

# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, August 25, 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*

**ROLL CALL**

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

**INVOCATION**

Father Roger Tobin from St. Thomas Episcopal Church gave the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Withers led the Pledge of Allegiance.

**A. PRESENTATIONS AND PROCLAMATIONS**

- A.-1. 09-0578** Presentation of Certificates of Appreciation to those Board and Committee Members in recognition of their eight consecutive years of service.
- [Note for the Record: Mayor Slesnick noted that on the occasion of recognizing those individuals representing 30 advisory boards in the City, whom have given their time in working with the City, thereby providing our City with advice and good manner; further calling upon the following herein below listed individuals to come to the dais in further recognition of their 8 years of voluntary public service rendered:
- Mayor Slesnick's Appointments:  
Jorge Villacampa - (Budget/Audit Advisory Board) - Not Present  
Robert "Bob" Berman-Not Present  
Mary Young - (Parking Advisory Board) - Present
- Vice Mayor Kerdyk informed the public that what makes Coral Gables great is that there are so many volunteers who render public service, thereby recognizing the herein below referenced individuals:  
Vice Mayor Kerdyk's Appointments:  
Ramesh "Ray" Airan - (International Affairs Coordinating Council) - Present  
Darby Plummer- (Parks & Recreation Advisory Board) - Not Present
- Commissioner Anderson's Appointments:  
Sharon Langer - (Board of Adjustment) - Not Present  
Zenaida Fernandez - (Coral Gables Advisory Board on Disability Affairs) - Not Present  
Kathleen Terry - (Emergency Management Division) - Not Present  
Susan Elwell - (Library Advisory Board) - Present  
Robin Symons - (Parks & Recreation Advisory Board) - Present

## Commission Cabrera's Appointments:

Douglas Yoder - (Citywide Traffic Advisory Board) - Present  
Kelly Sastre - (Coral Gables Advisory Board on Disability Affairs) - Not Present  
Olga Baquero -Lima - (Coral Gables Merrick House Governing Board) - Present  
Alfred Smith -(Economic Development Board) - Not Present  
Allen Heard - (Emergency Management Division) - Not Present  
Norton Pallot - Emergency Management Division) - Not Present  
Haydee Polo - (Parks & Recreation Advisory Board) - Present

## Commissioner Withers' Appointments:

Chris Morrison - (Citywide Traffic Advisory Board) - Present  
Deborah Swain - (Coral Gables Advisory Board on Disability Affairs) - Present  
Lane Jaslow - (Emergency Management Division) - Present  
Douglas Parker - (Emergency Management Division) - Not Present  
Richard Whittington - (Emergency Management Division) - Not Present

## Commission-As-A-Whole Appointments:

Bertram "Chico" Goldsmith - (Citywide Traffic Advisory Board) - Not Present  
Lisa Bennett - (Historic Preservation Board) - Not Present  
Shirley Maroon - (Historic Preservation Board) - Present

## Board-As-A-Whole Appointments:

Maria Vacca - (Coral Gables Merrick House Governing Board) - Not Present due to her husband being extremely ill)].

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

City Clerk Item No. 1

**A.-2. 09-0579**

Presentation of a Proclamation declaring August 25, 2009 as Venetian Aquatic Club Day in Coral Gables.

[Note for the Record: Commissioner Anderson in presenting a proclamation to the Venetian Aquatic Club, requested members of said organization to approach the dais; further stating that she was presenting a protocol (proclamation)document in commemoration of the longevity of an invaluable organization in our community, whereby she read into the public record said proclamation declaring this same day, August 25, 2009, as "Venetian Aquatic Club Day" in Coral Gables; further informing the public, along with said Venetian Aquatic Club members that she learned how to swim through the Venetian Aquatic Club, the inception of said organization.

Ms. Desiree Anthony, president of the Venetian Aquatic Club informed the public that it has been a pleasure to serve said organization for over 12 years, in furtherance of teaching water safety and swimming in this community; further expressing her pride for the Venetian Aquatic Club.

Patrick Beason, the representative from the American Red Cross, thanked the Venetian Aquatic Club organization for using their organization as the basis of their organization; further expressing pride in recognizing the Venetian Aquatic Club for its 50 years of service, thereby presenting them with a plaque.

Former Mayor Dororthy Thompson acknowledged several members of the Coral Gables Womens Club that have supported the Venetian Aquatic Club with a financial donation; whereby Ms. Pam Shafer, president of the Coral Gables Womens Club presented the Venetian Aquatic Club organization with a check in the amount of \$750, said donation being for a cause that is very worthwhile, as it pertains to water safety and swimming; further adding that all of the donations from the Coral Gables Women's Club go toward great causes].

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

City Clerk Item No. 2

**A.-3. 09-0580**

Presentation of a Proclamation declaring August 26, 2009 as Jean Roth Day in Coral Gables.

[Note for the Record: Parks and Recreation Department Director Fred Couceyro read into the public record a proclamation declaring this same day, August 25, 2009, as "Mrs. Jean Roth Day" in Coral Gables, said individual (absent), a volunteer and founding member of the Venetian Aquatic Club, celebrating her 50 years of service to said organization.

Mayor Slesnick concluded said presentation, thanking all participating parties, thanking the Venetian Aquatic Club, for all that it does, as well as thanking said organization for saving lives].

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

City Clerk Item No. 3

**A.-4. 09-0566**

Presentation of 20 years service pin to Dallas C. Brown, Public Works Department.

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

[Note for the Record: Public Works Department Director Alberto Delgado addressed the dais regarding presentation of a 20 year service pin to Dallas Brown; further acknowledging that Dallas Brown joined the City in July of 1989, as a full time temporary Craft Worker, in what was referred to at that time as the Special Projects Section of the Public Works Department; further stating that Dallas remained at said location until his conversion to a full-time Maintenance Worker II in October of 1994, later being promoted to Senior Foreman in 1998 and to his present position of Maintenance Division Superintendant in July of 1999; further noting that through the years, Dallas has always gone the extra mile to be involved and contribute his time and skills to causes such as the Junior Orange Bowl Committee and Special Events Committee; additionally, also pointing out that his file is full of letters of appreciation from contractors for his courtesy, quick thinking and assistance during City events; further noting that Dallas addresses major challenges daily; stating that he attempts to control cost, reflecting that his estimates on projects are typically on target and that he is a very good planner who understands City priorities and the value of making sound decisions; further defining Dallas as one of the "go to guys" in the City; further stating that consistency has been his middle name, having been named the Employee of the Month in July 1995 and June 2007, respectively].

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

City Clerk Item No. 4

**A.-5. 09-0567**

Congratulations to Kattia Castellanos, Police Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of August 2009.

**Attachments:** [KattiaCastellanos EOM Notificaiton Ltr.](#)  
[Cover Memo EOM August2009](#)

[Note for the Record: Human Resources Director Marj Adler stated that it is probably safe to say that Kattia Castellanos is better known outside of the City family than inside; further adding that Kattia has been widely recognized throughout the broader community for her efforts involving crime victims advocacy; joining the City in 1998, as a part-time as Victims Advocacy Coordinator; further pointing out that on two separate occasions, she has been awarded the Employee Excellence Award (in 2000 and again in 2003, respectively) by the Coral Gables Police Department; further noting that the Attorney General for the State of Florida has designated her as a "Victims Services Practitioner"; further acknowledging her initiative in spearheading a National Crime Victims Week Luncheon; also noting that during Calendar 2008, she was presented the "Victims Advocacy Purple Heart Award," by the Florida Network of Victim Witness Services; further stating that she created A Victims Witness Assistance Website, within the City of Coral Gables police site, to provide information to citizens, said initiative is a result of Kattia's breath of service that she and her volunteers have rendered.

Commissioner Withers, in presenting Kattia with a check in the amount of \$300 and a plaque, stated that he usually likes to interject fun into said employee recognition presentations, but that he was humbled by everything that she has meant to her colleagues and to every citizen of Coral Gables; further stating that the impact that she has made and on those individuals that she has touched is what has made her so very special.

In accepting said accolade, Kattia thanked Idalia Budihas, Senior Counselor, Rehabilitative Services, Jackson Memorial Hospital, the City Commission, her colleagues, particularly Sergeant Jane Compus, and those many volunteers; further recalling that when she as 9 years old, she read a quote by Albert Schweitzer, which states:

"Only those among you who will be truly happy, are those who will seek and find how to serve." Further expressing gratitude to the many volunteers and to the citizens of Coral Gables, whom from among them she says she has learned her life's lessons].

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

City Clerk Item No. 5

**B. APPROVAL OF MINUTES**

**B.-1. 09-0581** Regular City Commission Meeting of July 29, 2009.

**Attachments:** [CCMtg July 29 2009 Agenda Item E-3 E-4 E-5 are related St. Thomas change of l](#)  
[CCMtg July 29 2009 Agenda Item E-8 - Provision of Fire Rescue Services.pdf](#)  
[CCMtg July 29 2009 Agenda Item H-4 - Presentation of Comprehensive Annual Fi](#)  
[CCMtg July 29 2009 Agenda Item H-5 - Rec. Chief Procurement Officer award Pa](#)  
[Meeting Minutes.pdf](#)

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

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

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

City Clerk Item No. 6

[Note for the Record: Prior to consideration of the Consent Agenda, Mayor Slesnick acknowledged the presence of City of Coral Gables Police Officers, as well as representatives from the Fraternal Order of Police; further requesting of said delegates present, to share with the public the purpose as to why they are present?-what message they would like to convey?-etc.

FOP President John Baublitz stated that in connection with the FOP collective bargaining negotiations, the key was the safety of the citizens of the City of Coral Gables; further explaining that -in their view, what is being proposed will greatly compromise the safety of said citizens; further acknowledging those General Employees whom were present; further acknowledging the fact that said representatives have been working with the City Manager; further urging the City Commission to support those safety issues that are impacting our citizenry.

Mayor Slesnick in commenting to those delegates present, stated that it is tough during times of collective bargaining negotiations to sound sincere; further thanking the City's police officers for the work that they do; further pointing out that obviously, the City Commission would rather reach an agreement than not].

City Clerk Item No. 7

**C. CONSENT AGENDA**

All items listed within this section entitled "Consent Agenda" are considered to be self-explanatory and are not expected to require additional review or discussion, unless a member of the City Commission or a citizen so requests, in which case, the item will be removed from the Consent Agenda and considered along with the regular order of business. Hearing no objections to the items listed under the "Consent Agenda", a vote on the adoption of the Consent Agenda will be taken.

**Passed the Consent Agenda**

**A motion was made by Commissioner Cabrera, Jr., seconded by 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. 2009-225****C.-1. 09-0555**

Resolution authorizing the Kiwanis Club of Little Havana to sell alcoholic beverages at Ponce Circle Park on Friday, October 2, 2009, November 6, 2009, December 4, 2009, January 1, 2010, February, 5, 2010, March 5, 2010 and April 2, 2010, as part of the Art in the Park event, subject to Florida Department of Professional Regulation Requirements.

**Attachments:** [Kiwanis Art in the Park Special Events Application & Permit 2009.pdf](#)  
[Cover Sheet for Art in the Park event 2009 to 2010.pdf](#)  
[Resolution for Art in the Park October 2009 to April 2010.pdf](#)  
[C-1 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING THE KIWANIS CLUB OF LITTLE HAVANA TO SELL ALCOHOLIC BEVERAGES AT PONCE CIRCLE PARK ON FRIDAY, OCTOBER 2, 2009, NOVEMBER 6, 2009, DECEMBER 4, 2009, JANUARY 1, 2010, FEBRUARY 5, 2010, MARCH 5, 2010 AND APRIL 2, 2010, AS PART OF THE ART IN THE PARK EVENT, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

[Note for the Record: Commissioner Cabrera stated that he has an on-going concern regarding the use of Fred B. Hartnett Park, and the impact to the neighborhood, particularly as it relates to the use of alcoholic beverages for those special events that have been scheduled from October 2, 2009 through April 2, 2010; further stating that he has received complaints from those residents who live immediately south of the park area; further inquiring of the administration as to whether the City can scale down the music, in order that those residents who retire for the night, on or about 11 p.m. can enjoy the peace and serenity of their neighborhood, as opposed to enduring the music from those events; further proffering a compromise between the promoters of said events and the residents wherein there could be a reduction in the volume of music



between 11 p.m. and midnight.

Commissioner Anderson, expressed a willingness to support said compromise, stated that she is reminded of a past festival wherein she heard the music miles away.

Mayor Slesnick requested that some consideration be given to providing for construction backs to any stage production, that can direct sound and keep sound quality directed toward those commercial areas; further stating that regarding activities in the street, that the City has to concern itself with matters such as this; further expressing optimism that City departments will follow through with Commissioner Cabrera's request; further reiterating to City Manager Salerno that the proper steps are taken to mitigate sound intrusion as one gets late into the morning during special events].

**This Matter was adopted by Resolution Number 2009-225 on the Consent Agenda.**

City Clerk Item No. 8

City Clerk Item No. 24

**RESOLUTION NO. 2009-226**

**C.-2. 09-0558**

Resolution authorizing the City to accept a donation of \$15,000 from the University of Miami for the purpose of purchasing and installing a Digital Payment Technologies multi-space pay and display system along a portion of San Amaro Drive.

**Attachments:** [UM Donation Letter](#)  
[LUKE Specifications](#)  
[UM Res. \\$15000 Donation 001](#)  
[C-2 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A DONATION OF \$15,000 FROM THE UNIVERSITY OF MIAMI FOR THE PURPOSE OF PURCHASING AND INSTALLING A DIGITAL PAYMENT TECHNOLOGIES MULT-SPACE PAY AND DISPLAY SYSTEM ALONG A PORTION OF SAN AMARO DRIVE.

[Note for the Record: Commissioner Cabrera referenced a letter from the University of Miami, in connection with a commentary regarding bicycles being on sidewalks; further pointing out that bicycles are not supposed to be on sidewalks, instead they are supposed to be on the road].

**This Matter was adopted by Resolution Number 2009-226 on the Consent Agenda.**

City Clerk Item No. 9

**RESOLUTION NO. 2009-227****C.-6. 09-0563**

Resolution authorizing an encumbrance in the amount of \$37,119.30, or 15%, of the State Forfeited Asset Fund (F.A.F.) monies to provide for the support and operation of crime prevention, drug abuse prevention, safe neighborhood or school resource officer programs, as required under the Florida Contraband Forfeiture Act.

**Attachments:** [COMMISSION COVER MEMO - \\$37,119.30 - FAF](#)  
[RESOLUTION - \\$37,119.30 - FAF](#)

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING THE CITY MANAGER TO AN ENCUMBENT IN THE AMOUNT OF \$37,119.30, OR 15%, OF THE STATE FORFEITED ASSET FUND (F.A.F.) MONIES TO PROVIDE FOR THE SUPPORT AND OPERATION OF CRIME PREVENTION, DRUG ABUSE EDUCATION AND PREVENTION, SAFE NEIGHBORHOOD OR SCHOOL RESOURCE OFFICER PROGRAMS, AS REQUIRED UNDER FSS 932.7055, THE FLORIDA CONTRABAND FORFEITURE ACT.

**This Matter was adopted by Resolution Number 2009-227 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2009-228****C.-7. 09-0590**

Resolution endorsing employer support for the National Guard and Reserve, in furtherance of our country's service members and their families during time of need; further instructing the City Clerk to transmit same to the Chairman of the National Committee for Employee Support of the Guard and Reserve.

**Attachments:** [Statement of Support.pdf](#)  
[Draft Resolution.pdf](#)  
[Cover Memo.pdf](#)  
[C-7 Signed Cover Memo](#)

A RESOLUTION ENDORSING EMPLOYER SUPPORT FOR THE NATIONAL GUARD AND RESERVE, IN FURTHERANCE OF OUR COUNTRY'S SERVICE MEMBERS AND THEIR FAMILIES DURING TIME OF NEED; FURTHER INSTRUCTING THE CITY CLERK TO TRANSMIT SAME TO THE CHAIRMAN OF THE NATIONAL COMMITTEE FOR EMPLOYEE SUPPORT OF THE GUARD AND RESERVE.

**This Matter was adopted by Resolution Number 2009-228 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2009-229**

- C.-8. 09-0591** Resolution appointing Paul Posnak (nominated by the Board-as-a-Whole) to serve as member of the International Affairs Coordinating Council, for a two (2) year term beginning June 1, 2009 through May 31, 2011.

**Attachments:** [Paul Posnak Cover Memo](#)  
[Paul Posnak Resolution](#)  
[C-8 Signed Cover Memo](#)

A RESOLUTION APPOINTING PAUL POSNAK (NOMINATED BY THE BOARD-AS-A-WHOLE) TO SERVE AS MEMBER OF THE INTERNATIONAL AFFAIRS COORDINATING COUNCIL, FOR A TWO (2) YEAR TERM BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-229 on the Consent Agenda.**

City Clerk Item No. 12

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

- C.-9. 09-0548** School and Community Relations Committee Meeting of May 12, 2009

**Attachments:** [may.pdf](#)  
[summary of may 12, 09.pdf](#)

A RESOLUTION APPOINTING PAUL POSNAK (NOMINATED BY THE BOARD-AS-A-WHOLE) TO SERVE AS MEMBER OF THE INTERNATIONAL AFFAIRS COORDINATING COUNCIL, FOR A TWO (2) YEAR TERM BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

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

City Clerk Item No. 13

- C.-10. 09-0556** Board of Adjustment Meeting of August 3, 2009

**Attachments:** [BOADJ Meeting Minutes 8-03-09](#)  
[Cover Memo - 8-25-09](#)  
[BOADJ Summary 8-03-09](#)  
[Notice](#)

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

City Clerk Item No. 14

- C.-11. 09-0571 Retirement Board Meeting of June 22, 2009

**Attachments:** [CC.08-25-2009.June 22, 2009  
Executive Summary.06-22-2009  
Minutes.06-22-09](#)

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

City Clerk Item No. 15

- C.-12. 09-0575 Property Advisory Board Meeting of July 15, 2009

**Attachments:** [PAB no action  
PAB July minutes](#)

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

City Clerk Item No. 16

- C.-13. 09-0577 Historic Preservation Board Meeting of July 16, 2009

**Attachments:** [HPB Minutes July 16, 2009  
NoAction07.16.09.MinustesforCC08.25.09](#)

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

City Clerk Item No. 17

- C.-14. 09-0587 Budget/Audit Advisory Board meeting of July 30, 2009

**Attachments:** [Cover Memo Minutes 073009.pdf  
Minutes 073009.pdf](#)

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

City Clerk Item No. 18

- C.-15. 09-0589 Traffic Advisory Board Meeting of June 16, 2009

**Attachments:** [TAB cover June  
TAB Juen minutes](#)

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

City Clerk Item No. 19

**Pulled from Consent Agenda****RESOLUTION NO. 2009-230**

**Non      09-0618**  
**Agenda**

Resolution deferring consideration of Agenda Items C-3, C-4, and C-5 until the September 8th, City Commission Meeting.

A RESOLUTION DEFERRING AGENDA ITEM C-3 [SUBJECT MATTER: TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CITY COLLEGE TO ALLOW FOR EMT/PARAMEDIC STUDENTS TO RIDE ON RESCUE UNITS], AGENDA ITEM C-4 9SUBJECT MATTER: TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FLORIDA MEDICAL TRAINING INSTITUTE ALLOW FOR EMT/PARAMEDIC STUDENTS TO RIDE ON RESCUE UNITS], AND AGENDA ITEM C-5 [SUBJECT MATTER: TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TECHNICAL CAREER INSTITUTE TO ALLOW FOR EMT/PARAMEDIC STUDENTS TO RIDE ON RESCUE UNITS], UNTIL THE CITY COMMISSION MEETING OF SEPTEMBER 8, 2009.

[Note for the Record: Commissioner Cabrera stated that he had pulled Agenda Item C-3 from the Consent Agent, referencing Page 4, wherein the agreement language as proposed stated: "A certificate of insurance or other acceptable documentation in evidence of compliance with paragraph shall be filed with the Agency, if requested."

Commissioner Cabrera stated that he would like an amendment to this contract, thus removing the aforementioned words, "if requested," thus making the filing of said documentation mandatory.

Commissioner Withers inquired as to whether the City requires insurance liability coverage for student interns?- also noting that the university system provides for liability insurance for those individuals that are placed in business. City Attorney Hernandez stated that there is a Hold Harmless Indemnification provision for students (college) that are volunteers.

Commissioner Cabrera stated that he did not believe that the Hold Harmless Indemnification provision was sufficient; further requesting that there be a postponement of Agenda Items C-3, C-4 and C-5, thus allowing for our City Attorney to research same.

Mayor Slesnick added that the only interns(student) that we have had in City Hall have been high school students. City Attorney added that she also has had interns (non high school students) in her office].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-230. The motion passed unanimously.

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

City Clerk Item No. 20

**C.-3. 09-0560**

Resolution authorizing the City to enter into an agreement with City College to allow for EMT/Paramedic students to ride on rescue units. (Deferred from 8/25/09 City Commission Meeting)

**Attachments:** [City College Agreement 82509.pdf](#)  
[City College Draft Resolution 82509.pdf](#)  
[City College Cover Memo 82509.pdf](#)  
[C-3 Signed Cover Memo](#)  
[City College Cover Memo 09-08-09.pdf](#)  
[City College Draft Resolution 09-08-09.pdf](#)  
[City College Agreement 09-08-09.pdf](#)

**This Resolution was Deferred**

City Clerk Item No. 21

**C.-4. 09-0561**

Resolution authorizing the City to enter into an agreement with the Florida Medical Training Institute to allow for EMT/Paramedic students to ride on rescue units. (Deferred from 8/25/09 City Commission Meeting)

**Attachments:** [FMTI Agreement 82509.pdf](#)  
[FMTI Resolution 82509.pdf](#)  
[FMTI Cover Memo 82509.pdf](#)  
[C-4 Signed Cover Memo](#)  
[FMTI Cover Memo 090809.pdf](#)  
[FMTI Draft Resolution 090809.pdf](#)  
[FMTI Agreement 090809.pdf](#)

**This Resolution was Deferred**

City Clerk Item No. 22

- C.-5. 09-0562** Resolution authorizing the City to enter into an agreement with Technical Career Institute to allow for EMT/Paramedic students to ride on rescue units. (Deferred from 8/25/09 City Commission Meeting)

**Attachments:** [TCI Agreement 82509.pdf](#)  
[TCI Resolution 82509.pdf](#)  
[TCI Cover Memo 82509.pdf](#)  
[C-5 Signed Cover Memo](#)  
[TCI Cover Memo 090809.pdf](#)  
[TCI Draft Resolution 090809.pdf](#)  
[TCI Agreement 090809.pdf](#)

**This Resolution was Deferred**

City Clerk Item No. 23

## **D. PERSONAL APPEARANCES**

- D.-1. 09-0585** Marli Lutz, Executive Director of CoralGables@Home, to present an update on the CoralGables@Home Program.

**Attachments:** [CG@HOME City Commission0909](#)

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

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 25

## **E. PUBLIC HEARINGS**

### **ORDINANCES ON SECOND READING**

#### **ORDINANCE NO. 2009-37**

- E.-1. 09-0538** An Ordinance of the City Commission of Coral Gables, Florida; relating to the provision of fire protection services, facilities, and programs throughout the incorporated areas of Coral Gables, Florida; authorizing the imposition and collection of fire protection assessments against property; providing certain definitions including a definition for the term "fire protection assessment"; establishing a procedure for imposing fire protection assessments; providing that fire protection assessments constitute a lien on assessed property upon adoption of assessment roll; providing that the lien for a fire protection assessment collected pursuant to sections 197.3632 and 197.3635, Florida Statutes, upon perfection shall attach to the property on the prior January 1, the lien date for ad valorem taxes; providing that a perfected lien shall be equal in rank and dignity with the liens of all state, county, district, or municipal taxes and assessments and superior in dignity to all other prior liens, mortgages, titles, and claims; authorizing the imposition of interim assessments; providing authorization for exemptions and hardship assistance; providing a procedure for the collection of fire protection assessments; providing a

mechanism for the imposition of assessments on government property; providing for severability; and providing an effective date. (Passed on First Reading July 29, 2009)

**Attachments:** [Agendacoversheet fireservicesassessment](#)  
[Fire fee assessment FINAL 07 21 09](#)  
[E-8 Signed Cover Memo](#)  
[Ordinance FINAL rev07 31 09](#)  
[Agendacoversheet fireservicesassessment ordinance 08 18 09.pdfdoc](#)  
[H-1 Signed Cover Memo](#)  
[Fire Protection Services Assessment Program](#)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA; RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS THROUGHOUT THE INCORPORATED AREAS OF CORAL GABLES, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE PROTECTION ASSESSMENTS AGAINST PROPERTY; PROVIDING CERTAIN DEFINITIONS INCLUDING A DEFINITION FOR THE TERM "FIRE PROTECTION ASSESSMENT"; ESTABLISHING A PROCEDURE FOR IMPOSING FIRE PROTECTION ASSESSMENTS; PROVIDING THAT FIRE PROTECTION ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A FIRE PROTECTION ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING AUTHORIZATION FOR EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING A PROCEDURE FOR THE COLLECTION OF FIRE PROTECTION ASSESSMENTS; PROVIDING A MECHANISM FOR THE IMPOSITION OF ASSESSMENTS ON GOVERNMENT PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 Anderson, seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2009-37. The motion passed by the following vote:**

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

**Nays :** 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 26



**ORDINANCE NO. 2009-38****E.-2. 09-0510**

An Ordinance of the City Commission of Coral Gables, Florida amending Article 5, Division 20, entitled "Telecommunications" of the City Zoning Code by adding a section regulating the installation of amateur radio antennas; providing for severability, repealer, codification, and an effective date. (Passed on First Reading July 29, 2009)

**Attachments:** [07 29 09 CC Cover Memo re: amateur radio antennas - 1st reading](#)  
[07 29 09 Exhibit A: Ordinance - amateur radio towers 1st reading](#)  
[07 29 09 Exhibit B: 07 08 09 PZB Staff Report - Telecommunications - w att](#)  
[07 29 09 Exhibit C: 07 08 09 Excerpts of PZB Meeting Minutes](#)  
[E-7 Signed Cover Memo](#)  
[08 25 09 CC Cover Memo re: amateur radio - 2nd reading](#)  
[08 25 2009 Exhibit A: amateur radio towers 2nd reading](#)  
[E-2 Signed Cover Memo](#)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA AMENDING ARTICLE 5, DIVISION 20, ENTITLED "TELECOMMUNICATIONS" OF THE CITY ZONING CODE, BY ADDING A SECTION REGULATING THE INSTALLATION OF AMATEUR RADIO ANTENNAS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following Mayor Slesnick reading of the title to Agenda Item E-2 into the public record, there being no public comment 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 Anderson, the Mayor instructed the City Clerk to call the roll on Agenda Item E-2].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-38. 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. 30

**ORDINANCE NO. 2009-39****E.-3. 09-0441**

Ordinance amending Article III of Chapter 78 of the Code of the City of Coral Gables titled "Sanitary Sewer System" and in particular Sec. 78-106.2(2) titled "Sewer connection procedures for properties outside sewer districts; Terms and conditions" for the purpose of reducing the rates applied to connecting outside the City to be 25% greater than the rates applied to the same connections within the City and to comply with section 180.191(1), Florida Statutes.

**Attachments:** [R-23671 23671](#)  
[R-23671 23671](#)  
[180.191](#)  
[78.106.2 - cover](#)

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. 78-106.2(2) TITLED "SEWER CONNECTION PROCEDURES FOR PROPERTIES OUTSIDE SEWER DISTRICTS; TERMS AND CONDITIONS" FOR THE PURPOSE OF REDUCING THE RATES APPLIED TO CONNECTING OUTSIDE THE CITY TO BE 25% GREATER THAN THE RATES APPLIED TO THE SAME CONNECTIONS WITHIN THE CITY; TO COMPLY WITH THE PROVISIONS OF SECTION 180.191(1), FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith.

[Note for the Record: Following City Attorney Elizabeth Hernandez reading of the title to Agenda Item E-3 into the public record, there being no public comment 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 Cabrera and seconded by Commissioner Withers, the Mayor instructed the City Clerk to call the roll on Agenda Item E-3].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2009-39. The motion passed by the following vote:**

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

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

City Clerk Item No. 31

**ORDINANCES ON FIRST READING**

**None**

**F. CITY COMMISSION ITEMS**

None

City Clerk Item No. 32

**G. BOARDS/COMMITTEES ITEMS**

None

City Clerk Item No. 33

**H. CITY MANAGER ITEMS****RESOLUTION NO. 2009-234****H.-1. 09-0530**

Resolution accepting the recommendation of the Chief Procurement Officer to award the Blue Road Roundabout Project to Maggolg, Inc. pursuant to Section 2-828 of the Procurement Code, Invitation For Bid (IFB) 2009.05.07.2 and the Community Small Business Enterprise Level 1 Set-Aside requirements, in the amount of \$145,642.70 (One Hundred Forty-Five Thousand, Six Hundred Forty-two Dollars and Seventy Cents).

**Attachments:** [Draft Resolution](#)  
[Maggolg, Inc. Bid Response](#)  
[Bid Tabulation](#)  
[H-1 Signed Cover Memo](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO AWARD THE BLUE ROAD ROUNDABOUT PROJECT TO MAGGOLC, INC. PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE, ENTITLED "CONTRACT AWARD", INVITATION FOR BID (IFB) 2009.05.07.2 AND THE COMMUNITY SMALL BUSINESS ENTERPRISE LEVEL 1 SET-ASIDE REQUIREMENTS, IN THE AMOUNT OF \$145,642.70 (ONE HUNDRED FORTY FIVE THOUSAND SIX HUNDRED FORTY TWO DOLLARS AND SEVENTY CENTS).

[Note for the Record: Following Commissioner Cabrera's reading of the title to Agenda Item H-1 into the public record, City Manager requested of Chief Procurement Officer Michael Pounds to approach the dais, whereby Mr. Pounds informed the City Commission that what has been submitted for consideration by said body was the award of the Blue Road Roundabout Project to Maggoic, Inc., said project which is a part of a joint participation agreement between the City of Coral Gables and the Miami-Dade Small Business Development Office.

**Questions, Comments, Inquiries and Concerns from the City Commission:** Commissioner Cabrera inquired of the City Manager through Public Works Department Director Alberto Delgado, as to the start and end date of the Blue Road Roundabout Project?-whereby Public Works Department Director Alberto Delgado stated that it is anticipated that it will take approximately two months for the execution of the contract,

and thereafter, the start date will commence toward the end of October, 2009 and end approximately in February, said project timeline being roughly 120 days.

Commissioner Anderson further inquired of Public Works Director Delgado as to whether the residents will be notified of the traffic impact and scheduling of said project?-whereby Mr. Delgado assured her that the residents will be notified].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-234. The motion passed by the following vote:**

**Yeas :** 3 - Commissioner Withers, Commissioner Anderson and Commissioner Cabrera, Jr.

**Absent :** 2 - Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 34

### **RESOLUTION NO. 2009-235**

**H.-2. 09-0569**

Resolution accepting the recommendation of the Chief Procurement Officer to award the Segovia Street and Biltmore Way Roundabout Project to Solution Construction, Inc. pursuant to Section 2-828 of the Procurement Code, Invitation For Bid (IFB) 2009.05.08 and the Community Small Business Enterprise (CSBE) Twenty Percent (20%) Subcontractor Goal, in the amount of \$310,309.00 (Three Hundred Ten Thousand Three Hundred Nine Dollars).

**Attachments:** [Draft Resolution](#)  
[Bid Tabulation](#)  
[Solution Construction Response](#)  
[H-2 Signed Cover Memo](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO AWARD SEGOVIA STREET AND BILTMORE WAY ROUNDABOUT PROJECT TO SOLUTION CONSTRUCTION, INC. PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE, ENTITLED "CONTRACT AWARD", INVITATION FOR BID (IFB) 2009.05.08 AND THE COMMUNITY SMALL BUSINESS ENTERPRISE (CSBE) TWENTY PERCENT (20%) SUBCONTRACTOR GOAL REQUIREMENTS, IN THE AMOUNT OF \$310,309.00 (THREE HUNDRED TEN THOUSAND THREE HUNDRED NINE DOLLARS).

[Note for the Record: Following Commissioner Cabrera's reading of the title to Agenda Item H-2 into the public record, City Manager Salerno requested of Chief Procurement Officer Mike Pounds to approach the dais, who informed the City Commission that this set aside project for small businesses in Miami-Dade County is entirely funded through County Impact Fees; further stating that the Segovia Street and Biltmore Way Roundabout project involves the construction of one (1) roundabout at the intersection of Segovia Street and Biltmore Way to slow traffic.

Following Mr. Pounds presentation, there being no public comment proffered by any member of the public, nor there being any deliberation by any member of the City

Commission, whereby a motion was made by Commissioner Anderson and seconded by Commissioner Withers, the Mayor instructed the City Clerk to call the roll on Agenda Item H-2].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-235. The motion passed by the following vote:**

**Yeas :** 3 - Commissioner Withers, Commissioner Anderson and Commissioner Cabrera, Jr.

**Absent :** 2 - Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 35

### **RESOLUTION NO. 2009-231**

**H.-3. 09-0574**

Resolution relating to the provision of fire protection services, facilities and programs in the City of Coral Gables, Florida; describing the method of assessing fire protection assessed costs against assessed property located within the City of Coral Gables; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof; and providing an effective date.

**Attachments:** [agendacoversheetfireservicesassessment\\_resolution\\_8\\_18\\_09\\_revised\\_pdf](#)  
[IAR\\_final\\_08\\_20\\_09\\_rev](#)  
[H-3 Signed Cover Memo](#)

A RESOLUTION OF THE CITY OF CORAL GABLES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF CORAL GABLES, FLORIDA; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSED COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF CORAL GABLES; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

[Note for the Record: The verbatim transcript for Agenda Item H-3 is available for public inspection in the Office of the City Clerk and in Legistar].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-231. The motion passed by the following vote:**

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

**Nays :** 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 27

**RESOLUTION NO. 2009-236****H.-4. 09-0568**

Resolution accepting the recommendation of the Chief Procurement Officer pursuant to Procurement Code Section 2-772 "Special Procurements/Bid Waiver" to award a contract to Greenbrook Pools for certain life safety improvements to the Coral Gables Country Club swimming pool to bring the facility into compliance with the Virginia Graeme Baker Pool and Spa Safety Act for an amount not to exceed eighty thousand dollars (\$80,000).

**Attachments:** [Draft Resolution](#)  
[Greenbrook Pools](#)  
[H-4 Signed Cover Memo](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER PURSUANT TO PROCUREMENT CODE SECTION 2-772, "SPECIAL PROCUREMENTS/BID WAIVER", TO AWARD A CONTRACT TO GREENBROOK POOLS FOR CERTAIN LIFE SAFETY IMPROVEMENTS TO THE CORAL GABLES COUNTRY CLUB SWIMMING POOL TO BRING THE FACILITY INTO COMPLIANCE WITH THE VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT FOR AN AMOUNT NOT TO EXCEED EIGHTY THOUSAND DOLLARS (\$80,000).

[Note for the Record: Following Commissioner Cabrera's reading of the title to Agenda Item H-4 into the public record City Manager Salerno requested of Chief Procurement Officer Mike Pounds to approach the dais, who informed the City Commission that the Coral Gables Country Club Phase I Project consists of installing a gravity drainage system with a collector tank that will prevent suction entrapment at the single main drain of the pool, which if not corrected is a safety hazard; further adding that said entrapment has been the cause of drowning deaths of children; further adding that the aforementioned project was originally advertised on April 10, 2009 as Request for Proposals (RFP) 2009.04.10; further noting that at the Mandatory Proposal Conference, only one potential proposer attended and as a result of the lack of competition for this solicitation the RFP was canceled; further adding that after the second RFP failed to yield competitive proposals, numerous contacts with other municipalities were made to obtain potential "piggyback contracts" with the same scope of work; further pointing out that the City was unable to find any suitable piggyback contracts as most cities are either in the process of working up their own proposals or bids to retrofit their pools or their pool facilities are new and already meet the requirements; further recommending to the Commission that a Special Procurement Waiver be granted in order to contract with Greenbrook Pools for certain life safety improvements to bring the Coral Gables Country Club Pool into compliance with the Virginia Graeme Baker Pool and Spa Safety Act.

Following Mr. Pounds presentation, Commissioner Withers inquired through the City Manager of Mr. Delgado as to whether there were any other pool improvements that were needed that could be done simultaneously with this project?-whereby Mr. Delgado stated replacement of defective and damaged lights, some work on the tile, replacement of the main drain to prevent entrapment, installation of a collectors tank, repair work of the leak on the floor, installation of new pool lights, resurfacing of the walls and floor in the pool area, all improvements which would be included in the \$80,000 cost for certain life safety improvements to the Coral Gables Country Club swimming pool.

Mayor Slesnick also inquired as to the status of the Remediation Project (Coral Gables Country Club Parking Lot)?- whereby Mr. Delgado stated that said project is progressing well, adding that they are currently doing a testing of the area in accordance with DERM requirements (i.e. to remove all contaminants that were left at the site), to dispose of the contaminated soil materials that were left at the Coral Gables Country Club parking lot site (i.e. Granada and Alhambra); further stating that he believes said project can be completed by October, 2009.

There being no public comment proffered by any member of the public, nor there being any further deliberation by City Commission, following a motion being made by Commissioner Anderson and seconded by Commissioner Withers, the Mayor instructed the City Clerk to call the roll on Agenda Item H-4].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-236. The motion passed by the following vote:**

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

City Clerk Item No. 36

**RESOLUTION NO. 2009-237****H.-5. 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 (RFQ) 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](#)

A RESOLUTION TO DEFER AGENDA ITEM H-5 [SUBJECT MATTER: ACCEPT 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 (RFQ) 2009.04.14 FOR AN INITIAL THREE (3) YEAR PERIOD, WITH ANNUAL RENEWALS, NOT TO EXCEED A TERM OF TEN (10) YEARS.

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item H-5 into the public record, Commissioner Cabrera requested of his colleagues to defer consideration of said item until the City's Insurance Advisory Board has an opportunity to review same].

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be deferred by Resolution Number 2009-237. The motion passed unanimously.**

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

City Clerk Item No. 37



**RESOLUTION NO. 2009-232****H.-6. 09-0582**

Resolution amending Resolution 2009-218, by increasing fees and charges for services furnished by the City of Coral Gables for non residents of the City of Coral Gables; and providing for an effective date.

**Attachments:** [Definitions](#)  
[EMS FEECOMPARE05\\_09 Updated 08-09L](#)  
[2009 Fire Fee Assessment Increase](#)  
[H-6 Signed Cover Memo](#)  
[Proposed EMS Fee Increase Resolution](#)

A RESOLUTION AMENDING RESOLUTION 2009-218, BY INCREASING FEES AND CHARGES TO NON-RESIDENTS FOR SERVICES FURNISHED BY THE CITY OF CORAL GABLES; AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: The verbatim transcript for Agenda Item H-6 is available for public inspection in the Office of the City Clerk and in Legistar].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-232. 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. 28

**RESOLUTION NO. 2009-233****Non 09-0616  
Agenda**

Resolution amending Resolution 2009-218, by increasing fees and charges for services furnished by the City of Coral Gables; by increasing fees for Coral Gables residents; and providing for an effective date.

A RESOLUTION AMENDING RESOLUTION 2009-218, BY INCREASING FEES AND CHARGES TO RESIDENTS FOR SERVICES FURNISHED BY THE CITY OF CORAL GABLES; AND PROVIDING FOR AN EFFECTIVE DATE.

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-233. The motion passed by the following vote:**

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

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

City Clerk Item No. 29

**I. CITY ATTORNEY ITEMS**

- I.-1.     **09-0549**     Pending Litigation Report.

**Attachments:**   [PENLIT 8.25.09](#)

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 38

**RESOLUTION NO. 2009-238**

**Non     09-0617**  
**Agenda**

Resolution of the City Commission authorizing the City Attorney to...

A RESOLUTION GRANTING AUTHORITY TO THE CITY ATTORNEY TO PURSUE ALL LEGAL AND EQUITABLE REMEDIES AS TO THE TENANT ACCOLADES, INC. (ACCOLADES LIMITED, INC.), INCLUDING RECOVERY OF THOSE MONIES OWED AND DUE TO THE CITY, AS WELL AS A RELEASE OF THE SPACE LOCATED AT 220 ARAGON AVENUE, CORAL GABLES, FLORIDA 33134, WHICH IS CURRENTLY OCCUPIED BY SAID TENANT.

[Note for the Record: City Attorney Hernandez stated that the City Commission had received the Litigation Report. In connection therewith, she is requesting of the City Commission to give her authority to pursue all legal and equitable remedies as to the Tenant, Accolades Limited, Inc. ("Accolades Limited, Inc."), including recovery of monies owed and due the City, as well as a release of the space occupied by the tenants.

The Principal, Tenant Preston Scott did file for personal bankruptcy. Accolades did not file a bankruptcy petition, and therefore is not protected by the automatic stay. As to the principals of Accolades, Bob Bonham and Kevin Scott, any remedies (i.e. filing of a proof of claim) will be pursued solely in the bankruptcy cases which they filed.

**Questions, Inquiries Concerns from the City Commission:** Vice Mayor Kerdyk inquired of the City Attorney as to whether said cause of action will hurt the City in the future leasing of said space; further noting that these are tumultuous times for tenants and that we must pay special attention to these matters; further inquiring as to whether the City wants to entertain placement of people into said facilities at a reduced rate, or allow said facility to remain vacant? Commissioner Cabrera added a third matter for consideration, whether the City would want to consider housing a City Department at said location; also inquiring of the City Manager as to whether the City has implemented certain policy initiatives that address how the City deals with a tenant who is late on his lease payments; whereby some mechanism is in place to avoid a protracted period of time wherein a tenant is arrears, with the resulting delay in the collection of rent?

City Manager Salerno stated that the current situation existing within our organization

reveals that there is more than one entity within our organization that is charged with the management of our City's assets; further stating that within the current budget, that task has been handled primarily by the Public Works Department, along with some involvement by the departments of Development and Finance, respectively. However, in the proposed budget, he has established one position of Asset Manager; further stating that our Finance Department will continue to be the billing entity, but the Public Works Department should not be the landlord entity for the City; further stating that the Asset Manager will oversee this functionality, thus finding tenants and managing the rents; further noting that in excess of a three months period of time is sufficient grounds for strict enforcement; further acknowledging the need for added protections within our organization, as it pertains to this matter.

Mayor Slesnick stated that in good times, the City Commission had established commercial retail establishments on the bottom ground floor of our garages. However, now there are challenges to same; further requesting of the City Manager to take a long hard look at a recent article appearing in the Business Monday Section of the Miami Herald, referencing the plight of tenants, and the resulting bankruptcy filings; further acknowledging that there are certain tenants (i.e. in the matter of Preston Scott) that have paid for merchandise in the shop that has not been retrieved; whereby City Attorney Hernandez stated that if any of the affected parties were to call her office, she can provide them with the name of the trustee].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-238. The motion passed by the following vote:**

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

City Clerk Item No. 39

## **J. CITY CLERK ITEMS**

**None**

City Clerk Item No. 40

**K. DISCUSSION ITEMS**

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: Regarding an educational campaign for that EMS (Emergency Medical Service) transport fee, I would like to see a pretty aggressive educational campaign on how we are going to get the word out to residents to help them understand it, and give them some framework of information...

Commissioner Cabrera: Can I suggest it be bi-lingual?

Commissioner Anderson: Absolutely, of course - absolutely; I'd like to see kind of an outline of a plan, how you are going to proceed just to get some ideas and sense of comfort, and I'd like that to be done, I guess, as expeditiously as possible, because this is going to be taking effect October 1st. In light of the most recent vandalism at Granada Golf Course, I was reminded of our archives you mentioned earlier, our Coral Gables archives, I want to make sure that, that is properly secured, make sure there are enough pad locks, or whatever it is, alarms, its bad enough losing golf carts to vandalism, its horrible to lose part of our history. So I'd like to make sure that's properly addressed. And that's it for me.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I want to thank the City Manager's office and specifically Assistant City Manager Dona Spain for her thorough work on the Merrick House, and the updates that she's provided us both in July and in August as to some of the needs the house has and how the City is addressing the Merrick House Governing Board's request. I'm assuming the Board will be seeing the same memorandums in their meetings, they are just for our information; but I just want to personally thank you for expeditiously handling all those issues; and then for the City Attorney, I saw this letter that came to us from the Small Business Legal Center regarding the recently passed ordinance on automated external defibrillators.

City Attorney Hernandez: I haven't seen it, I'm sorry.

Commissioner Cabrera: Oh, I'm sorry, I thought that maybe you would have gotten a copy of it. Let me then pass it on to you, basically it was addressed to the five of us and it's dated July 30, 2009, and the argument being made that we lack the legal authority to require permits or inspections for these devices and/or requirements, so I'm going to pass it on to you, and I'm glad I brought it up, because I was just under the impression you already knew about it.

Commissioner Anderson: [Inaudible]

Commissioner Cabrera: Last but certainly not least...

City Attorney Hernandez: No, I wasn't copied.

Commissioner Cabrera: Sorry about that.

City Attorney Hernandez: No, no, I appreciate you giving it to me.

Commissioner Cabrera: Last but not certainly not least, I wanted to discuss with you the 250 Aragon space, because when we learned of the impending doom affecting the folks at Preston Scott, I had asked the Manager's office to contemplate, just do a quick analysis of the possibilities of moving a department to that location and the department that I had in mind was the new Development Department, the Economic, the whatever...first of all I don't like the name, so I purposely butchered it, that goes to show you...anyway...that department, the department formerly known as the Development Department, and Ms. Jimenez did a phenomenal job of doing some analytical work under a very short timeframe. I'm going to pass out the e-mail she sent to me yesterday, and she was very gracious and talked to me about it. I see that essentially what comes out of the analysis is that if we were to leave 95 Merrick Way, which we intend on doing anyway, but stay on for a period of six months, and then take the 250 Aragon space and only use approximately half of that space for the department, there would be a very high expense associated with this move from the standpoint of rent that we would have to pay to the existing 95 Merrick Way landlord, as well as the loss of rent at 250 Aragon, the loss of taxes being paid at 250 Aragon, but what I'd like you all to think about is, and I don't want you to come back to me with an answer today even though I think the Manager's office is moving forward with the other lease, which by the way is a sublease, I'd like to think of this as a long term decision rather than just a short term aspect of the numbers that has been crunched, because from that standpoint it just doesn't make any sense whatsoever; but if you look at it after you are done with that initial investment, being in a City owned space will cost us from an operating expense standpoint annually about \$9,100.00. So that's where I'm trying to frame this, but if there is no appetite for it, at least it was an excellent exercise for Ms. Jimenez and I to go through, and as I said before I appreciate her efforts. So let me pass it out real quickly, and I don't know if I have enough copies for the City Attorney, I'm sorry ma'am; I don't have enough copies for you.

City Manager Salerno: I have one.

Commissioner Cabrera: You have a copy?- then I have a copy for her, you can pass that on - great. But you'll see from what Ms. Jimenez did, she made some assumptions, the space at 250 Aragon would require a waiting period of about sixty

days until the bankruptcy is completed; then there is about one hundred and twenty days to renovate the space, and then the space at 95 Merrick Way would need to be extended for an additional six months at a cost of \$36 a square foot; and then she gives us some background information which is the current space at 250 Aragon, formerly Preston Scott, is 4,100 square feet; the minimum space requirements for the department is 1,560 square feet; and then the conversion costs of the space from retail to office is approximately \$40 per square foot. So that gives it a cost of \$62,400; and then she talks about the loss of rental of 1,560 square feet at \$21 a square foot, and she uses that as a background information. I see that as an assumption, because that's assuming that we are going to be able to rent that space for \$21 a square foot; and then the loss of taxable space goes in hand with my argument. So there are some very high numbers in here; initially for the six months it would be a cost to the City of \$105,000, and thereafter the annual cost would be \$44,000, but I ask you to consider that loss of rental and loss of taxes really shouldn't be accounted for in this number because I'm not suggesting that we take the entire space, I'm suggesting that we possibly look at half the space. So I don't know how the Commission feels about this; if this is not something you wish to research further then there's nothing more that needs to be said and your silence will assure me of that.

Mayor Slesnick: Well, I'm not going to be silent. I think that it is certainly worth the Manager keeping this as part of an option; I'm not opposed to it, I mean, I think it should be an option that we consider as we go forward.

Commissioner Cabrera: Not the entire space though, part of the space.

Mayor Slesnick: I'm ready to go back after all has been said and done, and we figure out your other suggestion, maybe not this space, but maybe the third space in the other parking garage, I mean, if there is any hesitancy of this group to open that restaurant on a timely basis and get moving on that supposed lease that we are entering into, I think we need to take another look at that space which you suggested.

Commissioner Anderson: As there is probably a tangible benefit to having a store front kind of a situation for the City space for economic development of the area, there might be something....

Commissioner Cabrera: Rather than an office you mean?

Commissioner Anderson: Yes, that could be a tangible benefit, not apparent right away, but it could be that it might be helpful to connect the community together, it could be.

Commissioner Cabrera: Unfortunately my office is right across the street from the space that Mr. Slesnick is talking about, the Mayor, on Karma, the Karma space is

what we are discussing; I just fail to see any sustainability for another....

Mayor Slesnick: Under the circumstances if that is any way problematic at this point, I think we may want to turn around and look at that space again.

Vice Mayor Kerdyk: What are the benefits?

Mayor Slesnick: You had suggested that.

Commissioner Cabrera: I had before.

Mayor Slesnick: How large is that space?

Commissioner Cabrera: I don't know; is it about 4,000 also?

Vice Mayor Kerdyk: About 4,000 square feet. You know one of the benefits of possibly doing this if we desire, is that a 4,000 square foot tenant now is a very difficult tenant to secure, especially a retail tenant. If you have a space of 2,000 to 2,500 is much more appealing, and there is many more in the pool to occupy such a space. If the thought process is say we go out and look and see if we find a 4,000 square foot tenant, if not we fall back into this position there is a possible scenario there; if its just to go ahead and make the decision to move forward and keeping into the mind that its easier to lease out a 2,500 square foot space instead of a 4,000 square foot, there's another possibility.

Commissioner Cabrera: But the problem is then they have to put the sublease opportunity on hold, and then they have to go month to month at 95 Merrick, so that's a problem for the City.

Mayor Slesnick: Like I say, that's a good option...

Vice Mayor Kerdyk: Yes, it's a good option to look at.

Mayor Slesnick: I don't think any option should be not considered, and having City offices on City property is, I think, a positive thing. I wasn't opposed to your idea, maybe you misunderstood me too, and I don't mean we didn't talk about it. My not supporting your idea at the time about the Karma space is because we had already entered into these negotiations, we'd already gotten to a point where I just was prepared to move forward....

Commissioner Cabrera: I sensed that, I sensed that.

Mayor Slesnick: But it wasn't because I was opposed to putting City offices in City...

Commissioner Cabrera: No, I sensed that you and the rest of the City Commission felt that you were too far along to put the breaks on this one.

Mayor Slesnick: But I don't know where the Karma property is at the moment.

City Attorney Hernandez: It's under lease.

Commissioner Cabrera: It's under lease.

Mayor Slesnick: Yes I know, but are they moving forward with their...

City Attorney Hernandez: As far as I'm aware they are; they are getting their permits and doing what they need to do.

Commissioner Cabrera: That will take another two years.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Nothing Mayor. Thank you.

Commissioner Withers: I have two quick things; number one, I really would like...I saw the e-mail come across everyone's desk about Pedro Greer, I think we should do something greater than just...maybe even frame the proclamation or something. I mean it; it's a pretty big deal to get a Medal of Honor.

Commissioner Anderson: Presidential Medal of Honor, yes.

Mayor Slesnick: He is going to join us September....

Commissioner Withers: I saw that, but we really ought to do something kind of neat, not just a regular five minute picture with us. I don't know how you all feel.

Mayor Slesnick: Do you want to do a special situation all of us together?

Commissioner Anderson: Ceremony.

Commissioner Withers: Yes, I don't know, what do you all think about that, it's a really big deal, fifteen-twenty people, plus he's a Gator you know; we'll get Albert down maybe. Secondly, I wanted to apologize to you all, I'm sorry I got off tangent with our speaker...

Commissioner Anderson: That's OK, I think you handled it responsibly.



Commissioner Withers: I'm going to put together a white paper for each of you because there are just some things thrown back and forth that were totally misleading and its not gloom and doom, I assure you of that.

Commissioner Anderson: No listen; we've all been victims more or less of misinformation, so I actually didn't get offended.

Commissioner Withers: I just apologize; I should have taken the high road and just smiled and said thank you and moved on, and not responded, but I didn't do that, so I want to apologize.

Commissioner Cabrera: No, you did good.

Commissioner Anderson: You did fine, I support you.

Commissioner Cabrera: But in the spirit of miscommunication, didn't we all agree that we were going to take the same cuts as the general employees?

Mayor Slesnick: We said we were going to freeze our salaries.

Commissioner Cabrera:...and not raise our salaries...

Mayor Slesnick: Right, exactly.

Commissioner Cabrera:...but we also said, I was under the impression that we had all agreed that we would take the same cut.

Mayor Slesnick: Same cuts - it means absolutely nothing, but its fine with me.

Commissioner Cabrera: Oh I know it doesn't, its inconsequential.

Commissioner Withers: Listen, if it sends a good message I have no problem.

Commissioner Cabrera: There is a knucklehead out there that is doing a campaign, an electronic campaign to get us all to....because he feels that that's just the way...

Mayor Slesnick: The campaign wants me to say "screw you".

Commissioner Anderson: I'm one of those...there are many of us that do different things in the City that I don't partake of certain things that would affect my ability....

Mayor Slesnick: Listen, most of the people that I encountered since this e-mail went

out to our e-mail list, I might add again, this the most irritating thing is that these people have built their entire thing on our e-mail list that I wish we had claimed a propriety right on because of the expense...

Commissioner Anderson: It's a public record, right?

City Attorney Hernandez: It's a public record.

Mayor Slesnick: That's fine, I'm just telling you, I don't care what the legal analysis is, it's going to continue to irritate, and by the way people are irritated that they are on this knucklehead's list because they are getting stuff that they didn't sign up for, they signed up for City E-NEWS, and now they are exposed to all this stuff, and the people that I have talked to have said this is crazy, you know, you make \$30,000 or thereabouts a year, what the heck is it going to do to take a five percent pay cut, when in fact we should be probably paying you \$60,000 or so a year, or whatever. So Ralph, you are right, we'll do whatever it takes to show our good faith.

Commissioner Cabrera: I was just under the impression that we had that, so I'm mistaken; I was under the impression that we had already done that.

Mayor Slesnick: No, I think it was you that brought up we should talk about freezing, and we said yes.

Commissioner Cabrera: OK, and I thought in the same argument I had...no, I agree; if you want to get rid of me take away my salary, I'm serious, take it away, you don't have to wait for recall, I will resign.

Mayor Slesnick: The whole thing is ludicrous...I mean, we are asking...

Commissioner Cabrera: Because of that, because of that, now I don't think we should be getting any increases and we all agreed on that.

Mayor Slesnick: That's right, that's right, we're not; and I asked the Manager to bring a resolution for us to suspend the ordinance that gives us the cost of living increases, and we will do that; and then if we want to take, if in fact the employees take a pay cut and we want to do it then we can do that too. Not to appease anybody, but that's what we think our vision of fair play is what we should do. Mr. Manager do you have anything else?

City Manager Salerno: Nothing Mayor.

Mayor Slesnick: I just have a couple quick things; one is, I was watching the golf tournament and I was very proud to note that our auditors McGladrey and Pullen are

the official auditors of the PGA. Also besides the communications that go out about various subjects that we talked about, one of the things that I thought that I was so proud of our Parks and Recreation Department and the efforts of the City about us being named a "Playful City USA", because of our efforts and our playgrounds and our ability to give children a place to expand their lives and get into shape and to do different things of a constructive nature, not destroy golf carts, and the side benefit of just being named is, this is an ad that was put in not by us but by the Kaboom people in the United States League of Cities, the National League of Cities, this is an ad from the U.S. Conference of Mayors that goes all over the country to the cities showing that we were named as one of the playful cities. This is the note that was in the Miami Today, a very nice note complimenting the City of Coral Gables, mentioning the William H. Kerdyk Biltmore Tennis Center; and finally I might add that I was very proud to open Saturday's Herald to see the lead editorial which was complimenting us and fellow South Florida cities that were named in this latest round that was being chosen. So, I guess some of the naysayers would say gee, we are spending too much time on good news, well guess what?- good news is critically important, if we can help children grow up with a healthy mind, healthy body and healthy attitude, maybe that will help the statistics on vandalism and so forth, in the future.

Vice Mayor Kerdyk: How about real quickly the gentleman that jumped in that saved the lady that drove into...did you hear about the Biltmore Golf Course?

Commissioner Cabrera: No, what happened?

Vice Mayor Kerdyk: This lady drove out in the Biltmore Golf Course that was very disoriented, and she drove all around the golf course, they were chasing her in the carts and everything; she ended up going into the water. Water is filling up in her car, they can't get the car doors open, the cart attendant jumped into the water, eight feet of water and bust out the back window, get her out, get her dog out just before it goes under, totally. I mean, it came this close to being a horrific...this happened about two weeks ago; we are going to bring in the cart boys.

Mayor Slesnick: What's happening with that?

City Manager Salerno: We are targeting the 8th of September.

Mayor Slesnick: OK.

Vice Mayor Kerdyk: I mean, it's just a nice story that...

Mayor Slesnick: Heroic action.

Vice Mayor Kerdyk: Yes, very nice story.

Mayor Slesnick: On a down note though, I would like to ask that if anyone knows of anybody who is talking in the community about the vandalism of the golf equipment, I would hope that somebody would step up to the plate and help our law enforcement.

Commissioner Withers: Why don't we put a reward out there Don?

Mayor Slesnick: OK, why don't we talk to Pat Keel, they put a reward out for my computer; they haven't found the person that's responsible for that yet. Let's talk to Pat Keel; could we get a hold of Pat Keel because Crime Stoppers will put up a reward, it's the team that's worthy when I think this is leading to the prosecution of people that are responsible for that. With that, I thank you all for the participation and going through the session, to the citizens we say good-bye until September 8th.

City Clerk Item No. 41

## **ADJOURNMENT**

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 1:07 pm on August 25, 2009. The next regular meeting of the City Commission has been scheduled for September 8, 2009, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK