

City of Coral Gables

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



Agenda

Tuesday, October 28, 2014

9:00 AM

City Hall, Commission Chambers

City Commission

*Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Patricia Keon
Commissioner Vince Lago
Commissioner Frank C. Quesada*

*Carmen Olazabal, Interim City Manager
Craig E. Leen, City Attorney
Walter J. Foeman, City Clerk*

INVOCATION

Pastor Jorge Cotto, Central Christian Church of Dade County

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

- A.-1. [14-3471](#) Presentation of a Proclamation declaring October 2014 as "Firefighter Appreciation Month" in Coral Gables.
- A.-2. [14-3475](#) Presentation of a Proclamation declaring November 29, 2014 as "Small Business Saturday" in Coral Gables.

B. APPROVAL OF MINUTES

- B.-1. [14-3481](#) Regular City Commission Meeting of September 11, 2014.

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. [14-3419](#) A Resolution granting a one-day permit to The Buoniconti Fund to Cure Paralysis, Inc., to sell alcoholic beverages on Saturday, January 17, 2015, from 5:00 p.m. to 9:00 p.m. on Ponce de Leon Boulevard (North/South bound lanes between Miracle Mile and Aragon Avenue), adjacent to Hillstone Restaurant in Coral Gables, during the 6th Annual "Block Party" event, subject to Florida Department of Professional Regulation Requirements.
- C.-2. [14-3448](#) A Resolution authorizing the placement of a temporary banner at the First Church of Christ, Scientist, located at 410 Andalusia Avenue, Coral Gables, Florida.
- C.-3. [14-3453](#) A Resolution authorizing encroachments into the public right-of-way, consisting of the installation of a steel canopy with aluminum and wood trim, that extends approximately one foot and nine inches (1'9") beyond the property line, at an elevation of nine feet (9') and for a length of eighteen feet and ten inches (18'10") above the sidewalk, adjacent to 2418 Ponce de Leon Boulevard, Coral Gables, Florida.
- C.-4. [14-3469](#) A Resolution authorizing the waiver of the cost of parking fees in the City's public garages and the use of a City Trolley on November 29, 2014 for the "2014 Small Business Saturday", from 9:00 a.m. to 5:00 p.m.

- C.-5. [14-3459](#) A Resolution authorizing expenditures in the amount of \$1,500 from previously encumbered State Forfeited Asset Fund (F.A.F.) monies, to support the 2014-2015 operations of the "Do The Right Thing" program, conducted by the Coral Gables Police Department Youth Resource Unit.
- C.-6. [14-3460](#) A Resolution authorizing expenditures in the amount of \$3,550 from previously encumbered State Forfeited Asset Fund (F.A.F.) monies, to support the 2014-2015 operations of the "Coral Gables Police Explorer Post #594" program, conducted by the Coral Gables Police Department Youth Resource Unit.
- C.-7. [14-3461](#) A Resolution authorizing expenditures in the amount of \$5,250 from previously encumbered State Forfeited Asset Fund (F.A.F.) monies, to support the 2014-2015 operations of the "Drug Abuse Resistance Education (D.A.R.E.)" program, conducted by the Coral Gables Police Department Youth Resource Unit.
- C.-8. [14-3462](#) A Resolution authorizing expenditures in the amount of \$8,719 from State Forfeited Asset Fund (F.A.F.) monies, to acquire the "Police Officer Scheduling System (POSS) and Personnel Audio Response System (PARS)" software.
- C.-9. [14-3463](#) A Resolution authorizing expenditures in the amount of \$22,000 from previously encumbered State Forfeited Asset Fund (F.A.F.) monies to support the 2014-2015 operations of the "Coral Gables Police Athletic League (P.A.L.)" program, conducted by the Coral Gables Police Department Youth Resource Unit.
- C.-10. [14-3464](#) A Resolution authorizing an encumbrance in the amount of \$26,455 or 15 percent of the State Forfeited Asset Fund (F.A.F.) monies received in the 2013-2014 Fiscal Year, to provide for the support and operation of "School Resource Officer, Crime Prevention, Safe Neighborhood and Drug Abuse Education and Prevention" programs, as required under the Florida Contraband Forfeiture Act.
- C.-11. [14-3465](#) A Resolution authorizing expenditures in the amount of \$36,170 from Federal Forfeited Asset Fund (F.A.F.) monies, for the acquisition of Law Enforcement Equipment; the "VeriPic Digital Evidence Manager and Associated Hardware," for utilization by the Coral Gables Police Department.
- C.-12. [14-3466](#) A Resolution authorizing expenditures in the amount of \$47,610 from State Forfeited Asset Fund (F.A.F.) monies, to support the 2014-2015 operations of the Coral Gables "Citizens Crime Watch."
- C.-13. [14-3467](#) A Resolution authorizing expenditures in the amount of \$76,370 from Federal Forfeited Asset Fund (F.A.F.) monies for the acquisition of law enforcement equipment: two "Automated License Plate Recognition" (ALPR) trailers, for utilization by the Coral Gables Police Department.

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

- C.-14. [14-3449](#) Senior Citizens Advisory Board Meeting of September 8, 2014
- C.-15. [14-3450](#) City of Coral Gables/University of Miami Community Relations Meeting of October 6, 2014
- C.-16. [14-3454](#) Coral Gables Merrick House Governing Board Meeting of September 8, 2014
- C.-17. [14-3455](#) Historic Preservation Board Meeting of September 18, 2014
- C.-18. [14-3456](#) Pinewood Cemetery Advisory Board Meeting of July 21, 2014
- C.-19. [14-3458](#) Disability Affairs Board Meeting of September 3, 2014
- C.-20. [14-3470](#) Retirement Board Meeting of September 18, 2014

D. PERSONAL APPEARANCES

- D.-1. [14-3407](#) Presentation of the "Florida Guardian Ad Litem" program by Volunteer Recruiters Michael Brennan and Victoria Harris. (Deferred from the October 14, 2014 Meeting).
- D.-2. [14-3440](#) Ed Macie, U.S.D.A. Urban Forestry Regional Director, to speak about the agency's initiatives.
- D.-3. [14-3480](#) Representatives of Miss Universe Pageant to talk about the pageant that is coming to South Florida.

E. PUBLIC HEARINGS

All Individuals desiring to give testimony shall be sworn in.

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 the Mayor, during the day of the City Commission Meeting.

APPEAL

- E.-1. [14-3439](#) Appeal of Tree Permits for 1011 and 1015 Lisbon Street; and appeal of Board of Architects' decision on 1015 Lisbon Street.

ORDINANCES ON FIRST READING

- E.-2. [14-3437](#) An Ordinance of the City Commission of Coral Gables, Florida, amending the Code of the City of Coral Gables, Florida, by creating Sections 34-175 through 34-186 of the City Code, "Forfeiture of Abandoned Real Property" of Chapter 34 "Nuisances," to create a process by which the city can take and perfect right, title and interest in and to such properties which are or remain in violation of the City Code or Zoning Code; and providing for a repealer provision, severability clause, codification, and providing for an effective date. (Continued from the October 14, 2014 City Commission Meeting).

Items E.-3. and E.-4. are related

- E.-3. [14-3441](#) Change of Zoning. An Ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", from Multi-Family 2 District (MF2) to Commercial District (C) for the property legally described as Lots 6 and 7, Block 26, Douglas section, Coral Gables, Florida; and providing for a repealer provision, severability clause, and providing for an effective date.
- E.-4. [14-3442](#) Conditional Use Site Plan review. An Ordinance of the City Commission of Coral Gables, Florida requesting conditional use site plan review pursuant to Zoning Code Article 3, "Development Review", Division 4, "Conditional Uses", and Article 5, "Development Standards", Division 1, "Accessory Uses", Section 5-115, "Drive-throughs, walk-up windows, and automatic teller machines (ATM)", for a drive-through bank facility on property designated Commercial District (C) adjacent to a Multi-Family 2 District (MF2) zoned district, and legally described as Lots 6-10, Block 26, Douglas Section (1200 Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; and providing for a repealer provision, severability clause, and providing for an effective date.

Itemd E.-5. and E.-6. are related

- E.-5.** [14-3443](#) Change of Land Use. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan, pursuant to Zoning Code Article 3, "Development Review", Division 15, "Comprehensive Plan Text and Map Amendments", and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from "Residential Multi-Family Medium Density", to "Commercial Mid-Rise Intensity", for the property legally described as Lots 11-16, Block 203, Riviera Section Part 14 (1500 Venera Avenue), Coral Gables, Florida; and, providing for repealer provision, severability clause, and providing for an effective date.
- E.-6.** [14-3444](#) Change of Zoning. An Ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", from Multi-Family 2 District (MF2) to Commercial District (C), for the property legally described as Lots 11-16, Block 203, Riviera Section Part 14 (1500 Venera Avenue), Coral Gables, Florida; and providing for repealer provision, severability clause, and providing for an effective date.

Items E.-7. and E.-8. are related

- E.-7.** [14-3445](#) Zoning Code Amendment. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code: amending Article 8, "Definitions", by providing definitions related to medical marijuana uses; amending Article 4, "Zoning Districts", to restrict the location of medical marijuana uses; amending Article 5 "Development Standards", by providing development standards for medical marijuana uses; affirming that the City will only approve uses that are legal under federal and state law; and providing for repealer provision, severability clause, and providing for an effective date.
- E.-8.** [14-3446](#) City Code Amendment. An Ordinance of the City of Coral Gables, Florida, providing for text amendment to the City of Coral Gables Official Code of Ordinances: amending Chapter 14, "Businesses", by creating Article V. "Marijuana Sales", to provide regulations, restrictions and procedures for the operation of Medical Marijuana Retail Centers; amending Section 38-6, to prohibit the public consumption of marijuana; affirming that the City will only approve uses that are legal under Federal and State Law; and providing for repealer provision, severability clause, and providing for an effective date.

RESOLUTION

- E.-9. [14-3447](#) A Resolution of the City Commission of Coral Gables, Florida, approving a waiver for the utilization of thirty-six (36) remote off-street parking spaces for the building located at 201 Sevilla Avenue, which is located outside of the Central Business District (CBD), pursuant to Zoning Code Article 5, "Development Standards", Division 14, "Parking, Loading and Driveway Requirements", Section 5-1408, "Common driveways and remote off-street parking"; providing for an effective date.

F. CITY COMMISSION ITEMS

- F.-1. [14-3473](#) Discussion regarding the Kerdyk Tennis Center cost breakdown.
Commissioner Keon

G. BOARDS/COMMITTEES ITEMS

- G.-1. [14-3472](#) A Resolution accepting the recommendation of the Cultural Development Board to appoint Jill Johnson Deupi to serve as a member of the Arts Advisory Panel, for the remainder of a two (2) year term, which began on June 1, 2013 and continues through May 31, 2015.

H. CITY MANAGER ITEMS

- H.-1. [14-3404](#) A Resolution approving the implementation of a Residential Sidewalk Restoration Program. (Continued from the October 14, 2014 City Commission Meeting).
- H.-2. [14-3452](#) Discussion and/or possible action regarding a Trash Pit Mitigation Program.
- H.-3. [14-3474](#) A Resolution in accordance with Section 2-26 of the City Code, entitled "Regular Meetings, Special Meetings", setting forth the meeting dates through May 2015 as follows: Tuesday, January 13, 2015; Tuesday, January 27, 2015; Tuesday, February 10, 2015; Tuesday, February 24, 2015; Tuesday, March 10, 2015; Tuesday, March 24, 2015; Tuesday, April 28, 2015; Tuesday, May 12, 2015; and Tuesday, May 26, 2015.

I. CITY ATTORNEY ITEMS

None

J. CITY CLERK ITEMS

None

K. DISCUSSION ITEMS

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

L. EXECUTIVE SESSIONS

- L.-1. [14-3476](#) Attorney-Client executive session, closed to the public pursuant to section 286.011(8) of the Florida Statutes, for purposes of discussing settlement negotiations and strategy relating to litigation expenditures in the matter pending in the Eleventh Judicial Circuit entitled Alhambra Center International, LTD v. City of Coral Gables, Case No. 14-347-AP (Fla. 11th Jud. Cir., Appellate Div.). This session may be attended by the following individuals: Mayor Jim Cason, Commissioner Patricia Keon, Vice Mayor William H. Kerdyk, Commissioner Vince Lago, Commissioner Frank C. Quesada, Interim City Manager Carmen Olazabal, City Attorney Craig Leen, Deputy City Attorney Bridgette Thornton, Assistant City Attorney Yaneris Figueroa, Special Counsel Heather Encinosa, and Special Counsel Jolinda Herring. 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 City Commission meeting will be reopened and the person chairing the Commission meeting will announce the termination of the Attorney-Client session.
- L.-2. [14-3477](#) Attorney-Client executive session, closed to the public pursuant to section 286.011(8) of the Florida Statutes, for purposes of discussing settlement negotiations and strategy relating to litigation expenditures in the matter pending in the Eleventh Judicial Circuit entitled Navarro v. City of Coral Gables, Case No. 13-15577-CA (Fla. 11th Jud. Cir.). This session may be attended by the following individuals: Mayor Jim Cason, Commissioner Patricia Keon, Vice Mayor William H. Kerdyk, Commissioner Vince Lago, Commissioner Frank C. Quesada, Interim City Manager Carmen Olazabal, City Attorney Craig Leen, Deputy City Attorney Bridgette Thornton, Assistant City Attorney Yaneris Figueroa, and Special Counsel Cary Lubetsky. 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 City Commission meeting will be reopened and the person chairing the Commission meeting will announce the termination of the Attorney-Client session.

ADJOURNMENT

NOTE

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

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

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

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

**Walter J. Foeman
City Clerk**