

City of Coral Gables

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



Agenda

Tuesday, August 24, 2010

9:00 AM

REVISED AGENDA

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. Roy G. Gatton, Doctors Hospital Senior Chaplain

PLEDGE OF ALLEGIANCE

The Honorable Michael Gongora, Miami Beach City Commissioner

A. PRESENTATIONS AND PROCLAMATIONS

- A.-1. [10-0523](#) Presentation of a "Thank You" plaque from the U. S. Census Bureau, Atlanta Regional Census Center, to the City of Coral Gables in appreciation of the valued support in raising awareness and participation in the 2010 Census.
- A.-2. [10-0530](#) Presentation of a Proclamation declaring August 26, 2010 as Women's Equality Day in Coral Gables.
- A.-3. [10-0534](#) Presentation by the South Florida Water Management District regarding preparations for the 2010 Hurricane Season.
- A.-4. [10-0492](#) Congratulations to Officer Emilio Flores, recipient of the City of Coral Gables "Officer of the Month Award", for the month of July 2010.
- A.-5. [10-0511](#) Congratulations to Firefighter Xavier Jones, recipient of the City of Coral Gables "Firefighter of the Month Award", for the month of August 2010.
- A.-6. [10-0517](#) Congratulations to Karla Green, Human Resources Department, recipient of the City of Coral Gables "Employee of the Month Award", for the month of September 2010.

B. APPROVAL OF MINUTES

- B.-1. [10-0546](#) Regular City Commission Meeting of July 13, 2010
- B.-2. [10-0547](#) Special City Commission Meeting of July 19, 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. [10-0433](#) Resolution granting permission to Coral Gables @ Home to use Country Club Prado for the Tour of Kitchens luncheon event from 1:30 p.m. to 3:00 p.m. on Saturday, January 29, 2011 and to serve alcoholic beverages, subject to Florida Department of Professional Regulation requirements.
- C.-2. [10-0490](#) Resolution authorizing the execution of a Memorandum of Understanding between the City of Coral Gables and the Alliance for Aging, Inc. for utilization of space at the Coral Gables War Memorial Youth Center and other Parks and Recreation facilities, subject to availability, to further the mission of the State of Florida Elderly Affairs Department's SHINE Program.
- C.-3. [10-0494](#) Resolution authorizing the Kiwanis Club of Little Havana to sell alcoholic beverages at Ponce Circle Park on October 1, 2010; October 2, 2010; November 5, 2010; December 3, 2010; January 7, 2011; and February 4, 2011; as part of the Art in the Park event, subject to Florida Department of Professional Regulation Requirements.
- C.-4. [10-0496](#) Resolution granting permission to Miami-Dade Public Schools for use of Phillips Park for public school activities for the 2010-2011 school year in accordance with Education Compact, as specified in Resolution 2006-57.
- C.-5. [10-0499](#) Resolution authorizing an amendment to the existing contract with South Florida Maintenance Services, Inc., entitled "Landscape Maintenance of Various Locations in the City of Coral Gables, FL DPS #2001-01", for the purpose of adding the maintenance of US #1 and MacFarlane Linear Park.
- C.-6. [10-0505](#) Resolution renewing the lease agreement with the University of Miami for municipal parking lots 42 and 43 for an additional twelve (12) months beginning September 1, 2010 and ending August 31, 2011 at the rate of \$64,971.88 annually, payable in monthly installments.
- C.-7. [10-0508](#) Resolution authorizing the execution of a twenty (20) year Sewage Disposal Service Contract with Miami-Dade County.
- C.-8. [10-0506](#) Resolution accepting the recommendation of the Chief Procurement Officer to award a contract for Medical Director Services to Frederick Keroff, M.D., through InPhyNet South Broward, Inc. d/b/a Team Health Southeast in the amount of \$66,000 (sixty-six thousand dollars) per year pursuant to request for Proposals (RFP) 2010.06.24 and Section 2-828 of the Procurement Code for an initial three (3) year contract with an option to renew for one (1) additional two (2) year period.

- C.-9. [10-0513](#) Resolution accepting the recommendation of the Chief Procurement Officer to award William Riehl Investigations Inc., the contract for Background Investigation Services at a rate of \$60.00 per hour, not to exceed \$60,000.00 (sixty thousand dollars) annually, pursuant to IFB 2010.07.02 and Section 2-828 of the Procurement Code for an initial three (3) year term with two (2) additional one (1) year renewal options.
- C.-10. [10-0514](#) Resolution accepting the recommendation of the Chief Procurement Officer to award a Citywide Janitorial Services and Products contract to Vista Building Maintenance Services pursuant to Section 2-828 of the Procurement Code and RFP 2010.06.04 in the amount of \$370,168.92 (three hundred seventy thousand one hundred sixty-eight dollars and ninety-two cents) per year for an initial three (3) year term with two (2) additional one (1) year renewal options.
- C.-11. [10-0515](#) Resolution accepting the recommendation of the Chief Procurement Officer to award a Citywide Security Systems Services contract to Bright Line, Inc. d/b/a Benham Protective Services pursuant to RFP 2010.05.07 and Section 2-828 of the Procurement Code in the amount of \$43,540.00 (forty-three thousand five hundred forty dollars) for annual maintenance with new construction based on a fee schedule provided as part of their proposal and software renewal licenses based on actual cost for an initial three (3) year period with two (2) additional one (1) year renewal options.
- C.-12. [10-0520](#) Resolution appointing Emile A. De Boyrie (Nominated by Commissioner Cabrera) to serve as a member of the Coral Gables Advisory Board on Disability Affairs, for the unexpired balance of a two (2) year term, from August 24, 2010 through May 31, 2011.
- C.-13. [10-0521](#) Resolution appointing Antonio Gonzalez (Nominated by Commissioner Withers) to serve as a member of the School and Community Relations Committee, for the unexpired balance of a two (2) year term, from August 24, 2010 through May 31, 2011.
- C.-14. [10-0535](#) Resolution appointing Emilio J. Vasquez (Nominated by Mayor Slesnick) to serve as a member of the Citywide Traffic Advisory Board, for the unexpired balance of a two (2) year term, from August 24, 2010 through May 31, 2011.
- C.-15. [10-0542](#) Resolution appointing James H. Smith (Nominated by Commissioner Anderson) to serve as a member of the Emergency Management Division, for the unexpired balance of a two (2) year term, from August 24, 2010 through May 31, 2011.
- C.-16. [10-0524](#) Resolution authorizing expenditures in the amount of \$45,000.00 from federally forfeited assets funds for the Coral Gables Police Department partnership program with Coral Gables Citizen's Crime Watch, Inc.
- C.-17. [10-0525](#) Resolution authorizing expenditures in the amount \$20,840.00 from Federal Forfeited Asset Fund monies for the acquisition of additional law enforcement equipment; the Handheld Rapid ID Devices, and their accompanying software licenses, software support and training, for utilization by the Coral Gables Police Department.
- C.-18. [10-0526](#) Resolution authorizing expenditures in the amount of \$8,000.00 from previously encumbered Forfeited Asset Fund (FAF) monies to support activities and programs associated with the Drug Abuse Resistance Education (D.A.R.E.) instruction conducted by the Coral Gables Police Department Youth Resource Unit.

- C.-19. [10-0527](#) Resolution authorizing expenditures in the amount of \$18,000.00 from previously encumbered Forfeited Asset Fund (FAF) monies to support the Youth Resource Officer activities and programs of the Coral Gables Police Athletic League.
- C.-20. [10-0528](#) Resolution authorizing encumbrances in the amount of \$10,208.63, 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.
- C.-21. [10-0529](#) Resolution authorizing expenditures in the amount of \$12,000.00 from previously encumbered Forfeited Asset Fund (FAF) monies to support the Youth Resource Officer activities and programs of the Coral Gables Police Department Police Explorer Post #594.
- C.-22. [10-0531](#) Resolution authorizing expenditures in the amount of \$3,830.00 from previously encumbered State Forfeited Asset Funds (F.A.F.) to acquire a ruggedized tablet style computer and its accompanying software for the Police Department Community Affairs Unit Crime Prevention and Safe Neighborhood Security Survey Programs.
- C.-23. [10-0532](#) Resolution authorizing Darden Restaurants to screen the construction site at 321 Miracle Mile with signage materials highlighting Seasons 52 Fresh Grill.
- C.-24. [10-0537](#) Resolution entering into a renewal lease with Robert Maguire for the Granada Snack Shop located at 2001 Granada Boulevard, Coral Gables, Florida, for a period of three (3) years with a one (1) year option.
- C.-25. [10-0545](#) Resolution authorizing execution of the Third Addendum to Solid Waste and Recycling Collection Service Contract (Third Addendum) with Waste Management, Inc. of Florida (WMIF).
- C.-26. [10-0538](#) Resolution authorizing an agreement with the International Association of Firefighters, Local 1210, regarding payroll overpayments of sworn fire personnel, specifically authorizing the collection of monies as provided for in an overpayment pay-plan agreement to be individually executed by said sworn fire personnel; further, authorizing legal remedies, if applicable.
- C.-27. [10-0543](#) Resolution authorizing entering into a renewal lease with Graziano's Gourmet in the Gables, LLC, with regard to City owned property at 2301 Galiano Avenue, Coral Gables, Florida for a period of five (5) years with a five (5) year option.

Item C-28 has been deferred

- C.-28. [10-0512](#) Resolution accepting the recommendation of the Chief Procurement Officer to award a contract for Construction of Street Improvements to Metro Express Paving Company pursuant to unit pricing bid under Invitation For Bid (IFB) 2010.07.15, and Section 2-828 of the Procurement Code for a period running until September 30, 2011 with an option to renew for two (2) additional years.

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

- C.-29. [10-0426](#) Code Enforcement Board Meeting of June 16, 2010
- C.-30. [10-0478](#) Historic Preservation Board Meeting of June 17, 2010
- C.-31. [10-0479](#) Code Enforcement Board Meeting of July 21, 2010
- C.-32. [10-0483](#) Communications Committee Meeting of June 17, 2010
- C.-33. [10-0489](#) Senior Citizens Advisory Board Meeting of June 7, 2010
- C.-34. [10-0498](#) Cultural Development Board Meeting of June 3, 2010
- C.-35. [10-0504](#) International Affairs Coordinating Council Meeting of July 20, 2010
- C.-36. [10-0507](#) Property Advisory Board Meeting of July 21, 2010
- C.-37. [10-0518](#) Retirement Board Meeting of June 10, 2010

D. PERSONAL APPEARANCES

- D.-1. [10-0491](#) Update on the Village of Merrick Park by Vice President of Merchandising, Janet Bedin, and General Manager, Lee Davidson.

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.

APPEAL

- E.-1. [10-0501](#) Case File LHD 2003-18 REVISED
Lowell J. Kuvin, applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Historic Preservation Board at its regular meeting of May 20, 2010.

Summary of Appeal:

The Historic Preservation Board at its regular hearing on May 20, 2010 made a motion to deny the de-designation of the historic designation of the property at 1044 Coral Way, legally described as Lot 1 and the west 32 feet of Lot 2, Block 11, Coral Gables Section "A", PB 5-102. (Passed unanimously 8-0). The applicant is appealing the decision of the Historic Preservation Board to deny the removal of local historic landmark status from the property.

ORDINANCES ON SECOND READING**Items E.-2 and E.-3 are related**

- E.-2. [10-0419](#) Change of Land Use. An Ordinance of the City Commission of Coral Gables amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Residential Use (Single-Family) Low Density" to "Parks and Recreation" for a 0.48 acre parcel, to allow for future development as a green space and/or neighborhood park, legally described as Lots 11-14, Block 77, Coral Gables Country Club Section 5 (4650 Alhambra Circle), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, vote 6-0) (Passed on First Reading July 13, 2010)
- E.-3. [10-0420](#) Change of Zoning. An Ordinance of the City Commission of Coral Gables approving a change of zoning from Single-Family Residential (SFR) District to Special Use (S) District for a 0.48 acre parcel, to allow for future development as a green space and/or neighborhood park, legally described as Lots 11-14, Block 77, Coral Gables Country Club Section 5 (4650 Alhambra Circle), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, vote: 6-0) (Passed on First Reading July 13, 2010)

- E.-4. [10-0421](#) Change of Land Use. An Ordinance of the City Commission of Coral Gables amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for the following City owned properties:
1. Lots 1-4 & 38-48, Block 20, Section "K" (2100 Block of Salzedo St.), Coral Gables, Florida;
 2. Lots 22-43, Block 1, Crafts Section (300 Block of Andalusia Ave.), Coral Gables, Florida;
 3. Lots 29-42, Block 2, Crafts Section (200 Block of Andalusia Ave.), Coral Gables, Florida; and, providing for severability, repealer, codification and an effective date. (PZB recommended approval, vote: 6-0) (Passed on First Reading July 13, 2010)
- E.-5. [10-0466](#) An Ordinance of the City Commission of Coral Gables authorizing entering into two lease amendments with The Palace Management Group, LLC, with regard to City owned property at 45 and 50 Andalusia Avenue, Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (Passed on First Reading July 13, 2010)

ORDINANCES ON FIRST READING

Items E.-6. to E.-9. are related

- E.-6. [10-0485](#) Change of Zoning. An Ordinance of the City Commission of Coral Gables requesting a change of zoning from Single Family Residential (SFR) to Special Use (S) District for a 25.0 acre parcel located in the southwest corner of the property of the overall 82.5 acre parcel commonly referred to as "Fairchild Tropical Garden" (10901 Old Cutler Road), legally described as Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval, vote: 7-0)
- E.-7. [10-0486](#) Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables requesting an amendment to Zoning Code Article 4, Section 4-204, "Special Use (S) District", providing for and listing permitted uses within a botanical garden; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval, vote: 7-0)
- E.-8. [10-0487](#) Master Site Plan. An Ordinance of the City Commission of Coral Gables requesting an amendment to the Master Site Plan for the property commonly referred to as "Fairchild Tropical Garden" (10901 Old Cutler Road), for a 82.5 acre parcel legally described as all of Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval: vote 7-0)

- E.-9. [10-0488](#) Planned Area Development (PAD) Site Plan Review. An Ordinance of the City Commission of Coral Gables requesting Planned Area Development (PAD) assignment and site plan review for the construction of additions to the "Science Village" buildings on the southwest corner of the property commonly referred to as "Fairchild Tropical Garden" (10901 Old Cutler Road), being an approximately 82.5 acre parcel legally described as all of Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida; and including required conditions; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval, vote: 7-0)
- E.-10. [10-0516](#) An Ordinance of the City Commission of Coral Gables amending the City Code, Chapter 2, entitled "Administration," Article XIII entitled "Procurement Code" by adding a new Section 2-777, Procedure to provide a preference to Coral Gables-based vendors in contracts for goods and general services; providing for severability, repealer and effective date.
- E.-11. [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.
- E.-12. [10-0497](#) An Ordinance of the City Commission of Coral Gables amending the City Code, Article 5, "Conflict of Interest and Code Of Ethics," Section 2-232, providing for the Board of Architects Members to avoid a conflict by restricting appearance, presentation or representation of a person following submission of an application; and providing for severability, repealer, codification, and an effective date.

F. CITY COMMISSION ITEMS

- F.-1. [10-0540](#) Presentation and discussion regarding the use of leaf blowers.
Commissioner Rafael "Ralph" Cabrera, Jr.

G. BOARDS/COMMITTEES ITEMS

- G.-1. [10-0500](#) Presentation of excerpts from the minutes of the Historic Preservation Board meeting of April 15, 2010 requesting the following action with regard to CASE FILE AV 2007-01.

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 4320 Santa Maria Street, a contributing structure within the "Florida Pioneer Village Historic District" and the "Santa Maria Street Historic District" legally described as Lots 21, 22 less S 15 FT of Lot 22, Block 93, Coral Gables Country Club Section Part 5, according to the Plat thereof, as recorded in Plat Book 23, at Page 55, of the Public Records of Miami-Dade County, Florida. The cost of the improvements is \$1,000,000.00, which would correspond to approximately \$5,250.00 per year and \$52,500.00 over ten years. (Historic Preservation Board Vote: Unanimously approved; 6 - 0. One board member recused himself).

H. CITY MANAGER ITEMS

- H.-1. [10-0536](#) Resolution waiving the provisions of Article VIII, Division 12 (Purchase, Sale or Lease of Public Property) of the City Code, with regard to the conveyance of a fire station property previously conveyed to the City by the University and certain waterways internal to the University campus to the University of Miami in conjunction with a proposed agreement between the City of Coral Gables and University of Miami.
- H.-2. [10-0510](#) Resolution amending Resolution 2010-132 which established fees for various licenses, permits, services, and penalties by the City of Coral Gables, providing for severability and an effective date.
- H.-3. [10-0539](#) Presentation of Quarterly Report for the nine months ended June 30, 2010.

I. CITY ATTORNEY ITEMS

- I.-1. [10-0533](#) A Resolution of the City Commission of the City of Coral Gables, Florida, formally initiating conflict resolution procedures provided by Chapter 164.1052, Florida Statutes, prior to initiating litigation against Miami-Dade County, Florida in connection with the existing cities' 20% share of the Transit Surtax, providing for the adoption of representations; and providing for an effective date.
- I.-2. [10-0550](#) 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