

# **City of Coral Gables**

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



## **Agenda**

**Tuesday, September 12, 2017**

**9:00 AM**

**Pre-meeting presentations will be held in the  
City Hall Courtyard at 8:30 am.**

**City Hall, Commission Chambers**

### **City Commission**

*Mayor Raul J. Valdes-Fauli  
Vice Mayor Patricia Keon  
Commissioner Vince Lago  
Commissioner Michael Mena  
Commissioner Frank C. Quesada*

*Cathy Swanson-Rivenbark, City Manager  
Craig E. Leen, City Attorney  
Walter J. Foeman, City Clerk*

*Pre-meeting presentations will be held in the City Hall Courtyard at 8:30 am.  
Agenda Items A-1 through A-4.*

**INVOCATION**

*Reverend Katie Lineberger, Wesley Methodist Center, University of Miami*

**PLEDGE OF ALLEGIANCE****A. PRESENTATIONS AND PROTOCOL DOCUMENTS**

- A.-1. [17-6383](#) Congratulations to Officer Robert Wright, recipient of the City of Coral Gables "Officer of the Month Award," for the month of June, 2017.
- A.-2. [17-6524](#) Congratulations to Officer Cristino Perez, recipient of the City of Coral Gables "Officer of the Month Award," for the month of July, 2017.
- A.-3. [17-6494](#) Presentation of 25 year service pin to Sergeant Jose Baez, Police Department.
- A.-4. [17-6495](#) Presentation of 25 year service pin to Acting Major Brian Lawrence, Police Department.

**B. APPROVAL OF MINUTES**

**None**

**C. CONSENT AGENDA**

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

- C.-1. [17-6504](#)** A Resolution confirming the appointment of Rafael Gavarrete to serve as a member of the International Affairs Coordinating Council (Appointed by the Council-at-Large) for a two (2) year term which began on June 1, 2017 through May 31, 2019.
- C.-2. [17-6505](#)** A Resolution confirming the re-appointment of Dr. Patricia Whitely (Vice President of Student Affairs), Sarah Artecona (Assistant Vice President of Government and Community Relations), David Rivero (University Director of Public Safety), Maxwell Detweiler (Inter-fraternity Council President) and Adrian Nunez (President of Student Government) nominated by The University of Miami to serve as members of the City of Coral Gables/University of Miami Community Relations Committee for a two (2) year term, which began on June 1, 2017 and continues through May 31, 2019.
- C.-3. [17-6500](#)** A Resolution confirming the re-appointment of Robert Behar to serve as a member of the Planning and Zoning Board (Appointed by the Board-As-A-Whole) for a two (2) year term, which began on June 1, 2017 through May 31, 2019. (08 09 17 PZB recommended approval; Vote 5-0)
- C.-4. [17-6503](#)** A Resolution accepting the recommendation of the Chief Procurement Officer to authorize negotiations with Kimley-Horn & Associates, Inc., H.W. Lochner, Inc., Kittelson & Associates, Inc., WSP USA, Inc., CH2M HILL Engineers, Inc., and David Plummer & Associates, Inc for continuing contracts for Multimodal Transportation Planning and Engineering Consulting Services, pursuant to Florida Statute 287.055, known as the "Consultants Competitive Negotiation Act" and Request for Qualifications (RFQ) 2017.05.YG.
- C.-5. [17-6489](#)** A Resolution authorizing the City Manager to enter into a nonbinding letter of interest with the Coral Gables Cinemateque, Inc in support of their efforts to seek outside funding in order to expand into the City owned property located at 240 Aragon Avenue, Coral Gables Florida at the expiration of the existing tenant's (Patio & Things) lease by September 1, 2020. (Proposed lease agreement to be presented to applicable boards and City Commission once recommended terms are agreed upon).
- C.-6. [17-6516](#)** A Resolution authorizing Gables Hispanic Cultural Foundation to sell alcoholic beverages from 12:00 pm to 10:00 pm on October 21, 2017 and from 12:00 pm to 8:00 pm on October 22, 2017 at Merrick Park located on Biltmore Way during the Gables Hispanic Cultural Festival, to benefit the Hispanic Cultural Foundation, subject to Florida Department of Professional Regulation requirements.

- C.-7. [17-6526](#) A Resolution authorizing Fritz & Franz Bierhaus to sell alcoholic beverages for the 23rd Annual "Octoberfest" for two weeks at Bierhaus Plaza 60 Merrick Way. Week 1 from 6:00 pm to 10:00 pm on Thursday, October 5, 2017, from 6:00pm to 11:00 pm on Friday, October 6, 2017, from 3:00 pm to 11:00 pm on Saturday, October 7, 2017 and from 2:00 pm to 8:00 pm on Sunday, October 8, 2017. Week 2 from 6:00 pm to 10:00 pm on Thursday, October 12, 2017, from 6:00 pm to 11:00 pm on Friday, October 13, 2017, from 3:00 pm to 11:00 pm on Saturday, October 14, 2017 and from 2:00 pm to 8:00 pm on Sunday, October 15, 2017.

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

- 1.-1. [17-6480](#) Economic Development Board Meeting of August 2, 2017.
- 1.-2. [17-6481](#) Economic Development Board Meeting of August 24, 2017.
- 1.-3. [17-6492](#) Historic Preservation Board Meeting of July 20, 2017.
- 1.-4. [17-6479](#) International Affairs Coordinating Council Meeting of July 18, 2017.
- 1.-5. [17-6482](#) Property Advisory Board Meeting of August 9, 2017.

**D. MAYOR'S COMMENTS**

**E. PERSONAL APPEARANCES**

- E.-1. [17-6498](#) Presentation by Miami-Dade County League of Cities Executive Director Richard Kuper.

**F. PUBLIC HEARINGS**

*All individuals desiring to give testimony shall be sworn in. Presentations made to the City Commission are subject to the City's False Claims Ordinance, Ch. 39 of the City of Coral Gables Code.*

*Anyone who wishes to address the City Commission on an item to be considered for public hearing must fill out a Speaker Card and turn it in to the City Clerk. Speaker Cards can be obtained on the credenza located outside the office of Vice Mayor Keon and Commissioner Mena, during the day of the City Commission Meeting.*

**ORDINANCES ON SECOND READING**

- F.-1. [17-6380](#)** An Ordinance of the City Commission of Coral Gables, Florida, creating Section 2-244, under Article V, Chapter 2, Conflict of Interest and Code of Ethics, of the City of Coral Gables Code, entitled "Honor Code,;" providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date.  
(Sponsored by Mayor Valdes-Fauli)
- F.-2. [17-6317](#)** An Ordinance of the City Commission of Coral Gables, Florida, requesting vacation of a public alleyway pursuant to Zoning Code Article 3, Division 12, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the twenty (20) foot wide alley which is three-hundred (300) feet in length lying between Tracts A and B, and dedication of substitute perpetual access and utility easement in Block 199, Riviera Section Part 14 (1542 South Dixie Highway), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (07 12 17 PZB recommended approval; Vote 6-0)
- F.-3. [17-6341](#)** An Ordinance of the City Commission of Coral Gables, Florida, creating Section 62-101, Chapter 62, Article III, of the City of Coral Gables Code to prohibit excavations on Miracle Mile and Giralda Avenue in the Streetscape area; providing for a repealer provision, severability clause, codification, and providing for an effective date.

**ORDINANCES ON FIRST READING**

- F.-4. [17-6318](#) An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 4, "Zoning Districts," Division 3, "Nonresidential Districts," Section 4-301, "Commercial Limited District" requiring conditional use review for medical clinics located within a Commercial Limited zoning district; providing for repealer provision, severability clause, codification, and providing for an effective date. (07 12 17 PZB recommended approval; Vote 7-0)
- F.-5. [17-6499](#) An Ordinance of the City Commission of Coral Gables, Florida, Identifying the Duties and Powers of Each Member of the City Commission (including the Mayor and Vice Mayor in their roles as Commissioners) and creating Section 2-29 of the Code of the City of Coral Gables entitled "Commissioners; Duties and Powers," establishing the functions, duties, and responsibilities of the Office of Commissioner; providing for a repealer provision, severability clause, codification, and providing for an effective date.  
(Sponsored by Commissioner Lago)
- F.-6. [17-6413](#) An Ordinance Amending Chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions," amending Section 50-26, "Compulsory Participation" to give non-bargaining unit police officers and firefighters hired from outside the City the option to elect to participate in a defined contribution retirement plan, instead of the Coral Gables Retirement System; providing for a repealer provision, severability clause, codification and providing for an effective date.
- F.-7. [17-6522](#) An Ordinance of the City Commission of Coral Gables, Florida, amending Chapter 10 of the City of Coral Gables Code Entitled "Animals" by creating Section 10-4 entitled "Peafowl," providing for severability, repealer, codification, enforceability, and providing for an effective date.  
(Sponsored by Commissioner Lago)

**G. CITY COMMISSION ITEMS**

- G.-1. [17-6476](#) A discussion regarding identifying and pursuing a location for an off-leash dog park in Coral Gables.  
(Sponsored by Commissioner Mena)
- G.-2. [17-6527](#) Discussion regarding regulation of medical marijuana treatment centers prior to second reading of proposed ordinance related thereto.  
(Sponsored by Commissioner Lago)

**H. BOARDS/COMMITTEES ITEMS**

**[Note for the Record: Board Appointments are an Administrative Act not a Legislative Act, therefore, the City Clerk has requested of the Mayor to have a motion made have the City Clerk accept each elected and appointed officials list of appointees].**

**I. CITY MANAGER ITEMS**

- I.-1. [17-6523](#) A Resolution accepting the recommendation of the Public Works Director, upon consultation with the Chief Procurement Officer, to authorize the City Manager and the City Attorney to negotiate and execute a Pre-Construction Services Agreement for the Pre-Construction Phase of the Public Safety Building Project, pursuant to Request for Qualifications (RFQ) 2017.06.YG, in an amount not-to-exceed \$275,000, which will be generally consistent with the terms of the agreement in the attached form, with any modifications the City Manager and City Attorney deem appropriate in the public interest; whereby said approval of a not-to-exceed amount does not indicate a determination of the final contract amount, but rather the City Manager and City Attorney are encouraged to negotiate a lower amount in the best interest of the city and that is fair, competitive, and reasonable.

**J. CITY ATTORNEY ITEMS**

- J.-1. [17-6506](#) Status report regarding invocation of Chapter 164 dispute resolution process between the City of Coral Gables and Miami-Dade County Public Schools.
- J.-2. [17-6496](#) Request for an Executive Session (if any).

**K. CITY CLERK ITEMS**

None

**L. DISCUSSION ITEMS**

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

**M. EXECUTIVE SESSION**

- M.-1. [17-6501](#) Attorney-Client executive session, closed to the public, for purposes of discussing the litigation styled City of Coral Gables v. Instagram LLC and Facebook Miami, Inc., Case No. 17-017450-CA-01. This session may be attended by the following individuals: Mayor Raul Valdes-Fauli, Vice Mayor Patricia Keon, Commissioner Vince Lago, Commissioner Michael Mena, Commissioner Frank Quesada, City Manager Cathy Swanson-Rivenbark, City Attorney Craig Leen, Deputy City Attorney Miriam S. Ramos. A certified Court Reporter will be present to ensure that the session is fully transcribed, and the transcripts will be made available to the public upon the conclusion of the above-stated litigation. At the conclusion of the attorney-client session, the public meeting will be reopened, and termination of the attorney-client session will be announced.

**ADJOURNMENT****NOTE**

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

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

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

*Any person who needs assistance in another language in order to speak during the public hearing or public comment portion of the meeting should contact the City's ADA Coordinator Raquel Elejabarrieta, Esq., Director of Labor Relations and Risk Management (E-mail: [relejabarrieta@coralgables.com](mailto:relejabarrieta@coralgables.com), Telephone: 305-722-8686, TTY/TDD: 305-442-1600), at least three (3) business days before the meeting.*

*Any person with a disability requiring communication assistance (such as a sign language interpreter or other auxiliary aide or service) in order to attend or participate in the meeting should contact the City's ADA Coordinator Raquel Elejabarrieta, Esq., Director of Labor Relations and Risk Management (E-mail : [relejabarrieta@coralgables.com](mailto:relejabarrieta@coralgables.com), Telephone: 305-722-8686, TTY/TDD: 305-442-1600), at least three (3) business days before the meeting.*

**Walter J. Foeman  
City Clerk**