

**City of Coral Gables City Commission Meeting**  
**Agenda Item G-5**  
**May 10, 2022**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Vince Lago**

**Vice Mayor Michael Mena**

**Commissioner Rhonda Anderson**

**Commissioner Jorge Fors**

**Commissioner Kirk Menendez**

**City Staff**

**City Manager, Peter Iglesias**

**City Attorney, Miriam Ramos**

**City Clerk, Billy Urquia**

**Assistant Public Works Director, Deena Bell-Llewellyn**

**Asset Manager, Zeida Sardinas**

**Parks and Recreation Director, Fred Couceyro**

**Public Speaker(s)**

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Agenda Item G-5 [0:00:00 a.m.]

Discussion regarding the current landscaping and sidewalks of the Village of Merrick Park.

(Sponsored by Mayor Lago)

Mayor Lago: Moving on to G-5, an update regarding the current landscaping and sidewalks to the Village of Merrick Park. Ms. Bell. How are we?

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City Commission Meeting

May 10, 2022

Agenda Item G-5 - Discussion regarding the current landscaping and sidewalks of the Village of Merrick Park.

Assistant Public Works Director Bell-Llewellyn: Good afternoon again. Deena Bell-Llewellyn, Green Space Management, Public Works. Mr. Clerk, there is a presentation. Okay. So, on the subject of cleaning up the landscaping in downtown, and through Ponce, this is about the Village of Merrick Park. The Village of Merrick Park has a covenant responsible -- they're responsible for a large area along Ponce and Le Jeune in the public right-of-way, and I've been working with them through our Code Enforcement Department for the past two years -- I mean, two years -- it feels like two years.

Mayor Lago: Two months.

Assistant Public Works Director Bell-Llewellyn: Two months...

Mayor Lago: Okay, yep.

Assistant Public Works Director Bell-Llewellyn: On getting the management on board to produce a new landscape plan to revamp all of these right-of-ways (sic). And you can click -- or I'll quickly click through. These are existing images of what it looks like today.

Mayor Lago: Could I ask you a quick --? May I ask you a quick question?

Assistant Public Works Director Bell-Llewellyn: Um-hmm.

Mayor Lago: And maybe this is a question for Ms. Cabrera. You see the sidewalks; you see the curbs. They haven't been cleaned in years. This is a project -- this is a building -- just to kind of educate everybody a little bit. The City owns this property. And Merrick Park has a beautiful, incredibly cheap lease from the City. They have not maintained their landscaping, or their signage, or their sidewalks in years, and who would? No one in the City has ever held them accountable until I came along, and this Commission came along. So, my question to you is, what's the plan

for the sidewalks? What's the plan --? Have we already notified them in regards to Code Enforcement? Has Code Enforcement gone to visit them? Have they been cited? There's also some areas in front of Mexican restaurant that was just recently constructed, where they've taken all the landscaping out and they've put white pebbles in front, which is not in compliance. I wanted to kind of get an understanding of that. How are you?

Asset Manager Sardinias: Suramy Cabrera. Hello, Development Services Director. So, they have been out there. They've made contact with the management. And they have issued, I believe, warnings. I don't know if they've issued citations. They have been working with Deena to come into compliance on the landscaping issues. And I could get you the specifics on the deadlines for the other issues.

Mayor Lago: That's fine.

Asset Manager Sardinias: But I do know that they've been out there. We've met with them a couple of times, and they have been issued warnings.

Mayor Lago: Okay. Quick question in regards to the Mexican restaurant that was -- that's new to Merrick Park. They have some cactus and white rocks. Are those --? I know they're not in compliance. Are they going to comply? It's been about six months.

Assistant Public Works Director Bell-Llewellyn: Yeah. They were just in conversation with us about that this week. They're going to be adding landscaping to that white rocked area. We do allow decorative river rocks in right-of-ways (sic) in conjunction with nice landscaping. And I think they'll get in compliance if they just add some more landscaping to it.

Mayor Lago: Okay, no problem.

Assistant Public Works Director Bell-Llewellyn: Yeah.

Mayor Lago: So -- I'm sorry. Thank you, Ms. Cabrera. I appreciate it.

Assistant Public Works Director Bell-Llewellyn: So, the building management sent me these images. This is what's permitted. They currently have a permit, and this is the landscape plan, just a general scheme that they're working on to enhance the right-of-ways (sic). And here's a copy of their building permit. Management indicated they've already started on the irrigation repairs in the right-of-way, and they will be finished by the end of May with all of the permitted landscape work. So, they have been very cooperative since we met with them in March. I wanted to mention that. And the Management has kept in touch with us weekly on, you know, what they're proceeding with, so we'll look for progress all through May.

Mayor Lago: So, quick question, Ms. Bell -- and this is just something for the future. Why did it get to this point? Why did they decide that they did not have to, you know, maintain Le Jeune, maintain Ponce, the circle at the fountain, all their rusty signs that are falling over, the lack of mulch, the lack of shrubbery? Why? Like, you know, it's a beautiful asset. Why would they decide that they're just not going to landscape it? When you look at other municipalities and you go see other cities, especially city-owned assets -- the City owns this building. We -- they have a 99-year lease. But why wouldn't they want to do something that's representative of something as beautiful as Nordstrom's, as Neiman Marcus, as all the great stores and restaurants they have there. Why did they just allow it to just fall in such disrepair?

Assistant Public Works Director Bell-Llewellyn: You know, I can't speak for the management. When I met and had the walk-through, they mentioned COVID, the difficulties they had. And they mentioned difficulty of keeping the plant material alive and the tough conditions in the right-of-way. Because, you know, their interior landscaping looks very well kept. It's lovely. So, I can't answer why they let the right-of-way fall away when they kept up the interior very well. I

know that their irrigation was broken in a lot of areas. You know, in these areas, we have traffic accidents a lot that damage infrastructure, and they just didn't keep up with that repair work during COVID times. So, I think they're on the right track now.

Mayor Lago: Okay.

Assistant Public Works Director Bell-Llewellyn: I think we've given them a deadline by June -- what is it, June 30 for everything?

Mayor Lago: For the sidewalks, it's June 30.

Assistant Public Works Director Bell-Llewellyn: For the sidewalks.

Mayor Lago: I hope.

Assistant Public Works Director Bell-Llewellyn: But they indicated landscaping would be done by the end of May.

Mayor Lago: So, let's also remind them that June 30, they have to clean the sidewalks and clean, you know, a lot of the structures that are visible from the street, you know, that we would please request that. It's something that's important, you know, to the aesthetic appeal, especially such a monumental building like Merrick Park.

Assistant Public Works Director Bell-Llewellyn: It is. And working in Greenspace Management, I get often calls from residents thinking that these areas are a part of our division to maintain. So, I'm happy to see this improving.

Mayor Lago: Okay. Alright. Well, thank you very much.

Vice Mayor Mena: Mayor.

Mayor Lago: Thank you, thank you. Thank you so much.

Vice Mayor Mena: Mayor, would it make sense...?

Mayor Lago: Great job, by the way, Deena. I appreciate it. This got done because of your team and because of the Manager. You guys have really been on top of it, and I appreciate that. Thank you.

Assistant Public Works Director Bell-Llewellyn: Thank you.

Vice Mayor Mena: I was going to say, if it makes sense, we could take I-4 next, which is also on Burger Bob's.

Mayor Lago: Of course.

Vice Mayor Mena: I know there's people here...

Mayor Lago: We can take I-4.

Vice Mayor Mena: Waiting for it.

Mayor Lago: I-4.

City Manager Iglesias: I-4, Mayor.

Mayor Lago: Yes, sir.

City Manager Iglesias: We had our Asset Manager speak with Rita concerning her desire whether to continue with Burger Bob's or not. She indicated that she was interested in continuing with Burger Bob's, and she would be interested in an RFP. However, I think there's been excessive discussions concerning Rita at the Commission level, and I would recommend a waiver of procurement and just go that route.

Mayor Lago: So, I think it's a great idea, as you and I discussed, but there has to be accountability. And if we're going to do this, we're going to do this the right way. We're not going to do it the way it was done before. We're not going to run businesses out the backdoor. We're not going to do -- we're going to have all the proper licenses. We're going to accept credit cards. We're going to do things that we're going to protect ourselves as a city asset. We need to make sure. I welcome catering as an ancillary business. I think it's a great opportunity. I think she has a great skill, but I think that we also need to be very, very thoughtful and be very careful because if you are -- for example, catering from the backdoor of that establishment, like they were for well over a decade, correct?

City Manager Iglesias: Yes.

Mayor Lago: And the City was not aware of it. We need to be careful. What if somebody gets sick from the food at an event? We have to have all the proper insurance. We have to make sure it's done appropriately, just like we're doing it with the reconstruction and we're making everything appropriate, ADA accessible. We're handling everything so that we put her -- if she is the one that's finally chosen as per your negotiations, we want to put her in a position for success.

City Manager Iglesias: We are. And we would be waiving procurement but nothing else.

Mayor Lago: Yes. But I just say that because...

City Manager Iglesias: Procurement but nothing else.

Mayor Lago: I want to be very clear.

City Manager Iglesias: Insurance requirements, contractual requirements. This is a concessionaire agreement.

Mayor Lago: Yes.

City Manager Iglesias: So, all the normal concessionaire agreement requirements would be held. The only thing that we're looking at is a waiver of the procurement process.

Mayor Lago: Yes.

City Attorney Ramos: If the Commission's willing, I would ask for a vote at this time to waive procurement.

Mayor Lago: But I'm not done yet. Just one second. So, my point is that I also want to make sure -- I want to make sure that we put this on the record. I'd like for my colleagues to input -- some input on this. I view Burger Bob's like the Venetian Pool. This is not a profit center. Again, I don't want to lose money because we need every dollar we can get, especially coming out of COVID. We have a lot of projects to undertake. But I want to make sure that we're doing the right thing. And this is not an extravagant dining experience. We've talked about this a thousand times. We have the downtown for that. This is a community neighborhood establishment that's going to offer great amenities. It's going to have a hometown feel, and everyone's going to be welcome. If Rita's up to the task, and she's willing to negotiate with the City, and willing to



negotiate with you, I welcome it. But we have to be very methodical on how we conduct ourselves. It cannot be the way it was done before. It has to be something that is by the book up to the City's standards. And I would like to know if the Commission agrees with me because I want to be lockstep when we walk out of this room making sure that I say the right things.

City Manager Iglesias: Mayor, I don't believe we can waive any of the other issues concerning insurance work and so forth.

Mayor Lago: I like to put things on the record.

City Manager Iglesias: So, we would not...

Mayor Lago: I like to put things on the record.

City Manager Iglesias: Waive anything except -- clearly, except our procurement requirements. Every other issue has to be met.

Commissioner Menendez: I just want to chime in. I agree that Burger Bob's, like Venetian Pool, shouldn't be, you know, looked at as a profit center. Back in the day, pretty much everything the City had in terms of parks and recreation wasn't. and that's why the focus was on service to our community. And clearly, Venetian Pool, Burger Bob's serves our community, and it goes deeply. It's very personal, very emotional for a lot of folks, so I think we're headed in the right direction. And I think -- and I agree with the Mayor. We put it on the record we're not waiving anything but the procurement. All other responsibilities are the same as with any other vendor or any other company or group or individual we go into business or an agreement with, let's say. I would like for the -- so that the community understands what a concessionaire agreement does -- is, what it's about, and what it's not about. I don't want there to be confusion in terms of what type of agreement

we would be entering. I don't know who would like to speak on the subject to provide clarity on this type of agreement. Do we have anybody?

Commissioner Fors: I think the agreement is, you know, often -- it may not be -- it may be an agreement that's a little bit of this, a little bit of that, as long as it achieves the City's goals. I don't know if we can just say a -- I'm sorry, what did you refer to it as? A...

Commissioner Anderson: Concessionary agreement.

Commissioner Fors: A concessionary agreement. You know, it might have elements of it that are, in my view, that are like -- that are...

Parks and Recreation Director Couceyro: So...

Commissioner Fors: Customary of a concessionary agreement and others that are...

Parks and Recreation Director Couceyro: Right, so...

Commissioner Fors: That are not.

Parks and Recreation Director Couceyro: So, a concessionary agreement, as opposed to a lease.

Commissioner Fors: Right.

Parks and Recreation Director Couceyro: A lease is they take the space over, and they do -- they operate independently. Now, in this case, which kind of was -- is something that we have to look at -- in most cases, when you have that type of operation, the build-out, the capital outlay, and all of the expenses are done by the lessee. In this case, it's being done by the lessor. So, what we're

looking at is we're looking at a concessionaire agreement, where we look at a revenue split. We look at where we have a little bit of oversight in running the entire operation in terms of we work with the concessionaire to make sure that, you know, the menu, have the prices. We don't anticipate having issues with this current concessionaire, but as a whole, you know, we are operating the Pro Shop, and we will be, eventually -- that's one of our transitions that we presented when we presented the country club. So, that's what we're looking at, this type of agreement where we will work with the concessionaire, they will operate, and they will do -- but the capital outlay is us. We're handling utilities. We're handling the maintenance.

Vice Mayor Mena: Right.

Parks and Recreation Director Couceyro: The repair. We're buying the furniture. So, it's a little different than here's the space, do with it what you wish, and we'll just take a rental.

Commissioner Menendez: And that's why I...

City Manager Iglesias: You remember that the tenant improvements are provided by the City.

Commissioner Menendez: Right. And Fred...

Parks and Recreation Director Couceyro: Yes.

Commissioner Menendez: Was very clear on that. The reason I ask is because once this meeting's over, there's going to be a lot of misinformation there.

Parks and Recreation Director Couceyro: Yes.

Commissioner Menendez: Not by the people that are supportive of getting this up and running, the sooner the better, just folks out there that like to create confusion. So, they're going to say that we just handed over a city asset to an individual, and we haven't. In this type of agreement, we're working together.

Parks and Recreation Director Couceyro: Yes. There is a revenue split.

Commissioner Menendez: Yeah, they have the keys to open and close, but the keys belong to us technically.

Vice Mayor Mena: And that's the same thing you're doing with Liberty Café ultimately.

Parks and Recreation Director Couceyro: That's what we're going to -- yes, that's what we're looking to do. It's a mutual vested interest.

Commissioner Menendez: Right.

Parks and Recreation Director Couceyro: They need to be successful for us to be successful, so it's a win-win.

Commissioner Menendez: We're creating a team.

Parks and Recreation Director Couceyro: Correct.

Commissioner Menendez: And I just want that on the record because, if we don't put it on the record, folks are going to run with misinformation...

Parks and Recreation Director Couceyro: Yep.

Commissioner Menendez: And hurt our community.

Parks and Recreation Director Couceyro: Understood.

Mayor Lago: Thank you.

Commissioner Fors: And when we talk about doing things the right way and insurance requirements and only waving procurement, you know, I don't think that should be viewed as something negative. I think it's going to be -- for both sides of the transaction, it's going to be a fresh start to do things, you know, the way that they should be done. Sometimes when something's in place for a long time, it evolves and devolves. I think there's going to be a nice fresh start without any issues and stress that might have been associated with old things that have sort of been grandfathered in, but weren't in writing, and they sort of had a right to do it, but they sort of didn't have a right to do it. So, I think it should be viewed positively by both sides, this fresh start.

Mayor Lago: Okay.

Commissioner Anderson: And this is something I think the community has been asking for, so I think it should be well received. I like the aspect where we're controlling the building, and therefore, we're not going to have the issues that we've had across the street with the state of the building declining to a point where we're risking an asset. I know that there's some people here in the audience that may want to speak on this matter, but from what I know, that there's strong support for having somebody there that actually will serve as a magnet for the business, and I think make a good partnership with the City.

Commissioner Fors: And by the way, the things for the person who hopefully we can reach a deal with, you know, often certain elements of -- that are required when you're in charge of taking care

of the asset are kind of the part that is not fun, right? You really want to focus on operating the business. So, it's actually -- you know, almost like -- could be a situation where it's the best of both worlds for the operator where they can focus on what they truly enjoy and are good at doing.

Commissioner Anderson: Good point.

Mayor Lago: Thank you, Commissioner. Alright, well then, we'll get an update as a result of the negotiations from the Manager soon. We're ready to release the architect. Staff is working on that, and I think we'll see some progress soon. Okay.

City Manager Iglesias: We'll be waiving the procurement.

Commissioner Anderson: I'll make a motion for that.

Commissioner Menendez: Second.

City Manager Iglesias: For Ms. Rita Tennyson.

Mayor Lago: Perfect.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Mayor Lago: Yes.

(Vote: 5-0)