

City of Coral Gables

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



Agenda

Tuesday, September 14, 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**PLEDGE OF ALLEGIANCE****A. PRESENTATIONS AND PROCLAMATIONS**

- A.-1. [10-0484](#) Recognition of the Coral Gables Youth Center Storm U-14 Girls Soccer Team, winners of the Division 1 State Championship.
- A.-2. [10-0493](#) Congratulations to Detective Jane Campos, recipient of the City of Coral Gables "Officer of the Month Award", for the month of June 2010.
- A.-3. [10-0519](#) Presentation of the 2010 Paul S. Buchman Award, Florida Municipal Attorneys Association, Attorney of the Year Award to Coral Gables City Attorney Elizabeth M. Hernandez.

B. APPROVAL OF MINUTES

- B.-1. [10-0582](#) City Commission Budget Workshop Meeting of July 13, 2010
- B.-2. [10-0583](#) Regular City Commission Meeting of August 24, 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. [10-0512](#) 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. (Deferred from the August 24, 2010 City Commission Meeting)
- C.-2. [10-0551](#) Resolution authorizing Fritz and Franz Bierhaus to sell alcoholic beverages at the Plaza located at 60 Merrick Way from Friday, October 1, 2010, through Sunday, October 10, 2010, during the OKTOBERFEST event, subject to Florida Department of Professional Regulation requirements.
- C.-3. [10-0553](#) Resolution authorizing the execution of an Agreement between the City of Coral Gables and Coral Gables Cinemateque, Inc. to allow Coral Gables Cinemateque, Inc. the use of City-owned domain name "gablescinema.com" and related domain names throughout the Term of the Lease to operate the Coral Gables Cinema.

- C.-4. [10-0556](#) Resolution urging Miami-Dade County to implement comprehensive amendments to its parking fine schedule and urging the Florida Legislature to amend the Florida Statutes in order to increase state penalties for various parking violations.
- C.-5. [10-0559](#) Resolution authorizing the City Manager to amend the compensation of exempt City employees for local, state or federal declared or non-declared emergencies.
- C.-6. [10-0577](#) Resolution authorizing the City Manager to reduce benefits for excluded employees.
- C.-7. [10-0561](#) Resolution approving temporary signage for the Coral Gables Museum located at 285 Aragon Avenue until permanent signage is installed within six months.
- C.-8. [10-0564](#) Resolution authorizing a day long exhibition at City Hall of a mural entitled "Madria Tiri", by Cundo Bermudez, as part of the Gables Hispanic Cultural Festival on September 25, 2010.
- C.-9. [10-0567](#) Resolution appointing C.L. Conroy (Nominated by Mayor Slesnick) to serve as a member of the Communications Committee, for the unexpired balance of a two (2) year term, from September 14, 2010 through May 31, 2011.

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

- C.-10. [10-0548](#) Coral Gables Library Advisory Board Meeting of August 11, 2010
- C.-11. [10-0554](#) Economic Development Board Meeting of July 7, 2010
- C.-12. [10-0555](#) Property Advisory Board Meeting of August 18, 2010
- C.-13. [10-0560](#) Budget/Audit Advisory Board Meeting of July 28, 2010
- C.-14. [10-0562](#) Historic Preservation Board Meeting of July 15, 2010
- C.-15. [10-0565](#) Historic Preservation Board Meeting of August 19, 2010
- C.-16. [10-0574](#) Cultural Development Board Meeting and Grants Workshop of August 31, 2010
- C.-17. [10-0566](#) International Affairs Coordinating Council Meeting of August 17, 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.

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. (Deferred from the August 24, 2010 City Commission Meeting)

ORDINANCES ON SECOND READING

Items E-2 through E-5 are related

E.-2. [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) (Passed on First Reading August 24, 2010)

E.-3. [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) (Passed on First Reading October 24, 2010)

- E.-4. [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) (Passed on First Reading August 24, 2010)
- E.-5. [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) (Passed on First Reading August 24, 2010)
- E.-6. [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. (Passed on First Reading August 24, 2010)
- E.-7. [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. (Passed on First Reading August 24, 2010)

ORDINANCES ON FIRST READING

- E.-8. [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.
- E.-9. [10-0575](#) An Ordinance of the City Commission of Coral Gables authorizing the negotiation and execution of a lease agreement with Toscana Divino LLC at 220 Aragon Avenue, and providing for severability, repealer, codification and an effective date.
- E.-10. [10-0584](#) 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 "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.

Time Certain: 10:30 a.m.

Items E-11 and E-12 are related

- E.-11. [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. 2946 through UMCAD approvals up and including Ordinance 2007-16, an amendment to Resolution No. 2003-7, 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. (PZB recommended approval, vote: 6-0)
- E.-12. [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. (PZB recommended approval, vote: 6-0)

RESOLUTION

- E.-13. [10-0573](#)** Resolution relating to the provision of Fire Protection Services, Facilities and Programs in the City of Coral Gables, Florida; re-imposing fire protection assessments against assessed property located within the City, for the fiscal year beginning October 1, 2010; approving the rate of assessment; approving the assessment roll; and providing an effective date.

F. CITY COMMISSION ITEMS

None

G. BOARDS/COMMITTEES ITEMS

None

H. CITY MANAGER ITEMS

- H.-1. [10-0585](#) Discussion regarding Segovia Street.
Streetscape Project
- H.-2. [10-0563](#) Resolution authorizing the adoption of the City of Coral Gables Master Art Plan, Five Year Work Plan: 2010-2014 and the City of Coral Gables Art in Public Places Program: Funding Goals and Implementation Guidelines in accordance with the requirements of the Art in Public Places Ordinance, Zoning Code, Article 3, Division 20.

I. CITY ATTORNEY ITEMS

None

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