

# **City of Coral Gables**

*City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134  
[www.coralgables.com](http://www.coralgables.com)*



## **Meeting Minutes**

**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*

**ROLL CALL**

**Present:** 5 - Mayor Slesnick II, Vice Mayor Kerdyk Jr., Commissioner Withers, Commissioner Anderson and Commissioner Cabrera Jr.

**INVOCATION**

Rabbi Edwin Goldberg from Temple Judea gave the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Slesnick led the Pledge of Allegiance.

**LEGISLATIVE SUMMARY**

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Ordinance(s) adopted (Ordinance No. 2009-48 through Ordinance No. 2009-54); (b) Resolution(s) adopted (Resolution No. 2009-311 through Resolution No. 2009-330); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

**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.

**Attachments:** [MDCounty Parks Master Plan ppt](#)  
[ParkCoalitionCover](#)  
[ParkCoalitionReso](#)  
[A-1 Signed Cover Memo](#)

[Note for the Record: The verbatim transcript for Agenda Item A-1 is available for public inspection in the Office of the City Clerk and in Legistar].

**This Resolution was Presented and Filed**

City Clerk Item No. 2

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

**Attachments:** [itMDBC\\_CCAgendaCoverv02.doc](#)  
[itMDBC\\_CCAgendaCoverv02signed.pdf](#)  
[Miami-Dade Broadband Coalition 110909.ppt](#)  
[A-2 Signed Cover Memo](#)

[Note for the Record: The verbatim transcript for Agenda Item A-2 is available for public inspection in the Office of the City Clerk and in Legistar].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 1

**A.-3. [09-0800](#)**

Presentation by Brad Rosenblatt, President of the Coral Gables Business Improvement District, and Henry Camejo, President, V.I.P. Parking.

**Attachments:** [Brad Rosenblat Cover Memo](#)  
[A-3 Signed Cover Memo](#)

[Note for the Record: Brad Rosenblatt, president of the Coral Gables Business Improvement District, and Henry Camelo, president of the V.I.P. Parking addressed the Commission regarding a three-month trial program for valet parking for people with disabilities; further stating that said pilot program, which is scheduled to start on December 1st, will be at no cost to the City.

**Questions, Comments, Inquiries and Concerns from the City Commission:** **Commissioner Cabrera** inquired of **Mr. Rosenblatt** as to how will someone with a disability be given this complimentary valet parking?--whereby Mr. Rosenblatt responded that those individuals with the aforementioned disability decal that is maintained in the windshield, will be given this parking privilege; further stating that one must maintain said decal in clear view at all times; further directing the **City Manager** to have staff work with our **City's Disability Affairs Board**, in order that said board will be included in what is going on; further acknowledging the out-of-the-box, creative initiative shown by Mr. Rosenblatt.

**Commissioner Anderson** suggested that maybe said initiative should also be broadcast on E-News. In closing, **Mayor Slesnick** thanked said individuals for making this initiative happen].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 3

**B. APPROVAL OF MINUTES**

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

**Attachments:**     [Verbatim Transcript - Agenda Item C-8 - Reso recommending purchase of two tro](#)  
[Verbatim Transcript - Agenda Item C-9 - Reso recommending CPO to waive Pro C](#)  
[Verbatim Transcript - Agenda Item E-1 - Ordinance amending City Code Ch 2-Adr](#)  
[Verbatim Transcript - Agenda Item H-3 - Discussion to amend Zoning Code-night](#)  
[Verbatim Transcript - Agenda Item H-4 - Resolution requesting that enclaves be e](#)  
[Meeting Minutes.pdf](#)

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be approved. The motion passed by the following vote:**

**Yeas :**    5 -    Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

City Clerk Item No. 4

**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.

**Passed the Consent Agenda**

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, to Adopt the Consent Agenda. The motion carried by the following vote:

**Yeas :** 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**RESOLUTION NO. 2009-311****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.

**Attachments:** [Cover Memo for Elena Pesant YAB.pdf](#)  
[Elena Pesant as Board as a Whole Mbr \(3\).pdf](#)  
[C-1 Signed Cover Memo](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF ELENA PESANT (BOARD-AS-A-WHOLE) 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.

**This Matter was adopted by Resolution Number 2009-311 on the Consent Agenda.**

City Clerk Item No. 5

**RESOLUTION NO. 2009-312****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.

**Attachments:**    [confirmrodriguez062009](#)  
                          [RODRIGUEZ resolution 062009](#)  
                          [C-2 Signed Cover Memo](#)

A 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 BOARD FOR A TERM BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-312 on the Consent Agenda.**

City Clerk Item No. 6

**RESOLUTION NO. 2009-313****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.

**Attachments:**    [confirmkiel062009](#)  
                          [KIEL resolution 062009](#)  
                          [C-3 Signed Cover Memo](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF PATRICK O. KIEL (NOMINATED BY CRIME WATCH) TO SERVE AS A MEMBER OF THE SCHOOL AND COMMUNITY RELATIONS BOARD FOR A TERM BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-313 on the Consent Agenda.**

City Clerk Item No. 7

**RESOLUTION NO. 2009-314****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.

**Attachments:** [confirmresnestor062009](#)  
[nestor resolution 062009](#)  
[C-4 Signed Cover Memo](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF NESTOR DIAZ (NOMINATED BY CORAL GABLES SENIOR HIGH SCHOOL) TO SERVE AS A MEMBER OF THE SCHOOL AND COMMUNITY RELATIONS BOARD FOR A TERM BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-314 on the Consent Agenda.**

City Clerk Item No. 8

**RESOLUTION NO. 2009-315****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.

**Attachments:** [Carlos Perea - Landscape Beautification Advisory Board](#)  
[R-2009- Resolution - Carlos Perea - Landscape Beautification Advisory Board](#)  
[C-5 Signed Cover Memo](#)

A 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.

**This Matter was adopted by Resolution Number 2009-315 on the Consent Agenda.**

City Clerk Item No. 9



**RESOLUTION NO. 2009-316****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.

**Attachments:** [ConsentOrderNo08-2788](#)  
[CONSENT 08-2788 LAST](#)  
[Resolution 08-2788 last](#)  
[C-6 Signed Cover Memo](#)

A 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 SAME.

**This Matter was adopted by Resolution Number 2009-316 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2009-317****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.

**Attachments:** [Resolution Allocating Funds \(3\)](#)  
[Budget Appropriation Cover \(3\)](#)  
[C-7 Signed Cover Memo](#)

A 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.

[Note for the Record: Commissioner Cabrera in providing brief comments on said Agenda Item, instructed the City Manager to direct the staff to provide a status report/update in connection with the Segovia Street/Biltmore Way and Blue Road Roundabout Projects, since funding has been provided for same; further requesting to include the construction schedule on the aforementioned projects, since both are large projects, in order to be advised of the process involved in connection with same.

Mayor Slesnick added that the Administration should make sure that there is no disconnect between the Public Works Department, Parks and Recreation and the Junior Orange Bowl Parade Staging Area, particularly as it pertains to the rapid movement of construction activity and streets being torn up during the holiday season, and its effect on scheduled holiday events. City Manager assured the Commission that he would follow up with same; adding that construction has been discontinued until January 4th, 2010].

**This Matter was adopted by Resolution Number 2009-317 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2009-318****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.

**Attachments:** [Commitment of matching funds ltr.](#)  
[Award ltr](#)  
[Res. CBF grant 2009](#)  
[Commission cover ACTION State CBF Grant signed](#)  
[C-8 Signed Cover Memo](#)

A 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.

**This Matter was adopted by Resolution Number 2009-318 on the Consent Agenda.**

City Clerk Item No. 12

**RESOLUTION NO. 2009-319****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.

**Attachments:** [LAP Cover](#)  
[LAP Resolution](#)  
[Lap Exhibit A](#)  
[LAP Exhibit B](#)  
[LAP Exhibit D](#)  
[LAP Exhibit E](#)  
[LAP Exhibit L](#)  
[LAP Exhibit R](#)  
[LAP Exhibit RL](#)  
[LAP Exhibit S](#)  
[LAP](#)  
[LAP exhibit 1](#)  
[C-9 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM (LAP) AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND THE FLORIDA DEPARTMENT OF TRANSPORTATION THEREBY ALLOWING THE CITY TO MANAGE AND DIRECT THE FEDERALLY FUNDED 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.

**This Matter was adopted by Resolution Number 2009-319 on the Consent Agenda.**

City Clerk Item No. 13

**RESOLUTION NO. 2009-320****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.

**Attachments:** [COMMISSION COVER MEMO -Teen DV - \\$8,142](#)  
[RESOLUTION - TEEN DV](#)  
[C-10 Signed Cover Memo](#)

A 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 PROJECT.

**This Matter was adopted by Resolution Number 2009-320 on the Consent Agenda.**

City Clerk Item No. 14

**RESOLUTION NO. 2009-324****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.

**Attachments:** [Bijan's Resolution](#)  
[Bijan's Cover Memo](#)  
[C-11 Signed Cover Memo](#)  
[Bijan's Menu](#)  
[Terminello Letter](#)

A 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 EXISTING 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.

[Note for the Record: Commissioner Cabrera informed his colleagues that the City is making allowances for a name change (from "Bijan's Key West Grill" to "Bijan's"; further noting that while walking in the vicinity of said restaurant on Monday night (November 16, 2009), he noticed and also received marketing materials in connection with said restaurant, which included the proposed name change to "Bijan's"; further noting that Bijan's Coral Gables, LLC has already been marketing themselves for some time; further adding that it appears that this Agenda Item has taken on the appearance of an automatic approval; further stating that he is disturbed that this legislative body is being asked to approve something as a mere formality.

Mayor Slesnick pointed out that the Commission had previously authorized an amendment to the lease agreement to change the name from Bijan's Coral Gables d/b/a Monty's Coral Gables to Bijan's Coral Gables d/b/a Bijan's Key West Grill.

Commissioner Cabrera stated that he would like to see said restaurant succeed, however he feels that Bijan's Coral Gables, LLC will not make it].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-324. The motion passed by the following vote:**

**Yeas :** 3 - Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**Nays :** 1 - Commissioner Cabrera, Jr.

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 32

**RESOLUTION NO. 2009-321**

**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.

**Attachments:** [Resolution Supporting HR 3745 11-10-09](#)  
[C-12 Signed Cover Memo](#)

A 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.

**This Matter was adopted by Resolution Number 2009-321 on the Consent Agenda.**

City Clerk Item No. 15

**RESOLUTION NO. 2009-322****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.

**Attachments:** [Resolution 2008-201 Excerpts](#)  
[Sewer Services Resolution](#)  
[Sewer Services Cover Memo](#)  
[C-13 Signed Cover Memo](#)

A 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.

**This Matter was adopted by Resolution Number 2009-322 on the Consent Agenda.**

City Clerk Item No. 16

**RESOLUTION NO. 2009-323****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.

**Attachments:** [Palace Resolution](#)  
[Palace Resolution Cover Memo](#)  
[C-14 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN MIAMI-DADE COUNTY, PALACE MANAGEMENT GROUP, LLC, AND CITY OF CORAL GABLES, FOR THE WATER FACILITIES ASSOCIATED WITH THE PALACE PROJECT AT 50 ANDALUSIA AVENUE.

**This Matter was adopted by Resolution Number 2009-323 on the Consent Agenda.**

City Clerk Item No. 17

**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

**Attachments:** [Microsoft Word - communicationsminutesagendanovember09.pdf](#)  
[Microsoft Word - minutes october 2009.pdf](#)  
[Microsoft Word - annualreport09.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 18

- C.-16. [09-0761](#) Board of Adjustment Meeting of October 5, 2009

**Attachments:** [Cover Memo - 11-17-09](#)  
[BOADJ Summary 10-5-09](#)  
[Microsoft Word - BOARD OF ADJUSTMENT RECAP 10-05-2009](#)  
[Notice 10-5-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 19

- C.-17. [09-0762](#) Parks and Recreation Advisory Board Meeting of October 23, 2009

**Attachments:** [Cover Sheet.Minutes 10-23-09.pdf](#)  
[Min 10-23-09.draft.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 20

- C.-18. [09-0767](#) Parks and Recreation Youth Advisory Board Meeting of October 19, 2009

**Attachments:** [Cover Memo YAB 10-19-09.pdf](#)  
[Min 10-19-2009.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 21

- C.-19. [09-0771](#) Coral Gables Merrick House Governing Board Meeting of September 28, 2009

**Attachments:** [Merrick House September 28 2009](#)  
[CGMNoAction-09.28.09MinutesforCC11.17.09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 22



- C.-20. [09-0773](#) International Affairs Coordinating Council Meeting of October 20, 2009

**Attachments:** [Microsoft Word - cover letter 10-20-09](#)  
[Microsoft Word - IACC Minutes 10-20-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 23

- C.-21. [09-0774](#) Economic Development Board Meeting of October 7, 2009

**Attachments:** [EDB Minutes 10 7 09 .pdf](#)  
[EDB. Commission cover no action 10-17-09.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 24

- C.-22. [09-0781](#) Cultural Development Board Meeting of September 21, 2009

**Attachments:** [09 Commission cover no action 11-17-09](#)  
[09 CDB Minutes SEPTEMBER 21 2009](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 25

- C.-23. [09-0782](#) Historic Preservation Board Meeting of October 22, 2009

**Attachments:** [NoAction10.22.09.MinutesforCC11.17.09](#)  
[HPB October 22, 2009](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 26

- C.-24. [09-0784](#) Coral Gables Merrick House Governing Board Meeting of October 5, 2009

**Attachments:** [CGMNoAction-10.05.09MinutesforCC11.17.09](#)  
[Merrick House Minutes Oct 5 2009](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 27

- C.-25. [09-0790](#) Parking Advisory Board Meeting of September 24, 2009

**Attachments:** [cover pab 09-24-09](#)  
[pab minutes 09-24-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 28

- C.-26. [09-0792](#) Coral Gables Advisory Board on Disability Affairs Meeting of October 8, 2009

**Attachments:** [Disability Affairs 111709 Minutes](#)  
[Disability Affairs 111709 Cover](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 29

- C.-27. [09-0793](#) Traffic Advisory Board Meeting of September 15, 2009

**Attachments:** [TAB 091509 Cover](#)  
[TAB Minutes 091509](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 30

- C.-28. [09-0797](#) Senior Citizens Advisory Board Meeting of November 2, 2009

**Attachments:** [Cover Sheet.Minutes 11-02-09.pdf](#)  
[Min 11-02-2009 draft.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 31

## **D. PERSONAL APPEARANCES**

**None**

City Clerk Item No. 33

**E. PUBLIC HEARINGS****ORDINANCES ON SECOND READING****ORDINANCE NO. 2009-53****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.)

**Attachments:** [Proc Code Draft Final 102209.pdf](#)  
[E-1 Signed Cover Memo](#)  
[Procurement Ordinance Second Reading 11.17.2009](#)  
[Proc Code Draft Final 11209](#)  
[Proc Code Agenda Cover Memo Final 11209](#)  
[E-1 Signed Cover Memo](#)  
[Signed Ordinance 2009-53.pdf](#)

AN 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.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-1 into the public record, there being no public testimony proffered by any

member of the public, nor there being any deliberation by any member of the City Commission, following a motion being made by Commissioner Withers and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-1].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-53. The motion passed by the following vote:**

**Yeas :** 4 - Commissioner Anderson, Commissioner Cabrera, Jr., Commissioner Withers and Mayor Slesnick II

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 42

**ORDINANCE NO. 2009-54****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.)

**Attachments:** [comm\\_hearingofficers\\_redlighttrafficcontrolinsurance.doc](#)  
[Agendacoversheet\\_hearingofficerappealtraffic\\_redlightordinance\\_amendment\\_hearingofficers E-2 Signed Cover Memo](#)  
[Agendacoversheet\\_hearingofficerappealtraffic comm\\_hearingofficers\\_redlighttrafficcontrolinsurance E-2 Signed Cover Memo](#)  
[Signed Ordinance 2009-54.pdf](#)

AN 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 TO SERVE AS HEARING OFFICERS AND EXCLUDING THE REQUIREMENT FOR RESIDENCY; PROVIDING FOR A REPEALER PROVISION; A SAVINGS CLAUSE; A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-2 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the Commission, following a motion being made by Commissioner Withers and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-2].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-54. The motion passed by the following vote:**

**Yeas :** 4 - Commissioner Cabrera, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 43

Items E-3 through E-6 are related

**ORDINANCE NO. 2009-48**

**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.)

**Attachments:** [07 07 09 CC Cover Memo re: Comprehensive Plan 1st reading](#)  
[07 07 09 Exhibit A: CIE Ordinance 1st Reading](#)  
[07 07 09 Exhibit B: 10 year water plan Ordinance 1st Reading](#)  
[07 07 09 Exhibit C: EAR Ordinance 1st Reading](#)  
[07 07 09 Exhibit D: Map Inconsistencies Ordinance 1st Reading](#)  
[07 07 09 Exhibit E: 06 03 09 PZB Staff report w ALL attachments](#)  
[07 07 09 Exhibit F: Excerpts of 06 03 09 and 05 13 09 PZB Meeting Minutes](#)  
[07 07 09 Exhibit G: Submitted Public Comments \(RNA Letter\)](#)  
[07 07 09 Exhibit H: Staff's Comp Plan CC Presentation](#)  
[E-5 through E-8 Cover Memo](#)  
[11 17 09 CC Cover Memo re: Comprehensive Plan - 2nd reading](#)  
[11 17 09 Exhibit A - 11 17 09 CIE Ordinance 2nd Reading](#)  
[11 17 09 Exhibit B - 11 17 09 - 10 year water plan Ordinance 2nd Reading](#)  
[11 17 09 Exhibit C - 11 17 09 EAR Ordinance 2nd Reading](#)  
[11 17 09 Exhibit D - 11 17 09 Map Inconsistencies Ordinance 2nd Reading](#)  
[11 17 09 Exhibit E - 11 04 09 PZB Staff report](#)  
[11 17 09 Exhibit F - City of Coral Gables Responses to DCA ORC](#)  
[11 17 09 Exhibit G - Capital Improvement Element CP Amendment](#)  
[11 17 09 Exhibit H - Ten Year Water Supply Facilities Work Plan](#)  
[11 17 09 Exhibit I - Future Land Use Map and Inconsistencies location map and in](#)  
[11 17 09 Exhibit J - Copy of published newspaper ads](#)  
[11 17 09 Exhibit K - Public Comments](#)  
[11 17 09 Exhibit L - 07 07 09 CP CC Presentation](#)  
[11 17 09 Exhibit M - 11 04 09 Planning and Zoning Board meeting minutes](#)  
[E-3 through E-6 Signed Cover Memo](#)  
[Signed Ordinance 2009-48.pdf](#)

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, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following City Attorney Elizabeth Hernandez' reading of the title to Agenda Item E-3 into the public record, Planning Director Eric Riel provided the Commission with a synopsis of the four proposed ordinances relating to the update of the City of Coral Gables Comprehensive Plan in accordance with the State of Florida's Evaluation and Appraisal Report (EAR) based amendment process; further stating that on June 26, 2007, the City Commission passed and adopted Resolution No. 2007-151, by a 4-0 vote, which approved the EAR Report; further stating that on July 7, 2009, the City Commission approved the Comprehensive Plan Evaluation and Appraisal Report (EAR) based Amendments; further stating that following passage

and adoption of said legislation on First Reading, the Planning Department staff submitted the Comprehensive Amendment Plan package to the State of Florida Department of Community Affairs (DCA) for its review, as well as to six other state agencies (i.e. Florida Department of Education; Florida Department of Environmental Education; Florida Department of Transportation, District Six; Florida Department of Historical Resources; South Florida Regional Planning Council, and the South Florida Water Management District); comments were received from said agencies (noting that some agencies had no comments); further stating that on November 4, 2009, the Planning and Zoning Board, acting as the Local Planning Agency, unanimously approved the four ordinances in separate motions for each, and forwarded the Comprehensive Plan Amendment package to the State DCA for review of same; further submitting his department's recommendation for approval of those four ordinances related to the annual update of the City of Coral Gables Capital Improvement Element within the Comprehensive Plan.

Following the staff presentation in connection with the aforementioned Agenda Item, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the Commission, following a motion being made by Commissioner Withers and seconded by Vice Mayor Kerdyk, Mayor Slesnick requested of the City Clerk to call the roll on Agenda Item E-3].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-48. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 36

**ORDINANCE NO. 2009-49****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.)

**Attachments:** [07 07 09 CC Cover Memo: Comprehensive Plan 1st reading](#)  
[07 07 09 Exhibit A: CIE Ordinance 1st Reading](#)  
[07 07 09 Exhibit B: 10 year water plan Ordinance 1st Reading](#)  
[07 07 09 Exhibit C: EAR Ordinance 1st Reading](#)  
[07 07 09 Exhibit D: Map Inconsistencies Ordinance 1st Reading](#)  
[07 07 09 Exhibit E: 06 03 09 PZB Staff report w ALL attachments](#)  
[07 07 09 Exhibit F: Excerpts of 06 03 09 and 05 13 09 PZB Meeting Minutes](#)  
[07 07 09 Exhibit G: Submitted Public Comments \(RNA letter\)](#)  
[07 07 09 Exhibit H: Staff's Com Plan CC Presentation](#)  
[E-5 through E-8 Cover Memo](#)  
[11 17 09 CC Cover Memo re: Comprehensive Plan - 2nd reading](#)  
[11 17 09 Exhibit A - 11 17 09 CIE Ordinance 2nd Reading](#)  
[11 17 09 Exhibit B - 11 17 09 - 10 year water plan Ordinance 2nd Reading](#)  
[11 17 09 Exhibit C - 11 17 09 EAR Ordinance 2nd Reading](#)  
[11 17 09 Exhibit D - 11 17 09 Map Inconsistencies Ordinance 2nd Reading](#)  
[11 17 09 Exhibit E - 11 04 09 PZB Staff report](#)  
[11 17 09 Exhibit F - City of Coral Gables Responses to DCA ORC](#)  
[11 17 09 Exhibit G - Capital Improvement Element CP Amendment](#)  
[11 17 09 Exhibit H - Ten Year Water Supply Facilities Work Plan](#)  
[11 17 09 Exhibit I - Future Land Use Map and Inconsistencies location map and in](#)  
[11 17 09 Exhibit J - Copy of published newspaper ads](#)  
[11 17 09 Exhibit K - Public Comments](#)  
[11 17 09 Exhibit L - 07 07 09 CP CC Presentation](#)  
[11 17 09 Exhibit M - 11 04 09 Planning and Zoning Board meeting minutes](#)  
[E-3 through E-6 Signed Cover Memo](#)  
[Signed Ordinance 2009-49.pdf](#)

AN ORDINANCE 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, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-4 into the public record, public testimony was proffered by Ms. Josie Ramirez, President of the Riviera Homeowners Association, who prefaced her remarks by thanking the members of the City Commission for all that they have done in struggling with these very important issues regarding the Comprehensive Land Use Plan; further stating that it was brought to the attention of her Board of Directors that there is a proposal to open up an outdoor café, which causes her association some concern; further pointing out that this represents a commercial intrusion into a residential neighborhood, as well as a commercial use of a public property; further stating that her



association has always opposed any commercial intrusion into our residential neighborhoods, therefore the Riviera Homeowners Association is opposed to this proposal for outdoor dining.

Mr. Amado "Al" Acosta also addressed the City Commission, stating that both he and Ms. Ramirez have come before the governing body to go on record to express their association's appreciation for the work that our City's Planning Department has done in protecting the neighborhoods against commercial encroachment; further noting that in the revision of the Comprehensive Land Use Plan, that there is strong language regarding neighborhoods, inclusion of associations' visioning plan, etc.-further stating that they are requesting even stronger language; further stating that he would also like to see better defined the subject matter of public alleys, and not just any alleys, alleyways-those areas that are closest to the neighborhoods; further reiterating that he would like more defined language regarding the protection of the public alleys as envisioned by George Merrick.

Finally, Mr. Acosta noted that the City of Coral Gables has an estimated 47 miles of waterways; further stating that pertinent sections of our Zoning Code applies to waterways (i.e. said language refers to water bodies and drinking water, etc.); further requesting that said subject matter should be more clearly defined in the Comprehensive Land Use Development Plan; further conveying that he feels that an objective should be included regarding specific waterways.

**Questions, Inquiries, Comments and Concerns from the City Commission:** Mayor Slesnick stated to Mr. Acosta that if the City Commission approves Agenda Item E-4 on this same date, it does not mean that it will discontinue to work on the aforementioned issues proffered by him; further instructing the City Manager to direct our **Planning Department Director** to work with the **Riviera Neighborhood Association**, to tweak the language regarding waterways and alleys. Following Mr. Acosta's testimony, there being no further testimony proffered by any member of the public, nor there being any deliberation by any member of the Commission, following a motion being made by **Commissioner Anderson** and seconded by **Vice Mayor Kerdyk**, Mayor Slesnick requested of the **City Clerk** to call the roll on Agenda Item E-4].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-49. The motion passed by the following vote:**

**Yeas :** 5 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 37

**ORDINANCE NO. 2009-50****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.)

**Attachments:** [07 07 09 CC Cover Memo re: Comprehensive Plan 1st reading](#)  
[07 07 09 Exhibit A: CIE Ordinance 1st Reading](#)  
[07 07 09 Exhibit B: 10 year water plan Ordinance 1st Reading](#)  
[07 07 09 Exhibit C: EAR Ordinance 1st Reading](#)  
[07 07 09 Exhibit D: Map Inconsistencies Ordinance 1st Reading](#)  
[07 07 09 Exhibit E: 06 03 09 PZB Staff report w ALL attachments](#)  
[07 07 09 Exhibit F: Excerpts of 06 03 09 and 05 13 09 PZB Meeting Minutes](#)  
[07 07 09 Exhibit G: Submitted Public Comments \(RNA letter\)](#)  
[07 07 09 Exhibit H: Staff's Comp. Plan CC Presentation](#)  
[E-5 through E-8 Cover Memo](#)  
[11 17 09 CC Cover Memo re: Comprehensive Plan - 2nd reading](#)  
[11 17 09 Exhibit A - 11 17 09 CIE Ordinance 2nd Reading](#)  
[11 17 09 Exhibit B - 11 17 09 - 10 year water plan Ordinance 2nd Reading](#)  
[11 17 09 Exhibit C - 11 17 09 EAR Ordinance 2nd Reading](#)  
[11 17 09 Exhibit D - 11 17 09 Map Inconsistencies Ordinance 2nd Reading](#)  
[11 17 09 Exhibit E - 11 04 09 PZB Staff report](#)  
[11 17 09 Exhibit F - City of Coral Gables Responses to DCA ORC](#)  
[11 17 09 Exhibit G - Capital Improvement Element CP Amendment](#)  
[11 17 09 Exhibit H - Ten Year Water Supply Facilities Work Plan](#)  
[11 17 09 Exhibit I - Future Land Use Map and Inconsistencies location map and in](#)  
[11 17 09 Exhibit J - Copy of published newspaper ads](#)  
[11 17 09 Exhibit K - Public Comments](#)  
[11 17 09 Exhibit L - 07 07 09 CP CC Presentation](#)  
[11 17 09 Exhibit M - 11 04 09 Planning and Zoning Board meeting minutes](#)  
[2009 Comprehensive Plan](#)  
[01 - FLU-1 - CP Map - 11x17 - 11 17 09](#)  
[02 - FLU-2 - MXOD - CLUP - 11 17 09](#)  
[03 - MOB-1 - Bicycle Paths Map - 11x17 - 11 17 09](#)  
[04 - MOB-2 - 11x17 - GRID - 11 17 09](#)  
[05 - NAT-1 - Soils and Minerals Map - 11x17 - 11 17 09 - entire city](#)  
[06 - NAT-2 - NatRes - North and South - 11x17 - 11 17 09](#)  
[07 - REC-1 - P&R open space-los-11x17-11 17 09](#)  
[08 - REC-2 - P&R neighborhood park-los-11x17-11 17 09](#)  
[09 - REC-3 - P&R community facilities-los-w regional inlay-11x17-11 17 09](#)  
[10 - REC-4 - P&R district-regional parks-los-w regional inlay-11x17-11 17 09](#)  
[11 - HIS-1 - HLDs Map - 11x17 - 11 17 09](#)  
[12 - SAF-1 - Coastal High Hazard Area](#)  
[E-3 through E-6 Signed Cover Memo](#)  
[Signed Ordinance 2009-50.pdf](#)

AN ORDINANCE 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.

[Note for the Record: Following City Attorney Elizabeth Hernandez' reading of the title to Agenda Item E-5 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, following a motion being made by Vice Mayor Kerdyk and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-5].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-50. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 38

**ORDINANCE NO. 2009-51****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.)

**Attachments:** [07 07 09 CC Cover Memo re: Comprehensive Plan 1st reading](#)  
[07 07 09 Exhibit A: CIE Ordinance 1st Reading](#)  
[07 07 09 Exhibit B: 10 year water plan Ordinance 1st Reading](#)  
[07 07 09 Exhibit C: EAR Ordinance 1st Reading](#)  
[07 07 09 Exhibit D: Map Inconsistencies Ordinance 1st Reading](#)  
[07 07 09 Exhibit E: 06 03 09 PZB Staff report w ALL attachments](#)  
[07 07 09 Exhibit F: Excerpts of 06 03 09 and 05 13 09 PZB Meeting Minutes](#)  
[07 07 09 Exhibit G: Submitted Public Comments \(RNA letter\)](#)  
[07 07 09 Exhibit H: Staff's Comp. Plan CC Presentation](#)  
[E-5 through E-8 Cover Memo](#)  
[Comprehensive Plan Cover Memo](#)  
[11 17 09 CC Cover Memo re: Comprehensive Plan - 2nd reading](#)  
[11 17 09 Exhibit A - 11 17 09 CIE Ordinance 2nd Reading](#)  
[11 17 09 Exhibit B - 11 17 09 - 10 year water plan Ordinance 2nd Reading](#)  
[11 17 09 Exhibit C - 11 17 09 EAR Ordinance 2nd Reading](#)  
[11 17 09 Exhibit D - 11 17 09 Map Inconsistencies Ordinance 2nd Reading](#)  
[11 17 09 Exhibit E - 11 04 09 PZB Staff report](#)  
[11 17 09 Exhibit F - City of Coral Gables Responses to DCA ORC](#)  
[11 17 09 Exhibit G - Capital Improvement Element CP Amendment](#)  
[11 17 09 Exhibit H - Ten Year Water Supply Facilities Work Plan](#)  
[11 17 09 Exhibit I - Future Land Use Map and Inconsistencies location map and in](#)  
[11 17 09 Exhibit J - Copy of published newspaper ads](#)  
[11 17 09 Exhibit K - Public Comments](#)  
[11 17 09 Exhibit L - 07 07 09 CP CC Presentation](#)  
[11 17 09 Exhibit M - 11 04 09 Planning and Zoning Board meeting minutes](#)  
[E-3 through E-6 Signed Cover Memo](#)  
[Signed Ordinance 2009-51.pdf](#)

AN ORDINANCE 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.

[Note for the Record: Following City Attorney Elizabeth Hernandez' reading of the title to Agenda Item E-6 into the public record, Commissioner Withers inquired through City Manager Salerno of our Planning Department Director Eric Riel, whether or not the proposed 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 42-28, Block 34, Coral Gables Section "K", etc. changes the height restriction in that area?-whereby Mr. Riel stated that as it pertains to museum, the answer is no. The height remains the same; further adding that the height restriction is contained in the zoning classification].

Following the staff presentation, there being no public comment proffered by any member of the public, nor there being any further deliberation by any member(s) of the City Commission, after a motion being made by Commissioner Anderson and seconded by Vice Mayor Kerdyk, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-6].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-51. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

City Clerk Item No. 39

**ORDINANCE NO. 2009-47****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)

**Attachments:** [09 22 09 CC Cover Memo: Country Club of Coral Gables 1st reading](#)  
[09 22 09 Exhibit A: Ordinance - Country Club of Coral Gables site plan- 1st reading](#)  
[09 22 09 Exhibit B: 09 16 09 Staff report and attachments](#)  
[E-5 Signed Cover Memo](#)  
[10 13 09 Exhibit A: Ordinance re Country Club of CG 2nd reading](#)  
[10 13 09 Exhibit B: 09 22 09 CC Summary Minutes with items entered into the record](#)  
[10 13 09 Exhibit C: Letter from Applicant re alternative plan](#)  
[10 13 09 Exhibit D: Applicant's Alternative Site Plan](#)  
[10 13 09 Exhibit E: Site Plan Package presented at 1st Reading](#)  
[10 13 09 Exhibit F: 09 16 09 PZB Staff report](#)  
[10 13 09 Exhibit G: Public Comments Country Club of CG amend site plan review](#)  
[10 13 09 Exhibit H: Applicant's PowerPoint Presentation](#)  
[10 13 09 CC Cover Memo re: Country Club of CG 2nd reading](#)  
[E-1 Signed Cover Memo](#)  
[Conflict of Interest Form-8B - Rafael Cabrera Jr.](#)  
[11 17 09 Exhibit A: Proposed CGCC Ordinance 2nd reading](#)  
[11 17 09 Exhibit B: 10 13 09 CC Mtg Minutes](#)  
[11 17 09 Exhibit C: Letter from Applicant re alternative plan](#)  
[11 17 09 Exhibit D: Applicant's Alternative Site Plan](#)  
[11 17 09 Exhibit E: 11.03.09 neighborhood meeting summary of public comments](#)  
[11 17 09 Exhibit F: 11 03 09 Neighborhood Meeting Sign-In Sheet](#)  
[11 17 09 Exhibit G: 11 03 09 CGCC Neighborhood presentation](#)  
[11 17 09 Exhibit I: 10 26 09 Neighborhood Letter](#)  
[11 17 09 Exhibit J: 10 13 09 Ordinance No 2009-47](#)  
[11 17 09 CC Cover Memo re: CGCC 2nd reading - outdoor seating](#)  
[11 17 09 Exhibit H: 11 17 09 Updated Public Comments](#)  
[E-7 Signed Cover Memo](#)  
[Signed Ordinance 2009-47.pdf](#)  
[12 15 09 Exhibit A: 11 17 09 Proposed CGCC Ordinance 2nd reading](#)  
[12 15 09 Exhibit B: Add'l correspondence](#)  
[12 15 09 CC Cover Memo: CGCC 2nd reading CC cover memo](#)  
[E-1 Signed Cover Memo](#)

[Note for the Record: The verbatim transcript for Agenda Item E-7 is available for public inspection in the City Clerk's Office and in Legistar].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-47. The motion FAILED by the following vote:**

**Yeas :** 2 - Commissioner Anderson and Commissioner Withers

**Nays :** 2 - Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

**Absent :** 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 35

## **ORDINANCE ON FIRST/SECOND READING**

### **ORDINANCE NO. 2009-52**

**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.

**Attachments:** [11 17 2009 CC Cover Memo re: 1st & 2nd FINAL Reading emergency waiver of in](#)  
[11 17 09 Exhibit A: Outside Legal Counsel Memo and Proposed Ordinance](#)  
[11 17 09 Exhibit B: 07 07 09 City Commission Agenda Packet - LBW Foundation](#)  
[11 17 09 Exhibit C: Resolution No 2009-197](#)  
[E-8 Signed Cover Memo](#)  
[Signed Ordinance 2009-52.pdf](#)

[Note for the Record: Following City Attorney Elizabeth Hernandez' reading the title to Agenda Item E-8 into the public record, Planning Director Eric Riel informed the City Commission that said matter comes back to the City Commission, pursuant to its request, to provide certain supplemental language into our City Code for waiver and/or deferral of City Impact Fees; further stating that further legislative action (in resolution form) which outlines the application procedures reporting, and other administrative issues will be scheduled for consideration and review by the City Commission at its meeting of December 15, 2009; further stating that the proposed ordinance was advertised as an emergency ordinance, in order to avoid any delay regarding the completion and sale of the subsidized housing units by the LBW Homeowners Association.

**Questions, Inquiries Comments and Concerns by members of the City Commission:** Commissioner Withers inquired of the Special Counsel, namely Susan Schoettle-Gumm, as to the cost for drafting the City of Coral Gables Impact Fee Ordinance?- whereby Ms. Schoettle-Gumm prefaced her remarks by informing the Commission that the attorney's fees were split between the **Lola B. Walker Homeowners Association** and the **City of Coral Gables**; further stating that she has maintained a maximum not to exceed amount of approximately \$4,000, of which the service rendered for this project was well below same; further pointing out that most of the work for this initiative has been on the resolution to create a subsidized housing impact fee program and the lien agreement that will be executed with each homeowner; further stating that what is before the Commission on this same date, is

the enabling legislation that allows the City to do other initiatives-further stating that said legislation will allow the City to address future issues without having to come back before the Commission, to fulfill the public purpose; further stating that if one is desirous of implementing a more permanent program, then an ordinance represents the appropriate approach; further stating that if the intent is to be more narrowly focused (i.e. subsidized housing), then a resolution represents a more specific approach to deal with this type of situation].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-52. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 40

### **ORDINANCE NO. 2009-52**

**E.-8.1. [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.

**Attachments:** [11 17 2009 CC Cover Memo re: 1st & 2nd FINAL Reading emergency waiver of in](#)  
[11 17 09 Exhibit A: Outside Legal Counsel Memo and Proposed Ordinance](#)  
[11 17 09 Exhibit B: 07 07 09 City Commission Agenda Packet - LBW Foundation](#)  
[11 17 09 Exhibit C: Resolution No 2009-197](#)  
[E-8 Signed Cover Memo](#)  
[Signed Ordinance 2009-52.pdf](#)

AN EMERGENCY ORDINANCE OF THE CITY 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.

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-52. The motion passed by the following vote:**

**Yeas :** 5 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II



City Clerk Item No. 40.1

**ORDINANCES ON FIRST READING****ORDINANCE NO. 2009-55****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.)

**Attachments:** [11 17 09 CC Cover Memo re: Nightclub ZC text amendment 1st reading](#)  
[11 17 09 Exhibit A: Ordinance re Nightclubs 1st reading](#)  
[11 17 09 Exhibit B: State regs on restaurants - 61A3](#)  
[11 17 09 Exhibit C: PZB Nightclub staff report](#)  
[11 17 09 Exhibit D: 09 16 09 Excerpts of PZB Meeting Minutes](#)  
[E-9 Signed Cover Memo](#)  
[12 15 09 CC Cover Memo re: Nightclub ZC text amendment 2nd reading](#)  
[12 15 09 Exhibit A: Ordinance re Nightclubs 2nd reading](#)  
[E-2 Signed Cover Memo](#)  
[Signed Ordinance 2009-55.pdf](#)

[Note for the Record: Following City Attorney Elizabeth Hernandez' reading of the title to Agenda Item E-9 into the public record, Planning Director Eric Riel stated that this issue was discussed during the City Commission Meeting of May 29, 2009, wherein the City Commission instructed the City staff to examine and clarify the nightclub provisions that are contained within our City's Zoning Code; whereupon said matter was again discussed during the Commission Meeting of October 27, 2009, to allow the City Commission to provide policy direction regarding same; said matter resulted in the Commission instructing the Manager to direct staff to draft a First Reading Ordinance, and provide clarification for the definition of "gross receipts."

Mr. Riel further stated that staff had contacted the State of Florida Division of Alcoholic Beverages and Tobacco Bureau of Licensing, which resulted in the City incorporating the same language into our Ordinance regarding specific state requirements governing restaurants engaged in the service of food and alcoholic beverages, in accordance with State Chapter 61A-3.0141(3); further adding that our legislation only clarifies the State's requirements, but it does not make the requirements any more stringent.

Resident Richard Namon (Address: 5555 Oakwood Lane) informed the Commission that after a review of our legislation, he has interpreted said Ordinance to inhibit any kind of nightclub use; further stating that this is the wrong approach; further stipulating that the City should create a District that allows for certain kinds of uses; further stating that Coral Gables is viewed as a place where people can visit; however, what our City has lost is being a place where people can come together; further adding that Miracle Mile was viewed as a place where people could congregate, however, it is not viewed as a friendly place any more; further noting that University of Miami students, who are of drinking age like to frequent South Beach, because of the night life; further

commenting on the reference to Coral Gables as a revitalized City, noting that in his estimation, it is not; further adding that excluding certain types of uses is both archaic and unproductive.

**Questions, Comments, Inquiries and Concerns from the City Commission:** Commissioner Anderson agreed with Mr. Namon's assessment of need for an Overlay District, stating that it could still possibly happen in the Miracle Mile area; further adding that the **Business Improvement District** is currently working on this initiative; further adding that she has been assured by the **City Administration** that these are the correct provisions that are in place for said initiative. Mr. Namon also added that consideration should also be given to Merrick Place, which offers another potential Overlay District possibility, which has been completely overlooked].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:**

**Yeas :** 4 - Vice Mayor Kerdyk, Jr., Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

**Nays :** 1 - Commissioner Withers

#### **ORDINANCE NO. 2009-56**

**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.)

**Attachments:** [11 17 09 CC Cover Memo re: telecommunications - 1st reading](#)  
[11 17 09 Exhibit A: Ordinance re Telecom Antenna Ordinance REDLINE](#)  
[11 17 09 Exhibit B: 11 04 09 PZB Staff Report](#)  
[11 17 09 Exhibit C: 11 04 09 PZB Meeting Minutes](#)  
[E-10 Signed Cover Memo](#)  
[12 15 09 CC Cover Memo re: telecommunications - 2nd reading](#)  
[12 15 09 Exhibit A: Ordinance re Telecom Antenna Ordinance clean copy](#)  
[E-3 Signed Cover Memo](#)  
[Signed Ordinance 2009-56.pdf](#)

[Note for the Record: Following City Attorney Elizabeth Hernandez' reading of the title to Agenda Item E-10 into the public record, the City Commission was presented with said legislation (Second Reading Ordinance) which is a proposed amendment to the existing regulations codified under Article 5, Division 20, Section 2001 of the Zoning Code in connection with installation of antennas, support structures, masts and towers for personal radio service operations, etc.

**Questions, Comments, Inquiries and Concerns from the City Commission:** In response to **Mayor Slesnick's** inquiry regarding why are we doing this?-the City

Attorney explained that **Mr. Calderon**, as one of the experts in the area of personal radio services had reviewed our City's ordinance for the benefit of the Commission and had offered excellent suggestions; further noting that said revised legislation comes before the Commission as a result of input from the community of hand radio operators.

**Planning Director Eric Riel** added that the aforementioned legislation does not change any performance standards (i.e. regulations/heights are the same; also we have the same review provisions; said ordinance deals with personal radio services); further noting that there are certain terminology changes which ensures that the City has the right terminology in place to deal with personal radio services.

Mayor Slesnick introduced **Felipe Calderon** (address: 1421 Mandavia), who thanked the Mayor and members of the **City Commission, City Attorney, and Planning Director**, adding that he has always helped the City as many and as often times as needed].

Mayor Slesnick added that always one of the first people to serve our City when reporting to the **Emergency Operating Center** during an emergency, helping out with the hand radio operators, and making sure that the City has contact with the world, is Mr. Calderon].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 41

### **ORDINANCE NO. 2009-58**

**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)

**Attachments:** [Pensions Ordinance](#)  
[Actuary Letter](#)  
[E-11 Signed Cover Memo](#)  
[Pensions Ordinance Cover](#)  
[Pensions Ordinance on Second Reading](#)  
[E-5 Signed Cover Memo](#)  
[Signed Ordinance 2009-58.pdf](#)

[Note for the Record: Following City Attorney Elizabeth Hernandez' reading of the title to Agenda Item E-11 into the public record, she informed the Commission that the

proposed legislation represents an amendment to our Retirement Ordinance wherein instead of mandatory, that it is permissive that the City may contribute a sum discretionary up to a maximum of 15 percent of compensation.

**Questions, Comments, Inquiries and Concerns from the City Commission:**

Mayor Slesnick stated that he had received one speaker card from **Mr. Namon**, who had indicated that he did not want to speak; however, Mayor Slesnick proceeded to read a statement from **Mr. Namon** which stated that the proposed ordinance sought to legalize the contract with the **City Manager Salerno** that was heretofore illegal. In response to said statement **Mayor Slesnick** stated that said legislation was to correct an oversight in part to provide for the arrangement that the Commission made with the new City Manager via contract, a contract which has saved the City large sums of money].

**A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 45

**ORDINANCE NO. 2009-57**

**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.)

**Attachments:** [11 17 09 CC Cover Memo re: Flat Roofs - 1st Reading](#)  
[11 17 09 Exhibit A: Ordinance - ZC Text Amend - Flat roofs](#)  
[11 17 09 Exhibit B: 11 04 09 Flat roofs - staff report w att](#)  
[11 17 09 Exhibit C: 11 04 09 PZB Meeting Minutes](#)  
[11 17 09 Exhibit D: Illustrations](#)  
[E-12 Signed Cover Memo](#)  
[12 15 09 CC Cover Memo re: Flat Roofs - 2nd Reading](#)  
[12 15 09 Exhibit A: Ordinance - ZC Text Amend - Flat roofs](#)  
[E-4 Signed Cover Memo](#)  
[Signed Ordinance 2009-57.pdf](#)

[Note for the Record: Following City Attorney Hernandez' reading of the title to Agenda Item E-12 into the public record, Planning Director Eric Riel stated that the proposed Ordinance proffered by the Building and Zoning Department, provides for certain text amendments, to allow for flat roof tops and roof top terraces on structures built on flood zone properties.

**Questions, Comments, Inquiries and Concerns from the City Commission:**

**Commissioner Cabrera** inquired as to what motivated this Zoning Text

amendment?-whereby **City Architect Carlos Mindreau** stated that there were two reasons that prompted the proposed change: in flood zone areas, the height of a given piece of property is limited in our Zoning Code in reference to the standard 29 feet height requirement and doesn't make any allowances for the plateau, that is allowed to be 39 feet; further stating that Section 5-1602 of the Zoning Code, entitled "Flat Roofs without a Parapet," allows for an additional clause, pointing out that the way said section reads now, it begins at subsection (f), indicating that one is allowed to have a roof without a parapet on the first square portion of a two story house, but it does not make any mention of allowing it on the second story of a two story house, which would allow a roof without a parapet, but in areas of a flood zone, also allow for disability of views which is attributable to why the real estate is the way it is in those areas; further stating that now it is limited to having a roof terrace on the second story portion, you can only do it with a parapet].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

City Clerk Item No. 46

**RESOLUTIONS****Time Certain 10:00 a.m.****RESOLUTION NO. 2009-325****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.

**Attachments:** [Cocoplum cover](#)  
[Coco Resolution](#)  
[Coco 2008-22](#)  
[R-2008-66 2008-66](#)  
[R-2008-149 2008-149](#)  
[R-2009-212 2009-212](#)  
[Coco Reso 2009-289](#)  
[Cocoplum 11-17 Section 52](#)  
[Coco Public Hearing](#)  
[Cocoplum Resident Letter](#)  
[Coco Notice 2](#)  
[Cocoplum Sections Map](#)  
[Cocoplum Marina Map](#)  
[Cocoplum Assessment Analysis](#)  
[Preliminary Assessment Roll](#)  
[E-13 Signed Cover Memo](#)

A 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 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.

[Note for the Record: The verbatim transcript for Agenda Item E-13 is available for public inspection in the Office of the City Clerk and in Legistar].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-325. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 34

**F. CITY COMMISSION ITEMS**

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

**Attachments:** [Presentation of senior activities cover memo.pdf](#)  
[Senior Citizens Presentation 1](#)  
[Senior Citizens Presentation 2](#)

[Note for the Record: The verbatim transcript for Agenda Item F-1 is available for public inspection in the Office of the City Clerk and in Legistar].

**This Agenda Item was Discussed**

City Clerk Item No. 47



**G. BOARDS/COMMITTEES ITEMS****RESOLUTION NO. 2009-326****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).

**Attachments:** [PowerPointHPB007-16-09-162Alcazar-HotelStMichel](#)  
[HPB MinutesJuly16,2009-HotelStMichel](#)  
[AVreport-StMichel](#)  
[G-1 Signed Cover Memo](#)  
[AVResolution-09.22.09.DRAFT](#)  
[HPBActionAdValorem162Alcazar\(HotelStMichel\)-DEF](#)  
[AVResolution-11.17.09.DRAFT](#)  
[HPBActionAdValorem162Alcazar\(HotelSanMichel\)](#)  
[McArdle&PerezPA11-9-09Ltr](#)  
[HPB007-16-09-162Alcazar-FOR CC](#)  
[G-1 Signed Cover Memo](#)

A RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO AV 2006-06 FOLIO# 03-4108-007-2230 162 ALCAZAR AVENUE (HOTEL PLACE ST. MICHEL) LOTS 3 AND 4, BLK 24, CORAL GABLES SECTION "L".

[Note for the Record: Mayor Slesnick requested through City Manager Salerno of Historic Preservation Officer Kara Kautz, to provide a general description of Agenda Item G-1, whereby Mrs. Kautz stated that the following four items involved requests for authorization regarding ad valorem tax relief for historic preservation, renovation and addition projects; further stating that said property located at 162 Alcazar Avenue; further noting that said item which was deferred from the City Commission Meeting Agenda of September 22, 2009; further pointing out that the property which was designed by architects Anthony Zink and Arthur Couste was originally constructed in 1926; it was later designed as a three story office building with retail shops on the first floor; in 1935 it became the Sevilla Hotel; and in 1979 became the Hotel Place St. Michel; further stating that the work associated with the Certificate of Appropriateness included replacement of all (non original) windows and doors, with impact resistant units; replacement of damage rebar; structural repairs and improvements; restucco of entire building façade; keystone trim, window sill and pilaster capital repair and restoration; restoration of light fixtures; restoration of light fixtures; restoration of entrance sound; installation of new canvass awning; interior repairs caused by

structural repairs and window replacement; re-installation of ivy, etc.

**Questions, Inquiries, Comments and Concern from the City Commission:** Commissioner Withers inquired of George McArdle, Esquire (201 Alhambra Circle), attorney representing the Hotel Place St. Michel, as to whether some of the restoration funds were paid with insurance monies?- further asking as to whether or not the City get a confirmation as to the amount of money that was paid?-whereby Mr. McArdle stated that he is unable to provide the insurance information that was requested during the City Commission Meeting of September 22, 2009; further pointing out that the insurance payment was received based on a settlement that required a confidentiality agreement, specifying that the amount would not be disclosed; further stipulating that if the owner of a given piece of property allows his property to be designated, approved by the Historic Preservation Board, there is a 10 year tax abatement period, to allow for recovery of the actual cost-further necessitating completion of the pre-work and post-work as an historic property, then they are entitled to the abatement.

Commissioner Withers stated that notwithstanding the fact that one is entitled to it, that the **City Commission** still has to vote on it; further stating that he does not feel that commercial property should receive the same type of ad valorem tax relief as regular property].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-326. The motion passed by the following vote:**

**Yeas :** 3 - Vice Mayor Kerdyk, Jr., Commissioner Anderson and Mayor Slesnick II

**Nays :** 2 - Commissioner Withers and Commissioner Cabrera, Jr.

City Clerk Item No. 48

**RESOLUTION NO. 2009-327****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)).

**Attachments:** [ExcerptHPB Aug 20 2009.3012Granada](#)  
[AVreport-GRANADA](#)  
[HPB08-20-09Granada](#)  
[COA Report](#)  
[HPBActionAdValorem3012Granada](#)  
[G-2 Signed Cover Memo](#)  
[AVResolution-3012GranadaCC11.17.09](#)

A RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO 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.

[Note for the Record: Historic Preservation Officer Kara Kautz stated that this item is a request for ad valorem tax relief, for the property located at 3012 Granada Boulevard; further stating that said property was designed by Kiehnel and Elliott Architects, and is a prime example of one of the grand residences on one of the City's most important streets; further stating that in February of 2005, said property was designated as an historic landmark; further stating that on April 21, 2009, the Special Certificate of Appropriateness Application was approved for the construction of certain additions and the alterations to the residence by the Historic Preservation Board; further stating that the project also involved the restoration of several design features on the structure and at-grade improvement, that include: general restoration/restoration of family room, dining room; stair foyer; guest room; master bedroom; stair landing; general spaces and second floor bedroom; family room; den; old dining room space; master bedroom; east bedroom; front porch; front gable end and balcony; east elevation- principal façade; garage structure; Sun Room; South and West Elevation- original house; addition; Second Floor; General Exterior and Landscape Features/at -grade improvements; further stating that on August 20, 2009, the HEP Board unanimously approved a motion to recommend approval of the application as presented.

Architect for the work, namely Alfredo Pou, informed the City Commission that the previous owner (Peter Dolara) had approached him regarding restoring the structure; further stating that due to the uniqueness of this project, they chose to designate this property as historic against the countervailing initiative to demolish same and build a three car garage, which resulted in a decision to restore this structure.

In closing, Mr. Pou further expressed his appreciation to the City Commission; Historic Preservation staff, City staff and Building and Zoning Department for the assistance rendered. Mayor Slesnick also thanked Mr. Pou for what he and the owners have done for the City of Coral Gables].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-327. The motion passed by the following vote:**

**Yeas :** 5 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 49

### **RESOLUTION NO. 2009-328**

**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).

**Attachments:** [ExcerptHPB Oct 22, 2009.308Romano-AV2004-05](#)  
[COA-Romano2](#)  
[AVReport-Romano](#)  
[AVResolutionCC11.17.09](#)  
[HPB-10-22-09.308RomanoAV2006-02](#)  
[HPBActionAdValorem308Romano](#)  
[G-3 Signed Cover memo](#)

A RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO PROPERTY LOCATED AT 308 ROMANO AVENUE, A LOCAL HISTORIC LANDMARK LEGALLY DE-SCRIBED 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.

[Note for the Record: Historical Preservation Officer Kara Kautz informed the City Commission that this is a request for ad valorem tax relief for the property at 308

Romano Avenue; further stating that said property was built between 1925 and 1926; and was designed by H. George Fink, one of the key designers of the original development team responsible for creating character and flavor for the architectural team of early Coral Gables; further stating that said structure was designated as a landmark on June of 2003; further stating that the Certificate of Appropriateness was granted design approval on June 17, 2004, by the Historic Preservation Board; further stating that the proposed improvements to said property include: general restoration/renovation (i.e. replacement of all non original windows with impact resistant casement units on house and auxiliary structure; installation of new impact resistant doors; new window opening at front porch to match original design; restoration of kitchen window openings back to original shape; installation of wood sills and moldings; upgrade of electrical paneling and wiring; replacement of air conditioning system with high efficiency unit; upgraded septic tank; installation of exterior light fixtures; restoration of garage door, etc.); new addition (new red oak flooring to match existing in house; new balcony railing to match front porch railing; new stucco on addition to match existing on house; interior plaster to match existing on house; interior plaster textured to match original plaster; wood molding to match those found in house); and landscape/at-grade improvements (i.e. installation of extensive landscaping; installation of a swimming pool and fountain wall; installation of a trellis; installation of a new A/C screen wall; installation of a rear fence, etc); further stating that the Historic Preservation Board unanimously passed a motion to recommend approval of the application as presented on October 22, 2009.

Finally, Mrs. Kautz informed the City Commission that property owner Ileana Varela and Alberto Rodriguez were not in attendance because she had informed them to leave since Ileana's father was sick in the hospital].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-328. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 50

**RESOLUTION NO. 2009-329****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).

**Attachments:** [ExcerptHPB September 15, 2009](#)  
[AVreport-1137 Asturia](#)  
[COARreport2007-42](#)  
[Excerpt.HPBMeeting June 21, 2007.1137Asturia](#)  
[AVResolution-CC11.17.09](#)  
[PowerPoint-Asturia1137](#)  
[HPBActionAdValorem1137Asturia](#)  
[G-4 Signed Cover Memo](#)

A RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1137 AS-TURIA AVENUE, 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 BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES.

[Note for the Record: Historic Preservation Officer Kara Kautz informed the City Commission that Agenda Item G-4 was also a request for Ad Valorem Tax Relief for the property located at 1137 Asturia Avenue; further stating that said property was added to the Coral Gables Register of Historic Places in February of 1995; further noting that said building was designed by Architect Walter DeGarmo in 1923, and that said structure was the first to be specifically identified as a “cottage” in the architect’s description of his designs.

Further stating that the City of Coral Gables Historic Preservation Board approved an application for impact windows, doors in Wineberry on June 27, 2007; further pointing out that improvements to the property, as reported by the owner include: replacement of windows and doors with impact resistant units in “Wineberry”; installation of a new front door with side lights; repair of wooden garage door; installation of new canvass awnings; interior repairs and remodeling; exterior stucco repair and repainting, and installation of two hurricane shutters; landscape improvements include resodding; and Site Improvements include installation of new paver driveway, walkway patio and porch; further stating that on September 15, 2009, the Historic Preservation Board approved (by a 7-0 vote) the application as presented.

Prior to approval of said item, Owner Silvia Unzueta informed the City Commission that her property has been fully restored, as a “labor of love;” further suggesting to the members of the Commission, that if ever at some point there is some discussion as to how to expedite this process, that she would be delighted to share her thoughts, since I have gone through the process; further adding that despite the best intentions of the staff (including both the Department of Building and Zoning and Historic Preservation), there are certain matters that need to be addressed, and that she would be willing to put her time into this effort; further noting that in the end, she would like to see people do what she has done, and that is to designate their property.

**Questions, Inquiries, Comments and Concerns from the City Commission:**

**Mayor Slesnick** informed the viewing public that our City’s historic homes and buildings provides to us more value than we care to acknowledge; further stating that the loving care and restoration of said properties are very important.

**Commissioner Cabrera** inquired of the Administration as to whether the City has done some kind of a case study, whereby it has taken one home and gone through the entire historic property designation/request for ad valorem tax exemption/improvements to the property request process; further suggesting that said matter could possibly be condensed into some kind of a programming format, thereby allowing for said matter to go on line; further adding that of the many tasks and responsibilities that the City Commission has to deal with, this is one of his favorite ones, to see the before and after, to see the emotions and the devotion of our residents; further noting that it makes our job as Commissioners fun; further adding that such initiatives are what makes our City so special.

**Mrs. Kautz** stated that it represents a choice for the residents, to pursue these initiatives willingly and freely; further pointing out that said residents love their properties and the fact that they expend their emotions in pursuit of the aforementioned initiatives; further mentioning that she has informed inquiring individuals that this is not a process for the light hearted; further adding that it is not a short process, nor is it necessarily a fun process; however, in her estimation it is one that will make our City very special].

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-329. The motion passed by the following vote:**

**Yeas :** 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

City Clerk Item No. 51

**H. CITY MANAGER ITEMS**

None

City Clerk Item No. 52

**I. CITY ATTORNEY ITEMS****RESOLUTION NO. 2009-330**

I.-1     [09-0805](#)     Presentation of proposed settlement regarding Margaret Pass.

**Attachments:**     [Proposed Settlement Regarding Margaret Pass](#)

A RESOLUTION ACCEPTING PROPOSED SETTLEMENT AGREEMENT AND GENERAL RELEASE IN CONNECTION WITH THE TERMINATION OF MARGARET PASS; AS PRESENTED BY THE CITY'S LABOR COUNSEL AND ADMINISTRATIVE TRIAL BOARD ATTORNEY, NAMELY JAMES CROSLAND.

[Note for the Record: The verbatim transcript for Agenda Item I-1 is available for public inspection in the Office of the City Clerk and in Legistar].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-330. The motion passed by the following vote:**

**Yeas :** 3 - Vice Mayor Kerdyk, Jr., Commissioner Withers and Commissioner Anderson

**Nays :** 2 - Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 54



- I.-2. [09-0757](#) Pending Litigation Report.

**Attachments:** [PENLIT 11\\_17\\_09](#)

[Note for the Record: Regarding the Pending Litigation Report, City Attorney Elizabeth Hernandez proffered the following update, since distribution of said report: City of Coral Gables v. Quantum Leap Network, Inc.- the depositions for both former City Manager David Brown and the Burr's have been scheduled].

Fabric Limited Partnership v. Salone Consulting Group. Inc. and City of Coral Gables/Salone Consulting Group Inc. v. City of Coral Gables- City Attorney Hernandez stated that our efforts to mediate in these two causes of action are coming to fruition; further stating that the City has a mediation date of December 18, 2009.

Kuvin v. City of Coral Gables- City Attorney Hernandez stated that their has been no decision from the Third District Court of Appeals in this case.

Lourdes Academy Case: City Attorney Hernandez stated that she has been contacted in connection with a meeting with Miami-Dade County, tentatively set for Friday, November 20, 2009 regarding the City's motion to intervene in the Lourdes case.

Mayor Slesnick stated that one of the attorneys representing Lourdes Academy had contacted him, asking him to meet regarding said matter; further noting that he is not hesitant to do so; however, if it is the recommendation of the City Attorney to avoid doing so, then he will abide by the City Attorney's recommendation; further adding that he will send the e-mail regarding same to the City Attorney- whereby Ms. Hernandez stated that the Mayor should wait until the City meets with Miami-Dade County, since she does not have a firm meeting date yet].

**This Ordinance was Discussed**

City Clerk Item No. 53

**J. CITY CLERK ITEMS**

**None**

City Clerk Item No. 55

**K. DISCUSSION ITEMS**

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: Just two quick things. I had the good fortune to attend the senior art show, and I wanted to compliment the Senior Advisory Board, the staff that worked really hard, and the great talent that was exhibited that night. It was really a very nice event, and it was a lot in part funded by the Palace Group, and it was a very nice event; it was bigger than the year before, and the year before that. So, congratulations to all involved and I think the “Godfather” of this thing was Dr. Schiff, which is Commissioner Cabrera’s appointment, and something to be noted. Speaking right along those lines I was talking with Mayor Shirley Gibson of Miami Gardens on the next morning about our “Senior Arts Show”, and she would like a copy of any guidelines we have, so that we can get back to them because they have a senior center and they’d like to put together a “Senior Arts Show”. So, if staff can get me that, if there is anything written I’ll forward it along to our neighbors. Thank you.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I learned today that, well let me take a step back; I was under the impression that when we are here in the Chambers conducting a City Commission meeting, the City has extended a courtesy to the public that anyone parked in and around City Hall is not given a parking citation for not feeding the meters; and I was told today by a resident that, that’s no longer the case, that we have parking enforcement in and around City Hall during Commission meetings. Well I tell you why I believe that....first of all I think it’s a good practice to extend that courtesy to our citizens for the simple reason that they really don’t know how much time they are going to be here with us, and in some instances they come away unhappy and I don’t think there is anything more unsettling than to approach your vehicle and find a ticket on it, a citation on it for overtime parking. So I’d like City Management if that’s the case and I’m wrong, please forgive me, but I was told directly by a long time Gables resident that that wasn’t the case. So if we could just look into it.

City Manager Salerno: I’d be glad to look into it Commissioner; I’ll look into it to see whether there was a change or not.

Commissioner Cabrera: I would have told you this ahead of time, but...

Mayor Slesnick:...Change for ticketing because we have never ticketed before.

Commissioner Cabrera: And in all fairness to the City and to us, maybe this is just hear-say, but if it’s not the citizen that brought it to my attention it is someone that lived in the City a very long time, and had a direct conversation with a parking enforcement

officer, and was told that, yes, the enforcement of the parking inside the City lot, as well as the on-street parking adjacent to the City Hall, was being monitored for the parking enforcement purposes. So if we could look at it, that would be helpful. Secondly, and this one I also received today during the City Commission meeting. I understand from folks that play golf at the Biltmore Golf Course that historically the golf course has had as many as two tournaments a week at the golf course, and according to this citizen, or this golf player, the course is now being used as many as five times during the week for tournament play. I don't know if that's a contractual issue between us and the folks that manage the golf course, but if someone could look into that as well, I would certainly appreciate it.

Mayor Slesnick: You know, it's a little more complicated too, and I don't disagree with you, but I was going to say though, I'd like to see who the tournaments are for because I happen to know that for instance, the Coral Gables Rotary Club had a tournament and other institutions, St. Phillips had a tournament. So in other words, I'd like to know are these mostly like City organizations where we are actually serving the citizens of our City by having these tournaments?- maybe different citizens are complaining, but it would be interesting to me to know as opposed to the Palatka Women's Club coming down here to have a tournament.

Commissioner Cabrera: That's a good...it would be interesting information, I think, for all of us, but how do you stop that; let's just say that its, you know, Allapattah Friends of Angel Gonzalez Group that's having a going away golf tournament for him; how would you stop something like that?

Mayor Slesnick: I would only think that we would need to go back to our management arrangement to see how much time can be allotted to private events, that's my first thought.

Commissioner Cabrera: OK. And lastly, I wanted to address a number of residents that asked me what we do up here with the computers?- and I think that's a great question to ask, I think that the citizenry, I guess, is not used to us having computers because I think it's a fairly new feature in our Commission meetings, and I wanted to the chance to tell the public at-large what we do. I can tell you what I do; I follow the agenda on some occasions on my computer, because the agenda is available to us and it's actually set up so that we can view the agenda on the computer. I also will search, I will go on the City's search engine and go through items that I believe we are discussing that maybe helpful for me to better understand, and then last, but not least I answer e-mails while we are in City Commission meetings, not all the time, but I generally try to answer especially those that are civil. I try to answer those e-mails quickly, and especially if they are to the point, and in most instances, in all instances they are, and in some ways it has actually helped me, for example, former Mayor Dorothy Thomson, once or twice has e-mailed me during a City Commission meeting

to enlighten me on something that was a very important point that she wanted to get across to me, and I've shared with you that I just received that message, and other residents have done the same. So, I welcome communications during City Commission meetings, whether it be electronically or in person, and I felt it would be a good thing to tell you what I use my computer for, and then I do sometimes sneak in and I check e-mails at work. So, I do sometimes find out if everybody is working, and working hard. Thank you.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes Mayor, unfortunately one sort of sad bit of new, Carroll's after 63 years has decided to close the doors, and that is a very, very sad situation for Coral Gables in general. The Mormons have been an integral part of not only our commercial area, but also our residential community, and not that Jean Ann is moving or anything like that, but just closing that business and knowing how much they gave back to the business community in general, but more specifically Miracle Mile is something that saddens all of us; and when I received that notice yesterday it was just, you think back and you think of all the things that the Mormons have done, whether its participating in the Kiwanis, or driving their little old van up and down the street as they went up and down at the Junior Orange Bowl; it's a piece of history of Coral Gables that is not going to be there after the next couple months. Drop on by, see Steve before he closes his doors and tell him that we appreciated him in the City of Coral Gables.

Mayor Slesnick: On behalf of the Commission, we are working on doing a presentation as they close at a Commission meeting.

Vice Mayor Kerdyk: OK. Thank you. That's it.

Commissioner Withers: Somewhat of a controversial item, hopefully it won't be too long a discussion, but that's the Holiday Tree versus Christmas Tree; I'm in favor of calling it a Christmas Tree, I don't know the rest of you feel?- we can talk about it or we can debate it, but just so we can say let's do.

Commissioner Anderson: I'm not going to debate it. I don't really....its whatever the majority wants; it's not a big topic of conversation.

Vice Mayor Kerdyk: I call it a Christmas Tree.

Commissioner Withers: It is a national holiday.

Commissioner Cabrera: You know, I support it being called a Christmas Tree, what I don't support is the tone that people have taken with us, that's the part that really

upsets me.

Commissioner Withers: "Are you nuts?", how about that one question mark.

Commissioner Cabrera: And especially from people that have lived in this community a very, very long time that you think about it, and you read what they wrote, you say, gee they must be going through some really difficult times, and this is why they are so angry, this is why they are so despondent, and this is why they are so uncivil; and it saddens me, but back to what you said Commissioner, I would certainly have no qualms about calling it a Christmas Tree, but I will say and I think the Mayor has really taken a strong leadership role in trying to inform and educate people, this is not something that we thought of last week, its been this way for at least a decade, and so if the political environment in our State, in our nation is making people this angry that they have to lash out at their public servants, it's just a very sad state of affairs.

Mayor Slesnick: Well I certainly have taken the position as I always do, whether I thought of something or not, defending what the City is doing, so I have replied as some of you have to these people who have not made me proud to be a dash well, the things that have been said are certainly not things that you'd find in the Bible, and you know Chip, I always, that whoever made the change and whenever they made the change we are doing it out of courtesy to the entire population, as to the fact that it is a City paid for tree, on City property and it represents the holidays of many people, not just the Christmas observers, but you are certainly right that the holiday is called Christmas, and Christmas Day is a holiday in our City books and also in the State Statutes in the Federal books. I have no campaign here, but I have defended where the City is at because I think that is my purpose; I've also reminded people that we have a Menorah in Ponce Circle Park, which is privately sponsored, it is on City property. The City Attorney gave me a hard time when I tried to see if we could do that, and at the same time there is a privately sponsored Nativity scene at the same park which is on public property, but privately sponsored. So the Ponce Circle Park has become a place where some private entities have been able to display their kinds of images that are important to them during the holiday season and we've allowed that to go on and supported it as a matter of fact. Looking around, each of you have been out to the Menorah Lighting Service, and we've all observed and been by the Nativity scene that's there. Again, like everyone else said, I'm not going to fight this battle; I have fought it with the screaming people that have decided that we have undone 2,000 years of the Christian religion, but...so whatever, I don't know how you want to approach it, Chip, you brought it up.

Commissioner Withers: I'm just saying we should refer to it as a Christmas Tree, I'm not saying we have to go out and send an e-mail blast to the whole City, but I just think we should call it a Christmas Tree.

Mayor Slesnick: Mr. Manager, I think that we heard three of the Commissioners say they support it, and sort of two of us say that we weren't going to interfere with that.

Commissioner Anderson: Doesn't matter to me, whatever the majority wants, it's not a deal breaker.

Mayor Slesnick: Well, I've invited everybody to come by house to see a Christmas Tree, its on private property, in my home and it is very much a Christmas Tree, if they'd like to do that. OK.

Commissioner Cabrera: If we come by will you feed us?

Vice Mayor Kerdyk: Outside.

Mayor Slesnick: As long as you are polite.

Commissioner Cabrera: Why don't we have an outdoor seating there; oh yeah, I can't come, I'll drive by on my bicycle, that's what I'll do, I'll wave at you all.

Mayor Slesnick: Anything else Mr. Manager?

City Manager Salerno: Mayor, just a clarification, I checked with Dona and she said by resolution of the Commission they do not enforce the meters at City Hall during the meetings, and there has been no change, she advises me of that.

Commissioner Cabrera: Then there must have been a miscommunication by one of the Parking Enforcement Officers because what I can do, I can put you in touch with the resident that had a conversation with a Parking Enforcement Officer who advised him that he should put money in the meter.

Ms. Spain: Oh, I'm sorry that happened.

Commissioner Cabrera: No, I'm sorry too.

Ms. Spain: I know it was done by resolution on the City Commission, and I know that the Parking Department has that resolution. So please give me the resident's name and I will follow up.

Commissioner Cabrera: I will, its Mr. Girtman.

Ms. Spain: I have his number.

Mayor Slesnick: Mr. Withers do you have anything else?

Commissioner Withers: No sir, I do not Mr. Mayor, thank you though.

Mayor Slesnick: I would like to remind everyone about the Thanksgiving non-denominational service that's going to be held at the Congregational Church across the Biltmore on Wednesday evening, the day before Thanksgiving. It's really wonderful; I go every year, I think one year I was out of town, Ms. Anderson went to make sure that we were represented, but I urge everyone's families to come; its very nice and all the churches and synagogues take part. I want to bring this to your attention because of the Herald's editorials about the travel of County Commissioners and you know, I don't want to get into that, I heard Bill Johnson the Port Director talk about the importance of those trips to this County and to the port whether they produce specific contracts or not. So I mean, I'm going to leave that to the County to talk about their own travel, but I would like to remind the citizens of Coral Gables that we too have an international outreach program, we have Sister Cities, and we try to attract international business here, and probably if you added it up, in six years, well I'm sorry, we've been here eight years; eight years we may have spent, and this is open to investigation so if you want to call me on it, this Commission has voted no more than \$10,000 to \$15,000 a year in the budget, and we've seldom spent it. Last year we didn't spend it and, so therefore whatever we've done, we've done for a very small amount of money over an eight year period; and this week Tuscany is coming to the Biltmore and they are bringing their food and wine and so forth, to try to bring business to South Florida, international business and international outreach, and they are coming to us and the Chamber of Commerce is playing a role in that. Don Carlin died, he is a citizen of our City and I know that a number of citizens have died, Blanche Becerra died, we don't mention them all...the reason I mention Don is that he was such a major giver to all of the different charities and so forth around town, and he started the Leo Foundation, which honors our Police Officers every year, and I know that our Police Officers have been the recipients of Don Carlin's generosity.

Commissioner Cabrera: He was also a pioneer in the insurance industry in this County, so.

Mayor Slensick: The last thing, not just an announcement, I'm going to ask a favor Mr. Manager, if you'd come back to us take a look at having your Planning Department put before us maybe a thought process on doing a charrette or a planning study of the Old Cutler Road corridor, particularly focused on Matheson Hammock and Fairchild in the sense that we all know that all of a sudden there has been an outbreak of interest in building on both those properties, new buildings, new restaurants, new dock master facilities, new boat storage. Old Cutler Road is basically a two story road, and it runs through the heart of our southern districts and yes, we've always known that when people move there that they have Fairchild and they have Matheson Hammock, but the fact of the matter is that we need to be very careful of how we approach the approvals or disapprovals of all this new construction that would bring more traffic and

more people to those areas; and so it seems to me that some kind of charrette or something could be done.

City Manager Salerno: Be glad to.

Mayor Slesnick: So it could be ahead of the curve. With that if there is no other business we will adjourn, and I wish everybody a happy Thanksgiving.

City Clerk Item No. 56

## **ADJOURNMENT**

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 3:10 pm on November 17, 2009. The next regular meeting of the City Commission has been scheduled for December 15, 2009, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK