

City of Coral Gables

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



Meeting Minutes

Tuesday, April 27, 2010

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

Father Peter Shportun from the Cathedral of St. George gave the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Ralph Cabrera 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) Resolution(s) adopted (Resolution No. 2010-71 through Resolution No. 2010-80); (b) Video; (c) Audio Recording; (d) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

A. PRESENTATIONS AND PROCLAMATIONS

- A.-1. [10-0311](#) Congratulations to Calvin Mobley, Public Service Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of May 2010.

Attachments: [EOM Nomination Ltr May 2010](#)
[Cover Memo EOM May 2010](#)

[Note for the Record: Mayor Slesnick requested through the City Manager that Human Resources Director Elsa Velez-Jaramillo join him on the dais, whereby Mrs. Jaramillo-Velez acknowledged Calvin Mobley as the "Employee of the Month" for the month of May 2010; further citing that Calvin Murphy is an exemplary employee, well spoken about by his department director; further noting the initiative shown by Mr. Mobley in coming to work one Saturday during the Farmers Market event and helping those participating staff, when another staff member who was scheduled to work failed to appear.

During the videotaped telecast, Mr. Troy Springmyer, Superintendent, Landscape Services Division, noted that Mr. Murphy began his career with the city in February of 2008, initially serving in the Waste Division as a Sanitation Worker in the Public Services Department; further stating that he later transferred to the Landscape Services Division, assuming the position of Maintenance Worker I, taking care of landscaping related activities; further describing Mr. Mobley as a team player, hard worker, that is always willing to learn more about landscaping and plants; further citing that he is

proficient in all types of maintenance equipment; further describing him as always coming to work motivated and with a big smile.

Mayor Slesnick informed Mr. Murphy that on this same date, that he has been afforded the opportunity to experience an interview with Commissioner Withers, who inquired of Mr. Murphy as to what is one of his best attributes?- further referencing Mr. Murphy's remark about staying out of trouble, and inferring as to his fellow workers whom may have been trouble prone (in jest)- further inquiring as to what is it that is special inside of him that he can share with the viewing public?

Mr. Calvin Mobley informed Commissioner Withers and the viewing public that when he first arrived in the city that he witnessed the Employee of the Month signage, and further inquired as to what it would take to achieve this accolade; further stating that he has put in the necessary hard work to achieve this goal.

Commissioner Withers further commended him on the authenticity of his response; further acknowledging that Mr. Mobley had the intestinal fortitude to persevere, in witnessing something out there that he aspired to obtain, that he strived to obtain].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

B. APPROVAL OF MINUTES

B.-1. [10-0333](#) Regular City Commission Meeting of April 13, 2010

Attachments: [Verbatim Transcript - Agenda Item I-1](#)
 [Verbatim Transcript - Agenda Item D-1](#)
 [Verbatim Transcript - Agenda Item C-4](#)
 [Meeting Minutes.pdf](#)

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, 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. 2

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 Anderson, seconded by Vice Mayor Kerdyk, Jr., 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. 2010-71**C.-1. 10-0316**

Resolution authorizing the Globe Café to sell alcoholic beverages as part of the Cubalibre Event, benefitting The Regis House, on Friday, May 21, 2010, from noon to midnight along the 300 block of Alhambra Circle between Salzedo Street and LeJeune Road, subject to Florida Department of Professional Regulation requirements.

Attachments: [Globe Cafe Resolution](#)
[Cubalibre Special Event Application](#)
[C-1 Signed Cover Memo](#)

RESOLUTION GRANTING PERMISSION TO THE GLOBE CAFÉ TO SELL ALCOHOLIC BEVERAGES AS PART OF THE CUBALIBRE EVENT, BENEFITTING THE REGIS HOUSE, ON FRIDAY, MAY 21, 2010, FROM NOON UNTIL MIDNIGHT ALONG THE 300 BLOCK OF ALHAMBRA CIRCLE BETWEEN SALZEDO STREET AND LEJEUNE ROAD, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Resolution was Approved on Consent Agenda

City Clerk Item No. 3

RESOLUTION NO. 2010-72**C.-2. [10-0322](#)**

Resolution authorizing Fritz and Franz Bierhaus to sell alcoholic beverages at the plaza located at 60 Merrick Way from Friday, June 11, 2010 through Sunday, July 11, 2010, from 11:00 a.m. to 11:00 p.m. Monday through Saturday and 1:00 p.m. to 8:00 p.m. on Sunday, during the Soccer World Cup 2010 Games event, subject to Florida Department of Professional Regulation requirements.

Attachments: [World Soccer Resolution](#)
[World Cup Special Event Application](#)
[C-2 Signed Cover Memo](#)

RESOLUTION GRANTING PERMISSION TO FRITZ AND FRANZ BIERHAUS TO SELL ALCOHOLIC BEVERAGES AT THE PLAZA LOCATED AT 60 MERRICK WAY FROM FRIDAY, JUNE 11, 2010 THROUGH SUNDAY, JULY 11, 2010, FROM 11 A.M. UNTIL 11 P.M. MONDAY THROUGH SATURDAY AND 1 P.M. UNTIL 8 P.M. ON SUNDAY, DURING THE SOCCER WORLD CUP 2010 GAMES EVENT, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2010-72 on the Consent Agenda.

City Clerk Item No. 4

RESOLUTION NO. 2010-73**C.-3. [10-0326](#)**

Resolution authorizing the renewal of the contract with Johns Eastern Company, Inc., the Claim Adjusters & Third Party Administrators for the City's Risk Management & Insurance Program, in an amount not to exceed \$360,000, for an additional one-year term, effective May 1, 2010.

Attachments: [JECO CM 2010 Renewal](#)
[JECO, 2010 Renewal - Resolution](#)
[C-3 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE RENEWAL OF THE CONTRACT WITH JOHNS EASTERN COMPANY, INC., THE CLAIM ADJUSTERS & THIRD PARTY ADMINISTRATORS FOR THE CITY'S RISK MANAGEMENT & INSURANCE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$360,000.00 FOR AN ADDITIONAL ONE-YEAR TERM, EFFECTIVE MAY 1, 2010.

This Matter was adopted by Resolution Number 2010-73 on the Consent Agenda.

City Clerk Item No. 5

RESOLUTION NO. 2010-74**C.-4. [10-0327](#)**

Resolution accepting the recommendation of the Chief Procurement Officer to "Piggyback" a Master Lease Agreement (MLA) with Bancorp Bank d/b/a Mears Motor Leasing Corporation from the City of Clearwater, Florida to lease-purchase City vehicles and equipment pursuant to Section 2-978 of the Procurement Code for a period running until September 30, 2013 with an option to renew for additional periods of time; further approving a waiver of the Procurement Code under Section 2-583 to authorize the addition of a four (4) year lease purchasing term; and authority for staff to utilize the Master Lease Agreement as it deems appropriate to lease-purchase vehicles and equipment.

Attachments: [City of Clearwater Master Lease Agreement1 \(3\)](#)
[Interest Rate Breakdown 4 years](#)
[Interest Rate Breakdown 3 and 5 years](#)
[Equipment Leasing Draft Resolution 2 revised 2](#)
[Equipment Leasing - Draft Agenda 4](#)
[C-4 Signed Cover Memo](#)

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO "PIGGYBACK" A MASTER LEASE AGREEMENT (MLA) WITH BANCORP BANK D/B/A MEARS MOTOR LEASING CORPORATION FROM THE CITY OF CLEARWATER, FLORIDA TO LEASE-PURCHASE CITY VEHICLES AND EQUIPMENT PURSUANT TO SECTION 2-978 OF THE PROCUREMENT CODE FOR A PERIOD RUNNING UNTIL SEPTEMBER 30, 2013 WITH AN OPTION TO RENEW FOR ADDITIONAL PERIODS OF TIME; FURTHER APPROVING A WAIVER OF THE PROCUREMENT CODE UNDER SECTION 2-583 AUTHORIZING THE ADDITION OF A FOUR (4) YEAR LEASE PURCHASING TERM; AND AUTHORITY FOR STAFF TO UTILIZE THE MASTER LEASE AGREEMENT AS IT DEEMS APPROPRIATE TO LEASE-PURCHASE VEHICLES AND EQUIPMENT.

This Matter was adopted by Resolution Number 2010-74 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2010-75

- C.-5. [10-0328](#) Resolution authorizing the execution of an agreement between the City of Coral Gables and Coral Grand, LLC to allow the use of the City-owned domain name "coralgablescountryclub.com" and related domain names throughout the term of the lease to operate the Coral Gables Country Club.

Attachments: [Domain Name Resolution](#)
[C-5 Signed Cover Memo](#)
[Domain Use Agreement](#)

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND CORAL GRAND, LLC TO ALLOW FOR THE USE OF THE CITY-OWNED DOMAIN NAME "CORALGABLESCOUNTRYCLUB.COM" AND RELATED DOMAIN NAMES THROUGHOUT THE TERM OF THE LEASE TO OPERATE THE CORAL GABLES COUNTRY CLUB.

This Matter was adopted by Resolution Number 2010-75 on the Consent Agenda.

City Clerk Item No. 7

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

- C.-6. [10-0305](#) Landscape Beautification Advisory Board Meeting of April 1, 2010

Attachments: [BC Cover Sheet 4-1-10](#)
[Minutes BC 4-1-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 8

- C.-7. [10-0308](#) Communications Committee Meeting of March 18, 2010

Attachments: [Microsoft Word - communicationsminutesagendaapril010.pdf](#)
[Microsoft Word - minutes march 2010.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 9

- C.-8. [10-0310](#) Budget/Audit Advisory Board Meeting of March 31, 2010

Attachments: [042710-Cover Memo CC Minutes 033110.pdf](#)
[033110-Minutes.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 10

- C.-9. [10-0313](#) Library Advisory Board Meeting of April 14, 2010

Attachments: [LB Cover Sheet 4-14-10](#)
[Library Minutes 4-14-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 11

- C.-10. [10-0314](#) Retirement Board Meeting of March 11, 2010

Attachments: [CC.04-27-2010.March 11, 2010](#)
[Executive Summary.03-11-2010](#)
[Minutes.03-11-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

- C.-11. [10-0318](#) Historic Preservation Board Meeting of March 18, 2010

Attachments: [NoAction03.18.10.MinutesforCC04.27.10](#)
[HPB Minutes March 18 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

- C.-12. [10-0320](#) Coral Gables Merrick House Governing Board Meeting of March 8, 2010

Attachments: [CGMNoAction-03.08.10MinutesforCC04.27.10](#)
[Merrick House March 8, 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

- C.-13. [10-0325](#) Economic Development Board Meeting of February 3, 2010

Attachments: [EDB. Commission cover no action 4-27-10.pdf](#)
[EDB Minutes 2.3.10.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

D. PERSONAL APPEARANCES

None

City Clerk Item No. 16

E. PUBLIC HEARINGS**E.-1. [10-0309](#)**

An Ordinance of the City Commission of the City of Coral Gables approving purchase of property at 4650 Alhambra Circle, Coral Gables, Florida, pursuant to Ordinance No. 2009-53, the legal description and folio numbers of which are set forth as follows: Coral Gables Country Club Section 5 PB 23-55, Lots 11 to 14 inclusive, Block 77, Folio 03-4119-001-0920, in exchange for a monetary payment of \$1,000,000.00 provided by the Miami-Dade County General Obligation Bond Project 88-70653 for purchases of property for use as park land and the Miami-Dade County Safe Neighborhood Parks Bond Program. Providing a repealer provision, a savings clause, and severability clause, and providing for an effective date. (Passed on First Reading April 27, 2010)

Attachments:

[Draft Ordinance](#)

[Appraisal by R E Analysts - Residential LLC](#)

[Appraisal by Appraisal Link Corp](#)

[Appraisal by Tech Appraisers Miami](#)

[Letter of Intent](#)

[Map](#)

[Excerpts of minutes from Budget Advisory Board of March 31, 2010](#)

[Excerpts of minutes from Economic Development Board of April 7, 2010](#)

[Excerpts of minutes from Parks and Recreation Advisory Board of April 16, 2010](#)

[Finance Director Memo dated April 15, 2010](#)

[Economic Sustainability Memo dated April 15, 2010](#)

[Excerpts from the Property Advisory Board of April 21, 2010](#)

[Parking Director Memo dated April 19 2010](#)

[Public Works Director Memo dated April 21 2010](#)

[Planning Director Memo dated April 7 2010](#)

[Historic Preservation Officer Memo dated April 12, 2010](#)

[E-1 Signed Cover Memo](#)

[4650 Alhambra Purchase Agreement](#)

[E-1 Signed Cover Memo](#)

[Note for the Record: Following introduction of the item into the public record, Assistant City Manager Dona Spain informed the viewing public that the proposed ordinance was before the City Commission to approve the purchase of property at 4650 Alhambra Circle; further informing the City Commission that contained in the agenda packet were the three appraisals of the property, as well as the excerpt minutes from the Budget and Audit Advisory Board, Economic Development Board, Property Advisory Board, and Parks and Recreation Advisory Board, respectively.

Questions, Comments, Inquiries and Concerns from the City Commission: Commissioner Withers inquired of Fred Couceyro through the City Manager, as to whether the city will put any type of playground apparatus (i.e. benches, playground equipment etc.) at the new park location, or make improvements to said park?- further

inquiring as to whether the city has a set plan?-if so, further inquiring as to the cost of same?- whereby Parks and Recreation Department Director Fred Couceyro stated that the city does not have a set plan for the park yet; further stating that there will be a beautification effort for the aforementioned park. Assistant City Manager Dona Spain further added that the initial intent is to re-sod the subject property first; further stipulating that if in the future, the neighbors desire to have the playground equipment, then the City will move forward with same. Commissioner Withers inquired as to whether this was the standard procedure that was being followed?- whereby Mr. Couceyro responded that the city has followed this the same procedural path for Rotary Park and Riviera Park, said passive parks wherein landscaping was placed around the perimeter.

Commissioner Cabrera pointed out that a frequent occurrence is that there has been consistent usage of the southwest corner of said property, adding that there is a driveway at said location; further stating that he has seen some vehicles park at the subject property location time and time again; further inquiring of Mr. Couceyro as to whether he is aware of those parking issues that have surfaced in connection with said property?-whereby Mr. Couceyro stated that he was aware of the parking issues and has looked at beautifying said location; similar to Rotary Park where one can landscape the entire edge.

Commissioner Cabrera also noted that currently, there are two cars located at the aforementioned section of the subject property on an on-going basis; further pointing that occasionally, a police cruiser parks there as well-noting that it is nice to have a police presence].

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 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 17

E.-2. [10-0312](#)

An Ordinance of the City Commission of the City of Coral Gables amending the City Code, Chapter 101, "Administration & Enforcement," Article vi, "Code Enforcement", Division 3, "Supplemental Code Procedures", Sections 101-181 through 101-188, allowing Hearing Officers to be Attorneys who are either residents or maintain a business establishment within the City limits for a minimum of five years; adding the label Special Master to Hearing Officer; and providing for severability, repealer, codification, and an effective date.

Attachments: [AgendaCoverSheetHearingOfficer4 27 10](#)
[OrdinanceHearingOfficer4 27 10](#)
[E-2 Signed Cover Memo](#)

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item E-2 into the public record, City Attorney prefaced her remarks by stating that she has found with increasing regularity that there are not enough individuals who are willing to serve as Hearing Officers/Special Masters because of low hourly rate; further pointing out that she has reached out to the Coral Gables Bar Association; further noting that there are many qualified attorneys who do not live in the city, but are active participants in the community and have their business establishments in Coral Gables; further stating that she has recommended an arbitrary time frame of 5 years, because it takes a while for attorneys, as well as anyone else to become acclimated and understand the rules and regulations of our city; further requesting flexibility so that when there is a list of qualified and experienced individuals to submit to our City Manager for consideration, that it contains more than just one individual.

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

Commissioner Cabrera inquired of the City Manager as to whether the proposed legislation include those individuals whom are practicing attorneys and have offices here in our city as eligible candidates to be considered for the position of Hearing Officer/Special Master?- whereby City Attorney Hernandez responded in the affirmative, also adding, including a resident and an attorney in Coral Gables (or maintaining a business establishment in our city).

Commissioner Cabrera further inquired as to the genesis behind said initiative?- whereby City Attorney Hernandez stated that because of her inability to find good qualified and experienced people].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution No Number Assigned. 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. 18

F. CITY COMMISSION ITEMS

None

City Clerk Item No. 19

G. BOARDS/COMMITTEES ITEMS**RESOLUTION NO. 2010-76****G.-1. 10-0317**

Presentation of excerpts from the minutes of the Historic Preservation Board meeting of March 18, 2010 requesting the following action with regard to CASE FILE AV 2008-02.

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 130 Miracle Mile, a local historic landmark, legally described as Lots 14 and 15, Block 3, Coral Gables Crafts Section, according to the Plat thereof, recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida. The cost of the improvements is \$1,800,000.00, which would correspond to approximately \$9,450.00 per year and \$94,500.00 over ten years. (Historic Preservation Board Vote: Unanimously approved; 8 - 0).

Attachments: [HPBActionAdValorem130MiracleMile](#)
[HPB Minutes March 18 2010AV2008-02.130MiracleMile](#)
[AV2008-02.Resolution-CC04.27.10.DRAFT](#)
[AVreport-MiracleMile130](#)
[HPB-03-18-10.AV2008-02.130MiracleMile](#)
[G-1 Signed Cover Memo](#)

A RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO THE PROPERTY LOCATED AT **130 MIRACLE MILE**, A LOCAL HISTORIC LANDMARK, LEGALLY DESCRIBED AS LOTS 14 AND 15, BLOCK 3, CORAL GABLES CRAFTS SECTION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 4, OF THE PUBLIC RE-CORDS OF MIAMI-DADE COUNTY, FLORIDA. BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES.

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

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-76. The motion passed by the following vote:

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

Nays : 1 - Commissioner Withers

City Clerk Item No. 20

H. CITY MANAGER ITEMS

- H.-1. [10-0331](#) Presentation of Quarterly Report for the six months ended March 31, 2010.

Attachments: [Quarterly Report for the Six Months Ended March 31, 2010](#)
[H-1 Signed Cover Memo](#)

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

This Agenda Item was Discussed and Filed

City Clerk Item No. 21

RESOLUTION NO. 2010-77

- H.-2. [10-0335](#) Resolution authorizing the renewal of the casualty insurance policies which include, but are not limited to, general liability and workers compensation, with Arthur J. Gallagher Risk Management Services, Inc. in the amount of \$1,098,639 for the policy period of May 1, 2010 to May 1, 2011. (Funding Source: Insurance Fund)

Attachments: [AJG - City of Coral Gables Proposal 2010-2011](#)
[AJG - Premium Summary 2010-11](#)
[AJG - Schedule of Insurance 2009-2010](#)
[AJG 2010 Renewal - Resolution](#)
[SiverInsConsultants AJG Summary and Recommendation Ltr.](#)
[H-2 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE RENEWAL OF THE CASUALTY INSURANCE POLICIES WHICH INCLUDE, BUT ARE NOT LIMITED TO, GENERAL LIABILITY AND WORKERS COMPENSATION, WITH ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. IN THE AMOUNT OF \$1,098,639 FOR THE POLICY PERIOD OF MAY 1, 2010 TO MAY 1, 2011. (FUNDING SOURCE: INSURANCE FUND).

[Note for the Record: Following City Manager Pat Salerno's reading of the title to Agenda Item H-2 into the public record, Human Resources Director Elsa Jaramillo-Velez addressed the City Commission, stating that this item is a resolution authorizing the renewal of the casualty insurance policies with Arthur J. Gallagher; further stating that this is the second year of said agreement; that the total insurance premium and fees for the period of May 1, 2010 through May 1, 2011 is \$1,098,639; further noting that she has discussed said matter with the city's consultants, namely George Erickson, Siver Insurance Consultants, and that he supports the renewal, and that the recommendation is for the city to accept the renewal insurance proposal presented by Arthur J. Gallagher, Risk Management Services, Inc.

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

Mayor Kerdyk inquired as to whether there was discussion regarding the increase in coverage?-whereby Mrs. Velez responded yes, to \$5 million].

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

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 22

RESOLUTION NO. 2010-78

H.-3. [10-0334](#)

Resolution authorizing the renewal of the property and sports liability insurance policies with AON Risk Services, Inc. of Florida in the amount of \$1,158,084.07 for the policy period of May 1, 2010 to May 1, 2011. (Funding Source: Insurance Fund)

Attachments: [AON - CG Renewal Proposal, May 1, 2010 to 2011](#)
[AON - Schedule of Insurance, 05-01-2009 to 2010](#)
[SiverInsConsultants_AON Summary and Recommendation Ltr.](#)
[AON 2010 Renewal - Resolution](#)
[H-3 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE RENEWAL OF THE PROPERTY AND SPORTS LIABILITY INSURANCE POLICIES WITH AON RISK SERVICES, INC. OF FLORIDA IN THE AMOUNT OF \$1,158,084.07 FOR THE POLICY PERIOD OF MAY 1, 2010 TO MAY 1, 2011. (FUNDING SOURCE: INSURANCE FUND).

[Note for the Record: Following the reading of the title to Agenda Item H-3 into the public record, Human Resources Director Elsa Jaramillo-Velez stated that this item is a resolution authorizing the renewal of the property and sports liability insurance policies with AON Services of Florida in the amount of \$1,158, 084.07; further stating that this is the second year that the city will renew this contract period, from May 1, 2010 through May 1, 2011.

Questions, Inquiries, Responses and Concerns from the City Commission: Commissioner Withers stated that his only concern was since the provision involving climbing walls will be excluded, and since the city has established a new park, namely Riviera Park, which has a climbing wall, whether there is somewhere else in said insurance agreement that this matter is covered?- whereby Mrs. Velez-Jaramillo stated that she would defer to Mike Sparber, Risk Manager, Department of Human Resources, who is the expert in this area, to address his concern. Mr. Sparber stated that the exclusion, referenced by Commissioner Withers, is not a new exclusion has been in the city's program all along; further explaining that if the wall is destroyed by a vehicle hitting the wall, then this represents a matter that is handled by subrogation,

through the city's third party claims adjusters, John Eastern Company;- whereby Commissioner Withers informed Mr. Sparber that his only concern was that if a child falls off of a wall and hurts himself, then how is that covered? Mr. Sparber informed Commissioner Withers that said example is a liability insurance concern.

Vice Mayor Kerdyk stated that he understands that in the past the city was covered by \$25 million in insurance coverage by Lexington and Landmark; he understands that now Lexington will only cover for \$10 million, and that the remaining \$15 million is layered with other insurers, the claims adjusters for the city - further inquiring as to who are the other insurers?- what are their ratings? - further requesting of Mr. Sparber to inform him as to whether the ratings of the other insurers are as strong as Lexington.

Mr. Sparber responded by informing Vice Mayor Kerdyk that the two insurance brokers used by the city; AON Risk Services and Arthur J. Gallagher Risk Management Services both have stringent professional standards regarding the rating of insurance carriers for all of their clients; further stipulating that their professional standards do not allow them to do business with carriers that fall below a certain financial strength rating level; further stating that it is his belief that the rating level is A-VI, but he will verify that rating level with them; further stating that in accordance with the city's guidelines for minimum acceptability standards for carriers, it is A-VI; further adding that in addition to the Best Rating reference, that AON Risk Services and Arthur J. Gallagher Risk Management Services also analyze the financial stability of companies, providing continuous monitoring; further pointing out that all of the carriers that are engaged by the city have a rating of A-VI or better; further stating that if and when any company falls below the minimum acceptable standard, then the Arthur J. Gallagher Risk Management Services, Inc. or AON Risk Services, Inc. would immediately notify the city.

Mr. Sparber also responded to Vice Mayor Kerdyk that the new insurance carriers for the second \$15 million layer are as follows: Maximum Specialty Insurance Company; Maximum Indemnity Company and Endure American Insurance Company].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-78. The motion passed by the following vote:

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 23

I. CITY ATTORNEY ITEMS**RESOLUTION NO. 2010-79****I.-1. 10-0323**

Resolution directing the City Attorney to proceed with filing an action for past and future rent due, costs, expenses, and all other remedies authorized by the lease agreement against Bijan's Coral Gables, LLC, d/b/a Bijan's Key West Grill and Bijan Nakhjavan, individually, for breach of the Lease Agreement by failing to pay rent and for vacating, abandoning, or deserting the premises; and further authorizing the City Attorney to take all action necessary to represent the interests of the City.

Attachments: [AgendaCoverSheetBijan4_27_10](#)
[BreachofContractBijan4_27_10](#)
[Bijan Resolution](#)
[I-1 Signed Cover Memo](#)

RESOLUTION DIRECTING THE CITY ATTORNEY TO PROCEED WITH FILING AN ACTION FOR PAST AND FUTURE RENT DUE, COSTS, EXPENSES, AND ALL OTHER REMEDIES AUTHORIZED BY THE LEASE AGREEMENT AGAINST BIJAN'S CORAL GABLES, LLC, D/B/A BIJAN'S KEY WEST GRILL AND BIJAN NAKHJAVAN, INDIVIDUALLY, FOR BREACH OF THE LEASE AGREEMENT BY FAILING TO PAY RENT AND FOR VACATING, ABANDONING, OR DESERTING THE PREMISES; AND FURTHER AUTHORIZING THE CITY ATTORNEY TO TAKE ALL ACTION NECESSARY TO REPRESENT THE INTERESTS OF THE CITY.

[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 Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-79. 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. 24

- I.-2. [10-0324](#) Pending Litigation Report.

Attachments: [PENTLIT4_27_10](#)

[Note for the Record: The City Attorney prefaced her remarks by informing the City Commission that the Riviera Company that had come before the City Commission during our last City Commission meeting to seek land use and zoning approval along the US-1 corridor had also filed a lawsuit, requesting relief under the city's Zoning Code; further stating that she has received service of process in connection with same, and is in the process of reviewing said matter; further pointing out that she was unsure as to whether attorneys for the plaintiff filed a lawsuit to preserve whatever jurisdictional time limits they needed, while they engaged in the alternative resolution process that the City maintains under its Zoning Code. The City Attorney further proceeded to inform the City Commission that she will be meeting with the attorneys for the plaintiff on this same date, to ascertain whether or not they are abandoning their administrative remedy, and proceeding directly to Court, or whether they are merely placing a place marker for the allowable 30-day appeal time].

This Litigation was Discussed

City Clerk Item No. 25

J. CITY CLERK ITEMS**RESOLUTION NO. 2010-80****J.-1. 10-0315**

Resolution of the City Commission with an attachment, electing Troy Easley, as a member of the City of Coral Gables Retirement Board (participating firefighter representative); further confirming said individual by the City Commission as a member to said board, to fill an unexpired term beginning April 13, 2010 through December 31, 2010.

Attachments: [Certification and Declaration](#)
[Cover Memo - Appointing Troy Easley - Participating Firefighter Representative.pr](#)
[Draft Resolution - Appointing Troy Easley - Participating Firefighter Representative](#)

RESOLUTION OF THE CITY COMMISSION WITH AN ATTACHMENT, ELECTING TROY EASLEY, AS A MEMBER OF THE CITY OF CORAL GABLES RETIREMENT BOARD (PARTICIPATING FIREFIGHTER REPRESENTATIVE); FURTHER CONFIRMING SAID INDIVIDUAL BY THE CITY COMMISSION AS A MEMBER TO SAID BOARD, TO FILL AN UNEXPIRED TERM BEGINNING APRIL 27, 2010 THROUGH DECEMBER 31, 2010.

[Note for the Record: City Clerk Walter Foeman informed the City Commission that this agenda item was before them to accept the City Clerk's Certification and Declaration of Results from the Coral Gables Retirement Board Election; said election which elected Troy Easley to the Firefighter Participant seat, which took place during the election cycle of April 6th through 9th, 2010; further stating that following the deadline to vote, April 9th, 2010, that the Canvassing Board yielded the following results: Troy Easley received 51 votes (54.26%), and Jason Barger received 41 votes (43.62%)].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-80. 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. 26

K. DISCUSSION ITEMS

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: I'm good, thank you; nothing today.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Just wanted to take a brief opportunity to chat about all the wonderful e-mails and letters, petitions we've been getting regarding the University Baptist Church, and the plans to have a charter school there, and I wanted to advise the City Clerk's office that what I'm doing is copying each and every one of those e-mails, even the ones I've responded to, and have put them in a binder that I will make available to your office to photocopy and make part of a public record, as well as a recent petition that I believe we all received in the mail last week.

Mayor Slesnick: Can I ask you?- here's a thought; I have approximately a hundred plus e-mails from both sides that I have saved and was about to send them to Evelyn to copy, put into a folder, and give to the Clerk; I was wondering if there was any way to combine these efforts and save paper.

Commissioner Cabrera: I'd be happy to do it. This is an interesting problem that I'm having; some of those letters or some of those e-mails are getting stopped by my spam filter, so I'm having to go into that junk file every night and find those e-mails, and I've missed one or two, but I would be happy to just give my binder, I believe that each and every one of the e-mails that I've received have been sent to all of us.

Mayor Slesnick: How about this?- how about you give your binder to the Clerk and those of us who has things to submit to the Clerk can do it by e-mail as opposed to hard copy, and then he can compare.

Commissioner Cabrera: I'm just creating a binder for this whole thing; for example, now I don't think I can discuss that, never mind.

Vice Mayor Kerdyk: Can I ask a question to the City Attorney on this issue? Have they filed a formal application?

City Attorney Hernandez: Well what they did was, they only filed for one level, the DRC, so their application is incomplete based on the ruling of our office, and we are sending them a letter today advising them of that, and we anticipate that there will be some action on their part following our correspondence to them, we'll forward copies to the City Commission, but if they don't have a complete application staff is unable to thoroughly analyze in accordance with our zoning and City Codes, the application

that's before them.

Commissioner Cabrera: So does that mean because my next comment about this item, and I'm glad Mr. Kerdyk brought it up, my next comment about this item was that, as far as I know this item was coming before the Preliminary Review Committee on April 30th, based upon what you just shared with us is that being postponed?

City Attorney Hernandez: I am advising the Chairman of the DRC that they should not consider the application until its complete.

Commissioner Cabrera: OK.

City Attorney Hernandez: So I believe it should be postponed.

Commissioner Cabrera: OK. Well good because my next comment about this subject was, if in fact this meeting was going to take place, a) I was not going to be there, and I don't believe other members of the Commission had plans to attend, but maybe I'm wrong, but what I was going to then request was to get a photocopy, not a photocopy, but a copy of the minutes of the meeting, because I was just kind of interested in following - I don't believe in the nine years that I served I've ever seen minutes of a Development Review Committee, I don't think we get those, its technical, you know, its all...

City Attorney Hernandez: It's the comments of the Directors.

Commissioner Cabrera: Exactly, exactly, and by the way, I'm not trying to ask you or asking anyone, requesting from any one future minutes of these meetings, but given that this is such an interesting item that's getting both sides all juiced up, I figured I'll stay aware of the process, so. OK, so here's my commentary - a) if the meeting is not taking place then obviously all parties will be informed, but b) if and when the Development Review Committee does take place, may I request copies of the minutes of the meeting to be prepared and disseminated amongst the Commission.

City Attorney Hernandez: Whatever the Committee puts together, absolutely we'll provide the City Commission.

Commissioner Cabrera: If the Commission is OK with that. Well, I just kind of read the stuff.

Commissioner Withers: Well Ralph something passed by me, I just want to make sure. I'm assuming that one level of the DRC requires more stringent...

City Attorney Hernandez: It involves an analysis of the zoning and land use as well, a

more involved analysis.

Commissioner Withers: Which is what they are saying they are not responsible for, OK.

City Attorney Hernandez: Right. We met with their attorney late last week, and we made recommendations regarding what the application needed to be. They had indicated that they would recommend this to their client; when I left the meeting it was my understanding that they were going to supplement the application, however, the Building and Zoning assistant, Martha Salazar-Blanco, confirmed with me on Friday afternoon that no, they had not in fact filed, and that she was advised that they were not going to supplement.

Commissioner Withers: So the whole land use change issue, which you came back and said really wasn't necessary has nothing to do with the DRC level of review?- or does it?

City Attorney Hernandez: What I said was, I was reviewing the land use analysis because there had been strong arguments put forth by the attorney for Academia. We reviewed the comprehensive plan of the entity versus ours; our plan is much stronger so they do need to go through land use change, but I'm sorry....

Commissioner Withers: OK. So they are going through land use change even though we said they didn't have to?

City Attorney Hernandez: No. What I said was, they absolutely have to go through conditional use and site plan review approval...

Commissioner Withers: OK, we know that.

City Attorney Hernandez:...OK. However they had put forth at the last minute a correspondence and an argument as to their position that they did not have to go through the land use review, which was very convincing. So I said, I'm concerned about our position on that; I had to pull, because you had sent me an e-mail and I was responding to you, I had to pull the Comp Plan of the community in which they were comparing their argument to, but our Comp Plan is much more stringent, much more specific, and I so advised their attorney that they needed to go through Comp Plan use, and I indicated to them at the time that we met that they should do community outreach since they put themselves in this position, since they knew since last summer where they were, that they should consider approaching the Commission with either some sort of proposed conditional interlocal agreement while they are going through the process, reaching some sort of consensus so that they are not completely precluded from going through the process that they had put themselves into.

Commissioner Withers: Understood. OK. So Liz, I'm sorry, let me make sure I understand this. So are we - is the position now that they have to go through comprehensive land use change?

City Attorney Hernandez: Yes. It's the same position as at the meeting that I has said - OK at the last City Commission meeting my advice was that they had to go through both land use and zoning.

Commissioner Withers: Right.

City Attorney Hernandez: What had happened was, I said we are still receiving briefs and position papers from the party...

Commissioner Withers: Right, and we got an e-mail the next day.

City Attorney Hernandez:...I mailed you the next day on this issue and told you, I'm concerned about the issue on the land use, I need to do further research on it, which we did, we met subsequently with their attorney, understood that they were going to submit some additional applications from that meeting, and they did not, and so advised us.

Commissioner Withers: I wasn't at the meeting on Tuesday night at the church; but the church voted on the approval of granting these folks the lease, and from what I understand the presentation from Academica or whatever, said that the City Attorney reversed herself on the comprehensive land use, and that there are no - can we get an official....

City Attorney Hernandez: They have no confirmation....

Commissioner Withers:...can I get an official written city brief, not an e-mail from you....

City Attorney Hernandez: OK.

Commissioner Withers:...telling us, telling me specifically, because for some reason I thought they didn't have to get comprehensive land use, I thought you were backing off on that.

City Attorney Hernandez: No.

Commissioner Withers: OK, that's fine.

City Attorney Hernandez: The only official written document that you have from me is

the memo that I presented to you at the last City Commission meeting.

Commissioner Withers: Right, but then we had an e-mail....

City Attorney Hernandez: And then I sent you, yes, an e-mail saying I was further reviewing this issue, but as far as and at the meeting with the attorney for Academica, I explained to them our subject to these two procedures until we rule otherwise, and both sides want an opportunity to provide...and the only reason we were doing that was because we were doing our due diligence with regard to the one reported case to make sure that we were on solid ground.

Commissioner Withers: So the e-mail...

City Attorney Hernandez: But I don't know what they reported .

Commissioner Withers: Well, it's just here-say from what I heard. So the e-mail that we received is now...what?

City Attorney Hernandez: You...we received yes.

Commissioner Withers: Is now? I'm sorry, I'm just - because in the e-mail I thought it said we were not going to hold them accountable to change land use, but now we are.

City Attorney Hernandez: That I was concerned about the issue of land use that we were going to further research and I was meeting with the attorney, so.

Commissioner Withers: So we are now back on board with...

City Attorney Hernandez: No, we are firmer on our position on that.

Commissioner Withers: OK, but my question back to the Review Committee; so the first level is a basic level, and I'm assuming that the reason we are saying that's the level that's not acceptable to us is because we then admit that they don't have to go through land use change; why are we telling them that we are not accepting, you said there were two levels.

City Attorney Hernandez: Right. First of all, at no time has the city admitted to anything other than that you have to go through all reviews. They filed what they believed - their position is that they don't have to go through the full level review, so that is why they filed only one of the levels, the technical level review with the city. We met last week, we had discussions; we proposed, I proposed because I don't know if this Commission will approve it or not, that perhaps considering an interlocal while they are going through the process would be something that the Commission might be favorable

so that at least there will be some opening with some number, whatever that might potentially be, but that they had to do neighborhood outreach in order to try and reach some sort of consensus before they came back to us. The same advise that we've given University of Miami and others, St. Phillips and other schools.

Commissioner Anderson: Will the interlocal serve to clarify what our, kind of what conceptually where we would stand on it?

City Attorney Hernandez: Well we would hope that when its presented, because that way they are not precluded from moving forward and the city is also not held to anything rather....

Commissioner Withers: Let me get back to the Development Review, I'm trying to get an answer on that.

City Attorney Hernandez: Yes.

Commissioner Withers: OK. So if we let them, from what I heard was, we told our Committee not to have the meeting.

City Attorney Hernandez: We haven't said anything to our Committee yet.

Commissioner Withers: OK, why don't we tell them if its not in the best interest of the city not to have the meeting, why don't we tell them not to have the meeting? Why even - if they have the meeting and we let them go through the first review, does that mean we are accepting their...

City Attorney Hernandez: No, no, no, yeah, Commissioner, we met last week and then we met with the Chair of the Committee and indicated where our position would be, and what we would be sending out.

Commissioner Withers: But the Chair of the Committee is a city employee, right?

City Attorney Hernandez: Absolutely.

Commissioner Withers: OK, so why don't we just tell him not to have the meeting?

Commissioner Cabrera: Maybe that's what she's doing.

City Attorney Hernandez: That's the call of the Chair of the Committee.

Commissioner Withers: Well, I know, but Liz...

City Attorney Hernandez: I mean I'm going to advise them that they should not...

Commissioner Withers: OK, if the City Attorney is advising not to have the meeting because it puts us in a legal position, then it's a no-brainer, they don't have the meeting.

City Attorney Hernandez: I agree.

Commissioner Withers: Don't you agree?

Commissioner Cabrera: No, I agree, but I think that's what she's doing, but she can't tell them not to do something, she can only advise.

Commissioner Withers: But we can though.

Commissioner Cabrera: We can.

Commissioner Withers: The City Manager can, I'm assuming.

Commissioner Cabrera: He certainly can, and I believe - but I think what's being done is - I learned two things today about this particular item, I learned a lot of other things; this item taught me that a) I learned that the City Attorney had some reservations about the potential meeting on the 30th, and the second part that I learned was that there was a meeting at the University Baptist Church that took place, I guess, amongst the membership that approved the lease.

Commissioner Withers: It was a business meeting.

Commissioner Cabrera: OK, so that's good, this is helpful; and the third thing I learned is that the Mayor would like to have everyone's messages put together and then given to the Clerk for follow-up.

City Attorney Hernandez: And I just wanted to ask the question back, they only, its your understanding that they only entered into the lease last Tuesday?

Commissioner Withers: You are asking me?

City Attorney Hernandez: Yes, that's something that you had said.

Commissioner Withers: Again, this is just what I've heard is that, the congregation of the church approved the church moving forward entering into a lease with Academica, or I don't know if they approved the lease, I don't know.

City Attorney Hernandez: Right, because my understanding is that before they could get certain approvals from the school, they actually had to have a lease in place.

Commissioner Withers: Maybe that's what its all about, I don't know.

City Attorney Hernandez: OK, I'll double check that as well.

Commissioner Withers: So the second level of the DRC is the one that we want them to go to?

City Attorney Hernandez: First and second, both.

Commissioner Cabrera: First and second.

Commissioner Anderson: They have to go to two levels.

Commissioner Withers: Are you doing this on your own, or do we have attorneys, we hired other attorneys?

City Attorney Hernandez: I'm doing this on my own and my office in conjunction with the Planning Department and Building and Zoning Department.

Commissioner Withers: So we haven't hired any attorneys or...

Commissioner Cabrera: Good.

Vice Mayor Kerdyk: Liz, are we at the point where Jennings Rules apply?

City Attorney Hernandez: My position is that Jennings Rules are applying because of the size of the property and because of the conditional use approval, you know, I believe that before it comes to you, unless they are willing to move forward with a creative proposal of attempting to enter into an interlocal with the city, which is what I had suggested so that at least there is some middle ground between the city and the charter school and the neighborhood. I see us headed toward litigation in which time I would co-counsel to make sure that we are appropriately protected because it would move very rapidly.

Vice Mayor Kerdyk: So the answer is yes, Jennings does apply.

City Attorney Hernandez: Yes.

Vice Mayor Kerdyk: And do you see them seeking an injunction to proceed along...

City Attorney Hernandez: It depends, I mean, again they have one of two choices...

Vice Mayor Kerdyk: They haven't threatened...

City Attorney Hernandez: No they haven't, but that would be the standard mandating an injunction, unless they proceed along the alternative grounds which we have suggested, but we don't know if they are going to go ahead and do that or not.

Vice Mayor Kerdyk: The alternative grounds - I don't know if I agree with that, but...

City Attorney Hernandez: That would have to come to you, the Commission.

Vice Mayor Kerdyk: Because that precludes it from going through the process.

City Attorney Hernandez: No, no, no. An interlocal would be you can do "X" while you are proceeding through the process, they would not...

Vice Mayor Kerdyk: You can do "X", but what does that mean?

City Attorney Hernandez: You can have ten students, you can have fifty students, you can have - you know with these parameters in line.

Vice Mayor Kerdyk: We might as well make the deal then, we might as well; let's go there and say that.

Mayor Slesnick: She is just saying that's a possibility.

Vice Mayor Kerdyk: But I think we should voice our yes or no....

Commissioner Cabrera: At what point would you like to address the yes or no.

Vice Mayor Kerdyk: Well the fact is, right now they have 110 students; they can put in 110 students tomorrow, right?

City Attorney Hernandez: Right.

Vice Mayor Kerdyk: If there is one student more than that, which I might be for or may not be for, then she's saying well just go ahead agree upon 120 students...

City Attorney Hernandez: Not agree, enter into an interlocal that while they are going through the land use and zoning process that the city would allow - the entire risk of Academica, not a the city's risk, its just in order to avoid litigation and to avoid putting both sides at a point where one side was going to lose everything or the other side is

going to lose everything.

Vice Mayor Kerdyk: I guess the question is, if you went ahead and made that agreement where it was an increase over the 110 students that we are talking about, then its tough to pull that at a later date.

City Attorney Hernandez: Not with the appropriate conditions.

Vice Mayor Kerdyk: Can we make that decision without going through the whole process, and I'm not sure if I'm for; they are doing that without going through the whole process, that's my I'm stating it now so that we don't come to this point where you say that you proffer that, and you've got a Commissioner saying, hey I'm not sure that's the process to go through. I think, I might be for more students, but I want to go through the process that's regulated without circumventing that process and going through...simple - that is simple.

City Attorney Hernandez: Right, right, I'm sorry.

Commissioner Cabrera: I'm sorry, let me just jump in and then you'll straighten me out. Fortunately or unfortunately that's what exist, those are the conditions that exist there today....

Vice Mayor Kerdyk: Right.

Commissioner Cabrera:...there may not be a yea or nay on our behalf if in fact they decide to abide by the current zoning.

Commissioner Withers: Right.

Vice Mayor Kerdyk: But if they do that then what she says doesn't apply.

City Attorney Hernandez: Right - exactly.

Vice Mayor Kerdyk: What she's saying though...

City Attorney Hernandez: But assuming they want to go over that number, let's assume which is what the indication is...

Vice Mayor Kerdyk: Let's just say they want over the number, if they want to go to 600...

City Attorney Hernandez: We know that based on prior experience because neighborhood schools have come before this Commission; there is a checklist that states forty conditions that this Commission typically imposes, whether it be crossing

guards, you know, a bunch of issues that are standard in terms of what the Commission is concerned about. There could be those conditions in place already with a number, if the Commission so wishes. It was something that I provided as a consideration to both sides. I met with the attorney for the neighbors, and the attorney for the charter school and said, this is something that could serve both your benefit to avoid basically a showdown, and then either one side is going to win all, or the other side is going to win all. So the idea is the possibility of bringing something to the City Commission where everybody waives astopple arguments, Academica can't come back and say later, hey you know, we went through this because we thought you were going to approve this; it's at their own risk, but its allowing them to proceed with a certain - I can't say what that number is, and I can't say what the conditions are because I haven't heard back saying, you know, that's a possibility, can we get on the next City Commission agenda to discuss a potential interlocal; we understand that it's at our own risk, and I threw that out merely as a, this is an alternative, but it's up to the neighbors and the school to come together and work on something.

Vice Mayor Kerdyk: I'm OK with that; I just thought you were autonomously saying to the...

Commissioner Cabrera: No.

Vice Mayor Kerdyk:...well hold on Ralph, I want to talk to Liz about this, I don't know what she is proffering...

Commissioner Cabrera: But its my item to begin with and I just...

Vice Mayor Kerdyk: Well you answer it.

Commissioner Cabrera: Answer what? I'm not going to answer anything. I was just - when you were asking something I responded, if that offended you somehow, I apologize, but I was engaging in the conversation with you.

Vice Mayor Kerdyk: I just wanted to see what she said to the people that she was talking to, and the fact was I misunderstood it, I apologize, because I thought you were saying to the applicant that, hey, come up with your number and we'll bring it to you; but what you are saying is, if you can come together with the neighbors and you want to proffer something in front of the City Commission, that's OK, I misunderstood, I apologize.

City Attorney Hernandez: The neighborhood maybe saying, and I don't know, I'm going to throw out, the neighborhood maybe saying, we don't want this street used at all, I'm making this up, OK, we want purple butterflies flying around at all hours of the day, and the charter school says, we will give you purple butterflies; they reach their

consensus and come back, but that's just an alternative remedy as we work through the process.

Vice Mayor Kerdyk: I got you.

Mayor Slesnick: Let me also say there are many people who may watch or listen to this program later, and they may wonder what is, why is the Commission so concerned about the issue, because the way it has been characterized in the press, and the way it has been characterized by some of the conversation here is the University Baptist Church and a private charter school company versus the citizens of Coral Gables. I have to tell you I have more e-mails from people who are residents of Coral Gables supporting the school than I do from those who oppose it. So I can assure the citizens that this is a major issue.

Commissioner Anderson: I don't know about that from my part.

Mayor Slesnick: OK, well I can tell you right now, I don't know, I've gotten more, I believe supporting it.

Commissioner Cabrera: I have done an actual count; I've actually done a physical count based upon e-mails received, and the count is 3 to 1 based upon e-mails that my office has received and I'd be willing to share that with anyone that's willing to look at it.

Mayor Slesnick: 3 to 1?

Commissioner Cabrera: 3 to 1 for.

Mayor Slesnick: For the school.

Commissioner Cabrera: 3 to 1 for; 3 for 1 against. Now, if you then count the petitions, which I generally don't because I don't know who signed it, and I don't know how they signed this document, I don't even know if they read the document, then you can probably say it's 2 to 1, but the 2 is for versus the 1 against.

Mayor Slesnick: The majority of citizens I've heard from that live in the City of Coral Gables support having a charter school in Coral Gables, and desire to have a charter school in Coral Gables. Many of them are residents in the neighborhood adjoining the school or nearby; many of the residents adjoining the neighborhood or school are against the charter school, but they send conflicting, and this came out in this discussion; they have sent conflicting signals to me; one is, yes, we love charter schools and children should have choice, but we don't want it in our neighborhood; and then the next thing is, we don't want it at all. So I don't know. I'm just saying to the people

of Coral Gables the reason we are taking this much time, and the reason you see the concern on face of each of us, it's a big issue, and it's an issue where citizens are on all of the issue, and that's why we are concerned.

City Attorney Hernandez: Right.

Commissioner Anderson: And my concern is too that there's misinformation on both sides, because I've gotten e-mails from people who support it that are mischaracterizing things. So I think we have to go through a process, a city process that takes that subjectivity out of it. I understand what you are saying, I'm not...as far as your interlocal or whatever we all decide to go forward with, but I think there has to be a very clear lineated process, because there is a lot of concern, I have a lot of concerns, and I have a lot of people who expressed support for the school that were characterizing the people who are concerned about the school in a very negative light, and I hate that, I hate misinformation on both sides, whether for or against, I just want a process that's clear.

Mayor Slesnick: And Maria let me say, you all saw some of my early e-mails because at the time I wasn't concerned about Jennings where I took on some misconceptions of people, kind of bluntly, and I have done the same thing with some people that have supported the school that have said things about the neighbors that I just personally take exception to.

Commissioner Cabrera: I want an apartment in Paris in the springtime, but I mean, its just not going to happen, my own sister came to see me this weekend to share with me her thoughts on the matter, and you know, I'm sitting there, I see my knee, and I'm watching the Pacific on HBO, and the last thing I want to do is talk about UBC and Academica, and she was, unfortunately, and I love her dearly, I do, but she didn't have her facts straight; nobody's ever going to have them straight. Unless you come here and you spend five or six hours preparing for this meeting, and then becoming a part of it and speaking to the City Attorney and the Manager and staff, you are not going to know all the facts, and that's just the saddest thing of all, but it is what it is.

City Attorney Hernandez: And based on the facts that we get, and we get constant stream of facts everyday on the issues, you know, one of the most passionate issues that the Commission faces every time we have a neighborhood school issue it is one of the most passionate. We are trying to craft a win-win proposal alternative so that, but everybody has to be a part of the solution. UBC and Academica and the neighborhood, they need to come together. If there is something that they can agree on at least on ninety percent of the stuff to bring something that gives some limited relief to both Academica and the neighborhood that the Commission can say, you know, just like with metal roofs, while you are going through the process we are going to allow "X" with these conditions, whatever they may be, but they need to do that, they need

to bring it forward, other than that we are not trying to skip our process, we are saying you have to go through our process, but they are also up against this timeline, so....

Commissioner Withers: But they still have to go through the DRC if you did that with the interim agreement.

City Attorney Hernandez: Yes, yes. The interim agreement is only meant to be in place while they are going through the entire city process.

Commissioner Withers: But wouldn't they have to get DRC approval before?

City Attorney Hernandez: I would think that they need - you are going to need those comments either formally or informally because we need to present something for the Commission to consider before....

Commissioner Withers: Fire safety and things like that.

City Attorney Hernandez: Yes, everything - absolutely everything. Anyway that's just where we're at.

Commissioner Withers: Thank you.

Commissioner Cabrera: Well, I'm glad I brought this up, gees; Don you wanted to finish at 10:30 a.m. and I didn't want you to break my record.

Mayor Slesnick: I was going to see Paul McCartney's daughter.

Commissioner Cabrera: I know, you still can. Other item that I have is, this is purely for informational purposes for my colleagues. In case you all read the article a few weeks back regarding cycling related issues, I put together a person ad hoc committee to assist me with those kinds of quality of life issues that affect our citizens, the business community, the university, our roads and streets, in case you get someone to reach out to you to tell you they want to be on that committee, this is not something that I am going to be bringing forward to the City Commission for approval because quite frankly, I want to keep it a very small intimate group of people that are very well versed on cycling related issues, and so the committee met and we are well on our way. As we get closer to doing some things, they'll use me as their mouth piece to make some initiatives known to the Commission and to the government of Coral Gables, and hopefully we'll find the funding mechanisms to make it happen. If there's a will there's a way, but obviously I'm going to get behind this, and I'm going to continue to support it until I leave office, and stay tuned they'll be some more things coming our way on this issue, but this group is really neat, and we've got some government people in there as well. We've got the, not the director, the coordinator for the Miami-Dade

County MPO, which addresses bicycle and pedestrian related issues, and his name is David Henderson, and David happens to be a Coral Gables resident. We also have from Commissioner Gimenez' office Rubin Arias, who is a senior member of his staff and also very interested in cycling related initiatives, and a Coral Gables resident, and then along with those two gentlemen we have Colin Worth, who is the actual coordinator for the City of Miami's bicycle program, and a lady named Violet, I believe her last name is Sprool, and she works directly for Mayor Tomas Regalado, and as you all know Mayor Regalado has picked up where Mayor Diaz left off in terms of making cycling a very important part of the City of Miami. So just wanted to let you all know that we are working on that, and that's it for me this morning.

Mayor Slesnick: Did you get that note about from the person who was commenting on the cycling issues around the Coco Plum circle, just came in the last day or so.

Commissioner Cabrera: No, I did not see that.

Mayor Slesnick: I'll try to find it.

Commissioner Cabrera: OK. Did they send you the comment?

Mayor Slesnick: Don't know.

Commissioner Cabrera: Was it sent to all of us?

Mayor Slesnick: See, I don't know that. I'll go back and look.

Commissioner Cabrera: OK. I can tell you that the County is doing a renovation/restoration of that whole area, which will include a pedestrian walkway, a very safe one, and I actually have a timeline for the project, which is kind of neat. I think the project is slated, I thought it was like 18 or 24 months away, but its much closer than that, that's all I know about the Coco Plum. Are we talking about Cartagena Circle?

Mayor Slesnick: Yes.

Commissioner Cabrera: Yes. That's all I know about it, but I'd love to see the comments. I went to an event at the University of Miami where another resident approached me about it, and then that's how I learned that the County was actually taking on this project. I've actually spoken to the County's Public Works professional that is directly responsible for the project. So I'm real excited about that. That will be good.

Mayor Slesnick: Since I mentioned Cartagena Circle, let me just say that the city, for

those of you who live in the area, who transit the area, and are concerned about the old shoes, the symbol of the City Cartagena, the city working, the administration is working diligently piecing together the program to piece together the shoes from collecting of insurance money, from the person who caused the accident to trying to get help and assistance from Cartagena on repairing and/or replacing the shoes, I mean, it's a long and laborious process, but it is being worked on. So I just wanted to make that clear. Bill.

Vice Mayor Kerdyk: I have nothing Mayor.

Commissioner Withers: I just have two quick things. Number one for Liz, where are we with Florida Power and Light? I know we had some, I'm sorry, they were going to come back to a Commission meeting.

City Attorney Hernandez: Well, where we're at with them is that they have agreed with our request that they extend the deadline on the reporting to the administrative law judge, the agency report, and they are working with us through several issues of concern with regard to these power lines. They have also filed at the same time a hardening application, which just coincidentally is the same exact poles, and so what we have advised them is, we need to evaluate it just as we were evaluating and under the transmission lines proposal, they requested a meeting that I'm in the process of trying to coordinate, and at that time hopefully we'll get more information from them on that.

Commissioner Withers: Because Don, I didn't remember seeing anything from the State this year on FPL or anything like that, did you see any legislation?

City Attorney Hernandez: There is some - Chapter 403, there were some amendments that were being proposed that would facilitate alternative routes along the State highways, which obviously would be something that we all would support because we would much rather have, you know those power lines going along the Palmetto and 836 versus the City of Coral Gables.

Commissioner Withers: No, I understand. And then secondly, this is probably for the City Manager's office; I don't know where we are on the Palace, are we any closer to getting a lease signed?- are we ready to maybe just a memo in our box or something like that, that you can send to all of us. I'm just curious to know where we are with that unless someone knows something I don't know. That's basically it, maybe just a memo out to us will help.

City Manager Salerno: I'll be glad to.

Mayor Slesnick: One of the things that I had asked the Manager about is just wanted

to make sure we keep focused on getting back to the sewer connection at West Lab, I'm told by the Manager that, that hopefully that will be coming back soon, and we'll be able to discuss that. Chip, we kept that kind of open ended last time, and before we go off and conclude whatever it is the Manager and City Attorney think we may have left in their minds last time. I was just hoping to have a shot discussion on, I know what your concerns were and I agree one hundred percent that this Commission and that this city should be involved with things that happen in our neighborhoods, but I was hoping and it maybe got lost that we weren't trying to prohibit West Lab from...

Commissioner Withers: No, no, not at all, in fact Liz and I've been conversing quite a bit. One thing I did find out was that the 900 number that I thought I heard the gentleman throw out before, when we went back and looked at the student population of West Lab, the highest its ever been is basically fifty percent of that.

City Attorney Hernandez: Right.

Commissioner Withers: So its down in the 3's now, and from what I understand the intention and we are waiting for formal word from the School Board was that the maximum, their intention would be bring it up to a historical high would have been in the mid 4's, which I think we are all comfortable with. I was just concerned about it getting to three times its size.

City Attorney Hernandez: Yes, and I think that the message that at least my office has been receiving because of the whole lack of notice on even the charter school issue, you know, that the lines of communication between the School Board and the City be more open, that if something is happening that at least the Manager's office, my office be placed on notice so that if we have any life safety issues or issues of concern that can be addressed, and I think we are using that to further refine the lines of communications. So I think it would be back at the next Commission meeting.

Commissioner Withers: Don, I was thinking about this whole Somerset School and West Lab school, and I don't know about you all, but West Lab is always an "A" school, its always 97%-98% percentile in its testing and whatever, and its always been a gem and a desire for residents of Coral Gables, I know when my kids were of the age, we put them on as soon as they were born, we would go and register them. So if we are looking for quality education in Coral Gables, and we are looking to resolve an issue that might affect the neighborhood, the support for the growth of West Lab, and ramping that school up to 200 or 300 more kids than they have, to me would be a very practical solution as far as giving educational opportunities to Coral Gables residents. That's a great school there. So if we can resolve that - I'm not trying to hamper it, I'm fully in favor of moving forward.

Mayor Slesnick: Well thank you.

Commissioner Cabrera: An interesting point that the City Attorney brought up had to do with our relationship with the School Board. I don't think we have one, but I have to tell you years ago it was a campaign issue....

Commissioner Withers: What's that?

Mayor Slesnick: Education.

Commissioner Cabrera: Education - education.

Commissioner Withers: Oh, yes, yes Ralph, you're right.

Commissioner Cabrera: In fact, you know, you were probably the strongest advocate to represent the City Commission at the Miami-Dade County Public School system, but yet you had an opponent that criticized that we weren't doing enough....

Commissioner Withers: Yes.

Commissioner Cabrera:...and back then, I mean, you were leading the charge, you were the city's champion, but the point I'm just trying to make is that today, I don't know about the rest of you, but I don't have a relationship with anyone there, I just don't, whether its been my fault or the fact that they've not reached out much, I don't know where the fault lies, but it's a shame.

Mayor Slesnick: Well, I tell you what, two things; one is talking about public opportunities, which is an answer, as you know a lot of people who support Somerset are telling us that there are very few good public opportunities in the area, and that they are overcrowded, and they can't get in. Well, talk about public opportunities, we do have a need to remind everyone and even us because its easy to forget sometimes, but we did sign an agreement with the School System several years ago, this Commission can be proud of that; we entered into a concord with them, and in many ways it certainly has brought up the rating of Ponce Middle; Ponce Middle is now, I believe, a "B"...

Commissioner Withers: It was an "A" at one point, wasn't it?

Mayor Slesnick: Maybe an "A", I'm not - so don't quote me on that, but I know it's well above where it was, and many things have been done by the School Board to live up to that particular, and at that time we really did have some discussion which we should re-engender, but one of the things promised to us in that agreement was a new Magnate High School, international High School, and the School System has bought the property, owns the property down near the Manza area, Madruga, and it just

doesn't have the money to start the school.

Commissioner Cabrera: Well that's going to juice up that RNA (laughter).

Commissioner Withers: They want to use the park too.

Mayor Slesnick: Its on the far side...

Commissioner Cabrera: Oh, absolutely, the park will be a physical education facility for Miami-Dade County Public School System; you know its already in the works, I heard its going before the Development Review Committee at the April 30th meeting.

Commissioner Withers: Where the tennis courts are going, right.

Commissioner Cabrera: Its part of the Amace project, I think, and it's a water park, I hear they are going to have a water park there too with boat rides up and down the canal.

Mayor Slesnick: The point of this is, the point is I appreciate your comments, all of you, and two things, one is, I really would like to work with the Manager's office to really rev up our discussions about that school, but listen, we know that they are facing budgetary crisis, they probably would like to sell the property now to get the money back, but the fact is this was promised to the citizens of Coral Gables, I think the citizens deserve that, its going to be a small boutique magnate High School specializing in international studies, and it was a great idea, and it still is, and I would like to see them complete that especially before a couple of us leave office. The other thing is that I will personally reach out to Alberto Carvallo who did come and address this, I think when he first took office, and see if he can't come back and say some words to us and let us share with him our desires for more communication. Mr. Kerdyk.

Vice Mayor Kerdyk: Since you were talking about play areas, parks, and everything, just one more quick question or comment regarding our favorite subject, which is the Baptist Church. I understand that one of the things that everybody is talking about is the possible use of the Youth Center, if it gets to the point of moving forward, I understand there may be a deed restriction with regards to the Youth Center's use of that playground, and I need you to research that to see if that is an option at all. I understand the fact that the charter schools don't have to provide playground locations, but let's get that out right now, see if there is a deed restriction in the usage of the Youth Center...

City Attorney Hernandez: I'll pull that, thank you.

Vice Mayor Kerdyk:...that could either be yea or nay, but somebody needs to

research that.

City Attorney Hernandez: Thank you for bringing it up.

Commissioner Cabrera: Can I tell you that in some of the formal communications that I have read...

Vice Mayor Kerdyk: What do you think?

Commissioner Cabrera:...they address it, in that formal communication.

Vice Mayor Kerdyk: They address - Who?- Academica?

Commissioner Cabrera: Yes sir - Academica.

Vice Mayor Kerdyk: They address the fact that they want to use it, or the fact of the deed restriction in there that they don't want to use it?

Commissioner Cabrera: They are not interested in using it.

Vice Mayor Kerdyk: It would be good to know, they might not be interested right now, they might be interested in five years from now. That's good, they've told me the same thing.

Mayor Slesnick: If you all did not think that people watch our show, I've just been reported by a parent, a former parent of Ponce, Mr. Enrique Lopez that Ponce has been an "A" school for four years now.

Commissioner Cabrera: Good.

Vice Mayor Kerdyk: That's awesome.

Commissioner Cabrera: I went there.

Mayor Slesnick: That's probably what the rating is based on.

Commissioner Cabrera: Absolutely, they found out and they put it down to a "D".

Mayor Slesnick: One other subject that I would like to bring up, and I just have two announcements quick ones after that, but the next subject is golf carts at the Biltmore. I raised this subject with the City Manager's office and with the City Attorney's office before. We are in a golf cart crisis situation at the Biltmore Hotel; carts are in bad shape, there are not enough to go around, they run out during the day, the one's that

they send out break down; they have tournaments to put on, they have people, I mean, this is a golf course that if we start to lose patrons will just hurt us down the road, and if we can't function there it hurts us down the road, and it's something that has frustrated me and I think other members of the Commission as to getting this deal done to renew the lease, or to create a lease, or to get a lease for the golf carts. I know that its being worked on by both the City Manager and the City Attorney, and I also through conversation with the City Manager understand that it is in his office and that the current format, he has some concerns with as he has seen it, but he only saw it as of yesterday. I intended to bring forth a motion to grant the City Manager the power and the authority to move forward between now and the next meeting to enter into an agreement in order not to hold it up for two weeks, the Manager has told me he is uncomfortable with that, that he doesn't feel comfortable going forward without us understanding the process more, or the terms more, but I am very troubled. Mr. Manager, I am to the point where I'd be willing to call a Special Session of this Commission for a few minutes to approve it between now and the next time if you are not willing to take our authority to enter into an agreement. I don't want to wait two more weeks to enter into this.

Commissioner Anderson: Isn't this the Biltmore's purview though?- that was my understanding, if I'm not mistaken.

Mayor Slesnick: No, it's our lease that they work through us in order to get the best deal so that we can keep the prices competitive. So anyways Mr. Manager, I really would like to see us finish this before two weeks time and if it requires three of us at least responding to a call to back and approve it, I'll do that.

Commissioner Withers: I support you on that Don. Administratively if the City Manager's office wants to handle it, I have no problem with that.

Vice Mayor Kerdyk: I do too.

Commissioner Cabrera: I'm fine.

City Manager Salerno: Mayor, as I advised you before, its not a question of authority; I think before you, you should have the information necessary to make a decision on that and not delegate it to the Manager and give it to him and his authority, because first of all as you are aware there is no lease, there is no agreement today between the Biltmore and the city that makes, that governs that relationship, and there should be; and just giving and granting the Manager authority to enter into a lease without you knowing what the implications are, I think you should know what the implications are of entering into such an agreement, or what the responsibilities are. If staff is in a position to have that information before the next meeting, we'll be glad to, but I don't think...

Mayor Slesnick: But Mr. Manager, I appreciate - you and I have talked about this and I appreciate the fact that in your attempt to take situations from our past administration that you feel were not handled properly and not handled correctly, and clean them up and make us more responsive to doing business in a purely proper way, I support you, I think you know that, I have - its kind of like why wouldn't I support you?- but Mr. Manager on this case we are talking about golf carts, and I think that this is becoming a cause that's much greater than the issue at hand, and I really would like to see us move forward.

Commissioner Withers: Don, and again let me just ask the City Manager this. I don't know what the deal is that we have with the Biltmore on the golf carts, but what I thought the deal was, it was basically a pass through of revenue between what it cost us and what the Biltmore pays us, and then they make money on whatever they can sell the carts for, for each round. What if the City Manager comes back to us with different terms saying that we now want to charge the Biltmore three or four times, do we - are we concerned with the terms of the deal that we have with the Biltmore?

Mayor Slesnick: I hear you.

Commissioner Withers: You know what I'm saying?

City Attorney Hernandez: Let me just tell you real quickly. The agreement that the city is entering into it's a municipal type deal. If this company was dealing with the Biltmore one-on-one then it would be a totally different deal because its with a private entity, and so then the Biltmore is working with the city in order to take advantage of the benefits that the city receives as a governmental entity. We are not in turn telling the Biltmore pay us, it is what it is - same thing that we are paying at Granada, you know, would be the same thing at the Biltmore.

Commissioner Anderson: So it would be an opportunity for them to take the benefits, the tax benefits of our status of a city.

City Attorney Hernandez: Right.

Commissioner Withers: So its not where we lease and then they lease from us?

City Attorney Hernandez: No, no.

Commissioner Withers: Then I totally misunderstood. It's just a pure pass through.

City Attorney Hernandez: Right and assuming they have liability and guaranteeing the payment of the charges that the city would be responsible for.

Commissioner Withers: Well, not to raise another half-hour discussion topic, but I know its still in the mid-year that we received zero from the golf course operation from the Biltmore. I understand Mr. Prescott's deal with the lease, but the Biltmore operation, the golf course operation is concerning to me.

Vice Mayor Kerdyk: That bothers me too; and I can understand one being one thing, and the other being the other, but that's an issue.

City Manager Salerno: Let me just say this. I don't think the Commission should act on items that you don't have information before you to know the implications of your vote, and that is why when I received the document, I reviewed it last night, Mayor asked me today if there was a way to bring it up, I said I would try, I would hope to. I made a phone call to our outside counsel on the matter, he made me aware of some things that frankly I think the Commission should know before you vote, and its too late after the fact if you authorize me or approve something you haven't even seen, to me that's not the way to do business. Just like the way you didn't have an agreement with the Biltmore for years past that puts the city on the hook for substantial amounts of money, we should have had an agreement, the fact that we didn't, the City Attorney is working with our office to get one in the first place, but we shouldn't be doing business without agreements, and the city shouldn't be absolving taking on liabilities without having them defined and the Commission in full knowledge and agreement that they are willing to take on certain obligations. I don't operate...

Mayor Slesnick: Mr. Manager, I appreciate all that. I can tell you right now though that I have the full trust and confidence in the City Manager's office enter into a golf cart agreement with the Biltmore, and if I didn't I would be seriously questioning your capabilities. I understand your position, and I appreciate that you want to bring more things before the Commission than we've had maybe in the past, but I have the full confidence that you can enter into a capable and competent agreement with the Biltmore, that's why I said I'd be willing to give you that authority. If I didn't have that confidence you should be seriously concerned, but I do have that confidence.

City Manager Salerno: Mayor this is not a matter of confidence, OK, this is a matter of before you give me authority you should know what that means, and that's I think you ought to know what the implication is of giving me that authority, because the city is going to be - have obligations based upon that, and right now I'm not prepared to tell you what those obligations are, and without that you are voting in the blind to give me authority without yourselves knowing what that means. I'm trying to fix something that has been outstanding for years to somehow do a quick authorization or something is...

Mayor Slesnick: Well it hasn't been quick.

City Clerk Item No. 27

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 11:23 am on April 27, 2010. The next regular meeting of the City Commission has been scheduled for May 11, 2010, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK