

# **City of Coral Gables**

*City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134  
www.coralgables.com*



## **Agenda**

**Tuesday, November 17, 2009**

**9:00 AM**

**City Hall, Commission Chambers**

## **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*

*Patrick G. Salerno, City Manager  
Elizabeth M. Hernandez, City Attorney  
Walter J. Foeman, City Clerk*

**INVOCATION**

*Rabbi Edwin Goldberg, Temple Judea*

**PLEDGE OF ALLEGIANCE****A. PRESENTATIONS AND PROCLAMATIONS**

A.-1. [09-0758](#) Presentation regarding a resolution supporting the South Florida Park Coalition Charter, by Maria I. Nardi, Chief of the Planning and Research Division of Miami-Dade County Parks and Recreation Department.

A.-2. [09-0759](#) Presentation by Kim Romaner, Executive Director, of Miami Dade Broadband Coalition.

A.-3. [09-0800](#) Presentation by Brad Rosenblatt, President of the Coral Gables Business Improvement District, and Henry Camejo, President, V.I.P. Parking.

**B. APPROVAL OF MINUTES**

B.-1. [09-0807](#) Regular City Commission Meeting of October 27, 2009

**C. CONSENT AGENDA**

*All items listed within this section entitled "Consent Agenda" are considered to be self-explanatory and are not expected to require additional review or discussion, unless a member of the City Commission or a citizen so requests, in which case, the item will be removed from the Consent Agenda and considered along with the regular order of business. Hearing no objections to the items listed under the "Consent Agenda", a vote on the adoption of the Consent Agenda will be taken.*

C.-1. [09-0756](#) Resolution confirming the appointment of Elena Pesant (Board-As-A-Whole Appointment) to serve as a member of the Parks and Recreation Youth Advisory Board for a two (2) year term, beginning June 1, 2009 through May 31, 2011.

C.-2. [09-0769](#) Resolution confirming the appointment of Anna Rodriguez (Nominated by Ponce de Leon Middle School) to serve as a member of the School and Community Relations Committee for a term beginning June 1, 2009 through May 31, 2011.

C.-3. [09-0775](#) Resolution confirming the appointment of Patrick O. Kiel (Nominated by Crime Watch) to serve as a member of the School and Community Relations Committee for a term beginning June 1, 2009 through May 31, 2011.

C.-4. [09-0776](#) Resolution confirming the appointment of Nestor Diaz (Nominated by Coral Gables High School) to serve as a member of the School and Community Relations Committee for a term beginning June 1, 2009 through May 31, 2011.

C.-5. [09-0799](#) Resolution appointing Carlos Perea (Nominated by Commissioner Cabrera) to serve as a member of the Landscape Beautification Advisory Board, for a two (2) year term, beginning June 1, 2009 through May 31, 2011.

C.-6. [09-0796](#) Resolution authorizing the execution of Consent Order No. 08-2788 issued by the Florida Department of Environmental Protection related to incidences that took place during the months of September and October 2008 involving the overflow and discharge of untreated wastewater in the south region of the City resulting in the requirement for a Corrective Action Plan with schedules of completion for the same.

C.-7. [09-0780](#) Resolution appropriating funds for projects previously approved by the Commission as follows: Blue Road Roundabouts, Segovia Street and Biltmore Way Roundabout and the Country Club Pool, and the Water Witch Vessel.

C.-8. [09-0783](#) Resolution authorizing the execution of a contract with the State of Florida, Department of State, Division of Cultural Affairs to accept a Culture Builds Florida matching grant in the amount of \$25,000 to be used toward completion of the City of Coral Gables Art in Public Places Public Art Master Plan and initial public art project.

C.-9. [09-0795](#) Resolution authorizing the execution of a Local Agency Program (LAP) Agreement between the City of Coral Gables and the Florida Department of Transportation to allow the City to manage and direct the Ponce de Leon Boulevard Median Improvements Phase II Project and to receive Federal Stimulus funding in the amount of \$1,036,796.00; and authorizing the advertisement of bids for said project.

C.-10. [09-0789](#) Resolution of support for the Police Department's application to the FY 2009 Drug Control and System Improvement Formula Grant Program in the amount of \$8,142, to fund the Teen Domestic Violence Program.

C.-11. [09-0794](#) Resolution amending an existing Lease Agreement between the City of Coral Gables and Bijan's Coral Gables, LLC, authorizing a name change from "Bijan's Key West Grill" to "Bijan's" and further amending the Lease Agreement, in particular, Section VIII by striking the words "with special emphasis on local fresh seafood and ingredients," located in Municipal Parking Garage No. 6, 2325 Galiano Street, Coral Gables, Florida.

C.-12. [09-0802](#) Resolution supporting immediate passage of HR 3745 and calling on the Congressional Delegation to take all possible actions in support of the passage of HR 3745; and providing for an effective date.

C.-13. [09-0804](#) Resolution amending Resolution No. 2008-201 (as amended) to include an increase in the monthly rate for sewer service charges provided for under Section 78-100 of the Code of the City of Coral Gables to \$28.00 per month minimum based on the measured use of water not exceeding 700 cubic feet and \$4.00 per hundred cubic feet over 700 cubic feet to recover Miami-Dade's increase in wholesale wastewater rates and to provide funding for necessary repairs and improvements to the system; repealing all parts of resolutions inconsistent herewith and providing an effective date of January 1, 2010.

C.-14. [09-0803](#) Resolution authorizing the execution of an agreement between Miami-Dade County, the Palace Management Group, LLC and City of Coral Gables, for the water facilities associated with the Palace Project at 50 Andalusia Avenue, Coral Gables, Florida.

**Presentation of Boards and/or Committees minutes requesting no action from the City Commission:**

- C.-15. [09-0754](#) Communications Committee Meeting of October 15, 2009
- C.-16. [09-0761](#) Board of Adjustment Meeting of October 5, 2009
- C.-17. [09-0762](#) Parks and Recreation Advisory Board Meeting of October 23, 2009
- C.-18. [09-0767](#) Parks and Recreation Youth Advisory Board Meeting of October 19, 2009
- C.-19. [09-0771](#) Coral Gables Merrick House Governing Board Meeting of September 28, 2009
- C.-20. [09-0773](#) International Affairs Coordinating Council Meeting of October 20, 2009
- C.-21. [09-0774](#) Economic Development Board Meeting of October 7, 2009
- C.-22. [09-0781](#) Cultural Development Board Meeting of September 21, 2009
- C.-23. [09-0782](#) Historic Preservation Board Meeting of October 22, 2009
- C.-24. [09-0784](#) Coral Gables Merrick House Governing Board Meeting of October 5, 2009
- C.-25. [09-0790](#) Parking Advisory Board Meeting of September 24, 2009
- C.-26. [09-0792](#) Coral Gables Advisory Board on Disability Affairs Meeting of October 8, 2009
- C.-27. [09-0793](#) Traffic Advisory Board Meeting of September 15, 2009
- C.-28. [09-0797](#) Senior Citizens Advisory Board Meeting of November 2, 2009

**D. PERSONAL APPEARANCES****None****E. PUBLIC HEARINGS***All Individuals desiring to give testimony shall be sworn in.***ORDINANCES ON SECOND READING**

**E.-1. 09-0753** Ordinance amending the City Code, Chapter 2, entitled "Administration," Article XIII. entitled "Procurement Code" by correcting scrivener's errors; by amending the following sections of the Procurement Code: 2-578 Definitions, 2-583 Application of this Code, 2-630 Centralization of procurement authority, 2-650 Authority, 2-678 Exemptions, 2-765 Methods of Source Selection, 2-766 Competitive sealed bidding (formal bids), 2-768 Competitive sealed proposals, 2-772 Special procurements/bid waiver, 2-773 Revenue generating and concession contracts, 2-833 Request for authority to enter in an agreement, 2-834 Contract Administration, 2-845 Right to conduct inspections and audits, 2-869 Determinations, 2-891 Relationship with user department, 2-950 Resolution of protested solicitations and awards-formal, 2-1004 Bid Security , 2-1007 Insurance requirement and 2-1059 Cone of Silence; further adding new Sections to the Procurement Code as follows: Sections 2-774 Sole Brand Procurement, 2-775 Standardization and 2-776 Bid Documents; Providing For Severability, Repealer and Effective Date. (Passed on First Reading on October 27, 2009.)

**E.-2. 09-0740** Ordinance amending Chapter 74 of the City Code entitled "Traffic and Vehicles", in particular, Section 74-360 entitled "Appeal to hearing officer", regarding the appointment of hearing officers to hear appeals of citations, for the purpose of allowing attorneys with appropriate experience to serve as hearing officers and excluding the requirement for residency; providing for a repealer provision, a savings clause and a severability clause; and providing for an effective date. (Passed on First Reading October 27, 2009.)

**Items E-3 through E-6 are related**

**E.-3. 09-0464** An Ordinance of the City Commission of Coral Gables adopting the annual update to the Capital Improvements Element (CIE) within the City's Comprehensive Plan; providing for a repealer provision, a savings clause, a severability clause; and providing for an effective date. (Passed on First Reading July 7, 2009.)

**E.-4. 09-0465** An Ordinance of the City Commission of Coral Gables adopting a ten-year water supply facilities work plan and amending the Comprehensive Plan to promote and facilitate better coordination between water supply and local land use planning as required by Florida law; providing for a repealer provision, a savings clause, a severability clause; and providing for an effective date. (Passed on First Reading July 7, 2009.)

**E.-5. 09-0466**

An Ordinance of the City Commission of Coral Gables adopting the Evaluation and Appraisal Report (EAR) based amendments, various updates of the Goals, Objectives, and Policies, and providing for newly created elements titled: Administration, Design, Public Safety, and Green to the City of Coral Gables Comprehensive Land Use Plan; authorizing transmittal to Florida Department of Community Affairs for review; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (Passed on First Reading July 7, 2009.)

**E.-6. 09-0468**

An Ordinance of the City Commission of Coral Gables readopting the Comprehensive Plan Map in its entirety and Change of Land Use Map designations for the purpose of correcting inconsistencies between Comprehensive Plan Map and Zoning Map classifications based upon the current use for the following City owned properties:

- (1) Change from "Commercial, Low and Mid-Rise Intensity" to "Public Buildings and Grounds" for 285 Aragon Avenue (Coral Gables Museum) located on Lots 1-4 and 42-48, Block 34, Coral Gables Section "K"; and,
- (2) Change from "no designation" to "Open Space" for the public open space located on all of Block 37, Country Club Section 3; and,
- (3) Change from "Residential (Single-Family) Low Density" to "Public Buildings and Grounds" for the City Utility Station located on Tract A, Block 2, Hammock Oaks Harbor Section 2.

Providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (Passed on First Reading July 7, 2009.)

**E.-7. 09-0640**

An Ordinance of the City Commission of Coral Gables amending the previous conditions of approval (Ordinance No. 3587) and changes to the previously approved site plan for the Country Club of Coral Gables to include outdoor dining on south side of property facing North Greenway Drive, enclosed/open air outdoor area on west side of property and improvements to existing porte-cochere on the rear of the property, legally described as Lots 1-9 and 37-39, Block 32, Section "B" (997 North Greenway Drive), Coral Gables, Florida, and including required conditions; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (Second Reading November 17, 2009, vote: 2-2)

**ORDINANCE ON FIRST/SECOND READING****E.-8. 09-0770**

An Emergency Ordinance of the City Commission of Coral Gables, Florida amending in part Chapter 2, Article IX of the Coral Gables City Code ("City Code"), the City of Coral Gables Development Impact Fee Ordinance; providing authority for development incentives through deferral or waiver of impact fees; further providing for waiver of requirement that said Ordinance be read on two separate days pursuant to Section 13 of City of Coral Gables Charter; providing for liberal construction; providing for severability; providing for codification; and providing for an effective date.

**ORDINANCES ON FIRST READING**

E.-9. [09-0671](#) An Ordinance of the City Commission of Coral Gables amending the Zoning Code Section 4-401., Uses Prohibited and Article 8., Definitions to clarify the City's current nightclub provisions, providing severability, providing for codification thereof, and providing for an effective date. (Passed on First Reading November 17, 2009 with 4-1 vote.)

E.-10. [09-0777](#) An Ordinance of the City Commission of Coral Gables amending Article 5, Division 20, Telecommunications of the City Zoning Code, amending the previous "Amateur radio antennas" provisions to be renamed "Personal radio services antenna support structures" and amending Article 8, Definitions, providing for definitions; providing for severability, repealer, codification, and an effective date. (Passed on First Reading November 17, 2009 with 5-0 vote.)

E.-11. [09-0806](#) An Ordinance of the City Commission of Coral Gables amending Chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions," relating to optional participation in the Coral Gables Retirement System by appointed officials; providing for an effective date; and repealing all Ordinances inconsistent herewith. (Passed on First Reading November 17, 2009 with a 5-0 vote)

E.-12. [09-0778](#) An Ordinance of the City Commission of Coral Gables amending Article 5, "Development Standards", Division 16, entitled "Roofs", to allow for flat roof and roof top terraces in structures built on flood zone properties; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading November 17, 2009 with 5-0 vote.)

**RESOLUTIONS**

**Time Certain 10:00 a.m.**

E.-13. [09-0719](#) Resolution confirming the preliminary Assessment Roll of the Cocoplum Guardhouse Local Improvement District, designated as "CGH-01", subject to the provisions of the City Code, Article II, entitled "Local Improvement Act" setting forth location, proposed improvements, estimated improvements, estimated cost and designating properties deemed to be benefitting from the guardhouse, that will be levied a special assessment for the improvements, located on Cocoplum Road, at the entrance of the Cocoplum Subdivision, Coral Gables, Florida.

**F. CITY COMMISSION ITEMS**

F.-1. [09-0760](#) Presentation on senior activities.  
Commissioner Maria Anderson

**G. BOARDS/COMMITTEES ITEMS****G.-1. 09-0572**

Presentation of excerpts from the minutes of the Historic Preservation Board meeting of July 16, 2009 requesting the following action with regard to CASE FILE AV 2006-06. (Deferred from the September 22, 2009 City Commission meeting).

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at Hotel Place St. Michel located at 162 Alcazar Avenue, a local historic landmark, legally described as Lots 3 and 4, Block 24, Coral Gables Section "L", according to the Plat thereof, as recorded in Plat Book 8, at Page 85, of the Public Records of Miami-Dade County, Florida. The cost of the improvements is \$2,300,000.00, which could correspond to approximately \$12,075.00 per year and \$120,750.00 over ten years. (Historic Preservation Board Vote: Unanimously (8-0)).

**G.-2. 09-0764**

Presentation of excerpts from the minutes of the Historic Preservation Board meeting of August 20, 2009 requesting the following action with regard to CASE FILE AV2006-02.

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 3012 Granada Boulevard, a local historic landmark, legally described Lots 12 and 13, Block 21, Coral Gables Country Club Section Part One, according to the Plat thereof, as recorded in Plat Book 8, at Page 108, of the Public Records of Miami-Dade County, Florida. The cost of the improvements is \$1,056.389.22, which would correspond to approximately \$5,546.04 per year and \$55,460.42 over ten years. (Historic Preservation Board Vote: Unanimously (8-0)).

**G.-3. 09-0765**

Presentation of excerpts from the minutes of the Historic Preservation Board meeting of October 22, 2009 requesting the following action with regard to CASE FILE AV2004-05.

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 308 Romano Avenue, a local historic landmark, legally described Lots 18, 19, 20 and West 1/2 Lot 21, Block 8, Coral Gables Coconut Grove Section 1, according to the Plat thereof, as recorded in Plat Book 14, at Page 25, of the Public Records of Miami-Dade County, Florida. The cost of the improvements is \$22,128.00, which would correspond to approximately \$116.17 per year and \$1,161.72 over ten years. (Historic Preservation Board Vote: Unanimously (9-0)).

**G.-4. 09-0766**

Presentation of excerpts from the minutes of the Historic Preservation Board meeting of September 15, 2009 requesting the following action with regard to CASE FILE AV 2007-02.

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 1137 Asturia Avenue, a local historic landmark, legally described as Lot 20, Block 12, Coral Gables Section C, according to the Plat thereof, as recorded in Plat Book 8, at Page 26, of the Public Records of Miami-Dade County, Florida. The cost of the improvements is \$64,000.00, which would correspond to approximately \$336.00 per year and \$3,360.00 over ten years. (Historic Preservation Board Vote: Unanimously (7-0)).

**H. CITY MANAGER ITEMS****None****I. CITY ATTORNEY ITEMS**

I.-1. 09-0805      Presentation of proposed settlement regarding Margaret Pass.

I.-2. 09-0757      Pending Litigation Report.

**J. CITY CLERK ITEMS****None****K. DISCUSSION ITEMS**

*This time is for informal discussion among the City Commissioners, the City Manager and the City Attorney*

**ADJOURNMENT****NOTE**

*Any person who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, must register with the City Clerk, prior to engaging in lobbying activities before city staff, boards, committees and/or the City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall.*

*Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Interested persons should, therefore, take the necessary steps to ensure that a verbatim record of the proceedings is made which contains the testimony and evidence upon which the appeal is based.*

*Any person making impertinent or slanderous remarks or who become boisterous while addressing the Commission, shall be barred from further audience before the Commission by the Chair, unless permission to continue or again address the Commission is granted by the majority vote of the Commission Members present. Clapping, applauding, heckling or verbal outbursts or any remarks in support or opposition to a speaker shall be prohibited. Signs or placards shall not be permitted in Commission Chambers.*

*Any person requiring special accommodations for participation in the meeting should contact R. Alberto Delgado, Public Works Director, at 305-460-5001, with requests for auxiliary aids or services at least one business day before the meeting.*

**Patrick G. Salerno  
City Manager**