

City of Coral Gables

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



Meeting Minutes

Monday, July 19, 2010

4:00 PM

SPECIAL MEETING

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*

The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings.

ROLL CALL

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

Absent: 1 - Vice Mayor Kerdyk Jr.

LEGISLATIVE SUMMARY

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Ordinance (s) adopted (Ordinance No. 2010-13) (b) Resolution(s) adopted (Resolution No. 2010-136 through Resolution No. 2010-138); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

EXECUTIVE SESSION

Beginning at approximately 4:10 p.m., the City Commission will convene an attorney-client meeting in the Office of the City Manager to discuss the settlement proposal filed in Somerset Academy, Inc. v. City of Coral Gables, Miami-Dade County Circuit Court Case No. 10-36228 CA 03.

[Note for the Record: At this point in the meeting (Approximately 4:19 p.m.), Mayor Slesnick read into the public record a statement, that the City Attorney had requested the City Commission to meet in private to discuss settlement negotiations and strategy in the matter of Somerset Academy, Inc. v. City of Coral Gables, Miami-Dade County Circuit Court Case No. 10-36228 CA 03; further stating that the City Commission had approved the City Attorney's request for said Close Door session to begin at approximately 4:10 p.m., and at approximately 4:20 p.m. on this same date, said session will begin under the parameters of Section 286.011(8), F.S.; further stating that the Attorney-Client Session will end at approximately 5 p.m., wherein the Special City Commission meeting will be re-opened, and that the person chairing the meeting will announce the termination of the Attorney-Client session; further stating that the persons that are allowed to attend will be those members of the City of Coral Gables City Commission (i.e. Donald H. Slesnick II, Maria Anderson, Rafael Cabrera, Wayne Withers, City Attorney Elizabeth M. Hernandez, Special Counsel Michael Fertig, Jennifer Glasser, and City Manager Patrick Salerno; further stating that a certified court reporter will be present to ensure that the session is fully transcribed.

At approximately 5:33 p.m., Mayor Slesnick announced that the Special City Commission meeting was being reconvened, that the Executive Session had been terminated, and that the governing body would proceed with the agenda].

[Note for the Record: Prior to the advent of the Special City Commission Meeting, Mayor Slesnick called for a moment of reflection in connection with the men and women serving in our armed forces as the city addresses the issues that are before our governing body on this same date].

[Note for the Record: Mayor Slesnick explained to the viewing public that Vice Mayor sends his regrets in that this time of year is a period wherein the City Commission is normally does not have City Commission meetings and is on summer recess; further stating that he had planned an excursion with his family and is outside of the company and was unable to be in attendance].

A. PUBLIC HEARINGS

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.

Items A.-1. and C.-1 are related

ORDINANCE NO. 2010-13

A.-1. 10-0453 An Emergency Ordinance of the City Commission of the City of Coral Gables, amending Chapter 74 of the City Code entitled "Traffic and Vehicles", repealing Article VIII "Dangerous Intersection Safety," Section 74 in its entirety; and amending Article VIII, Section 74 to conform to the recorded image monitoring and enforcement of Red Light Traffic Control Signals consistent with General Laws as provided by Chapter 2010-80, Laws of Florida (2010); providing for severability, repealer, codification, and an effective date.

Attachments: [AgendaCoverMemoRedLightCamera7_19_10.doc](#)
[Red Light Camera Ordinance](#)
[A-1 Signed Cover Memo](#)

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item A-1 into the public record, City Attorney Hernandez informed the City Commission that the purpose of said proposed legislation was to bring our legislation into compliance with the state statute that was passed and adopted during this past legislative session.

Mayor Slesnick stated that city's red light cameras have been installed for approximately one year, under the provisions of the ordinance that was adopted; further adding that there has been an increase in safety now, as a consequence thereof; further explaining that our Florida Legislature had adopted a new state statute requiring

all counties and cities that wish to run said program to conform their ordinance to the state statute

Following the roll call on the First Reading Ordinance, City Attorney Hernandez had requested that of the City Commission to waive the dispense with the requirement of a second reading, thereby waiving same, whereby Mayor Slesnick inquired of the City Attorney whether said action meant that it did not require the City Commission to bring said legislation back, or if in fact it was needed to speed up Second Reading? - whereupon Ms. Hernandez stated that said legislation does not have to come back in accordance with Florida State Statute Chapter 11 and City of Coral Gables Charter section 13].

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

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

ORDINANCE NO. 2010-13

Attachments: [AgendaCoverMemoRedLightCamera7_19_10.doc](#)
[Red Light Camera Ordinance](#)
[A-1 Signed Cover Memo](#)

AN EMERGENCY ORDINANCE AMENDING CHAPTER 74 OF THE CITY CODE ENTITLED "TRAFFIC AND VEHICLES", REPEALING ARTICLE VIII "DANGEROUS INTERSECTION SAFETY," SECTION 74 IN ITS ENTIRETY AND AMENDING ARTICLE VIII, SECTION 74 TO CONFORM TO THE RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA (2010); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Ordinance Number 2010-13. The motion passed by the following vote:

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 1

B. CITY COMMISSION ITEMS**RESOLUTION NO. 2010-138**

B.-1. 10-0474 Commission discussion and/or action re: an amendment to the lease with the Biltmore Hotel Limited Partnership and an agreement with the Biltmore Hotel Golf Management LLC.

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2010-138. The motion passed by the following vote:

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 4

C. CITY MANAGER ITEMS

Items C.-1. and A.-1 are related

RESOLUTION NO. 2010-136

C.-1. 10-0476 Resolution authorizing the execution of an amendment to the agreement between American Traffic Solutions ("ATS") for the traffic safety camera program to conform to Chapter 2010-80, Laws of Florida, and the City of Coral Gables for services associated with enforcement of House Bill 325, entitled the Mark Wandall Traffic Safety Act.

Attachments: [ATS Amendment](#)
[ATS Resolution](#)
[C-1 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING THE AMENDMENT OF THE AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS ("ATS") FOR THE TRAFFIC SAFETY CAMERA PROGRAM TO CONFORM TO CHAPTER 2010-80, LAWS OF FLORIDA, THE "MARK WANDALL TRAFFIC SAFETY ACT," WHICH TOOK EFFECT ON JULY 1, 2010.

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item C-1 into the public record, Mr. Salerno stated that the proposed legislation confirms the prior agreement between American Traffic Solutions ("ATS") for the traffic safety camera program, to ensure that the city is in conformance with the ordinance (Agenda Item C-1) that was passed on this same date].

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2010-136. The motion passed by the following vote:

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 2

D. CITY ATTORNEY ITEMS

RESOLUTION NO. 2010-137

D.-1. 10-0475 Discussion to provide the Applicant and interested parties an opportunity to present their positions to the City Commission on the settlement proposal in Somerset Academy, Inc. v. City of Coral Gables, Miami-Dade County Circuit Court Case No. 10-36228 CA 03.

RESOLUTION INSTRUCTING THE CITY ATTORNEY TO PROCEED FORWARD WITH LITIGATION, MORE SPECIFICALLY BEFORE JUDGE JENNIFER BAILEY, IN THE CURCUIT COURT, FOR THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA ON TUESDAY, JULY 20, 2010, BEGINNING 1:00 P.M., IN THE MATTER OF SOMERSET ACADEMY, INC. V. CITY OF CORAL GABLES, MIAMI-DADE COUNTY CIRCUIT COURT (CASE NO. 10-36228 CA 03); FURTHER INSTRUCTING THE CITY ATTORNEY TO REJECT THE SETTLEMENT PROPOSAL AT THIS TIME.

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2010-137. The motion passed by the following vote:

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 3

ADJOURNMENT

[Note for the Record: There being no further business on the Special City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 10:08 pm on July 19, 2010. The next regular meeting of the City Commission has been scheduled for August 24, 2010, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK