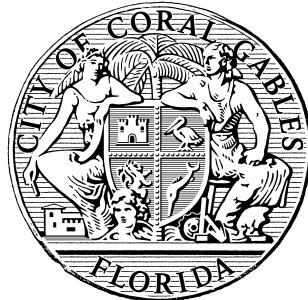


# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, October 27, 2009**

**9:00 AM**

**REVISED - INVOCATION, C-8 & C-9**

**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**

Reverend Mary Beth Conroy from St. Philip's Episcopal Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

City Attorney Elizabeth Hernandez 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. 2009-296 through Resolution No. 2009-310); (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. 09-0736** Presentation of a Proclamation declaring October 27, 2009 as Sharon Greaux Day in Coral Gables

[Note for the Record: Mayor Slesnick prefaced his remarks by stating that it is during the Presentations and Proclamations section of the agenda, that the City initially devote time toward paying homage to our "Coral Gables Family", namely our employees and citizens; further requesting of Commissioner Withers to read into the public record the prepared proclamation proclaiming October 27th, 2009 as "Sharon Greaux Day;" whereby Commissioner Withers stated that he wanted to recognize Sharon as one of his favorites; further pointing out that she has been one of the few folks around City Hall who gets things done and who works tirelessly in furtherance of the public good. Further acknowledging that on behalf of himself, along with the members of the City Commission and our residents, that he also wanted to extend an expression of gratitude to her for the dedication and hard work rendered, and her display of love that she has shown toward the City of Coral Gables; further suggesting that she place said proclamation on her wall.

Ms. Greaux, in accepting said accolade, stated that it has been a wonderful quarter of a century, and a privilege to have worked in the City; also thanking City Attorney Liz Hernandez for the opportunity to have worked with her for approximately 15 years; further thanking Zilma Osle, Assistant City Attorney Lourdes Alfonsin and recently hired employee Susan Franqui; also thanking City Clerk Walter Foeman for preparation of this wonderful proclamation; further thanking Virginia Paul, whom she

described as a wonderful City Clerk, who prided herself on the public record and the accuracy of same; and her mentor, the late Robert Zahner, Esquire (former City Attorney) who encouraged her to pursue her studies in the legal field; in acknowledging the City staff, she stated that she hope that she has never let them down, adding that they made her job so much easier; further recognizing her pride and joy, namely her son Phil and her daughter-in-law; further adding that she will never leave Coral Gables.

City Attorney Hernandez stated that when she began her tenure in the City of Coral Gables, that she had never worked for the public sector realm, only in the private sector; further adding that Sharon welcomed her graciously; further adding that she has been a great team player; further stating that the City Commission has always encouraged her to go after the big issues; further pointing out that Sharon has been an integral part in ensuring that Coral Gables has always taken the lead toward passage of some of the best legislation in this state; further thanking her for involvement with same].

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

City Clerk Item No. 1

**A.-2. 09-0731**

Presentation of a Proclamation declaring October 2009 as Americans with Disabilities Month in Coral Gables

[Note for the Record: Mayor Slesnick invited Commissioner Cabrera to read the proclamation into the public record declaring October 2009 as "Americans With Disabilities Month" in Coral Gables; further stating that Mayor Slesnick probably had asked him to read this particular proclamation into the public record because he knows that his dad is disabled; further inviting the members of the Disability Affairs Advisory Board to the dais, whereupon following the reading of said proclamation, Disability Affairs Advisory Board Chairperson Linda Scarcell thanked the City Commission for this honor; fellow board members Sandy Mannis further pointed out that the City of Coral Gables did not wait for the ADA legislation before it began addressing those challenges confronting them; further stating that for over 3 decades, the City has been doing things out of its own heart; further thanking the City Commission for the support that her board has received.

Commissioner Cabrera further informed the public of the recent renovation (i.e. handicapped access ramp) in the courtyard leading to the employee only entrance of City Hall; further mentioning that each Commissioner has been asked to try riding in a wheelchair up the entrance ramp to City Hall to envision some of the challenges confronted by our disabled community; further reiterating his sincere thanks to the women of the Disability Affairs Advisory Board, before proceeding with a photo opportunity].

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

City Clerk Item No. 2

**A.-3. 09-0732**

Presentation of a Proclamation declaring October 2009 as Firefighter Appreciation Month in Coral Gables

[Note for the Record: Mayor Slesnick requested of Commissioner Anderson to read into the public record the prepared proclamation declaring October 2009 as "Firefighter Appreciation Month," whereby Commissioner Anderson stated that it was an honor and a privilege to present this proclamation in further recognition of Firefighter Appreciation Month.

Fire Chief Walter Reed thanked the City Commission for taking time out to recognize the efforts made by our firefighters, as well as the Muscular Dystrophy Association (MDA) for recognizing the efforts put forth by our City's firefighters; further acknowledging the Chairman for MDA, namely Charles Brannock (Driver/Engineer), who thanked the City very much for said honor; further stating that through its "Boot Campaign" for muscular dystrophy, that it had collected less money this year than in the preceding year; further acknowledging the tough economic times that we are in; further expressing appreciation for those things that the City of Coral Gables citizens do for their Fire Department as well; whereupon the representatives from the Coral Gables Fire Department joined the Commission in a photo opportunity].

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

City Clerk Item No. 3

**A.-4. 09-0733**

Presentation of a Proclamation declaring October 28, 2009 as Coral Gables: Playful City USA Day

[Note for the Record: Mayor Slesnick prefaced his remarks by stating that the designation of the City of Coral Gables as a "Playful City" is a unique honor, a nationwide recognition that is awarded to only a few cities, and only a handful in the State of Florida; further recalling that during the consideration of the proposed FY 2010 Budget, there was a comment made that when it was announced that Coral Gables was named one of the cities receiving Playful Cities USA designation, that we were chastised for not worrying about the more important things; adding that in his opinion said statement represented a small minded comment; further citing an article from the New York Times, wherein statistical support was given for the direct correlation between exercise and positive health benefits, noting that 4.5 million children have an attention deficit hyperactivity disorder; further pointing out that one hour of vigorous play daily will yield positive health benefits; further stressing that exercise is very important, as it pertains to our kids.

At the request of the Mayor, Parks and Recreational Director Fred Couceyro displayed a sign from Kaboom entitled "Playful City USA;" further requesting of the City Manager to join the Commission in a photo opportunity].

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

City Clerk Item No. 4

**A.-5. 09-0734**

Presentation of a Proclamation declaring November 14, 2009 as Alzheimer's Day in Coral Gables

[Note for the Record: Mayor Slesnick requested of Vice Mayor Kerdyk to present and read into the public record the proclamation declaring November 21, 2009, as "Alzheimer's Day in Coral Gables." Vice Mayor Kerdyk stated that there have been some significant enhancements being made in connection with Alzheimer's Disease, referencing one event, the Miami Dade Memory Walk; to take place again for the second straight year in Coral Gables and how one can contribute toward ending this disease; further inviting Mr. Enrique Pineiro from the Alzheimer's Association (Southeast Florida Chapter) to join him on the dais regarding the upcoming event, scheduled for November 14th, 2009; further stating that his organization is looking forward to doing its part to end said disease; whereby Mr. Pineiro stated that he was excited about having the Miami-Dade Alzheimer's City Challenge this year, for the second straight year in Coral Gables, noting that last year, there were over 1,000 people participating, and walking the streets of Coral Gables.

Mayor Slesnick stated that he has received a letter of invitation from Mayor Ferreri from the City of Greenacres, to participate in the "Mayoral Challenge" and join other participating employees from other municipalities in Miami-Dade County to come out and defeat Pinecrest Mayor Cindy Lerner during said walk; further noting that the highest percentage of participants from each City will receive a plaque that they will be entitled to hold for 1 year.

Mayor Slesnick noted that it is important to recognize activities, people and events].

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

City Clerk Item No. 5

A.-6. 09-0735 Presentation/Update by Bill Johnson, Port of Miami Director

**Attachments:** [Bill Johnson Cover Memo](#)  
[Bill Johnson Article](#)

[Note for the Record: Port of Miami Director Bill Johnson provided the City Commission with an update on the activities occurring at the Port of Miami; further stating that the Port is the second largest generator for jobs and wealth to our community, thereby generating between \$17 and \$18 billion per year; further noting that the highest paying jobs are in the maritime industry; further noting that Fiscal Year 2009 ended with there being only a slight dip of 2 percent occurring in the cargo sector; wherein most ports across the country are experiencing a dip within a range of approximately 19 to 45 percent; further stating that during the last 10 months, the Port of Miami has not lost a single cargo account; further stating that on the cruise side, the Port of Miami has the largest cruise port; experiencing between five and nine percent growth; further stating that during last fiscal year our rate of growth was flat, with just over 5 million passengers; further pointing out that the Port of Miami, following dredging to a depth of 50 feet, will become only one of three ports in the United States with this depth, thus making it available for expansion into future years, thereby doubling the cargo capacity of the Port of Miami; further informing the Commission that the Port will finish a billion dollar tunnel connecting the tunnel to the Port System, thereby providing for future growth; further stating that the port is also focused on customer service and that it can administratively do the work.

Mayor Slesnick queried Mr. Johnson regarding the availability for community wide tours at said facility, whereby Mr. Johnson stated that the Port of Miami is also the top port in the United States for access and security; Mayor Slesnick further invited Mr. Johnson to do a table top exhibit during our Farmers Market Event].

**This Resolution was Presented and Filed**

City Clerk Item No. 6

**B. APPROVAL OF MINUTES**

**B.-1. 09-0755** Regular City Commission Meeting of October 13, 2009.

**Attachments:** [Verbatim Transcript - Agenda Item E-1 - Ordinance amending Country Club.pdf](#)  
[Verbatim Transcript - Non-Agenda Item 1a - City Attorney.pdf](#)  
[Verbatim Transcript - Non-Agenda Item 1b- City Attorney.pdf](#)  
[Verbatim Transcript - Agenda Item D-2 - Coral Gables Courthouse.pdf](#)  
[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:

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

City Clerk Item No. 7

**C. CONSENT AGENDA**

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

**Passed the Consent Agenda**

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

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

**RESOLUTION NO. 2009-296****C.-1. 09-0697**

Resolution approving a Memorandum of Understanding between the City of Coral Gables and the Miami Dade Broadband Coalition for the City to participate as a member to implement a broadband network initiative for South Florida.

**Attachments:** [mouMDBCfacsimile.pdf](#)  
[Broadband\\_Coaliton\\_Charter\\_Statement-020209.pdf](#)  
[RESOLUTIONNOR-2009-XX v02.doc](#)  
[C-1 Signed Cover Memo](#)

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CORAL GABLES AND THE MIAMI DADE BROADBAND COALITION FOR THE CITY TO PARTICIPATE AS A MEMBER TO IMPLEMENT A BROADBAND NETWORK INITIATIVE FOR SOUTH FLORIDA.

**This Matter was adopted by Resolution Number 2009-296 on the Consent Agenda.**

City Clerk Item No. 8

**RESOLUTION NO. 2009-297**

**C.-2. 09-0713** Resolution appointing Sergio Artigues (nominated by Board-As-A-Whole), to serve as a member of the Coral Gables Board of Adjustment, for a two (2) year term, beginning June 1, 2009 through May 31, 2011.

**Attachments:** [Cover Memo 10-27-09](#)  
[Resolution 10-27-09](#)  
[C-2 Signed Cover Memo](#)

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF SERGIO ARTIGUES, BOARD-AS-A-WHOLE APPOINTMENT, TO SERVE AS A MEMBER OF THE BOARD OF ADJUSTMENT, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-297 on the Consent Agenda.**

City Clerk Item No. 9

**RESOLUTION NO. 2009-298**

**C.-3. 09-0716** Resolution confirming the reappointment of Dr. Manuel Seage (Board-As-A-Whole) by the Parks and Recreation Advisory Board, to serve as a member of said Advisory Board, for a two (2) year term, beginning June 1, 2009 through May 31, 2011.

**Attachments:** [Cover Memo for Resolution Manuel Seage as Board as a Whole Mbr \(3\).pdf](#)  
[Resolution for Manuel Seage.pdf](#)  
[C-3 Signed Cover Memo](#)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DR. MANUEL SEAGE (BOARD-AS-A-WHOLE APPOINTMENT) TO SERVE AS A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-298 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2009-299****C.-4. 09-0745**

Resolution appointing Marilyn Bruno (nominated by Commissioner Anderson) to serve as a member of the Senior Citizens Advisory Board, for a two (2) year term, beginning June 1, 2009 through May 31, 2011.

**Attachments:** [Marilyn Bruno - Senior Citizens Advisory Board](#)  
[R-2009- Resolution - Marilyn Bruno - Senior Citizens Advisory Board](#)  
[C-4 Signed Cover Memo](#)

A RESOLUTION APPOINTING MARILYN BRUNO (NOMINATED BY COMMISSIONER ANDERSON), TO SERVE AS A MEMBER OF THE SENIOR CITIZENS ADVISORY BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-299 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2009-300****C.-5. 09-0692**

Resolution accepting the recommendation of the Cultural Development Board to approve appointments to the Arts Advisory Panel for a term to run concurrently with the Cultural Development Board appointments to therefore expire in May 2011.

**Attachments:** [08 CDB Minutes EXCERPT re APP AUGUST 19 2009](#)  
[Res. appointing Arts Advisory Panel 2009](#)  
[08b Commission cover Appointment of Arts Advisory Panel](#)  
[C-5 Signed Cover Memo](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CULTURAL DEVELOPMENT BOARD TO APPROVE APPOINTMENTS TO THE ARTS ADVISORY PANEL FOR A TERM TO RUN CONCURRENTLY WITH THE CULTURAL DEVELOPMENT BOARD APPOINTMENTS, WHICH WILL EXPIRE MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-300 on the Consent Agenda.**

City Clerk Item No. 12

**RESOLUTION NO. 2009-301****C.-6. 09-0725**

Resolution accepting the recommendation of the Chief Procurement Officer to award the Old Cutler Road Force Main Replacement-Phase IV Project to R&G Engineering, Inc. pursuant to Section 2-828 of the Procurement Code and Invitation for Bid (IFB) 2009.09.10, in the amount of \$368,908.75 (three hundred sixty-eight thousand nine hundred eight dollars and seventy-five cents); further authorizing an appropriation of funds for this project.

**Attachments:**

[Bid Response](#)  
[Hazen and Sawyer Recommendation](#)  
[Tabulation Sheet](#)  
[Draft Reso](#)  
[Agenda](#)  
[Old Cutler Force Main Replacement Cover Memo](#)  
[C-6 Signed Cover Memo](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO AWARD THE OLD CUTLER ROAD FORCE MAIN REPLACEMENT - PHASE IV PROJECT TO R&G ENGINEERING, INC. PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE AND INVITATION FOR BID (IFB) 2009.09.10 IN THE AMOUNT OF \$368,908.75 (THREE HUNDRED SIXTY-EIGHT THOUSAND NINE HUNDRED EIGHT DOLLARS AND SEVENTY-FIVE CENTS); FURTHER AUTHORIZING AN APPROPRIATION OF FUNDS FOR THIS PROJECT.

**This Matter was adopted by Resolution Number 2009-301 on the Consent Agenda.**

City Clerk Item No. 13

**RESOLUTION NO. 2009-302****C.-7. 09-0718**

Resolution authorizing granting an easement to Florida Power and Light Company for overhead and underground electrical facilities for the Coral Gables Museum at 285 Aragon Avenue, Coral Gables, Florida.

**Attachments:**

[FPL back-ups](#)  
[FPL Easement Resolution](#)  
[FPL Easement Resolution](#)  
[C-7 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING GRANTING OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR OVERHEAD AND UNDERGROUND ELECTRICAL FACILITIES FOR THE CORAL GABLES MUSEUM, AT 285 ARAGON AVENUE, CORAL GABLES, FLORIDA.

**This Matter was adopted by Resolution Number 2009-302 on the Consent Agenda.**

City Clerk Item No. 14

**RESOLUTION NO. 2009-303****C.-10. 09-0721**

Resolution authorizing the execution of a Joint Participation Agreement between Miami-Dade County and the City of Coral Gables for disbursement of Road Impact Fee funds in the amount of \$1,490,000.00 to the City, for the construction of roadway capacity improvements and a raised landscaped median on Ponce de Leon Boulevard from Alcazar Avenue to Salamanca Avenue.

**Attachments:** [AGREEMENTimpactfeesPonce2009](#)

[Plummer JPA](#)

[Ponce JPA Resolution](#)

[C-10 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES FOR DISBURSEMENT OF ROAD IMPACT FEE FUNDS IN THE AMOUNT OF \$1,490,000.00 TO THE CITY FOR THE CONSTRUCTION OF ROADWAY CAPACITY IMPROVEMENTS AND A RAISED LANDSCAPE MEDIAN ON PONCE DE LEON BOULEVARD FROM ALCAZAR AVENUE TO SALAMANCA AVENUE.

**This Matter was adopted by Resolution Number 2009-303 on the Consent Agenda.**

City Clerk Item No. 15

**RESOLUTION NO. 2009-304****C.-11. 09-0707**

Resolution rescinding Resolution No. 2008-08 regarding trolley fleet maintenance services.

**Attachments:** [2008-08 trolley](#)

[2003-193 trolley](#)

[Trolley Maintenance Resolution](#)

[C-11 Signed Cover Memo](#)

A RESOLUTION RESCINDING RESOLUTION NO. 2008-08 IN CONNECTION WITH TROLLEY FLEET MAINTENANCE SERVICES.

**This Matter was adopted by Resolution Number 2009-304 on the Consent Agenda.**

City Clerk Item No. 16

**RESOLUTION NO. 2009-305****C.-12. 09-0737**

Resolution granting permission to the Coral Gables Firefighter's Benevolent Association to sell Christmas trees, install a temporary chain link fence, and use an inflatable Santa Claus as a display at 5501 Granada Boulevard, the Coral Gables Baptist Church property, from November 22 through December 24, 2009.

**Attachments:** [Firefighters Christmas Trees Resolution](#)  
[Firefighters Insurance Certificates](#)  
[Letters from Firefighters Benevolent Assoc.](#)  
[Lease Agreement FF](#)  
[Survey](#)  
[C-12 Cover Memo](#)  
[C-12 Signed Cover Memo](#)

A RESOLUTION GRANTING PERMISSION TO THE CORAL GABLES FIREFIGHTERS' BENEVOLENT ASSOCIATION TO SELL CHRISTMAS TREES, INSTALL A TEMPORARY CHAIN LINK FENCE, AND USE AN INFLATABLE SANTA CLAUS AS A DISPLAY AT 5501 GRANADA BOULEVARD, THE CORAL GABLES BAPTIST CHURCH PROPERTY, FROM NOVEMBER 22 THROUGH DECEMBER 24, 2009.

**This Matter was adopted by Resolution Number 2009-305 on the Consent Agenda.**

City Clerk Item No. 17

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

**C.-13. 09-0712**

International Affairs Coordinating Council Meeting of September 15, 2009

**Attachments:** [Microsoft Word - IACC AGENDA 9-15-09](#)  
[Microsoft Word - IACC Minutes 09-15-09](#)

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

City Clerk Item No. 18

**C.-14. 09-0714**

Parks and Recreation Youth Advisory Board Meeting of October 6, 2009

**Attachments:** [Cover Memo YAB 10-6-09.pdf](#)  
[Min 10-6-2009.pdf](#)

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

City Clerk Item No. 19

C.-15. 09-0715 Senior Citizens Advisory Board Meeting of October 5, 2009

**Attachments:** [Cover Sheet.Minutes 10-05-09.pdf](#)  
[Min 10-05-2009 draft.pdf](#)

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

City Clerk Item No. 20

C.-16. 09-0717 Parks and Recreation Advisory Board Meeting of September 18, 2009

**Attachments:** [Cover Sheet.Minutes 09-18-09.pdf](#)  
[Min 09-18-09.draft.pdf](#)

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

City Clerk Item No. 21

C.-18. 09-0723 Coral Gables Advisory Board on Disability Affairs Meeting of September 2, 2009

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

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

City Clerk Item No. 22

C.-19. 09-0724 Library Advisory Board Meeting of October 14, 2009

**Attachments:** [LB Cover Sheet 10-14-09](#)  
[Library Minutes 10-14-09](#)  
[LAB Annual Report 2009](#)

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

City Clerk Item No. 23

C.-20. 09-0727 Pinewood Cemetery Advisory Board Meeting of September 21, 2009

**Attachments:** [Pinewood Minutes Sep 21, 2009](#)  
[NoAction09-21.09CCMtgNoAction11.17.09](#)

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

City Clerk Item No. 24

C.-21. 09-0729 Historic Preservation Board Meeting of September 15, 2009

**Attachments:** [NoAction09.15.09.MinutesforCC010.27.09](#)  
[HPB Minutes September 15, 2009](#)

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

City Clerk Item No. 25

C.-22. 09-0730 Coral Gables Merrick House Governing Board Meeting of September 14, 2009

**Attachments:** [Merrick House September 14 2009](#)  
[CGMNoAction-09.14.09MinutesforCC11.17.09](#)

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

City Clerk Item No. 26

C.-23. 09-0739 Retirement Board Meeting of September 10, 2009

**Attachments:** [CC.10-27-2009.September 10, 2009](#)  
[Executive Summary.09-10-2009](#)  
[Minutes.09-10-09](#)

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

City Clerk Item No. 27

C.-24. 09-0742 Parking Advisory Board Meeting of August 27, 2009

**Attachments:** [pab minutes 08-27-09](#)  
[cover pab 08-27-09](#)

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

City Clerk Item No. 28

C.-25. 09-0744 Code Enforcement Board Meeting of October 19, 2009

**Attachments:** [ROLLCALL OCT 2009](#)  
[oct 19 2009](#)  
[memo cover oct 09](#)

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

City Clerk Item No. 29

**Pulled from Consent Agenda**

C.-17. 09-0722      Property Advisory Board Meeting of September 16, 2009

**Attachments:** [Property Advisory Board Cover](#)  
[Property Advisory Board Minutes](#)

[Note for the Record: Commissioner Cabrera informed his colleagues that he had pulled Agenda Item C-17 (minutes of the Property Advisory Board from September 16, 2009), because of certain comments that were made; more particularly on Page 2 of the Secretary's Report, second sentence of the first paragraph, wherein Mr. Delgado indicated that the Property Advisory Board would hire a lease administrator to handle past due rents; further stipulating that under the last page of the minutes under the section entitled "Open Discussion," that Mr. Donsky, Mr. Perez and Mr. Masai had a spirited discussion regarding the role of the Board, and he stated to his colleagues that he was of the belief that the Board members did not want to deal with the matter regarding default of leases; further pointing to the function of the Property Advisory Board as provided in the Boards and Committees Manual which states: that the "Property Advisory Board shall consult with and advise the City Manager, and staff and the City Commission on all matters involving concessions, sales, or leases to organizations, companies, partnerships, individuals and agencies in connection with City owned property, and make recommendations to the City Commission in this regard." Commissioner Cabrera further stated that he would like for an advisory board to be able to get staff report, react to same, and make the appropriate recommendations to the City Manager, City staff and City Commission; further instructing the City Manager (through his office) to work with the Board Secretary and the Board itself to re-educate the Board with respect to its purpose, importance and its responsibilities, noting that it is important to keep the interest of the Board alive to ensure that the City is not in default; further pointing out that just because there is a new staff person does not justify the Board relinquishing its responsibilities; further adding that if said Board does relinquish its responsibilities, then the City Commission should rethink what the Board does.

Mayor Slesnick stated that he supported Commissioner Cabrera's view, adding that he would have refrained from appointing someone, if he was aware that the person were restricted from taking a view regarding a property issue of the City].

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

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

City Clerk Item No. 30

**Removed from Consent Agenda****RESOLUTION NO. 2009-309****C.-8. 09-0751**

Resolution accepting the recommendation of the Chief Procurement Officer pursuant to Section 2-583 to waive the requirements of the Procurement Code, authorizing the purchase of two (2) trolleys; and further authorizing an appropriation of funds for said purchase.

**Attachments:** [102709-Cover Memo Purchase of trolleys1.pdf](#)  
[102709-RESOLUTION Trolley Purchase1.pdf](#)  
[C-8 Signed Cover Memo](#)  
[C-8 Signed Cover Memo - Revised](#)  
[102709-RESOLUTION Trolley Purchase1\\_2](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER PURSUANT TO SECTION 2-583(d) TO WAIVE THE REQUIREMENTS OF THE PROCUREMENT CODE, AUTHORIZING THE PURCHASE OF TWO (2) TROLLEYS; AND FURTHER AUTHORIZING AN APPROPRIATION OF FUNDS FOR SAID PURCHASE.

[Note for the Record: The verbatim transcript for Agenda Item C-8 is available in the Office of the City Clerk and in Legistar].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-309. The motion passed by the following vote:**

**Yea**s : 4 - Commissioner Anderson, Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

**Nay**s : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 40

**RESOLUTION NO. 2009-310****C.-9. 09-0747**

Resolution accepting the recommendation of the Chief Procurement Officer pursuant to Section 2-583 to waive the requirements of the Procurement Code, for the purpose of authorizing extending an existing agreement with First Transit, Inc., for a one-year period with an additional one-year option, beginning November 1, 2009; and further authorizing an appropriation of funds for said Agreement.

**Attachments:** [First Transti 2006-170](#)  
[First Transit Resolution](#)  
[Extension Agreement Trolley](#)  
[First Transit Cover Memo](#)  
[C-9 Signed Cover Memo](#)  
[C-9 Signed Cover Memo - Revised](#)  
[First\\_transit\\_Extension\\_2](#)  
[Resolution First Transit for Trolley](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER PURSUANT TO SECTION 2-583 TO WAIVE THE REQUIREMENTS OF THE PROCUREMENT CODE, FOR THE PURPOSE OF AUTHORIZING EXTENDING AN EXISTING AGREEMENT WITH FIRST TRANSIT, INC., FOR A ONE-YEAR PERIOD WITH AN ADDITIONAL ONE-YEAR OPTION, BEGINNING NOVEMBER 1, 2009.

[Note for the Record: The verbatim transcript is available in the Office of the City Clerk and in Legistar].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-310. The motion passed by the following vote:**

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

City Clerk Item No. 41

**D. PERSONAL APPEARANCES****None**

City Clerk Item No. 31

## E. PUBLIC HEARINGS

### ORDINANCES ON FIRST READING

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

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

[Note for the Record: The verbatim transcript for Agenda Item E-1 is on file in the Office of the City Clerk and in Legistar].

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

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

City Clerk Item No. 32

**E.-2. 09-0740**

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

**Attachments:**

[comm\\_hearingofficers\\_redlighttrafficcontrolinsurance.doc](#)  
[Agendacoversheet\\_hearingofficerappealtraffic](#)  
[redlightordinance\\_amendment\\_hearingofficers](#)  
[E-2 Signed Cover Memo](#)  
[Agendacoversheet\\_hearingofficerappealtraffic](#)  
[comm\\_hearingofficers\\_redlighttrafficcontrolinsurance](#)

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-2 into the public record, City Attorney Liz Hernandez conveyed to the members of the City Commission that this issue has to do exclusively with the red light traffic ordinance; further stating that applicable Code provision requires someone with experience in criminal defense or a prosecutorial background; further adding that there are a limited number of hearing officers in Miami-Dade, Broward and Palm Beach County with this type of experience (only two or three in Miami-Dade County); further stating that our police officers have reviewed some of the City of Aventura's hearings, and that she has requested to meet with some of the hearing officers in the City of Aventura; further recommending removal of the residency requirement as it pertains to the enforcement, from this particular ordinance.

There being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, following a motion being made by Commissioner Anderson and seconded by Vice Mayor Kerdyk, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-2].

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

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

City Clerk Item No. 33

**F. CITY COMMISSION ITEMS****None**

City Clerk Item No. 34

**G. BOARDS/COMMITTEES ITEMS****None**

City Clerk Item No. 35

**H. CITY MANAGER ITEMS**

[Note for the Record: City Manager Salerno requested of the City Commission to introduce his most recent selections to our City's management team: Steve Riley, who was appointed in August of 2009, and served as the Assistant Director for the Office of Fleet Services for the City of Atlanta, and a former Army Officer and helicopter instructor; further noting that he has a Bachelor of Arts Degree in Business from St. Leo University in Florida; also pointing out that Mr. Riley is well versed in the latest green fleet technologies, having authored the fleet criteria for the National Government Fleet Award; finally noting that he is currently involved with certain cost efficient measures.

Ms. Cynthia ("Cindy") Birdsill has also been selected as the Director of the Office of Economic Sustainability; further stating the mission of said office, focuses on economic vitality that enhances the quality of life of our residents and business community, as well as the development of cultural initiatives throughout the City; further pointing out Ms. Birdsill's resume includes, having attained extensive experience in real estate development; recently serving as General Counsel for the Teranova Corporation on Miami Beach; also having worked on the Village of Merrick project, while serving in the capacity of Assistant General Counsel for the Rouse Corporation (Columbia, MD); also noting her educational credentials, including attaining a Bachelor of Arts Degree in Studio and Dramatic Art from the University of North Carolina, a Masters of Fine Arts Degree from Townson University in Maryland, and a Juris Doctors Degree from the Connecticut School of Law; further stating that she is a member of the Connecticut Maryland and Florida bars].

**RESOLUTION NO. 2009-306****H-1. 09-0678**

Resolution authorizing the following Release of Unity of Title Agreements for the property located at 1029-1037 Valencia Avenue: Release of Unity of Title Agreement for Lots 20-23, Block 12, Coral Gables Section A; Release of Unity of Title Agreement for Lots 18-19, Block 12, Coral Gables Section A; and further releasing the Restrictive Covenant for special approaches on Lots 20-23, Block 12, Coral Gables Section A, according to the Plat thereof; further providing a new Unity of Title to be executed for Lots 18-20, Block 12, Coral Gables Section A, and Unity of Title for Lots 21-23, Block 12, Coral Gables Section A, according to the Plat thereof, recorded in Plat Book 5, Page 102 of the Public Records of Miami-Dade County, Florida, and further authorize the executed respectively, in a form as approved by the City Attorney. (Deferred from the October 13, 2009 City Commission Meeting)

**Attachments:**

[CC 10/27/09 Atty's Correspondence](#)  
[CC 10/27/09 Exhibit A](#)  
[CC 10/27/09 Exhibit B](#)  
[CC 10/27/09 Exhibit C](#)  
[CC 10/27/09 Exhibit D](#)  
[CC 10/27/09 Memoranda & Correspondence](#)  
[CC Oct 27, 09 Cover Memo](#)  
[Unity of Title Resolution](#)  
[H-1 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING THE FOLLOWING RELEASE OF UNITY OF TITLE AGREEMENTS FOR THE PROPERTY LOCATED AT 1029-1037 VALENCIA AVENUE: RELEASE OF UNITY OF TITLE AGREEMENT FOR LOTS 20-23, BLOCK 12, CORAL GABLES SECTION A; RELEASE UNITY OF TITLE AGREEMENT FOR LOTS 18-19, BLOCK 12, CORAL GABLES SECTION A; AND FURTHER RELEASING THE RESTRICTIVE COVENANT FOR SPECIAL APPROACHES ON LOTS 20-23, BLOCK 12, CORAL GABLES SECTION A, ACCORDING TO THE PLAT THEREOF; FURTHER PROVIDING A NEW UNITY OF TITLE TO BE EXECUTED FOR LOTS 18-20, BLOCK 12, CORAL GABLES SECTION A, AND UNITY OF TITLE FOR LOTS 21-23, BLOCK 12, CORAL GABLES SECTION A, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5 PAGE 102 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND FURTHER AUTHORIZE THE EXECUTION RESPECTIVELY, IN A FORM AS APPROVED BY THE CITY ATTORNEY.

[Note for the Record: Following City Manager Salerno's reading of the title for Agenda Item H-1 into the public record, Zoning Administrator Martha Salazar Blanco stated that staff has reviewed the letter from Mr. David Coviello, Shutts and Bowen, LLP, representing Frantz and Eugenia Schmid, wherein said property consists of six adjacent lots (on Valencia just east of Salvadore Park Lots 18 through 23, in Block 12, of Coral Gables Section A; further stating that said owner resides at 1029 Valencia Avenue consisting of Lots 18 and 19; further noting that the adjacent land, consisting of Lots 20 through 23 was recently acquired by the owner, who intends to develop a residence with the two lots; further recommending that the Unity of Title for property located at 1029-1037 Valencia Avenue, Coral Gables, Florida and the new Declaration of Restrictive Covenants, holding together Lots 18 through 20, and Lots 21 through 23, respectively be held together as single tracts, be approved.

**Questions, Comments, Answers and Concerns from the City Commission:**  
Mayor Slesnick prefaced his remarks stating that because of his voting record regarding reconfiguration of Lots, it appears that said property will become two building sites; further noting that presently, it already is two building sites, and that it will make one building site larger than the other one, and make the other one larger than most of the properties facing it or behind it.

Vice Mayor Kerdyk added that the lots now reduced in size cuts down what can be built on it from a massing standpoint].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-306. The motion passed by the following vote:**

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

City Clerk Item No. 36

### **RESOLUTION NO. 2009-307**

**H-2. 09-0741**

Resolution authorizing the waiving of the cost of parking meter rentals for the 2009-2010 Giralda Street Festival, "Giralda Under The Stars".

**Attachments:** [Giralda Festival Budget \(2\)](#)  
[Letter from BID](#)  
[GiraldaStreetFestivalReso](#)  
[H-2 Signed Cover Memo](#)

**A RESOLUTION AUTHORIZING THE WAIVER OF THE COST OF PARKING METER RENTALS FOR THE 2009-2010 GIRALDA STREET FESTIVAL, "GIRALDA UNDER THE STARS".**

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item H-2 into the public record, Mari Molina, Executive Director of the BID, informed the City Commission that she has been working with the business owners in the downtown area for the above mentioned pilot program entitled, "Giralda Under the Stars" designed to increase traffic during these tough economic times; further recalling that Commissioner Cabrera had shared with her that years ago, that he had worked with the business owners in the area to do a small street closing on "Restaurant Row"; however, there were other restaurateurs who did not support the street closing idea; further pointing out that within the last three months three restaurants have closed, while others have said that they do not know if they can remain open until the holiday season comes; further noting that two new restaurants will be opening, namely Talavera (2299 Geraldo) and Ingrissino Italian Restaurant (127 Giralda); further stating that said event, which would be held on the 1000 block of Giralda Street on the first Friday of each month (from December through May) will be preceded with the

BID's underwriting the first two events; she also indicated that the restaurateurs have indicated a willingness to underwrite their portion of the Special Event fees; further requesting a waiver of the parking meter fees, in order to provide some assistance to the restaurants during these difficult economic times; also stating that she will work with her partners, namely her friends at the Kiwanis ("Jazz in the Park" series); further mentioning that the Coral Gables Chamber of Commerce has indicated a willingness to work with her as well.

**Questions, Inquiries, Comments and Concerns from the City Commission:** **Commissioner Cabrera** commended **Ms. Molina** for this initiative; further stating that he had tried twice to get a similar initiative started, but it was to no avail; further stating that there is a sense of panic, urgency and despair among ladies and gentlemen who own restaurants in Coral Gables; and do not know how long they will be able to remain open; further stating that said initiative should get re-energized.

Mayor Slesnick thanked Commissioner Cabrera for the naming of the event "Giralda Under the Stars."].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-307. The motion passed by the following vote:**

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

City Clerk Item No. 37

**H.-3. 09-0726**

Discussion concerning an amendment to the Zoning Code text to clarify the City's current nightclub provisions.

**Attachments:** [10 27 09 CC Cover Memo - Discussion re Nightclub ZC text amendment](#)  
[10 27 09 Exhibit A: 09 16 09 PZB staff report](#)  
[10 27 09 Exhibit B: 09 16 09 Excerpts of PZB Meeting Minutes](#)  
[H-3 Signed Cover Memo](#)

[Note for the Record: The verbatim transcript for Agenda Item H-3 is on file in the Office of the City Clerk and in Legistar].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 38

**RESOLUTION NO. 2009-308**

H.-4. 09-0743 Resolution requesting that "enclaves" be exempted from the provisions of a proposed Miami-Dade County Ordinance relating to municipal boundary change requests; suspending the processing and consideration of municipal boundary requests, thereby suspending and placing a moratorium on municipal government annexations.

**Attachments:** [10 27 09 Exhibit B: County Agenda Item No 4D](#)  
[10 27 09 Exhibit C: 10 19 09 CG Mayor letter](#)  
[10 27 09 Exhibit D: Coral Gables Annexation Area Map](#)  
[Municipal Boundaries Resolution Cover](#)  
[Municipal Boundaries Resolution](#)  
[H-4 Signed Cover Memo](#)

A RESOLUTION REQUESTING THAT "ENCLAVES" BE EXEMPTED FROM THE PROVISIONS OF A PROPOSED MIAMI-DADE COUNTY ORDINANCE RELATING TO MUNICIPAL BOUNDARY CHANGE REQUESTS; SUSPENDING THE PROCESSING AND CONSIDERATION OF MUNICIPAL BOUNDARY REQUESTS, THEREBY SUSPENDING AND PLACING A MORATORIUM ON MUNICIPAL GOVERNMENT ANNEXATIONS.

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-308. The motion passed by the following vote:

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

City Clerk Item No. 39

**I. CITY ATTORNEY ITEMS**

I.-1. 09-0738 Pending Litigation Report

**Attachments:** [PENLIT 10 27 09](#)

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 42

[Note for the Record (Non Agenda Item/"Conflict of Interest" Discussion regarding the Coral Gables Country Club, is on file in the Office of the City Clerk and in Legistar].

**J. CITY CLERK ITEMS**

**None**

City Clerk Item No. 43

**K. DISCUSSION ITEMS**

Mayor Slesnick: Ms. Anderson your comments.

Commissioner Anderson: I'd like a report at a future Commission meeting from the Miami-Dade Broadband Coalition, that was an interesting item that we had a memorandum of understanding, if there is such an entity that is at work, I'd love to hear about it because it talks about implementing a broadband network initiative using funds and creating jobs and opportunities in a kind of a clean industry. So at a future Commission meeting I'd like someone, like I said, if there is such an entity with persons that are working on their behalf, could they come and speak to us?

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Does anybody have any questions that they want to ask me about this recusal?

Commissioner Withers: Are you going to recuse yourself the next vote?

Commissioner Cabrera: Yes. Did you want me to talk about it any further?

Commissioner Withers: No, no. Ralph listen it's your decision, it's your opinion; obviously the City Attorney doesn't seem to agree with that decision, at least she told me she hasn't, so it's fine.

Mayor Slesnick: I think she summed it up well; the decision-maker has asked whether or not he or she can cast a vote, and I take it from reading Ralph's comments that he doesn't believe he can.

Commissioner Withers: It's not from a financial perspective...

Commissioner Cabrera: Look, I know members of this Commission that have recused themselves on matters that had no financial impact; I know that for a fact; would you like me to give you an example?

Commissioner Withers: Have I ever done it?

Commissioner Cabrera: Not to my knowledge, but I know others that have recused themselves because of matters pertaining to a church they attended or a school...

Commissioner Anderson: Oh wait, no, no; wait a second please....

Commissioner Cabrera: Excuse me ma'am, I'm talking, excuse me ma'am, I'm talking.

People that have recused themselves because of a church and/or a school that they were affiliated with, and there were no financial ramifications there, but no one questioned that recusal.

Commissioner Anderson: Actually...

Commissioner Cabrera: Excuse me ma'am, I'm still talking, I beg your pardon. I listened very quietly as you questioned the City Attorney, I'm sorry you are taking this in such a personal and emotional manner, but I'm simply responding to a fellow colleague. Now, if you'd like me to be quiet, I shall, and I give you the floor ma'am, go ahead.

Commissioner Anderson: No, please go ahead, I'm just asking the City Attorney...

Commissioner Cabrera: You are not allowing me to speak so I might as well allow you to get all excited and emotional, go ahead.

Commissioner Anderson: Well, I'm not going to get all excited and emotional.

Commissioner Cabrera: You just did, I was in the middle of talking to a colleague and you jumped out of your chair, give me a break. To answer your question Chip, I am going to recuse myself again, and I'll tell you why I'm doing it for only one reason, because of my morale compass...

Commissioner Withers: OK.

Commissioner Cabrera:...nothing else...

Commissioner Withers: And Ralph, you know what?- I understand that.

Commissioner Cabrera: And I've never recused myself in eight years and six months on this dais.

Commissioner Withers: And you know, I told you that I understand that and I accept that, its just that I'm a little taken aback that the City Attorney on one side, and I wish she was here...

Commissioner Cabrera: Where is she?

Commissioner Withers: I don't know.

Commissioner Anderson: She went to get my recusal forms for the vote for St. Phillips.

Commissioner Withers: Said that it was to recuse yourself, you need a financial reason to recuse yourself, that's what Liz has told me in the past; and when there is a Jennings violation that by simply admitting the Jennings violation that that removes all conflict, if I'm not correct.

City Attorney Hernandez: It removes all conflict, if the official indicates that they can put aside any bias that they have; it is a presumption that is created when you have an ex parte communication, there are several questions that are asked, and if the official can honestly say that I can put aside any potential bias that I may have received as a result of having the ex parte communication, then they are compelled to vote.

Commissioner Withers: OK - and obviously you can't put aside any type of preconceived judgment on this issue.

Commissioner Cabrera: Because of that conversation that took place.

Commissioner Withers: And if that's your position, then I respect it, I mean, I don't necessarily agree with it, obviously because we disagree, but...you know Ralph, I just think its important that the City and the residents of the City get all of us to weigh in on an opinion...

Commissioner Cabrera: I agree.

Commissioner Withers:...That's why there are five of us.

Commissioner Cabrera: Yes, that's why its so important that in the future instead of somebody just getting up from this dais and taking a walk, that they announce their intent to recuse themselves and do it accordingly, because if that happens again while I'm still here, I'm going to ask the Mayor to hold the proceedings until that person returns and we have a full quorum, because I've seen that happen too; I've seen that happen too in the last eight and-a-half years, and all of a sudden we are making a big issue of my recusal, but that's OK, I'm a big boy, I can handle this, and I can receive it and I can also give it. So I appreciate the fact that you're being so open about it, and I appreciate it.

Commissioner Withers: Like I said, I understand it, I respect your position, I don't necessarily agree with it, but we haven't agreed on things before, so.

Commissioner Anderson: Mr. Mayor, can I speak?

Mayor Slesnick: Mr. Cabrera may I...Ms. Anderson, it's your time.

Commissioner Cabrera: I don't care. Absolutely.

Mayor Slesnick: OK Ms. Anderson.

Commissioner Anderson: I just want to clarify that I did not vote on the St. Phillips Episcopal Church issue because my husband had a business affiliation with the Assistant Head's husband, and for me that was a perception of conflict; I didn't do it because I wasn't a member of the church, that's been accused before, I've heard it before, but I actually - Mr. Ed Miller who was then, who is the husband of Laura Miller, who was the Assistant Head of the school at the time, they had a business relationship, and a filed that as such, and said that on the record. So it was not a question of doing that because I sat through many of our hard decisions, as we all have.

Commissioner Cabrera: Well perhaps what you could have done is openly recused yourself and announced it in such a way so that there would be no doubt in the reasons and the purposes of why you recused yourself.

Commissioner Anderson: I did at the time; you can look through the record.

Commissioner Cabrera: I don't recall the specifics of it, but you know what? - I made a general commentary and you jumped out of your chair, that's your prerogative, you can jump out of your chair any time you want, the point is there was no cause for it, and I'm allowed to be of the same opinion as my colleague to my far left, who doesn't agree with my position. So if we want to get all emotional and hysterical about it, that's fine, that's perfectly OK; we'll return to pre-2009 election. As far as my comments - I'm kind of excited to announce this; for quite some time I have been trying to have some sort of cycling event in Coral Gables, and I've been kind of unsuccessful because of finances and the lack of resources, but I know this is premature and it may not actually come to fruition, but I'm really excited because David Fairchild Tropical Gardens is talking to a group that I am affiliated with to bring a cyclo-cross bicycle race to Coral Gables; and cyclo-cross for those of you that are not familiar with it is a type of bicycle race that incorporates many elements of mountain bicycling with many elements of road racing to bring together a type of bicycle race that is done on grass rather than on road pavement. So right now this group is working with David Fairchild who once again is very excited and has plenty of land, and would welcome this kind of event, and the best thing about it is that the proceeds from the race would go to benefit the American Cancer Society, as well as David Fairchild Tropical Gardens, which I think we need to continue support financially anyway we can. So tentatively this race is being scheduled for January 31st and I hope we can work everything out, and I'll be bringing to the Manager's office some of the elements of the race. So I'm excited about it and I hope it all works out.

Mayor Slesnick: When is this?

Commissioner Cabrera: Well it's tentatively scheduled for January 31st, and so we are hoping that we will be able to make that date. The group is working again with David Fairchild, who's been nothing but supportive and interested in making this happen. So we'll keep you all posted.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes, three items. First of all a compliment to the City, the bump-outs on Ponce near the circle are really starting to take flavor and they really are going to be an enhancement to the area there, its going to allow people to access the Fred Hartnett Park there, so I think that's a tremendous asset for our community to have those bump-outs done. I'm going to take the privilege to recognize Ruben Arias who is here from Carlos Gimenez' office, and the reason I'm recognizing you now, not only because you are a great guy, Ruben, but from the standpoint that we are tracking some funds that will be coming in from of the Commission that has to do with parks; apparently you are going to divvy up about five million dollars in funds, and the City has identified a park on Alhambra Circle that was brought to the Commission, and it was really prefaced upon us getting those \$250,000-\$300,000 from the County to add to what we already have to purchase this land. So you can go back there and tell Carlos that we are looking for his support on those funds that would be appreciative. By the way, let me also say, he is always extremely, extremely supportive of Coral Gables, very, very supportive of Coral Gables, Commissioner Gimenez; and the final thing I'd like to mention, this weekend, this past weekend I should say, there was a Gables to the Bay Regatta held, and if you recall there are several residents that set up this Gables to the Bay Regatta including Peter Hairston, Jeff Hicks, many, many residents in the South Gables area; and I'm going to pass out some picture here; there were over 150 participants in this event, and the group of individuals that put it on did an excellent job of informing the neighborhood, and the people on the waterway, that this event was going to be held. Now, this is the first time that I can guarantee you that I can remember ever having an event on the Coral Gables waterway; and I did not receive one complaint; did anybody here receive one complaint?

Commissioner Withers: My phone rang off the hook.

Vice Mayor Kerdyk: Yes, I bet. But if you look at these pictures...

Commissioner Withers: Are these the people that give the free tours?

Vice Mayor Kerdyk: He did a phenomenal job; this is going to the bridges project, and the best thing about this in addition to having 150 people that went through the Gables Waterway, went out to the Bay and then went out to the Shake a Leg, where they had about 300 people in attendance at the overall event; this event raised

\$20,000 to put toward the bridges improvement project. So Peter in that committee should be commended for really holding an event in the City of Coral Gables that was a stand out event, and didn't ring any of our phones. So Peter and everybody congratulations, and to raise \$20,000 in these days and times that's a good event. Thank you.

Commissioner Withers: Now is there any truth that we are going to have Columbus Day in the....(laughter).

Mayor Slesnick: Mr. Withers: Nothing sir.

Mayor Slesnick: You know we voted on a resolution to encourage State Legislature to take action to prohibit texting while driving, and here is...I just opened up the latest edition of the Christian Science Monitor which is one of the most respected news journals in the United States; its gone from a daily newspaper to weekly, and this is a full feature cover article about driving while distracted, and I think it's a very good article for us to look at and read, I mean, we've already suggested to the Legislature what they should do, because of, you know, Mr. Manager I have to tell you, I'm not sure how much conversation has been held since you came or before; I know it happened before you came, but this Commission has expressed several times the concern about our employees using cell phones, hand-held cell phones while driving City equipment, and it's a major cause of injury, a major cause of accidents; and I think that we need to take a look at it, not only in the sense of recommending that civilians don't do it, but also that our City employees don't do it. So I just bring that to you as a background material. We are going to...we are on the verge of adjourning, and moving forward to the circle at Segovia and Coral Way; I hope that we are going to have some County participation, because as everyone should remember the circle at the corner of Segovia and Coral Way was a major project that the City of course conceived and participated in, but it was a project carried off by Miami-Dade County who was a partner with us in many of these things; and because Coral Way is a County road it had to be there's, and since then not only have we had the County Public Works Department participative in building the circle, and we've had our own Public Works Department participating with them in building the circle, we've also had our Public Service Department which has landscaped the circle. It has seemingly, I open this to anybody that wants to say they have heard differently, but seemingly it has been a major facilitator of traffic at that intersection, and to me many of the people in the buildings around it have said how much quieter traffic is because of fewer horns, and fewer screeching, and fewer accidents, and so forth. With that we are going to do down and commemorate its opening. Mr. Manager is there any instructions so that...Mr. Manager, any instructions about what we are doing there? We are going; I guess we can walk down together.

City Manager Salerno: Walk down there, very brief ceremony Mayor and

ribbon-cutting.

Mayor Slesnick: Ribbon-cutting - very good. I will see everyone there; everyone listening to this is invited to join us and we will see you at the circle. We will adjourn. Thank you.

City Clerk Item No. 44

## **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 11:19 am on October 27, 2009. The next regular meeting of the City Commission has been scheduled for November 17, 2009, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK