

City of Coral Gables City Commission Meeting
Agenda Item E-1
June 12, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Maria Cruz
Jeffrey Marano

Agenda Item E-1 [9:13:22 a.m.]

Personal Appearance by Maria Cruz regarding the importance of ethics in government.

Mayor Valdes-Fauli: And now we have a time certain item at 9:10. Ms. Maria Cruz wants to -- personal appearance of Maria Cruz regarding the importance of ethics in government. Ms. Cruz, you have seven minutes, please.

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Agenda Item E-1 - Personal Appearance by Maria Cruz regarding the importance of ethics in government.

Maria Cruz: Good morning. Thank you for this opportunity. I'm here today to talk to you about ethics. This is a very popular topic nowadays. Growing up, we were exposed to this idea. We were taught by our parents and our teachers how important it is to be ethical. We were taught that we need to do the right thing that we have to choose right from wrong. Most professions have a code of ethics and they are -- there are serious consequences for ignoring it. Here we are in Coral Gables, where we worry about our image. Last year, we were so concerned about upholding our image that we forgot to do the right thing. We chose not to provide sandbags, water or ice to our residents because it didn't fit our image. We made the wrong decision instead of the right one. Yes, our current administration has been extremely concerned about protecting our image. This administration led, as we are usually reminded, by a professional City Manager has chosen to worry about our image instead of having an ethical government. This administration has, time and time again, given partial truths and, yes, lies to our elected officials to keep them in the dark about what's going on. Let's make it clear. They talk about ethics and transparency, but it's all talk. The Commission is elected by the people to represent us, to have checks and balances. Elected officials take oaths of office to abide by the laws and to do what is best for our City. Top officials also take oaths of office to do so. And then, actions speak louder than words. All is forgotten when needed the most. Our Commission sits here and listens to an administration that has lost the notion of ethics. How else can you explain having your top administrators tell the elected officials wrong information to get what they want? Case in point, Finance Department clerk used \$78,000 for her own benefit. The Commission, at a public meeting just like this, was told that it happened during a previous administration, not during their tenure and that the person was not background checked. Well, I have been able to document that both statements were flat-out lies. Whoops. I said the ugly word again. First of all, it did happen during this administration, and both our City Manager and Director of Public Safety were already here for most of the time. No background check? Well, that was another -- what do we say? -- lie. The background check had disappeared from the files. How convenient, I say, so they could blame the previous administration, and most importantly, so they could get the Commission to approve the request to change the background check process. I'm talking fast because I want to get it in. Now that we're talking about background checks, may I suggest that

all of us need to pay close attention to an item on the agenda about how our professional City Manager tried to interfere with how the background check for the Director of Public Safety was conducted. Ladies and gentlemen, there is no such thing as an apology for unethical behavior. You're either an ethical person or you're not. If time and time again you demonstrate you're not, how can you be trusted? How many times is this administration going to be allowed to act like this? Today on the agenda, there is a discussion about the police department. You will probably hear the administration tell you that everything is going well, that problems are getting ironed out. Well, that is another flat-out lie. Here, I said it again, lie. Nothing has changed. It is time for all of you to accept that nothing will change as long as unethical people are involved. How can anyone trust that this administration that did the same in Hollywood will change here? History repeats itself. This administration will do whatever it takes to achieve what they want, what they have wanted from the get-go, to push Chief Hudak out. It worked in Hollywood, why not here? What is it going to take for our Commissioners to get from under the smoke and mirrors and open their eyes? My late father used to say, "*No hay peor ciego de que no quiere ver,*" which translates loosely, there is no blinder person than one who refuses to see. A leopard doesn't change his spots. Our present administration has demonstrated time and time again that they do not learn from their mistakes. Do you know why? Because they are not mistakes. They only become mistakes when they get caught doing it. How much longer are you, our elected officials, going to allow our City of Coral Gables to be run by an unethical administration? The time is now. Please do your job and put our city back on track. Thank you.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Thank you, Ms. Cruz. I wanted to say a few things regarding what you just mentioned. I very much dispute your characterization of this Commission as an unethical Commission or this administration as an unethical administration. You mentioned Irma. You mentioned our awareness of our image. Image is reality. The image of Coral Gables is a real image because we are a safe city, a responsible city, and we are very, very much a transparent city, and we allow people to talk. You're here. You had a time certain, and you've had time

certain other times and the meeting has gone on long. But today, you got to speak your time at the allotted time. We are a responsible -- again, a responsible Commission. Talk about ethics. Ms. Cruz, you also had to look at your ethics, making accusations of lies, making accusations of providing wrong information. Ms. Cruz, we are transparent and we are very much in the public eye. And I want to show you something. There are 14 pages here, single-spaced of public records requests that you have made, which we have provided to you in the last year. Almost 6,000 pages of public records, Ms. Cruz. And we have charged you \$200 for these public records. Don't tell me that we are hiding things. Look at this, 12 pages of public -- or 13 pages of public records requests, single-spaced. We have given this to you and we don't hide anything. Look at your ethics, too, in making false accusations against us. The background check -- yes, there is an explanation for that and we will get that explanation. But, we can't -- I very much resent your making false accusations against this Commission. This is a responsible Commission. This is a studious Commission, and you are very much aware of our responsibilities. We are mandated to take a course -- an ethics course, four hours, every year, by County and state law, which we do and we take it very, very seriously. You've accused us, but also, don't make -- don't fling false accusations. Look at this. These are public records requests from another citizen -- I'm sorry, I dropped that. I'm upset.

Commissioner Keon: That's okay.

Mayor Valdes-Fauli: Thank you. Another public records requests from another citizen -- look at the size of that. Thank you. Thank you very much. Look at the size of that. We are responsive. We are responsible, and we are transparent. Thank you very much. We'll go on to the -- I'm sorry. We have a -- this is not a public hearing, is it?

Commissioner Keon: No. Thank you, Mayor.

Mayor Valdes-Fauli: Okay, this is not a public hearing. I have a request to speak here from Jeffrey Marano. This is not a public hearing, so I will ignore this request.

Commissioner Lago: Let me ask you a question, Mayor, if you don't mind. I'd like to -- since you made your statement, why wouldn't we hear from Mr. Marano. If this is a public setting...

Mayor Valdes-Fauli: If you (INAUDIBLE)....

Commissioner Lago: And we have people here, I think we should.

Mayor Valdes-Fauli: It is not a public hearing, but we will listen to Mr. Marano. Mr. Marano, would you like to come up?

Commissioner Keon: Could you identify who you are for us?

Jeffrey Marano: Good morning, Mayor...

Mayor Valdes-Fauli: Morning.

Mr. Marano: And Commissioners. Jeff Marano, from Broward County PBA. I'm the president. I'm also a 30-year retiree from the City of Hollywood Police Department, where I left as lieutenant. And I am a resident of the City of Hollywood. The -- I just want to tell you that you're going to continue to get anonymous letters -- and that was the same MO that they used up in Hollywood.

Commissioner Lago: I'm the one receiving anonymous letters.

Mr. Marano: I'm sorry?

Commissioner Lago: I'm -- there's nobody else in this Commission receiving anonymous letters, except for me.

Mr. Marano: Okay, I'm sorry.

Commissioner Lago: And I've received, to this moment, three. And I actually look forward to them because, first off, they're baseless, number one. Number two, I send them to -- immediately, I send them to Frank Fernandez, the City Manager, and the City Attorney, as the City Attorney can vouch for me. And I've requested for an investigation. Obviously, they haven't granted me one because they say, again, they haven't broken the law. But I will under no circumstances -- and by the way, I want to put this on the record. You and I have never met.

Mr. Marano: No, sir.

Commissioner Lago: You and I have never spoken. We've never shaken hands. We've never broken bread. But I find it interesting -- and I interjected in your comments -- and excuse me for interrupting you because I receive these anonymous letters basically intimidating me or attempting to try to intimidate me and my family. They would drop them off at my house, but I put cameras on my house and I put The Ring. So, now they just come and they drop them off here at the City. And it always comes up when there's a flare up, when there's an item that I put on the agenda in regards to today, when we talk about the memo and we may talk about some other issues. It's a tactic of intimidation, and I've seen it -- it's only happened to me when we've had issues -- since the Manager's been here. And I find it very, very interesting that it only happens to me. Me, the person that brings up these items. And I actually take that -- take those anonymous letters and I tape them in my office. And I offer them to people if they want to read them because I want to make sure that I'm not -- you can accuse me of anything, whatever you'd like because they're accusations that are baseless and because you don't have the guts to put your names to them. If you put your name to them and you wanted to sit down with me, I give everybody the opportunity to come sit down with me. I have a Town Hall on Thursday. If you have something to address, come to the Town Hall. If you'd like to meet with me one on one, every other Friday -- I'm the only Commissioner here that has open door policies from 3 to 5.

Anyone can come and see me and discuss any City issues. So, I find it interesting that you led with the anonymous letters, and that's what's going on here. I've received three of them. And it's always intimidation. It's always falsehoods. It's always lies to try to intimidate me. It just won't happen. It won't happen. But I want to put clear on the record that you and I have never, ever even shared an email.

Mr. Marano: No, sir.

Commissioner Lago: Okay, and that I didn't bring you here, correct?

Mr. Marano: No.

Commissioner Lago: No, be clear. I want to be clear on the record.

Mr. Marano: I didn't come here, sir...

Mayor Valdes-Fauli: Okay. Mr. Marano...

Mr. Marano: I came here...

Mayor Valdes-Fauli: Finish up, please.

Mr. Marano: Okay.

Commissioner Lago: I took up his time, so I ask you to give him the necessary time to speak.

Mayor Valdes-Fauli: No, no, no. He will, but (INAUDIBLE).

Commissioner Keon: I've received two anonymous letters.

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Commissioner Mena: I've received anonymous letters as well.

Mayor Valdes-Fauli: And I've received.

Commissioner Lago: But not calling -- but they were about me.

Unidentified Speaker: No.

Commissioner Lago: They were anonymous letters about me.

Commissioner Mena: I've received about you. I've received others as well.

Commissioner Lago: Yeah, but there was nobody...

Commissioner Keon: I've received others too.

Commissioner Lago: I don't think there was anybody, you know, basically making false accusations about you.

Mayor Valdes-Fauli: Let's not brag about...

Commissioner Lago: Okay, alright.

Mayor Valdes-Fauli: I've received or not.

Commissioner Lago: No, no, no. I just want to be clear. I want to be clear about that.

Mayor Valdes-Fauli: And calling me a Nazi.

Commissioner Lago: So, the letters that you're receiving are about me.

Commissioner Mena: No. There's other things, not about you as well.

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: No, but I mean -- there's nothing -- they're not saying you personally, as a professional.

Commissioner Mena: No.

Commissioner Lago: They're not saying anything about you as an individual. They're not attacking you. They're attacking me. So, I just want to be clear. I want to be clear, and I find it very interesting that not only did this happen in Hollywood, it happened in Pinecrest and it's happening here. You know, it just keeps revolving around the same discussion and same topic. And they're getting more brazen. The lies are becoming more and more aggressive. And I want to be very clear, you know, that, again, come and meet with me. Come to see the City Attorney. If some of you have something you want to talk about, let's talk about it in the open. Come here to the Commission meeting. We have Commission meetings every two weeks. I'm more than willing to have a conversation.

Mr. Marano: Well, I'm glad it wasn't effective here, but it was effective in Hollywood. The City Manager lost his job. Ms. Rivenbark moved in, and then, obviously, the -- Frank Fernandez showed up and whatever. But -- and I'm not going to take up any more time.

Mayor Valdes-Fauli: No, please.

Mr. Marano: But I could just tell you that you're going to continue to have problems -- until Frank Fernandez is wearing the police chief's uniform here, you'll continue to get them. And a police chief who just retired up in Broward, who started in the City of Miami, did 43 years in police service. He summed up Frank Fernandez in one word. He said Frank Fernandez is evil. Thank you.

Mayor Valdes-Fauli: Thank you, sir.

Commissioner Keon: But Mr. Marano...

Mr. Marano: Yes.

Commissioner Keon: I'm -- you know, in following the discussion on ethics, one of the bright lines that people will often use with regard to ethical behavior is that anything -- if you -- that there isn't anything that you would do that you don't mind printed on the front page of your local newspaper. Mr. Marano, you have so many things printed on the pages of a newspaper that I am astounded that you would come here and cast, you know, a shadow on anyone.

Mr. Marano: I know, and I know that...

Commissioner Keon: Anyone.

Mr. Marano: You're really Ms. Rivenbark's mouthpiece and I appreciate all that, but I was always a target, ma'am. I'm a political person. I endorse people, and I...

Commissioner Keon: No, no, no.

Mr. Marano: And surely -- and I've been investigated for everything and cleared, ma'am.

Commissioner Keon: Your record speaks for itself, Mr. Marano.

Mr. Marano: And I was promoted twice, and I was retired with my full pension.

Mayor Valdes-Fauli: Okay.

Mr. Marano: Unlike Frank Fernandez's \$150,000 pension.

Commissioner Keon: Okay.

City Manager Swanson-Rivenbark: Mr. Mayor.

Mr. Marano: We know that you're her mouthpiece.

Commissioner Keon: Alright...

City Manager Swanson-Rivenbark: Mr. Mayor.

Commissioner Keon: Mr. Marano.

Mayor Valdes-Fauli: Madam Commissioner, it's not worth pursuing this.

Commissioner Lago: Let me -- and I want to -- and maybe it's -- maybe you don't feel it's worth pursuing it, but again, you make comments on...

Mayor Valdes-Fauli: No, no.

Commissioner Lago: The record, you should at least have the right to refute those. So, you said that everything you've been -- everything that you've been accused of doing, in a court of law, you've been exonerated for, right?

Mr. Marano: Yes, except one civil rights situation, okay, but that's something that we came forward and we said we had made a mistake. But it was a grand jury...

Commissioner Lago: When I spoke to the Manager -- when I spoke to the Manager about the memo that I wrote, her immediate comment to me -- and we're going to discuss this later. I've spent my time to prepare this document that I prepared today. Has immediately gone to who you are. And my comments -- and correct me if I'm wrong if I'm lying -- correct me. Please, I want to put this on the record here today -- have been I don't want -- I don't care who Mr. Marano is. Right or wrong, Miriam? Did I not say that at the meeting? I don't care who Mr. Marano is. I don't even know Mr. Marano. I don't deal with Mr. Marano. I deal with residents and business owners and our employees here in the City. I don't care who you are. I really don't care. The bottom line is I deal with ethics and I deal with the fact that you could tell me that this person is the worst thing -- is the devil. I don't care because, at the end of the day, if he had a comment to be heard -- and we'll deal with it now with the memo -- if he was part of a background investigation, you do not put yourself in the position you did. He's here today, obviously, because he wants to make his opinion known. And you can stand up here and you can trash him, and you can make comments about what he's done in the past. But if you tell me you've been exonerated, and you have...

Mayor Valdes-Fauli: Okay, let's go on. This is not...

City Manager Swanson-Rivenbark: Mr. Mayor, it's important for me...

Commissioner Keon: Please.

City Manager Swanson-Rivenbark: To make two comments.

Mayor Valdes-Fauli: Yes, ma'am.

City Manager Swanson-Rivenbark: Number one, 34 years in government, I know of no one that has ever written an anonymous letter. I have to say that on the record. Second, to describe Frank Fernandez as evil, for the record, he has been a consultant with the Department of Justice for ten years doing reform of police departments. Not everyone wants change. I understand that, but he has the highest level of clearances, both with the Department of Justice and FBI. To use this as a character assassination is inappropriate and unbecoming to the City, but I thank you for allowing me to comment.

Mayor Valdes-Fauli: Okay, let's go on.