him if it would be a burden for the Coral Gables Police Department to be forced to cover an additional neighborhood of hundreds of people with the amount of officers that they currently have and expect to have in the future. He assured me it would definitely be a burden on the services that they current residents of Coral Gables deserve and depend on. At a recent Commission meeting, there were some people who didn't want so spend \$42,000 for a new wheelchair ramp at the Actor's Playhouse, but have no problem spending \$23,594,000 to grab Little Gables from hundreds of homeowners who specifically purchased their homes in unincorporated Dade County because they could afford to live there and yes, I am one of those people wanting to live in my home as I purchased it and have tended it for 35 years. Dear Gables Residents, please take back control of your tax dollars. Make sure it is spent on your needs and services and repairs. Please make sure you vote and please vote no to the question about the annexation of Little Gables. You are smart people. The very last line of the annexation question includes these words, quote, "and absorbing all associated annexation costs" end quote. Please remember those associated annexation costs were estimated to equal \$23,594,000 over just the first five years. Please vote no. And thank you very much.

Mayor Lago: Thank you very much.

City Clerk Urquia: Mr. Mayor.

Mayor Lago: Yes sir.

City Clerk Urquia: Just really quickly on the sale of 3501 Granada, the funds were allocated towards the Fink Studio renovation.

Mayor Lago: Perfect. Thank you very much.

Mr. Holmes: [Inaudible – off mic]

Mayor Lago: As per our Clerk, the entire funds...

City Clerk Urquia: Mr. Holmes, I will go ahead and send you the approved resolution.

Mr. Holmes: [Inaudible – off mic]

Mayor Lago: Well, I'll make sure that we put as a public record, the Clerk will send you the information and he'll copy...

Mr. Holmes: [Inaudible – off mic]

Mayor Lago: Why don't we do this. Let's send the information to the entire Commission and to Mr. Holmes and if you would be so kind, Mr. Clerk, let's also send the clip, the clip of when that legislation came before the Commission, if we can find it, Mr. Clerk through your office, I would really appreciate that, so that we can cross reference not only the legislation, but also the video evidence of when the vote transpired.

*City Commission Meeting
July 9, 2024*

City Clerk Urquia: Will do. Thank you, sir.

Mayor Lago: I appreciate that. Thank you so much.

Mr. Holmes: [Inaudible]

Mayor Lago: Thank you very much. So, with that we will close our public records.

Commissioner Castro: Through the Mayor, there is a comment through email that wanted to be read on the record. This is from Lourdes Wongden from 700 Biltmore Way. She says, good morning, I just read this on the agenda and frankly I'm appalled with the deficit we have been going in the city's budget. This art project is not a necessity and frankly not a wise decision, plus its hideous. Please consider to vote this item down. Thank you.

City Clerk Urquia: She's referring to agenda item G-2 on the agenda. I was going to wait till the item came up to read it.

Mayor Lago: Okay. Perfect. Alright.