

City of Coral Gables

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



Meeting Minutes

Tuesday, September 28, 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

Dr. Larry Boudon from St. James Lutheran Church gave the Invocation.

PLEDGE OF ALLEGIANCE

[Note for the Record: Mayor Slesnick acknowledged the student government officers in attendance from Riviera Day Preparatory School, who led those in attendance with the recital of the Pledge Allegiance to the Flag. Those student government officers were:

Nicolas Cabrera (7th Grade), President of the Student Government Association and son of City Commissioner Rafael "Ralph" Cabrera; Gabriella Mayans (8th Grade), Vice President; Samantha Perez (6th Grade), Secretary; and Shota Takahashi, Treasurer].

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. 2010-24 through Ordinance No. 2010-31) (b) Resolution(s) adopted (Resolution No. 2010-202 through Resolution No. 2010-225); (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. 10-0592 Presentation of a Proclamation declaring October 3-9, 2010 as Fire Prevention Week in Coral Gables.

[Note for the Record: Commissioner Anderson prefaced her remarks stating that when she first began presenting protocol documents (i.e. proclamations) about 9 years ago, she questioned why were proclamations even done?- further stating that she ultimately realized that it is about honoring people and remembering things; further pointing out that it is more about remembering things that are important in our community, simply stated a proclamation is about memorable moments.

Commissioner Anderson further recalls that as a little boy, her son brought home this "Stop, Drop and Roll" fire safety tip, whereby he taught her family lessons regarding fire safety; further noting that now it is Mom's turn to share some knowledge on said subject matter as well, whereby she read the proclamation into the public record declaring October 3-9, 2010 as "Fire Prevention Week" in Coral Gables; further pointing out that this year's theme is "Smoke Alarms, A Sound You Can Live With."

Fire Chief Walter Reed paid homage to the importance of "Fire Prevention Week," stating that it is indeed an honor to recognize and support said event via fire education for our citizens and our children (our small citizens). Commissioner Anderson stated that in grateful recognition, that she offers this proclamation to Chief Reed and the Fire Department.

In accepting this accolade, Chief Reed stated that on behalf of the Fire Department and the Fire Prevention Division, that the Fire Department wants to encourage each person to become fire safe through the use of smoke detectors; further adding that the number one way of fighting against fire deaths is through the usage of smoke detectors in one's home; further noting that the annual death rate resulting from fires may be cut by as much as one half via the usage of smoke detectors.

Chief Reed further explained that the City of Coral Gables has a very good Fire Education Specialist in the name of Laura Rodriguez; further adding that she is available and can provide to the public any needed literature and everything that is needed in connection with fire prevention and safety; further encouraging parents to talk to our children, since they gain a lot of knowledge via the schools; further stating that through the schools the students are enabled to practice a lot of fire prevention techniques that our residents would like to see presented to the public, as well].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 2

A.-2. 10-0606

Presentation of a Proclamation declaring September 17-24, 2010 as Constitution Week in Coral Gables.

[Note for the Record: Mayor Slesnick prefaced his remarks by noting that Former Mayor Dorothy Thomson and other members from the Daughters of the American Revolution were in attendance on the occasion declaring September 17th through September 24th, 2010 as "Constitution Week;" further noting that two of our greatest documents (i.e. The Constitution and the Declaration of Independence) are recognized during this celebratory period; further noting that the Constitution is an incredible document that provides a great democratic experience to the world; further acknowledging Former Mayor Thomson as one of the Daughters of the American Revolution.

Mayor Thomson introduced the following members who were also in attendance: Liz Dobler, current Regent; Harriet Liles, whom she aptly described as a long term member and revered citizen who once made a grand appearance in a fire truck; immediate past Regent and Coral Gables resident, Susan Stanton. Mayor Slesnick also introduced Jack Thomson, whom he noted as one of the Sons of the American Revolution, and later read the proclamation into the public record, declaring September 17-24, 2010 as "Constitution Week in Coral Gables."

In furtherance of said recognition Former Mayor Thomson thanked the City Commission for all that they do to help preserve the important matters of our nation, particularly our Constitution, the government and what it stands for. Ms. Dobler also thanked the City Commission, noting that it is an honor and a privilege to receive the proclamation and to serve our nation and our community; further stating that the Daughters of the American Revolution are always at our service.

As a closing note, Former Mayor Thomson noted that Mayor Slesnick's mother, Ms. Ann Leidal is a member of the Daughters of the American Revolution, as well as the Mayor as a son of the American Revolution].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

A.-3. 10-0588

Congratulations to Lt. Donald Griffiths, recipient of the City of Coral Gables Firefighter of the Month Award for the month of September, 2010.

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

[Note for the Record: City Manager Salerno requested of Fire Chief Walt Reed to approach the podium and present Lt. Donald Griffiths as the Employee of the Month," for the month of September, being nominated by Public Education Specialist Laura Rodriguez; further stating that Lt. Griffiths has displayed individual initiative surpassing his normal slate of job requirements as Fire Lieutenant, more particularly, as evidenced by his donation of personal time in the areas of photography, cataloguing fire department activities, whereby he has assumed the role of unofficial historian of the department, EMS training drills, as well as fire department special events; further stating that Lieutenant Griffiths has displayed outstanding leadership abilities, as witnessed in his founding leader of the Future Medics of Coral Gables High School initiative, an effort which is later credited with the establishment of the Explorers Program; further acknowledging that he is proud to present Lieutenant Griffiths as the September Firefighter of the Month.

In accepting this accolade, Lt. Griffiths thanked the Mayor, members of the City Commission, Fire Chief Reed, as well as his peers, whom he credits with being there day in and day out, stating they do one heck of a job].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 3

A.-4. 10-0603

Congratulations to Lilliam Portu, Finance Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of October 2010.

Attachments: [EOM October 2010](#)
[Cover Memo EOM October 2010](#)

[Note for the Record: City Manager Salerno requested of Human Resources Director Elsa Jaramillo-Velez to join him at the podium and introduce the "Employee of the Month for October," wherein Mrs. Jaramillo-Velez stated that this month's employee, namely Lilliam Portu, Finance Department who received two nominations, from Martha Salazar Blanco and Hilda Marin respectively; further providing the justification for nomination, (i.e. Noted for her exemplary teamwork) of Ms. Portu by said individuals as follows:

"Code Enforcement is training to use a new system and Ms. Portu has been very helpful. She has come to our office on many occasions to help us understand the program. She has a lot of knowledge and initiative and understands her work. "(Martha Salazar Blanco).

"Lilly has gone out of the way to help my division and myself with our Comply System. She has been here almost every day helping us along with Gretel Salas from the IT Department. She does this without any obligation to Code Enforcement. She has missed lunches and has stayed on her own time for set up and conferences without being compensated for it. All of Code Enforcement is grateful for her work. Without her taking the initiative, the New Comply System would not be able to work efficiently. The Finance Department is lucky to have such a dedicated worker." (Hilda Marin)

During the video tapped segment of this presentation, Finance Director Don Nelson stated that Ms. Portu began her employ with the City as a receptionist, by handling the switchboard, in July of 1983; she was later promoted to Deputy Collector, sharing responsibility with another employee in the same job capacity, having responsibility for collection of what was referred to at that time as the occupational license tax, said name which later changed to business license tax; further assuming shared responsibility for the collection of over 9,000 licenses.

In closing Mr. Nelson described Ms. Portu as an exceptional employee, always going out of her way to help other customers, always with a smile.

In accepting this accolade, Ms. Portu thanked both Martha Salazar Blanco and Hilda Marin for nominating her; further stating that it is an honor and a privilege to be recognized by one's peers].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 4

B. APPROVAL OF MINUTES

B.-1. 10-0626 Regular City Commission Meeting of September 14, 2010

Attachments:

[Meeting Minutes](#)
[Verbatim Transcript - Agenda Item E-1](#)
[Verbatim Transcript - Agenda Items E-11 & E-12](#)
[Verbatim Transcript - Agenda Item E-10](#)
[Verbatim Transcript - Agenda Item H-1](#)

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be approved. 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. 5

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

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

RESOLUTION NO. 2010-202**C.-1. 10-0586**

Resolution granting permission to The St. Patrick's Day Committee, Inc. to sell alcoholic beverages from Noon until 6:00 p.m. on Saturday, March 12, 2011, at the Fred B. Hartnett/Ponce Circle Park as part of the St. Patrick's Day Festival, subject to Florida Department of Professional Regulation requirements.

Attachments: [Cover Memo for St. Patrick's Day Committee.pdf](#)
[Draft Resolution for St. Patrick's Day Committee.pdf](#)
[Special Events Application & Permit for St. Patrick's Day Committee.pdf](#)
[C-1 Signed Cover Memo](#)

RESOLUTION GRANTING PERMISSION TO THE ST. PATRICK'S DAY COMMITTEE, INC. TO SELL ALCOHOLIC BEVERAGES FROM NOON UNTIL 6:00 P.M. ON SATURDAY, MARCH 12, 2011, AT THE FRED B. HARNETT/PONCE CIRCLE PARK AS PART OF THE "**ST. PATRICK'S DAY FESTIVAL**", SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2010-202 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2010-203**C.-2. 10-0587**

Resolution granting a one-day permit to The Buoniconti Fund to Cure Paralysis, Inc. to sell alcoholic beverages on Saturday, January 15, 2011, from 5:00 p.m. to 9:00 p.m. on Miracle Mile (Ponce de Leon - Miracle Mile to Aragon), during The Buoniconti Fund to Cure Paralysis event, subject to Florida Department of Professional Regulation requirements.

Attachments: [Cover Memo for Buoniconti Fund to Cure Paralysis.pdf](#)
[Draft Resolution for Buoniconti Fund to Cure Paralysis.pdf](#)
[Special Events & Application for Buoniconti Fund to Cure Paralysis.pdf](#)
[C-2 Signed Cover Memo](#)

RESOLUTION GRANTING A ONE-DAY PERMIT TO THE BUONICONTI FUND TO CURE PARALYSIS, INC. TO SELL ALCOHOLIC BEVERAGES ON SATURDAY, JANUARY 15, 2011, FROM 5 P.M. UNTIL 9 P.M. ON MIRACLE MILE (PONCE DE LEON - MIRACLE MILE TO ARAGON), DURING THE "**BUONICONTI FUND TO CURE PARALYSIS**" EVENT, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2010-203 on the Consent Agenda.

City Clerk Item No. 7

RESOLUTION NO. 2010-204**C.-3. 10-0604**

Resolution awarding an Auditing Services contract to McGladrey & Pullen, LLP pursuant to RFP 2010.07.01 and Section 2-828 of the Procurement Code in the amount of \$330,000.00 (three hundred thirty thousand dollars) for an initial three (3) year period with three (3) additional one (1) year renewal options; further authorizing the City Manager to execute said auditing services contract.

Attachments: [Evaluation.pdf](#)
[Tabulation.pdf](#)
[Response.pdf](#)
[Draft Reso.pdf](#)
[C-3 Signed Cover Memo](#)

RESOLUTION AWARDING AN AUDITING SERVICES CONTRACT TO MCGLADREY & PULLEN, LLP PURSUANT TO RFP 2010.07.01 AND SECTION 2-828 ENTITLED "CONTRACT AWARD," OF THE PROCUREMENT CODE IN THE AMOUNT OF \$330,000.00 (THREE HUNDRED THIRTY THOUSAND DOLLARS) FOR AN INITIAL THREE (3) YEAR PERIOD WITH THREE (3) ADDITIONAL ONE (1) YEAR RENEWAL OPTIONS; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AUDITING SERVICES CONTRACT.

This Matter was adopted by Resolution Number 2010-204 on the Consent Agenda.

City Clerk Item No. 8

RESOLUTION NO. 2010-205**C.-4. 10-0598**

Resolution authorizing the execution of an interlocal agreement between the City of Coral Gables and the City of Miami providing for the recycling of Clean Yard Trash at the City of Miami Virginia Key Compost/Mulch Facility.

Attachments: [Microsoft Word - Miami Interlocal Virginia Key Composting Resolution 2010](#)
[City of Miami, Interlocal Agreement Exhibit 1](#)
[Miami.interlocal.Virginia Key composting cover sheet 2010](#)
[C-4 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND THE CITY OF MIAMI PROVIDING FOR THE RECYCLING OF CLEAN YARD TRASH AT THE CITY OF MIAMI VIRGINIA KEY COMPOST/MULCH FACILITY.

This Matter was adopted by Resolution Number 2010-205 on the Consent Agenda.

City Clerk Item No. 9

RESOLUTION NO. 2010-206

C.-5. 10-0618 Resolution requesting the Florida Division of Emergency Management allow the City to reimburse funds for 2005 hurricanes over a period of time.

Attachments: [Closeout Reconciliation pay schedule](#)
[Agenda -FEMA](#)
[Resolution for FEMA](#)
[C-5 Signed Cover Memo](#)

RESOLUTION REQUESTING FLORIDA DIVISION OF EMERGENCY MANAGEMENT TO ALLOW THE CITY TO REIMBURSE FUNDS FOR 2005 HURRICANES OVER A PERIOD OF TIME.

This Matter was adopted by Resolution Number 2010-206 on the Consent Agenda.

City Clerk Item No. 10

RESOLUTION NO. 2010-207

C.-6. 10-0623 Resolution changing the name of the Raul E. Valdes-Fauli Archive Collection to the Valdes-Fauli Archives.

Attachments: [ValdesFauliCover](#)
[ValdesFauliArchivesReso](#)
[C-6 Signed Cover Memo](#)

RESOLUTION CHANGING THE NAME OF THE RAUL E. VALDES-FAULI ARCHIVE COLLECTION TO THE VALDES-FAULI ARCHIVES.

This Matter was adopted by Resolution Number 2010-207 on the Consent Agenda.

City Clerk Item No. 11

RESOLUTION NO. 2010-208

C.-7. 10-0625 Resolution pursuant to Section 2-26 of the City Code, entitled "Regular Meetings, Special Meetings" setting forth City Commission meeting dates for the months of November and December, as follows: Tuesday, November 9, 2010, and Tuesday, December 14, 2010.

Attachments: [C-7 Signed Cover Memo](#)
[November & December CC Meeting Dates Reso.](#)

RESOLUTION PURSUANT TO SECTION 2-26 OF THE CITY CODE, ENTITLED "REGULAR MEETINGS, SPECIAL MEETINGS," SETTING FORTH CITY COMMISSION MEETING DATES FOR THE MONTHS OF NOVEMBER AND DECEMBER, AS FOLLOWS: TUESDAY, NOVEMBER 9, 2010 AND TUESDAY, DECEMBER 14, 2010.

This Matter was adopted by Resolution Number 2010-208 on the Consent Agenda.

City Clerk Item No. 12

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

C.-8. 10-0578 Board of Adjustment Meeting of September 7, 2010

Attachments: [BOARD OF ADJUSTMENT RECAP 9-07-10](#)
[BOADJ Summary 09-07-10](#)
[Notice for 09-07-10](#)
[Cover Memo - 09-28-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

C.-9. 10-0589 Parks and Recreation Advisory Board Meeting of August 27, 2010

Attachments: [Cover Sheet Minutes 08-27-10.pdf](#)
[Minutes 08-27-10 draft.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

C.-10. 10-0590 Landscape Beautification Advisory Board Meeting of September 2, 2010

Attachments: [Minutes BC 9-2-10](#)
[BC Cover Sheet 9-2-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

C.-11. 10-0591 Senior Citizens Advisory Board Meeting of August 2, 2010

Attachments: [Cover Sheet Minutes 08-02-10.pdf](#)
[Min 08-02-2010 draft.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-12. 10-0600 Property Advisory Board Meeting of September 8, 2010

Attachments: [PAB Commission Cover 9-28-10.pdf](#)
[PAB 9-08-10 Mtg Minutes.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

C.-13. 10-0601 Economic Development Board Meeting of September 1, 2010

Attachments: [EDB Minutes 9.1.10.pdf](#)
[EDB. Commission Cover 9-28-10.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 18

C.-14. 10-0602 Retirement Board Meeting of August 12, 2010

Attachments: [CC.09-28-10.August 12, 2010](#)
[Executive Summary.08-12-2010](#)
[Minutes.08-12-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

C.-15. 10-0617 Code Enforcement Board Meeting of September 15, 2010

Attachments: [memo cover sept 2010](#)
[ROLLCALL SEPT 2010](#)
[sept 2010 recap](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

C.-16. 10-0624 Budget/Audit Advisory Board Meeting of September 8, 2010

Attachments: [092810-Cover Memo CC Minutes 090810.pdf](#)
[090810-Minutes.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 21

D. PERSONAL APPEARANCES

None

City Clerk Item No. 22

E. PUBLIC HEARINGS

ORDINANCES ON SECOND READING

ORDINANCE NO. 2010-26

E.-1. **10-0544** An Ordinance of the City Commission of Coral Gables permitting the University of Miami to exceed the date/time limitation on spectators of one thousand and six hundred spectators, notwithstanding the limitations imposed by prior UMCAD approvals, in certain limited circumstances, providing for conditions of approval; providing for a repealer provision, savings clause; and an effective date. (Passed on First Reading August 24, 2010)

Attachments: [Dalai Lama Agenda Cover Memo 8-24-10](#)
[dalai lama bankk united center ordinance1](#)
[UM Letter](#)
[E-11 Signed Cover Memo August 24, 2010](#)
[E-1 Signed Cover Memo](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AUTHORIZING THE CITY MANAGER TO APPROVE ACTIVITIES AT THE BANK UNITED CENTER ON THE UNIVERSITY OF MIAMI CAMPUS OF THE UNIVERSITY TO EXCEED ONE THOUSAND AND SIX HUNDRED (1,600) SPECTATORS ON OCTOBER 26, 2010, NOTWITHSTANDING LIMITATIONS IMPOSED ON THE NUMBER OF SPECTATORS BY PRIOR UMCAD APPROVALS IN CERTAIN LIMITED CIRCUMSTANCES, PROVIDING CONDITIONS FOR APPROVAL, SAVINGS CLAUSE AND A REPEALER CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title to Agenda Item E-1 into the public record by the City Attorney, hearing no request for public testimony being proffered by any member of the public, and having no further deliberation being proffered by any member of the City Commission, on a motion by Commissioner Anderson and seconded by Vice Mayor Kerdyk, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-1].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-26. 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. 25

ORDINANCE NO. 2010-24**E.-2. 10-0552**

An Ordinance of the City Commission of Coral Gables authorizing entering into a lease amendment with Coral Gables Cinemateque, Inc., with regard to City owned property at 260 Aragon Avenue, Coral Gables, Florida; and providing for severability, repealer, codifications and an effective date. (Passed on First Reading September 14, 2010)

Attachments:

[Draft Cinemateque Amended and Restated Lease.pdf](#)
[Comparison of Cinemateque Amended and Restated Lease to Original Lease.pdf](#)
[PAB 5-19-10 Mtg Minutes - Excerpt on Cinemateque Lease Amendment.pdf](#)
[PAB 9-08-10 Mtg Minutes - EXCERPT on Art Cinema Lease.pdf](#)
[Cinemateque Commission cover - 9-14-10.pdf](#)
[Ordinance - 9 14 10 Cinema .pdf](#)
[E-8 Signed Cover Memo](#)
[Commission Cover 9-28-10 \(Cinema\).pdf](#)
[E-2 Signed Cover Memo](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AUTHORIZING ENTERING INTO A LEASE AMENDMENT WITH CORAL GABLES CINEMATEQUE, INC., WITH REGARD TO CITY OWNED PROPERTY AT 260 ARAGON AVENUE, CORAL GABLES, FLORIDA; 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 by City Manager Salerno, Mayor Slesnick reminded the public that the item that was being heard is on Second Reading, and the reason that there is light discussion is because said item had previously come before the City Commission; following said comment, hearing no request for public comment being proffered by any member of the public, and having no further deliberation being proffered by any member of the City Commission, on a motion by Commissioner Withers and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-2].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2010-24. 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. 23

ORDINANCE NO. 2010-25**E.-3. 10-0584**

An Ordinance amending Chapter 50, Article II of the Code of the City of Coral Gables, entitled "Retirement System for City Employees", implementing action taken by the City Commission to establish provisions of the 2009-2010 collective bargaining agreement between the City of Coral Gables and Teamsters, Local Union 769; Creating a definition of "average final compensation" and revising definitions of "appointed officials", "compensation", "disability", "highest three-year average", "normal retirement date" and "total earnings"; revising employee contributions; Revising normal retirement income; Revising disability benefits; Revising DROP eligibility; Revising the purchase of prior credited service; Creating a new section providing for benefits of excluded employees; Providing an effective date; and repealing all ordinances inconsistent herewith. (Passed on First Reading September 14, 2010).

Note: Discussion regarding appointed officials, per Commissioner Withers' request.

Attachments:

[cover sheet pension](#)
[CG Pension Ord General Employees 9 9 10 rev2](#)
[CG Pension Ord General Employees 9 19 10](#)
[Retirement Ordinance Cover Sheet - 2nd Reading](#)
[Retirement Ordinance - 2nd Reading](#)
[E-3 Signed Cover Memo \(09-28-10\)](#)
[Actuarial Impact Statement for 2010-2011 Fiscal Year](#)

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE II OF THE CODE OF THE CITY OF CORAL GABLES, ENTITLED "RETIREMENT SYSTEM FOR CITY EMPLOYEES", IMPLEMENTING ACTION TAKEN BY THE CITY COMMISSION TO ESTABLISH PROVISIONS OF THE 2009-2010 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND TEAMSTERS, LOCAL UNION 769; CREATING A DEFINITION OF "AVERAGE FINAL COMPENSATION" AND REVISING DEFINITIONS OF "APPOINTED OFFICIALS", "COMPENSATION", "DISABILITY", "HIGHEST THREE-YEAR AVERAGE", "NORMAL RETIREMENT DATE" AND "TOTAL EARNINGS"; REVISING EMPLOYEE CONTRIBUTIONS; REVISING NORMAL RETIREMENT INCOME; REVISING DISABILITY BENEFITS; REVISING DROP ELIGIBILITY; REVISING THE PURCHASE OF PRIOR CREDITED SERVICE; CREATING A NEW SECTION PROVIDING FOR BENEFITS OF EXCLUDED EMPLOYEES; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

[Note for the Record: Following the reading of the title to Agenda Item E-3 into the public record by the City Attorney, Commissioner Withers inquired of his colleagues as to whether there had been any follow up, regarding meetings with our appointed officials?- further inquiring as to feedback from the Commission regarding whether our appointed officials will be treated in the same manner as elected officials, as well as our managerial and supervisory employees?- further inquiring as to the feedback from the City Commission on the issue of the multiplier as it pertains to our appointed officials.

Commissioner Cabrera informed his colleagues that he had met with City Clerk Foeman and had previously spoken to our City Attorney regarding said matter.

Mayor Slesnick prefaced his remarks by distinguishing the small salaries of the members of the City Commission and their tenure in office (i.e. only those Commissioners who have been in office for ten years will not be impacted by the change in the multiplier to 2.25); further adding that it is a nice "feel good" measure to change the multiplier for the City Commission, but he does not understand the purpose for the reduction in same for elected officials- stating that the elected official salaries are roughly \$27,000 versus \$100,000 plus for other officials; further pointing out that there are very few terms that the City pay the elected officials; nor does said measure help the City's budget; nor does it set a tone for anybody; further adding that he is not compelled to do that; stating that Commissioner Withers is in the plan, but he is not.

Commissioner Anderson stated that she is not in the City's plan, nor is she in any plan, except for the 2013 Term Limit Plan; further stating that she did not really feel that she should weigh in on said matter; however, adding that if the Commission is desirous of doing it, she will support it.

Commissioner Withers stated that whether the dollar amount of the multiplier has a financial impact on our \$143 million Fiscal Year budget or not, everyone has been asked to hold the line on this matter; further noting that there are two categories at issue, elected and appointed, and that we are all in this matter together.

Vice Mayor Kerdyk stated that he subscribes to Commissioner Withers point of view as a member of this collegial body, and that all employees shall share in the pain, and that the City Commission should be part of that situation; further adding that he appreciates the Mayor's remarks, but that he wants to be part of that section of the City that makes this government go, thereby making it more fiscally responsible.

Commissioner Cabrera reminded his colleagues that the matter regarding participation in the City's plan is not a conversation about equal terms-further stating that Commissioner Anderson never participated in any Pension Plan; that he and Mayor Slesnick left the City's Pension Plan approximately 2 to 3 years ago, further adding that their contribution from the City's Plan into the Florida Retirement System, went from an estimated 40 percent of payroll to 10 percent of payroll.

Mayor Slesnick stated that he does not think that everyone is changing their multiplier; further pointing out that the Coral Gables City Commission has hired executives with special circumstances; and that the Commission has a responsibility to address each of their circumstances; further stating that the City Clerk was brought out of retirement.

Vice Mayor Kerdyk stated that he did not want to speak on behalf of the City Clerk, stated that he was brought here with the understanding that he may retire here in Coral Gables, following 10 years of service in Coral Gables (in December of 2012); further stating that if said Rule of 80 is implemented right now, it will affect his retirement; further stating that in his opinion based on his talks with the City Clerk that the

multiplier is not the issue; more specifically stating that the City has one official wherein the Rule of 70 does not apply since under the proposed ordinance he does not have the 10 years necessary to vest; further stating that he knows that the City Clerk does not want to make a big deal of this matter.

Commissioner Withers acknowledged that having known the City Attorney and City Clerk, that he knows that they are team players and would want to do what's in the best interest of the City.

Mayor Slesnick further stated that Commissioner Withers stated something that went to the hearts of many of our citizenry as it pertains to ensuring that we as elected officials handle our pension related matters in a fiscally responsive manner; further stating that approximately 3-4 years ago, when our City Commission was trying to achieve a consensus regarding the Commission entering into the Florida Retirement System, that only he and Commissioner Cabrera entered into said system. Commissioner Cabrera added that no one else on the City Commission joined, but he and Mayor Slesnick; further acknowledging that he lost money in said endeavor, however, he states that it was the right thing to do at the time; further adding that he was sorry that the Commission did not join the FRS, as a team].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-25. 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. 24

Time Certain: 10:30 a.m.

Items E.-4., E.-5. and E.-6. are related

RESOLUTION NO. 2010-209

Non 10-0642 Resolution instructing the City Clerk to collect all of the items for the public record.
Agenda

RESOLUTION INSTRUCTING THE CITY CLERK TO INCORPORATE ALL OF THE EVIDENCE, OPINIONS, TESTIMONY AND PRESENTATIONS PROFFERED BY THE PROONENTS AND OPPONENTS AND ENTERED INTO THE PUBLIC RECORD ON THIS SAME DATE, IN CONNECTION WITH AGENDA ITEMS E-4, E-5, E-6, E-9, E-10 AND F-1 RESPECTIVELY; SAID RECORDS WHICH IMPACT ALL OF THE AFOREMENTIONED ITEMS PRESENTED BEFORE THE CITY COMMISSION EITHER SEPARATELY, OR AS PART AND PARCEL OF SAID ITEMS (E-4, E-5, E-6, E-9, E-10 AND F-1), SHALL BECOME PART OF EACH OF THE RECORDS ASSOCIATED WITH THOSE AGENDA ITEMS, REFERENCED ABOVE.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-209. 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. 31

ORDINANCE NO. 2010-29

E.-4. 10-0418 Comprehensive Plan Amendment. An Ordinance of the City Commission of Coral Gables amending the City of Coral Gables Comprehensive Plan pursuant to large scale amendment procedures subject to ss. 163.3187, Florida Statutes, for the following Comprehensive Plan text and Comprehensive Plan Map amendments for the University of Miami, City of Coral Gables Campus, generally bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida (depicted graphically herein); and providing for severability, repealer, codification, and an effective date; as follows:
A. Amendment to Comprehensive Plan Policy FLU-1.1.6, Table FLU-5, entitled "Other Land Uses", by re-naming "University" land use to "University Campus" land use, and adding the "University Campus Multi-Use Area".
B. Amendment to Comprehensive Plan Policy FLU-1.1.6, Table FLU-5, entitled "Other Land Uses", by increasing the maximum Floor Area Ratio (FAR) for "University" land use from 0.5 FAR to 0.7 FAR.
C. Amendment to the Future Land Use Map to change the land use designation of University owned properties located on Block 192, Riviera Section Part 14 from "Commercial Use, Low-Rise Intensity" to "University Campus" land use.
D. Amendment to Comprehensive Plan Policy MOB-2.2.1, to include the University of Miami campus and several contiguous properties outside the campus in the geographic

description of the Gables Redevelopment and Infill District (GRID) also known as a Transportation Concurrency Exemption Area (TCEA), including the area bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street.

E. Amendment to Comprehensive Plan MOB-2 Map, to graphically include the University of Miami campus and several contiguous properties outside of the campus into the Gables Redevelopment and Infill District (GRID) also known as a Transportation Concurrency Exemption Area (TCEA).

F. Amendment to the Future Land Use Map to designate and graphically locate proposed "University Campus Multi-Use Area" along Ponce de Leon Boulevard, approximately bounded by Stanford Drive, Walsh Avenue and the University (Mahi) Waterway Canal.

(Passed on First Reading June 30, 2010)

Attachments: [06 30 2010 Exhibit 2 - 06 24 10 Staff report and attachments](#)
[06 30 2010 Exhibit 2 - Attachment A: 06 24 2010 UM Comp Plan Ordinance](#)
[06 30 2010 Exhibit 2 - Attachment C: Legal Advertisement](#)
[06 30 2010 Exhibit 2 - Attachment D: Public Hearing Courtesy Notification](#)
[06 30 2010 Exhibit 2 - Attachment E: UM Neighborhood Mtg Notice, Summary and](#)
[06 30 2010 Exhibit 2 - Attachment F: Public Comments](#)
[06 30 2010 Exhibit 2 - Attachment B: Applicant Submittal Package \(Volume I and](#)
[06 30 2010 Exhibit 2 - Attachment G: Comprehensive Plan Citizen Courtesy Infor](#)
[06 30 2010 CC Cover Memo - UM CP amendments - 1st Reading](#)
[06 30 2010 Exhibit 1 - UM Comp Plan Ordinance First Reading](#)
[06 30 2010 Exhibit 3 - 06 24 2010 City Staff's PowerPoint Presentation](#)
[06 30 2010 Exhibit 4 - 06 24 2010 Applicants PowerPoint Presentation](#)
[06 30 2010 Exhibit 5 - Updated Public Comments with PZB Sign In Sheet](#)
[06 30 2010 Exhibit 6 - DCA Comp Plan Citizen Courtesy Info List](#)
[09 28 2010 Exhibit A - UM Comp Plan Ordinance 2nd Reading](#)
[09 28 2010 Exhibit B - UM DA Ordinance - 2nd reading](#)
[09 28 2010 Exhibit C - ZC text amendment for DA time frame - 2nd reading](#)
[09 28 2010 Exhibit D - 09 03 2010 DCA Letter of 'no objection'](#)
[09 28 2010 Exhibit E - 06 30 2010 CC UM CP amend 1st Reading minutes](#)
[09 28 2010 Exhibit F - Updated comments](#)
[09 28 2010 CC Cover Memo DA CP ZC text amendment cover memo - 2nd Read](#)
[09 28 2010 UM Development Agreement](#)
[E-4, E-5 & E-6 Signed Cover Memo 09-28-10](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE CITY OF CORAL GABLES COMPREHENSIVE PLAN PURSUANT TO LARGE SCALE AMENDMENT PROCEDURES SUBJECT TO SS. 163.3187, FLORIDA STATUTES, FOR THE FOLLOWING COMPREHENSIVE PLAN TEXT AND COMPREHENSIVE PLAN MAP AMENDMENTS FOR THE UNIVERSITY OF MIAMI, CITY OF CORAL GABLES CAMPUS, GENERALLY BOUNDED BY PONCE DE LEON BOULEVARD, RED ROAD (SW 57TH AVENUE), MATARO AVENUE, SAN AMARO DRIVE, CAMPO SANO DRIVE, PISANO AVENUE AND CARILLO STREET, CORAL GABLES, FLORIDA (DEPICTED GRAPHICALLY HEREIN); AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE; AS FOLLOWS:

A. AMENDMENT TO COMPREHENSIVE PLAN POLICY FLU-1.1.6, TABLE FLU-5, ENTITLED "OTHER LAND USES", BY RE-NAMING "UNIVERSITY" LAND USE TO "UNIVERSITY CAMPUS" LAND USE, AND ADDING THE "UNIVERSITY CAMPUS MULTI-USE AREA".

B. AMENDMENT TO COMPREHENSIVE PLAN POLICY FLU-1.1.6,

TABLE FLU-5, ENTITLED "OTHER LAND USES", BY INCREASING THE MAXIMUM FLOOR AREA RATIO (FAR) FOR "UNIVERSITY" LAND USE FROM 0.5 FAR TO 0.7 FAR.

C. AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE THE LAND USE DESIGNATION OF UNIVERSITY OWNED PROPERTIES LOCATED ON BLOCK 192, RIVIERA SECTION PART 14 FROM "COMMERCIAL USE, LOW-RISE INTENSITY" TO "UNIVERSITY CAMPUS" LAND USE.

D. AMENDMENT TO COMPREHENSIVE PLAN POLICY MOB-2.2.1, TO INCLUDE THE UNIVERSITY OF MIAMI CAMPUS AND SEVERAL CONTIGUOUS PROPERTIES OUTSIDE THE CAMPUS IN THE GEOGRAPHIC DESCRIPTION OF THE GABLES REDEVELOPMENT AND INFILL DISTRICT (GRID) ALSO KNOWN AS A TRANSPORTATION CONCURRENCY EXEMPTION AREA (TCEA), INCLUDING THE AREA BOUNDED BY PONCE DE LEON BOULEVARD, RED ROAD (SW 57TH AVENUE), MATARO AVENUE, SAN AMARO DRIVE, CAMPO SANO DRIVE, PISANO AVENUE AND CARILLO STREET.

E. AMENDMENT TO COMPREHENSIVE PLAN MOB-2 MAP, TO GRAPHICALLY INCLUDE THE UNIVERSITY OF MIAMI CAMPUS AND SEVERAL CONTIGUOUS PROPERTIES OUTSIDE OF THE CAMPUS INTO THE GABLES REDEVELOPMENT AND INFILL DISTRICT (GRID) ALSO KNOWN AS A TRANSPORTATION CONCURRENCY EXEMPTION AREA (TCEA).

F. AMENDMENT TO THE FUTURE LAND USE MAP TO DESIGNATE AND GRAPHICALLY LOCATE PROPOSED "UNIVERSITY CAMPUS MULTI-USE AREA" ALONG PONCE DE LEON BOULEVARD, APPROXIMATELY BOUNDED BY STANFORD DRIVE, WALSH AVENUE AND THE UNIVERSITY (MAHI) WATERWAY CANAL.

[Note for the Record: The verbatim transcript for Agenda Item E-4 is on file 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 adopted by Ordinance Number 2010-29. 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. 32

ORDINANCE NO. 2010-30**E.-5. 10-0569**

Zoning Code Text Amendment - Article 3, Division 19, "Development Agreements". An Ordinance of the City Commission of Coral Gables granting approval of an amendment to Zoning Code Article 3, Division 19, entitled "Development Agreements", Section 3-1907, entitled "Contents of development agreement/recording", by increasing the duration of a development agreement from not to exceed ten (10) years to not to exceed twenty (20) years; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading September 14, 2010)

Attachments: [09 14 2010 CC Cover Memo re: University of Miami Development Agreement 1st](#)
[09 14 2010 Exhibit A - Ordinance - University of Miami Development Order - 1st R](#)
[09 14 2010 Exhibit B - Ordinance - Zoning Code Text Amendment - 1st Reading](#)
[09 14 2010 Exhibit C - 08.11.2010 Planning Department Staff Report](#)
[09 14 2010 Exhibit D - 08.11.2010 Planning and Zoning Board Verbatim Minutes](#)
[09 14 2010 Exhibit E - Updated Public Comments](#)
[09 14 2010 University of Miami Application submittal package](#)
[09 14 2010 University of Miami Development Agreement](#)
[E-11&E-12 Signed Cover Memo](#)
[09 28 2010 Exhibit A - UM Comp Plan Ordinance 2nd Reading](#)
[09 28 2010 Exhibit B - UM DA Ordinance - 2nd reading](#)
[09 28 2010 Exhibit C - ZC text amendment for DA time frame - 2nd reading](#)
[09 28 2010 Exhibit D - 09 03 2010 DCA Letter of 'no objection'](#)
[09 28 2010 Exhibit E - 06 30 2010 CC UM CP amend 1st Reading minutes](#)
[09 28 2010 Exhibit F - Updated comments](#)
[09 28 10 CC Cover Memo DA CP ZC text amendment cover memo - 2nd Reading](#)
[09 28 2010 UM Development Agreement](#)
[E-4, E-5 & E-6](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES GRANTING APPROVAL OF AN AMENDMENT TO ZONING CODE ARTICLE 3, DIVISION 19, ENTITLED "DEVELOPMENT AGREEMENTS", SECTION 3-1907, ENTITLED "CONTENTS OF DEVELOPMENT AGREEMENT/RECORDING", BY INCREASING THE DURATION OF A DEVELOPMENT AGREEMENT FROM NOT TO EXCEED TEN (10) YEARS TO NOT TO EXCEED TWENTY (20) YEARS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: The verbatim transcript for Agenda Item E-5 is on file in the Office of the City Clerk and in Legistar].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2010-30. 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. 33

ORDINANCE NO. 2010-31**E.-6. 10-0568**

University of Miami Development Order. An Ordinance of the City Commission of Coral Gables granting approval of a Development Order for the University of Miami pursuant to Zoning Code Article 3, Division 19, entitled "Development Agreements", for the University of Miami, City of Coral Gables Campus, for the area bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida; providing for incorporation of Ordinance No. 2964 through UMCAD approvals up and including Ordinance 2007-16 and amending same as reflected in the proposed development agreement including but not limited to an increase in seating at the Bank United Center, an amendment to Resolution No. 2003-7 to allow for the sale of alcoholic beverages, an amendment to certain provisions of Ordinance No. 2007-16 with respect to the timing of certain obligations and modifications of Declaration of Covenants recorded on October 3, 2007, at OR Book 25968, Pages 4593-4609; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading September 14, 2010)

Attachments: [09 14 2010 CC Cover Memo re: University of Miami Development Agreement 1st](#)
[09 14 2010 Exhibit A - Ordinance - University of Miami Development Order - 1st R](#)
[09 14 2010 Exhibit B - Ordinance - Zoning Code Text Amendment - 1st Reading](#)
[09 14 2010 Exhibit C - 08.11.2010 Planning Department Staff Report](#)
[09 14 2010 Exhibit D - 08.11.2010 Planning and Zoning Board Verbatim Minutes](#)
[09 14 2010 Exhibit E - Updated Public Comments](#)
[09 14 2010 University of Miami Application submittal package](#)
[09 14 2010 University of Miami Development Agreement](#)
[E-11&E-12 Signed Cover Memo](#)
[09 28 2010 Exhibit A - UM Comp Plan Ordinance 2nd Reading](#)
[09 28 2010 Exhibit B - UM DA Ordinance - 2nd reading](#)
[09 28 2010 Exhibit C - ZC text amendment for DA time frame - 2nd reading](#)
[09 28 2010 Exhibit D - 09 03 2010 DCA Letter of 'no objection'](#)
[09 28 2010 Exhibit E - UM CP amend 1st Reading minutes](#)
[09 28 2010 Exhibit F - Updated comments](#)
[09 28 2010 UM Development Agreement](#)
[09 28 10 CC Cover Memo DA CP ZC text amendment cover memo - 2nd Reading](#)
[E-4, E-5 & E-6 Signed Cover Memo](#)
[Revised University of Miami Development Agreement](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES GRANTING APPROVAL OF A DEVELOPMENT ORDER FOR THE UNIVERSITY OF MIAMI PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 19, ENTITLED "DEVELOPMENT AGREEMENTS", FOR THE UNIVERSITY OF MIAMI, CITY OF CORAL GABLES CAMPUS, FOR THE AREA BOUNDED BY PONCE DE LEON BOULEVARD, RED ROAD (SW 57TH AVENUE), MATARO AVENUE, SAN AMARO DRIVE, CAMPO SANO DRIVE, PISANO AVENUE AND CARILLO STREET, CORAL GABLES, FLORIDA; PROVIDING FOR INCORPORATION OF ORDINANCE NO. 2964 THROUGH UMCAD APPROVALS UP AND INCLUDING ORDINANCE 2007-16 AND AMENDING SAME AS REFLECTED IN THE PROPOSED DEVELOPMENT AGREEMENT INCLUDING BUT NOT LIMITED TO AN INCREASE IN SEATING AT THE BANK UNITED CENTER, AN AMENDMENT TO RESOLUTION NO. 2003-7 TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES, AN AMENDMENT TO CERTAIN PROVISIONS OF

ORDINANCE NO. 2007-16 WITH RESPECT TO THE TIMING OF CERTAIN OBLIGATIONS AND MODIFICATIONS OF DECLARATION OF COVENANTS RECORDED ON OCTOBER 3, 2007, AT OR BOOK 25968, PAGES 4593-4609; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: The verbatim transcript for Agenda Item E-6 is on file 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 adopted by Ordinance Number 2010-31. 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. 34

ORDINANCES ON FIRST AND SECOND READING**ORDINANCE NO. 2010-27****E.-7. 10-0607**

An Emergency Ordinance amending Ordinance No. 2003-53, suspending the CPI for appointed officials' compensation effective from October 1, 2010 through September 30, 2011; repealing all Ordinances inconsistent herewith; waiving second reading and thirty-day waiting period; and providing for an effective date.

Attachments: [Agenda -Emergency Ordinance for Appointed Officials](#)
[Ord amending Compensation](#)
[E-7 Signed Cover Memo](#)

[Note for the Record: Following the reading of the title to Agenda Item E-7 into the public record by the City Attorney, Commissioner Cabrera inquired of the City Commission that he would like to know the anticipated savings to both ordinances, on First and Second Reading, resulting from the suspension of the CPI for both the elected and appointed officials?

Mayor Slesnick stated that there is an ordinance (Ordinance No. 2003-53), which provides for an annual increase in salary based on the Consumer Price Index, which this year shall represent an increase of 2.5%; further stating that effective October 1st, 2010, that that elected officials would get roughly \$900 times 5 (number of City Commissioners); further stipulating that said increase would be suspended by the proposed ordinance); further stating that the financial impact is roughly \$5,000.

Commissioner Cabrera informed his colleagues that he would not be voting for this proposed measure as it pertains to appointed officials].

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 26

ORDINANCE NO. 2010-27**E-7.1. 10-0607**

An Emergency Ordinance amending Ordinance No. 2003-53, suspending the CPI for appointed officials' compensation effective from October 1, 2010 through September 30, 2011; repealing all Ordinances inconsistent herewith; waiving second reading and thirty-day waiting period; and providing for an effective date.

Attachments: [Agenda -Emergency Ordinance for Appointed Officials](#)
[Ord amending Compensation](#)
[E-7 Signed Cover Memo](#)

AN EMERGENCY ordinance amending ORDINANCE NO. 2003-53, SUSPENDING THE CPI FOR APPOINTED OFFICIALS' COMPENSATION EFFECTIVE FROM OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; repealing all ordinances INCONSISTENT herewith; waiving second reading and thirty-day waiting period; and providing for an effective date.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-27. The motion passed by the following vote:

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 27

ORDINANCE NO. 2010-28**E.-8. 10-0608**

An Emergency Ordinance amending Ordinance No. 2659, suspending the CPI for elected officials' compensation effective from October 1, 2010 through September 30, 2011; repealing all Ordinances inconsistent herewith; waiving second reading and thirty-day waiting period; and providing for an effective date.

Attachments: [Ord amending Compensation voted officials](#)
[Ordinance 2659](#)
[Agenda -Emergency Ordinance for Elected Officials](#)
[E-8 Signed Cover Memo](#)

[Note for the Record: Following the reading of the title to Agenda Item E-8 into the public record by the City Attorney, Mayor Slesnick inquired of the City Attorney as to the reason for the two separate roll calls for the Emergency Ordinance? - whereby Ms. Hernandez explained that two motions are needed because the first motion, which is the passage of item on First Reading had to pass by a majority vote, wherein the second motion in accordance with Section 13 of the City Charter requires a dispensing of the requirement of two separate readings by a four-fifths vote of the City Commission.

Regarding the proposed ordinance which proposes a suspension of the CPI for all appointed officials, Mayor Slesnick explained that he answered the question regarding the financial impact of said suspension as it pertains to elected officials, but not address the issue of the financial impact resulting from the proposed suspension of the CPI to the three appointed officials.

Commissioner Cabrera stating that he would not request any further analysis regarding the financial impact, resulting from the proposed suspension of the CPI for the appointed officials to be presented by the Mayor; further stating that the prepared agendas and support documentation are for the City Commission to make decisions based on the information that is provided, and in this instance, the City Commission has been provided limited information that affects the livelihood of three appointed officials].

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. 28

ORDINANCE NO. 2010-28**E.-8.1. 10-0608**

An Emergency Ordinance amending Ordinance No. 2659, suspending the CPI for elected officials' compensation effective from October 1, 2010 through September 30, 2011; repealing all Ordinances inconsistent herewith; waiving second reading and thirty-day waiting period; and providing for an effective date.

Attachments: [Ord amending Compensation voted officials](#)
[Ordinance 2659](#)
[Agenda -Emergency Ordinance for Elected Officials](#)
[E-8 Signed Cover Memo](#)

AN EMERGENCY ordinance amending ORDINANCE NO. 2659, SUSPENDING THE CPI FOR ELECTED OFFICIALS' COMPENSATION EFFECTIVE FROM OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; repealing all ordinances INCONSISTENT herewith; waiving second reading and thirty-day waiting period; and providing for an effective date.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2010-28. 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. 29

ORDINANCES ON FIRST READING**Time Certain: 10:35 a.m.****Items E.-9., E.-10. and F.-1. are related**

E.-9. 10-0613 Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables for an amendment to the Zoning Code, Article 4, Division 2, Section 4-202, University of Miami Campus Area Development (UMCAD), by creating new use and development provisions for the University to be referenced as "University Campus District (UCD)", providing for repeal in entirety of the existing UMCAD provisions and an amendment to Article 8, Definitions, providing for new definitions; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 5-1) (Passed on First Reading September 28, 2010)

Attachments: [09 28 2010 CC Cover Memo UM UMCAD to UCD rezoning cover memo - 1st Rea](#)
[09 28 2010 Exhibit A - UM UCD zoning code text amend ord -1st reading](#)
[09 28 2010 Exhibit B - UM UCD change in zoning map ord](#)
[09 28 2010 Exhibit G - Existing UMCAD ZC provisions](#)
[09 28 2010 Exhibit C- 09 15 2010 PZB Staff Report only](#)
[09 28 2010 Exhibit E - University's submittal package](#)
[09 28 2010 Exhibit H - UCD Campus sub-areas map](#)
[09 28 2010 Exhibit J - Updated public comments](#)
[09 28 2010 Exhibit I - Approved 2002 UM campus height map](#)
[09 28 2010 Exhibit F - Draft UCD Zoning Code text provisions](#)
[09 28 2010 Exhibit D - 09 14 2010 Planning and Zoning Board minutes](#)
[E-9 & E-10 Signed Cover Memo](#)
[10 12 2010 Exhibit A: UM UCD zoning code text amend ordinance with Article 4 a](#)
[10 12 2010 Exhibit B: UM UCD change in zoning map ordinance](#)
[10 12 2010 CC Cover Memo FINAL UM UMCAD to UCD rezoning cover memo - ;](#)

[Note for the Record: The verbatim transcript for Agenda Item E-9 is available for public inspection 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 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. 35

E.-10. 10-0614

Change of Zoning Map. An Ordinance of the City Commission of Coral Gables requesting a change of zoning for the University of Miami, City of Coral Gables Campus owned properties including the following:

1. Commercial Limited (CL) District to University Campus District (UCD) for properties legally described as follows:
 - a) Lots 8-10, Block 192, Riviera Section Part 14 (5809 Ponce de Leon Blvd. - McKnight Building), Coral Gables, Florida;
 - b) Lots 6 and 7, Block 192, Riviera Section Part 14 (No address - McKnight Building parking lot), Coral Gables, Florida; and,
 - c) Lots 1, 2 and SW ½ of Lot 3, Block 192, Riviera Section Part 14 (1540 Levante Ave. - Rainbow Building), Coral Gables, Florida; and,
2. University of Miami Campus Area Development (UMCAD) to University Campus District (UCD) for all University of Miami owned properties generally bounded by Ponce de Leon Boulevard, Levante Avenue, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida; and,

providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0) (Passed on First Reading September 28, 2010)

Attachments: [09 28 2010 CC Cover Memo UM UMCAD to UCD rezoning cover memo - 1st Rea](#)
[09 28 2010 Exhibit A - UM UCD zoning code text amend ord -1st reading](#)
[09 28 2010 Exhibit B - UM UCD change in zoning map ord](#)
[09 28 2010 Exhibit G - Existing UMCAD ZC provisions](#)
[09 28 2010 Exhibit C- 09 15 2010 PZB Staff Report only](#)
[09 28 2010 Exhibit E - University's submittal package](#)
[09 28 2010 Exhibit H - UCD Campus sub-areas map](#)
[09 28 2010 Exhibit I - Approved 2002 UM campus height map](#)
[09 28 2010 Exhibit J - Updated public comments](#)
[09 28 2010 Exhibit F - Draft UCD Zoning Code text provisions](#)
[09 28 2010 Exhibit D - 09 14 2010 Planning and Zoning Board minutes](#)
[E-9 & E-10 Signed Cover Memo](#)
[10 12 2010 CC Cover Memo: FINAL UM UMCAD to UCD rezoning cover memo -](#)
[10 12 2010 Exhibit A - UM UCD zoning code text amend Ordinance with Article 4](#)
[10 12 2010 Exhibit B - UM UCD change in zoning map ordinance](#)

[Note for the Record: The verbatim transcript for Agenda Item E-10 is available for public inspection 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:

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

City Clerk Item No. 36

E-11. 10-0619

An Ordinance of the City Commission of Coral Gables creating Chapter 16, Article VI, entitled "Lawn Maintenance Equipment" of the Code of the City of Coral Gables, Florida and regulating debris produced or coming from all Lawn Maintenance Equipment; amending Article V by changing the hours of operation for power tools and landscaping equipment under Chapter 16; providing for restrictions on the use of motorized leaf blowers, providing for exemptions; providing for enforcement and penalties; providing for severability, repealer, codification and an effective date. (Passed on First Reading September 28, 2010)

Attachments: [Lawn Maintenance Equipment Cover Sheet](#)
[Lawn Maintenance Equipment Ordinance \(Final\)](#)
[E-11 Signed Cover Memo](#)

[Note for the Public Record: The verbatim transcript for Agenda Item E-11 is available for public inspection in the Office of the City Clerk and in Legistar].

A motion was made by Commissioner Cabrera, 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 Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Anderson and Mayor Slesnick II

Nays : 1 - Commissioner Withers

City Clerk Item No. 30

F. CITY COMMISSION ITEMS

Items F.-1., E.-9. and E.-10. are related

RESOLUTION NO. 2010-210

F.-1. 10-0622 A Resolution of the City Commission of Coral Gables, Florida authorizing a public hearing, to consider amending section 4-202 of the City's Official Zoning Code to replace the existing University of Miami Campus Area Development District with a new zoning district and amending Article 8 of the Zoning Code to add additional definitions and to rezone certain properties from University of Miami Campus Area Development (UMCAD) to University Campus Development (UCD), to be held prior to 5:00 p.m. on a weekday as required by Ch.166.041(3)(c) Florida Statutes; and providing for an effective date.

Attachments: [09 28 2010 Exhibit - resolution 5 pm hearing](#)
[09 28 10 CC Cover Memo FINAL Resolution hearing after 5 pm](#)
[F-1 Signed Cover Memo](#)

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES AUTHORIZING A PUBLIC HEARING, TO CONSIDER AMENDING SECTION 4-202 OF THE CITY'S OFFICIAL ZONING CODE TO REPLACE THE EXISTING UNIVERSITY OF MIAMI CAMPUS AREA DEVELOPMENT DISTRICT WITH A NEW ZONING DISTRICT AND AMENDING ARTICLE 8 OF THE ZONING CODE TO ADD ADDITIONAL DEFINITIONS AND TO REZONE CERTAIN PROPERTIES FROM UNIVERSITY OF MIAMI CAMPUS AREA DEVELOPMENT (UMCAD) TO UNIVERSITY CAMPUS DEVELOPMENT (UCD), TO BE HELD PRIOR TO 5:00 P.M. ON A WEEKDAY AS REQUIRED BY CH. 166.041(3)(C) FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: The verbatim transcript for Agenda Item F-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 adopted by Resolution Number 2010-210. 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. 37

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 38

H. CITY MANAGER ITEMS**RESOLUTION NO. 2010-223**

H.-1. 10-0616 Resolution appointing and confirming certain individuals to serve as members on the City of Coral Gables Green Task Force for a term of office which shall commence on October 1, 2010 until May 30, 2011; and thereafter commencing on June 1, 2011 and expiring on May 31st in odd numbered years.

Attachments: [Green task force membership - Cover](#)
[prospective members resumes](#)
[R-2010 - Draft - Green Task Force Appointees](#)
[Ord. 2010-12](#)
[Green task force prospective members chart](#)
[Green task force prospective membership category chart](#)
[prospective members resumes-2](#)
[H-1 Signed Cover Memo](#)

RESOLUTION FORMALIZING THE APPOINTMENT OF CERTAIN INDIVIDUALS WHOM WERE EACH APPOINTED OR CONFIRMED THROUGH VOICE VOTE, FOR APPOINTMENT BY SEPARATE LEGISLATIVE ACTIONS (MORE PARTICULARLY FROM RESOLUTION NUMBER 2010-212 THROUGH RESOLUTION NUMBER 2010-222), THEREBY CONSOLIDATING THE AFOREMENTIONED ACTIONS INTO ONE CONFIRMING RESOLUTION TO SERVE AS MEMBERS ON THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

[Note for the Record: The following individuals, representing Resolution Numbers 2010-212 through Resolution Numbers 2010-222 were either appointed or nominated for confirmation to the CORAL GABLES GREEN TASK FORCE, as more particularly listed herein below:

RESOLUTION NO. 2010-212 confirmed appointment of KENNETH P. CAPEZUETTO (University of Miami category);

RESOLUTION NO. 2010-213 confirmed appointment of ANABELLA SMITH (Coral Gables Chamber of Commerce category);

RESOLUTION NO. 2010-214 appointed SALLYE JUDE (Person with Interest in Historic Preservation category);

RESOLUTION NO. 2010-215 appointed SHARON V. TRBOVICH (Coral Gables Garden Club category);

RESOLUTION NO. 2010-216 appointed BROOK DANNEMILLER (Landscape Architect category);

RESOLUTION NO. 2010-217 appointed JENNY MAY (Resident category);

RESOLUTION 2010-218 confirmed the appointment of ENRIQUE LOPEZ (City Manager Appointee/Resident category);
RESOLUTION NO. 2010-219 appointed CARLOS RUIZ DE QUEVEDO (Planner category);
RESOLUTION NO. 2010-220 appointed MIROSLAV MILADENOVIC (Engineer category);
RESOLUTION NO-2010-221 appointed NATIVIDAD SOTO (Architect category);
RESOLUTION NO. 2010-222 appointed BRUCE CHRISTENSEN (Resident category).
RESOLUTION NO. 2010-223, FORMALIZING CERTAIN INDIVIDUALS WHOM WERE EITHER NOMINATED OR CONFIRMED FOR APPOINTMENT, THROUGH VOICE VOTE, BY SEPARATE LEGISLATIVE ACTION (MORE SPECIFICALLY, FROM RESOLUTION NUMBER 2010-212 THROUGH RESOLUTION NUMBER 2010-222) INTO ONE CONFIRMING RESOLUTION.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-223. 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. 51

RESOLUTION NO. 2010-212

Non 10-0643
Agenda

A Resolution confirming the appointment of Kenneth P. Capezzuto as a member of the City of Coral Gables Green Task Force.

RESOLUTION CONFIRMING THE APPOINTMENT OF KENNETH P. CAPEZZUTO (UNIVERSITY OF MIAMI CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011, AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-212. 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. 40

RESOLUTION NO. 2010-213

Non 10-0644
Agenda

A Resolution confirming the appointment of Anabella Smith as a member of the City of Coral Gables Green Task Force.

RESOLUTION CONFIRMING THE APPOINTMENT OF ANABELLA SMITH (CHAMBER OF COMMERCE CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011, AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-213. The motion passed unanimously.

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

City Clerk Item No. 41

RESOLUTION NO. 2010-214

Non 10-0645
Agenda

A Resolution appointing Sallye Jude as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING SALLYE JUDE (PERSON WITH A DEMONSTRATED INTEREST IN HISTORIC PRESERVATION BOARD CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-214. The motion passed unanimously.

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

City Clerk Item No. 42

RESOLUTION NO. 2010-215

Non 10-0646
Agenda

A Resolution appointing Sharon V. Trbovich as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING SHARON V. TRBOVICH (CORAL GABLES GARDEN CLUB CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-215. The motion passed unanimously.

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

City Clerk Item No. 43

RESOLUTION NO. 2010-216

Non 10-0647
Agenda

A Resolution appointing Brook Dannemiller as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING BROOK DANNEMILLER (LANDSCAPE ARCHITECT CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-216. The motion passed unanimously.

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

City Clerk Item No. 44

RESOLUTION NO. 2010-217

Non 10-0648
Agenda

A Resolution appointing Jenny A. May as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING JENNY A. MAY (RESIDENT CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-217. The motion passed unanimously.

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

City Clerk Item No. 45

RESOLUTION NO. 2010-218

Non 10-0649
Agenda

A Resolution appointing Enrique Lopez as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING ENRIQUE LOPEZ (CITY MANAGER APPOINTMENT/RESIDENT CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-218. The motion passed unanimously.

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

City Clerk Item No. 46

RESOLUTION NO. 2010-219

Non 10-0650
Agenda

A Resolution appointing Carlos Ruiz as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING CARLOS RUIZ DE QUEVEDO (PLANNER CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-219. 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. 47

RESOLUTION NO. 2010-220

Non 10-0651
Agenda

A Resolution appointing Miroslav Mladenovic as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING MIROSLAV MLADENOVIC (ENGINEER CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-220. 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. 48

RESOLUTION NO. 2010-221

Non 10-0652
Agenda

A Resolution appointing Natividad Soto as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING NATIVIDAD SOTO (ARCHITECT CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-221. The motion passed unanimously.

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

City Clerk Item No. 49

RESOLUTION NO. 2010-222

Non 10-0653
Agenda

A Resolution appointing Bruce Christensen as a member of the City of Coral Gables Green Task Force.

RESOLUTION APPOINTING BRUCE CHRISTENSEN (RESIDENT CATEGORY), AS A MEMBER OF THE CITY OF CORAL GABLES GREEN TASK FORCE FOR A TERM OF OFFICE WHICH SHALL COMMENCE ON OCTOBER 1, 2010 UNTIL MAY 30, 2011; AND THEREAFTER COMMENCING ON JUNE 1, 2011 AND EXPIRING ON MAY 30TH IN ODD NUMBERED YEARS.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-222. The motion passed unanimously.

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

City Clerk Item No. 50

RESOLUTION NO. 2010-211**H.-2. 10-0615**

Resolution accepting the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2009, by McGladrey & Pullen, LLP, Certified Public Accountants.

Attachments: [Agenda Item - Presentation of CAFR 2009](#)
[Resolution Accepting CAFR](#)
[H-2 Signed Cover Memo](#)
[Report Related to Audit of Financial Statements](#)

RESOLUTION ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2009 BY MCGLADREY & PULLEN, LLP, CERTIFIED PUBLIC ACCOUNTANTS.

[Note for the Record: Following the introduction of Agenda Item H-2, City Manager Salerno informed the City Commission that Mr. Brett Friedman, the principal in charge of the City of Coral Gables Audit through Fiscal Year ending September 30, 2010, was available to address any of the concerns the Commission may have regarding said matter.

Mr. Friedman informed the City Commission that there were two documents presented, the City of Coral Gables Comprehensive Annual Financial Plan (Fiscal Year Ended 2009), and secondly an Auditor's Report was issued through his firm, McGladrey and Pullen, LLP, Certified Public Accountants, to its audit of those Financial 1 Statements of the City of Coral Gables for the year ending September 30, 2009.

Mr. Friedman further stated that a letter was dated July 30, 2010 regarding whether there were any significant deficiencies and material weaknesses in Internal Controls noticed during its audit of said Financial Statements ending September 30, 2009.

Mr. Friedman further explained that the City adopted the following Governmental Accounting Board Standards:

- (1) GASB Statement No. 45, entitled "Accounting and Financial reporting by Employees for Post Employment Benefits Other Than Pensions"; and
- (2) GASB Statement No. 49, entitled Accounting and Financial Reporting for Pollution Remediation Obligations, which required the City to estimate the components of expected pollution remediation outlays and determine if the outlays of said components should be accrued as a liability, or if appropriate, capitalized when goods and services are acquired.

Regarding the audit, Mr. Friedman stated that his firm did not identify any significant or unusual transactions or accounting policies, or controversial areas; further stating that his firm did not report to the City management any alternative treatments that were not

reported to GAAP (Generally Accepted Accounting Principles) further adding that significant accounting estimates were provided; further noting that there were no items identified that related to neutrality, consistency and clarity as it pertained to the disclosure of the Financial Statements; further stating that the information provided by the City has been consistent with what has been presented in the past, and that there were no signs of manipulation or modification of the financials; further stating that there were some audit adjustments, but that said matters were not significant to adjust the numbers; further stating that there has been disclosure by his firm regarding whether any changes in internal control over compliance or other factors that might significantly affect internal control, including any corrective action taken by management with regard to deficiencies (including material weaknesses), have occurred subsequent to the date as of which compliance is audited.

Mr. Friedman added that there were no significant issues arising from the audit; however the audit did reveal that there were significant deficiencies and material weaknesses dealing with Financial Reporting; further noting however, there was a delay as to when the audit could be started, based on when the Finance Department would have the information available; however pointing out that there was no delay regarding starting the audit tasks; further noting that there was no significant disagreement with management, nor was there a problem with any items discussed during the audit.

Mr. Friedman referenced that there have been recently issued accounting standards (i.e. GASB Statement No. 51, entitled Accounting Reporting for Intangible Assets; GASB Statement No. 53, entitled Accounting and Financial Reporting for Derivative Instruments, and GASB Statement No. 54, entitled Accounting for Fund Balance Reporting and Government Fund Type Definitions), which he states should make Financial Statements more readable, as well as to help one better understand what the City has available versus what is obligated.

Finally, regarding Accounting Estimates reflected in the City's September 30, 2009 Financial Statements, Mr. Friedman reminded the City to make sure that it is comfortable with the assumptions made by the actuaries (i.e. Interest Rate on Return, Salary Increases, etc.), inasmuch as said assumptions determine how liability moves].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-211. 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. 39

I. CITY ATTORNEY ITEMS**RESOLUTION NO. 2010-224**

I.-1. **10-0612** Resolution authorizing the City Attorney to proceed with filing an action for breach of contract against Merrick Trust, LLC for its failure to pay its annual fee for reimbursement of nine (9) on-street parking spaces for the 2010 fiscal year; and further authorizing the City Attorney to take all action necessary to represent the interests of the City.

Attachments: [Merrick Trust Resolution](#)
[I-1 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH FILING AN ACTION FOR BREACH OF CONTRACT AGAINST MERRICK TRUST, LLC FOR ITS FAILURE TO PAY ITS ANNUAL FEE FOR REIMBURSEMENT OF NINE (9) ON-STREET PARKING SPACES FOR THE 2010 FISCAL YEAR; AND FURTHER AUTHORIZING THE CITY ATTORNEY TO TAKE ALL ACTION NECESSARY TO REPRESENT THE INTERESTS OF THE CITY.

[Note for the Record: City Attorney Hernandez informed the City Commission that she was respectfully requesting to proceed with the filing of an action for breach of contract against Merrick Trust, LLC. for its failure to pay its annual fee for reimbursement of nine (9) on- street parking spaces for FY 2010; further stating that she was asking to take all necessary steps to represent the City in this matter.

City Attorney Hernandez stated that Merrick Trust, LLC has a commercial mixed use property in the City; resulting from the approval of said commercial mixed use project in 2003, wherein nine on-site parking spaces were removed in connection with the project. The City Attorney added that Merrick Trust, LLC is ignoring the request to pay said annual fee for reimbursement, which totals \$2,332.44 per parking space for a grand total of \$18,659.52. She informed the Commission that she will follow the same process in accordance with the Code for said matter, resulting in a final notice before she seeks to file action for breach of contract].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-224. The motion passed by the following vote:

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 52

I.-2. 10-0621 Pending Litigation Report

Attachments: [Pending Litigation Report 09 28 10](#)

[Note for the Record: City Attorney prefaced her remarks by stating that in the matter of Kuvin v. City of Coral Gables, that Kuvin has requested of the Florida Supreme Court to take jurisdiction and reverse the decision of the District Court of Appeals; further stating that she has not received any further report on the status of same.

In the matter of Barnet v. City of Coral Gables, American Traffic Solutions, LLC and ATS American Traffic Solutions, Inc., she reminded the Commission that it has been notified of the complaint asserting class representation; further informing the City Commission that she has sent a copy of the complaint to Miami-Dade County Attorney's Office; further stating that it is her intent to vigorously defend the City in this action, as well as Miami-Dade County intent to do the same.

Questions, Inquiries, Comments and Concerns from the City Commission: Commissioner Cabrera inquired as to the name of the plaintiff in this cause of action? At - whereby City Attorney Hernandez stated his name to be Enrique Barnet. Commissioner Cabrera later informed City Attorney Hernandez that he had confused this matter with something else].

This Litigation was Presented and Filed

City Clerk Item No. 53

(Request for De-Designation for the Property located at 1044 Coral Way/Applicants: Jemima and Waldo Toyos): Vice Mayor Kerdyk requested of City Attorney as to what was the status of the appeal by Mr. Kuvin on behalf of Jemima and Waldo Toyos, in connection with the request to remove the historic designation of the property located at 1044 Coral Way?- whereby City Attorney Hernandez stated that said matter had been remanded back to the Historic Preservation Board for further reconsideration and review of same.

(Impending Tropical Storm): Mayor Slesnick inquired of the City Manager as to the validity of an e-mail that he had received from a resident regarding a report that there is an impending tropical storm scheduled to hit our area tomorrow?- whereby City Manager Salerno stated that to his knowledge, it is scheduled to be a rain event, which is slated to deliver between three (3) and five (5) inches of rainfall, beginning 4 p.m. on this same date and ending tomorrow, September 29th, 2010, around 2 p.m.].

J. CITY CLERK ITEMS**None**

City Clerk Item No. 54

K. DISCUSSION ITEMS

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: The only thing is first of all congratulations on the U.M. agreement, that was a long, long time in coming Mr. Manager, and staff, all who worked on it; and second of all I would like for a personal appearance by Ms. Elissa Myer from the American Cancer Association, she wants to speak about the "Relay for Life" that is coming up in April; and I would like to put her on the October 12th Agenda, I will send her contact information via E-mail, and that is it for me.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Nothing.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Just one item Peter Hairston from the Waterway Renaissance Group about a fundraiser they want to do at Venetian Pool. Did he talk to each one of you?

Commissioner Anderson: There was an e-mail sent, yes, a couple of e-mails sent.

Vice Mayor Kerdyk: And he is requesting a Resolution trying to waive the fee, so that this group can raise money for the redoing of the bridges, more specifically the one at Hardee Road is the next one. So I told him I was going to bring it in front of you all and he had mentioned that each one of you was someone what notified...

Commissioner Anderson: Right, I mean I was.

Vice Mayor Kerdyk: ...and I don't know if you have any questions, maybe we can get some clarification for the next meeting.

Mayor Slesnick: I asked Peter if he would supply me with a projected budget for the

group's work, not for the party, but for the group's work, he has done that. It is here in front of us and I would like if we could, Mr. Kerdyk I know that you are in the partnership which has been working with him and for you to take a look at that and for the City to take a look at that to see whether or not it is a realistic budget...my main concern, what I am trying to get down to is that I don't know if this is a 501 C-3, I don't know what precedent we set if we...I am very supportive of painting the bridges, I really appreciate what Peter has done to try to bring that about, but I really am a little bit concern only that we treat everyone fairly and that if there are other organizations that want to use the pool, what have we done with them in the past. I know that Rotary has used it before, have we charged the Rotary?-and what have we done?-or can we describe specific circumstances that this qualify when others don't?-so, if we can just have a full kind of analysis like that, I think you all know something, I would probably waive pool fees and all of our other fees for all of our 501 C-3s that are supportive of the City and help us, but I think we should all make that decision with a little bit of knowledge.

Vice Mayor Kerdyk: I will get a little more clarification on that. And just one other item, just for your knowledge, the Water Tower, we have talked about the Water Tower for many, many years as you know we are adopting the budget today, and actually I think the \$200,000 that is in last years budget for the Water Tower, so it is not even applicable here the city has done figuring out how much it would cost to renovate that, both from the inside and do painting outside and some landscaping. It is going to cost probably in the neighborhood of \$250,000, but it is going out for RFP to solidify that. So there is a difference between the \$250,000 that we are expecting it to cost and the \$200,000 that the City has allocated for those funds, and I just wanted to let you know that the foundation through the partnership program, has formed a committee to try and raise that additional \$50,000, just a point of information. I'll bring you back other information as we move forward.

Commissioner Anderson: Good, good deal.

Vice Mayor Kerdyk: Thank you.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: No, sir.

Mayor Slesnick: Mr. Manager, any additional?

City Manager Salerno: Nothing Mayor.

Mayor Slesnick: Just a couple of things, I got an e-mail, that called my attention to the fact that Sunday was the 8th anniversary of the Village of Merrick Park, from the opening that we all attended. So 8th Anniversary of the Village of Merrick Park, congratulations to them and to the City, and to all of the people that look to the Village of Merrick Park for their shopping and dining needs.

Commissioner Anderson: Or their civic careers.

Mayor Slesnick: Or their civic careers [laughter]. That's right, congratulations. I opened up the Nation's Cities Weekly, which is the National League of Cities publication, and I was looking at some things that I thought I'd say to you how proud I was because here are the main articles: "White House Invites Local Official to join Let's Move Cities and Towns campaign", which is the first lady's initiative to reduce childhood obesity, and that is something that as the Florida League of Mayors' president we signed onto as the Florida League of Mayors, and I was going to bring a resolution here anyways to support this. It is a wonderful positive campaign to help our children find healthier eating and exercise habits. The second article here is "Chicago becomes largest City to offer NLC Prescription Discount Card to residents," and we have offered the NLC Prescription card to residents for about 3 years now, and in fact Mr. Manager, can we take a look how if any...are we still passing them out?-are people still asking us?-they were supposedly going to give us a feedback as to how much dollars were saved by residents for using them.

Commissioner Anderson: Yes we had a report a while back, but that would be interesting.

Mayor Slesnick: Yes, that was a long time ago. And then finally on page 4 "Ka-Boom recognizes 118 Playful City USA communities," and it goes through some of the new communities, recognizes Playful cities, which of course some people may derive the term Playful City, it is a childhood national campaign to get kids out and play outside and so forth, and it talks about Indianapolis and Orlando, and my comment is we were declared a Playful City USA, because of our programming at the Youth Center several years ago, so I say all of that with pride about what Coral Gables is and what it does. I would ask the Commission if they would, and I would ask the staff if they would collect the University of Miami materials for the next time, so that they

aren't wasted, we have lots of materials that will still come up for Second Reading possibly, and we have an announcement about today's budget meeting.

City Manager Salerno: No, Mayor, I had asked Dona to check on the planned time for that event for Mr. Hairston's and it is October 5th or 6th, so that will be before your next meeting.

Mayor Slesnick: What if we gave you the authority to make a decision and you have heard some of our concerns.

Vice Mayor Kerdyk: I did not realize it was that quickly.

Commissioner Anderson: I also share some of the...It is not the cause itself, but how do we differentiate?-who do we say no to?-and who do we say yes to?-and that is my concern, that we treat everybody fairly.

Mayor Slesnick: Would you move to give the Manager the authority to...

Vice Mayor Kerdyk: Yes I am OK.

Mayor Slesnick: Would you move it?

Vice Mayor Kerdyk: I'll make the motion to give the Manager.

Commissioner Withers: Second.

Mayor Slesnick: It has been moved by Mr. Kerdyk seconded by Mr. Withers that we give the Office of the City Manager the authority in this case to make a decision in this case and then to report back to us on what principles he made that decision, so we will know for the future. So all of those in favor say aye.

Altogether: Aye.

Mayor Slesnick: Oppose like signs. We have a meeting here at 5:01 p.m. or close thereto, as we can get because of the rain event that is expected and we will see you then. Thank you all.

City Clerk Item No. 55

RESOLUTION NO. 2010-225

Non 10-0654
Agenda

A Resolution of the City of Coral Gables City Commission granting authority to the City Manager to.

RESOLUTION OF THE CITY COMMISSION GRANTING AUTHORITY TO CITY MANAGER PATRICK SALERNO TO MAKE A DECISION IN CONNECTION WITH A REQUEST RECEIVED FROM PETER HAIRSTON ON BEHALF OF THE WATERWAY RENAISSANCE GROUP, TO WAIVE THE AFTER HOURS RENTAL FEE IN CONNECTION WITH HIS ORGANIZATIONS' PROPOSED FUNDRAISING EVENT, AT THE VENETIAN POOL; SAID FUNDRAISING EVENT, WHICH HAS BEEN REQUESTED TO BE HELD AT THE VENETIAN POOL LOCATION, IS FOR THE PURPOSE OF PAINTING CERTAIN BRIDGES WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY OF CORAL GABLES; FURTHER INSTRUCTING THE CITY MANAGER TO REPORT BACK TO THE CITY COMMISSION REGARDING HIS DECISION ON SAID MATTER, INCLUDING CONVEYING TO THE CITY COMMISSION THOSE GUIDING PRINCIPLES IN CONNECTION HEREWITH, FOR FUTURE PRECEDENT SETTING VALUE.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2010-225. The motion passed unanimously.

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

City Clerk Item No. 56

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 1:20 pm on September 28, 2010. The next regular meeting of the City Commission has been scheduled for October 12, 2010, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK