

City of Coral Gables

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



Agenda

Tuesday, September 28, 2010

9:00 AM

City Hall, Commission Chambers

City Commission

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

Patrick G. Salerno, City Manager
Elizabeth M. Hernandez, City Attorney
Walter J. Foeman, City Clerk

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

INVOCATION

Dr. Larry Boudon, St. James Lutheran Church

PLEDGE OF ALLEGIANCE

Riviera Day/Preparatory School Student Government Officials: Nicolas Cabrera, President (Grade 7); Gabriella Mayans, Vice President (Grade 8); Samantha Perez, Secretary (Grade 6) and Shota Takahashi, Treasurer (Grade 7)

A. PRESENTATIONS AND PROCLAMATIONS

- A.-1. [10-0592](#) Presentation of a Proclamation declaring October 3-9, 2010 as Fire Prevention Week in Coral Gables.
- A.-2. [10-0606](#) Presentation of a Proclamation declaring September 17-24, 2010 as Constitution Week in Coral Gables.
- A.-3. [10-0588](#) Congratulations to Lt. Donald Griffiths, recipient of the City of Coral Gables Firefighter of the Month Award for the month of September, 2010.
- A.-4. [10-0603](#) Congratulations to Lilliam Portu, Finance Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of October 2010.

B. APPROVAL OF MINUTES

- B.-1. [10-0626](#) Regular City Commission Meeting of September 14, 2010

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.

- C.-1. [10-0586](#) Resolution granting permission to The St. Patrick's Day Committee, Inc. to sell alcoholic beverages from Noon until 6:00 p.m. on Saturday, March 12, 2011, at the Fred B. Hartnett/Ponce Circle Park as part of the St. Patrick's Day Festival, subject to Florida Department of Professional Regulation requirements.
- C.-2. [10-0587](#) Resolution granting a one-day permit to The Buoniconti Fund to Cure Paralysis, Inc. to sell alcoholic beverages on Saturday, January 15, 2011, from 5:00 p.m. to 9:00 p.m. on Miracle Mile (Ponce de Leon - Miracle Mile to Aragon), during The Buoniconti Fund to Cure Paralysis event, subject to Florida Department of Professional Regulation requirements.

- C.-3. [10-0604](#) Resolution awarding an Auditing Services contract to McGladrey & Pullen, LLP pursuant to RFP 2010.07.01 and Section 2-828 of the Procurement Code in the amount of \$330,000.00 (three hundred thirty thousand dollars) for an initial three (3) year period with three (3) additional one (1) year renewal options; further authorizing the City Manager to execute said auditing services contract.
- C.-4. [10-0598](#) Resolution authorizing the execution of an interlocal agreement between the City of Coral Gables and the City of Miami providing for the recycling of Clean Yard Trash at the City of Miami Virginia Key Compost/Mulch Facility.
- C.-5. [10-0618](#) Resolution requesting the Florida Division of Emergency Management allow the City to reimburse funds for 2005 hurricanes over a period of time.
- C.-6. [10-0623](#) Resolution changing the name of the Raul E. Valdes-Fauli Archive Collection to the Valdes-Fauli Archives.
- C.-7. [10-0625](#) Resolution pursuant to Section 2-26 of the City Code, entitled "Regular Meetings, Special Meetings" setting forth City Commission meeting dates for the months of November and December, as follows: Tuesday, November 9, 2010, and Tuesday, December 14, 2010.

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

- C.-8. [10-0578](#) Board of Adjustment Meeting of September 7, 2010
- C.-9. [10-0589](#) Parks and Recreation Advisory Board Meeting of August 27, 2010
- C.-10. [10-0590](#) Landscape Beautification Advisory Board Meeting of September 2, 2010
- C.-11. [10-0591](#) Senior Citizens Advisory Board Meeting of August 2, 2010
- C.-12. [10-0600](#) Property Advisory Board Meeting of September 8, 2010
- C.-13. [10-0601](#) Economic Development Board Meeting of September 1, 2010
- C.-14. [10-0602](#) Retirement Board Meeting of August 12, 2010
- C.-15. [10-0617](#) Code Enforcement Board Meeting of September 15, 2010
- C.-16. [10-0624](#) Budget/Audit Advisory Board Meeting of September 8, 2010

D. PERSONAL APPEARANCES

None

E. PUBLIC HEARINGS

All Individuals desiring to give testimony shall be sworn in.

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

- E.-1. [10-0544](#) An Ordinance of the City Commission of Coral Gables permitting the University of Miami to exceed the date/time limitation on spectators of one thousand and six hundred spectators, notwithstanding the limitations imposed by prior UMCAD approvals, in certain limited circumstances, providing for conditions of approval; providing for a repealer provision, savings clause; and an effective date. (Passed on First Reading August 24, 2010)
- E.-2. [10-0552](#) An Ordinance of the City Commission of Coral Gables authorizing entering into a lease amendment with Coral Gables Cinemateque, Inc., with regard to City owned property at 260 Aragon Avenue, Coral Gables, Florida; and providing for severability, repealer, codifications and an effective date. (Passed on First Reading September 14, 2010)
- E.-3. [10-0584](#) An Ordinance amending Chapter 50, Article II of the Code of the City of Coral Gables, entitled "Retirement System for City Employees", implementing action taken by the City Commission to establish provisions of the 2009-2010 collective bargaining agreement between the City of Coral Gables and Teamsters, Local Union 769; Creating a definition of "average final compensation" and revising definitions of "appointed officials", "compensation", "disability", "highest three-year average", "normal retirement date" and "total earnings"; revising employee contributions; Revising normal retirement income; Revising disability benefits; Revising DROP eligibility; Revising the purchase of prior credited service; Creating a new section providing for benefits of excluded employees; Providing an effective date; and repealing all ordinances inconsistent herewith. (Passed on First Reading September 14, 2010).
Note: Discussion regarding appointed officials, per Commissioner Withers' request.

Time Certain: 10:30 a.m.

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

- E.-4. [10-0418](#)** Comprehensive Plan Amendment. An Ordinance of the City Commission of Coral Gables amending the City of Coral Gables Comprehensive Plan pursuant to large scale amendment procedures subject to ss. 163.3187, Florida Statutes, for the following Comprehensive Plan text and Comprehensive Plan Map amendments for the University of Miami, City of Coral Gables Campus, generally bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida (depicted graphically herein); and providing for severability, repealer, codification, and an effective date; as follows:
- A. Amendment to Comprehensive Plan Policy FLU-1.1.6, Table FLU-5, entitled "Other Land Uses", by re-naming "University" land use to "University Campus" land use, and adding the "University Campus Multi-Use Area".
 - B. Amendment to Comprehensive Plan Policy FLU-1.1.6, Table FLU-5, entitled "Other Land Uses", by increasing the maximum Floor Area Ratio (FAR) for "University" land use from 0.5 FAR to 0.7 FAR.
 - C. Amendment to the Future Land Use Map to change the land use designation of University owned properties located on Block 192, Riviera Section Part 14 from "Commercial Use, Low-Rise Intensity" to "University Campus" land use.
 - D. Amendment to Comprehensive Plan Policy MOB-2.2.1, to include the University of Miami campus and several contiguous properties outside the campus in the geographic description of the Gables Redevelopment and Infill District (GRID) also known as a Transportation Concurrency Exemption Area (TCEA), including the area bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street.
 - E. Amendment to Comprehensive Plan MOB-2 Map, to graphically include the University of Miami campus and several contiguous properties outside of the campus into the Gables Redevelopment and Infill District (GRID) also known as a Transportation Concurrency Exemption Area (TCEA).
 - F. Amendment to the Future Land Use Map to designate and graphically locate proposed "University Campus Multi-Use Area" along Ponce de Leon Boulevard, approximately bounded by Stanford Drive, Walsh Avenue and the University (Mahi) Waterway Canal.
- (Passed on First Reading June 30, 2010)
- E.-5. [10-0569](#)** Zoning Code Text Amendment - Article 3, Division 19, "Development Agreements". An Ordinance of the City Commission of Coral Gables granting approval of an amendment to Zoning Code Article 3, Division 19, entitled "Development Agreements", Section 3-1907, entitled "Contents of development agreement/recording", by increasing the duration of a development agreement from not to exceed ten (10) years to not to exceed twenty (20) years; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading September 14, 2010)

- E.-6. [10-0568](#) University of Miami Development Order. An Ordinance of the City Commission of Coral Gables granting approval of a Development Order for the University of Miami pursuant to Zoning Code Article 3, Division 19, entitled "Development Agreements", for the University of Miami, City of Coral Gables Campus, for the area bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida; providing for incorporation of Ordinance No. 2964 through UMCAD approvals up and including Ordinance 2007-16 and amending same as reflected in the proposed development agreement including but not limited to an increase in seating at the Bank United Center, an amendment to Resolution No. 2003-7 to allow for the sale of alcoholic beverages, an amendment to certain provisions of Ordinance No. 2007-16 with respect to the timing of certain obligations and modifications of Declaration of Covenants recorded on October 3, 2007, at OR Book 25968, Pages 4593-4609; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading September 14, 2010)

ORDINANCES ON FIRST AND SECOND READING

- E.-7. [10-0607](#) An Emergency Ordinance amending Ordinance No. 2003-53, suspending the CPI for appointed officials' compensation effective from October 1, 2010 through September 30, 2011; repealing all Ordinances inconsistent herewith; waiving second reading and thirty-day waiting period; and providing for an effective date.
- E.-8. [10-0608](#) An Emergency Ordinance amending Ordinance No. 2659, suspending the CPI for elected officials' compensation effective from October 1, 2010 through September 30, 2011; repealing all Ordinances inconsistent herewith; waiving second reading and thirty-day waiting period; and providing for an effective date.

ORDINANCES ON FIRST READING

Time Certain: 10:35 a.m.

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

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

E.-10. [10-0614](#)

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

1. Commercial Limited (CL) District to University Campus District (UCD) for properties legally described as follows:

a) Lots 8-10, Block 192, Riviera Section Part 14 (5809 Ponce de Leon Blvd. - McKnight Building), Coral Gables, Florida;

b) Lots 6 and 7, Block 192, Riviera Section Part 14 (No address - McKnight Building parking lot), Coral Gables, Florida; and,

c) Lots 1, 2 and SW ½ of Lot 3, Block 192, Riviera Section Part 14 (1540 Levante Ave. - Rainbow Building)), Coral Gables, Florida; and,

2. University of Miami Campus Area Development (UMCAD) to University Campus District (UCD) for all University of Miami owned properties generally bounded by Ponce de Leon Boulevard, Levante Avenue, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida; and,

providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0)

E.-11. [10-0619](#)

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

F. CITY COMMISSION ITEMS

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

F.-1. [10-0622](#)

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

G. BOARDS/COMMITTEES ITEMS

None

H. CITY MANAGER ITEMS

- H.-1. [10-0616](#) Resolution appointing and confirming certain individuals to serve as members on the City of Coral Gables Green Task Force for a term of office which shall commence on October 1, 2010 until May 30, 2011; and thereafter commencing on June 1, 2011 and expiring on May 31st in odd numbered years.
- H.-2. [10-0615](#) Resolution accepting the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2009, by McGladrey & Pullen, LLP, Certified Public Accountants.

I. CITY ATTORNEY ITEMS

- I.-1. [10-0612](#) Resolution authorizing the City Attorney to proceed with filing an action for breach of contract against Merrick Trust, LLC for its failure to pay its annual fee for reimbursement of nine (9) on-street parking spaces for the 2010 fiscal year; and further authorizing the City Attorney to take all action necessary to represent the interests of the City.
- I.-2. [10-0621](#) Pending Litigation Report

J. CITY CLERK ITEMS

None

K. DISCUSSION ITEMS

This time is for informal discussion among the City Commissioners, the City Manager and the City Attorney

ADJOURNMENT

NOTE

Any person who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, must register with the City Clerk, prior to engaging in lobbying activities before city staff, boards, committees and/or the City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall.

Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Interested persons should, therefore, take the necessary steps to ensure that a verbatim record of the proceedings is made which contains the testimony and evidence upon which the appeal is based.

Any person making impertinent or slanderous remarks or who become boisterous while addressing the Commission, shall be barred from further audience before the Commission by the Chair, unless permission to continue or again address the Commission is granted by the majority vote of the Commission Members present. Clapping, applauding, heckling or verbal outbursts or any remarks in support or opposition to a speaker shall be prohibited. Signs or placards shall not be permitted in Commission Chambers.

Any person requiring special accommodations for participation in the meeting should contact Ernesto Pino, Assistant Public Works Director, at 305-460-5004, with requests for auxiliary aids or services at least one business day before the meeting.

Patrick G. Salerno
City Manager