

# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, September 22, 2009**

**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**

The Invocation was given by Chaplain Ronald L. Gaudio from Doctor's Hospital.

**PLEDGE OF ALLEGIANCE**

Mayor Donald D. Slesnick, II led the Pledge of Allegiance.

**LEGISLATIVE SUMMARY**

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Ordinance(s) adopted (Ordinance No. 2009-40 through Ordinance No. 2009-44); (b) Resolution(s) adopted (Resolution No. 2009-262 through Resolution No. 2009-272); (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. [09-0641](#)**

Presentation of a Proclamation declaring October 23-31, 2009 as Red Ribbon Week in Coral Gables.

[Note for the Record: Mayor Slesnick called upon Commissioner Anderson to present a proclamation to Chairman Elect Michael Fay (Informed Families) thereby proclaiming the dates of October 23-31, 2009 as “Red Ribbon Week”; further stating that she was pleased to present this protocol document to Mr. Fay to take back to said organization, in further recognition of the importance of Red Ribbon Week, not only in Coral Gables, but nationwide.

In accepting said accolade Mr. Fay thanked our Mayor, along with the members of the City Commission for bringing attention to those social concerns of drug awareness, alcoholism, alcohol prevention, etc. further acknowledging that this is a great measure; and that anything that we can do to help our kids is great.

Mayor Slesnick further thanked Mr. Fay for assuming the President Elect Chairmanship of Informed Families, a key organization in our community; also acknowledging his professional occupation as realtor, as well as his participation recently in the Great Surfing Awards Event, and for providing assistance with the opening of a new chapter of Pi Kappa Phi fraternity, along with the opening of a new house at the University of Miami (of which he and Mr. Fay are members of said fraternity)].

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

City Clerk Item No. 1

**A.-2. [09-0643](#)**

Presentation of a Proclamation declaring September 22, 2009 as Silva Architects Day in Coral Gables in recognition of their achievement of LEED Gold Certification.

[Note for the Record: Mayor Slesnick requested of Vice Mayor Kerdyk to present a proclamation to the firm of Silva Architects and Fraga Engineers, wherein Mr. Kerdyk prefaced his remarks by noting that said firm is setting a great example for all of Coral Gables; further congratulating the firm on their office space having been awarded LEED (i.e. Gold Certification status, which is established by the U.S. Green Building Council, and verified by the Green Building Certification Institute; further acknowledging that Silva Architects and Fraga Engineers Office project is the first to be certified LEED Gold in the City of Coral Gables.

Alejandro Silva, introduced the employees of Silva Architects and Fraga Engineers, stating that they are a small architectural and engineering firm, all residents of the City of Coral Gables, as well as relatives; further introducing the following individuals:

- (a) Rolando Silva
- (b) Andrew Silva
- (c) Irene Fraga
- (d) Cristina Santa Cruz

Mayor Slesnick further acknowledged the Silva Architects and Fraga Engineers office space (located at 135 San Lorenzo) as being an excellent showcase; further urging any interested on-lookers to visit said location to ascertain what office space should really look like].

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

City Clerk Item No. 2

- A.-3. [09-0633](#) Presentation of 20 years service pin to Mario E. Rimart, Fire Department.

**Attachments:** [CM\\_Rimart](#)

[Note for the Record: City Manager Salerno requested of Fire Chief Reed to approach the dais to present to Firefighter Mario Rimart, his twenty year service pin; further noting that Mario began his career with our City in September of 1989, later becoming a firefighter in May of 1990; he was assigned to Rescue in March of 1992 and achieved his Advanced Training in July of 1992; further noting that through the years Mario has maintained a high degree of professional performance and expertise, acquiring extensive job knowledge resulting from his dedicated years as a firefighter paramedic and applies his knowledge consistently on calls and situations; further pointing out that he is a seasoned paramedic who can be counted on to coach Junior Medics. In short, Mario has been credited with exuding credibility, confidence, being a good trainer and a great problem solver; further stating that he is very appreciative of Mario's twenty years of dedicated service to our City].

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

City Clerk Item No. 3

**A.-4. [09-0634](#)**

Congratulations to Guillermo Cuevas, IT Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of October 2009.

**Attachments:** [Cover Memo](#) [EOM\\_October2009](#)  
[EOM Ltr 102009](#)

[Note for the Record: Human Resources Director Marjorie Adler so aptly characterized Guermillio Cuevas as very much the “Face of IT Technical Support;” further describing Guillermo as the “go to guy,” as it pertains to matters regarding technology and support; further pointing out that he is always quick to respond; and oftentimes, going out of his way to help, even if it means to the point of devoting personal attention involving after hours on a home based application.

Commissioner Withers congratulated Guillermo Cuevas, Information Technology Department, on receiving the Employee of the Month recognition for the month of October, 2009; further noting that Guillermo having completed four years with the City (part-time), also having completed his first full year as a full time employee in the IT Department.

In jest, Commissioner Withers inquired of Mr. Cuevas whom within our organization, has forgotten his/her password the most throughout our enterprise?-said inquiry which provoked only silence from Mr. Cuevas.

In accepting this accolade, Guillermo thanked God, the members of the City Commission, along with the City Manager and the Information Technology staff; further restating his goal in attempting to serve every department, and to do the best that he can do in furtherance of said goal; further reminding staff in City Hall that if they are in need of anything, that he is more than happy to assist them. Guillermo introduced his fiancé, Esther Zeledon to the City Commission; further sharing with the public, in response to an inquiry by the Mayor regarding his fiancé’s academic credentials, that she has recently graduated from the University of Berkeley (California) with a PhD in Environmental Science].

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

City Clerk Item No. 4

**B. APPROVAL OF MINUTES****B.-1. [09-0660](#)** Regular City Commission Meeting of September 8, 2009

**Attachments:** [CCMtg September 8 2009 Agenda Item F-1 - Discussion re adopted policy of une;](#)  
[CCMtg September 8 2009 Agenda Item E-3 - Ord amending chapter 26-1 Fees fo](#)  
[CCMtg September 8 2009 Agenda Item E-1 - Board of Adj. Appeal Starbucks Sigr](#)  
[MeetingMinutes.pdf](#)

Commissioner Anderson stated for the record that she wanted to make the following corrections to the minutes: on page 2, it talked about Commissioner Anderson in jest questioning Golf Director, Brian Litton; instead it should read, in jest questioned our Golf Instructor, Justin Bruton; furthermore, on page 20 regarding Questions, Comments, and Inquiries and Concerns from the City Commission, where it refers to Commissioner Anderson will not be supporting the measure, she indicated that said reference is kind of vague; indicating that she said a little more; further requesting clarification because it was in context with another decision the Commission had made earlier with St. Thomas.

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

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

City Clerk Item No. 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 Withers, seconded by Commissioner Anderson, to Adopt the Consent Agenda. The motion carried by the following vote:**

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

**RESOLUTION NO. 2009-262****C.-1. 09-0439**

Resolution authorizing encroachments into the right-of-way with light fixtures at an elevation of approximately 10' 0" above the sidewalk, landscaping, miscellaneous architectural moldings and roof overhangs, adjacent to 1505 Ponce de Leon Boulevard, subject to the requirements of the Public Works Department.

**Attachments:** [1505 Letter from Stevan J. Pardo and backups](#)  
[1505 Plans](#)  
[Paladin cover](#)  
[Paladin resolution](#)  
[C-1 Signed Cover Memo](#)  
[Ordinance 2006-13](#)  
[Signed Resolution 2009-262.pdf](#)

A RESOLUTION AUTHORIZING ENCROACHMENTS INTO THE RIGHT-OF-WAY, ADJACENT TO 1505 PONCE DE LEON BOULEVARD, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

**This Matter was adopted by Resolution Number 2009-262 on the Consent Agenda.**

City Clerk Item No. 7



**RESOLUTION NO. 2009-263****C.-2. [09-0657](#)**

Resolution authorizing temporary placement of five (5) 3' X 3 ½' banners at certain City facilities from October 23 through October 31, 2009, in recognition of "Red Ribbon Campaign week in the City of Coral Gables".

**Attachments:** [Red Ribbon Resolution](#)  
[Red Ribbon Resolution Cover](#)  
[C-2 Signed Cover Memo](#)  
[Signed Resolution 2009-263.pdf](#)

A RESOLUTION AUTHORIZING TEMPORARY PLACEMENT OF FIVE (5) 3' X 3 ½' BANNERS AT CERTAIN CITY FACILITIES FROM OCTOBER 23 THROUGH OCTOBER 31, 2009, IN RECOGNITION OF "RED RIBBON CAMPAIGN WEEK" IN THE CITY OF CORAL GABLES.

**This Matter was adopted by Resolution Number 2009-263 on the Consent Agenda.**

City Clerk Item No. 8

**RESOLUTION NO. 2009-264****C.-3. [09-0658](#)**

Resolution authorizing the extension of a contract with Gym Kidz, Inc. pursuant to Section 2-834 (D) of the Procurement Code on a month-to-month on an as-needed basis until such time as a new contract is executed for the provision of Gymnastic Professional Services.

**Attachments:** [Gymnastics Professional Services Extension Resolution 9-22-09 \(Monthly\)](#)  
[Gymnastics Professional Services Draft Agenda Cover 9-22-2009 \(Monthly\)](#)  
[C-3 Signed Cover Memo](#)  
[Signed Resolution 2009-264.pdf](#)

A RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT WITH GYM KIDZ, INC. PURSUANT TO SECTION 2-834 (D) OF THE PROCUREMENT CODE ON A MONTH TO MONTH ON AN AS NEEDED BASIS UNTIL SUCH TIME AS A NEW CONTRACT IS EXECUTED FOR THE PROVISION OF GYMNASTICS PROFESSIONAL SERVICES, OR REBID IF NECESSARY.

**This Matter was adopted by Resolution Number 2009-264 on the Consent Agenda.**

City Clerk Item No. 9

**RESOLUTION NO. 2009-265**

- C.-4. [09-0659](#) Resolution of the City Commission of Coral Gables, Florida authorizing a compensation change for excluded employees effective October 1, 2009.

**Attachments:** [Resolution Excluded Employees Benefits](#)  
[C-4 Signed Cover Memo](#)  
[Signed Resolution 2009-265.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AUTHORIZING A COMPENSATION CHANGE FOR EXCLUDED EMPLOYEES EFFECTIVE OCTOBER 1, 2009.

**This Matter was adopted by Resolution Number 2009-265 on the Consent Agenda.**

City Clerk Item No. 10

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

- C.-5. [09-0625](#) International Affairs Coordinating Council Meeting of August 18, 2009

**Attachments:** [Agenda Cover Sheet 081809](#)  
[Microsoft Word - IACC Minutes 8-18-09](#)

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

City Clerk Item No. 11

- C.-6. [09-0627](#) Parks and Recreation Youth Advisory Board Meeting of September 1, 2009

**Attachments:** [Cover Memo YAB 9-1-09.pdf](#)  
[Min 9-1-2009.draft.pdf](#)

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

City Clerk Item No. 12

- C.-7. [09-0638](#) Retirement Board Meeting of August 13, 2009

**Attachments:** [CC.09-22-2009.August 13, 2009](#)  
[Minutes.08-13-09](#)  
[Executive Summary.08-13-2009](#)

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

City Clerk Item No. 13

- C.-8. [09-0611](#) Traffic Advisory Board Meeting of July 21, 2009

**Attachments:** [July 21, final](#)  
[TAB cover for july](#)

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

City Clerk Item No. 14

- C.-9. [09-0635](#) Insurance Advisory Committee Meeting of September 9, 2009

**Attachments:** [IAC Minutes DRAFT 090909](#)  
[CoverMemo IACMtg 090909](#)

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

City Clerk Item No. 15

- C.-10. [09-0636](#) Landscape Beautification Advisory Board Meeting of September 3, 2009

**Attachments:** [BC Cover Sheet 9-3-09 na](#)  
[Minutes BC 9-3-09](#)

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

City Clerk Item No. 16

- C.-11. [09-0639](#) Historic Preservation Board Meeting of August 20, 2009

**Attachments:** [HPB Minutes August 20 2009](#)  
[NoAction08.20.09.MinutesforCC09.22.09](#)

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

City Clerk Item No. 17

**RESOLUTION NO. 2009-266**

**Non**     [09-0705](#)  
**Agenda**

Resolution appointing Valerie Gelnovatch (nominated by Vice Mayor Kerdyk), to serve as a member of the Parks and Recreation Advisory Board, for a two (2) year term beginning June 1, 2009 through May 31, 2011.

**Attachments:**     [Signed Resolution 2009-266.pdf](#)

A RESOLUTION APPOINTING VALERIE GELNOVATCH (NOMINATED BY VICE-MAYOR KERDYK), TO SERVE AS A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

[Note for the Record: Following the roll call on the Consent Agenda, Vice Mayor Kerdyk, nominated Valerie Gelnovatch, as his appointee to our City's Parks and Recreation Advisory Board; said appointee replaces incumbent Darby Plummer].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-266. 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. 18

**D.     PERSONAL APPEARANCES**

**None**

City Clerk Item No. 19

**E. PUBLIC HEARINGS****ORDINANCES ON SECOND READING****ORDINANCE NO. 2009-40****E.-1. 09-0475**

Ordinance amending Article III of Chapter 78 of the Code of the City of Coral Gables titled "Sanitary Sewer System" and in particular Section 78-99 titled "Compulsory connection required where sanitary sewer available" for the purpose of making the owner solely responsible for the construction, maintenance, repair, cleaning, and cost of inspection of all laterals from their property line to any point of connection with the City's sanitary sewer system. (Passed on First Reading July 7, 2009)

**Attachments:** [Lageral Sewer cover](#)  
[Lageral Sewer](#)  
[E-1 Signed Cover Memo](#)  
[Signed Ordinance 2009-40.pdf](#)

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 78 OF THE CODE OF THE CITY OF CORAL GABLES TITLED "SANITARY SEWER SYSTEM" AND IN PARTICULAR SEC. 78-99 TITLED "COMPULSORY CONNECTION REQUIRED WHERE SANITARY SEWER AVAILABLE" FOR THE PURPOSE OF MAKING THE OWNER, TENANT, OCCUPANT OR USER OF A BUILDING OR STRUCTURE SOLELY RESPONSIBLE FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, CLEANING, AND COST OF INSPECTION OF ALL LATERALS FROM THEIR PROPERTY LINE TO ANY POINT OF CONNECTION WITH THE CITY'S SANITARY SEWER SYSTEM; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith.

[Note for the Record: Following reading of the title to Agenda Item No. E-1 into the public record by our City Attorney, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, following a motion being made by Vice Mayor Kerdyk and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item No. E-1].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-40. 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. 20

**ORDINANCE NO. 2009-41****E.-2. 09-0564**

Ordinance amending Chapter 74 of the Code of the City of Coral Gables, Florida, entitled "Traffic and Vehicles" in particular, Section 74-352, entitled "Use of Image Capture Technology" by providing further clarification; Section 74-353, entitled "Definitions" by adding definitions for further clarification; Section 74-356, by changing the title from "Ninety-Day Notice; Introductory Period" to "Thirty-Day Notice; Introductory Period"; thereby increasing the notification period from ninety (90) days from the adoption of the Ordinance (on November 12, 2007) to thirty (30) days following the notification from the Police Chief indicating that the red light camera system is operational at the initial location established; Section 74-359, entitled "Vehicle Owner Responsibilities" by providing further clarification; providing for a severability clause, repealer provision; codification, and provision for an effective date. (Passed on First Reading September 8, 2009)

**Attachments:** [E-2 Signed Cover Memo](#)  
[E-2 Proposed Ordinance with Indicated Changes](#)  
[E-2 Proposed Ordinance](#)  
[E-2 Signed Cover Memo](#)  
[Signed Ordinance 2009-41.pdf](#)

AN ORDINANCE AMENDING CHAPTER 74 OF THE CODE OF THE CITY OF CORAL GABLES, FLORIDA, ENTITLED "TRAFFIC AND VEHICLES", IN PARTICULAR, SECTION 74-352, ENTITLED "USE OF IMAGE CAPTURE TECHNOLOGY" BY PROVIDING FURTHER CLARIFICATION; SECTION 74-353, ENTITLED "DEFINITIONS" BY ADDING DEFINITIONS FOR FURTHER CLARIFICATION; SECTION 74-356, BY CHANGING THE TITLE FROM "NINETY-DAY NOTICE; INTRODUCTORY PERIOD" TO "THIRD-DAY NOTICE; INTRODUCTORY PERIOD," THEREBY DECREASING THE NOTIFICATION PERIOD FROM NINETY (90) DAYS FROM THE ADOPTION OF THE ORDINANCE (ON NOVEMBER 12, 2007) TO THIRTY (30) DAYS, FOLLOWING THE NOTIFICATION FROM THE POLICE CHIEF INDICATING THAT THE RED LIGHT CAMERA SYSTEM IS OPERATION AT THE INITIAL LOCATIONS ESTABLISHED; SECTION 74-359, ENTITLED "VEHICLE OWNER RESPONSIBILITIES" BY PROVIDING FURTHER CLARIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALER PROVISION, CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

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

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-41. 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. 21

**ORDINANCE NO. 2009-42**

**E.-3. 09-0608**

Ordinance amending Chapter 26, entitled "Emergency Services," in particular, Section 26-1 "Fees for Emergency Rescue Services" and Chapter 30, entitled "Fire Prevention and Protection," in particular, Section 30-6 "Fees for Emergency Rescue Services," of the Code of the City of Coral Gables, allowing for fees to be assessed to all persons transported via City Fire Department vehicle; repealing all Ordinances inconsistent herewith and providing for an effective date. (Passed on First Reading September 8, 2009)

**Attachments:** [Revised EMS Transportation E-3 Signed Cover Memo](#)  
[EMS Ordinance](#)  
[E-3 Signed Cover Memo](#)  
[Signed Ordinance 2009-42.pdf](#)

AN ORDINANCE AMENDING CHAPTER 26, ENTITLED "EMERGENCY SERVICES" IN PARTICULAR, SECTION 26-1 "FEES FOR EMERGENCY RESCUE SERVICES" AND CHAPTER 30, ENTITLED "FIRE PREVENTION AND PROTECTION," IN PARTICULAR, SECTION 30-6 "FEES FOR EMERGENCY RESCUE SERVICES" ALLOWING FOR FEES BE ASSESSED TO ALL PERSONS TRANSPORTED VIA CITY FIRE DEPARTMENT VEHICLE; REPEALING ALL ORDINANCES INCONSISTENT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: The verbatim transcript for Agenda Item No. E-3 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 adopted by Ordinance Number 2009-42. The motion passed by the following vote:**

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

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

City Clerk Item No. 22

**ORDINANCE NO. 2009-43****E.-4. 09-0624**

Ordinance amending Chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions", revising the contributions for employees who are not included in any bargaining unit; providing for an effective date; and repealing all Ordinances herewith. (Passed on First Reading September 8, 2009)

**Attachments:** [Retirement Contribution Ordinance Cover Memo](#)  
[Retirement Contribution Ordinance](#)  
[Ordinance re Excluded Employees second reading](#)  
[E-4 Signed Cover Memo](#)  
[Signed Ordinance 2009-43.pdf](#)

AN ORDINANCE AMENDING CHAPTER 50 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," REVISING THE CONTRIBUTIONS FOR EMPLOYEES WHO ARE NOT INCLUDED IN ANY BARGAINING UNIT; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item No. E-4 into the public record, Mayor Slesnick informed his colleagues that the City Attorney had submitted changes to the proposed legislation as it pertained to Agenda Item No. E-6; further requesting that this legislation be re-titled from Agenda Item No. E-4 and placed into Agenda Item No. E-6.

Commissioner Cabrera publicly apologized to City Attorney Hernandez and City Clerk Foeman for not discussing with said officials this Agenda Item, nor for having the opportunity to engage their thoughts and opinions regarding same, before preceding with any action therewith, in connection with same.

Mayor Slesnick further requested of the City Manager to explain the aforementioned Agenda Item, wherein Mr. Salerno stated that said item represents an increase to the pension contribution from five percent to ten percent of salaries for appointed officials, management, supervisory professionals and confidential employees, thereby making a total contribution of ten percent, which in his estimation is the second highest in Miami-Dade County].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-43. 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



**ORDINANCES ON FIRST READING****ORDINANCE NO. 2009-47 (As Amended)****E.-5. 09-0640**

An Ordinance of the City Commission of Coral Gables amending the previous conditions of approval (Ordinance No. 3587) and changes to the previously approved site plan for the Country Club of Coral Gables to include outdoor dining on south side of property facing North Greenway Drive, enclosed/open air outdoor area on west side of property and improvements to existing porte-cochere on the rear of the property, legally described as Lots 1-9 and 37-39, Block 32, Section "B" (997 North Greenway Drive), Coral Gables, Florida, and including required conditions; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (Second Reading November 17, 2009, vote: 2-2)

**Attachments:** [09 22 09 CC Cover Memo: Country Club of Coral Gables 1st reading](#)  
[09 22 09 Exhibit A: Ordinance - Country Club of Coral Gables site plan- 1st reading](#)  
[09 22 09 Exhibit B: 09 16 09 Staff report and attachments](#)  
[E-5 Signed Cover Memo](#)  
[10 13 09 Exhibit A: Ordinance re Country Club of CG 2nd reading](#)  
[10 13 09 Exhibit B: 09 22 09 CC Summary Minutes with items entered into the record](#)  
[10 13 09 Exhibit C: Letter from Applicant re alternative plan](#)  
[10 13 09 Exhibit D: Applicant's Alternative Site Plan](#)  
[10 13 09 Exhibit E: Site Plan Package presented at 1st Reading](#)  
[10 13 09 Exhibit F: 09 16 09 PZB Staff report](#)  
[10 13 09 Exhibit G: Public Comments Country Club of CG amend site plan review](#)  
[10 13 09 Exhibit H: Applicant's PowerPoint Presentation](#)  
[10 13 09 CC Cover Memo re: Country Club of CG 2nd reading](#)  
[E-1 Signed Cover Memo](#)  
[Conflict of Interest Form-8B - Rafael Cabrera Jr.](#)  
[11 17 09 Exhibit A: Proposed CGCC Ordinance 2nd reading](#)  
[11 17 09 Exhibit B: 10 13 09 CC Mtg Minutes](#)  
[11 17 09 Exhibit C: Letter from Applicant re alternative plan](#)  
[11 17 09 Exhibit D: Applicant's Alternative Site Plan](#)  
[11 17 09 Exhibit E: 11.03.09 neighborhood meeting summary of public comments](#)  
[11 17 09 Exhibit F: 11 03 09 Neighborhood Meeting Sign-In Sheet](#)  
[11 17 09 Exhibit G: 11 03 09 CGCC Neighborhood presentation](#)  
[11 17 09 Exhibit I: 10 26 09 Neighborhood Letter](#)  
[11 17 09 Exhibit J: 10 13 09 Ordinance No 2009-47](#)  
[11 17 09 CC Cover Memo re: CGCC 2nd reading - outdoor seating](#)  
[11 17 09 Exhibit H: 11 17 09 Updated Public Comments](#)  
[E-7 Signed Cover Memo](#)  
[Signed Ordinance 2009-47.pdf](#)  
[12 15 09 Exhibit A: 11 17 09 Proposed CGCC Ordinance 2nd reading](#)  
[12 15 09 Exhibit B: Add'l correspondence](#)  
[12 15 09 CC Cover Memo: CGCC 2nd reading CC cover memo](#)  
[E-1 Signed Cover Memo](#)  
[Verbatim Transcript - CCMtg December 15 2009 - Country Club Outdoor Dining.ppt](#)

[Note for the Record: The verbatim transcript for Agenda Item No. E-5 is available for public inspection in the Office of the City Clerk and in Legistar].

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

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

**Nays :** 1 - Commissioner Anderson

City Clerk Item No. 26B

**RESOLUTION NO. 2009-268**

Non [09-0706](#)  
Agenda

A Resolution amending Agenda Item E.-5. by deleting the reference made to open air outdoor dining areas facing North Greenway Drive.

**Attachments:** [Signed Resolution 2009-268.pdf](#)

A RESOLUTION PROFFERING AN AMENDMENT TO AGENDA ITEM E-5, ORDINANCE ON FIRST READING; FURTHER PROVIDING FOR A DELETION OF THE REFERENCE TO OPEN AIR OUTDOOR DINING AREAS ON THE SOUTH SIDE OF PROPERTY FACING NORTH GREENWAY DRIVE.

**A motion was made by Mayor Slesnick II, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-268. The motion passed by the following vote:**

**Yeas :** 3 - Vice Mayor Kerdyk, Jr., Commissioner Cabrera, Jr. and Mayor Slesnick II

**Nays :** 2 - Commissioner Withers and Commissioner Anderson

City Clerk Item No. 26A

**ORDINANCE NO. 2009-44**

E.-6. [09-0655](#)

Emergency Ordinance amending Chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions," implementing provisions of the 2008-2009 Collective Bargaining Agreement between the City of Coral Gables and Fraternal Order of Police, Coral Gables, Lodge Number 7; revising the definition of "total earnings"; revising the employee contributions for police officers; repealing all Ordinances inconsistent herewith; further dispensing with the requirement of reading title to said Ordinance on two separate days by a 4/5ths vote of the City Commission pursuant to Article II, Section 13 of the Charter; providing for a repealer provision; a savings clause; a severability clause; and providing for an effective date.

**Attachments:** [CG Pension Ord Implementing FOP CBA 9 14 09](#)  
[Agenda Item 9-22-09 Ordinance Amending Chapter 50 - Collective Bargaining](#)  
[E-6 Signed Cover Memo](#)  
[Signed Ordinance 2009-44.pdf](#)

[Note for the Record: Following Mayor Slesnick's reading of the title to the Agenda Item No. E-6 (Emergency Ordinance (entitled "Pensions", implementing provisions of the 2008-2009 Collective Bargaining Agreement between the City of Coral Gables and the FOP, Lodge 7, etc.), Mr. Slesnick pointed out that said item is where the City Commission had received the City Attorney's late submittal of those technical amendments to the proposed legislation, that were provided during the Impasse Hearing during discussions with the representatives from the Fraternal Order of Police (FOP), and were approved by our Pension Attorney and City Attorney; said changes that were made during the Impasse Hearing with the FOP; further stating that said legislation revises certain elements of our Pension Code, passing same on an emergency basis in order that it can be implemented on this same date.

Mayor Slesnick further acknowledged the presence of FOP President John Baublitz, and publicly stated his appreciation on behalf of the City Commission for the cooperation and support in moving said matter forward].

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

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

City Clerk Item No. 24A

### **ORDINANCE NO. 2009-44**

**E.-6.1 09-0655**

Emergency Ordinance amending Chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions," implementing provisions of the 2008-2009 Collective Bargaining Agreement between the City of Coral Gables and Fraternal Order of Police, Coral Gables, Lodge Number 7; revising the definition of "total earnings"; revising the employee contributions for police officers; repealing all Ordinances inconsistent herewith; further dispensing with the requirement of reading title to said Ordinance on two separate days by a 4/5ths vote of the City Commission pursuant to Article II, Section 13 of the Charter; providing for a repealer provision; a savings clause; a severability clause; and providing for an effective date.

**Attachments:** [CG Pension Ord Implementing FOP CBA 9 14 09](#)  
[Agenda Item 9-22-09 Ordinance Amending Chapter 50 - Collective Bargaining](#)  
[E-6 Signed Cover Memo](#)  
[Signed Ordinance 2009-44.pdf](#)

AN EMERGENCY ORDINANCE AMENDING CHAPTER 50 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," IMPLEMENTING PROVISIONS OF THE 2008-2009 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND FRATERNAL ORDER OF POLICE, CORAL GABLES, LODGE NUMBER 7; REVISING THE DEFINITION OF "TOTAL EARNINGS"; REVISING THE EMPLOYEE CONTRIBUTIONS FOR POLICE OFFICERS; REPEALING ALL ORDINANCES INCONSISTENT HEREWITH; FURTHER DISPENSING WITH THE REQUIREMENT OF READING TITLE TO SAID ORDINANCE ON TWO SEPARATE DAYS BY A 4/5THS VOTE OF THE CITY COMMISSION PURSUANT TO ARTICLE II, SECTION 13 OF THE CHARTER; PROVIDING FOR A REPEALER PROVISION; A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Emergency Ordinance Number 2009-44. 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. 24B

**RESOLUTIONS****RESOLUTION NO. 2009-269****E.-7. 09-0647**

Resolution approving a separation of a building site pursuant to Zoning Code Section 12-5, into three (3) separate building sites consisting of two (2) new single-family residential building sites and one (1) existing duplex building site, legally described as Lots 8-15, Block 6, Coral Grove Section (1800 LeJeune Road), Coral Gables, Florida; as set forth in Application No. 07-08-072-P; and providing for an effective date.

**Attachments:** [09 22 09 CC Cover Memo re: 1800 LeJeune Road building site separation and fin](#)  
[09 22 09 Exhibit A: Resolution - 1800 LeJeune Road building site separation](#)  
[09 22 09 Exhibit B: Resolution - 1800 LeJeune Road final plat](#)  
[09 22 09 Exhibit D: 01 14 09 Excerpts of PZB Meeting Minutes](#)  
[09 22 09 Exhibit C: 01 14 09 Staff report and attachments](#)  
[09 22 09 Exhibit E: Final plat drawing](#)  
[09 22 09 Exhibit F: Summary of public comments thru 09 15 09](#)  
[09 22 09 Exhibit G: 09 22 09 CC PowerPoint Presentation](#)  
[E-7 & E-8 signed Cover Memo](#)  
[Signed Resolution 2009-269.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES APPROVING A SEPARATION OF A BUILDING SITE PURSUANT TO ZONING CODE SECTION 12-5, INTO THREE (3) SEPARATE BUILDING SITES CONSISTING OF TWO (2) NEW SINGLE-FAMILY RESIDENTIAL BUILDING SITES AND ONE (1) EXISTING DUPLEX BUILDING SITE, LEGALLY DESCRIBED AS LOTS 8-15, BLOCK 6, CORAL GROVE SECTION (1800 LE JEUNE ROAD), CORAL GABLES, FLORIDA; AS SET FORTH IN APPLICATION NO. 07-08-072-P.

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item E-7 into the public record, Assistant Planning Director Walter Carlson, Planning Department, informed the City Commission that the applicant is requesting the following for the historically designated property on 1800 Le Jeune Road:

- (a) Separation of the property into three (3) building sites, thereby creating two new building sites for single family homes and one building site for the existing duplex.
- (b) Re-plat property into three platted lots, with each lot being a separate building site

Mr. Carlson proceeded with his presentation by providing certain background information regarding applicants' request-that said property consist of eight (8) platted lots, amassing approximately three-quarters of an acre; that the property has both single family and duplex land use designations; that the existing historic duplex was constructed in 1924 and occupies the eastern portion of the property, and that an existing coral rock wall and swimming pool occupies the western portion of the property; further stating that the entire property has been designated as historic by the

Historic Preservation Board (HPB); that the Historic Preservation Board (HPB) had reviewed the request for building site separation pursuant to a request made by the City Commission.

Mr. Carlson further proceeded to explain that there are six (6) review criteria that are contained in the City's Zoning Code, of which a minimum of four criteria have to be met before staff can proffer a recommendation for approval; further noting that the applicant has satisfied four of the six criteria needed, namely:

- (1) that exceptional or unusual circumstances exist (i.e. the property has two different land use and zoning designations);
- (2) that the building sites created would be equal to or larger than the majority of surrounding building site frontages of the same zoning designation (i.e. the frontages would be equal to or greater existing surrounding single family and duplex building sites);
- (3) that building site separation would not result in any existing structures becoming nonconforming (i.e. historic residence would remain, and each of the new single family homes would occupy a separate platted lot as a result of the proposed re-plat of the property);
- (4) that said property was purchased by the current owner prior to September of 1977 (i.e. current owner purchased said property in 1963).

Mr. Carlson further pointed out that the applicant does not satisfy the remaining two review criteria contained in the Zoning Code, namely:

- (5) that no restrictive covenants, encroachments, easements or the like exist (i.e. an existing coral rock wall and swimming pool currently ties the entire site together as a single building site); and
- (6) Maintains and preserves open space, historic character, property values, and visual attractiveness and promotes neighborhood compatibility.

Mr. Carlson concluded his presentation by further informing the City Commission that the staff recommended approval of this building site separation and re-plat based on the following finding of facts:

- (1) that 4 out of the 6 criteria contained in the Zoning Code were satisfied;
- (2) that there are no changes to the property's existing land use or zoning designations;
- (3) that the HPB had recommended the proposed building site separations as proposed by the applicant;
- (4) that any proposed plans for property would require review and approval by the Historic Preservation Board;
- (5) that the tentative plat was previously reviewed by City staff and those affected utility companies and there were no objections made.

Mr. Carlson also added that the Planning and Zoning Board had also recommended

approval with the following condition: that all proposed plans for construction on the property shall require review and approval by the HPB prior to the issuance of a building permit].

**Questions, Comments, Inquiries and Concerns from the City Commission:**

Vice Mayor Kerdyk inquired as to the size of the lots? -whereupon attorney for the applicant, namely Zeke Guilford stated that it represents 800 square feet for both lots. Vice Mayor Kerdyk that said size is roughly 125 by 124 square feet or approximately 15,000 square feet].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-269. The motion passed by the following vote:**

**Yeas :** 3 - Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

**Absent :** 2 - Commissioner Cabrera, Jr. and Commissioner Anderson

City Clerk Item No. 27

**RESOLUTION NO. 2009-270**

**E.-8. [09-0648](#)**

Resolution approving final plat entitled "Pilafian Properties" being a re-plat of an approximately 0.7 acre site into three (3) platted lots, legally described as Lots 8-15, Block 6, Coral Grove Section (1800 LeJeune Road), Coral Gables, Florida; as set forth in Application No. 07-08-072-P; and providing for an effective date.

**Attachments:** [09 22 09 CC Cover Memo re: 1800 LeJeune Road building site separation and fin](#)  
[09 22 09 Exhibit A: Resolution - 1800 LeJeune Road building site separation](#)  
[09 22 09 Exhibit B: Resoluton - 1800 LeJeune Road final plat](#)  
[09 22 09 Exhibit C: 01 14 09 Staff Report and attachments](#)  
[09 22 09 Exhibit D: 01 14 09 Excerpts of PZB Meeting Minutes](#)  
[09 22 09 Exhibit E: Final plat drawing](#)  
[09 22 09 Exhibit F: Summary of public comments thru 09 15 09](#)  
[09 22 09 Exhibit G: 09 22 09 CC PowerPoint Presentation](#)  
[E-7 & E-8 signed Cover Memo](#)  
[Signed Resolution 2009-270.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES APPROVING FINAL PLAT ENTITLED "PILAFIAN PROPERTIES" BEING A RE-PLAT OF AN APPROXIMATELY 0.7 ACRE SITE INTO THREE (3) PLATTED LOTS, LEGALLY DESCRIBED AS LOTS 8-15, BLOCK 6, CORAL GROVE SECTION (1800 LEJEUNE ROAD), CORAL GABLES, FLORIDA; AS SET FORTH IN APPLICATION NO. 07-08-072-P; AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following the City Manager's reading of the title to Agenda Item E-8, there being no public testimony proffered by any member of the public, nor there being any deliberation made by any member of the City Commission, following a motion being made by Commissioner Withers and seconded by Vice Mayor Kerdyk, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item No. E-8].



A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-270. The motion passed by the following vote:

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

**Absent :** 1 - Commissioner Anderson

City Clerk Item No. 28

**RESOLUTION NO. 2009-267**

**E.-9. 09-0651**

Resolution relating to the provision of fire protection services, facilities and programs in the City of Coral Gables, Florida; imposing fire protection assessments against assessed property located within the City, for the fiscal year beginning October 1, 2009; approving the rate of assessment; approving the assessment roll; and providing an effective date.

**Attachments:** [agendacoversheet\\_finalassessmentresolution](#)  
[E-9 Signed Cover Memo](#)  
[Final Assessment Resolution](#)  
[Affidavit of Mailing](#)  
[Notice to Property Owner](#)  
[Appendix B](#)  
[Appendix C](#)  
[Signed Resolution 2009-267.pdf](#)

A RESOLUTION OF THE CITY COMMISSION RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF CORAL GABLES, FLORIDA; IMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

[Note for the Record: The verbatim transcript for Agenda Item No. E-9 is available for public inspection in the Office of the City Clerk and in Legistar].

**This Resolution was adopted by Resolution Number 2009-267**

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

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

City Clerk Item No. 25

**F. CITY COMMISSION ITEMS**

- F.-1. [09-0620](#) Discussion regarding the adopted policy of unearned annual and sick leave from employees' leave banks.  
Commissioner Rafael "Ralph" Cabrera, Jr.

**Attachments:** [Unearned Annual and Sick Leave](#)

[Note for the Record: **Questions, Comments, Inquiries and Concerns from the City Commission:** **Commissioner Cabrera** in clarifying that he was not the Commissioner who said bring said matter forward in 2 weeks, stated that he did understand the sentiment of each individual Commissioner, realizing that as a collegial body, they were not going to agree on said matter; further reiterating that one of his colleagues had felt that said matter should be brought back before the City Commission (Note: City Attorney Hernandez stated that after further review of the transcript, when said matter was initially brought back before the City Commission on September 8, 2009, that she found that the Mayor had requested to bring said matter back); further providing additional clarification on said matter-stating that he had spoken to the Interim City Manager, namely **Maria Jimenez**, after having been contacted by her, and was informed by her what she had discovered; further stating that after having been advised by outside labor counsel, namely Jim Crosland, he proceeded based on the assumption that our Charter supported this measure; further stating that a letter had been sent to 21 employees from the Interim City Manager requesting to return the money received by them from the City for unearned annual and sick leave banks; further stating that the Interim City Manager Maria Jimenez proceeded to rescind the policy of unearned annual and sick leave that was implemented by **former City Manager David Brown**.

Commissioner Cabrera further explained that when the aforementioned policy was implemented, that he was never contacted by the former City Manager; further pointing out that Finance Director Don Nelson was not in favor of said policy; further stating that he is also sensitive to the position of **Commissioner Anderson**, that some of the aforementioned individuals may have already used said money, which would make it a financial hardship; further stating that said amount to be returned, roughly to be an estimated \$127,000 mistake, which in his view is no small amount; further stating that the City has a duty to recapture those funds; further pointing out that he respects his colleagues on the City Commission for their sensitivity to said matter; further noting that if he were the former City Manager, he would return the money.

**Vice Mayor Kerdyk** stated that he felt like the former City Manager acted in bad faith, when he decided to take his money and give funds to 21 others behind, whom were affected by his policy behind; further stating that the City Attorney had engaged the services of outside labor counsel to opine on this subject matter; further stating that **Jim Crosland** had written a letter on behalf of Interim City Manager Maria Jimenez,

requesting that former City Manager David Brown and those affected individuals give back those funds; further adding that Mr. Crosland did not tell David Brown to keep the funds; further stating that there is no way the City can get those funds back from the affected individuals without a lawsuit, therefore, he does not see the social utility in proceeding to go after said monies.

**City Attorney Hernandez** explained to the City Commission that if the City proceeded with attempting to recoup those monies that were received by the 21 affected employees, it would have a difficult defense; further stating that she believes the City is within its rights to seek the return of those monies (Note: 18 of the 21 people were affected from a monetary standpoint); further explaining that last year the City Manager had issued a ruling, which resulted in coming up with a different way of calculating accrued vacation and so forth; further stating that she was not part of any meetings with the former City Manager nor the Interim City Manager regarding said matter when designated staff met and drafted the policy in connection with unearned annual and sick leave; further stating that upon being questioned about said matter, she explained what are the powers of the City Manager; further stating that she had previously advised Commissioner Cabrera that the City would have a minimal success rate in litigating said matter; further referencing a copy of her Advisory Opinion that was rendered to the former City Manager (including an invoice from labor counsel); further inquiring as to whether the City Commission wanted to hear from outside Labor Counsel as to what advice he had given the Interim City Manager Jimenez and her office?-further reiterating her opinion that the City of Coral Gables is a strong City Manager form of government; implementation of rules is within the authority of the City Manager; and further adding that unless the City Manager had abused his discretion, the City would have a minimal chance against the former City Manager or any Manager that has served in that capacity under our City Charter and under the laws of the State of Florida, to successfully litigate said matter.

Assistant City Manager Maria Jimenez stated for the record that she had met with both attorneys (outside labor counsel, as well as our City Attorney), to seek their opinion regarding this matter; further stating that she would never put the City in this position that it finds itself in now.

Mayor Slesnick queried Commissioner Cabrera as to whether he would be amenable to having him pen a letter to former City Manager Brown, on behalf of the City Commission, that would bring together the sentiments as to the group regarding said matter, urging him to return said funds, and that he has a moral obligation to do so?-whereby Vice Mayor Kerdyk stated that he liked that idea; Commissioner Withers stated that such letter should go to all of those twenty-one (21) affected individuals; further adding that the entire policy had been vetted to each employee in the City; further stating that said individuals knew about same.

Commissioner Withers queried his colleagues as to whether or not the aforementioned letter proposal initiative was an attempt to get \$127,000 back into the City's budget?

Mayor Slesnick stated that those affected individuals were the recipients of money that was based on the former Manager's decision; further adding that the City Commission did not hire those affected individuals; further adding that the letter proposal would be one way of publicly stating the position of the City Commission as to how they felt about said matter. Commissioner Cabrera added that the former City Manager had made a big mistake, and that he should account for same; further stating that the Mayor's letter proposal is very gentleman like and dignified, and that he would support his approach, but expressed doubt that it would yield any results that would bring back the money. Commissioner Withers agreed].

**This Agenda Item was Discussed**

City Clerk Item No. 29

**F.-2. 09-0649**

Discussion regarding the Biltmore Hotel. (Deferred from the September 22, 2009 City Commission Meeting)

Commissioner Rafael "Ralph" Cabrera, Jr.

**This Agenda Item was Deferred**

City Clerk Item No. 6

**G. BOARDS/COMMITTEES ITEMS****RESOLUTION NO. 2009-326****G.-1. 09-0572**

Presentation of excerpts from the minutes of the Historic Preservation Board meeting of July 16, 2009 requesting the following action with regard to CASE FILE AV 2006-06. (Deferred from the September 22, 2009 City Commission meeting).

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at Hotel Place St. Michel located at 162 Alcazar Avenue, a local historic landmark, legally described as Lots 3 and 4, Block 24, Coral Gables Section "L", according to the Plat thereof, as recorded in Plat Book 8, at Page 85, of the Public Records of Miami-Dade County, Florida. The cost of the improvements is \$2,300,000.00, which could correspond to approximately \$12,075.00 per year and \$120,750.00 over ten years. (Historic Preservation Board Vote: Unanimously (8-0)).

**Attachments:** [PowerPointHPB007-16-09-162Alcazar-HotelStMichel](#)  
[HPB MinutesJuly16,2009-HotelStMichel](#)  
[AVreport-StMichel](#)  
[G-1 Signed Cover Memo](#)  
[AVResolution-09.22.09.DRAFT](#)  
[HPBActionAdValorem162Alcazar\(HotelStMichel\)-DEF](#)  
[AVResolution-11.17.09.DRAFT](#)  
[HPBActionAdValorem162Alcazar\(HotelSanMichel\)](#)  
[McArdle&PerezPA11-9-09Ltr](#)  
[HPB007-16-09-162Alcazar-FOR CC](#)  
[G-1 Signed Cover Memo](#)  
[Signed Resolution 2009-326.pdf](#)

[Note for the Record: Historic Preservation Officer Kara Kautz informed the City Commission that she was requesting the adoption of a resolution granting ad valorem tax relief for the Hotel Place St. Michel, located at 162 Alcazar Avenue; further stating that the original structure was designed to be a three story office building in 1926; further noting that by 1935, said structure was converted into the Segovia Hotel, and in 1979 it became the Hotel Place St. Michel; further pointing out that in 1995, it was designated as a local historic landmark.

Ms. Kautz proceeded with a power point presentation, displaying drawings that were presented to the Historic Preservation Board (HPB); further explaining that said drawings reflect work that was performed on the property contained in said request was in part due to hurricane damage, pointing out that on June 2006 and October 2006, the Historic Resources staff granted design approval for restoration of said property; further informing the City Commission that this request is being made for the following improvements: replacement of the non-original windows with impact resistant units; structural repairs and improvements; interior repairs caused by the structural repairs and windows; restucco of all surfaces on first, second and third floors-including campanile; restoration of light fixtures; installation of new awning canopies, etc.; further stating that said advalorem tax abatement request was approved

by the Historic Preservation Board on July 19, 2009.

**Questions, Comments, Inquiries and Concerns from the City Commission:** **Commissioner Withers** prefaced his inquiry by asking for the actual final cost of restoration of the **Hotel Place St. Michel**; further questioning the practice as to why does the City take taxpayers dollars without verifying the cost of restoration work?-further requesting a history of the enabling legislation (in ordinance form), granting ad valorem tax relief (Note: **Commissioner Withers** stated that originally, said legislation was for single family, then it addressed both single family and commercial properties; further inquiring as to how did it enter the commercial realm?), more particularly the legislative intent, which in his estimation is to provide an incentive to the property owner to invest in a historic property; however distinguishing said legislative intent as found in this matter wherein there is an income stream back to the property owner to recover said costs, who will be made whole; further reiterating that in said scenario, that he does not see a lot of sacrifice on the part of the property owner.

**Historic Preservation Officer Ms. Kautz** in response to Commissioner Withers inquiry stated that there has never been a restriction in connection with how the designation for tax relief would be applied, as long as a property owner has a historically designated piece of property that has met the design criteria, and there is an approved Certificate of Appropriateness.

**City Attorney Hernandez** also added that when the City was undergoing the Zoning Code re-write process, it did seek to amend the Zoning Code to provide incentives to property owners for ad valorem tax relief; further pointing out that many property owners do seek local historic landmark designation because of the entire incentive package.

**Mr. Bornstein** informed the City Commission that this request for ad valorem tax relief is not the first time that the Hotel Place St. Michel Hotel has requested; pointing out that during the Reagan Administration, there was legislation that provided for it, also; further responding that said legislation does provide for an incentive, and without same, that he would not take the pain to beautify and maintain such an historic landmark; further explaining that he maintains said facility as a caretaker for the citizens of Coral Gables, because once there is an historic designation, there are heavy restrictions on use and sale ability of the property; further stating that insurance proceeds do not cover the cost for restoration; further stating that these are personal funds that are not covered by insurance companies; further stating to Commissioner Withers that if he had any idea of the process that one has to go through to make oneself financially whole, he would possibly reconsider his position; further pointing out that the Hotel Place St. Michel is not a cash cow, but he considers that the effort put forth in furtherance of his hotel as a labor of love; further reminding the City

Commission that incentives are not only important but necessary if one seeks to preserve historic properties; further stating that if incentives become unavailable in the future, then he will remove his property from its historic designation status.

**Vice Mayor Kerdyk** suggested to Mr. Bornstein that he should reach out to Ms. Kautz, (i.e. provide her with the cost for restoration to the building, as well as provide documentation regarding what were the insurance proceeds, etc.), to provide Commissioner Withers with the type of information that he has requested in connection with said matter; further deferring same until the next City Commission Meeting presently scheduled for October 13, 2009].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, the motion resulted in a tie vote. The parliamentary effect when there is no majority vote, and there is no way to break the tie vote, is that the motion is lost. The vote was as follows:**

**Yeas :** 2 - Commissioner Anderson and Vice Mayor Kerdyk, Jr.

**Nays :** 2 - Commissioner Cabrera, Jr. and Commissioner Withers

**Absent :** 1 - Mayor Slesnick II

City Clerk Item No. 30

## **H. CITY MANAGER ITEMS**

### **H.-1. [09-0363](#)**

Resolution accepting the recommendation of the Chief Procurement Officer authorizing agreements with AFLAC, Inc. and the Comprehensive Companies to administer a Voluntary Employee Benefits Program (Section 125 Cafeteria Plan) pursuant to Section 2-828 of the Procurement Code and Request For Quotes (RFQT) 2009.04.14 for an initial three (3) year period, with annual renewals, not to exceed a term of ten (10) years.

**Attachments:** [AFLAC` response to RFQT](#)  
[Comprehensive Companies response to RFQT](#)  
[Draft Reso](#)  
[H-5 Signed Cover Memo](#)  
[2009.04.14 Cafeteria Plan Draft Agenda Cover \(092209\).pdf](#)  
[2009.04.14 Cafeteria Plan Draft Reso \(092209\).pdf](#)  
[H-1 Signed Cover Memo](#)  
[Signed Resolution 2009-237.pdf](#)

[Note for the Record: The verbatim transcript for Agenda Item No. H-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 Commissioner Withers, the motion resulted in a tie vote. The parliamentary effect when there is no majority vote, and there is no way to break the tie vote, is that the motion is lost. The vote was as follows:**

**Yeas :** 2 - Commissioner Anderson and Mayor Slesnick II

**Nays :** 2 - Commissioner Cabrera, Jr. and Commissioner Withers

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 31



**RESOLUTION NO. 2009-271****H.-2. [09-0632](#)**

Resolution authorizing the negotiation of two loans in an aggregate principal amount not to exceed \$6,200,000 from the Sunshine State Governmental Financing Commission for the purpose of acquiring, constructing and erecting certain capital improvements; approving the execution and delivery of a loan agreement(s); providing for the repayment of such loan from certain legally available non-ad valorem revenues of the City of Coral Gables, Florida; delegating to the Mayor the authority to determine the final terms of the loan(s); providing certain other matters in connection with the making of such loan; and providing an effective date.

**Attachments:** [Resolution - \\$6.2 Loan Museum and Waterway Canal](#)  
[Final 2009A Numbers](#)  
[Final 2009B Numbers](#)  
[Recommendation Memo](#)  
[City of Coral Gables - SunTrust Loan Proposal - Annual Payment- Updated -9 14](#)  
[Agenda Item 9-22-09 Sunshine State Loan \\$6.2](#)  
[H-2 Signed Cover Memo](#)  
[Signed Resolution 2009-271.pdf](#)

A RESOLUTION TO APPROPRIATE FUNDS IN THE STORMWATER UTILITY FUND IN THE AMOUNT OF TWO MILLION SIX HUNDRED TEN THOUSAND DOLLARS (\$2,610,000) FOR CAPITAL IMPROVEMENTS TO DREDGE THE CORAL GABLES WATERWAY AND THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) TO APPROPRIATE INTO THE CAPITAL IMPROVEMENT FUND FOR THE CORAL GABLES MUSEUM.

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item No. H-2 into the public record, Finance Director Don Nelson informed the City Commission that what was before them was a resolution which proposes to authorize two loans in an aggregate principal amount of \$6,200,000 from the Sunshine Governmental Financing Commission, for the purpose of acquiring, constructing and erecting certain capital improvements; the first loan is for the principal amount of \$2,635,000 to finance the cost to dredge the Coral Gables Waterway (commonly known as the Canal); said loan which was presented during the budget will be amortized over a period of ten years at a fixed annual interest rate of 3.98 percent, with an annual principal and semi-annual interest payment of \$32,556; further stating that the total cost to dredge the Coral Gables Waterway is \$4,810,000; said project will be funded with an approved State grant of \$2,200,000 and the net loan proceeds of \$2,610,000 from the Sunshine State Governmental Financing Commission.

The second loan is for the principal amount of \$3,525,000 to finance a portion of the \$5.9 million construction cost for the Coral Gables Museum. Again, this loan will be amortized over a ten year period at a fixed annual interest rate of 3.98 percent, with an annual principal and semi-annual interest payment of \$436,074; further pointing out that the total outstanding debt of the City for 2009-2010 will be \$64,827,472 (including the aforementioned loan in the principal amount of \$6,160,000; said total

annual principal and interest debt service of \$6,947,811 represents 5% of the total operating and debt service budget.

**Questions, Comments, Inquiries and Concerns from the City Commission:** **Commissioner Withers** inquired of **Finance Director Don Nelson** through the City Manager as to whether or not there are any dedicated revenue streams derived from any of the aforementioned loans?- whereby Mr. Nelson stated that regarding the Coral Gables Waterway, there is a dedicated revenue source that is derived from the Stormwater Improvement Fund, resulting from monthly receipts from the Stormwater Improvement Fund, said revenue which will cover both the interest and principal on said loan.

**Commissioner Withers** further inquired as to whether there will be a dedicated revenue stream derived from the Coral Gables Museum?-whereby Mr. Nelson stated that funding is expected from the \$2 million in pledges, more specifically stating that the City has already received \$500,000 from said pledged amount, and the remaining funding will come from donations and other sources of funding that will be presented to the City].

**A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-271. The motion passed by the following vote:**

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

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 32

**RESOLUTION NO. 2009-272****H.-3. [09-0656](#)**

Resolution to appropriate funds in the Stormwater Utility Fund in the amount of two million six hundred ten thousand dollars (\$2,610,000) for capital improvements to dredge the Coral Gables Waterway and three million five hundred thousand dollars (\$3,500,000) to appropriate in the Capital Improvement Fund for the Coral Gables Museum.

**Attachments:** [Museum Appropriation of Funds \\$6.3](#)  
[Agenda Item 9-22-09 Transfer of Funds for Museum](#)  
[H-3 Signed Cover Memo](#)  
[Signed Resolution 2009-272.pdf](#)

A RESOLUTION TO APPROPRIATE FUNDS IN THE STORMWATER UTILITY FUND IN THE AMOUNT OF TWO MILLION SIX HUNDRED TEN THOUSAND DOLLARS (\$2,610,000) FOR CAPITAL IMPROVEMENTS TO DREDGE THE CORAL GABLES WATERWAY AND THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) TO APPROPRIATE INTO THE CAPITAL IMPROVEMENT FUND FOR THE CORAL GABLES MUSEUM.

[Note for the Record: Following reading of the title to Agenda Item H-3 into the public record by the City Manager, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, following a motion being made by Commissioner Withers and seconded by Commissioner Cabrera, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item No. H-3].

**A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-272. The motion passed by the following vote:**

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

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 33

**I. CITY ATTORNEY ITEMS**

- I.-1. [09-0653](#) Pending Litigation Report

**Attachments:** [PENLIT 9 22 09](#)

[Note for the Record: City Attorney Elizabeth Hernandez stated that in connection with the Litigation Report, she had two items to report on, as more particularly contained in the Litigation Report: Firstly, in the matter of City of Coral Gables v Gables View, as soon as the lawsuit was filed, the case was settled; secondly, she announced that she now has a new intern serving in her office, namely Lauren Bannister, a student in the University of Miami's LLM Program, who is giving 60 hours of dedicated time.

**Questions, Inquiries, Comments and Concerns from the City Commission:** Commissioner Cabrera informed Ms. Bannister that of those 60 hours that she is serving, that she can probably take ten of those hours from today's proceeding, that she has endured].

**This Ordinance was Discussed**

City Clerk Item No. 34

**J. CITY CLERK ITEMS**

None

City Clerk Item No. 35

**K. DISCUSSION ITEMS**

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: No, I am speechless.

Mayor Slesnick: Mr. Cabrera.

Commissioner Anderson: Thank you.

Commissioner Cabrera: I wanted to thank staff because I properly didn't take the opportunity earlier today with the lights that we are installing all over the place, how staff went in and spoke to the manufacturer on whether it be silver or black or green, so I guess we are all going to live with silver. Did you see that?

Mayor Slesnick: No.

Commissioner Cabrera: Oh, there was a... here let me go to my file. There was a memo written by staff giving an accounting of what the manufacturer does throughout the State. I am sorry; this is coming out of the waste basket.

Mayor Slesnick: That's alright.

Commissioner Cabrera: But, I read it and basically staff concluded based upon a number of municipalities in this region that black and green were the other colors and apparently, if you read on it tells you that it was more consistent with all our other structures that are silver, and that's why it was decided that it would be a silver color, so I just thought I would bring that up.

Mayor Slesnick: Thank you and I did not see it, yeah.

Commissioner Cabrera: So, I appreciate the follow through on that, because I think you were the one that requested that.

Mayor Slesnick: I know, and I... It's interesting that every other City and County have picked black or green.

Commissioner Cabrera: Well, they are less, they are less noticeable.

Mayor Slesnick: I know, and I am saying...

Commissioner Cabrera: They are just not noticeable, I...

Mayor Slesnick: And you know the silver, I don't care about the other poles or anything, but these are sitting in our median which is green and has green trees and green grass and...

Commissioner Cabrera: Yeah.

Mayor Slesnick: Thank you, your file worked.

Commissioner Cabrera: Yeah, well I just brought my reading file in.

Mayor Slesnick: Mr. Manager, I am still concerned about that selection.

City Manager Salerno: Mayor, we don't have a recommendation, that is not a recommendation. It is information.

Commissioner Cabrera: Yeah, information, that's all it was.

City Manager Salerno: It's not a staff recommendation there.

Mayor Slesnick: Oh, I thought...

Commissioner Cabrera: Well, I just... I looked at it as informational...

City Manager Salerno: It is, it is... Yeah, that's all it is.

Commissioner Cabrera: ... so I was commending staff ...

Mayor Slesnick: Okay.

City Manager Salerno: Yeah.

Commissioner Cabrera: ... for having taken the time to get back to us on it. I wasn't trying to be sarcastic...

Mayor Slesnick: Well, it says...

Commissioner Cabrera: ... not on this point.

Mayor Slesnick:... Well, it says the City Architect suggested the poles maintain the silver, that's a...

City Manager Salerno: That's the City Architect's...

Mayor Slesnick: Okay.

City Manager Salerno: ... position on prior issues. Am I correct that that deals with prior issues?

Mayor Slesnick: Well.

City Manager Salerno: That doesn't deal with specifically his position on these poles that has been his position on prior items...

Mayor Slesnick: Okay.

City Manager Salerno: ...of whether it's silver or some other color.

Mayor Slesnick: Then could I ask that you all still look at that, and decide what you are going to recommend.

City Manager Salerno: It might be appropriate to give us, if you have a preference, we can talk to the, you know...

Commissioner Cabrera: I, you know, I would like it to be as non-intrusive as possible, that's my goal. Whether...

Mayor Slesnick: Me too.

Commissioner Cabrera: ... that be black or green or brown, I just... You know when you...

Mayor Slesnick: Yes.

Commissioner Cabrera: ... drive up, when you drive up Alhambra...

Mayor Slesnick: It looks like a...

Commissioner Cabrera: ... Westbound, I mean, it's there man. It is staring at you, which it could be a good thing too.

Commissioner Withers: I agree, I agree.

Mayor Slesnick: I agree, too, a little intrusive.

City Manager Salerno: Is there a Commission's preference, we will be glad to follow that, and the choices are silver, green and black.

Commissioner Withers: I like orange and blue, but I don't think that...

Commissioner Cabrera: Well, I'll tell you, let me tell you what others are doing. Look for the benefit of this discussion, the City of Aventura is green, the City of Bal Harbor is black, Ocala is black, Palatka is black, Collier County is green, North Miami is black, Palm Coast is black and Casselberry is black. So those are the cities that they, or city and/or municipalities that they contacted.

Mayor Slesnick: It wouldn't match One Burger.

Commissioner Cabrera: If we painted it in black, it would match one of the structures there.

Mayor Slesnick: That's right.

Commissioner Cabrera: Okay.

Mayor Slesnick: Which one would you, name it?

Commissioner Cabrera: Ah, well, it seems like the majority eight of out, six have ... black.

Mayor Slesnick: Chip.

Commissioner Withers: That's fine, anything, but silver.

City Manager Salerno: Black it is, going forward.

Mayor Slesnick: So, you...

Commissioner Cabrera: Sir.

Mayor Slesnick: Do you have anything else?

Commissioner Cabrera: No, I don't, that was it for me.

Mayor Slesnick: (inaudible)

Commissioner Cabrera: Oh, yes, thank you sir. Look, I don't want to keep making this a contemptuous outing for all of us under these voluntary benefits issue. So, I was going to suggest the following. It may make sense to contact our consultant, Mr. Schafer and get his take on this thing. If Mr. Schafer for some reason is not available to do this, because it is outside of the scope of his services. Incidentally, he is very knowledgeable when it comes to all of this. I just know Bob, and I know how, you know, how professional he is. If for some reason, he is not available to assist, I would be happy to assist in the process if you all wish, but I, you know I say that... You don't like that idea, do you?

City Attorney Hernandez: No, I don't.

Commissioner Cabrera: You don't like me getting involved.

City Attorney Hernandez: None of the Commissioners should get personally involved in this.

Commissioner Cabrera: Okay, then I think Mr. Schafer would be certainly suitable to be of assistance. I mean, he can do this very easily, and understands all of the ramifications and understands all the new ... and but, you know, it maybe outside of the scope of services that he provides, and I... it's just something for staff to think



about. That's it for me.

Mayor Slesnick: Okay, thank you, and I appreciate you volunteering, even if we didn't accept it.

Mr. Withers.

Commissioner Withers: No, sir.

Mayor Slesnick: Okay, I think... Mr. City Manager, do you have anything further?

City Manager Salerno: Nothing.

Mayor Slesnick: We will be back here at 5:01 p.m., this evening for our final budget hearing, and we will adjourn the meeting.

City Clerk Item No. 36

## **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 2:09 pm on September 22, 2009. The next regular meeting of the City Commission has been scheduled for October 13, 2009, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK