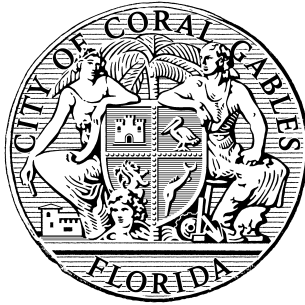


City of Coral Gables

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



Meeting Minutes

Tuesday, March 8, 2011

9:00 AM

City Hall, Commission Chambers

City Commission

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

*Patrick G. Salerno, City Manager
Lourdes Alfonsin Ruiz, Interim City Attorney
Walter J. Foeman, City Clerk*

The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings.

ROLL CALL

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

INVOCATION

Reverend Arnold Perry from St. Mark's Lutheran Church gave the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Ralph Cabrera 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. 2011-05) (b) Resolution(s) adopted (Resolution No. 2011-38 through Resolution No. 2011-49); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

EXECUTIVE SESSION

**Beginning at 10:30 a.m., a closed-door, attorney-client session will be held to discuss the pending litigation regarding City of Coral Gables v. Quantum Leap Network, Inc., Case No.: 09-17991CA27, under Florida Statutes, Section 286.011(8)[2010].
(First Floor Conference Room)**

A. PRESENTATIONS AND PROCLAMATIONS**A.-1. [11-0648](#)**

Presentation of a Proclamation declaring the Month of March as Women's History Month in Coral Gables.

[Note for the Record: Mayor Slesnick prefaced his remarks by stating that the City is recognizing one of our senior citizens in our community this morning, namely Ms. Roxcy Bolton, who has always so dutifully reminded this City Commission regarding preparation of a protocol document in the form of a proclamation in connection with "Women's History Month in Coral Gables;" further offering an expression of gratitude to Ms. Bolton for being in attendance this morning to receive said protocol document; further informing the viewing public that Ms. Bolton is a living example of women's history, whereby Mayor Slesnick proceeded to read into the public record a proclamation proclaiming Tuesday March 8, 2011 as "Women's History Month in Coral Gables;" further acknowledging in said protocol document those Women of Impact honorees, including Coral Gables resident Trish Bell, Betty Amos, Judy Gilbert Gould, Dr. Miriam Klein Kasenoff, Magaret McCafferty, and Joyce M. Price; further offering this proclamation to be received by Ms. Bolton.

Following a photographic session with Ms. Bolton and the members of the City Commission, Mayor Slesnick further acknowledged Maria Anderson as being one of the members who sit on the City Commission who also has done a wonderful job; further thanking her for her wonderful tenure of service].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

A.-2. [11-0654](#)

Presentation of a Certificate of Congratulations to the Coral Gables Youth Center under 11 Soccer Team.

[Note for the Record: Mayor Slesnick prefaced his remarks by informing the viewing public that moving along from acknowledging the matriarch of our City to paying tribute to the youth of our City, it was altogether fitting and proper that the Coral Gables Under 11 Soccer Team, commonly referred to as Toros be recognized; further pointing out that there are three members of our City Commission who played at the Youth Center, namely Vice Mayor Kerdyk, Commissioner Withers and Commissioner Cabrera. Commissioner Anderson interjected that she also played at the Youth Center.

Mayor Slesnick stated that he did not have the Youth Center experience, having played at Grapeland Park. Commissioner Cabrera further added that he coached 9-year-old boys, more specifically referred to as the "1970 Boys," from Calendar

Year 1970 through Calendar Year 1982; whereby he proceeded to introduce the Coral Gables Youth Center Under 11 Soccer Team (Toros): Alec Casanova, Robert Castro, AlessandroCorghi, Marcelo Ganondeda, Tomas Gay-Betton, Christain Hoyos, William McGregor, Miguel Padrino, Alfred Perez, Javan Rice, Jesus Sahagun, and Julian Zighelboim; also introducing Head Coach Eric Vasquez, along with Assistant Coaches Benjamin Fernandez and Frank Tomasino.

Mayor Slesnick explained to the team that the proclamation to be presented will be added to their trophy as champions of the league, which will be kept at the Youth Center. Whereby Mayor Slesnick proceeded to read the Certificate of Congratulations to the Coral Gables Youth Center Under 11 Boys Soccer Team into the public record.

In accepting this recognition, Coach Vasquez thanked the City Commission for having the team here for this acknowledgement; further adding that it has been a privilege for being a part of these kids lives; further presenting Mayor Slesnick with a home jersey from the team. In accepting this recognition, Mayor Slesnick queried the team in jest as to whether in wearing said jersey, if he had to play, noting that if the team wanted to maintain a perfect record, they would not want him to play. Mayor Slesnick further added that Vice Mayor Kerdyk and Commissioner Cabrera were tremendous athletes; further thanking the team for representing Coral Gables so well.

Commissioner Cabrera informed his colleagues that his daughter plays at the Youth Center, and that he has had the opportunity of watching this team during a practice session; noting that to a man this group is cohesive, has great ball skills, the team members appeared to get along with each other, and that he enjoyed the comaraderie that existed among the team members.

In presenting the Certificate of Recognition document, Mayor Slesnick stated that all of the team members' names will appear on the protocol document; further presenting each member with a City of Coral Gables pin. A photographic session was taken initially with the team, secondly with all of the assistant coaches, and finally with all of the affected participants, including the team, coaches, along with family and friends].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 2

B. APPROVAL OF MINUTES

- B.-1. [11-0659](#) Regular City Commission Meeting of February 22, 2011.

Attachments: [Meeting Minutes](#)
[Verbatim Transcript - City Attorney Interviews](#)
[Verbatim Transcript - Agenda Item H-1 - Resolution approving encroachments at :](#)
[Verbatim Transcript - Agenda Item E-1 - Zoning Code Text Amds](#)

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

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

City Clerk Item No. 3

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

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

Nays : 1 - Commissioner Cabrera, Jr.

RESOLUTION NO. 2011-38**C.-1. 11-0613**

Resolution accepting the recommendation of the Chief Procurement Officer to award the Ponce de Leon Road Force Main Replacement Project to GPE Engineering and General Contractors Corporation in the amount of \$1,039,957.19 pursuant to Section 2-828 entitled "Contract Award" of the Procurement Code and Invitation For Bid (IFB) 2010.12.27. (Deferred from the February 22, 2011 meeting.)

Attachments: [GPE Response.pdf](#)
[Tabulation Sheet.pdf](#)
[Consultant Recommendation.pdf](#)
[C-1 Signed Cover Memo](#)
[Resolution.pdf](#)
[C-1 Signed Cover Memo 030811](#)
[Signed Resolution 2011-38](#)

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO AWARD THE PONCE DE LEON ROAD FORCE MAIN REPLACEMENT PROJECT TO GPE ENGINEERING AND GENERAL CONTRACTORS CORPORATION IN THE AMOUNT OF \$1,039,957.19 PURSUANT TO SECTION 2-828 ENTITLED "CONTRACT AWARD" OF THE PROCUREMENT CODE AND INVITATION FOR BID (IFB) 2010.12.27.

This Matter was adopted by Resolution Number 2011-38 on the Consent Agenda.

City Clerk Item No. 4

RESOLUTION NO. 2011-39**C.-2. 11-0632**

Resolution authorizing an on-street field test of credit card enabled single space parking meters.

Attachments: [IPS Resolution.pdf](#)
[IPS Trial MOU.pdf](#)
[C-2 Signed Cover Memo](#)
[Signed Resolution 2011-39](#)

RESOLUTION AUTHORIZING AN ON-STREET FIELD TEST OF CREDIT CARD ENABLED SINGLE SPACE PARKING METERS.

This Matter was adopted by Resolution Number 2011-39 on the Consent Agenda.

City Clerk Item No. 5

RESOLUTION NO. 2011-40**C.-3. [11-0641](#)**

Resolution granting a one-day permit to John Martin's Restaurant to sell alcoholic beverages from 5:00 p.m. until midnight on Thursday, March 17, 2011, on Salzedo Street from Aragon Avenue to Miracle Mile, and to the entrance of the Museum Garage as part of the annual St. Patrick's Day Festival to benefit the Coral Gables Rotary Club, subject to Florida Department of Professional Regulation requirements.

Attachments: [Special Event Application & Permit for John Martin's.pdf](#)
[Draft Resolution St. Patrick's Day Festival.pdf](#)
[C-3 Signed Cover Memo](#)
[Signed Resolution 2011-40](#)

RESOLUTION GRANTING A ONE-DAY PERMIT TO JOHN MARTIN'S RESTAURANT TO SELL ALCOHOLIC BEVERAGES FROM 5 P.M., UNTIL MIDNIGHT ON THURSDAY, MARCH 17, 2011, ON SALZEDO STREET FROM ARAGON AVENUE TO MIRACLE MILE, AND TO THE ENTRANCE OF MUSEUM GARAGE AS PART OF THE ANNUAL ST. PATRICK'S DAY FESTIVAL TO BENEFIT THE CORAL GABLES ROTARY CLUB, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2011-40 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2011-41**C.-4. [11-0646](#)**

Resolution granting a one-day permit to the United Way of Miami-Dade to sell alcoholic beverages on Thursday, April 14, 2011, from 5:00 p.m. to 10:00 p.m. at the Village of Merrick Park on San Lorenzo Avenue during the Miami Wine and Food Festival, subject to Florida Department of Professional Regulation requirements.

Attachments: [Special Events Application & Permit United Way.pdf](#)
[United Way of Miami Dade Draft Resolution.pdf](#)
[C-4 Signed Cover Memo](#)
[Signed Resolution 2011-41](#)

RESOLUTION GRANTING A ONE-DAY PERMIT TO THE UNITED WAY OF MIAMI-DADE TO SELL ALCOHOLIC BEVERAGES ON THURSDAY, APRIL 14, 2011, FROM 5 P.M. TO 10 P.M., AT THE VILLAGE OF MERRICK PARK ON SAN LORENZO AVENUE DURING THE MIAMI WINE AND FOOD FESTIVAL, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2011-41 on the Consent Agenda.

City Clerk Item No. 7

RESOLUTION NO. 2011-42

- C.-5. [11-0652](#) Resolution authorizing up to a sixty (60) day extension of the lease agreement between the City and Junkanoo Crew, Inc. d/b/a Ortanique on the Mile (with the same terms and conditions) for the use of property located at 278 Miracle Mile, Coral Gables, Florida.

Attachments: [Resolution - 3 8 11 \(Ortanique\).pdf](#)
[C-5 Signed Cover Memo](#)
[Signed Resolution 2011-42](#)

RESOLUTION AUTHORIZING UP TO A SIXTY (60) DAY EXTENSION OF THE LEASE AGREEMENT BETWEEN THE CITY AND JUNKANOO CREW, INC., D/B/A ORTANIQUE ON THE MILE (WITH THE SAME TERMS AND CONDITIONS) FOR THE USE OF PROPERTY LOCATED AT 278 MIRACLE MILE, CORAL GABLES, FLORIDA.

This Matter was adopted by Resolution Number 2011-42 on the Consent Agenda.

City Clerk Item No. 8

RESOLUTION NO. 2011-43

- C.-6. [11-0647](#) Resolution authorizing the placement of temporary event banner signs and directional signs for the "South Florida Palm Society Palm Show and Sale" to be held on March 19 and March 20, 2011, at the Montgomery Botanical Center, 11901 Old Cutler Road, Coral Gables, Florida.

Attachments: [Palm Show and Sale Resolution](#)
[Palm Society Letter](#)
[Diagram of Size and Location of Signs](#)
[C-6 Signed Cover Memo](#)
[Signed Resolution 2011-43](#)

RESOLUTION AUTHORIZING THE PLACEMENT OF TEMPORARY EVENT BANNER SIGNS AND DIRECTIONAL SIGNS FOR THE "SOUTH FLORIDA PALM SOCIETY PALM SHOW AND SALE" TO BE HELD ON MARCH 19 AND MARCH 20, 2011 AT THE MONTGOMERY BOTANICAL CENTER, 11901 OLD CUTLER ROAD, CORAL GABLES, FLORIDA.

This Matter was adopted by Resolution Number 2011-43 on the Consent Agenda.

City Clerk Item No. 9

RESOLUTION NO. 2011-44

- C.-7. [11-0653](#) Resolution appointing Sandra Murado (Nominated by Commissioner Anderson), to serve as a member of the Parks and Recreation Advisory Board, for the unexpired balance of a two (2) year term, from March 8, 2011 through May 31, 2011.

Attachments: [R-2011 - Draft - Sandra Murado - Parks and Recreation](#)
[Resume - Sandra Murado](#)
[C-7 Signed Cover Memo](#)
[Signed Resolution 2011-44](#)

RESOLUTION APPOINTING SANDRA MURADO (NOMINATED BY COMMISSIONER ANDERSON), TO SERVE AS A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, FROM MARCH 8, 2011 THROUGH MAY 31, 2011.

This Matter was adopted by Resolution Number 2011-44 on the Consent Agenda.

City Clerk Item No. 10

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

- C.-8. [11-0630](#) Library Advisory Board Meeting of February 9, 2011

Attachments: [Library Minutes 2-09-11](#)
[LB Cover Sheet 2-09-11_1](#)
[Signed Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 11

- C.-9. [11-0633](#) Parking Advisory Board Meeting of February 3, 2011

Attachments: [cover pab 020311_2 .pdf](#)
[PAB Minutes 020311.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

- C.-10. [11-0634](#) Board of Adjustment Meeting of February 7, 2011

Attachments: [BOADJ Summary 02-07-11](#)
[Notice 02-07-11](#)
[Cover Memo -03-08-11](#)
[BOARD OF ADJUSTMENT RECAP 02-07-11](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

- C.-11. [11-0635](#) Historic Preservation Board Meeting of January 20, 2011

Attachments: [HPB Minutes January 20 2011](#)
[01.20.11.MinutesforCC03.08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

- C.-12. [11-0637](#) Green Task Force Meeting of January 26, 2011

Attachments: [Green Task Force 1-26-11 COVER](#)
[Green Task Force 1-26-11 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

- C.-13. [11-0644](#) School and Community Relations Committee Meeting of February 8, 2011

Attachments: [COMMISSION COVER MEMO - SCRC - FEB.](#)
[MINUTES OF SCRC - FEB](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

- C.-14. [11-0645](#) Cultural Development Board Meeting of January 26, 2011

Attachments: [01 CDB Commission cover for 01-26-11 Minutes](#)
[01 CDB a Minutes JANUARY 26 2011](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

D. PERSONAL APPEARANCES

None

City Clerk Item No. 18

E. PUBLIC HEARINGS

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

ORDINANCES ON SECOND READING**ORDINANCE NO. 2011-06****E.-1. [10-0717](#)**

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

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

providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0) (Passed on First Reading November 9, 2010) (Deferred from the January 25, February 8 and March 8, 2011 Meetings)

Attachments: [11 09 2010 CC Cover Memo: Gulliver Academy 1st reading](#)
[11 09 2010 Exhibit A - Gulliver Academy ordinance 1st reading](#)
[11 09 2010 Exhibit B - Gulliver amended conditions clean version](#)
[11 09 2010 Exhibit C - Gulliver amended conditions strikeout version](#)
[11 09 2010 Exhibit D - Gulliver Academy Application \(Cover & Table of Contents\)](#)
[11 09 2010 Exhibit D - \(Tab 1 - Letter of Intent\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 2 - Settlement Agreement\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 3 - Request to encroach\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 4 - Zoning Code Site Specific Standards\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 5 - Gables By-The-Sea Road Closing District\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 6 - Land Use & Zoning Map\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 7 - Aerial Photos\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 8 - Site Plans\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 9 - Landscape & Vegetation Plans\) - Gulliver Academy Application](#)
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[11 09 2010 Exhibit D - \(Tab 12 - Building Plans\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 13 - Survey\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 14 - Traffic Reports\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit E - PZP Staff Report](#)
[11 09 2010 Exhibit F - B&Z Preliminary Zoning Analysis](#)
[11 09 2010 Exhibit G - BOA Preliminary Review Comments](#)
[11 09 2010 Exhibit H - City Consultant Marlin Memorandum - Review of Gulliver T](#)
[11 09 2010 Exhibit I - City Consultant Marlin Memorandum - Review of Gulliver Ac](#)
[11 09 2010 Exhibit J - 07.14.10. Planning and Zoning Board meeting minutes](#)
[11 09 2010 Exhibit K - 07.21.10 Planning and Zoning Board meeting minutes](#)
[11 09 2010 Exhibit L - 09 15 10 Planning and Zoning Board meeting minutes](#)
[11 09 2010 Exhibit M - Public comments](#)
[E-6 Signed Cover Memo](#)
[12 14 2010 CC Cover Memo: Gulliver Academy - 2nd reading](#)
[12 14 10 Exhibit C: Add'l Public Comments since 1st Reading](#)
[12 14 10 Exhibit A: Ordinance -Gulliver Academy - 2nd reading](#)
[12 14 10 Exhibit B: Applicant's revised application package, dated 12 07 10](#)
[E-3 Signed Cover Memo](#)
[Signed Resolution 2010-282](#)
[01 25 2011 CC Cover Memo: Gulliver Academy continuance](#)
[01 25 2011 Exhibit A: 01 11 2011 and 01 02 2011 applicants letters](#)
[01 25 2011 Exhibit B: Resolution 2010-282 continuance](#)
[01 25 2011 Exhibit C: 12 14 10 CC Mtg Minutes Agenda Item E-3 - Gulliver - PAD](#)
[E-4 Signed Cover Memo](#)
[02 08 2011 CC Cover Memo: Gulliver Academy 2nd reading](#)
[02 08 2011 Exhibit A: Gulliver Academy ordinance 2nd reading](#)
[02 08 2011 Exhibit C: 12 14 10 CC Mtg Minutes Agenda Item E-3 - Gulliver - PAD](#)
[02 08 2011 Exhibit B: 01 28 11 Letter to Eric Riel re Gulliver Academy](#)
[02 08 2011 Exhibit E: GBTS HOA and Gulliver Schools Settlement Agreement](#)
[02 08 2011 Exhibit D: Gulliver Academy Site Plans](#)
[01-25-11 - City Clerk Memo to City Commission](#)
[E-2 Signed Cover Memo](#)
[E-2 - Request to Defer item until March 8, 2011](#)
[Letter dated 02-03-11 - Laura L. Russo - Gulliver Schools - Request for Continuan](#)
[03 08 2011 CC Cover Memo re : Gulliver Academy 2nd reading](#)
[03 08 2011 Exhibit A: Gulliver Academy ordinance 2nd reading](#)
[03 08 2011 Exhibit B: 01 28 11 Gulliver Academy Letter](#)
[03 08 2011 Exhibit C: 12 14 10 CC Mtg Minutes - Gulliver - PAD - Site Plan - Encl](#)
[03 08 2011 Exhibit E: GBTS HOA and Gulliver Schools Settlement Agreement](#)

[03 08 2011 Exhibit D: Gulliver Academy Site Plans](#)
[E-1 Signed Cover Memo](#)
[03 22 2011 CC Cover Memo re: Gulliver Academy 2nd reading](#)
[03 22 2011 Exhibit A: Gulliver Academy ordinance 2nd reading](#)
[03 22 2011 Exhibit B: 03 16 11 Gulliver Academy Letter](#)
[03 22 2011 Exhibit C: GBTS HOA and Gulliver Schools Settlement Agreement](#)
[E-1 Signed Cover Memo](#)
[Signed Resolution 2011-45](#)
[Signed Ordinance 2011-06](#)

A motion was made by Commissioner Withers, seconded by Mayor Slesnick II, that this motion be adopted by Ordinance Number 2011-06. The motion FAILED by the following vote:

Yeas : 2 - Commissioner Withers and Mayor Slesnick II

Nays : 2 - Commissioner Cabrera, Jr. and Commissioner Anderson

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 19

ORDINANCE NO. 2011-06

E.-1.1 [10-0717](#)

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

- 1) Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5;
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providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0) (Passed on First Reading November 9, 2010) (Deferred from the January 25, February 8 and March 8, 2011 Meetings)

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[11 09 2010 Exhibit D - \(Tab 4 - Zoning Code Site Specific Standards\) - Gulliver Academy Application](#)
[11 09 2010 Exhibit D - \(Tab 5 - Gables By-The-Sea Road Closing District\) - Gulliver Academy Application](#)
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[Signed Resolution 2011-45](#)

[Signed Ordinance 2011-06](#)

RESOLUTION DEFERRING CONSIDERING OF AGENDA ITEM E-1 (SUBJECT MATTER: REQUEST BY GULLIVER ACADEMY, LOCATED ON TRACT NO. 7, AVOCADO LAND COMPANY SUBDIVISION (12595 RED ROAD), CORAL GABLES, FLORIDA: (1) PLANNED AREA DEVELOPMENT (PAD) ASSIGNMENT, PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 5; (2) SITE PLAN REVIEW AND AN AMENDMENT TO THE PREVIOUSLY APPROVED GULLIVER ACADEMY MASTER CAMPUS SITE PLAN TO ALLOW FOR NEW CLASSROOMS, PAVILION BUILDING, GYMNASIUM, BASEBALL FIELD HOUSE, NATATORIUM AND OTHER MISCELLANEOUS IMPROVEMENTS; (3) ENCROACHMENT INTO THE CAMPAMENTO DRIVE, OLD CUTLER ROAD AND RED ROAD RIGHTS-OF-WAYS; AND (4) ZONING CODE TEXT AMENDMENT TO THE OFFICIAL ZONING CODE, APPENDIX A, SITE SPECIFIC ZONING REGULATIONS), TO THE CITY COMMISSION MEETING PRESENTLY SCHEDULED FOR MARCH 22, 2011.

[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 Cabrera, Jr., seconded by Commissioner Anderson, that this motion be deferred by Resolution Number 2011-06. The motion passed unanimously.

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 20

ORDINANCE NO. 2011-05**E.-2. [11-0618](#)**

Zoning Code Text Amendments. An Ordinance of the City Commission of Coral Gables requesting the following text amendments to the City of Coral Gables Official Zoning Code:

1. Article 1, "General Provisions", Section 1-108, "Transitional Rules";
2. Article 2, "Decision Making and Administrative Bodies", Division 1, "City Commission", Section 2-101, "Powers and duties"; and, Division 2, "Planning and Zoning Board", Section 2-201, "Powers and duties";
3. Article 3, "Development Review", Division 3, "Uniform Notice and Procedures for Public Hearing", Section 3-302, "Notice";
4. Article 3, "Development Review", Division 6, "Appeals", Section 3-606, "Procedures for appeals";
5. Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District (MXD)";
6. Article 4, "Zoning Districts", Division 4, "Prohibited Uses", Section 4-413, "Boats and boat trailers";
7. Article 5, "Development Standards", Division 1, "Accessory Uses", Section 5-115, "Drive-throughs, walk-up windows, and automated teller machines (ATM)";
8. Article 5, "Development Standards", Division 6, "Design Review Standards", Section 5-604, "Coral Gables Mediterranean Style Design Standards";
9. Article 5, "Development Standards", Division 6, "Design Review Standards", Section 5-607, "Exterior walls - facing materials"; and,
10. Appendix A, "Site Specific Zoning Regulations", Section A-23, "Cocoplum Section Two"; and,

providing for severability, repealer, codification and an effective date.

(PZB recommended approval, vote: 7-0) (Passed on First Reading February 22, 2011)

Attachments: [02 22 11 CC Cover Memo - Zoning Code text amendments - 1st Reading](#)
[02 22 11 Exhibit A: Ordinance - 1st Reading - ZC Text Amendments](#)
[02 22 11 Exhibit C: 02 09 11 PZB Staff Report - ZC Text Amendment](#)
[02 22 11 Exhibit D: 02 09 11 PZB Meeting Minutes](#)
[02 22 11 Exhibit B: ZC Text Amendment Chart](#)
[E-1 Signed Cover Memo](#)
[03 08 11 CC Cover Memo - Zoning Code text amendments - 2nd Reading](#)
[03 08 11 Exhibit A: Ordinance - 2nd Reading - ZC Text Amendments with attache](#)
[E-2 Signed Cover Memo](#)
[Signed Ordinance 2011-05](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES REQUESTING THE FOLLOWING TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE:

- 1) ARTICLE 1, "GENERAL PROVISIONS", SECTION 1-108, "TRANSITIONAL RULES";
- 2) ARTICLE 2, "DECISION MAKING AND ADMINISTRATIVE BODIES", DIVISION 1, "CITY COMMISSION", SECTION 2-101, "POWERS AND DUTIES"; AND, DIVISION 2, "PLANNING AND ZONING BOARD", SECTION 2-201, "POWERS AND DUTIES";
- 3) ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 3, "UNIFORM NOTICE AND PROCEDURES FOR PUBLIC HEARING", SECTION 3-302, "NOTICE";
- 4) ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 6, "APPEALS", SECTION 3-606, "PROCEDURES FOR APPEALS";
- 5) ARTICLE 4, "ZONING DISTRICTS", DIVISION 2, "OVERLAY AND SPECIAL

PURPOSE DISTRICTS", SECTION 4-201, "MIXED USE DISTRICT (MXD)";
6) ARTICLE 4, "ZONING DISTRICTS", DIVISION 4, "PROHIBITED USES", SECTION 4-413, "BOATS AND BOAT TRAILERS";
7) ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 1, "ACCESSORY USES", SECTION 5-115, "DRIVE-THROUGHS, WALK-UP WINDOWS, AND AUTOMATED TELLER MACHINES (ATM)";
8) ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 6, "DESIGN REVIEW STANDARDS", SECTION 5-604, "CORAL GABLES MEDITERRANEAN STYLE DESIGN STANDARDS";
9) ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 6, "DESIGN REVIEW STANDARDS", SECTION 5-607, "EXTERIOR WALLS - FACING MATERIALS"; AND,
10) APPENDIX A, "SITE SPECIFIC ZONING REGULATIONS", SECTION A-23, "COCOPLUM SECTION TWO"; AND,
PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title to Agenda Item E-2 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, on a motion by Commissioner Anderson, and seconded by Commissioner Withers, Mayor instructed the City Clerk to call the roll on Agenda Item E-2].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2011-05. 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. 21

F. CITY COMMISSION ITEMS**RESOLUTION NO. 2011-46 (As Amended)**

- F.-1. [11-0656](#)** Resolution appointing Craig E. Leen City Attorney of the City of Coral Gables; further approving a salary and benefits package, as set forth herein.
Mayor Donald D. Slesnick, II

Attachments: [City Attorney Appointment Resolution](#)
[F-1 Signed Cover Memo](#)
[Signed Resolution 2011-46](#)

RESOLUTION APPOINTING CRAIG E. LEEN CITY ATTORNEY OF THE CITY OF CORAL GABLES; FURTHER APPROVING A SALARY AND BENEFITS PACKAGE, AS SET FORTH HEREIN.

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

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted as amended by Resolution Number 2011-46. 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. 22

RESOLUTION NO. 2011-47

- F.-2. [11-0655](#) Discussion regarding the city's streetscape master plan.
Commissioner Rafael "Ralph" Cabrera, Jr.

Attachments: [Signed Resolution 2011-47](#)

RESOLUTION INSTRUCTING THE CITY MANAGER TO DIRECT CERTAIN CITY DEPARTMENTS, NAMELY PUBLIC WORKS, PARKING AND PUBLIC SERVICE, TO REVIEW AND FORMULATE A PLAN OF ACTION TO ENSURE THAT THE VITALITY OF THE STREETScape IS KEPT ALIVE; MORE PARTICULARLY STATING THAT WHEN REVIEWING THE ZERO BLOCK NORTHERN SECTION OF GIRALDA AVENUE, DETERMINE WHETHER A COMPROMISE CAN BE ACHIEVED CONCOMITANTLY WITHOUT REDUCING THE LOSS OF TWO-THIRDS OF ON-STREET PARKING SPACES; FURTHER STIPULATING THAT DESIGNATED CITY STAFF ADDRESSING SAID MATTER SHOULD LISTEN TO THE AFFECTED MERCHANTS, AND STOP THE STREETScape PROJECT UNTIL SUCH TIME THAT A RECOMMENDATION IS BROUGHT BACK FOR THE CITY COMMISSION'S CONSIDERATION, REVIEW AND APPROVAL.

[Note for the Record: The verbatim transcript for Agenda Item F-2 is available for public inspection in the Office of the City Clerk and in Legistar].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2011-47. 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. 23

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 24

H. CITY MANAGER ITEMS

- H.-1. [11-0657](#) Presentation of Quarterly Report for the three months ended December 31, 2010.

Attachments: [H-1 Signed Cover Memo](#)
[Quarterly Report 030811](#)

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

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 25

- H.-2. [11-0636](#) Presentation of City-Owned Property Parks Analysis.

Attachments: [Cover Memo for Presentation of City-Owned Parks Analysis.pdf](#)
[Presentation of City-Owned Property Parks Analysis.pdf](#)
[Leucadendra Aereal Map.pdf](#)
[Orduna Drive - Miller Road Triangle.pdf](#)
[San Amaro Triangle.pdf](#)
[Country Club Prado.pdf](#)
[Alcazar Plaza.pdf](#)
[Mall Street Median.pdf](#)
[Blue Road Open Space.pdf](#)
[city-owned parks land analysis.pdf](#)
[H-2 Signed Cove Memo](#)
[City Owned Park Analysis Memorandum](#)

[Note for the Record: The presentation document entitled “City -Owned Property Parks Analysis,” as submitted by Parks and Recreation Director Fred Couceyro is on file in the Office of the City Clerk and in Legistar.

Questions, Inquiries, Comments and Concerns by the City Commission regarding the analysis of those properties listed herein below, for their potential to be developed into active park sites:

I. Alcazar Plaza- No deliberation by the City Commission.

II. Blue Road Open Space

Vice Mayor Kerdyk inquired as to whether the City can use this facility as an active park?- Commissioner Cabrera stated that he understands why said location cannot be used as a park facility because of life safety (water) issues; further inquiring as to whether that was the ultimate reason as to why the City put a No Trespassing sign at said location?- whereby Mr. Couceyro stated yes, explaining that the City did place a No Loitering, No Fishing, No Trespassing per Police Order sign.

Mayor Slesnick further inquired as to why is it that we would place the aforementioned sign language and include “no trespassing,” since it is a public piece of land; further adding that it seems to many the the City would like people to use the public piece of land, so long as they use said space properly, and are warned of the inherent danger. Vice Mayor Kerdyk reiterated that the City wants people to utilize this space.

Commissioner Cabrera stated that he would like for the Blue Road Open Space to be an open passive park; adding that he would like to see the neighbors use said location; further inviting Mr. Couceyro to provide his comments regarding said location; also informing his colleagues that around the hours of 7 a.m. or 7:30 a.m. that he often observes people fishing while cycling during this time; further noting that said individuals engaged in fishing are on the south side of the bridge; further inquiring of the City Administration as to whether it will look at this matter and provide some sort of follow-up to the City Commission.

Mr. Couceyro stated that he liked the Blue Road Open Space, noting that it is beautiful, but adding that his only concern is that of the life safety issue; further noting that one would have to add a feature that addresses safety; further pointing out to the City Commission that if one were to look northward in that vicinity, they would see that they built a retaining wall with bars; further informing the City Commission that whenever one has acquired waterfront property, one has to be mindful of the fact that fishing activity, noting that one does not want to see people pulling up in vehicles commensurate with fishing activity.

Mayor Slesnick noted that the City has received a lot of complaints regarding people fishing off of bridges and boats coming under bridges getting tangled in the lines; further informing his colleagues that the term trespassing in this case is a misnomer; further suggesting to the City Adminsitration that the placement of signage language staing no loitering, no fishing, beware of the water, whatever they cannot do there is needed; finally agreeing with Commissioner Cabrera that some sort of follow-up to the City Commission regarding the Blue Road Open Space property is needed.

III. Country Club Prado:

Commissioner Cabrera prefaced his remarks by asking as to when there are photo shoots at the Country Club Prado location, whether or not the affected party is supposed to obtain a permit?-further inquiring as to whether there are plans to have a bike lane there on Country Club Prado?-further informing his colleagues that there has been some restripping that has been done somewhere along the Prado, adding that if all is well along S.W. 57th Avenue, just parallel to the Country Club Prado, there will be a bike lane on both sides of the road, from Coral Way to SW 8th Street; further informing his colleagues that he went to a meeting on S.W. 57th Avenue in connection with a presentation from the Florida Department of Transportation, which was also

attended by Public Works Department Director Glen Kephart, whereby he stated that the intent is to have bike lanes on both sides of 57th Avenue (Coral Gables side and the West Miami Side); further adding that one can potentially see the Country Prado residents balking at this proposal, which will potentially become an issue for the City Commission in the future.

Mr. Couceyro responded in the affirmative regarding the need to have a special permit for photographs at the Country Club Prado location because said location caters to weddings, the “Sweet 15’s” and “Sweet 16’s”, etc; further noting that certain production companies take pictures at said location as well, further justifying the need for a special permit.

City Manager Salerno, in response to the matter of bike lanes, informed Commissioner Cabrera and the City Commission that there has been some discussion regarding putting a bicycle lane along S.W. 57th Avenue, restriping the bike lanes on Country Club Prado, but that was tied to Miami-Dade County doing that work because our Public Works Department did not feel comfortable without the County repaving Country Club Prado, adding that it was felt by our Public Works staff that the bike lane tape would not adhere over the long term.

IV. Mall Street Median

Commissioner Cabrera suggested that the City should add curbs to the Mall Street Median, along with turning lanes and new indigenous trees.

V. Orduna Drive/Miller Drive Triangle

Commissioner Cabrera informed Mr. Couceyro that one area that he did not see was the triangular piece of land (Miller Drive Triangle) on Granada Boulevard just south of the Greenway and just north of Coral Way- further inquiring of Mr. Couceyro as to whether there was a committee formed to make recommendations regarding playgrounds?-whereby Mr. Couceyro responded that this site is known as Young Park; further stating that approximately 10 years ago, the City’s Playground Committee, an advisory committee, was formed to look at putting up playgrounds in different areas of the City; further noting that one of the areas that came to fruition was Rotary Park; further stating that there was some residential resistance when they looked at Alcazar Plaza; further ending up with development at Riviera Park and Rotary Park.

Commissioner Cabrera summarized his viewpoint by saying that one cannot do anything with these parcels, noting that they are there to look at, drive by, to sometimes loiter before continuing on.

Mr. Couceyro stated that the two recommended open spaces for development would be Maggiore Park once funding is made available, and the newly acquired property on 4650 Alhambra.

Commissioner Cabrera stated that the aforementioned spaces are new ones, whereby his concern was for already existing locations. Vice Mayor Kerdyk in referencing the open space site (on Orduna and Miller Road) close to Maggiore stated that this one has the natural barrier of the canal. There one neighborhood is not going to utilize the open space site near Maggiore because of the canal.

Mayor Slesnick requested through the City Manager as to whether the Parks and Recreation Department will be allowed to bring back a conclusionary report?- rather than analyzing each one of these properties as to their potential to be developed into an active park site? Commissioner Cabrera responded that there just aren't enough opportunities to develop potential sites because of traffic concerns, size limitations, water concerns, life safety concerns, etc. Mr. Couceyro reiterated that size concerns, safety concerns, along with the potential impact to the neighborhood all have to be considered.

Commissioner Withers inquired as to what about Augusto Park across from Ponce Middle School?- whereby Mr. Couceyro stated that he did not think that Augusto Park had enough characteristics that would lead it to be developed any more than it already has been.

Commissioner Cabrera informed his colleagues and the City Administration that what he was looking for some creative process that would enhance the use of these open spaces without compromising the integrity of the neighborhood, or without upsetting the neighborhood, and without causing life safety issues; further stating that a bubble is not going to work because it is not aesthetically appealing.

Mayor Slesnick inquired of the City Manager as to whether Parks Director Couceyro can be rescheduled to come back before the City Commission to give a synopsis of those properties that he thinks will be good and provide the City Commission with suggestions.

City Manager Salerno responded by saying that he would not like to make false expectations to the City Commission, adding that the current properties that the City Commission has been provided in the analysis should in fact stay in the passive park modality, based on traffic concerns, neighborhood concerns, size, rights-of-way, etc; further stating that as resources become available, the City should look into developing the two pieces of property that the City has acquired.

Mayor Slesnick further clarified his instructional request stating that this being what also Commissioner Cabrera had sought, in stating that the City Commission would want to take a look at those properties that were suggested as potential sites to be developed as active parks with a view toward what it is in the future that we are going to develop, how and why? - further commending the report and presentation, suggesting that maybe said document should be maintained in more than one office.

Commissioner Cabrera inquired as to whether the analysis/report had been shared with the Parks and Recreation Advisory Board?- adding that he would be interested in what they had to say; whereby Mr. Couceyro stated that he would schedule this matter on the agenda for the next meeting of the Parks and Recreation Advisory Board.

Mayor Slesnick inquired as to whether any of our open spaces are historic?-whereby Dona Spain responded that Country Club Prado had been declared historic. Mayor Slesnick further responded that he knows that the Country Club Prado entrances had been declared historic, notwithstanding this, if the City Administration would take a look at all of open spaces that have been declared historic, which also would limit their development; further noting that some of this does date back to the initial chapter of our City's history].

This Agenda Item was Discussed and Filed

City Clerk Item No. 26

I. CITY ATTORNEY ITEMS

RESOLUTION NO. 2011-48

- I.-1. [11-0649](#) Resolution directing the City Attorney to proceed with filing an action for injunction, abatement of public nuisance, foreclosure of a Code Enforcement Lien and other relief against Lord M. Toussaint, owner of 6700 Granada Blvd.; and further authorizing the City Attorney to take all action necessary to represent the interests of the City.

Attachments: [Resolution6700GranadaBlvd3 8 11](#)
[I-1 Signed Cover Memo](#)
[Signed Resolution 2011-48](#)

RESOLUTION DIRECTING THE CITY ATTORNEY TO PROCEED WITH FILING AN ACTION FOR INJUNCTION, ABATEMENT OF PUBLIC NUISANCE, FORECLOSURE OF A CODE ENFORCEMENT LIEN AND OTHER RELIEF AGAINST LORD M. TOUSSAINT, OWNER OF 6700 GRANADA BLVD.; AND FURTHER AUTHORIZING THE CITY ATTORNEY TO TAKE ALL ACTION NECESSARY TO REPRESENT THE INTERESTS OF THE CITY.

[Note for the Record: City Attorney Lourdes Alfonsin stated that this agenda item is a resolution seeking authority to file an action for injunctive relief and abatement of a public nuisance against a property owner located at 6700 Granada Boulevard; further noting that the Code Enforcement Board on February 16, 2011 entered an order fining the owner of said property, namely Lord M. Toussaint of being guilty of violating the Zoning Code; further stating that the main issue in this matter as being the pool and spa area- which in her opinion has become a breeding ground for snakes, insects and other

pests.

Questions, Inquiries, Comments and Concerns by the City Commission:

Commissioner Cabrera inquired of Interim City Attorney Lourdes Alfonsin as to what has been the feedback from the property owner?-whereby she replied that the property owner did not come timely to the Code Enforcement Board meeting, noting that he showed up late; further stating that there were neighbors there who were vocal that he should wait until the end of the meeting agenda to address his issue; further pointing out that the property owner left on vacation and did not come back to discuss this matter with the City.

Commissioner Cabrera further inquired as to whether the property owner resides at the aforementioned location?- if not, is said location a vacant parcel of land, and whether the neighbors were up in arms regarding this matter?

Ms. Alfonsin stated that said location is an apartment with a mortgage on the property; further informing the City Commission that is why she has requested to file an action in foreclosure; further adding that there is a sizable mortgage on the property, and the City would take over the mortgage, if the City foreclosed on it.

Vice Mayor Kerdyk inquired that if the City were to foreclose on said property would the City not close out the 1st mortgage?- whereby Ms. Alfonsin responded in the negative, stating that the City's liens are secondary to the mortgage on the property; finally confirming Commission Cabrera's inquiry that the neighbors are up in arms regarding said property].

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2011-48. 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. 27

RESOLUTION NO. 2011-49**I.-2. 11-0650**

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

Attachments: [ResolutionWaiverofConflictofInterestFPL3_8_11](#)
[I-2 Signed Cover Memo](#)
[Signed Resolution 2011-49](#)

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

[Note for the Record: Interim City Attorney Lourdes Alfonsin informed the City Commission and the general public that this matter is coming back before the City Commission, citing that on February 8, 2011, she had requested a waiver regarding Akermann Senterfitt's representation of the City in the matter of FPL's application for approval of the Turkey Point Expansion and Transmission Lines 6 and 7 and associated facilities; further stating that contained in the resolution of February 8, 2011 included the Hardening Project; further pointing out that the original letter by FPL stated that the representation by Akermann Senterfitt included everything having to do with FPL Transmission Lines; further stating that since that time, FPL has stated that they do not want Akermann Senterfitt on the Hardening Project, which would be the Ponce site from 37th Avenue to Red Road, adding that FPL only wants the firm of Akerman Senterfitt involved in the approval for the Turkey Point site and Expansion and Transmission Lines 6 and 7, therefore the legislation before the City Commission is an amended resolution.

Prior to the request by the Mayor for a motion to be made in connection with said matter, Mayor Slesnick asked Ms. Alfonsin whether she recommended adoption of this legislation?-whereby she stated that she did.

Commissioner Withers further inquired of Interim City Attorney Alfonsin as to how does FPL really feels about this matter?- further noting that he remembers in the past that the City has said that if there is an attorney that is against the City on a given matter, that said attorney would not represent the City on a given matter. Ms. Alfonsin reiterated that FPL does not want involvement by Akermann in the Hardening Project on Ponce, that they only want involvement by the firm of Akerman Senterfitt

and Liz Hernandez, Esquire on the Turkey Point Site Expansion and Transmission Lines 6 and 7; further citing Ms. Hernandez' crucial involvement, her historical involvement in the alternate lines and in the process to get an extension; further adding that the Hardening Project is a separate matter.

Mayor Slesnick provided further clarification to this matter to Interim City Attorney Alfonsin and to his colleagues stating that FPL is represented by Akermann Senterfitt, pointing out that what they are trying to do is to give some latitude in allowing Ms. Hernandez to have some external practice, that they are saying will not conflict with the firm of Akerman Senterfitt's representation on behalf of FPL with some other area of FPL's participating company; further adding that the City of Coral Gables is confirming that Ms. Hernandez can work on other matters involving FPL as far as our City is concerned.

Ms. Alfonsin further informed the City Commission that there are certain impending deadlines that must be addressed, more specifically the Alternative Routes (May 2, 2011), and summaries to be received from all of the municipalities that will be affected by the Transmission Lines 6 and 7, in connection with the US 1 Corridor].

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2011-49. 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

J. CITY CLERK ITEMS

None

City Clerk Item No. 29

K. DISCUSSION ITEMS

Mayor Slesnick: Mrs. Anderson any items?

Commissioner Anderson: Yes, one quick item. Something I'd like to discuss more and see what we can do. I'm not happy with the practice that neighborhood associations that we just had with Gulliver can have such power over our decision-making process. I'd like to see how it's taking us a little bit better back control while allowing neighbors to have feedback, but what I find more and more is that we are hamstrung in our roles as policy-makers and as protectors of residents or fair and equitable, try to bring equitable solutions that we are kind of, our hands are tied behind our back, and I don't like that; and I'd like to figure out a way at some point soon to discuss this in whatever fashion, if we need to discuss this with the Planning Board, and if we need to discuss it here at a separate Commission meeting, I'd like that because I'm really not happy; and maybe you could share that with our incoming City Attorney, that it's just not something that I'm willing to live with anymore.

Commissioner Cabrera: Is your thought process that you sometimes feel like these issues that come before us are simply for us to rubber stamp?- because...

Commissioner Anderson No, I understand what you are saying; what I felt today and what I felt at other times, more so today because its fresh, that they weren't listening, that we gave them suggestions within the boundaries of the agreement, trying to respect their agreement to come back with some type of compromise and there was no compromise, and that was unacceptable, you know, and basically they hold us hostage in our governmental process; and I know that we've advocated to some extent, so we bear some responsibility in that, but I'd like to rethink that approach. It's not that I want to leave the neighbors out, quite the contrary, they should have a voice, but they shouldn't be the only voice, or the controlling voice. I think we do have to have some discretion as to what we do in our role as policy-makers and responsibility to the other folks that we serve. I'd like that at some point. I don't know how we are going to bring it back, but I'd like to, if that's all amenable to you all. Alright. That's it.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: This past weekend, I saw some friends from my industry, I've been in the insurance industry for quite some time, I think I'm celebrating my 25th or

26th year in that industry, and I saw a couple of friends who are on the carrier side, not the broker side, which is where I am today, but I did spend about 20 years on the carrier side, or 19 years on the carrier side; and I just became aware of the fact that we are out to bid for our health insurance for our employees, so maybe some of you knew about it, I had no clue, so I kind of said OK, well that's a good thing I guess. So, subsequently I was in a conversation with a Humana executive and I learned that we have been given a no increase on our health insurance renewal, and so just wanted you all to be aware of it, there was no increase on the insurance for the employees, but we are out to bid and I guess there is a Cone of Silence in all of this. I had nothing to say other than I was caught off guard as a member of the Commission, and being a long time professional in that industry not being aware of it, but I didn't want the same thing to happen to any of you, so now you know if you weren't told before. On March, I guess it was March 4, there was a letter that was sent to us, yes on March 4th we received a letter or thereabouts from Mr. Crosland giving us an update on the City of Coral Gables and the Teamsters Local Union 769; and on that day of March 4th, the City had met with the Teamsters Bargaining team in the negotiations process, and this was the second bargaining session for 2010-2011 year, an attachment included the union's proposal; I would ask that we have a follow-up Shade meeting to further discuss this proposal. I went through it; I went through the first one from our end to the union, and now I had a chance to review the second one; and I'd like an opportunity, in spite of the fact that I guess we are 36-37 days away from an election, I still think we need to keep this process going and this Commission still needs to take an active role in terms of providing direction to the City, the City's administration. So, I'd like to respectfully request that we have a Shade meeting in the coming weeks; would you all concur with me?

Mayor Slesnick: Pass around dates.

Commissioner Cabrera: OK. Thanks. There was a memo generated from the Building and Zoning Director to the City Manager's office on March 2nd, and the City Manager's office copied the Commission as an FYI. It has to do with improvements to the Building and Zoning Department, and one of the items that I saw in there in terms of improvements that have been completed was customer service guidelines; and basically what the department has done, it has established maximum 24 hour response time for e-mails and voice messages and supervisors are then responsible for monitoring this and ensuring that there is a proper flow, excuse me, proper follow up when staff is on an annual or sick leave, I think that's a great step. I would assume that this includes Better Place, because when you say establish a maximum response time

for e-mails and voice messages, the Better Place is a system whereby residents can actually put in an inquiry and then wait for a response whether it's a pothole issue or a parking related issue or something that's troubling them, or a Police issue. So if Better Place is not part of this process, we need to then think about eliminating Better Place or incorporating it into the process, that's my only comment about this. So if someone could let me know how Better Place is getting incorporated into this.

Commissioner Anderson: Did I read Better Place in there or maybe it was another memo?

Commissioner Cabrera: I didn't read it, I didn't see it.

Commissioner Anderson: Maybe I read it.

Commissioner Cabrera: I was specifically interested in those customer service guidelines.

Commissioner Anderson: Maybe I read it somewhere else.

Commissioner Cabrera: So I'd like to see how we incorporate Better Place, because I know residents tell me about it, I mean talk to me about it all the time, some days it's a positive comment, some days it's a not so positive comment and they simply have not gotten the feedback on something they inquired about. The other issue that I wanted to discuss briefly with all of you, actually I had a chance to discuss it at the beginning of today's meeting, and that was when Mr. Tomacino was here, Assistant Coach Tomacino to talk about the soccer program at the Youth Center and the "Toros." We do have between 24 and 27 teams out there, maybe it could be as less as 21, but this issue of maintenance of the fields is going to come back to haunt us because today soccer is no longer a seasonal sport, it's a year round sport. You can just imagine if we still had the....or tackle football program there, and the soccer program there, we would have a dust bowl out at the field. You know the saddest thing of all, if you all remember many, many years ago, we had an opportunity to have two full fledge fields at the Coral Gables Youth Center, that would have expanded the usage of the facility, but it required the closing of that section of Riviera that connects between University Drive and Segovia. You all remember that?

Vice Mayor Kerdyk: Yes, I was just asking how we voted on it.

Commissioner Cabrera: That would have been a real....

Commissioner Anderson: Good idea.

Commissioner Cabrera:....it would have been a home run, but we got a lot of push back from the very vocal minority and we kind of pulled back. Do you remember that Chip?

Commissioner Withers: Yes.

Vice Mayor Kerdyk: I think he voted against.

Commissioner Cabrera: I don't remember what your vote was, and I wasn't talking about it because I wasn't going to focus on that, and it's not that important because what happened was there was an architect that got involved and really made a compelling issue as to why it shouldn't happen.

Commissioner Anderson: I think I know.

Commissioner Cabrera: I think you know, I think we all know.

Commissioner Withers: I think Ralph it was...

Commissioner Cabrera: I was the Chairman of the Parks and Rec. Board.

Commissioner Withers: And it also hinged on another larger baseball field if I remember, it would have allowed another...

Commissioner Cabrera: It would have allowed two full fledged football fields, and one of the most - the funniest comment that was made, the most ironic comment that was made during that whole argument was, that University Drive and Riviera that intersection, which is still a very dangerous intersection, was never to have a traffic light, and it's got a traffic light today; it's the funniest thing in the world, it turned out to have a traffic light after all, but yes Chip, it was two fields, and then it would have had a contiguous ability for kids not to have to cross Riviera, but water under the bridge. The point that I'm trying to make today is that I hope we keep it in the forefront; we are going to get somebody hurt. I was with Aero Saustre, we all know Aero Saustre, played and coached at the Youth Center, he was one of my football coaches when I

was a kid, and I was telling Aero the other day, we were having lunch, and I said, hey Aero I'm really trying to get the City to think about an alternative turf to the field, and he said, hey Ralph, you are talking to the wrong guy; you are talking to the guy who saw his son blow out his ACL on the Youth Center field, so I know why it happened, and it happened because of the surface of the field at that time. I encourage you; I've got a kid playing there now, so I go out there and see what kind of condition the field is in, but we are going to get somebody seriously injured. Last but certainly not least, I'd like to get an update as to where we are because we hit on this today financially; where are we on the Biltmore Hotel? We got the briefing, the ultra top secret briefing, and then I'm assuming there've been some talks between the City's administration and the Biltmore staff; I was expecting to see something from PriceWaterhouse in writing, I haven't seen anything yet, and quite frankly if people ask me I tell them what my briefing was all about, just so you know, I do tell them. So any updates on that?- I'd like to hear.

Mayor Slesnick: Mr. Manager do you....?

City Manager Salerno: Mayor as was discussed previously there is a process that will be involved in dealing with documents that PriceWaterhouse relies on that would follow at a certain point; outside counsel, Ms. Hernandez is advised that she plans on sending a letter giving some direction to the Interim City Attorney on how best to proceed in that matter and we are awaiting that letter. So I would defer any further discussion until we receive Ms. Hernandez' advice, which she said to me approximately a week ago she would be sending on to the City Attorney's office, and then for the City Attorney (sic: Interim) perhaps to discuss in some fashion with members of the Commission. So that's where we are at, at this point.

Commissioner Cabrera: Don, let me ask you so you can translate for me. Had there been any meetings between the Biltmore and the City of Coral Gables professional administration?

Mayor Slesnick: As far as I know there has been one.

Commissioner Cabrera: OK. And how did that go?

Mayor Slesnick: I wasn't there.

Commissioner Cabrera: OK.

Mayor Slesnick: Mr. Manager I assume that - we had one meeting.

City Manager Salerno: There've been one meeting and Mr. Prescott after the meeting specifically asked me to at this particular point keep those discussions between us as best possible. He thought it was not in the best interest of the City or in the best interest of the Biltmore as those discussions proceed to discuss them and I agreed with him.

Mayor Slesnick: Do you have any other meetings set?

City Manager Salerno: Have another meeting set for Friday of this week.

Commissioner Cabrera: I'll ask for an update then at the next Commission meeting, see where we are with the process.

Mayor Slesnick: OK.

Commissioner Cabrera: So in essence the ball is in Ms. Hernandez' court to, from what I understood, to generate some sort of document that would continue to move the process along to see some sort of formal report, is that your interpretation Madam City Attorney?

Interim City Attorney Alfonsin: Yes, it is.

Commissioner Cabrera: OK. Alright that concludes my informal discussion.

Mayor Slesnick: Thank you. Mr. Kerdyk.

Vice Mayor Kerdyk: Yes, thank you Mayor just one comment. I had the opportunity to witness our Police in action on Friday night, at a restaurant on 8th Street; and I was walking out of the restaurant and the next thing I knew a car came shooting out of Granada onto 8th Street, hit another vehicle and right behind it of course our Police was following; and the suspects got out of that car while the other one was turned over, the one that they hit, got out of the car and tried to flee, we have like five Police Officers in cars surrounding them, which apparently they had the suspects were accused and of course they haven't been convicted yet, but accused of taking merchandize out of cars, so this was a sting operation; and got to tell you, it was

amazing how great our Police Officers did in controlling the situation, the professional attitude that they displayed, it really, I'm telling you it really made me proud to be a City Official. We had people gathered there on the street and they were just gawking saying, hey, these guys know what they are doing. So I'd like you to carry back that sentiment Mr. City Manager, to our Police Department and tell them how proud I was to be a City Official that day and how fortunate we are to be in the City of Coral Gables.

City Manager Salerno: I'd be glad to.

Commissioner Cabrera: Eight suspects came out of one Civic (Laughter)

Vice Mayor Kerdyk: They were running all around and....

Commissioner Withers: How many did you catch Bill?

[Laughter]

Commissioner Withers: You were running the other way.

Commissioner Cabrera: He was there, he was there.

Vice Mayor Kerdyk: I was ready to jump; just where was I ready to jump is the question? (Laughter). Thank you. That's it.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: No sir.

Mayor Slesnick: Mr. Manager when does the new Chief start?

City Manager Salerno: We are working on that date; it hasn't been set yet Mayor. It will be fairly soon, but there is no date set.

Commissioner Cabrera: It was said in the E-NEWS, I can find the E-NEWS.

City Manager Salerno: The E-NEWS said on or about March 7th, that's what it said.

Commissioner Cabrera: OK. That's what I thought I read.

Mayor Slesnick: I'm trying to bring back, I turned off my...and I had saved something that I wanted to mention on there, but while we are waiting for that. OK the system cannot log me on. Forget it - this was the names, it was mentioned earlier about our Police personnel being given the awards at the Leo Banquet, we had their names, maybe one of you still have that message from Maria Menendez. Here it comes; I wanted to mention their names specifically, if you all find it before I do, please mention it. I did want to say that we approved earlier today the signage for the South Florida Palm Society, Palm Show and Sale, at Montgomery Gardens. This is an annual event, it's an incredible event and it's a good time to buy palms that you can't buy otherwise, it supports the Montgomery Gardens, which is a not-for-profit, the largest palm research station in the world, it's in Coral Gables, and if you buy a palm or give a recommended donation you can get a tour of the property, which is not open to the public on a usual basis. Thank you Mr. Kerdyk. The officers who won awards in the Leo Banquet the other night were Sergeant Melissa De Joung, Officers Jim Simpson, Jose Flores, Tony (i.e. Antonio) Miguelez of the Youth Resource Unit, and if there are any others, that's it. The Youth Resource Center was nominated for doing more with less as they continue to lead the department's D.A.R.E. Explorers. Congratulations to those officers and I hope that everyone noted their names - great work. Just to mention that we had a very fine article written about Coral Gables in the Florida Travel and Leisure Magazine, a feature article about our downtown shopping area, and I thought you would take interest in this. The U.S. State Department Office of Foreign Missions, which we are proud to host here, which is for the southeast United States is the State's Department outreach to the professional diplomats that are here from other countries gave me temporary diplomatic immunity because I umpired the annual softball game between Japanese Consulate staff and the U.S. State Department and my diplomatic immunity was for missed, bad, and poor judgment calls exhibited while umpiring the annual international softball game. So there you go, and that takes place in Phillips Park, by the way.

Commissioner Withers: You can wear your soccer jersey.

Mayor Slesnick: That's right. I already did it, so I didn't have that choice. That concludes our agenda today. We will be back here....

City Manager Salerno: Mr. Mayor?

Mayor Slesnick: Yes Mr. Manager.

City Manager Salerno: Thank you. I just had one item to add some additional information to the health insurance issue for the benefit of all the members of the Commission. At the last - last year when we put out, excuse me, when there was a negotiated arrangement with Humana it was presented by Mr. Shafer that and the Commission specifically asked when would we put this out to bid again. Obviously, I don't remember which Commissioner; I think it was several Commissioners....

Commissioner Cabrera: Mr. Kerdyk did that.

Vice Mayor Kerdyk: I remember that specifically.

City Manager Salerno: And Mr. Shafer's response at the time was, unless we had a bad experience in the following year that he would put it out to bid this year, and we had a good experience, and that is the direction we are following, the Commission's direction and Mr. Shafer's advise to you that appeared to be accepted, which was to proceed. If there is somebody wanting us to proceed in a different fashion then....?

Commissioner Cabrera: I never questioned - all I questioned was not knowing Mr. Manager, I quite frankly can't immerse myself in the operations of the City, all I care about was the fact that I as a member of this governing body knew nothing about it, and it affected me because it is the industry that I'm in, and I'm known in the industry and therefore people spoke to me about it, and I wanted my colleagues to be aware of it in the event that they would be asked the same questions I was asked.

City Manager Salerno: That's all I have Mayor.

Commissioner Cabrera: That's all I had to say too.

Mayor Slesnick: OK. We are adjourning this meeting and will be back here in two weeks.

City Clerk Item No. 30

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 12:34 pm on March 8, 2011. The next regular meeting of the City Commission has been scheduled for March 212, 2011, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK