

City of Coral Gables

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



Meeting Minutes

Tuesday, July 13, 2010

9:00 AM

City Hall, Commission Chambers

City Commission

*Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael "Ralph" Cabrera, Jr.
Commissioner Wayne "Chip" Withers*

*Patrick G. Salerno, City Manager
Elizabeth M. Hernandez, City Attorney
Walter J. Foeman, City Clerk*

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

INVOCATION

Reverend Frank Kopania of St. Mark's Lutheran Church gave the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Withers 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) Ordinance (s) adopted (Ordinance No. 2010-11 through Ordinance No. 2010-12) (b) Resolution(s) adopted (Resolution No. 2010-115 through Resolution No. 2010-134); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

A. PRESENTATIONS AND PROCLAMATIONS

- A.-1. 10-0417** Presentation of 2010/2011 Donald R. Hopkins / William A. Cooper Scholarship Award to Alexis Elizabeth Davis.

Attachments: [Hopkins Scholarship Cover Memo](#)
[Hopkins Scholarship](#)

[Note for the Record: Mayor Slesnick requested of Commissioner Cabrera to introduce former Coral Gables Commissioner Jim Barker to the dais in connection with the presentation of this year's 2010/2011 Donald R. Hopkins/William A. Cooper Scholarship Award recipient. Commissioner Cabrera prefaced his remarks by recalling that shortly after he assumed office in Calendar Year 2001, that Mayor Slesnick had asked him to take the initiative in continuing the Donald R. Hopkins Scholarship Award program; Commissioner Cabrera, fully aware that former Commissioner Barker had been a driving force in furtherance of this initiative, sought him out again in furtherance of same; further commending former Commissioner Barker for his tireless work on behalf of this scholarship program.

Former Commissioner Barker stated that he was pleased to be in attendance on behalf of his pet project; further stating that he was proud of what has been accomplished by the past award recipients with the money that has been donated by the city; further acknowledging the committee members as follows:

Leona Cooper (absent; recuperating from surgery); Lisa Cooper Baker (niece, representing Leona Cooper); Leona Cooper Baker (William A. Cooper's sister); Gail Payne (Counselor from Coral Gables Senior High School); Dan Finora, and Edwina Payne; further noting that the committee has worked hard in reviewing those applications that have been submitted; further noting that said committee was initially established in Calendar Year 1989, for the purpose of helping African American students complete their education; further clarifying that said scholarship is awarded to students based on financial need; residency in the city of Coral Gables; student enrollment at Coral Gables Senior High School; ethnic status (i.e. African American); maintenance of a 2.5 grade point average; further introducing the Calendar Year 2010-2011 Scholarship Award recipient, namely Miss Alexia Elizabeth Davis, accompanied by her grandmother (i.e. Judy Jones); further noting that Alexia has maintained a 2.6 grade point average; she is desirous of attending either Florida Agricultural and Mechanical University (FAMU) in Tallahassee, Florida, or Texas Southern University in Houston, Texas; further mentioning that Alexia was also a cheerleader, who loves this city; further lauding this initiative as a great investment that is done here in Coral Gables, via helping kids complete their educational goals; further stating that one can name the countless number of scholarship award recipients that have benefited and learned and grown from this opportunity (i.e. nurses, teachers, attorneys, pharmacists, etc.).

In accepting the scholarship award, Alexia thanked the members of the City Commission; further stating that said scholarship will help her reach her goals; further adding that she will try to make our city proud.

In closing, former Commissioner Barker expressed optimism that the city will continue to support said initiative, in light of the difficult economic times; Commissioner Cabrera stated that he will continue to support this initiative; further apologizing for the reduction in scholarship funding; further stating that during the next funding cycle, that he will request that this matter be brought before the City Commission for a public discussion.

Mayor Slesnick wished Mrs. Leona Cooper a speedy recovery; further commending former Commissioner Jim Barker for his receipt of this year's George Merrick Award, as presented by the Coral Gables Chamber of Commerce].

City Clerk Item No. 2

A.-2. 10-0449

Presentation of a Proclamation declaring July 13, 2010 as Canada Day in Coral Gables, in celebration of Canada's 143rd Birthday.

[Note for the Record: Mayor Slesnick informed the viewing public that we were happy to have with the city of Coral Gables Louise L. Leger, Consul General from Canada, along with Ms. Janet Lopez; further pointing out that Canada is one of the largest nations that is represented in the South Florida consulate corp, and one of our closest allies; further noting that the Consul General has decided to reside in Coral Gables; further adding that Canada is a very important partner to the United States, where he proceeded to read selective portions of a proclamation formally proclaiming the 13th day of July as Canada Day in Coral Gables in Celebration of Canada's 143rd Birthday ; the Consul General of Canada noted that many Canadians have chosen the southeast coast of Florida as one of their favorite destination locations; further stating that she is proud that more than 2.6 Canadians come here annually, and have maintained in excess of 450,000 residences; further stating that Canada is a proud ally and economic partner to South Florida; in further recognition of "Canada Day," Mayor Slesnick requested of the audience to stand, wherein the Canadian National Anthem was played.

In accepting this accolade, Consul General Leger stated that although her offices are located in the downtown Miami area, her home residence is in Coral Gables; further pointing out that as it pertains to bilateral trade, almost \$400 billion in revenue is amassed annually; further noting that Canada is responsible for the creation of 8 million jobs in the U.S. of which 450,000 of same are maintained in Florida; further acknowledging that a lot of jobs are owned and operated by Canadians in the state of Florida, including TD Bank; Jewelry Stores; Air Canada; (collaboration with the University of Miami regarding many activities and events); many of their authors present books at Books & Books; citing many activities that are conducted with the Chamber of Commerce; she personally does activities at the Biltmore Golf Course. In closing, Mayor Slesnick thanked Consul General Leger for all that the Canadians do on behalf of the residents for us].

City Clerk Item No. 1

A.-3. 10-0451

Presentation of a Certificate of Recognition to Coral Gables author Christina Diaz Gonzalez.

[Note for the Record: Commissioner Anderson requested of Christina Diaz Gonzalez to join her on the dais in connection with the presentation of a Certificate of Recognition to her; further recalling that she initially met Christina's mother first, during the hurricane of either 2004 or 2005, wherein her mother had called regarding a tree; after further communications, it was discovered that they both shared the same birthday month; further mentioning to Christina that through subsequent emails, that her mother shared a lot of love for her and her family; further sharing with Christina that she visited her parents home last year, and was also in attendance during her inaugural book signing (i.e. "Red Umbrella"); further expressing optimism that her book would become a collector's item one day; further commending Christina on her website, along with its accompanying music from Cuba; further commenting that the story told in her book is one so reminiscent of the "American Dream," for countless number of Cuban immigrants who have migrated here that celebrate the dates of May 20th and July 4th with equal pride; further stating that she wanted to pay tribute to Christina by presenting her with the Certificate of Recognition protocol document from the city of Coral Gables, wherein she read selective portions into the public record.

In accepting this protocol document Christina thanked the Mayor and members of the City Commission; further stating that it is with great pride that she has penned the book entitled "The Red Umbrella," a fictional story of a 14-year old Cuban girl based on the real event that affected not only her parents, but the entire Cuban community; further stating that in honor of her recognition here today, that she will be donating several copies of her book to the Coral Gables Library; therefore, said book will be available not only in book stores, but also in the Coral Gables Library.

Mayor Slesnick expressed his congratulations to Christina on her publication].

City Clerk Item No. 9

A.-4. 10-0414

Congratulations to Lt. Jack Kerns, recipient of the City of Coral Gables Firefighter of the Month Award, for the month of July 2010.

Attachments: [Cover Memo - FF OF THE MONTH - JULY 2010.pdf](#)
[FF of the Month Notification Letter.pdf](#)

[Note for the record (Agenda Item A-4): City Manager Salerno requested of Fire Chief Walter Reed to approach the dais in recognizing Lieutenant Jack Kearns of the city of Coral Gables as the Firefighter of the Month for the month of July, wherein Chief Reed read the following excerpt taken from the Selection Committee's recommendation:

"Lieutenant Jack Kearns was selected as July's Firefighter of the month for his outstanding display of individual initiative surpassing job requirements and expectations, specifically going the extra mile to make Emergency Medical Services (EMS) training, productive, and fun for the Fire Department personnel and the public. Lieutenant Kerns enthusiasm is infectious and this shows in the quality of the product that he delivers. His hard work and "can do" attitude undoubtedly have made him the "go to" guy for the field media and has helped to make Coral Gables paramedic crews among the best in the state."

Fire Chief Reed continued by stating that Lieutenant Kearns has assumed a leadership role in providing Emergency Medical Services training to not only our city personnel, but also to our community; further adding that he is one of the lead instructors in our CPR program which provides free CPR training to our residents; further noting to date that have been 250 residents who have received CPR training; further adding that his office is continuously receiving letters of commendation regarding what a fine instructor Lieutenant Kearns is.

In accepting this accolade Lieutenant Kerns thanked Captain John Curry, who is in charge of the EMS, stating that he does a fine job; further stating that he enjoys what he does, he has fun, it is a pleasure for him to do, and it doesn't really seem like work; further noting that when one gets nominated by his peers, it speaks to one's heart, and it says something that is dear to him; further acknowledging that he is glad that his family is present; he thanked his wife for tolerating his firefighter stories allowing him to and interrupt her cooking shows, etc; further thanking everyone, noting that it has been a pleasure to work with everyone including their families].

City Clerk Item No. 3

A.-5. 10-0423

Congratulations to Detective Edward Garcia, recipient of the City of Coral Gables Officer of the Month Award, for the month of May 2010.

Attachments: [Officer of the Month Nomination](#)
[COMMISSION COVER MEMO - OFFICER OF THE MONTH](#)

[Note for the Record: City Manager Salerno requested of Police Chief Naue to approach the dais in presenting Detective Edward Garcia as the recipient of the city of Coral Gables Officer of the Month Award for the month of May 2010, wherein Chief Naue thanked the City Commission for starting a new tradition; further providing the viewing public with a brief history of the selection process (i.e. nominations from members of the Kiwanis Club and employees are received by the Coral Gables Police Department Awards Selection Committee headed by Assistant Police Chief Edward Hudak; said committee meets monthly, applications are diligently reviewed, resulting in the selection of the Officer of the Month; the chosen officer and guest are invited to a luncheon sponsored by the Kiwanis Club of Coral Gables and are presented with a plaque and check from the Kiwanis Club of Coral Gables, gift certificates from various Coral Gables businesses, along with eight hours of annual leave.

Chief Naue stated that Detective Edward Garcia joined the city's workforce in Calendar Year 2003; he was later assigned to the Criminal Investigation Economic Crime Unit (2006). Regarding the chronology of events warranting his being selected for Officer of the Month (May 2010), Detective Garcia had been a monitoring confidential informant for approximately one year; during this period several arrests were made; he was working during this period with both federal and local authorities which resulted in the arrest of five felons, regarding mail theft that led to high end stolen vehicles, identity theft, and stolen tax returns amassing a total loss of approximately \$2.7 million dollars; said arrests were made with the assistance of the United States Postal Inspectors; further stating that the Criminal Investigation Unit has received stolen mail from Venezuela for Venezuelan residents maintaining accounts in our local banks; said stolen statements have a reported value of \$5.2 million US dollars; said planned identity theft initiative was thwarted by Detective Garcia.

A representative from Bill Ussery Motors contacted Detective Garcia and notified him that two people were attempting to buy two cars valued at \$238,264.86; said individuals were trying to use a U.S. Treasury promissory note valued at \$297,831. Detective Garcia initiated an investigation involving the US Department of Revenue and local agencies, which resulted in the initiation of a sting operation and the arrest of three individuals for grand theft, thus preventing a local business from losing thousands of dollars.

In closing, Chief Naue cited Detective Garcia's motivation, diligence and professionalism among the many attributes which distinguishes him as being an asset to

the Criminal Investigation Unit in furtherance of each investigation that he is involved with.

In accepting this accolade Detective Garcia thanked the Chief for his trust in him, along with his words of encouragement; he also thanked Major Ginn and Lieutenant Tastet for giving him a little leeway in thinking outside of the box, furtherance of this investigation; also to his partners, namely Detective Carlos Baixauli and Fernando Flores, along with Lieutenant Tastet, who he credits with bringing him up to the Detective Bureau].

City Clerk Item No. 4

A.-6. 10-0441

Congratulations to Lydia Calvo-Florentino, Police Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of July 2010.

Attachments: [EOM July 2010 Lydia Calvo](#)
[Cover Memo](#) [EOM July 2010](#)

[Note for the Record: Human Resources Director Elsa Jaramillo-Velez was requested by the City Manager to approach the dais wherein she read into the public record the following excerpt that was provided by the Selection Committee as it pertains to the recipient of the Employee of the Month Award, namely Lydia Calvo-Florentino:

“Lydia has been working as a Police Training Assistant for the Coral Gables Police Department Training Section since 2005. Since that time she has consistently demonstrated that she has met the award criteria by performing a series of acts which further the cause of the CGPD by exemplifying diligence, innovative qualities, and devotion to service. She has also clearly demonstrated the desire to serve the CGPD and community above and beyond the call of duty. She is very dependable and is a team player.” Ms. Jaramillo-Velez summarized Ms. Calvo-Florentino’s initiative by saying that it has resulted in streamlining the training process.

A videotape segment was shown to the viewing public wherein Sergeant Andrew Weidenfeld, stated that he was proud to have nominated Ms. Calvo-Florentino, noting that as a result of Lydia’s hard work, the Training Section was able to equip and train more new hires of sworn personnel than had ever been experienced in any previous five-year period for the Coral Gables Police Department, thus paving the way for the Training Section to achieve higher goal attainment.

In accepting this accolade Ms. Calvo-Florentino thanked the city of Coral Gables as well as the City Commission for the continuous support for the Employee Recognition and Award Program; further pointing out that during a period of time of fiscal constraint, when local governments are trying to do more with less, any one of a multitude of people could have received this award, therefore she is especially proud to have received this recognition].

City Clerk Item No. 5

A.-7. 10-0442

Congratulations to Boris Lazo, Public Works Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of August 2010.

Attachments: [Cover Memo EOM August 2010](#)
[EOM August 2010 Boris Lazo](#)

[Note for the Record: City Manager Salerno requested of Human Resources Director Elsa Jaramillo-Velez to approach the dais in connection with Agenda Item A-7, wherein Mrs. Jaramillo-Velez read into the public record the following excerpt regarding the selection of Boris Lazo, Journeyman Electrician, Public Works, as the Employee of the Month for the month of August, 2010, as submitted by Maintenance Repair Worker Vernon Cooper, who stated:

“It is my immense pleasure to nominate my co-worker Boris Lazo for the Employee of the Month Award. Boris has been employed by the City of Coral Gables Public Works Department as a Journeyman Electrician since March 2007. Prior to his new job, he worked with Daniel Electric for nine years, bringing much experience to his current job.

Boris ‘s intelligence, diligence and honesty far outweigh many employees that I have known. He is apt to work and extremely ambitious to move forward with his career and skills. He is consistently eager to take on additional tasks and responsibilities showing his dedication toward work as stated by Mr. Cooper, in his nominating letter to the Selection Committee.

Mr. Lazo excels at any task given to him and is a self-initiating worker with pride in what he does. His reputation for doing excellent work far exceeds him as he also does extra work for the Police Department, assisting with other tasks, etc.”

In accepting this recognition Mr. Lazo stated that it felt good to receive this award, especially when one works with so many deserving people; further thanking Nick Mascara, his immediate supervisor; further noting that he has been in the employ of the city for two and one-half years, and that he is looking forward to another twenty-two and one-half more.”]

City Clerk Item No. 6

[Note for the Record: City Manager Salerno requested of Glenn Kephart to approach the dais, wherein he introduced him as the newly appointed Public Works Director; further noting that Mr. Kephart comes from Tempe, Arizona, a city of approximately 175,000; further stating that he oversaw an operating budget of \$100 million, a capital budget of over \$95 million, staff of over 300 employees; further stating that Mr. Kephart is a mechanical engineer, who received his Bachelor of Arts degree from Penn State University; a Master of Arts Degree in Public Administration from Western International University; further thanking Interim Public Works Director Ernesto Pino for his leadership in moving the department along during the interim.

Mayor Slesnick also thanked Mr. Pino for his responsiveness in connection with residential concerns.

Mr. Kephart thanked the City Commission, stating that it is an honor to be here; further stating that he is grateful to have the opportunity to serve the city of Coral Gables; also noting that he is grateful to have Ernesto Pino to assist him during this interim period; further adding that he is looking forward to a long tenure here in Coral Gables].

A.-8. 10-0437

Presentation of 30 years service pin to Janet Carrasquillo, Public Service Department.

Attachments: [CM Carrasquillo](#)

[Note for the Record: City Manager Salerno requested Dan Keys to approach the dais regarding the presentation of a 30-year service pin to Janet Carrasquillo; Mr. Keys stated that he first met Janet in 1982 during his interview process here; further acknowledging her aptitude in helping him work through numerous challenges over the years, including but not limited to technology challenges, new policies, wherein Ms. Carrasquillo, whom he described as his “right hand” took the lead in the learning realm, and subsequently in re-engineering herself in furtherance of addressing those new challenges and tasks at hand; further citing that Janet will be relocating to Tifton, Georgia, and that he will definitely miss her; further thanking her for 30 years of service to the citizens of Coral Gables, Florida.

Upon accepting this accolade, Janet stated that she could not think of anything else to say, but it has been a pleasure to work here in Coral Gables; further noting that she was privileged to have grown up here, and when it was time to move away during her employ, she was already working here; now it is time for her to go and enjoy Tifton, Georgia].

City Clerk Item No. 7

- A.-9. 10-0440 Presentation of 30 years service pin to James E. Miller, Public Service Department.

Attachments: [CM_Miller](#)

[Note for the Record: Public Works Director Dan Keys characterized James Miller, Equipment Operator II, as someone you can always depend on every morning with a smile, despite whatever the circumstances may be; further stating that for a long time James Miller has been in charge of the tree installation crew; further noting that through his leadership in excess of 1,000 trees have been installed in the city of Coral Gables; further describing James Miller as a gentleman, that he will surely miss for who he is. Mr. Miller in accepting this 30-year pin recognition stated that he wanted to thank both the men and women in his department (i.e. Dan Keys, Troy, Bob, Jackson; further stating that it has been a pleasure to work with them); further stating that said individuals have made his job in working for the city a whole lot easier; further thanking the city of Coral Gables].

City Clerk Item No. 8

B. APPROVAL OF MINUTES

- B.-1. 10-0471 Special City Commission Meeting of June 30, 2010.

Attachments: [Meeting Minutes.pdf](#)
[Verbatim Transcript - Agenda Item C-1 - Amending Comprehensive Plan re Unive](#)

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

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

City Clerk Item No. 10

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 Vice Mayor Kerdyk, Jr., to Adopt the Consent Agenda. The motion carried by the following vote:

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

RESOLUTION NO. 2010-115**C.-1. 10-0385**

Resolution amending Resolution No. 2010-66 by changing the approved time for the "Gables Hispanic Cultural Festival" and granting a request made by the Gables Hispanic Cultural Foundation, Inc. to sell alcoholic beverages from 11:00 a.m. until 11:00 p.m. on Saturday, September 25, 2010, on Biltmore Way from Hernando Street to LeJeune Road as part of the Gables Hispanic Cultural Festival, subject to Florida Department of Professional Regulation requirements.

Attachments: [Gables Hispanic Cultural Festival Amended Resolution.pdf](#)
[Resolution 2010-66 for Gables Hispanic Cultural Foundation.pdf](#)
[Special Events Application and Permit Change of Time.pdf](#)
[Cover Memo for Gables Hispanic Cultural Foundation Amended.pdf](#)
[C-1 Signed Cover Memo](#)

RESOLUTION AMENDING RESOLUTION NO. 2010-66 BY CHANGING THE APPROVED TIME FOR THE "GABLES HISPANIC CULTURAL FESTIVAL" AND GRANTING A REQUEST MADE BY THE GABLES HISPANIC CULTURAL FOUNDATION, INC. TO SELL ALCOHOLIC BEVERAGES FROM 11:00 A.M. UNTIL 11:00 P.M. ON SATURDAY, SEPTEMBER 25, 2010, ON BILTMORE WAY FROM HERNANDO STREET TO LE JEUNE ROAD AS PART OF THE GABLES HISPANIC CULTURAL FESTIVAL, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2010-115 on the Consent Agenda.

City Clerk Item No. 11

RESOLUTION NO. 2010-116**C.-3. 10-0439**

Resolution accepting the recommendation of the Chief Procurement Officer to award the Pump Station "A" Upgrades Project to R&G Engineering, Inc. pursuant to Section 2-828 of the Procurement Code and IFB 2010.04.30 in the amount of \$498,000.00 (four hundred ninety-eight thousand dollars); further authorizing an appropriation of funds for this project.

Attachments: [Tabulation](#)
[Recommendation](#)
[Response](#)
[Pump Station A - Draft Agenda \(2\)](#)
[Pump Station A Draft Reso \(2\)](#)
[C-3 Signed Cover Memo](#)

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO AWARD THE PUMP STATION "A" UPGRADES PROJECT TO R&G ENGINEERING, INC. PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE AND IFB 2010.04.30 IN THE AMOUNT OF \$498,000 (FOUR HUNDRED NINETY-EIGHT THOUSAND DOLLARS); FURTHER AUTHORIZING AN APPROPRIATION OF FUNDS FOR THIS PROJECT.

This Matter was adopted by Resolution Number 2010-116 on the Consent Agenda.

City Clerk Item No. 12

RESOLUTION NO. 2010-117**C.-5. 10-0443**

Resolution authorizing the execution of U.S. Army Corps of Engineers (USACE) Permit Agreement Application No. SAJ-2007-01053 for the construction of conveyance improvements within the C-3 Canal (Coral Gables Waterway); and further accepting conditions of the permit, including payment of \$78,750 in mitigation costs for the removal of tidal marsh habitat.

Attachments: [Canal backups](#)
[PDF Canal Cover](#)
[C-5 Signed Cover Memo](#)
[USACE Resolution](#)

RESOLUTION AUTHORIZING THE EXECUTION OF U.S. ARMY CORPS OF ENGINEERS (USACE) PERMIT AGREEMENT APPLICATION NO. SAJ-2007-01053 FOR THE CONSTRUCTION OF CONVEYANCE IMPROVEMENTS WITHIN THE C-3 CANAL (CORAL GABLES WATERWAY); FURTHER ACCEPTING CONDITIONS OF THE PERMIT, INCLUDING PAYMENT OF \$78,750.00 IN MITIGATION COSTS FOR THE REMOVAL OF TIDAL MARSH HABITAT.

This Matter was adopted by Resolution Number 2010-117 on the Consent Agenda.

City Clerk Item No. 13

RESOLUTION NO. 2010-118**C.-7. 10-0447**

Resolution authorizing the acceptance and execution of Emergency Medical Services (EMS) County Grant #C9013 Letter of Understanding and Agreement in the amount of \$4,760 from the Miami-Dade County Board of County Commissioners and the State of Florida Department of Health for fiscal year 2009-2010, to fund the expansion and/or improvements of pre-hospital emergency medical services.

Attachments: [Ltr of Understanding-Agreement.pdf](#)
[State Award Letter to the County.pdf](#)
[Completed Grant Application.pdf](#)
[Distribution of Expected New Revenue Schedule.pdf](#)
[Cover Memo - Resolution - EMS COUNTY GRANT.pdf](#)
[Resolution.pdf](#)
[C-7 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE ACCEPTANCE AND EXECUTION OF EMERGENCY MEDICAL SERVICES (EMS) COUNTY GRANT #C9013 LETTER OF UNDERSTANDING AND AGREEMENT IN THE AMOUNT OF FOUR THOUSAND SEVEN HUNDRED AND SIXTY DOLLARS (\$4,760.00) FROM THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF HEALTH FOR FISCAL YEAR 2009-2010, TO FUND THE EXPANSION AND/OR IMPROVEMENTS OF PRE-HOSPITAL EMERGENCY MEDICAL SERVICES.

This Matter was adopted by Resolution Number 2010-118 on the Consent Agenda.

City Clerk Item No. 14

RESOLUTION NO. 2010-119**C.-8. 10-0456**

Resolution authorizing transfer of funds in the amount of one hundred thousand dollars (\$100,000), from the Special Revenue Fund entitled "Citywide Records Management Infrastructure, Business Process Improvement: Enterprise Content Management Project" into the General Fund for the fiscal year ending September 30, 2011.

Attachments: [Citywide Records Management Resolution](#)
[C-8 Signed Cover Memo](#)

RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), FROM THE SPECIAL REVENUE FUND ENTITLED "CITYWIDE RECORDS MANAGEMENT INFRASTRUCTURE, BUSINESS PROCESS IMPROVEMENT: ENTERPRISE CONTENT MANAGEMENT PROJECT" INTO THE GENERAL FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011.

This Matter was adopted by Resolution Number 2010-119 on the Consent Agenda.

City Clerk Item No. 15

RESOLUTION NO. 2010-120**C.-9. 10-0457**

Resolution amending the 2009-2010 Annual Budget and authorizing a transfer of funds from the Sanitary Sewer System Fund into the General Fund for indirect operating costs provided by the General Fund departments for the fiscal year ending September 30, 2010.

Attachments: [Transfer of Funds Resolution](#)
[C-9 Cover Memo](#)

RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 ANNUAL BUDGET AND AUTHORIZING A TRANSFER OF FUNDS FROM THE SANITARY SEWER SYSTEM FUND INTO THE GENERAL FUND FOR INDIRECT OPERATING COSTS PROVIDED BY THE GENERAL FUND DEPARTMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010.

This Matter was adopted by Resolution Number 2010-120 on the Consent Agenda.

City Clerk Item No. 16

RESOLUTION NO. 2010-121**C.-10. 10-0454**

Resolution designating Mayor Donald D. Slesnick to serve as the voting delegate to Annual Conference of the Florida League of Cities, Inc., to be held in Hollywood, Florida (August 19-21, 2010), for the purpose of casting votes on behalf of our municipality, during the business session of said conference that will determine the direction of the Florida League of Cities, Inc.

Attachments: [Florida League of Cities, Inc. Correspondence - dated May 25, 2010.pdf](#)
[R-2010- designating Mayor Donald D. Slesnick to serve as a voting delegate - Dr.](#)
[C-10 Signed Cover Memo](#)

A RESOLUTION DESIGNATING MAYOR DONALD D. SLESNICK TO SERVE AS VOTING DELEGATE TO THE ANNUAL CONFERENCE OF THE FLORIDA LEAGUE OF CITIES, INC., TO BE HELD IN HOLLYWOOD, FLORIDA (AUGUST 19-21, 2010), FOR THE PURPOSE OF CASTING VOTES ON BEHALF OF OUR MUNICIPALITY, DURING THE BUSINESS SESSION OF SAID CONFERENCE THAT WILL DETERMINE THE DIRECTION OF THE FLORIDA LEAGUE OF CITIES, INC.

This Matter was adopted by Resolution Number 2010-121 on the Consent Agenda.

City Clerk Item No. 17

RESOLUTION NO. 2010-122**C.-11. 10-0448**

Resolution accepting the recommendation of the Chief Procurement Officer to "Piggyback" an on-site vehicle and equipment parts and supply contract with Genuine Parts Company d/b/a NAPA Auto Parts from the City of Miramar, Florida pursuant to Section 2-978 of the Procurement Code for a period running through December 22, 2011, with an option to renew for three (3) additional one (1) year periods.

Attachments: [napa piggyback](#)
[napa psa](#)
[NAPA - Draft Agenda Memo \(2\)](#)
[NAPA Draft Resolution Revised \(2\)](#)
[C-11 Signed Cover Memo](#)

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO "PIGGYBACK" AN ON-SITE VEHICLE AND EQUIPMENT PARTS AND SUPPLY CONTRACT WITH GENUINE PARTS COMPANY D/B/A NAPA AUTO PARTS FROM THE CITY OF MIRAMAR, FLORIDA PURSUANT TO SECTION 2-978 OF THE PROCUREMENT CODE FOR A PERIOD RUNNING THROUGH DECEMBER 22, 2011 WITH AN OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS.

This Matter was adopted by Resolution Number 2010-122 on the Consent Agenda.

City Clerk Item No. 18

RESOLUTION NO. 2010-123**C.-12. 10-0462**

Resolution reappointing Andres Murai Jr (Nominated by Vice Mayor Kerdyk), to serve as a member of the Code Enforcement Board for a three (3) year term, beginning June 1, 2010 through May 31, 2013.

Attachments: [Cover Memo - Andres Murai - Code Enforcement Board](#)
[R-2010- Draft Resolution - Andres Murai - Code Enforcement Board](#)
[Andres Murai resume](#)
[C-12 Signed Cover Memo](#)

RESOLUTION REAPPOINTING ANDRES MURAI, JR., (NOMINATED BY VICE MAYOR KERDYK), TO SERVE AS A MEMBER OF THE CODE ENFORCEMENT BOARD, FOR A THREE (3) YEAR TERM, BEGINNING JUNE 1, 2010 THROUGH MAY 31, 2013

This Matter was adopted by Resolution Number 2010-123 on the Consent Agenda.

City Clerk Item No. 19

RESOLUTION NO. 2010-124**C.-13. 10-0463**

Resolution appointing Alberto Menendez (Nominated by Vice Mayor Kerdyk), to serve as a member of the Emergency Management Division, for the unexpired balance of a two (2) year term, from July 13, 2010 through May 31, 2011.

Attachments: [R-2010 - Draft - Alberto Menendez - EMD](#)
[Michael Katshan resignation Letter](#)
[Cover Memo- Alberto Menendez - EMD](#)
[Alberto Menendez](#)
[C-13 Signed Cover Memo](#)

RESOLUTION APPOINTING ALBERTO MENENDEZ (NOMINATED BY VICE MAYOR KERDYK), TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, FROM JULY 13, 2010 THROUGH MAY 31, 2011.

This Matter was adopted by Resolution Number 2010-124 on the Consent Agenda.

City Clerk Item No. 20

RESOLUTION NO. 2010-125**C.-14. 10-0473**

Resolution authorizing the execution of a matching grant agreement with the Miami-Dade County Department of Cultural Affairs Capital Development Grants program for ADA improvements at the art cinema located at 260 Aragon Avenue, funding construction related costs, and amending the 2009-2010 Annual Budget to increase the estimated revenues and an appropriation of funds.

Attachments: [C-14 Signed Cover Memo](#)
[Matching Grant Agreement Resolution](#)

A RESOLUTION AUTHORIZING THE EXECUTION OF A MATCHING GRANT AGREEMENT WITH THE MIAMI--DADE COUNTY DEPARTMENT OF CULTURAL AFFAIRS CAPITAL DEVELOPMENT GRANTS PROGRAM FOR ADA IMPROVEMENTS AT THE ART CINEMA LOCATED AT 260 ARAGON AVENUE, FUNDING CONSTRUCTION RELATED COSTS, AND AMENDING THE FISCAL YEAR 2009-2010 ANNUAL BUDGET TO INCREASE THE ESTIMATED REVENUES AND AN APPROPRIATION OF FUNDS.

This Matter was adopted by Resolution Number 2010-125 on the Consent Agenda.

City Clerk Item No. 21

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

C.-16. 10-0411 Communications Committee Meeting of May 20, 2010

Attachments: [Microsoft Word - minutes may 2010.pdf](#)
[Microsoft Word - communicationsminutesagendamay010.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 22

C.-17. 10-0412 Emergency Management Division Meeting of May 26, 2010

Attachments: [Cover Memo - EMD MTG MINUTES 5-26-2010.pdf](#)
[MAY 26, 2010 MTG MINUTES.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 23

C.-18. 10-0413 Board of Adjustment Meeting of June 7, 2010

Attachments: [Cover Memo - 7-13-10](#)
[BOADJ Summary 6-07-10](#)
[Notice 06-07-2010](#)
[BOARD OF ADJUSTMENT RECAP 6-07-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 24

C.-19. 10-0416 Budget/Audit Advisory Board Meeting of April 28, 2010

Attachments: [071310-Cover Memo CC Minutes 042810.pdf](#)
[042810-Minutes.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 25

C.-20. 10-0431 International Affairs Coordinating Council Meeting of June 15, 2010

Attachments: [Microsoft Word - Agenda Cover Memo 06-15-10](#)
[Microsoft Word - IACC Minutes 06-15-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 26

- C.-21. 10-0432 Parks and Recreation Advisory Board Meeting of June 18, 2010

Attachments: [Minutes 06-18-10 draft.pdf](#)
[Cover Sheet.Minutes 06-18-10.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 27

- C.-22. 10-0444 Library Advisory Board Meeting of June 9, 2010

Attachments: [LB Cover Sheet 6-9-10](#)
[Library Minutes 6-10-09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 28

- C.-23. 10-0446 Retirement Board Meeting of May 13, 2010

Attachments: [CC.07-13-2010.May 13, 2010](#)
[Executive Summary.05-13-2010](#)
[Minutes.05-13-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 29

- C.-24. 10-0425 Coral Gables Merrick House Board Meeting of May 10, 2010

Attachments: [MerrickHouseMay10,2010](#)
[CGMNoAction-05.10.10MinutesforCC07.13.10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 30

- C.-25. 10-0427 Historic Preservation Board Meeting of May 20, 2010

Attachments: [HPB Minutes May 20, 2010](#)
[NoAction05.20.10.MinutesforCC07.13.10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 31

- C.-26. 10-0428 Pinewood Cemetery Advisory Board Special Meeting of May 10, 2010

Attachments: [NoAction05.10.10CCMtgNoAction07.1310](#)
[PinewoodMinutesMay 10, 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 32

- C.-27. 10-0461 Landscape Beautification Advisory Board Meeting of June 3, 2010

Attachments: [Minutes BC 6-3-10](#)
[BC Cover Sheet 6-3-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 33

- C.-28. 10-0464 Cultural Development Board Meeting of May 10, 2010

Attachments: [05 CDB Commission cover for 5-10-10 Minutes](#)
[05 CDB a Minutes MAY 10 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 34

- C.-29. 10-0465 Coral Gables Merrick House Governing Board Meeting of June 7, 2010

Attachments: [Merrick House June 7, 2010](#)
[CGMNoAction-06.07.10MinutesforCC07.13.10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 35

Pulled From Consent Agenda**RESOLUTION NO. 2010-131****C.-2. 10-0435**

Resolution approving encroachments into the public right-of-way for a proposed new building located at 2222 Ponce de Leon Boulevard (Giralda Complex), subject to the requirements of the Public Works Department and all applicable code requirements.

Attachments: [2222 Ponce backups](#)
[2222 Ponce plans](#)
[2222 pdf cover](#)
[2222 pdf resolution](#)
[C-2 Signed Cover Memo](#)

RESOLUTION APPROVING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, FOR A PROPOSED NEW BUILDING LOCATED AT 2222 PONCE DE LEON BOULEVARD (GIRALDA COMPLEX), SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT AND ALL OTHER CODE REQUIREMENTS.

[Note for the Record: Commissioner Cabrera prefaced his comments by stating that this item is a resolution approving encroachments into the public right-of-way for a proposed new building located at 222 Ponce de Leon Boulevard (Giralda Complex), subject to the requirements of the Public Works Department and all applicable code requirements; further stating that the reason why he had asked to pull said items is that in reviewing the history of this matter, that he notices the encroachment will be from 1' -0 up to a maximum of 2'6" over the abutting right-of-ways; further inquiring as to what kind of encroachments will be on the public right-of-ways?- further explaining that he understands that there will be bollards and other kinds of lighting fixtures, etc; further inquiring as to how many on-street public parking spaces will this project eliminate?

Assistant Director Ernesto Pino replied that he will have to check on the parking issues and get back to Commissioner Cabrera regarding same. Commissioner Cabrera stated that said request was not a fair one since said inquiry has nothing to do with the item at hand; further stating that as it pertains to the percentage of reduction of on-street parking spaces, he estimates that the city is probably looking at a reduction of approximately 50 percent; further adding that if this is the goal of government to reduce on-street parking spaces, then the city is heading in the wrong direction; further noting that "bump-outs" have become havens for rodents, stating that these new streetscape designs have become a real problem in controlling the rodent population growth.

Mr. Pino further added that he is unsure as to whether these encroachments project 30 inches out, adding that plans are submitted to the Public Works Department, and said

plans will have to be reviewed.

Commissioner Cabrera said that it states in the agenda package that the encroachment can be up to a maximum of 6" over the abutting right of way.

Mayor Slesnick suggested and Commissioner Cabrera agreed through the City Manager that Mr. Pino should research the aforementioned request by Commissioner Cabrera and come back later in the meeting, and inform the City Manager's Office when he is ready, then the City Commissioner will allow said matter to come forth again.

Later in the meeting, following the continued discussion of Agenda Item E-2, the city again discussed Agenda Item C-2, wherein Commissioner Cabrera reiterated that his previous line of inquiry had to do with the grade, and whether the aforementioned encroachment was above grade?- whereby Public Works Director Glenn Kephart answered in the affirmative, stating that there are very minor encroachments that are above grade.

Commissioner Cabrera further inquired as to how many parking spaces will the city lose?- whereby Mr. Kephart replied that on the north side of the street, there are an existing 15 parking spaces; with the advent of said project, there will be 14 parking spaces (Note: There is a reduction of one because of the reduction of driveways that provides the city with additional spaces); further stating that on the south side there will be a reduction from 20 spaces to 11 or 12 spaces.

Commissioner Cabrera expressed concern regarding the trend toward elimination of on-street parking in Coral Gables; further stating that ironically, our city budget calls for an increase in parking enforcement hours, along with an increase in the number of days to include Sundays.

Vice Mayor Kerdyk added that the city voted on this matter a long time ago; further adding that the city will in the foreseeable future be spending more dollars on parking garages].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-131. 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. 37

City Clerk Item No. 51

RESOLUTION NO. 2010-127**C.-4. 10-0445**

Resolution rescinding Resolution No. 28099 and adopting an amended resolution authorizing a new "Flags on Ponce Program", providing for Coral Gables Chamber of Commerce sponsorship, guidelines, advertisement, installations; and providing for an effective date.

Attachments: [C-4 Signed Cover Memo](#)
[Flags On Ponce Resolution](#)
[Chamber of Commerce Letter](#)
[Resolution 28099](#)

RESOLUTION RESCINDING RESOLUTION NO. 28099 AND ADOPTING AN AMENDED RESOLUTION AUTHORIZING A NEW "FLAGS ON PONCE PROGRAM", PROVIDING FOR CORAL GABLES CHAMBER OF COMMERCE SPONSORSHIP, GUIDELINES, ADVERTISEMENT, INSTALLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Commissioner Cabrera informed the viewing public that since 1992, that the Coral Gables Chamber of Commerce has sponsored the "Flags on Ponce" program; further stating that now, the Coral Gables Chamber of Commerce has requested that said program be simplified, thus reducing it in scope to include only those nations and their corresponding flags that represent the Consulates that are housed in the city of Coral Gables and our Sister Cities countries; Commissioner Cabrera further requested that the International Affairs Coordinating Council also take a look at same, and come back before the City Commission at a later date with some ideas as to how the Consulates can be incorporated into the process and possibly share some of the costs.

Mayor Slesnick suggested that maybe Commissioner Cabrera can appear before the IACC].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-127. The motion passed by the following vote:

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

City Clerk Item No. 38

RESOLUTION NO. 2010-126**C.-6. 10-0438**

Resolution accepting the recommendation of the Chief Procurement Officer to award the Waterway Conveyance Improvements, C-3 Canal Restoration Project to Shoreline Foundation, Inc. pursuant to Section 2-828 of the Procurement Code and Request for Proposal (RFP) 2010.05.13 in the amount of \$4,091,624.21 (four million ninety-one thousand, six hundred twenty-four dollars and twenty-one cents); further authorizing an appropriation of funds for this project.

Attachments: [Tabulation](#)
[References](#)
[Response](#)
[C-6 Signed Cover Memo](#)
[C-3 Canal Resolution](#)

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO AWARD THE WATERWAY CONVEYANCE IMPROVEMENTS, C-3 CANAL RESTORATION PROJECT TO SHORELINE FOUNDATION, INC. PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE AND REQUEST FOR PROPOSALS (RFP) 2010.05.13 IN THE AMOUNT OF \$4,091,624.21 (FOUR MILLION NINETY ONE THOUSAND SIX HUNDRED TWENTY-FOUR DOLLARS AND TWENTY-ONE CENTS); FURTHER AUTHORIZING AN APPROPRIATION OF FUNDS FOR THIS PROJECT.

[Note for the Record: Mayor Slesnick prefaced his remarks by stating that he was in receipt of a request to pull Agenda Item C-6 (accept recommendation of the Chief Procurement Officer to award the Waterway Conveyance Improvements, Canal Restoration Project to Shoreline Foundation, Inc.) from Linkorst and Hockin, Attorneys At Law, LLC and to re-bid the project; further stating that he had requested of our City Attorney to review said letter; further inquiring of the City Attorney as to whether the city has any obligation to re-bid this project?- whereby Ms. Hernandez stated in the negative; further stating that the “Resolution of Protested Solicitations and Awards” is found in Section 2-950 of our City Code; further adding that the request by the party requesting that the city throw out and re-bid failed to comply with the conditions precedent; therefore, said matter is not appropriately before the City Commission; further stating that the protesting party can seek a remedy in a court of law].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-126. The motion passed by the following vote:

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

City Clerk Item No. 36

RESOLUTION NO. 2010-130**C.-15. 10-0434**

Resolution authorizing execution of agreement for sewer connection outside the City Sanitary Sewer districts to the City's sewer system, to serve the office building located at 4601 Ponce de Leon Boulevard, Coral Gables, Florida, subject to the requirements of the Public Works Department as provided under Chapters 62 and 78 of the City Code (Ordinance no. 2007-29) and Resolution No. 2008-07; and provided that the executed agreement be made part of this Resolution.

Attachments: [4601 backups \(1\)](#)
[4601 backups \(2\)](#)
[4601-cover.pdf](#)
[4601 pdf resolution](#)
[C-15 Signed Cover Memo](#)

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR SEWER CONNECTION OUTSIDE THE CITY SANITARY SEWER DISTRICTS TO THE CITY'S SEWER SYSTEM, TO SERVE THE OFFICE BUILDING LOCATED AT 4601 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT AS PROVIDED UNDER CHAPTERS 62 AND 78 OF THE CITY CODE (ORDINANCE NO. 2007-29) AND RESOLUTION NO. 2008-07; FURTHER PROVIDING THAT THE EXECUTED AGREEMENT BE MADE PART OF THIS RESOLUTION.

[Note for the Record: Commissioner Cabrera prefaced his remarks stating that this item authorizes the execution of an agreement for sewer connection outside the City Sanitary Sewer districts to the city's sewer system to serve the office building located at 4601 Ponce de Leon Boulevard; further stating that on the fifth paragraph of the cover page, it states: "....concurrently, upon signing the agreement, the Owner agrees to pay a connection fee based on the estimated daily peak flow. The fee has been estimated to be \$17,329.20."

Commissioner Cabrera further references from page two of said agenda cover sheet that: "Ponce Plaza Associates, LLP shall enter into an agreement with Ponce Riviera, LLC to comply with condition No. 16 of the agreement between the City of Coral Gables and Ponce Riviera LLC, by paying a construction connection charge to the City in the amount of \$21,666.29."

Commissioner Cabrera inquired of Assistant Director Ernesto Pino as to who receives the \$17,329.20?- also, who receives the \$21,666.29?- further inquiring as to what does Ponce Riviera, LLC receive? Mr. Pino replied that Ponce Riviera, LLC. pays, and we receive the check from Ponce Riviera, LLC.

Mayor Slesnick suggested that Mr. Pino get together with his team, and that they research said matter, Commissioner Cabrera concurred that we get further clarification on the \$21,666.29 and the \$17,329.20 amounts and come back later during this City Commission meeting date.

Immediately following the continued consideration of Agenda Item C-2, the City Commission again took up Agenda Item C-15, which had been tabled, to address Commissioner Cabrera's above referenced concerns (as more particularly stated in paragraph 5 of the agenda cover memorandum), wherein Public Works Director Glenn Kephart stated that the \$17,329.20 is a fee (i.e. connection fee) that is based on usage that will go directly to the city (i.e. City's Utility Fund), for the purpose of helping to continue said fund; further explaining that the \$21,666.29 goes initially to the city and then by development agreement to the Ponce Riviera, LLC who built the sewer line, and then the city will reimburse Ponce Riviera, LLC].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-130. The motion passed by the following vote:

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

City Clerk Item No. 39

City Clerk Item No. 50

D. PERSONAL APPEARANCES

- D.-1. 10-0415** Tom Fuhrman, to discuss Police Department use of sirens and lights for non-emergency escorts.

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

This Agenda Item was Discussed and Filed

City Clerk Item No. 40

E. PUBLIC HEARINGS**APPEAL****E.-1. 10-0436**

Board of Adjustment Application No. BA-10-05-3859

Mr. Rogelio Tovar, Owner/Applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its regular meeting June 7, 2010, wherein it denied an application for a variance for the property located at 1221 Mariola Court pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code." (Board of Adjustment Vote: 5-2)

The Applicant is appealing the Board of Adjustment decision in regard to the proposed addition for the existing single-family residence

1. Grant a variance to allow the proposed addition in conjunction with the existing residence to exceed the allowable floor area factor and maintain a square foot floor area of seven thousand eight hundred and thirty-five feet (7,835') vs. the single-family residence shall not exceed a maximum square foot floor area of seven thousand one hundred and forty feet (7,140') as required by Section 4-101 (D) (10) (a) of the Coral Gables, "Zoning Code."

Attachments: [Appeal Application 7-13-10](#)
[Notice of Appeal 7-13-10](#)
[Transcripts 7-13-10](#)
[BOADJ Submittal Pkg - part 1](#)
[BOADJ Submittal Pkg - part 2](#)
[BOADJ Submittal Pkg - part 3](#)
[E-1 Signed Cover Memo](#)

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA DENYING THE APPEAL FILED BY ROGELIO TOVAR, APPLICANT (APPLICATION PROPOSAL NO. BA-10-05-3859), PURSUANT TO SECTION 3.605 OF THE CORAL GABLES ZONING CODE, THEREBY UPHOLDING THE DECISION OF THE BOARD OF ADJUSTMENT, IN CONNECTION WITH THE APPLICANT'S VARIANCE REQUEST TO ALLOW FOR THE PROPOSED ADDITION IN CONJUNCTION WITH THE EXISTING RESIDENCE TO EXCEED THE ALLOWABLE FLOOR AREA FACTOR MAXIMUM OF SEVEN THOUSAND ONE HUNDRED AND FORTY (7,140) SQUARE FEET AS REQUIRED BY SECTION 4-101(D)(10)(A) OF THE CORAL GABLES, "ZONING CODE," AND MAINTAIN A FLOOR ARE OF SEVEN THOUSAND EIGHT HUNDRED AND THIRTY-FIVE (7,835) SQUARE FEET, FOR SUBJECT PROPERTY LOCATED AT 1221 MARIOLA COURT, AND MORE PARTICULARLY LEGALLY DESCRIBED AS LOT(S) 77 AND 78, BLOCK 50, COUNTRY CLUB SECTION NO. 4, PB/PG: 10/57.

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

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be Deny appeal. The motion passed by the following vote:

Yeas : 3 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Commissioner Anderson

Nays : 2 - Commissioner Withers and Mayor Slesnick II

City Clerk Item No. 41

City Clerk Item No. 42

ORDINANCES ON SECOND READING

ORDINANCE NO. 2010-12

E.-2. 10-0394

An Ordinance of the City Commission of Coral Gables creating in accordance with the City Code, Article III, Division 1, Section 2-64, a Green Task Force and setting forth guidelines by which such task force shall be governed and providing for severability, repealer, codification and an effective date. (Passed on First Reading May 25, 2010)

Attachments: [Commission Cover - Ordinance - 5 25 10 \(Green Task Force\).pdf](#)
[Ordinance - 5 25 10 \(Green Task Force\).pdf](#)
[E-3 Signed Cover Memo](#)
[Green Task Force Cover](#)
[Green Task Force Ordinance - clean](#)
[Green Task Force Ordinance - black lined](#)
[E-2 Signed Cover Memo](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES COMMISSION CREATING IN ACCORDANCE WITH THE CITY CODE, ARTICLE III, DIVISION 1, SECTION 2-64, A GREEN TASK FORCE AND SETTING FORTH GUIDELINES BY WHICH SUCH TASK FORCE SHALL BE GOVERNED; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title to Agenda Item E-2 into the public record by City Manager Salerno, Mayor Slesnick thanked both Commissioners Anderson and Cabrera for their initiative in furtherance of the Green Task Force; further confirming with the City Administration that certain amendments had been made between First and Second Reading (i.e. one (1) member from the Garden Club; an additional resident from the City of Coral Gables, totaling two, etc.); further stating that he had forwarded to the Miami Herald (Neighbors Section) a listing of greening initiatives, ("Saving Our Environment, etc.), said initiatives which were undertaken by our city. Commissioner Anderson stated that said initiatives should be memorialized in a document by our Green Task Force.

Commissioner Cabrera inquired as to whether a modification had been made under the membership category, more particularly as it relates to the two professional categories (i.e. architect, engineer); further stating that he thought that staff would follow up on said matter.

Commissioner Anderson suggested that the two professional categories should be

maintained, and leave the LEED certification as an option. Mayor Slesnick inquired as to the meaning of the AP acronym [Note: It was later confirmed that AP is an acronym for Accredited Professional]; further suggesting that those two categories should be clarified to read as follows: (1) Preferably, one (1) LEED AP (Accredited Professional) Engineer, and (2) preferably, one (1) LEED AP (Accredited Professional) Architect...].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-12. The motion passed by the following vote:

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

City Clerk Item No. 43

RESOLUTION NO. 2010-129

E.-2.1. 10-0480

A Resolution of the City Commission of Coral Gables reconsidering the vote taken on Ordinance No. 2010-11.

RESOLUTION TO RECONSIDER, THE VOTE PREVIOUSLY TAKEN ON AGENDA ITEM E-2, (ORDINANCE NO. 2010-11) [SUBJECT MATTER: CREATING IN ACCORDANCE WITH THE CITY CODE, ARTICLE III, DIVISION 1, SECTION 2-64, A GREEN TASK FORCE AND SETTING FORTH GUIDELINES BY WHICH SUCH TASK FORCE SHALL BE GOVERNED, ETC.].

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2010-129. The motion passed unanimously.

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

City Clerk Item No. 44

ORDINANCE NO. 2010-12 (As Amended)**E.-2.2. 10-0394**

An Ordinance of the City Commission of Coral Gables creating in accordance with the City Code, Article III, Division 1, Section 2-64, a Green Task Force and setting forth guidelines by which such task force shall be governed and providing for severability, repealer, codification and an effective date. (Passed on First Reading May 25, 2010)

Attachments: [Commission Cover - Ordinance - 5 25 10 \(Green Task Force\).pdf](#)
[Ordinance - 5 25 10 \(Green Task Force\).pdf](#)
[E-3 Signed Cover Memo](#)
[Green Task Force Cover](#)
[Green Task Force Ordinance - clean](#)
[Green Task Force Ordinance - black lined](#)
[E-2 Signed Cover Memo](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES COMMISSION CREATING IN ACCORDANCE WITH THE CITY CODE, ARTICLE III, DIVISION 1, SECTION 2-64, A GREEN TASK FORCE AND SETTING FORTH GUIDELINES BY WHICH SUCH TASK FORCE SHALL BE GOVERNED; AND 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 as amended by Ordinance Number 2010-12 . The motion passed by the following vote:

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

City Clerk Item No. 45

ORDINANCES ON FIRST READING**Items E.-3. and E.-4. are related**

- E.-3. 10-0419** Change of Land Use. An Ordinance of the City Commission of Coral Gables amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Residential Use (Single-Family) Low Density" to "Parks and Recreation" for a 0.48 acre parcel, to allow for future development as a green space and/or neighborhood park, legally described as Lots 11-14, Block 77, Coral Gables Country Club Section 5 (4650 Alhambra Circle), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, vote 6-0) (Passed on First Reading July 13, 2010)

Attachments: [07 13 10 CC Cover Memo - 4650 Alhambra Cir - 1st Reading](#)
[07 13 10 Exhibit A: Ordinance - Change of Land Use - 4650 Alhambra - 1st Read](#)
[07 13 10 Exhibit B: Ordinance - Change of Zoning - 4650 Alhambra - 1st Reading](#)
[07 13 10 Exhibit C: 06 09 10 PZB Meeting Minutes](#)
[07 13 10 Exhibit D: 06 09 10 Staff Report and attachments](#)
[07 13 10 Exhibit E: Updated comments and DCA form](#)
[E-3&E-4 Signed Cover Memo](#)
[08 24 10 Exhibit A: Ordinance - Change of Land Use - 4650 Alhambra - 2nd Rea](#)
[08 24 10 Exhibit B: Ordinance - Change of Zoning - 4650 Alhambra - 2nd Reading](#)
[08 24 10 CC Cover Memo - 4650 Alhambra Cir - 2nd Reading](#)

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item E-3 into the public record, Mayor Slesnick explained that Agenda Items E-3 and E-4, respectively represent two proposed actions to be taken in relationship to the new neighborhood park land purchase (located at 4650 Alhambra Circle), more particularly the change in land use and change of zoning, to comprehensively include said park in our city's Zoning Code; hearing no public testimony being proffered by any member of the public, nor any further deliberation by any member of the City Commission, following a motion being made by Vice Mayor Kerdyk and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on Agenda item E-3].

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

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 46

E.-4. 10-0420

Change of Zoning. An Ordinance of the City Commission of Coral Gables approving a change of zoning from Single-Family Residential (SFR) District to Special Use (S) District for a 0.48 acre parcel, to allow for future development as a green space and/or neighborhood park, legally described as Lots 11-14, Block 77, Coral Gables Country Club Section 5 (4650 Alhambra Circle), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, vote: 6-0) (Passed on First Reading July 13, 2010)

Attachments: [07 13 10 CC Cover Memo - 4650 Alhambra Cir - 1st Reading](#)
[07 13 10 Exhibit A: Ordinance - Change of Land Use - 4650 Alhambra - 1st Reading](#)
[07 13 10 Exhibit B: Ordinance - Change of Zoning - 4650 Alhambra - 1st Reading](#)
[07 13 10 Exhibit C: 06 09 10 PZB Meeting Minutes](#)
[07 13 10 Exhibit D: 06 09 10 Staff Report and attachments](#)
[07 13 10 Exhibit E: Updated comments and DCA form](#)
[E-3&E-4 Signed Cover Memo](#)
[08 24 10 Exhibit A: Ordinance - Change of Land Use - 4650 Alhambra - 2nd Reading](#)
[08 24 10 Exhibit B: Ordinance - Change of Zoning - 4650 Alhambra - 2nd Reading](#)
[08 24 10 CC Cover Memo - 4650 Alhambra Cir - 2nd Reading](#)

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item E-4 into the public record, Mayor Slesnick informed the viewing public just as a program note, that the previous item passed (i.e. Agenda Item E-1) was consideration of the change in the city's land use map, wherein this item addresses specifics to our Zoning Code which accompanies our Zoning map; hearing no public testimony, nor any further deliberation from any member of the City Commission, following a motion made by Commissioner Anderson and seconded by Commissioner Withers, Mayor Slesnick entrusted City Clerk Foeman to call the roll on Agenda Item E-4].

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

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 47

E.-5. 10-0421

Change of Land Use. An Ordinance of the City Commission of Coral Gables amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for the following City owned properties:

1. Lots 1-4 & 38-48, Block 20, Section "K" (2100 Block of Salzedo St.), Coral Gables, Florida;
2. Lots 22-43, Block 1, Crafts Section (300 Block of Andalusia Ave.), Coral Gables, Florida;
3. Lots 29-42, Block 2, Crafts Section (200 Block of Andalusia Ave.), Coral Gables, Florida; and, providing for severability, repealer, codification and an effective date. (PZB recommended approval, vote: 6-0) (Passed on First Reading July 13, 2010)

Attachments: [07 13 10 CC Cover Memo - CP change downtown properties - 1st Reading](#)
[07 13 10 Exhibit A: 1st Reading Ordinance - Change of Land Use - City properties](#)
[07 13 10 Exhibit B: 06 09 10 PZB Meeting Minutes](#)
[07 13 10 Exhibit C: 06 09 10 Staff Report and attachments](#)
[07 13 10 Exhibit D: Updated public comments w DCA form](#)
[E-5 Signed Cover Memo](#)
[08 24 10 Exhibit A: 2nd Reading Ordinance - Change of Land Use - City properties](#)
[08 24 10 Exhibit B: 06 09 10 PZB Meeting Minutes](#)
[08 24 10 Exhibit C: 06 09 10 Staff Report and attachments](#)
[08 24 10 Exhibit D: Updated public comments w DCA form](#)
[08 24 10 CC Cover Memo - CP change downtown properties - 2nd Reading](#)

[Note for the Record: Following the City Manager's reading of the title to Agenda Item E-5 into the public record, and prior to the roll call, Commissioner Withers inquired of the City Attorney, as to whether the city still maintains agreements with Ralph Sanchez, Willie Bermello, wherein the permitted height was raised for certain properties?-whereby the City Attorney replied no, stating that said agreements have since been expired.

Vice Mayor Kerdyk recalled that the City Commission had addressed this matter before; further questioning his actions as to whether they would appear to be hypocritical, since he had previously voted against permitting future development of properties at their highest and best use, and now he would be voting for same;

Commissioner Cabrera brought forth the analogy of the streetscape, wherein the City Commission had approved same; however, pointing out that once reality set in, certain concerns arose as to said action by the governing body.

City Attorney Hernandez reminded the City Commission that it was reserving as a governing body the option of permitting the raising of height for commercial development for the future.

Mayor Slesnick provided a brief synopsis of height limitations, stating that in the 1990s height limitations were higher then, than now; further stating that in Calendar Year 2001, Commissioners Anderson and Cabrera, along with himself brought forth a discussion regarding height limitations along Miracle Mile, which resulted in the

Charrette, thus bringing height limitations down off Miracle Mile; further stating that he has urged the City Commission that before he leaves office, that he would like to witness a new garage being built in Coral Gables, along with a refurbishment of the old two ADA non-complaint broken down garages; further inquiring as to how will one accomplish same?-Simply stated, is to initiate a Private/Public Partnership; further explaining that said parking garage would include some retail on the first floor, totaling \$15 million plus dollars (i.e. similar to the city's museum garage,) which the city does not have; further noting that to enable a public-private partnership would necessitate a profit motive, and would require more space; further stating that this is why said issue is being considered again. Commissioner Anderson added that the lots would also be required to be more restrictive].

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

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

City Clerk Item No. 52

E.-6. 10-0466

An Ordinance of the City Commission of Coral Gables authorizing entering into two lease amendments with The Palace Management Group, LLC, with regard to City owned property at 45 and 50 Andalusia Avenue, Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (Passed on First Reading July 13, 2010)

Attachments: [Palace Cover - 7-13-10](#)
[Ordinance - Palace](#)
[Ordinance 2007 36](#)
[2nd Amend-Pkg Garage Lease](#)
[2nd Amend-Residential Lease](#)
[E-6 Signed Cover Memo](#)
[Resolution 2009-132](#)
[PAB 7-21-10 Mtg Minutes.pdf](#)

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item E-6 into the public record, Mario Garcia-Serra, Esquire, on behalf of The Palace Management Group, LLC. thanked the City Commission for the passage of the ordinance (i.e. authorize entrance into two lease amendments with The Palace Management Group, LLC with regard to City owned property at 45 and 50 Andalusia Avenue, Coral Gables); further stating said tenant is near the end of the permitting process, and before the end of the year, the city will see the project breaking ground; further noting that said Senior Residential facility will be a flagship structure, the leading type of its kind in the world].

[Note for the Record: Following the roll call on Agenda Item E-6, Commissioner Cabrera requested of the City Clerk to be shown voting with Agenda Item E-6, whereby following directive from the Mayor to reconsider said vote that was previously taken, another roll call vote was taken wherein said item passed unanimously by a 5-0 vote of the City Commission, as amended].

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:

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

City Clerk Item No. 48

[Note for the Record (Non Agenda): Mayor Slesnick welcomed former State Senator and President of the Senate, and Miami-Dade County Commissioner Gwen Margolis; further thanking her for all that she has done on behalf of the city of Coral Gables during her term of public service].

F. CITY COMMISSION ITEMS

- F.-1. 10-0470** Discussion of Biltmore's Request for "Interim Agreement".
Mayor Donald D. Slesnick, II

This Agenda Item was Discussed and Filed

City Clerk Item No. 49

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 53

H. CITY MANAGER ITEMS**RESOLUTION NO. 2010-132**

- H.-1. 10-0460** Resolution amending Resolution 2009-233 which established fees for various licenses, permits, services, and penalties by the City of Coral Gables, providing for severability, and an effective date.

Attachments: [Resolution Amending Fees Cover](#)
[Resolution Amending Fees](#)
[H-1 Signed Cover Memo](#)

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES AMENDING RESOLUTION 2009-233 WHICH ESTABLISHED FEES FOR VARIOUS LICENSES, PERMITS, SERVICES, AND PENALTIES BY THE CITY OF CORAL GABLES, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

- (a) Development Related Fees-A study was conducted by JRD & Associates, Inc. of the fees charged by the city for development related services; and
- (b) Emergency Medical Services-which will bring into conformance the City of Coral Gables Emergency Medical Transportation fees with those other fire-rescue service providers of Miami-Dade County, Hialeah, and Miami Beach; further pointing out that said change will not result in any increase in cost to Coral Gables residents, since said residents will continue to pay the prevailing Medicare allowable rates for emergency medical transportation; and
- (c) Fire Code Permit Fees-Fire Code Building Related Permits for sprinklers and installation of new cost for re-inspections and reviews of previously approved plans, which now reflect the following increases to cover said services:

2nd Reinspection: \$75-\$100
3rd Reinspection: \$100-150
- (d) Life Safety Inspection Fire Inspection Fees: Said fees cover those instances wherein the Fire Department goes out to a commercial business to ensure that businesses comply with Life Safety apparatuses for commercial establishments, thus resulting in the following fees:
- (e) Commercial Non-Residential: \$55-\$75

(f) Multi-family Residential(Apartment Building/Complexes): Range-\$125

(g) Mayor Slesnick commended the City Manager on the thoroughness and completeness of the study that was conducted by JRD and Associates regarding the fees for development related services].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2010-132. The motion passed by the following vote:

Yeas : 3 - Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

Nays : 2 - Commissioner Cabrera, Jr. and Vice Mayor Kerdyk, Jr.

City Clerk Item No. 54

I. CITY ATTORNEY ITEMS

I.-1. **10-0467** Pending Litigation Report

Attachments: [PendingLitigationReport7 13 10](#)

[Note for the record (Agenda Item I): City Attorney Hernandez referenced the Litigation Report that was distributed in the agenda packet, more particularly noting page 2 of said document; further informing the City Commission that Somerset Academy, Inc. has filed a lawsuit against the city, which was served on July 2nd, asking the Court to enter temporary injunctive relief prohibiting the city of Coral Gables from applying our Comprehensive Plan/Zoning Code to deny them to have 675 students at University Baptist Church (UBC), and request that the city issue a Certificate of Occupancy to allow UBC to Open on September 11/2010; further stating that the city had previously issued a Certificate of Occupancy for 110 students; further informing the City Commission that the city had been provided with a settlement proposal; further requesting that a Special Meeting of the Coral Gables City Commission be scheduled for Monday, July 19, 2010, beginning 4:00 p.m. at the City of Coral Gables Commission Chambers, located at 405 Biltmore Way, Coral Gables, Florida 33134; further stating that under the parameters of section 286.011(8) of the Florida Statutes (2008), that the person chairing the City Commission will announce immediately after the meeting is convened the commencement of an Attorney-Client session, closed to the public, for the purpose of discussing settlement negotiations and strategy in the case of Somerset Academy, Inc. v. City of Coral Gables, Miami-Dade County Circuit Court Case No. 10-36228 CA 03; said close door session will begin at approximately 4:10 p.m.; said session may be attended by the members of the Coral Gables City Commission, Donald Slesnick, II, Maria Anderson, Rafael Cabrera, Jr., William H. Kerdyk, Wayne Withers, City Attorney Elizabeth M. Hernandez, Special Counsel Michael Fertig and Jennifer Glasser,

and City Manager, Patrick Salerno; 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 at the conclusion of the above cited 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.

City Attorney Hernandez further stated that a separate resolution is needed to set the Special City Commission meeting, immediately following the aforementioned Executive Session, to allow 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-wherein Laura Russo, Esq. can present her client's position, and Tucker Gibbs, Esq. can present his client's position if he so desires; further stating that during said Special Commission meeting, that the City Commission can also determine whether to approve settlement of the contract, and then both parties can proceed to a hearing the following morning to so advise the judge, or to argue the merits of the case.

May Slesnick also stated that he is adding to the aforementioned agenda that a resolution (i.e. an amendment to the lease with the Biltmore Hotel Limited Partnership and an amendment with the Biltmore Hotel Golf Management LLC.) would be brought back to the the City Commission by Special Counsel, City Attorney and the City Manager].

This Litigation was Discussed

City Clerk Item No. 55

RESOLUTION NO. 2010-133**Non 10-0481
Agenda**

A Resolution of the City of Coral Gables setting an Executive Session to discuss the case of Sommerset Academy vs. the City of Coral Gables.

RESOLUTION OF THE CITY COMMISSION SCHEDULING A SPECIAL MEETING FOR MONDAY, JULY 19, 2010, BEGINNING 4:00 P.M., IN THE CITY OF CORAL GABLES COMMISISON CHAMBERS, LOCATED AT 405 BILTMORE WAY, 2ND FLOOR, CORAL GABLES, FLORIDA, IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES [2008]; FURTHER ANNOUNCING THAT UPON THE COMMENCEMENT OF SAID MEETING THAT THE CHAIRPERSON OF THE CITY COMMISSION WILL IMMEDIATELY ANNOUNCE THE COMMENCEMENT OF AN EXECUTIVE SESSION, CLOSED TO THE PUBLIC FOR PURPOSES OF DISCUSSING SETTLEMENT NEGOTIATIONS AND STRATEGY IN THE CASE OF SOMERSET ACADEMY, INC. VS. CITY OF CORAL GABLES, MIAMI-DADE COUNTY CIRCUIT COURT CASE NO. 10-36228 CA 03.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-133. The motion passed by the following vote:

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

City Clerk Item No. 56

RESOLUTION NO. 2010-134

Non 10-0482
Agenda

A Resolution calling for a Special City Commission Meeting on July 19, 2010.

RESOLUTION OF THE CITY COMMISSION SCHEDULING A SPECIAL MEETING FOR MONDAY, JULY 19, 2010, BEGINNING 4:00 P.M., IN THE CITY OF CORAL GABLES COMMISSION CHAMBERS, LOCATED AT 405 BILTMORE WAY, 2ND FLOOR, CORAL GABLES, FLORIDA, IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES [2008], FOR THE PURPOSE OF: (A) HOLDING AN EXECUTIVE SESSION; (B) PROVIDING THE APPLICANT AND INTERESTED PARTIES AN OPPORTUNITY TO BE HEARD ON THE SETTLEMENT PROPOSAL REGARDING SOMMERSET ACADEMY, INC. V. CITY OF CORAL GABLES; (C) DISCUSSING AN AMENDMENT TO THE LEASE WITH THE BILTMORE HOTEL, LIMITED PARTNERSHIP AND AN AGREEMENT WITH THE BILTMORE HOTEL GOLF MANAGEMENT, LLC; (D) CONSIDERING AN EMERGENCY ORDINANCE AMENDING CHAPTER 74 OF THE CITY CODE ENTITLED "TRAFFIC AND VEHICLES" AND (E) CONSIDERING A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN EXISTING AGREEMENT BETWEEN AMERICAN TRAFFIC SOLUTIONS AND THE CITY FOR SERVICES ASSOCIATED WITH ENFORCEMENT OF HOUSE BILL 325, ENTITLED "THE MARK WANDALL TRAFFIC SAFETY ACT."

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-134. The motion passed by the following vote:

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

City Clerk Item No. 57

J. CITY CLERK ITEMS

None

City Clerk Item No. 58

K. DISCUSSION ITEMS

City Clerk Item No. 59

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 1:39 pm on July 13, 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