

City of Coral Gables

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



Meeting Minutes

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.

ROLL CALL

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

INVOCATION

Father Alan from Church of the Little Flower gave the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Withers 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. 2010-18 through Ordinance No. 2010-23) (b) Resolution(s) adopted (Resolution No. 2010-187 through Resolution No. 2010-202); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

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.

[Note for the Record: Commissioner Cabrera in recognizing the Coral Gables Youth Center Storm U-14 Girls Soccer Team, as winners of the Division 1 State Championships, stated summarized some of their accomplishments: that in Calendar Year 2008-2009 this team was the 6 County League Florida United Girls Soccer Association Champions; that in Calendar Year 2009-2010, they won the Florida State League, which is the top girls league in the state of Florida, competing against teams from Tampa, Orlando, Naples, Jacksonville, Boca Raton, later to be placed in Division 3, only to win the regular season title. Commissioner Cabrera stated that all of the winning teams from Miami-Dade County, Broward and Palm Beach Counties were placed in Division 1 for a chance to compete for the championship; further stating that the Coral Gables Youth Center Storm U-14 Girls Soccer Team had the unique distinction of becoming the first girls team representing the Youth Center to win the championship.

Team coach Tim Plummer further stated that in winning the Florida State League Division Championship, the team ranked fifth in the state among other kids in their age groups; further noting that said team amassed a record of 38 wins, 8 losses and 3

draws; further pointing out that of the wins, 30 or 70% were shutouts. Coach Plummer stated that this was truly a dream season, exceeding his expectations, as well as everyone else's. Coach Plummer briefly recapped the road to the Division 1 State Championships, noting that they were the Division 3 Champions; Division 1 Playoff Champions; semi-finalist in the Orange Classic; champions in the Naples Cup; Florida Cup South Division Finalist, etc.

Coach Plummer further thanked Fred Couceyro, John Nasser and Roxy Gonzalez of the Coral Gables Parks and Recreation Department, Patty Freeze, who served as Team Manager, whom he affectionately describes as the "the motor which holds the trucks together"; further thanking the parents, describing their weekly regimen as "travel soccer," leaving on Saturday mornings and returning around 9 p.m. on Sunday evenings; further pointing out that without the constant dedication of the parents, that none of these achievements would have been possible; further noting that the parents have created a lifetime of memories for their daughters.

Commissioner Cabrera requested of the members of the City Commission to bring up the trophies for the girls and join him at the front of the dais in presenting said trophies to the girls. The names of the following team members were acknowledged as each team member received their trophies: Rebeca Alvarez; Marianna Babboni; Gabriela Bovo; Carrie Davis; Alejandra Diaz; Danielle Frese; Joanna Gomez; Deanna Gregoire; Samantha Hoadley; Anna Organvidez; Sheridan Plummer; Danielle Riesco; Elena Sabates; Nelly Sagarra; Sophia Serrano; Sophia Trujillo; and Haley Zidik].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 2

[Note for the Record: Commissioner Cabrera mentioned to his colleagues the need to provide kids the opportunity such as to join the City Commission on the dais in furtherance of an experience analogous to "Boss for the Day" thereby providing for a governmental experience; further requesting of the City Manager to address said matter before the Calendar Year 2013].

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.

Attachments: [June Officer of the Month Nomination](#)
[COMMISSION COVER MEMO - OFFICER OF THE MONTH - JUNE](#)

[Note for the Record (Agenda Item A-2): City Manager Salerno requested of Chief Naue to approach the dais in recognizing Detective Jane Campos as the recipient of the City of Coral Gables "Officer of the Month Award" for the month of June 2010.

Chief Naue informed the viewing public, that on April 30, 2010 a fight transpired at 200 Florida Avenue, wherein three victims had been injured with a box cutter; through the diligent work of Detective Jane Campos the subject was arrested for aggravated battery; further noting that on May 5th, 2010 at approximately 4:20 p.m., a drive by shooting occurred at 200 Florida Avenue; said shooting was done with a high powered SKS rifle; further stating that a Molotov Cocktail was also thrown at the residence in an attempt to set the house on fire; further noting that there were 10 people inside of the house including an infant, but no one was hurt; however, there was extensive damage done to the house. Detective Campos was assigned to the case for investigation and she quickly learned that two days prior to the shooting, that the subject who was arrested for the aggravated battery had bonded out of jail and had been evicted from her residence; further stating that Detective Campos brought said matter to the attention of the State Attorney's Office and other law enforcement agencies in the county.

Police Naue attributed the successful conclusion of this case to the persistent dedication and professionalism of Detective Campos, as more particularly noted by the 21 days from the assignment of case, to do the follow-up, and bring to a successful disposition of case, resulting in obtaining a court order for a "cell tower dump" for an unknown cell phone number to ascertain if the person using said cell phone was in the area during the time of the shooting, and later another court order to track the identity of the person using the cell phone, as well as question him in reference to the drive by shooting; the serving of the search warrant in the case which led to all of the suspects being taken in for questioning; serving of the warrant and recovery of the assault weapon, along with the confession by the subject to the shooting, stating that his intention was to intimidate the victims from appearing in court on the aggravated battery charge.

In accepting this accolade, Detective Campos thanked her entire Crime Against Persons Unit, noting that in a case like this, many aspects, including but not limited to complaint, surveillance interviews, search warrants, etc.; further thanking the City Commission for taking time in recognizing the Officer of the Month recognition, in letting the officers know that our hard work is appreciated.

Chief Naue also noted that Detective Campos had also won the Miami-Dade County Police Officer of the Month].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 3

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.

[Note for the Record: Former North Miami Beach City Attorney Howard Leonard who served in said capacity for 33 years, along with also serving in the capacity of Attorney for the Miami-Dade League of Cities presented (along with his co-presenter, former North Miami Beach City Clerk Solomon Odenz, past president of the Miami-Dade City Clerks Association) to our City Attorney Elizabeth Hernandez, the 2010 Paul S. Buchman Award for "Attorney of the Year."

In making the aforementioned presentation, Mr. Leonard stated that lightning has indeed struck three times, citing that 35 years ago, there was a legendary City Attorney, namely Robert Zahner, who provided him with invaluable mentorship and advice while he was a junior attorney. Secondly, he recalls that our Mayor Don Slesnick did great service in the area of law enforcement, whom he credits with allowing him to gain much knowledge in the area of labor law; further recounting his formative years in Canada being an avid hockey fan, while later travelling to hockey games in Broward County at the Bank Atlantic Center, noting that he is unable to see said sporting event without exiting Pat Salerno Drive.

Finally, pointing out that the Paul S. Buchman Award, presented by the Florida Municipal Attorney's Association, embodies community, knowledge, integrity and the spirit for guiding a municipality; further stating that while there are over 500 cities in the state of Florida which may be considered for this recognition, there is only one municipal attorney who receives said accolade.

In accepting this honor, City Attorney Hernandez stated that each day she acquires an inspirational quote and that on this occasion the quote she draws from Eric Harvey, who states that "cooperation gets teams pulling together, staying focus on the organizations' mission ensures that they pull in the right direction."

Ms. Hernandez acknowledged that this is what she likes about the Coral Gables City Commission, that the Commission acts with civility, it respects each other, adding that the Commission lets the minority voice speaks while adding the rule of the majority. She further pointed out that she has been blessed with having worked with some of the best bosses and colleagues for the past 16 years. Further adding, that in accepting this accolade, she will treasure said award, noting that it represents the respect of what her

fellow attorneys have for her, and for that, she will always be grateful].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

[Note for the Record: Mayor Slesnick informed his colleagues he would be directing the City Clerk to add any of the support documentation related to those items that were placed on the agenda, that he has in his possession (i.e. emails, etc.) to place same into the public record].

B. APPROVAL OF MINUTES

B.-1. 10-0582 City Commission Budget Workshop Meeting of July 13, 2010

Attachments: [Meeting Minutes](#)

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. 4

B.-2. 10-0583 Regular City Commission Meeting of August 24, 2010

Attachments: [MeetingMinutes](#)

[CCMtg August 24 2010 Agenda Item D-1 - Update on Village of Merrick Park](#)

[CCMtg August 24 2010 Agenda Item E-4 - Change of Land Use amending Future](#)

[CCMtg August 24 2010 Agenda Item H-3 - Quarterly Report for nine months ende](#)

[CCMtg August 24 2010 Agenda Items E-6, E-7, E-8, and E-9 are related](#)

[Note for the Record: Commissioner Anderson noted that on Page 43 of the minutes prepared for the Regular City Commission Meeting minutes of August 24, 2010, that there is a reference contained in Agenda Item E-10, referring to business tax, and that she felt it should read occupational license tax. Mayor Slesnick responded that he thought the law had been changed to reflect business tax; however, the City Clerk was instructed to check said reference].

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 Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 5

C. CONSENT AGENDA

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

Passed the Consent Agenda

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

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

RESOLUTION NO. 2010-187**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)

Attachments: [Tabulation Sheet.pdf](#)
[Written Determination.pdf](#)
[Bid Response.pdf](#)
[C-28 Signed Cover Memo](#)
[Draft Reso \(2\).pdf](#)
[C-1 Signed Cover Memo](#)
[Signed Resolution 2010-187](#)

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.

[Note for the Record: Mayor Slesnick prefaced his remarks by noting that support the document in connection with this item totals an estimated 150 pages, of which most of the City Commission probably will not look at, since it comprises technical documentation related to paving; further suggesting to the City Manager that any future technical matters should be accompanied by a note, providing the proper venue to access same.

Commissioner Cabrera stated that his interest lies in the comparative analysis, and that any of the remaining materials associated therewith would have no interest to him. City Manager Salerno suggested that he felt that it is important that the City Commissioners view the contracts regarding such matters; further stating that he will pair down said materials].

This Matter was adopted by Resolution Number 2010-187 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2010-188

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.

Attachments: [Resolution for Octoberfest 2010.pdf](#)
[Cover Memo for Fritz and Franz Oktoberfest.pdf](#)
[Special Events Application & Permit Oktoberfest.pdf](#)
[C-2 Signed Cover Memo](#)
[Signed Resolution 2010-188](#)

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 THE STATE OF FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2010-188 on the Consent Agenda.

City Clerk Item No. 7

RESOLUTION NO. 2010-189**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.

Attachments:

[Cover Sheet](#)
[Draft Resolution](#)
[Proposed Domain Name Use Agreement](#)
[C-3 Signed Cover Memo](#)
[Signed Resolution 2010-189](#)

A 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 "GABLES CINEMA.COM" AND RELATED DOMAIN NAMES THROUGHOUT THE TERM OF THE LEASE TO OPERATE THE CORAL GABLES CINEMA.

This Matter was adopted by Resolution Number 2010-189 on the Consent Agenda.

City Clerk Item No. 8

RESOLUTION NO. 2010-190**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.

Attachments:

[emergency exempt ee cover sheet](#)
[emergency exempt ee resolution](#)
[C-5 Signed Cover Memo](#)
[Signed Resolution 2010-190](#)

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE COMPENSATION OF EXEMPT CITY EMPLOYEES FOR LOCAL, STATE OR FEDERAL DECLARED OR NON-DECLARED EMERGENCIES.

This Matter was adopted by Resolution Number 2010-190 on the Consent Agenda.

City Clerk Item No. 9

RESOLUTION NO. 2010-191

C.-6. [10-0577](#) Resolution authorizing the City Manager to reduce benefits for excluded employees.

Attachments: [w006 cover sheet excluded benefit reduction_2](#)
[W006 REVISED Resolution EXCLUDED ees remove loyalty and insurance](#)
[C-6 Signed Cover Memo](#)
[Signed Resolution 2010-191](#)

RESOLUTION AUTHORIZING THE CITY MANAGER TO REDUCE BENEFITS FOR EXCLUDED EMPLOYEES.

This Matter was adopted by Resolution Number 2010-191 on the Consent Agenda.

City Clerk Item No. 10

RESOLUTION NO. 2010-192

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.

Attachments: [CGMSignageDrwg](#)
[KlindtLetter](#)
[CoralGablesMuseumTemporarySignCover](#)
[MuseumTemporarySignageResoDraft](#)
[C-7 Signed Cover Memo](#)
[Signed Resolution 2010-192](#)

RESOLUTION APPROVING TEMPORARY SIGNAGE FOR THE CORAL GABLES MUSEUM LOCATED AT 285 ARAGON AVENUE UNTIL PERMANENT SIGNAGE IS INSTALLED WITHIN SIX MONTHS.

This Matter was adopted by Resolution Number 2010-192 on the Consent Agenda.

City Clerk Item No. 11

RESOLUTION NO. 2010-193

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.

Attachments: [Resolution - 9-14-10 \(Cundo Bermudez\).doc](#)
[Cundo Bermudez scan.pdf](#)
[Commission Cover 9-14-10 \(Cundo Bermudez\).pdf](#)
[10a CDB Mtg-Aug 31 2010 Cundo Bermudez excerpt.pdf](#)
[C-8 Signed Cover Memo](#)
[Signed Resolution 2010-193](#)

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.

This Matter was adopted by Resolution Number 2010-193 on the Consent Agenda.

City Clerk Item No. 12

RESOLUTION NO. 2010-194

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.

Attachments:

[R-2010 - Draft - CL Conroy - Communications](#)
[Cover Memo- CL Conroy - EMD](#)
[CL Conroy - Resume](#)
[C-9 Signed Cover Memo](#)
[Signed Resolution 2010-194](#)

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.

This Matter was adopted by Resolution Number 2010-194 on the Consent Agenda.

City Clerk Item No. 13

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

Attachments:

[Library Minutes 8-11-10](#)
[LB Cover Sheet 8-11-10](#)
[Lab Minutes 8-11-2010 signed](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

C.-11. [10-0554](#)

Economic Development Board Meeting of July 7, 2010

Attachments:

[EDB Minutes 7.7.10.pdf](#)
[EDB. Commission Cover 9-14-10.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

C.-12. [10-0555](#)

Property Advisory Board Meeting of August 18, 2010

Attachments:

[PAB Commission Cover 9-14-10.pdf](#)
[PAB 8-19-10 Mtg Minutes.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-13. [10-0560](#) Budget/Audit Advisory Board Meeting of July 28, 2010

Attachments: [091410-Cover Memo CC Minutes 072810.pdf](#)
[072810-Minutes.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

C.-14. [10-0562](#) Historic Preservation Board Meeting of July 15, 2010

Attachments: [NoActionJul152010.MinutesforCC09142010](#)
[HPBMinutesJuly15 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 18

C.-15. [10-0565](#) Historic Preservation Board Meeting of August 19, 2010

Attachments: [HPB Minutes August 19 2010](#)
[HPBMTgNoActionAug192010.MinutesforCC09142010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

C.-16. [10-0574](#) Cultural Development Board Meeting and Grants Workshop of August 31, 2010

Attachments: [10 CDB Commission cover for 9-14-10 Minutes.pdf](#)
[10 CDB Mtg-Grants Wkshp Aug 31 2010.pdf](#)

[Note for the Record: Mayor Slesnick informed his colleagues that later today, the City Commission will be inquiring about the budget for cultural affairs and what people believe to be the importance of cultural programming; further pointing out that on Page 3, there is a list of organizations, groups, etc. that came to our City of Coral Gables Cultural Grant Workshop; further pointing out that there are people who are doing things for our city, in terms of cultural activities, workshops, festivals, events, etc.; further urging those interested to look at the list appearing on Page 3 of Agenda Item C-16].

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

C.-17. [10-0566](#) International Affairs Coordinating Council Meeting of August 17, 2010

Attachments: [Microsoft Word - Agenda Cover Memo 08-17-10](#)
[Microsoft Word - IACC Minutes 08-17-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 21

Pulled From Consent Agenda

RESOLUTION NO. 2010-195

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.

Attachments: [MDCLC Resolution](#)
[Resolution fines](#)
[cover sheet resol MDCLC](#)
[C-4 Signed Cover Memo](#)
[Signed Resolution 2010-195](#)

RESOLUTION DEFERRING AGENDA ITEM C-4 [SUBJECT MATTER: 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].

[Note for the Record: Mayor Slesnick prefaced his remarks, stating that this item was given to us by Miami-Dade County League of Cities, asking for our municipality's support to pass similar legislation urging Miami-Dade County to implement comprehensive amendments to its parking fine schedule and urge the Florida Legislature to amend the Florida Statutes in order to increase the state penalties for various parking violations. Mayor Slesnick pointed out that there was no receipt of an explanation in any background material found; further stating that he felt very uncomfortable supporting any proposed measure that would fine our citizenry more or differently; further adding that there was nothing in the agenda material that would enable him to better understand what he is being asked to request Miami-Dade County to do. In closing, he requested of his colleagues that if the City Commission as a body were to consider this item, it should come back with more material].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be deferred by Resolution Number 2010-195. 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. 22

Non Agenda Items**RESOLUTION NO. 2010-196****Non 10-0593
Agenda**

Resolution appointing Logan Roberts (nominated by Mayor Slesnick) to serve as a member of the Parks and Recreation Youth Advisory Board, for a two (2) year term beginning June 1, 2009 through May 31, 2011.

Attachments: [Signed Resolution 2010-196](#)

RESOLUTION APPOINTING LOGAN ROBERTS (NOMINATED BY MAYOR SLESNICK), TO SERVE AS A MEMBER OF THE PARKS AND RECREATION YOUTH ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, FROM SEPTEMBER 14, 2010 THROUGH MAY 31, 2011.

[Note for the Record: Mayor Slesnick proffered the name of Logan Roberts, who resides at 1245 Coral Way, as his nominee to the Coral Gables Parks and Recreation Youth Advisory Board].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2010-196. 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. 23

RESOLUTION NO. 2010-197**Non 10-0594
Agenda**

Resolution appointing Evan Hacker (nominated by Commissioner Withers) to serve as a member of the Parks and Recreation Youth Advisory Board, for a two (2) year term beginning June 1, 2009 through May 31, 2011.

Attachments: [Signed Resolution 2010-197](#)

RESOLUTION APPOINTING EVAN HACKER (NOMINATED BY COMMISSIONER WITHERS), TO SERVE AS A MEMBER OF THE PARKS AND RECREATION YOUTH ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, FROM SEPTEMBER 14, 2010 THROUGH MAY 31, 2011.

[Note for the Record: Commissioner Withers proffered the name of Evan Hacker, who resides at 13025 Mar Street, as his nominee to the Youth Advisory board].

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-197. 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. 24

D. PERSONAL APPEARANCES**None**

City Clerk Item No. 25

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.

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)

Attachments: [5-20-10HPB Mtg Verbatim Minutes](#)
[1044 Coral Way - Appeal Documents](#)
[HPB Minutes March 2004-Dec 2007](#)
[APRIL 2009 HPB Package](#)
[J Meyers Email](#)
[LHD 2003-18 REV](#)
[LKuvin APRIL 2010 Pkg](#)
[Paul Martin letter opposing dedesignation](#)
[NAT'L TRUST PRESERV INFO](#)
[Request for Special Certificate of Approp.](#)
[Report 1044 REVISITED](#)
[HPB Minutes May 20, 2010](#)
[1044 Coral Way Recap 08-24-10](#)
[E-1 Signed Cover Memo](#)
[Signed Resolution 2010-198](#)

A RESOLUTION OF THE CITY COMMISSION REMANDING BACK TO THE HISTORIC PRESERVATION BOARD, AGENDA ITEM E-1, FILE LHD 2003-18 REVISED, WHICH WAS DEFERRED FROM THE SEPTEMBER 14, 2010 CITY COMMISSION MEETING, FOR FURTHER RECONSIDERATION AND REVIEW [SUBJECT MATTER: LOWELL J. KUVIN, APPLICANT, WHO 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, WHEREIN THE HISTORIC PRESERVATION BOARD DENIED APPLICATION IN CONNECTION WITH THE DE-DESIGNATION OF THE HISTORIC DESIGNATION OF THE PROPERTY LOCATED 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].

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

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be deferred by Resolution Number 2010-198. 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. 26

City Clerk Item No. 33

ORDINANCES ON SECOND READING

Items E-2 through E-5 are related

ORDINANCE NO. 2010-18

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)

Attachments: [08 24 10 Exhibit A: Ordinance - Fairchild Tropical Garden - change of zoning - 1st](#)
[08 24 10 Exhibit B: Ordinance - Fairchild Tropical Garden ZC amendment - 1st re](#)
[08 24 10 Exhibit C: Ordinance - Fairchild Tropical Garden Master Plan - 1st readir](#)
[08 24 10 Exhibit D: Ordinance - Fairchild Tropical Garden PAD site plan - 1st read](#)
[08 24 10 Exhibit E: "Covenant Running with the Land" between Fairchild Tropical](#)
[08 24 10 Exhibit G: 07 14 10 PZB Mtg Minutes with items entered into the record](#)
[08 24 10 Exhibit H: Updated public comments - Fairchild Tropical Gardens UPDA](#)
[08 24 10 CC Cover Memo re: Fairchild Tropical Garden 1st reading](#)
[08 24 10 Exhibit F: 07.14.10 Planning Department Staff report](#)
[E-6 thru E-9 Signed Cover Memo](#)
[09 14 10 CC Cover Memo re: Fairchild Tropical Garden 2nd reading](#)
[09 14 10 Exhibit A: Ordinance - Change of Zoning - 2nd reading](#)
[09 14 10 Exhibit B: Ordinance - Zoning Code text amendment - 2nd reading](#)
[09 14 10 Exhibit C: Ordinance - Master Site Plan - 2nd reading](#)
[09 14 10 Exhibit D: Ordinance - PAD Site Plan review - 2nd reading](#)
[E-2 thru E-5 Signed Cover Memo](#)
[Signed Ordinance 2010-18](#)

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION 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.

[Note for the Record: Following the reading of the title to Agenda Item E-2 into the public record by the City Attorney, hearing no request for public testimony being proffered by any member of the public, and having no further deliberation being proffered by any member of the City Commission, on a motion being made by Commissioner Anderson and seconded by Commissioner Kerdyk, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-2].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-18. The motion passed by the following vote:

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 27

ORDINANCE NO. 2010-19

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)

Attachments:

[08 24 10 Exhibit A: Ordinance - Fairchild Tropical Garden change of zoning - 1st r](#)
[08 24 10 Exhibit B: Ordinance - Fairchild Tropical Garden ZC amendment - 1st re](#)
[08 24 10 Exhibit C: Ordinance - Fairchild Tropical Garden Master Plan - 1st readi](#)
[08 24 10 Exhibit D: Ordinance - Fairchild Tropical Garden PAD site plan - 1st read](#)
[08 24 10 Exhibit E: "Covenant Running with the Land" between Fairchild Tropical](#)
[08 24 10 Exhibit G: 07.14.10 Planning and Zoning Board meeting minutes with ite](#)
[08 24 10 Exhibit H: Updated public comments](#)
[08 24 10 CC Cover Memo re: Fairchild Tropical Garden 1st reading](#)
[08 24 10 Exhibit F: 07.14.10 Planning Department Staff report](#)
[E-6 thru E-9 Signed Cover Memo](#)
[09 14 10 CC Cover Memo re: Fairchild Tropical Garden 2nd reading](#)
[09 14 10 Exhibit A: Ordinance - Change of Zoning - 2nd reading](#)
[09 14 10 Exhibit B: Ordinance - Zoning Code text amendment - 2nd reading](#)
[09 14 10 Exhibit C: Ordinance - Master Site Plan - 2nd reading](#)
[09 14 10 Exhibit D: Ordinance - PAD Site Plan review - 2nd reading](#)
[E-2 thru E-5 Signed Cover Memo](#)
[Signed Ordinance 2010-19](#)

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION 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.

[Note for the Record: Following the reading of the title to Agenda Item E-3 into the public record by the City Attorney, hearing no request for public testimony being proffered by any member of the public, and having no further deliberation being proffered by any member of the City Commission, on a motion by Commissioner Anderson and seconded by Commissioner Kerdyk, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-3].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-19. 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. 28

ORDINANCE NO. 2010-20

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)

Attachments:

[08 24 10 Exhibit A: Ordinance - Fairchild Tropical Garden change of zoning - 1st r](#)
[08 24 10 Exhibit B: Ordinance - Fairchild Tropical Garden ZC amendment - 1st re](#)
[08 24 10 Exhibit C: Ordinance - Fairchild Tropical Garden Master Plan - 1st readir](#)
[08 24 10 Exhibit D: Ordinance - Fairchild Tropical Garden PAD site plan - 1st read](#)
[08 24 10 Exhibit E: "Covenant Running with the Land" between Fairchild Tropical](#)
[08 24 10 Exhibit G: 07 14 10 PZB Mtg Minutes with items entered into the record](#)
[08 24 10 Exhibit H: Updated public comments - Fairchild Tropical Gardens](#)
[08 24 10 CC Cover Memo re: Fairchild Tropical Garden 1st reading](#)
[08 24 10 Exhibit F: 07.14.10 Planning Department Staff report](#)
[E-6 thru E-9 Signed Cover Memo](#)
[09 14 10 CC Cover Memo re: Fairchild Tropical Garden 2nd reading](#)
[09 14 10 Exhibit A: Ordinance - Change of Zoning - 2nd reading](#)
[09 14 10 Exhibit B: Ordinance - Zoning Code text amendment - 2nd reading](#)
[09 14 10 Exhibit C: Ordinance - Master Site Plan - 2nd reading](#)
[09 14 10 Exhibit D: Ordinance - PAD Site Plan review - 2nd reading](#)
[E-2 thru E-5 Signed Cover Memo](#)
[Signed Ordinance 2010-20](#)

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION 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.

[Note for the Record: Following the reading of the title to Agenda Item E-4 into the public record by the City Attorney, hearing no request for public testimony being proffered by any member of the public, and having no further deliberation being proffered by any member of the City Commission, on a motion by Commissioner Anderson and seconded by Commissioner Kerdyk, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-4].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-20. 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. 29

ORDINANCE NO. 2010-21

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)

Attachments: [08 24 10 Exhibit A: Ordinance - Fairchild Tropical Garden change of zoning - 1st reading](#)
[08 24 10 Exhibit B: Ordinance - Fairchild Tropical Garden ZC amendment - 1st reading](#)
[08 24 10 Exhibit C: Ordinance - Fairchild Tropical Garden Master Plan - 1st reading](#)
[08 24 10 Exhibit D: Ordinance - Fairchild Tropical Garden PAD site plan - 1st reading](#)
[08 24 10 Exhibit E: "Covenant Running with the Land" between Fairchild Tropical Garden and Avocado Land Company](#)
[08 24 10 Exhibit G: 07 14 10 PZB Mtg Minutes with items entered into the record](#)
[08 24 10 Exhibit H: Updated public comments - Fairchild Tropical Gardens](#)
[08 24 10 CC Cover Memo re: Fairchild Tropical Garden 1st reading](#)
[08 24 10 Exhibit F: 07.14.10 Planning Department Staff report](#)
[E-6 thru E-9 Signed Cover Memo](#)
[09 14 10 CC Cover Memo re: Fairchild Tropical Garden 2nd reading](#)
[09 14 10 Exhibit A: Ordinance - Change of Zoning - 2nd reading](#)
[09 14 10 Exhibit B: Ordinance - Zoning Code text amendment - 2nd reading](#)
[09 14 10 Exhibit C: Ordinance - Master Site Plan - 2nd reading](#)
[09 14 10 Exhibit D: Ordinance - PAD Site Plan review - 2nd reading](#)
[E-2 thru E-5 Signed Cover Memo](#)
[Signed Ordinance 2010-21](#)

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION 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.

[Note for the Record: Following the roll call on Agenda Item E-5, Mayor Slesnick informed the viewing public that there were students from the University of Miami in attendance who normally do not attend City Commission meetings; further stating that this PAD and site plan review for the construction of additions to the "Science Village" buildings on the Fairchild Tropical Garden property represents three years of work, a long, hard and difficult process; further inviting Mr. Bruce Greer, chair and president of Fairchild Tropical Gardens to say hello.

Mr. Greer thanked the City Commission on behalf of 42,000 members, which he referred to as the largest charitable membership south of New York City. Mr. Greer indicated that \$20 million dollars has been raised for this project; further thanking our City Attorney Elizabeth Hernandez for her great guidance through the legal process, Zeke Guilford, Esquire, whom he mentioned had worked pro bono on this project and Eric Riel, who he mentioned spent countless hours with his group; further referring to Fairchild Tropical Gardens as the Cultural Center of Miami-Dade County.

Mr. Greer mentioned that in the Sunday, September 12, 2010 edition of the Boston Globe, that there was an article which referenced Fairchild Tropical Garden, stating that if one wanted to spend 48 hours in Miami-Dade County, that they should spend

the first 24 hours in the Everglades and the remaining 24 hours in Fairchild Tropical Gardens. Mayor Slesnick inquired of Commissioner Anderson if she had a copy of said article; Commissioner Cabrera suggested that this would be a good article for our electronic newsletter. Mr. Greer parted suggesting that he would like to invite the City Commission to conduct another City Commission meeting at Fairchild Tropical Garden; further mentioning that he will send another invite sometimes during the winter].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2010-21. 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. 30

ORDINANCE NO. 2010-22**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)

Attachments: [Draft Resolution.pdf](#)
[E-10 Signed Cover Memo](#)
[E-6 Signed Cover Memo](#)
[Signed Ordinance 2010-22](#)

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION 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.

[Note for the Record: Commissioner Cabrera reminded his colleagues that he brought forth the matter of providing a preference to Coral Gables based vendors in contracts for goods and services on May 25, 2010; further stating that he explained his rationale, citing that one individual, a prominent resident of our community had shared with him that after doing business with our city for 40 years, he was not selected because the city had chosen another vendor as being the most responsive, responsible bidder.

Commissioner Cabrera stated that he had decided to address this matter in furtherance of local vendors; further stating that he had asked the City Manager, who would be working on the ordinance in connection with this matter?- whereby he stated that the City Manager stated that he would be working on it; however, he has not heard anything else about said matter; further expressing his displeasure that no one from the administration had discussed said matter before consideration of approval of same; further stating that he would be supporting the issue.

Following the roll call of the aforementioned matter, Mr. Salerno stated that he did not share the same opinion as Commissioner Cabrera on this matter; further stating that the administration's approach to this matter should be considered as a reasonable approach to the subject matter of local vendors, further calling same as "completed staff work," whereby the idea for said matter was taken from Commissioner Cabrera and completed; further stating that said item was presented on First Reading within the time parameters established; that if at the time the item was presented a certain Commission was absent, then the Commissioner should have requested to have said matter presented during his presence in the Commission Chamber.

Commissioner Cabrera stated that he was disappointed in the manner in which the

process was conducted, in addressing the matter of local vendor preference in this community].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2010-22. 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. 31

ORDINANCE NO. 2010-23

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)

Attachments: [AgendaCoverMemoBoardofArchitects8_24_10.doc](#)
[OrdinanceBoarofArchitects8_24_10](#)
[E-12 Signed Cover Memo](#)
[AgendaCoverMemoBoardofArchitects9_14_10.doc](#)
[E-7 Signed Cover Memo](#)
[Signed Ordinance 2010-23](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES' COMMISSION 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.

[Note for the Record: Following the roll call on Agenda Item E-7, Commissioner Withers inquired as to whether this legislation also applies to anyone in the firm?- whereby City Attorney Hernandez responded that if an application is submitted and it comes before a panel of architects, it is that architect and any one in that firm, noting that it is just for all applications before the board.

Commissioner Withers further inquired what if an architect hires a subcontractor on their behalf (i.e. engineer, and he appears before the board)?- whereby City Attorney Hernandez stated that anyone who has appeared before the Board of Architects and has had a relationship with that individual architect, it's specific to that architect and that architects firm for the matter that is specifically presented.

Commissioner Withers further inquired what if there is no representation of a client, but a personal relationship?- whereby City Attorney Hernandez stated that one's personal

relationship is always exempted].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2010-23. 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. 32

ORDINANCES ON FIRST READING

ORDINANCE NO. 2010-24

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. (Passed on First Reading September 14, 2010)

Attachments: [Draft Cinemateque Amended and Restated Lease.pdf](#)
[Comparison of Cinemateque Amended and Restated Lease to Original Lease.pdf](#)
[PAB 5-19-10 Mtg Minutes - Excerpt on Cinemateque Lease Amendment.pdf](#)
[PAB 9-08-10 Mtg Minutes - EXCERPT on Art Cinema Lease.pdf](#)
[Cinamateque Commission cover - 9-14-10.pdf](#)
[Ordinance - 9 14 10 Cinema .pdf](#)
[E-8 Signed Cover Memo](#)
[Commission Cover 9-28-10 \(Cinema\).pdf](#)
[E-2 Signed Cover Memo](#)
[Signed Ordinance 2010-24](#)

[Note for the Record: Following the title to Agenda Item E-8 being read by the City Attorney into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation proffered by any member of the City Commission, on a motion being made by Commissioner Withers and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll.

Following the roll call, Mayor Slesnick informed the viewing public that on Sunday past, September 12, 2010, that there was a private preview showing with the donors of the Coral Gables Cinemateque; further stating that he believes that our citizenry would be so proud to sit there in the 150 seat theatre; further stating that he and Executive Director Steve Krams are trying to put together another showing of the theater for our staff and City Commission, to display what it is like to be in said facility].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading. 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. 38

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. (Passed on First Reading September 14, 2010)

Attachments:[Retail Lease 8 31 10.pdf](#)[Comparison to Prior Approved Form 2 .docx.pdf](#)[PAB 9-08-10 Mtg Minutes - EXCERPT on Wine Fashion 2 .pdf](#)[Commission cover - Wine and Fashion 9-14-10.pdf](#)[Ordinance - 9.14.10 \(wine\)](#)[E-9 Signed Cover Memo \(09-14-10\)](#)[Commission Cover 9-28-10 \(Wine and Fashion\).pdf](#)

[Note for the Record: Following the reading of the title to Agenda Item E-9 by the City Manager, Cindy Birdsill was requested by the City Manager to provide an explanation of said matter. Mrs. Birdsill stated that this matter had been previously before the City Commission wherein there was another principal that was chosen to represent the Consortium to operate the business for them in the United States; further stating that they have now changed principals, and made an arrangement to provide financing to Stefano Cavinato, an experienced business person who is the principal and managing member of Global Italian Food, LLC, which owns the rights to and develops the PIOLA restaurant concept in the U.S., with restaurants in New York, Florida, and Georgia, respectively.

Mrs. Birdsill further added that Mr. Cavinato has suggested a few changes to the prior approved draft lease agreement: the ability to operate a full service Italian Restaurant to be called Toscana Divino, to add to the prior proposed use of a high fashion retail showroom selling fashion, accessories, and other quality goods produced in the Tuscany Region of Italy, in conjunction with monthly fashion shows, café selling of wine, coffee, and high end tapas, etc.; extension of the time for build out from five months to nine months, before rent commences to adjust for additional restaurant build out.

Questions, Comments, Inquiries and Concerns from the City Commission: Commissioner Withers inquired as to whether Mr. Cavinato will move forward some of the square footage?-further stating that he thought that this project will be more of a home store approach; further adding that he does not want space being taken up by just an Italian restaurant.

City Manager Salerno stated that the Regional government in Italy had indicated that their interest is not in having an Italian restaurant, but in having the opportunity to sell goods from the Tuscany region].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 39

ORDINANCE NO. 2010-25 (As Amended)

E.-10. 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.

Attachments: [cover sheet pension](#)
[CG Pension Ord General Employees 9 9 10 rev2](#)
[CG Pension Ord General Employees 9 19 10](#)
[Retirement Ordinance Cover Sheet - 2nd Reading](#)
[Retirement Ordinance - 2nd Reading](#)
[E-3 Signed Cover Memo \(09-28-10\)](#)
[Actuarial Impact Statement for 2010-2011 Fiscal Year](#)
[Signed Ordinance 2010-25](#)

[Note for the Record: The verbatim transcript for Agenda Item E-10 is on file in the Office of the City Clerk and in Legistar].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be approved as an Ordinance on First Reading as Amended. The motion passed by the following vote:

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

Nays : 1 - Mayor Slesnick II

City Clerk Item No. 36

Time Certain: 10:30 a.m.

Items E-11 and E-12 are related

ORDINANCE NO. 2010-31

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. 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)

Attachments:

[09 14 2010 CC Cover Memo re: University of Miami Development Agreement 1st](#)
[09 14 2010 Exhibit A - Ordinance - University of Miami Development Order - 1st R](#)
[09 14 2010 Exhibit B - Ordinance - Zoning Code Text Amendment - 1st Reading](#)
[09 14 2010 Exhibit C - 08.11.2010 Planning Department Staff Report](#)
[09 14 2010 Exhibit D - 08.11.2010 Planning and Zoning Board Verbatim Minutes](#)
[09 14 2010 Exhibit E - Updated Public Comments](#)
[09 14 2010 University of Miami Application submittal package](#)
[09 14 2010 University of Miami Development Agreement](#)
[E-11&E-12 Signed Cover Memo](#)
[09 28 2010 Exhibit A - UM Comp Plan Ordinance 2nd Reading](#)
[09 28 2010 Exhibit B - UM DA Ordinance - 2nd reading](#)
[09 28 2010 Exhibit C - ZC text amendment for DA time frame - 2nd reading](#)
[09 28 2010 Exhibit D - 09 03 2010 DCA Letter of 'no objection'](#)
[09 28 2010 Exhibit E - UM CP amend 1st Reading minutes](#)
[09 28 2010 Exhibit F - Updated comments](#)
[09 28 2010 UM Development Agreement](#)
[09 28 10 CC Cover Memo DA CP ZC text amendment cover memo - 2nd Reading](#)
[E-4, E-5 & E-6 Signed Cover Memo](#)
[Revised University of Miami Development Agreement](#)
[Signed Ordinance 2010-31](#)

[Note for the Record: The verbatim transcript for Agenda Item E-11 is on file in the Office of the City Clerk and in Legistar].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be approved as an Ordinance on First Reading. 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. 34

ORDINANCE NO. 2010-30**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. (Passed on First Reading September 14, 2010)

Attachments:

[09 14 2010 CC Cover Memo re: University of Miami Development Agreement 1st](#)
[09 14 2010 Exhibit A - Ordinance - University of Miami Development Order - 1st R](#)
[09 14 2010 Exhibit B - Ordinance - Zoning Code Text Amendment - 1st Reading](#)
[09 14 2010 Exhibit C - 08.11.2010 Planning Department Staff Report](#)
[09 14 2010 Exhibit D - 08.11.2010 Planning and Zoning Board Verbatim Minutes](#)
[09 14 2010 Exhibit E - Updated Public Comments](#)
[09 14 2010 University of Miami Application submittal package](#)
[09 14 2010 University of Miami Development Agreement](#)
[E-11&E-12 Signed Cover Memo](#)
[09 28 2010 Exhibit A - UM Comp Plan Ordinance 2nd Reading](#)
[09 28 2010 Exhibit B - UM DA Ordinance - 2nd reading](#)
[09 28 2010 Exhibit C - ZC text amendment for DA time frame - 2nd reading](#)
[09 28 2010 Exhibit D - 09 03 2010 DCA Letter of 'no objection'](#)
[09 28 2010 Exhibit E - 06 30 2010 CC UM CP amend 1st Reading minutes](#)
[09 28 2010 Exhibit F - Updated comments](#)
[09 28 10 CC Cover Memo DA CP ZC text amendment cover memo - 2nd Reading](#)
[09 28 2010 UM Development Agreement](#)
[E-4, E-5 & E-6](#)
[Signed Ordinance 2010-30](#)

[Note for the Record: The verbatim transcript for Agenda Item E-12 is on file in the Office of the City Clerk and in Legistar].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading. 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. 35

RESOLUTION**RESOLUTION NO. 2010-200**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.

Attachments: [Fire Assessment Rate Establishment 9-14-10](#)
[Resolution Relating to Provision of Fire Protection](#)
[E-13 Signed Cover Memo](#)
[Signed Resolution 2010-200](#)

RESOLUTION RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF CORAL GABLES, FLORIDA; REIMPOSING 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.

[Note for the Record: Following the reading the title to Agenda Item E-13, City manager Salerno stated that the rate per dwelling unit for residential property remains unchanged, at \$50.

Fernando Menoyo informed the City Commission that one year ago, his commercial property was assessed a rate of \$50 per dwelling unit for the Fire Rescue Assessment, which represented to his firm an estimated \$4,000 annually; further stating that the economy has negatively impacted on the real estate business; further stating that he pays his property taxes; further reiterating that once again, he believes the taxes will be the same this year, which will represent another \$4,000 a year, noting that this is not a good thing.

Questions, Comments, Inquiries and Concerns from the City Commission: Mayor Slesnick in response to Mr. Menoyo, stated that assessments on commercial property have come down. Our tax rate is lower than one year ago; further stipulating that our city has tried to shore up or replace tax revenues with specific fees related to specific services; further noting that as we go through an era of not great tax revenues, he wanted the City Commission to understand the sacrifices being made by our citizenry on behalf of our city].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2010-200. The motion passed by the following vote:

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

Nays : 1 - Commissioner Cabrera, Jr.

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 40

F. CITY COMMISSION ITEMS

None

City Clerk Item No. 41

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 42

H. CITY MANAGER ITEMS

RESOLUTION NO. 2010-201

H.-1. [10-0585](#) Discussion regarding Segovia Street.
Streetscape Project

Attachments: [Signed Resolution 2010-201](#)

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

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2010-201. The motion passed unanimously.

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 43

RESOLUTION NO. 2010-199**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.

Attachments: [Proposed Resolution - 9-14-10 \(Master Art Plan\)](#)
[Proposed Guidelines 09-2-10.pdf](#)
[Master Art Plan 9.2.10.pdf](#)
[10b CDB Mtg-Aug 31 2010 Public Art Master Plan excerpt.pdf](#)
[Board of Architects Prel Review - Master Art Plan.pdf](#)
[Commission Cover - Art Master Plan - 9-14-10.pdf](#)
[H-2 Signed Cover Memo](#)
[Signed Resolution 2010-199](#)

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.

[Note for the Record: Following the City Manager's reading of the title to Agenda Item H-2 into the public record, the Department of Sustainability Director Cindy Birdsill addressed the City Commission stating that she has worked with Todd Bressi, consultant, along with Emily Blumenfeld and Meredith McKinley, Via Partnership, LLP in developing the proposed 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, that was passed in December 11, 2007 (Ordinance No. 2007-37) that became effective this year.

Mrs. Birdsill further explained that the ordinance itself required that the city put together a formal Master Art Plan; further explaining that the city had the honor and the luck to receive a grant from the state of Florida (more particularly, sponsored by the state of Florida, Department of State, Division of Cultural Affairs, Florida Arts Council) in the amount of \$25,000, a matching grant, that enabled the city to hire Todd Bressi to assist with the creation of the Public Art Master Plan and Guidelines; further stating that the consultant and VIA Partnership have worked in such communities as Reston, Virginia, San Diego, California and have worked on the public arts program and the Olympics in Vancouver, Canada.

Mrs. Birdsill stated that the consultant and the VIA Partnership has met with a number of groups in our community, city staff, various developers, representatives from different boards, the BID (Business Improvement District,) as well as the Coral Gables Chamber of Commerce.

Mrs. Birdsill introduced Todd Bressi, who presented a power point presentation in connection with the findings related to said project. Mr. Bressi prefaced his comments by stating that he has over 30 years experience working with city cultural organizations both on private plans, strategies, policies as well as commissioned art works.

Mr. Bressi stated that under the Recommended Public Art Projects, that are contained within the Five Year Work Plan include four types: Civic Monuments; Civic Infrastructure; Place Texture, and Temporary. The projects are as follows: Segovia Roundabouts; Ponce Circle Park; Miracle Mile Gateway West; Garden Rooms; Urban Kiosks; Sidewalk Insets; Paseo Galleries; Giralda Avenue; Artist-Designed Façade and Streetscape Enhancements; Temporary Exhibition; Neighborhood Parks, and Shade by Design.

Mr. Bressi stated that the guidelines document is a "how to document" that that explains how the program works (i.e. policies and procedures for managing city initiated public art projects, etc.); further adding that art work must be designed by an artist.

Questions, Inquiries, Comments and Concerns from City Commission:

Commissioner Withers inquired as to the procedure to get approval of artwork?- wherein Mrs. Birdsill stated that one must first go to the Cultural Development Board, present artist qualifications, and then the concept plan; it later goes to the Board of Architects where it is viewed for sighting; every matter goes before the City Commission to provide input as to whether the concept is acceptable.

Commissioner Withers further inquired as to whether murals are prohibited?- whereby our City Attorney informed the City Commission that she will review pertinent sections of the Zoning Code and report back regarding same. Commissioner Withers further proffered a hypothetical regarding whether neon under the archways is acceptable?- whereby Mr. Bressi stated that if it is created or presented by an artist as a unique artwork, then that is acceptable.

Commissioner Withers suggested that maybe a sweep of our Zoning Code is needed, questioning if some artwork may be in violation of the Zoning Code. City Attorney Hernandez stated that such matter is easily corrected by including certain language by way of example that works of art approved by the designated committee under our "Art in Public Places Program" are superseded to avoid the need to bring back same on a piecemeal basis.

Commissioner Withers also questioned whether if in any part of a project (i.e. wherein a new building is being built, or an old building is being refurbished, etc.), that it is permissible to incorporate an art feature into said building?- wherein Mrs. Birdsill responded that when one does a commercial construction project in the amount of \$1 million or more, that one is required to do something with 1 percent of the

construction, adding that inclusion of a piece of the artwork into the building would be a great way to go.

Mrs. Birdsill further added that in the Implementation Guidelines document, that there is a distinction between art and signage. In response to same, City Attorney Hernandez added that she will review said matter in order to reconcile the two, to ensure that the strength of our signs Code is not violated.

Mayor Slesnick requested from our City Attorney a clarification between adopting the proposed 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 versus the Ordinance?-whereby City Attorney stated that the Ordinance provides for same, as the enabling legislation, as compared to the referenced documents which gets down to the nitty gritty of what one is doing with the Art in Public Places Project.

In offering clarification on the initiative that was before the City Commission Mayor Slesnick stated that the viewing public may want to know if by voting yes for the above reference matter implies that the City Commission is supporting some specific artistic presentation?- which he responded in the negative; further stating that what is being voted upon is a vision and a proposed system for bringing art into our city, and for bringing improvements into our public space within our city.

Mayor Slesnick also mentioned that he was delighted that he had the opportunity with the team of Todd Bressi and VIA Partnership, and witnessed the care and attention shown; further stating that he had a function for an estimated people associated with the project, and provided them the opportunity to meet and talk to members of the community].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-199. 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. 37

I. CITY ATTORNEY ITEMS

None

City Clerk Item No. 44

J. CITY CLERK ITEMS**None**

City Clerk Item No. 45

K. DISCUSSION ITEMS

Mayor Slesnick: Mrs. Anderson do you have anything to add to the meeting?

Commissioner Anderson: No I'm waiting for 5 p.m. I'm just going to go home and chill out.

Mayor Slesnick: Mr. Cabrera?

Commissioner Cabrera: Yes I have some items that I would like to go over. Mr. Manager is the city's seawitch watercraft operational at this time?

City Manager Salerno: Commissioner, I have not gotten report that it is or it isn't, but I don't get daily reports on any piece of equipment.

Commissioner Cabrera: Actually, it just came to my attention that the seawitch, you know the famous seawitch that we decided to keep, and restore sunk and it was you know brought out beneath the waters and it went through some mechanical failures and it's not working, so if we start getting complaints about the people that live along the water canals, the seawitch to the best of my knowledge is not working properly.

City Manager Salerno: I'm looking at Glenn right here. "Glenn, have you heard anything of the sort?"

(Response inaudible)

Commissioner Cabrera: Well then, find out then, prove me wrong. I wanted to congratulate one of my colleagues, Bill I mean this sincerely. I gave you a copy of that magazine that you came out on (laughter) and, no I'm very proud of the fact that you know...

Commissioner Withers: He paid five thousand dollars for that.

Commissioner Cabrera: Whatever (laughter).

Commissioner Anderson: Bill I told you the story I met the gentleman at a gazebo at Granada.

City Attorney Hernandez: What magazine?

Commissioner Anderson: Weekend Golfer.

Commissioner Withers: You should have gotten a signed copy.

Commissioner Cabrera: I do, I have a signed copy Chip. I did exactly what you said. I got a signed copy for me. (Laughter) for those of you who can't see this, Commissioner Kerdyk was featured in Weekend Golfer Magazine, and you did a great job, all kidding aside.

Vice Mayor Kerdyk: Thank you very much. Thank you for saying that.

Commissioner Cabrera: You did quick wardrobe changes and you look great; Congratulations Bill.

Commissioner Anderson: He's blushing.

Mayor Slesnick: There's a really good picture of you in there. It's not the cover picture it's...

Commissioner Cabrera: There are good pictures of him in there.

Vice Mayor Kerdyk: Standing there?

Mayor Slesnick: Yes standing there, that's a really good picture. Gotta use that for your campaign (laughter).

Commissioner Cabrera: My next item of order is southeast corner of Granada and Alhambra. Ladies and gentlemen, I don't know if you received complaints? But I've received many complaints about this southeast corner public right-of-way. That it is a perimeter of the building formally known as the Coral Gables Country Club, or currently known as the Coral Gables Country Club. We have a responsibility, a moral obligation to get that cleaned up whether Liberty cleans it up, or whether the city cleans it up. If that were a private residence, they would have been cited.

Mayor Slesnick: Which one?

Commissioner Cabrera: Southeast corner, I'm sorry I made...

Mayor Slesnick: It's the northeast corner, northwest corner?

Commissioner Cabrera: No southeast corner of Granada and Alhambra.

Mayor Slesnick: OK.

Commissioner Cabrera: Across from Mr. Volsky.

Mayor Slesnick: Yes.

Commissioner Cabrera: That whole area looks like a real shabby, shabby you know overgrown, unkept public right-of-way.

Mayor Slesnick: OK. You're talking about along the wall?

Commissioner Cabrera: Well, I'm not only talking about along the wall. In front of the wall there's a section of public right-of-way that's grass, and then as you drive on Alhambra to your right, there is another public right-of-way that is grass and that is all completely overgrown.

Mayor Slesnick: OK.

Commissioner Cabrera: So the good folks at Liberty need to clean it up, or we need to clean it up, but somebody needs to clean it up.

Mayor Slesnick: May I add a word of caution to the Manager.

Commissioner Cabrera: Sure.

Mayor Slesnick: When they're cleaning up the pine area behind there, that was intended to be left as a natural pine area, so it could probably use some cleaning up, but it was never...

Commissioner Cabrera: That's all well it needs, just a little bit of cleaning. That's the best kept part of it because it's so natural looking. It's got a nice little hammock area.

Mayor Slesnick: It is.

Commissioner Cabrera: Yes. Last, but certainly not least, I wanted to share with all of you that last Tuesday I was also here in these Chambers, but I was here for a different reason. I had been contacted by a Coral Gables resident who was cited for having something on, having some florescent lights on his public right-of-way on his trash bin; and then he called me immediately upon receiving the violation from our Code Enforcement Department and explained that he had not put that there and that you know he was doing everything possible to correct the problem, but that it was important that the city know that he had nothing to do with it. Well as it turns out, it

was a life safety issue because fluorescent lights, for those of you that don't know, is a first time violation that does not get a warning. You get a five hundred dollar ticket. So he and I were here on Tuesday of last week to speak to the hearing officer who happens to be Mr. Paul Stanton. I don't know if you all know Mr. Stanton, he's a nice gentlemen. I met him for the first time that day during the hearing. It was his first day by the way, but the point of my story is I sat here from nine o'clock in the morning to about a quarter to twelve. And I watched and listened to all of the ticket hearing items that went before Mr. Stanton. And I have to tell you that overwhelming, over half of these items were about people that were getting cited for someone else throwing trash in their pits. Now you know it's easy for you to say well that's the defense that they use, but I wish you were here with me. Because you would have seen some very nice people, very well dressed, very well meaning that were nervous and upset and in terrible, terrible discontent over the fact that unfortunately the ticket hearing officer was going to abide by the Code. And each and every time these people received citations. They ranged, they ranged from as much as five hundred dollars to as little as 25 dollars. Even Mr. John Sutton, remember Mr. Sutton? -He was the attorney that unfortunately was shot by his son, and his wife was killed. Mr. Sutton was here. He's blind now by the way, and he was here to defend the fact that the trash that was left on his trash pit did not belong to him. And even at the end of Mr. Sutton's strong argument he was still cited and given a citation of I think he was the lowest one. So where am I going with this? I think we need to find a way to look at this ordinance and this Code, this part of the Code and try to see how we can do a better job of enforcing it. I remember one time Chip when you and I were at odds with each other about dirty roofs, and I was just trying to get Code Enforcement to go back to the enforcement of dirty roofs and you said something very important and very smart, you said you know its more about compliance than enforcement.

Commissioner Withers: Than the fines.

Commissioner Cabrera: Yes it was more about compliance than enforcement you're right, it is more about compliance than enforcement. But I gotta tell you there's got to be something that we utilize as a criteria for having a decent person in front of a ticket hearing officer, and making their argument believable and using some sort of compassion.

Commissioner Withers: I thought you had to have concrete evidence, like the persons name on the box or something.

Commissioner Cabrera: No, no sir.

Commissioner Withers: To prove that it was their trash.

Commissioner Cabrera: And you lived here all your life, and I thought the same thing;

but no sir. there was a gentleman here of Hispanic decent that no kidding has had 5 heart attacks and he sat in front of Mr. Stanton and said sir I don't eat pizza. There's a construction site right next to me and that pizza that was left on my trash pit doesn't belong to me. Now it could be the workers, but it doesn't belong to me. And unfortunately and again I don't blame Mr. Stanton, and by the way I don't blame our Code Enforcement officers, they do a fine job. Mr. Gutierrez tried really hard at times to say well you know Your Honor, Mr. Magistrate this resident has never received a warning. This resident has never received a violation, but you know this poor guy his first day he had to follow the letter of the law because of what you just said. There's no compelling evidence that would keep him from saying, no you know what we're going to let this one go and this is a warning. Please don't do it again, or in fact keep a vigilant eye on the problem so that this doesn't happen again or as was suggested to one of our residents, it was suggested to one of our residents if you can't keep an eye on your trash pit, then ask the city to fill it up and put a do not dump sign on there and in fact Mr. Sutton was going to do that. John Sutton said how do I go about doing that in the next 24 hrs? Because he lives on a street that people continually drive by there and dump all kinds of stuff on his trash pit. It was very sad. It was a great learning experience for me after nine and-a-half years. To sit there for three and-a-half hours, and get to hear how it unfolds, and I wanted to share this with you. If nothing else, I really believe we have a moral responsibility to residents.

Vice Mayor Kerdyk: That is a good point.

Commissioner Withers: I have no problem sending it back. It would go back to Planning and Zoning, is that where it would go?

Commissioner Cabrera: I don't know.

City Attorney Hernandez: I believe it's the City Code provision, but I will pull the provision. I'm pulling it anyway because I've been working with Mr. Sutton on some recommendation that he's made. And I'll be meeting with him in the near future, but you know I will pull it and...

Commissioner Withers: You know the ironical thing...

City Attorney Hernandez: We will follow your direction. Commissioners, but remember every few years this is a provision in the Code that resurrects itself every few years. You all get upset because there's a lot of dumping, and you get upset because there's a lot of citations. Then you get upset because there's a lot of dumping...

Commissioner Anderson: I don't think it's so much the citations I think it's the unevenness of the...I mean it's the unfairness of the process.

Commissioner Cabrera: Yes, yes ma'am. Thank you.

Commissioner Anderson: I had a friend of mine come with a issue of irrigation and she has never been cited. She went and she brought photographs and they cited her. They gave her the ticket. You know there's something wrong. And I don't know what it is, but I totally agree with my colleague. I mean, but I don't have an answer.

Commissioner Cabrera: And I swear if you all had sat here for that period of time, I was chomping at the bit to get the heck out of here. If you had sat here and by the way I came as a private citizen. I did not come as a Commissioner and I was very clear with the ticket hearing officer that I was not here as a Commissioner, but as a citizen that got a call as Commissioner, the point is if you had sat there with me and watched what went on you would agree one hundred percent that something needs to be changed, to make this more fair. I don't know what the answer is, but I just gotta tell you I had a moral obligation to talk on this item. And by the way, the person that I did come and speak on his behalf, his fine went from five hundred dollars to a hundred dollars plus seventy five dollars for court fees. So he ended up paying a hundred and seventy five dollars. He came with his wife and they both worked and they asked for time off that day. They both are working people and really could not afford to take the time, but they sat with me from 9 o'clock to 11:45, until we were called. That's it for me.

Mayor Slesnick: Mr. Kerdyk?

Vice Mayor Kerdyk: Yes thank you very much Mayor and Commissioner Cabrera for bringing that magazine up, but he -Commissioner Cabrera you bring up a very good point, I've always wanted to mention this about roundabouts, because I had a incident about roundabouts, and four way stops, and four way yield signs. There's no rhyme or reason. I mean sometimes we have four way stop signs.

Commissioner Cabrera: They don't follow the green book.

Vice Mayor Kerdyk: And then the next time they follow the yield sign, and the fact is you can have one after the other. There is a place on Milan that there's a four way yield sign at one corner, one intersection. The farther you go down to the east there's another roundabout with a four way stop sign. I don't understand the consistency.

Commissioner Cabrera: They don't follow they don't follow the green book standards.

Vice Mayor Kerdyk: Then a police officer puts somebody by the stop sign after they have already gone through the yield sign in the last one. In their mind they're thinking

"hey you know it's another yield sign". It's just, it's too, you gotta come up with some consistency here. I don't understand how we can be so inconsistent and a lot of these have been done for a long time. Don't get me wrong, but the fact is that there's no consistency in those.

City Manager Salerno: Well there will be. You know you had former leadership that was responsible for that, and Glenn is new. I think you'll see that we'll be doing things differently from the past, you know that as well as I in many, many areas we're going to be doing things differently.

Vice Mayor Kerdyk: Right, the other issue I brought up last time was the senior citizens facility. Would you give us a report on where we're going to help the senior citizens out as far as their facility? Where they can meet? As I explained at the last meeting, they have a big problem where they are now. With the Baptist Church and Academica.

City Manager Salerno: I had a discussion actually yesterday with Carol Brock for approximately an hour. Carol as you know is very passionate about this issue. She is currently of the opinion that the current situation is working adequately. They were initially concerned when the school opened at the 110 capacity during the first week, because things were a little bit hectic in that regard, particularly because of the school

Vice Mayor Kerdyk: Right.

City Manager Salerno: They seem to have ironed out those issues right now at least in the interim. I mean that is not, as we all know that is not a solution.

Vice Mayor Kerdyk: Right.

City Manager Salerno: For even. We have a temporary solution. I think it is a priority for us to come up with a solution. I commit to you that we will do so within the bounds of our financial situation, but I have committed to both you Vice Mayor and Commissioner Anderson who has asked me about this particularly that this be a priority as far as our ability to meet their needs. I commit that we will address this issue. Right now she's satisfied right now at the moment-

Commissioner Anderson: Good. Glad to hear that.

City Manager Salerno: With the temporary situation. They are not satisfied that we don't have a long term solution, but we will.

Vice Mayor Kerdyk: Alright, thank you. That's it.

Commissioner Anderson: Thank you.

Mayor Slesnick: Mr. Withers?

Commissioner Withers: We had another near miss. Another college student was almost...

Vice Mayor Kerdyk: I heard that.

Commissioner Withers: Hurt really bad on U.S.-1, and I know that Dade County kind of shelved that overpass, so I don't know how you all feel, but I kind of felt that, that was a commitment that the County made to us, and we spent a lot of time designing it, and Don I don't know whether and I'm not trying to throw this on your lap, but if it means picking up the phone and calling the Mayor to, I don't know I just know probably more than I do about why that overpass is not getting built.

Mayor Slesnick: Actually, no I mean except for the fact that they said budgetarily that funds have dried up. But we wrote him the letter about suing him on the C.I.T.T., well now tell them that we, but I agree I mean well let me work on a letter on behalf of the Commission to the County Mayor and County Manager stating the importance and that we think that it was a commitment that needs to be lived up to.

Commissioner Withers: And maybe President Shalala, I don't know I just when I got that email then about 15 minutes later, Donna Spain said that the student was OK, I breathed, but I just saw more heartache and its just you know, senseless.

Mayor Slesnick: Well how about if I ask the President to see if she would cosign the letter?

Commissioner Withers: Are you OK with that?

Vice Mayor Kerdyk: Yes, I think it is very good.

City Manager Salerno: Mayor, I had a conversation the following morning after that incident, I had a conversation, I called John Natoli specifically in that regard and he has agreed that we should first meet and that the University would be supportive of a joint effort to approach the County in that regard, so that meeting has not been scheduled yet, but he's suggested that as a first step we should meet with staff, U.M. staff, City staff and then we could certainly bring forward an item for your and President Shalala's signature.

Mayor Slesnick: OK, why don't the U.M. staff and your staff meet with the County staff?

Commissioner Withers: That's even better.

City Manager Salerno: We could do that.

Mayor Slesnick: I mean because I think we agree with the U.M., I guess.

City Manager Salerno: Yes they are totally supportive of getting that done.

Mayor Slesnick: Well that would really be the perfect first step if you, if your people and their people can meet with those people, then if there's, if nothing happens, then I can write the letter on behalf of the Commission.

City Manager Salerno: OK. We would be glad to Mayor.

Commissioner Withers: Even if it gets to the next cycle or whatever, just get it moving forward so it doesn't, even if it's 2012, or 13 or 14 or whatever, just get it moving.

Mayor Slesnick: Well it was kind of bizarre they came to us with the drawings. We approved the Spanish measuring and we never heard about it again.

Commissioner Withers: Nothing.

Mayor Slesnick: OK. We are due back here in an hour and 15 minutes, maybe 18 minutes, so we will adjourn this meeting and be back for the Budget Hearing.

City Clerk Item No. 46

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 3:40 pm on September 14, 2010. The next regular meeting of the City Commission has been scheduled for September 28, 2010, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK