

City of Coral Gables

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



Meeting Minutes

Tuesday, February 8, 2011

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
Lourdes Alfonsin Ruiz, Interim 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

The Reverend Dr. Mary E. Conroy from St. Phillip's Episcopal Church gave the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Coral Gables K-8 Preparatory Academy.

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. 2011-04) (b) Resolution(s) adopted (Resolution No. 2011-26 through Resolution No. 2011-32); (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**None**

City Clerk Item No. 1

B. APPROVAL OF MINUTES

B.-1. 11-0598 Regular City Commission Meeting of January 25, 2011.

Attachments: [Meeting Minutes](#)[Verbatim Transcript - Agenda Item C-6 - Reso entering into Professional Consulta](#)[Verbatim Transcript - Agenda Item E-1 Appeal Board of Adjustment - Property at](#)[Verbatim Transcript - Agenda Item E-3 - Agreement for Operation for CG Museum](#)

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be approved. 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. 4

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 Withers, to Adopt the Consent Agenda. The motion carried by the following vote:

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

RESOLUTION NO. 2011-26

C.-1. 11-0583 Resolution authorizing the City Manager to execute a ten (10) year agreement with Miami-Dade County for the billing of sanitary sewage and stormwater utility service charges on behalf of the City.

Attachments: [Proposed Agreement for the billing of Sanitary Sewage and Stormwater Utility Ser](#)
[WASD's Billing Costs by Bill Type Table 5-10](#)
[Resol No. 5370](#)
[WASD Billing Agreement-COVER](#)
[WASD Billing Agreement-RESOL](#)
[C-1 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TEN (10) YEAR AGREEMENT WITH MIAMI-DADE COUNTY FOR THE BILLING OF SANITARY SEWAGE AND STORMWATER UTILITY SERVICE CHARGES ON BEHALF OF THE CITY.

This Matter was adopted by Resolution Number 2011-26 on the Consent Agenda.

City Clerk Item No. 5

C.-2. 11-0584 Resolution approving encroachments into the public right-of-way for a proposed new building to be located at 2990 Ponce de Leon Boulevard (The Ponce Cat Building) subject to the requirements of the Public Works Department and all other applicable code(s). (Deferred from the February 8, 2011 meeting)

Attachments: [Encroachment request - Laura Russo letter](#)
[2990 Ponce Resolution](#)
[C-2 Signed Cover Memo](#)
[C-2 - 2990 Ponce de Leon Blvd - Staff request to defer item](#)
[PonceCataloniaBldg-EXHIBITS A-1,A-8](#)

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

City Clerk Item No. 2

RESOLUTION NO. 2011-27

C.-3. 11-0591 Resolution authorizing the extension of a contract with Johns Eastern Company, Inc., for Claims Adjusting & Third Party Workers' Compensation and Liability Administration, pursuant to Section 2-825 of the Procurement Code, for up to an additional four (4) months from the expiration date.

Attachments: [R. 2006-34 JEKO](#)
[JEKO Reso 2011](#)
[C-3 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT WITH JOHNS EASTERN COMPANY, INC., FOR CLAIMS ADJUSTING & THIRD PARTY WORKERS' COMPENSATION AND LIABILITY ADMINISTRATION, PURSUANT TO SECTION 2-825 OF THE PROCUREMENT CODE, FOR UP TO AN ADDITIONAL FOUR (4) MONTHS FROM THE EXPIRATION DATE.

This Matter was adopted by Resolution Number 2011-27 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2011-28

C.-4. 11-0586 Resolution authorizing the Parks and Recreation Department, with the approval of the City Manager, or designee, to donate "recreational activities" to charitable non-profit organizations.

Attachments: [Donation of Recreation Activities Resolution.pdf](#)
[Cover Memo Recreational Activities.pdf](#)
[C-4 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE PARKS AND RECREATION DEPARTMENT, WITH THE APPROVAL OF THE CITY MANAGER, OR DESIGNEE, TO DONATE "RECREATIONAL ACTIVITIES" TO CHARITABLE NON-PROFIT ORGANIZATIONS.

This Matter was adopted by Resolution Number 2011-28 on the Consent Agenda.

City Clerk Item No. 7

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

C.-6. 11-0572 Advisory Board on Disability Affairs Meeting of March 3, 2010

Attachments: [Disability Affairs Board 3-3-10 minutes COVER](#)
[Disability Affairs Board 3-3-10 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 8

C.-7. 11-0573 Advisory Board on Disability Affairs Meeting of May 5, 2010

Attachments: [Disability Affairs Board 5-5-10 minutes COVER](#)
[Disability Affairs Board 5-5-10 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 9

C.-8. 11-0574 Advisory Board on Disability Affairs Meeting of July 7, 2010

Attachments: [Disability Affairs Board 7-7-10 Minutes](#)
[Disability Affairs Board 7-7-10 minutes COVER](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 10

C.-9. 11-0575 Advisory Board on Disability Affairs Meeting of October 6, 2010

Attachments: [Disability Affairs Board 10-6-10 Minutes](#)
[Disability Affairs Board 10-6-10 minutes COVER](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 11

C.-10. 11-0570 Senior Citizens Advisory Board Meeting of December 6, 2010

Attachments: [Min 12-06-2010 Final.pdf](#)
[Cover Sheet Minutes 12-06-10.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

C.-11. 11-0571 Senior Citizens Advisory Board Meeting of January 10, 2011

Attachments: [Cover Sheet Minutes 01-10-11.pdf](#)
[Min 01-10-2011 draft.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

C.-12. 11-0576 Traffic Advisory Board Meeting of September 21, 2010

Attachments: [Traffic Advisory Board 9-21-10 minutes COVER](#)
[Traffic Advisory Board 9-21-10 minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

C.-13. 11-0577 Traffic Advisory Board Meeting of October 19, 2010

Attachments: [Traffic Advisory Board 10-19-10 minutes COVER](#)
[Traffic Advisory Board 10-19-10 minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

C.-14. 11-0578 Cultural Development Board Meeting of November 17, 2010

Attachments: [11 CDB Commission cover for 11-17-10 Minutes](#)
[11 CDB a Minutes FY10-11 Grants Review Nov 17 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-15. 11-0585 Cultural Development Board Meeting of November 29, 2010

Attachments: [11a CDB Commission cover for 11-29-10 Minutes](#)
[11a CDB a Minutes NOVEMBER 29 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

C.-16. 11-0581 Cultural Development Board Meeting of January 5, 2011

Attachments: [01 CDB Commission cover for 01-05-11 Minutes](#)
[01 CDB a Minutes JANUARY 5 2011](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 18

C.-17. 11-0582 Property Advisory Board Meeting of December 15, 2010

Attachments: [PAB 12-15-10 Mtg Minutes.pdf](#)
[PAB Commission Cover 2-8-11.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

C.-18. 11-0589 Board of Adjustment Meeting of January 10, 2011

Attachments: [BOADJ Summary 01-10-11](#)
[Cover Memo - 02-08-11](#)
[Notice 01-10-11](#)
[BOARD OF ADJUSTMENT RECAP 01-10-11](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

C.-19. 11-0592 Parks and Recreation Advisory Board Meeting of January 21, 2011

Attachments: [Cover Sheet.Minutes 01-21-11.pdf](#)
[Minutes 01-21-11 draft.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 21

C.-20. 11-0593 Coral Gables Merrick House Governing Board Meeting of January 10, 2011

Attachments: [Merrick House January 10, 2011](#)
[01.10.11MinutesforCC02.08.11](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 22

C.-21. 11-0594 School and Community Relations Committee Meeting of January 11, 2011

Attachments: [COMMISSION COVER MEMO - SCRC - JAN.](#)
[MINUTES FOR SCRC - JAN](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 23

[Note for the Record (Agenda Items C-6 through C-21/Boards/and or Committee Minutes): Commissioner Cabrera prefaced his remarks by stating that he would like to talk about the presentation of board and committee minutes, a section in our Consent Agenda that requires no formal action by the City Commission, but said minutes are taken after every one of our board and committee meetings; further stating that said actions are helpful because it tells one what the boards are doing; what actions they have taken, as well as what are the hot subjects that the boards and committees are facing on a month to month, quarter to quarter, and year to year basis.

Commissioner Cabrera further explained to the viewing public that the Advisory Board on Disability Affairs had submitted minutes from its meetings of May 5th, 2010, July 7, 2010 and October 6th, 2010, respectively; that the Traffic Advisory Board had submitted minutes from September 21, 2010 and October 19, 2010; that the Cultural Development Board had submitted minutes from November 17, 2010 and November 29, 2010; and that the Property Advisory Board had submitted minutes from December 15th, 2010.

Commissioner Cabrera continued to explain that it does not help him any to review minutes dating back to May of last year; pointing out to his colleagues that he uses said minutes to educate himself, to inform himself, and to bring up subject matter to the City Commission; further adding that said minutes are being executed late and he finds this practice to be unacceptable; further adding that this practice is an on-going issue, noting that he finds certain boards, such as the Advisory Board on Disability Affairs to be very important to him.

Mayor Slesnick further added that the City should not maintain a board if it is not important; further instructing the City Manager to look into why there is a delay; or if there is a reason as to why the minutes of boards/committees are late.

Commissioner Cabrera added that for the most part, the practice of receiving our city's Boards/Committee minutes have at worst 90 days in arrears, but to allow said practice to go to 9 months is not what he would like to see; further requesting of the City Manager to have this matter corrected; further citing that he would like to see the City staff go back to the time frame we were abiding by].

Pulled from Consent Agenda**RESOLUTION NO. 2011-29**

C.-5. 11-0587 Resolution accepting the recommendation of the Chief Procurement Officer to award the Biltmore Golf Course Remediation Project to Cherokee Enterprises, Inc. in the amount of \$86,633.03 (eighty-six thousand, six hundred thirty-three dollars and three cents), pursuant to Section 2-828 of the Procurement Code entitled "Contract Award" and Request for Proposals (RFP) 2010.11.01.

Attachments: [Response.pdf](#)
[Tabulation.pdf](#)
[Biltmore Golf Course Remediation Project - Draft Reso \(1\)](#)
[C-5 Signed Cover Memo](#)

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO AWARD THE BILTMORE GOLF COURSE REMEDIATION PROJECT TO CHEROKEE ENTERPRISES, INC. IN THE AMOUNT OF \$86,633.03 PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE ENTITLED "CONTRACT AWARD" AND REQUEST FOR PROPOSALS (RFP) 2010.11.01.

[Note for the Record: Commissioner Cabrera stated that the purpose of pulling Consent Agenda Item C-5, was not to discuss the award of the Biltmore Golf Course Remediation Project to Cherokee Enterprises, Inc., but to just to have our City's Administrative staff briefly explain to him what this matter is all about.

Public Works Director Glenn Kephart responded by stating that this particular project is to remove some contaminated soil containing arsenic which has accumulated over the years, from the Biltmore Golf Course; further explaining that over the years there were some materials used for the maintenance (herbicides, pesticides, fertilizers, etc.) which have built up over the years that would contaminate the ground water; further explaining that the City is under obligation to remove this contaminated soil, and take same to an approved site for these types of materials.

Commissioner Cabrera further inquired of Public Works Department Director Kephart as to whether said contaminants will be transported to an approved site on City land?- further inquiring as to whether such transporting of contaminants is part of the Department of Public Services responsibility?- whereupon Mr. Kephart responded that the Biltmore Golf Course is maintained by the Biltmore, but it is public land; further

adding that said project will be managed by the Department of Public Works.

Commissioner Cabrera further explained to the viewing public that the City needs to clarify what the issue is; further informing his colleagues that he had received an inquiry stating that there was ambiguity and/or concern regarding this matter; therefore, he felt that there should be an explanation regarding what this issue was all about].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2011-29. 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. 24

D. PERSONAL APPEARANCES

None

City Clerk Item No. 25

E. PUBLIC HEARINGS

Anyone who wishes to address the City Commission on an item to be considered for public hearing must fill out a Speaker Card and turn it in to the City Clerk. Speaker Cards can be obtained on the credenza located outside the Office of the Mayor, during the day of the City Commission Meeting.

ORDINANCES ON SECOND READING**ORDINANCE NO. 2011-04**

E.-1. 10-0727 An Ordinance of the City Commission of Coral Gables authorizing entering into an Amended and Restated Agreement for Operation of the Coral Gables Museum with Coral Gables Museum Corp., with regard to city-owned property at 285 Aragon Avenue, Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (Passed on First Reading January 11, 2011) (Deferred from the January 25, 2011 Meeting)

Attachments: [PAB 11-02-10 Mtg Minutes Excerpt.pdf](#)
[Museum Cover Memo.pdf](#)
[Museum Ordinance.pdf](#)
[Museum - Amended and Restated Lease.pdf](#)
[Museum Global Comparison.pdf](#)
[E-4 Signed Cover Memo](#)
[Richard Namon's Correspondence](#)
[Commission cover 1 25 11 \(Museum\).pdf](#)
[Ordinance - 1 25 11 Museum .pdf](#)
[Amended and restated agreement 1 25 11.docx.pdf](#)
[Museum Mission Statement - revised 1 25 11.docx.pdf](#)
[E-3 Signed Cover Memo](#)
[David A. Doheny dated 01-24-2011](#)
[Changes between First and Second Reading 2 8 11.pdf](#)
[Commission Cover 2-8-11 \(Museum\).pdf](#)
[Ordinance - 2 8 11 Museum .pdf](#)
[Amended and restated agreement 2 8 11.pdf](#)
[E-1 Signed Cover Memo](#)
[E-1 - Dolly MacIntyre Letter](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES COMMISSION AUTHORIZING ENTERING INTO AN AMENDED AND RESTATED AGREEMENT FOR OPERATION OF THE CORAL GABLES MUSEUM WITH CORAL GABLES MUSEUM, CORP., WITH REGARD TO CITY OWNED PROPERTY AT 285 ARAGON AVENUE, CORAL GABLES, FLORIDA; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

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

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2011-04. The motion passed by the following vote:

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 26

E.-2. 10-0717

Planned Area Development, Site Plan, Encroachment, and Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, requesting the following for Gulliver Academy, located on Tract No. 7, Avocado Land Company Subdivision (12595 Red Road), Coral Gables, Florida:

- 1) Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5;
- 2) Site plan review and an amendment to the previously approved Gulliver Academy Master Campus Site Plan to allow for new classrooms, pavilion building, gymnasium, baseball field house, natatorium and other miscellaneous improvements;
- 3) Encroachment into the Campamento Drive, Old Cutler Road and Red Road rights-of-ways; and,
- 4) Zoning Code Text Amendment to the Official Zoning Code, Appendix A, Site Specific Zoning Regulations;

providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0) (Passed on First Reading November 9, 2010) (Deferred from the January 25, 2011 Meeting)

Attachments:

[11 09 2010 CC Cover Memo: Gulliver Academy 1st reading](#)
[11 09 2010 Exhibit A - Gulliver Academy ordinance 1st reading](#)
[11 09 2010 Exhibit B - Gulliver amended conditions clean version](#)
[11 09 2010 Exhibit C - Gulliver amended conditions strikeout version](#)
[11 09 2010 Exhibit D - Gulliver Academy Application \(Cover & Table of Contents\)](#)
[11 09 2010 Exhibit D - \(Tab 1 - Letter of Intent\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 2 - Settlement Agreement\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 3 - Request to encroach\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 4 - Zoning Code Site Specific Standards\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 5 - Gables By-The-Sea Road Closing District\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 6 - Land Use & Zoning Map\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 7 - Aerial Photos\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 8 - Site Plans\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 9 - Landscape & Vegetation Plans\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 10 - Encroachment Plans\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 11 - Elevation Plans\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 12 - Building Plans\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 13 - Survey\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 14 - Traffic Reports\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit E - PZP Staff Report](#)
[11 09 2010 Exhibit F - B&Z Preliminary Zoning Analysis](#)
[11 09 2010 Exhibit G - BOA Preliminary Review Comments](#)
[11 09 2010 Exhibit H - City Consultant Marlin Memorandum - Review of Gulliver Academy Application](#)
[11 09 2010 Exhibit I - City Consultant Marlin Memorandum - Review of Gulliver Academy Application](#)
[11 09 2010 Exhibit J - 07.14.10. Planning and Zoning Board meeting minutes](#)
[11 09 2010 Exhibit K - 07.21.10 Planning and Zoning Board meeting minutes](#)
[11 09 2010 Exhibit L - 09 15 10 Planning and Zoning Board meeting minutes](#)
[11 09 2010 Exhibit M - Public comments](#)
[E-6 Signed Cover Memo](#)
[12 14 2010 CC Cover Memo: Gulliver Academy - 2nd reading](#)
[12 14 10 Exhibit C: Add'l Public Comments since 1st Reading](#)
[12 14 10 Exhibit A: Ordinance -Gulliver Academy - 2nd reading](#)
[12 14 10 Exhibit B: Applicant's revised application package, dated 12 07 10](#)
[E-3 Signed Cover Memo](#)
[Signed Resolution 2010-282](#)
[01 25 2011 CC Cover Memo: Gulliver Academy continuance](#)
[01 25 2011 Exhibit A: 01 11 2011 and 01 02 2011 applicants letters](#)
[01 25 2011 Exhibit B: Resolution 2010-282 continuance](#)
[01 25 2011 Exhibit C: 12 14 10 CC Mtg Minutes Agenda Item E-3 - Gulliver - PAD](#)
[E-4 Signed Cover Memo](#)
[02 08 2011 CC Cover Memo: Gulliver Academy 2nd reading](#)
[02 08 2011 Exhibit A: Gulliver Academy ordinance 2nd reading](#)
[02 08 2011 Exhibit C: 12 14 10 CC Mtg Minutes Agenda Item E-3 - Gulliver - PAC](#)
[02 08 2011 Exhibit B: 01 28 11 Letter to Eric Riel re Gulliver Academy](#)
[02 08 2011 Exhibit E: GBTS HOA and Gulliver Schools Settlement Agreement](#)
[02 08 2011 Exhibit D: Gulliver Academy Site Plans](#)
[01-25-11 - City Clerk Memo to City Commission](#)
[E-2 Signed Cover Memo](#)
[E-2 - Request to Defer item until March 8, 2011](#)
[Letter dated 02-03-11 - Laura L. Russo - Gulliver Schools - Request for Continuance](#)

This Agenda Item was Deferred

City Clerk Item No. 3

F. CITY COMMISSION ITEMS**None**

City Clerk Item No. 27

G. BOARDS/COMMITTEES ITEMS**None**

City Clerk Item No. 28

H. CITY MANAGER ITEMS**None**

City Clerk Item No. 29

I. CITY ATTORNEY ITEMS**RESOLUTION NO. 2011-30**

I.-1. **11-0595** Resolution directing the City Attorney to proceed with filing an action against Z-Roofing, Inc., for breach of contract for failure to procure and maintain insurance to protect the City from claims arising out of services performed and for failure to indemnify and hold harmless the City for damages caused during roof repair at the Coral Gables Country Club and all such other relief; and further authorizing the City Attorney to take all action necessary to represent the interests of the City.

Attachments: [ResolutionZRoofing2 8 11.doc](#)
[I-1 Signed Cover Memo](#)

RESOLUTION DIRECTING THE INTERIM CITY ATTORNEY TO PROCEED WITH FILING AN ACTION AGAINST Z-ROOFING, INC. FOR BREACH OF CONTRACT FOR FAILURE TO PROCURE AND MAINTAIN INSURANCE TO PROTECT THE CITY FROM CLAIMS ARISING OUT OF SERVICES PERFORMED AND FOR FAILURE TO INDEMNIFY AND HOLD HARMLESS CITY FOR DAMAGES CAUSED DURING ROOF REPAIR AT THE CORAL GABLES COUNTRY CLUB AND ALL SUCH OTHER RELIEF; FURTHER AUTHORIZING THE INTERIM CITY ATTORNEY TO TAKE ALL ACTION NECESSARY TO REPRESENT THE INTERESTS OF THE CITY.

[Note for the Record: Interim City Attorney Lourdes Alfonsin prefaced her remarks by stating that Agenda Item I-1 is a resolution directing the Interim City Attorney to proceed with filing an action against Z-Roofing, Inc, for breach of contract for failure to procure and maintain insurance to protect the City from claims arising out of services performed and for failure to indemnify and Hold Harmless the City for damages caused during roof repair at the Coral Gables Country Club and all such

other relief.

Following a motion being made by Commissioner Withers and seconded by Commissioner Anderson, Interim City Attorney Alfonsin informed the members of the City Commission that there were two (2) rain events that took place, one which occurred on December 4th, 2009, and a second rain event which took place on February 2, 2010.

Questions, Answers, Inquiries and Concerns by the City Commission: Commissioner Cabrera stated that he would like to know what happened regarding this matter. Public Works Director Glen Kephart stated that initially, there was a rain even approaching. The contractor had prior and constructive knowledge of same and attempted to repair the roof. However, said contractor, did not repair the roof properly which resulted in a significant amount of water penetrating the building causing damage to the interior finishing, furniture, etc. of the building.

Commissioner Cabrera queried our City's Public Works Director as to whether the rain event was when the City apprehended said occurrence?- whereby Public Works Director Kephart stated that from the City's perspective that it is the responsibility of the contractor to protect the City from and against any and all claims arising out of services performed by them].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2011-30. 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. 30

RESOLUTION NO. 2011-31

I.-2. 11-0596

Resolution waiving any potential conflict of interest the firm of Akerman Senterfitt may have during its representation of the City of Coral Gables in the matter of FPL's application for approval for the Turkey Point Site expansion and Transmission Lines 6 and 7 and all other associated facilities; directing the Interim City Attorney to proceed with consenting to the waiver.

Attachments: [AgendaCoverMemoFPLWaiverofConflictI2_8_11.doc](#)
[ResolutionFPLWaiverofConflict2_8_11.doc](#)
[I-2 Signed Cover Memo](#)

RESOLUTION WAIVING ANY POTENTIAL CONFLICT OF INTEREST THE FIRM OF AKERMAN SENTERFITT MAY HAVE DURING ITS REPRESENTATION OF THE CITY OF CORAL GABLES IN THE MATTER OF FPL'S APPLICATION FOR APPROVAL FOR THE TURKEY POINT SITE EXPANSION AND TRANSMISSION LINES 6 & 7 AND ALL OTHER ASSOCIATED FACILITIES; FURTHER DIRECTING THE INTERIM CITY ATTORNEY TO PROCEED WITH CONSENTING TO THE WAIVER.

[Note for the Record: Interim City Attorney Lourdes Alfonsin stated that the proposed resolution was to waive any potential Conflict of Interest that the firm of Akerman Senterfitt may have during its representation of the City of Coral Gables in the matter of FPL's application for the approval of the Turkey Point Site expansion and Transmission Lines 6 and 7 and all other associated facilities.

Interim City Attorney Alfonsin stated that if Akerman Senterfitt is still to represent Coral Gables, then both Florida Power & Light (hereinafter referred to as FP&L) and Akerman Senterfitt have to sign waivers of conflict; further stating that through former City Attorney Elizabeth Hernandez, she worked on FP&L's application for approval of the Turkey Point Site expansion and Transmission Lines 6 & 7 for several months; further explaining that the City of Coral Gables is desirous of continuing representation by Akerman Senterfitt in the FP&L Turkey Point Expansion, Transmission Lines 6 and 7, hardening projects and all other associated facilities; further citing that there has been a communication between the city and FP&L regarding this; further pointing out that an extension was given to all of the affected cities at the request of Akerman Senterfitt through former City Attorney Hernandez.

Questions, Answers, Inquiries and Concerns by the City Commission: Commissioner Anderson inquired as to what are the deadlines coming up in connection with FPL's application for approval of the Turkey Point site expansion and transmission lines 6 and 7?- whereby Interim City Attorney Alfonsin responded that May 1st, 2011 will be the first deadline, and that June 2011 will be the second deadline regarding said matter.

Commissioner Withers stated that Akerman Senterfitt has represented the City before in the negotiations with Florida Power and Light (hereinafter referred to as FPL) as to where to put the transmission lines; further stating that the City was not in favor of initially jumping into this feet first; further adding that he does not know how much involved the City has progressed with this, as it has now.

Mayor Slesnick stated that one of the reasons that the City did not jump in feet first, is because the City is desirous of knowing as much of the facts, versus just saying yes, no or giving any response; further stating that as facts were developing, that a debate ensued between the U.S.-1 Corridor versus the Alternate Corridor (i.e. Expressway System); further pointing out that former City Attorney Elizabeth Hernandez went to North Dade to observe the poles and sent photographs of same; further adding that one of the other Mayor's from the south corridor, was using said matter to trigger a battle between nuclear power plants and the direction of the poles; further noting that the law firm of Akerman Senterfitt represented the City of Coral Gables during these negotiations.

Mayor Slesnick acknowledged that Ms. Hernandez became one of the lead attorneys

in all aspects of this issue, in expediting and facilitating a debate on alternate routes and alternate corridors; further noting that she was viewed upon by the Miami-Dade League of Cities and other cities as the lead person in this matter.

It was further explained that there was concern when she left the City of Coral Gables and joined Akerman Senterfitt Law firm that Florida Power and Light Company could possibly block her initiative; however, FP&L granted a release of any Conflict of Interest, in order that former City Attorney Hernandez would be part of the Akerman Senterfitt team, if said firm was desirous of her continuing her involvement with this matter; further stating that the law firm of Akerman Senterfitt has more knowledge about this matter (i.e. contractual negotiations) than anyone; further stating that in the end the City Commission will have a very specific final decision to make regarding what is the Commission's decision (i.e. this is the position of FP&L; this is the route they are pushing; do we agree or not?) will be as a collegial body.

Mayor Slesnick further added that by having Akerman Senterfitt use former City Attorney Hernandez, the City is getting benefit of the expertise and background knowledge that she acquired while she was here.

Commissioner Withers inquired as to whether the City was being billed by Akerman Senterfitt now?-whereby the City Attorney responded in the negative. Commissioner Withers acknowledged that the City has not yet retained Akerman Senterfitt; further adding that there will be a decision at some point regarding how involved the City will be].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2011-31. 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. 31

J. CITY CLERK ITEMS**RESOLUTION NO. 2011-32**

J.-1. **11-0597** Resolution appointing certain members of the Canvassing Board (board) for the upcoming General Biennial Election of Tuesday, April 12, 2011, namely, the Honorable John Schlesinger, Circuit Court Judge, 11th Judicial Circuit, and the Honorable Jerald Bagley, Circuit Court Judge, 11th Judicial Circuit, for the purpose of canvassing absentee ballots and precinct returns; further authorizing said board to certify the results of said election.

Attachments: [R-2011- Draft Canvassing Board Members](#)
[J-1 Signed Cover Memo](#)
[Canvassing Board Members Resolution](#)

RESOLUTION APPOINTING CERTAIN MEMBERS OF THE CANVASSING BOARD (BOARD) FOR THE UPCOMING GENERAL BIENNIAL ELECTION OF TUESDAY, APRIL 12, 2011, NAMELY, THE HONORABLE JOHN SCHLESINGER, CIRCUIT COURT JUDGE, 11TH JUDICIAL CIRCUIT AND THE HONORABLE JERALD BAGLEY, CIRCUIT COURT JUDGE, 11TH JUDICIAL CIRCUIT FOR THE PURPOSE OF CANVASSING ABSENTEE BALLOTS AND PRECINCT RETURNS; FURTHER AUTHORIZING SAID BOARD TO CERTIFY THE RESULTS OF SAID ELECTION.

[Note for the Record: City Clerk Walter Foeman prefaced his remarks by stating that the agenda item before the City Commission was a resolution appointing certain members of the Canvassing Board for the upcoming General Biennial Election of Tuesday, April 12, 2011; further informing the City Commission that he was recommending two individuals whom were Circuit Court Judges of the 11th Judicial Circuit, namely Circuit Court Judge Gerald Bagley and Circuit Court Judge John Schlesinger.

City Clerk Foeman further informed the City Commission that said Circuit Court Judges were both Coral Gables residents and have indicated that if appointed, that they would serve on the Canvassing Board.

In closing, Mayor Slesnick thanked both Circuit Court Judges for their willingness to serve, and expressed hop that they will mark their calendars accordingly for our election night of April 12, 2011].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2011-32. 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. 32

K. DISCUSSION ITEMS

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: You know, I'm good.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I wish I was as good as Ms. Anderson. I have some quick questions or comments. Let me begin by letting you all know, maybe you've received this, but I received in my office a petition that was submitted to all of us by the, what it seems to be the neighbors that live along the 1100 block of Lisbon Street and in that vicinity, because apparently over a period of years there had been some dogs that had roamed the neighborhood and have killed cats and they have attacked other leashed dogs and they have frightened residents and in fact in one incident or several incidents they have bitten a resident; and there are reports on file with the Coral Gables Police Department regarding this, and so these good folks that live on Venetia and on Lisbon, El Rado and that vicinity have asked us to please take some action on this issue, and while I'm not a big proponent of petitions, I really do believe this is a life safety issue, and I'd like to see the City take a proactive approach to this before someone really gets injured, and there may have been already an injury, I don't know. I've spoken to one gentleman who's been very interested in trying to curb the problem. So did any of you get this?

Commissioner Anderson: No.

Commissioner Cabrera: No?

Mayor Slesnick: Yes. I've sort of been involved in this for a couple years in the sense that this one resident of the street has basically driven the other residents crazy. He's a resident...

Commissioner Anderson: He's on Lisbon, isn't it?

Mayor Slesnick:...Yes, he's a resident that does not necessarily keep his house in accordance with the standards of the other residents of the neighborhood, and he has dogs as you mentioned, and I think Ralph, that you'll find that our Code Enforcement

people have responded to this address and to these complaints numerous, numerous times and maybe the Police too, I'm not sure of that, as you said they did. I don't know - absolutely, I mean it's the kind of thing that drives you crazy, because he's driving them crazy.

Commissioner Cabrera: There are forty-two (42) residents that signed this...

Mayor Slesnick: I understand that.

Commissioner Cabrera:...Not only did they sign it, they gave us their phone number, they gave us their e-mail, they obviously have a serious concern about this, and really, I've been by there and I've never seen the dogs, but I'm been told that they are out there and that they cause a great deal of anxiety amongst the community, and I just think now it's becoming a life safety issue, and so I'd like to see the City take a proactive...you know, the key word for me here is proactive.

Mayor Slesnick: Since that petition came in crime watch went out there and had a meeting, and again gave the residents an opportunity to expound upon it and also shared with them things that they might do, but obviously that didn't necessarily cure the problem.

Commissioner Anderson: Animal control?

Commissioner Cabrera: Animal control services?

Commissioner Anderson: What role has that played?-because I mean, we did that in the past.

Commissioner Cabrera: I don't know. Our Police Department is....

Commissioner Anderson: I don't know, just a question.

Commissioner Cabrera: A good question too. You know, the concern here is, we've been given a complaint by 42 residents, and it seems to be an ongoing problem and from the little discussions I've had with these residents it seems to me like when the problem occurs whether it's a cat that's killed, a resident that's bit, another dog that's leashed attacked, this one or several dogs go away, and the problem goes away, and then couple months later the dogs come back, you know they went on hiatus, or they

went to dog obedient school, or the dog “whisperer” and they failed they miserably failed. So then they come back and this thing starts over again; one day something bad is really going to happen here and then we are going to say, remember the time we got that petition we got from those 42 people. OK, I see the eyes are going up. Hey, could staff look at this then? To those that are watching that live on Lisbon and Venetia and those streets, I’m concerned about the problem and I care about the issue and I will see to it that staff does everything appropriate to react to it.

Commissioner Anderson: Including animal issues of animal control.

Mayor Slesnick: Ralph, Ralph.

Commissioner Cabrera: Yes, I’m moving forward, I’m moving forward.

Mayor Slesnick: Wait, wait, wait.

Commissioner Cabrera: No, I’m moving forward, it’s my time.

Mayor Slesnick: Can I just say something? Don’t you want somebody to jump in and support you?

Commissioner Cabrera: Not really. I pretty much let staff know how I feel about this.

Mayor Slesnick: OK.

Commissioner Cabrera: I want to thank the Parks and Recreation Department and specifically Christina Martinez, Fabio and forgive me for not remembering Fabio’s last name, is it Rodrigues?- Fernandez?- I apologize, but Fabio works in the Parks and Recreation Department, he’s being honored this month as our Employee of the Month, and of course our Director, Fred Couceyro for an outstanding Daddy/Daughter Dance. It was held last Friday at the Fairchild Tropical Gardens, it was extremely well attended, and I have to say this was my fifth year participating in the Daddy/Daughter Dance, and this was by far - every year it seems to get better and better. So to the folks in the Parks and Recreation Department who care so much about these kinds of special events my hats off to you. I don’t think there was one person in that event that didn’t have some wonderful things to say about the way that the City staff organized it. The food was very good and the music was charming, and it was just a very nice night and so I want to thank the Parks and Rec. Department for a job well done. Look

forward to next year's Daddy/Daughter Dance. And last but certainly not least, I'd like to take this opportunity to chat with the Commission regarding the briefing that we received several Fridays ago or several Thursdays ago - Friday, thank you, I stand corrected - two Fridays ago for those of you who really are not familiar with what I'm speaking of, the Coral Gables City Commission received a briefing from the firm of PriceWaterhouse; two consultants from PriceWaterhouse were there and I spent about an hour and twenty minutes. Along with them were representatives from Akerman Senterfit as well as our other consultant Mr. Reeder Glass, and our Interim City Attorney, and our City Manager, and while I'm not necessarily interested in talking about the details that had been publicized by many throughout this community, and seems to be a favorite topic of the blogs these days, I would like to find out from this Commission where do we go from here?- what direction do we want to give the Manager's office?- do we want to just wait another nine months?- do we want to continue to do more evaluation?- because after all the folks from PriceWaterhouse spent nine months reviewing the Biltmore Hotel and prior to that we had an internal audit completed by staff, and therefore I'm very interested in knowing what the next steps are.

Vice Mayor Kerdyk: I have a comment on that; I have a comment, matter of fact I have two comments. One is that I believe we had a briefing, I asked some additional questions that PriceWaterhouse is supposed to get back to me with those answers. I want to see a written report at some time too, I don't think we need to wait for a written report to start our discussions with the Biltmore Hotel, but what I would encourage the City to do or the City staff meaning the City Manager is to reach out to Mr. Prescott and set up a meeting so that he can discuss this report with Mr. Prescott. So, I don't know if you have that planned or not, but I think we do need to get this discussion going and move this process along on an expeditious basis.

City Manager Salerno: Mayor? Thank you Mayor. Along those lines, I've been advised by PriceWaterhouse that they should be prepared within two weeks to issue its report. That triggers a process as called for by the escrow agreement, which we will follow. In addition, I've recently had a conversation yesterday with Mr. Prescott, and he is checking his calendar now for dates that he is available, and we are scheduling a meeting to pursue our discussions. That has already been - the process has already started and we'll be setting a date here; Mr. Prescott advised me that he should get back to me on Wednesday or Thursday with dates that his folks are available and so we should be setting a date for those discussions to proceed.

Mayor Slesnick: Ralph.

Commissioner Cabrera: I'd like to have some time definitive - I'd like to have a time definitive element in all this and so I want to know, because I remember, maybe you all don't, but I remember when we would ask the question about how the audit is coming along, and incidentally is not an audit, it was an evaluation of their operations, not an audit, and I was corrected by the folks at PriceWaterhouse. The point is that we would ask, I remember Mr. Withers was probably the point person on this, and he would ask and we would hear back that it was almost completed, it was almost done and that there were some things that needed to be finalized, whatever the responses were. I don't want to go another two, three, four months in this exercise, you know, we've already gone through the evaluation for nine months and before that as I said, as I'm repeating myself, we had internal workers do some things with the folks that manage the Biltmore and so I need to get a sense that we are moving this thing forward in an expeditious manner, and I don't always come away feeling that way.

Commissioner Anderson: Well you know, I appreciate that; the escrow agreement triggers some things that are documents, so I think there would be to the benefit of the Biltmore to begin to come to the table as well as with the Manager, because I think the escrow agreement will begin to have issues with the documents being released.

Commissioner Cabrera: This is just an observation, this is not, I can't say this for sure, but I'm willing to bet you that the folks at the Biltmore would be willing to meet as early as this afternoon with the Manager's office. I really believe that they are anxious to get this thing going too, Ms. Anderson. I don't think they are the one's that's slowing this process down, they want to move forward, and begin discussions which is really what I'd like to see happen.

Commissioner Anderson: I think there has been delays on both sides to be honest with you, that's my belief....

Commissioner Cabrera: Yes, they have, yes they have, you know you're right.

Commissioner Anderson:...because the Biltmore was discussing documents they wanted to get back and forth; but now that we are here that's old stuff, let's just move forward as quickly as we can.

Commissioner Cabrera: You're right about the data stuff, the information stuff, but I

think they have always been willing to talk; they've always been willing to talk, that's what I come away with, they've always been willing to open dialogue.

Commissioner Anderson: That's fine. I'm all for doing that and trying to get some information back and if the Manager can meet as quickly as possible. I think we also have to include our counsel, which is Reeder Glass who comes from out of town.

City Manager Salerno: There will be the appropriate representatives; my discussions with Mr. Prescott are that he'll have his team there and we will certainly have our team involved in the discussions as we begin them.

Commissioner Withers: Do you plan to share any or part of the PWC study with them at that time if they ask?

City Manager Salerno: No, it's not in my intent to share that information; it's my intent to have an open discussion with them on the matters that they think are important to them, and those that staff believes are important to the City, and we'll see where that takes us. There is a separate process that goes forward; I heard a Commissioner ask for that they'd like to see a written report; we've been advised by PriceWaterhouse when they estimate that they'll be prepared to within a certain timeframe, so we'll proceed along those lines, but we don't control that timeframe. The City Attorney can certainly respond subsequently to explain the timeframes, but there are obligations on both parties as to how to proceed and we don't control the entire process how that process goes forward.

Commissioner Withers: The purpose of my comment is I think there is a desire for an expeditious, at least, movement to get this thing going, and if you did say that PriceWaterhouse was going to be issuing a report...

City Manager Salerno: Prepared to issue.

Commissioner Withers: Oh, they are not going to actually prepare; they are not going to release one then?

City Manager Salerno: Prepare to issue the report is the effective language in the escrow agreement, and the Biltmore has certain rights and they are not going to violate what the agreement says.

Commissioner Withers: Right. Let me make sure I understand that process. Because I read the escrow agreement and I'm not - it seems that it's not necessarily the report itself that would cause issues if it was produced, but the backup materials that support the report, some of the confidential materials according to the Biltmore that they submitted to the PriceWaterhouse create the report, and so the concern would be that any of those collateral materials are the ones that would be redacted out of the report. Is that correct or incorrect?

City Manager Salerno: I want to defer to the City Attorney at some point, but I believe it's broader than that, it could include the conclusions, etc. , that they might feel should be included.

Interim City Attorney Alfonsin: There are certain documents that are attachments that made the part of the escrow agreement that have to be removed, but the report that refers to those attachments may also have to be redacted because of the removal of the documents, the referrals to those documents.

Commissioner Withers: Listen, I think that we all agree that Richard Nixon's - the tapes, the erased parts of the tapes that really caused all the furor. I guess that shows how old I am. So there is a report and the Biltmore will be able to look at that report and challenge whether what should be in that report or pulled from the report?

Interim City Attorney Alfonsin: No.

Commissioner Withers: OK. How does that work?

Interim City Attorney Alfonsin: The escrow agreement - well yes, up to a certain extent. The escrow agreement dictates what is allowed to become public and the City along with the Biltmore would make decisions as to what as part of that report can be public, and cannot pursuant to the terms of the escrow agreement.

Commissioner Withers: OK.

Interim City Attorney Alfonsin: And that would be both as to attachments and referrals within the report itself.

Commissioner Withers: OK. But I guess at some point if PWC comes forward with a report, the Biltmore is going to know obviously what's in that report because it's going

to be a published report.

City Manager Salerno: Well, I would hope even at this point the Biltmore knows their own operation, all the information that PriceWaterhouse considered came from the Biltmore. I think you have to look at it and say, does the Biltmore understands their own finances, their own operations and certainly on par with and certainly probably better in some respects than PriceWaterhouse does.

Commissioner Withers: But if this Commission is going to make a decision on information - I think all of us agree that we are not going into this as an adversarial approach....

Commissioner Cabrera: It was never my thought process to do that.

Commissioner Withers: I know. We are looking for a solution, and so I just think that we and the Biltmore should have a common starting point so we are all working off the same information. I'd hate for anyone here to make inferences - I don't know what I'm trying to say. I'm trying to say that at some point if we are going to have an open discussion with the Biltmore we all kind of need to be starting from the same point. They need to know what we know and we need to know what they know. I know down the road that causes issues as far as potential lawsuits and things like that when you start going on the record with stuff like this.

Mayor Slesnick: Chip, as a negotiator I mean, there are times when you negotiate with people that you do not know and you are out to get the best of the deal, and then there are times when you are negotiating with people that you know and deal with on a regular basis, and I have to concur and I think Pat, I've been very open about this and I said this at our meeting; I think that as much as we can share about the analysis of PriceWaterhouse with the Biltmore it's just not - I went through the briefing; I didn't consider anything I heard and they may have other stuff that you consider proprietary and that you want to use and coming down to a final decision and that's fine, but the stuff I heard I thought that it would be fine to share with the Biltmore and try to keep everybody on the same sheet of music and start off on the same sheet of music. I think they should hear some of PriceWaterhouse's analysis; the information, you are right, the information was given to them by the Biltmore, but PriceWaterhouse made some comments about what they thought the future or the uptick was for the Biltmore or the possible downturn, and it just seems to me that it's worth sharing. There is a whole other set of negotiations even in labor relations that we started where we go in and

share all the information and do all that and start at a very open and sometimes it works and sometimes it doesn't.

City Manager Salerno: What I try to convey is we are going to start having hopefully meaningful discussions that encompasses all of that; we can't have meaningful discussions without exchanges of positions and information, etc., but there are two parties and we'll proceed along those lines.

Commissioner Withers: Like Ralph was saying, when do we actually sit down?- what is the next step?- you meet with them and then you meet with us individually?- or you meet with us collectively? How do you see the events unfolding over the next two months, three months, six months on this?

City Manager Salerno: I'll be able to give you a better indication of that after I have my first meeting. I mean, that would be like pre-judging a negotiation of any sort and saying what's the outcome going to be? You haven't even sat down yet, so. I've negotiated many deals in many different forms over many decades and anybody that goes in trying to predict a timeframe to a conclusion that's being discussed I think is not - is guessing.

Commissioner Cabrera: Let me be specific, OK, because I don't want this to be clouded. I don't know how long it's going to take, I don't know. It may take a month, it may take three months, it may take nine months, but I want something to begin, I want something concrete, I want to be able to see a start, and I want to know about it not by reading a blog, or talking to a candidate, but by knowing as a sitting Commissioner that this is happening. That's what I'm looking for and I don't think that's too much to ask for, and if any of you think it is speak up. That's all I want. That's all I want.

Commissioner Anderson: I agree.

City Manager Salerno: That's what I said.

Commissioner Anderson: And what Chip said was that we all start on the same base line that's really important because in the summer time whenever that was, I forget if it was last summer or the summer before last, everything blurs now, there was a lot of misinformation. I was told one thing and when we came forward it had changed for whatever reason. So I want a baseline of information that we all have both sides, so

we don't go at cross purposes to one another. I just want to reiterate that for everybody's benefit.

Mayor Slesnick: OK. And Pat could we ask you to give us a report next time as to what has happened in the intervening two weeks, because you said things will happen you hope, if nothing has happened, but if you bring us up to date. I'm not talking about the substance, I'm talking about what just happened, in other words if PriceWaterhouse is ready to issue the report and the escrow agreement has begun its operation, whether or not you and Mr. Prescott have met, just some kind of update for next meeting.

City Manager Salerno: Yes. Sure Mayor.

Mayor Slesnick: OK.

Commissioner Cabrera: That concludes my formal discussion period.

Mayor Slesnick: Thank you. Mr. Kerdyk.

Vice Mayor Kerdyk: Don't have anything Mayor.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: No sir.

Mayor Slesnick: Just a few things. One is, Pat, you and I have discussed and I have expressed to you my concerns as I had, in fact it even came up during our discussion of the Miracle Mile redo about the staffing of our Police Department and our law enforcement officers. If you are prepared now or if you need time, but I would like an update on where we are and the number of officers, and how we are staffing our department and what we are doing to maintain full staffing, if that is in fact our goal.

City Manager Salerno: Certainly Mayor. There are 183 positions listed in the budget, we have currently - 183 sworn positions, there are 13 sworn vacancies, the Police Department has been authorized to fill three of those positions right now and they are in the process, I understand that they have three people that are in the process of going through final stages of background work, hopefully they will be successful in that regard, but that's not a process that you can pre-judge. With those three positions

filled we would have a vacancy rate of five percent in the department which is a normal attrition rate for a law enforcement agency of our size. Concurrently as you all know, we recently had a re-rating by Moody's. One of the things that they looked to in a positive vain was that we were monitoring and making adjustments to our expenditure rates. That was one of the things that they took note of and kept our ratings from being adjusted further. We've just been notified, the Finance Director just notified me that we are now, our bond ratings from S&P (Standard and Poor's) are at this moment currently under review, and we certainly expect to make a point in explaining to them that in these trying economic times that management of this organization is monitoring our expenditures and holding the line in a prudent fashion. We'll relook at the issue of vacancies once the Police Department has acted on the three that they've been authorized. I hope that they will be able to fill them soon, but that is a matter internal to the department as to how to proceed.

Commissioner Cabrera: So the Manager indicated that there are how many open positions for Police officers?

City Manager Salerno: All sworn - sworn, that is the entire rank and that's the way typically you look at it. There are 13.

Commissioner Cabrera: I look at it based upon a report that I requested that I think the rest of the Commission received on vacancies as of January 26, 2011. Based upon the list that was provided to me there are 9 open positions for sworn Police officers, not Lieutenants, not Assistant Chiefs, not Police Chiefs, 9 Police officers, does that sound about right?- I mean, I'm looking at the report. I can make copies for everyone here; it's dated 1/26/11.

City Manager Salerno: Nine - yes.

Commissioner Cabrera: Nine - and you just shared with us that you are authorizing the hiring of three.

City Manager Salerno: Not now, they have been authorized.

Commissioner Cabrera: They have been authorized; three have been authorized.

City Manager Salerno: Yes, and they are in the process right now of filling it.

Commissioner Cabrera: Of hiring them - OK, that's fair. I'm just curious, we have four Firefighter positions that are open, how many have we authorized to hire for those Firefighters?

City Manager Salerno: Three.

Commissioner Cabrera: Three. OK. So we are hiring - we've got nine sworn Police officers, I'm assuming probably patrol, and we are authorizing a third of those to be replaced, and we've got four Firefighters and we are authorizing 75 percent of them to be replaced or higher than that. OK. It doesn't make sense to me, but...I tell you what's going to happen, I'll say it today, because I want it to be out there as a public record. We are going to have a tragedy in our City, I don't know what that tragedy is going to be, and I hope to God I'm wrong, I really want to be dead wrong, but when that tragedy occurs whether it be a home invasion or something awful that occurs where someone gets injured and we are going to have an issue with a response time based on that, God help us all, God help us all, and it will start with the politicians and it will trickle all the way down. So that's what I'm fearful of that we have nine Police officers, are potentially patrol officers that we are down and we are only hiring a third back. This City has always had a tremendous reputation of making sure that we have Police presence throughout our neighborhoods, throughout our downtown areas. You know, we had a Special Commission meeting here not long ago and we were talking about the downtown area and how important it is, and how we need to make sure that we renovate that streetscape, and we make sure that it becomes a thriving downtown that it once was, but you know that today go find me a Police officer on a bicycle in the downtown area, I urge you to, find me a cop on a bike, you don't find them because we are down on Police officers. So those officers are now in cars doing other things. So yes, we talk the talk about doing the streetscape and making sure that the downtown looks the very best it can, and we talk about the importance of hiring, we talk about Moody's, but God forbid this City should go through a tragedy, someone's family, someone's mother, someone's father, someone's son, someone's daughter gets injured and we have a problem with our response time then you know what?- the five of us are going to be held liable for it, and it's sad. So, I'm telling you that I for one do not find it acceptable that we are hiring three officers when we are down nine.

Vice Mayor Kerdyk: Can I ask a question? Are you finished Commissioner?

Commissioner Cabrera: Yes sir, I am.

Vice Mayor Kerdyk: What bothers me, and maybe it won't bother me once you answer this question, but I always look at what's the potential loss of Police officers over the next year or two. Do you take that into consideration when you are analyzing?

City Manager Salerno: Oh, absolutely Commissioner.

Vice Mayor Kerdyk: Because the last thing we do want is for it to exacerbate any more than it is now. The fact is that like Commissioner Cabrera and like all of us, we are concerned with patrolling police officers, and we want to make sure that there is a threshold that we don't get lowered, and you've named that threshold at five percent, but the fact is police officers move on to other locations, retire and there are some vacancies, that always bothers us up here and I just want to make sure that is something that you are looking into.

City Manager Salerno: Absolutely. Let me just emphasize again. Once the department acts on those three we will relook at that situation again, it is in their hands right now. If they fill those three tomorrow, and I certainly hope they will, we will relook at it at that time, I'll sit down with the Chief. I had a discussion with the Chief within the last week and I encouraged him to put whatever the resources are to move it along on his end of the process. Let me share some good news with you from a law enforcement perspective. This information is as fresh as you can get, in fact we are waiting right now on FDLE to accept our report which is for the crime stats for the past year, meaning through comparing calendar year 2010, which just ended a month or so ago, to calendar year 2009. I'm pleased to report total that total non violent crime in the City from that one year period has dropped seven (7) percent; total violent crime has dropped seven (7) percent; burglaries over that period have dropped twenty (20) percent; burglaries attempted have dropped fifteen (15) percent; shoplifting has dropped twenty-three (23) percent; left from a motor vehicle dropped twelve (12) percent; and motor vehicle theft dropped thirty-one (31) percent. So I think....

Vice Mayor Kerdyk: That's unbelievable statistics. Can you share those with the Commission?

City Manager Salerno: I will. I need to caution they have been reported to the FDLE (Florida Department of Law Enforcement), they haven't been accepted yet, that's why the Police Department hasn't issued them yet. I have them, there is no reason to not accept, not expect FDLE accept them. So I think we are able to report very positive outcomes from the prior year, the men and women certainly deserve credit in that

regard, and like I said, you need to be - there is not one thing we emphasize, we look at the whole patient so to speak. This patient, meaning the City still remains acutely vulnerable to financial setbacks and we need to be ever vigilant in that regard, and particularly now since we have the other major bond rating agency S&P reviewing that we are being prudent in our financial decisions as we manage the organization. So again, I will get you copies of this, just keep in mind that they've not yet been accepted, but I would be surprised, shocked you might say, if they didn't accept them, and it's a very positive report on the public safety situation in the City. So I hope you all are pleased.

Vice Mayor Kerdyk: That's fantastic considering the economic downturn that we are experiencing in the City, State and nationally, and John take it back to the Police Department how much we appreciate them working so diligently to make sure those numbers have decreased so much over the year before. Thank you.

Unknown Speaker: [Inaudible - off mike]

Vice Mayor Kerdyk: Thank you.

Mayor Slesnick: And I had asked this question originally so let me close my point with saying that number one, Ralph you may remember that in the close of the Special Meeting about the streetscape on Miracle Mile, I did suggest that we need to worry if we are going to bring more people to Miracle Mile and make it pretty that we need to worry about people's safety there, and we need to have a presence, and we need to...

Commissioner Cabrera: I do remember you saying that.

Mayor Slesnick: So that did concern me and like I say, I've talked to the Manager about this, and it's not something I'm surprising him with, because I continue to be concerned. My background has been 40 years around Police Departments and Police officers and I respect greatly what they do, and I am concerned and I will continue to express my concern that we staff as well as possible and that means that everyone will feel safe in their homes and their businesses, and I'd like to see Police officers downtown too circulating and riding their bikes, I guess we don't use the segways anymore, but anyways - you know Police officers make a community feel good about themselves. I feel the same way about the Fire Department, I mean our uniform services are both the kinds of services that people feel safe in their homes and safe on the streets, and they love to call 911 when they have to and know that there is going to

be a full and quick response, that's something we can be proud of that we've always given them and want to continue that. One thing that I - just two more - three more things quickly, but one thing I wanted to say to you is I'd like to bring a resolution to you to consider just to express to our State Legislative Delegation a concern for one of the Governor's proposals is to close a number of the State parks, including the Barnacle in Coconut Grove and its funny, because I just read this wonderful article in the Herald the other day about the opportunities for going to the parks here in South Florida, and for those of you who like myself over the period of your life have enjoyed your State parks and have been proud of Florida for some of that. So I didn't want to bring a resolution unless I asked if there was any objection via statement of sentiment that we hope that they will use caution and concern in doing such a thing like that. The other thing is if you all read the community newspaper had a survey, they had almost 500 people respond, and I just thought it was a wonderful thing. We hear people criticizing the City, the people that criticize are loud and speak up often, but in a 1 to 10, 1 being the lowest rating and 10 being the highest rating, of the 500 - well I want to be exactly accurate, 478 survey responses, everything in the City was rated 7 or above. All of our departments and the overall quality of life in the City Beautiful was rated a 9 by those responding; I'm not suggesting that it was probably a scientifically accurate survey, but it was done and I thought it would be nice to proclaim that. I also thought it was a nice letter to the Herald that was written by Bill Sprat concerning our Building and Zoning Department, complimenting them for the work that they are doing, and the changes that have been made there. And finally, we continue to hear more and more discussion of public sector pensions. I just came back from a meeting of labor employment lawyers from around the country; lawyers that are neutral, lawyers that are management lawyers, lawyers that are union lawyers, talking about pensions. It's an issue that faces every community almost in the United States, every State in the United States, and it faces us; and we as a Commission, and one of the things I keep trying to tell people I've been proactive for a long period of time and there was an article, a headline, excuse me, the lead editorial in the Herald about taxpayers due fairness in pensions, state workers must pay their share, it talks about the Governor's recommendations for the State pension system, and I was able to say to one person recently and proudly, not that our work is finished, not that the employees of this City and the management of this City and the elected officials of this City do not face more challenges in this area, because there are deep challenges, but the fact is that the unions of this City and the public officials of the City have already done what it looks like what the Governor may do with the State system in the coming days of the legislative session. And with that, I just think that this Commission can take pride in the fact that with the union's cooperation on paying contributions to the pension plan we've taken

steps that the Herald is pushing that the Governor take in the future. We think that everybody here has been very responsible in that area; and again, as I say, it doesn't mean that all the challenges are over, doesn't mean that all the fixes have been fixed, it means that we have, I believe everyone from the rank and file on up has acted responsibly in this area. With that, we will be back in two weeks and at that time we are going to have City Attorney interviews as a set time at 1:00 o'clock that day, same day.

City Clerk Item No. 33

ADJOURNMENT

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 11:10 am on February 8, 2011. The next regular meeting of the City Commission has been scheduled for February 22, 2011, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK