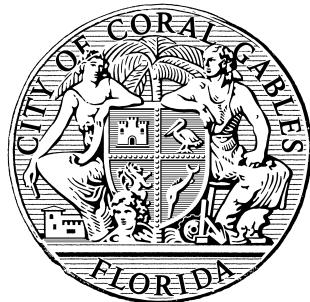


# **City of Coral Gables**

*City of Coral Gables*  
405 Biltmore Way  
Coral Gables, FL 33134  
[www.coralgables.com](http://www.coralgables.com)



## **Meeting Minutes**

**Tuesday, July 7, 2009**

**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*

**ROLL CALL**

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

**INVOCATION**

Pastor Thom Shafer of the First United Methodist Church of Coral Gables gave the Invocation.

**PLEDGE OF ALLEGIANCE**

Vice Mayor Kerdyk 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. 2009-30); (b) Resolution(s) adopted (Resolution No. 2009-177 through Resolution No. 2009-201); (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. 09-0455** Presentation of a Proclamation declaring July 2009 as Parks and Recreation Month in Coral Gables

[Note for the Record: Commissioner Anderson in presenting a proclamation to the Parks and Recreation Department in recognition of Parks and Recreation month in Coral Gables, invited the representatives of the Parks and Recreation Department up to the dais; further noting that so many of the residents and passers-by of Coral Gables have been touched by the Parks and Recreation Department, recounting countless number of happy memories over the years; further stating that not only does Parks and Recreation start with the children, but with our senior citizens as well; further noting that in further recognition for all that the Parks and Recreation Department has done, she would like to read the proclamation into the public record, declaring the month of July 2009 as "Parks and Recreation Month" in the City of Coral Gables.

In accepting this accolade, Parks and Recreation Director Fred Couceyro stated that the month of July is traditionally a very busy month for his department; further stating that they have amassed in excess of 500 kids from all of their summer camps; noting that an inordinate number of swimmers frequent our City pool (i.e. Venetian Pool), as well as use our City parks, since many of them are out of school, which is a testament to the people using our facilities; further noting that their patronage is our City's reward; further stating that on behalf of the City's Parks and Recreation Department, he thanked the City Commission for the honor; further stating that he along with his staff have done a great job, making sure that everyone has fun].

**This Presentation/Protocol Document was Recognized**

City Clerk Item No. 1

**A.-2. 09-0492**

Presentation of the Donald R. Hopkins - William "Bill" Cooper Scholarship 2009/2010 Award to Leigh A. Cooper Peabody

Attachments: [Scholarship Award Cover Memo](#)

[Note for the Record (Agenda Item A-2): Mayor Slesnick stated that one of the highlights in our City is stressing the importance of youth in our City; wherein Commissioner Cabrera in introducing said item requested former Coral Gables Commissioner Jim Barker to the dais, who also serves as the Honorary Chairman of the Donald R. Hopkins-William "Bill" Cooper Scholarship Program Committee.

Mr. Barker stated that said scholarship award, now in its 20th year, is presented annually to a deserving student, to an African American student from Coral Gables High, that is a resident of Coral Gables; said scholarship award was founded in 1989; further stating that said scholarship was named after noted Dr. Donald R. Hopkins, along with William "Bill Cooper, an active and dedicated citizen who recently passed away; further acknowledging the current committee members, as more particularly listed herein below:

Leona Cooper  
Dan Finora  
Barbara Instep  
Edwina Prime  
Gail Payne

Leslie Cooper (mother of Nakkia Williams, who was the first award recipient, some twenty years ago, and currently serves as Assistant Principal of Edison High School, a graduate of Morgan State University);

further acknowledging that the aforementioned program is now in its 20th year of existence, having graduated 15 and have returned to the City of Coral Gables, while 8 are currently in the process of completing their respective academic requirements; further stating that this year's scholarship recipient, namely Lee A. Peabody, granddaughter of Leona and Bill Cooper is currently attending Florida Agricultural and Mechanical University (A&M), whereby her mother, namely Leslie Cooper, read into the public record a letter prepared by her daughter, said scholarship recipient thanking the teachers at Coral Gables Senior High and the scholarship committee on her selection; further expressing regret on her unavailability, since on this occasion she is currently attending summer school session at her university; finally expressing optimism that the City may be able to find the extra \$2,000 that was cut from said scholarship program, while concomitantly expressing awareness of the fiscal constraints that the city is facing].

**This Presentation/Protocol Document was Recognized**

City Clerk Item No. 2

**B. APPROVAL OF MINUTES**

B.-1. 09-0486 Regular City Commission Meeting of May 26, 2009

Attachments: [CCMtg May 26 2009 Agenda Item H-3 - Amending Budget of Revenues and Expe](#)  
[CCMtg May 26 2009 Agenda Item H-4 - Joint Participation Agreement disburseme](#)  
[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:**

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

City Clerk Item No. 4

B.-2. 09-0487 Regular City Commission Meeting of June 2, 2009

Attachments: [CCMtg June 2 2009 Agenda Item D-1 - Fausto Gomez Report on 2009 Florida Le](#)  
[CCMtg June 2 2009 Agenda Item E-4, E-5, H-3 thru H-5 - Palace Related change](#)  
[Meeting Minutes.pdf](#)

**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:**

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

City Clerk Item No. 5

B.-3. 09-0488 Regular City Commission Meeting of June 4, 2009

Attachments: [Meeting Minutes.pdf](#)  
[CCMtg June 4 2009 Agenda Item E-1 - Lease Agreement with the Country Club o](#)

**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:**

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

City Clerk Item No. 6

**C. CONSENT AGENDA****Passed the Consent Agenda**

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

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

**RESOLUTION NO. 2009-177**

**C.-1. 09-0434** Resolution of support for the Police Department's application to the FY 2009 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program for \$13,767, to fund the purchase of portable graffiti cameras.

**Attachments:** [RESOLUTION - \\$13,767 - JAG](#)  
[C-1 Graffiti Cameras Cover Memo](#)

A RESOLUTION OF SUPPORT FOR THE POLICE DEPARTMENT'S APPLICATION TO THE FY 2009 LOCAL EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR \$13,767 TO FUND THE PURCHASE OF PORTABLE GRAFFITI CAMERAS.

**This Matter was adopted by Resolution Number 2009-177 on the Consent Agenda.**

City Clerk Item No. 7

**RESOLUTION NO. 2009-178**

**C.-2. 09-0436** Resolution of support for the Police Department's application to the Recovery Act, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, for \$56,648, to fund the purchase of NetMotion software that will upgrade the Police Department's computer security system mandated by the FDLE and the FBI.

**Attachments:** [COMMISSION COVER MEMO - \\$56,548 - JAG](#)  
[C-2 Net Motion Software](#)

A RESOLUTION OF SUPPORT FOR THE POLICE DEPARTMENT'S APPLICATION TO THE RECOVERY ACT - EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR \$56,648.00 TO FUND THE PURCHASE OF NETMOTION SOFTWARE UPGRADE THAT WILL UPGRADE THE POLICE DEPARTMENT'S COMPUTER SECURITY SYSTEM MANDATED BY THE FDLE AND THE FBI.

**This Matter was adopted by Resolution Number 2009-178 on the Consent Agenda.**

City Clerk Item No. 8

**RESOLUTION NO. 2009-179****C.-3. 09-0355**

Resolution authorizing the renewal, for a period of one year, the lease agreement with Plumer Management, LLC, for the use of twelve (12) parking spaces at 5915 Ponce de Leon Boulevard at a rate of \$60.00 per space; further providing that the Consumer Price Index (CPI) be factored into the rate for this one-year lease renewal.

**Attachments:** [Plumer lease backups](#)  
[PLUMER RES](#)  
[pab minutes 07-24-08](#)  
[Plumer cover](#)  
[Plumer Resolution](#)  
[Property Advisory Board May 21, 2008](#)  
[C-3 Plumer Parking Lease Cover Memo](#)

A RESOLUTION AUTHORIZING THE RENEWAL, FOR A PERIOD OF ONE YEAR, THE LEASE AGREEMENT WITH PLUMER MANAGEMENT, LLC FOR THE USE OF TWELVE (12) PARKING SPACES AT 5915 PONCE DE LEON BOULEVARD AT A RATE OF \$60.00 PER SPACE; FURTHER PROVIDING THAT THE CONSUMER PRICE INDEX (CIP) BE FACTORED INTO THE RATE FOR THIS ONE-YEAR LEASE RENEWAL.

**This Matter was adopted by Resolution Number 2009-179 on the Consent Agenda.**

City Clerk Item No. 9

**RESOLUTION NO. 2009-180****C.-4. 09-0445**

Resolution authorizing the sale of retired and decommissioned canine "Dag" to Detective William Swikehardt for the amount of One Dollar (\$1.00).

**Attachments:** [DRAFTRESOLUTION CANINE DAG](#)  
[agreement caninedag](#)  
[C-4. Decommissioned Canine Cover Memo](#)

A RESOLUTION AUTHORIZING THE SALE OF RETIRED AND DECOMMISSIONED CANINE "DAG" TO DETECTIVE WILLIAM SWIKEHARDT FOR THE AMOUNT OF ONE DOLLAR (\$1.00).

**This Matter was adopted by Resolution Number 2009-180 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2009-181****C.-5. 09-0452**

Resolution allowing for a name change from Bijan's Coral Gables d/b/a Monty's Coral Gables to Bijan's Coral Gables d/b/a Bijan's Key West Grill located at 2325 Galiano Street, Coral Gables, Florida.

**Attachments:** [June 23, 2009 Letter to City Attorney.pdf](#)  
[Bijan's Cover Memo](#)  
[Bijan's Resolution](#)  
[Bijan's First Amendment to Lease](#)

A RESOLUTION ALLOWING FOR A NAME CHANGE FROM BIJAN'S CORAL GABLES D/B/A MONTY'S CORAL GABLES TO BIJAN'S CORAL GABLES D/B/A BIJAN'S KEY WEST GRILL located at 2325 Galiano Street, Coral Gables, Florida.

**This Matter was adopted by Resolution Number 2009-181 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2009-182****C.-6. 09-0453**

Resolution appointing John Carpenter, (nominated by Mayor Slesnick) to serve as a member of the Emergency Management Division for a two (2) year term beginning June 1, 2009 through May 31, 2011.

**Attachments:** [R-2009- Resolution - John Carpenter - Emergency Management Division](#)  
[John Carpenter - Emergency Management Division](#)

A RESOLUTION APPOINTING JOHN CARPENTER (NOMINATED BY MAYOR SLESNICK), TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-182 on the Consent Agenda.**

City Clerk Item No. 12

**RESOLUTION NO. 2009-183****C.-7. 09-0432**

Resolution appointing Richard Heisenbottle (nominated by Board-As-A-Whole) to serve as a member of the Historic Preservation Board, for a two (2) year term, beginning June 1, 2009 through May 31, 2011.

**Attachments:**

[Richard Heisenbottle](#)  
[Resolution-Draft RJH appointment](#)  
[HPB Minutes May 7 2009 EXCERPT RJH](#)  
[C-7 Heisenbottle Cover Memo](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD J. HEISENBOTTLE (BOARD-AS-A-WHOLE) TO SERVE AS A MEMBER OF THE HISTORIC PRESERVATION BOARD FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

[Note for the Record: **Questions, Comments, Inquiries and Concerns from the City Commission:** Commissioner Cabrera inquired from the City Administration as to whether Richard Heisenbottle, who was appointed on this same day, to the Historic Preservation Board, is a Coral Gables resident?-further pointing out to his colleagues that typically, on the agenda there is stipulation as to whether a prospective appointee is a resident or non-resident, and in the case of the latter, there is a requirement for a waiver of residency by a 4/5s vote of the City Commission.

Mayor Slesnick in acknowledging that he felt that Mr. Heisenbottle was a resident, further informed Commissioner Cabrera that he would request of City staff to confirm same and communicate said findings with him].

**This Matter was adopted by Resolution Number 2009-183 on the Consent Agenda.**

City Clerk Item No. 13

**RESOLUTION NO. 2009-184****C.-8. 09-0454**

Resolution appointing Amy Kutell, (nominated by Mayor Slesnick) to serve as a member of the Library Advisory Board for a two (2) year term beginning June 1, 2009 through May 31, 2011.

**Attachments:**

[R-2009- Resolution - Amy Kutell - Library Advisory Board](#)  
[Amy Kutell - Library Advisory Board](#)

A RESOLUTION APPOINTING AMY KUTELL (NOMINATED BY MAYOR SLESNICK), TO SERVE AS A MEMBER OF THE LIBRARY ADVISORY BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-184 on the Consent Agenda.**

City Clerk Item No. 14

**RESOLUTION NO. 2009-185****C.-9. 09-0494**

Resolution appointing Emily Martinez-Lanza (nominated by Commissioner Anderson) 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:** [R-2009- Resolution - Emily Martinez-Lanza - Youth Advisory Board](#)  
[Emily Martinez-Lanza - Youth Advisory Board](#)

A RESOLUTION APPOINTING EMILY MARTINEZ-LANZA (NOMINATED BY COMMISSIONER ANDERSON), TO SERVE AS A MEMBER OF THE PARKS & RECREATION YOUTH ADVISORY BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-185 on the Consent Agenda.**

City Clerk Item No. 15

**RESOLUTION NO. 2009-186****C.-10. 09-0495**

Resolution appointing Stuart McGregor (nominated by Commissioner Anderson) to serve as a member of the Construction Regulation Board, for a two (2) year term beginning June 1, 2009 through May 31, 2011.

**Attachments:** [R-2009- Resolution - Stuart McGregor - Construction Regulation Board](#)  
[Stuart McGregor - Construction Regulation Board](#)

A RESOLUTION APPOINTING STUART MCGREGOR (NOMINATED BY COMMISSIONER ANDERSON), TO SERVE AS A MEMBER OF THE CONSTRUCTION REGULATION BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

[Note for the Record: **Questions, Comments, Inquiries and Concerns from the City Commission:** Vice Mayor Kerdyk inquired as to the amount of funding that is currently maintained by our City for purchase vacant land for a park-whereby Parks and Recreation Department Director Fred Couceyro responded between \$800,000 and \$900,000; further stating that the grant that the City now seeks is for \$850,000; further adding that this is a quick process, noting that the deadline to apply is by July 25th, 2009, following this process there will be a ruling regarding the award of the bid; further pointing out that there are some vacant lands, and that the City will look at same; further stating that there is a piece of property that is a vacant lot, noting that this would be a property that the City would target; further inquiring as to whether the City will be able to match the \$850,000 grant?-just how expeditious will the ruling be on the park bond monies?-further adding that the City is seeking a timeliness for the purchase of a piece of property; Vice Mayor Kerdyk further inquired as to whether the City may obtain an answer on said grant request, as expeditiously as possible, in order that it may know how best to proceed.

Vice Mayor Kerdyk instructed City Manager Salerno to keep the City Commission informed; further instructing Mr. Salerno to obtain direction from the City Commission, in the event that the City obtains the grant money].

**This Matter was adopted by Resolution Number 2009-186 on the Consent Agenda.**

City Clerk Item No. 16

**RESOLUTION NO. 2009-187****C.-11. 09-0500**

Resolution appointing John Lukacs (nominated by Commissioner Withers) to serve as a member of the Board of Adjustment, for a two (2) year term, beginning June 1, 2009 through May 31, 2011.

**Attachments:** [John Lukacs - Board of Adjustment](#)  
[R-2009- Resolution - John Lukacs - Board of Adjustment](#)

A RESOLUTION APPOINTING JOHN LUKACS (NOMINATED BY COMMISSIONER WITHERS), TO SERVE AS A MEMBER OF THE BOARD OF ADJUSTMENT, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-187 on the Consent Agenda.**

City Clerk Item No. 17

**RESOLUTION NO. 2009-188****C.-12. 09-0502**

Resolution appointing John Holian (nominated by Commissioner Cabrera) to serve as a member of the Budget/Audit Advisory Board, for a two (2) year term beginning June 1, 2009 through May 31, 2011.

**Attachments:** [R-2009- Resolution - John Holian - Budget Audit Advisory Board](#)  
[John Holian - Budget Audit Advisory Board](#)

A RESOLUTION APPOINTING JOHN HOLIAN (NOMINATED BY COMMISSIONER CABRERA), TO SERVE AS A MEMBER OF THE BUDGET/AUDIT ADVISORY BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-188 on the Consent Agenda.**

City Clerk Item No. 18

**RESOLUTION NO. 2009-189****C.-13. 09-0503**

Resolution appointing Eugene Wolman (nominated by Commissioner Cabrera) to serve as a member of the Emergency Management Division, for a two (2) year term beginning June 1, 2009 through May 31, 2011.

**Attachments:** [Eugene Wolman - Emergency Management Division](#)  
[R-2009- Resolution - Eugene Wolman - Emergency Management Division](#)

A RESOLUTION APPOINTING EUGENE WOLMAN (NOMINATED BY COMMISSIONER CABRERA), TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-189 on the Consent Agenda.**

City Clerk Item No. 19

**RESOLUTION NO. 2009-190****C.-14. 09-0456**

Resolution awarding the Coral Gables Country Club Environmental Remediation project to Cherokee Enterprises, Inc. (CEI) pursuant to Section 2-828 of the Procurement Code and Request for Proposal (RFP) 2009.06.04 in the amount of \$228,203.00 (Two hundred twenty-eight thousand two hundred three dollars).

**Attachments:**

[Country Club Environmental Remediation Agenda Cover](#)  
[Country Club Environmental Remediation Resolution](#)  
[Environment Remediation Acknowledgement](#)  
[Environmental Remediation Evaluation](#)  
[Cherokee Enterprises Inc Proposal](#)  
[C-14 Country Club Env. Remediation Cover](#)

A RESOLUTION AWARDING A CONTRACT FOR THE CORAL GABLES COUNTRY CLUB ENVIRONMENTAL REMEDIATION PROJECT TO CHEROKEE ENTERPRISES, INC. (CEI) PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE AND REQUEST FOR PROPOSALS (RFP) 2009.06.04 IN THE AMOUNT OF \$228,203.00 (TWO HUNDRED TWENTY EIGHT THOUSAND TWO HUNDRED THREE DOLLARS).

**This Matter was adopted by Resolution Number 2009-190 on the Consent Agenda.**

City Clerk Item No. 20

**RESOLUTION NO. 2009-191****C.-15. 09-0463**

Resolution renewing the Parking Lot Lease Agreement with Coral Gables Congregational Church for an additional five (5) years beginning February 2, 2009 and ending February 1, 2014 at the rate of \$12,000 annually, payable in quarterly installments.

**Attachments:**

[CG Congre Church Letter](#)  
[CG Congregational Church Resolution](#)  
[CG Congre Church lease agre](#)  
[Third Amendment CGCC](#)  
[pab minutes 06-25-09](#)  
[Congregational Church Parking Lease Cover Memo](#)

A RESOLUTION RENEWING THE LEASE AGREEMENT WITH CORAL GABLES CONGREGATIONAL CHURCH FOR AN ADDITIONAL FIVE (5) YEARS BEGINNING FEBRUARY 2, 2009 AND ENDING FEBRUARY 1, 2014 AT THE RATE OF \$12,000 ANNUALLY, PAYABLE IN QUARTERLY INSTALLMENTS.

**This Matter was adopted by Resolution Number 2009-191 on the Consent Agenda.**

City Clerk Item No. 21

**RESOLUTION NO. 2009-192****C.-16. 09-0484**

Resolution amending Resolution No. 2009-02, to increase the service agreement with WeatherTrol Maintenance Corporation by one hundred thousand dollars (\$100,000.00) for a total amount of three hundred seven thousand dollars (\$307,000.00) for the remainder of the second year contract period to cover the cost of a new air conditioning installation at the Coral Gables Country Club and other citywide miscellaneous repairs.

**Attachments:** [WeatherTrol Resolution](#)  
[WeatherTrol Cover Memo](#)  
[WeatherTrol Resolution 2008-94](#)  
[WeatherTrol Resolution 2009-02](#)

A RESOLUTION AMENDING RESOLUTION NO. 2009-02, TO INCREASE THE SERVICE AGREEMENT WITH WEATHERTROL MAINTENANCE CORPORATION BY ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR A TOTAL AMOUNT OF THREE HUNDRED SEVEN THOUSAND DOLLARS (\$307,000.00) FOR THE REMAINDER OF THE SECOND YEAR CONTRACT PERIOD TO COVER THE NEW AIR CONDITIONING INSTALLATION AT THE CORAL GABLES COUNTRY CLUB AND ANY OTHER CITYWIDE MISCELLANEOUS REPAIRS.

**This Matter was adopted by Resolution Number 2009-192 on the Consent Agenda.**

City Clerk Item No. 22

**RESOLUTION NO. 2009-193****C.-17. 09-0489**

Resolution designating Mayor Donald D. Slesnick to serve as voting delegate to the Annual Conference of the Florida League of Cities (August 13-15, 2009), for the purpose of casting votes on behalf of our municipality, during the business session of said conference that will determine the direction of the Florida League of Cities; further appointing Mayor Donald D. Slesnick to serve as a voting delegate to the National League of Cities, Annual Congress of Cities (November 14-19, 2009).

**Attachments:** [R-2009-Draft Designating Mayor to serve as voting delegate.pdf](#)  
[Safe Neighborhood Parks Bond Program Backup Documents](#)  
[Mayor to serve as a voting delegate Cover Memo](#)

A RESOLUTION AMENDING RESOLUTION NO. 2009-02, TO INCREASE THE SERVICE AGREEMENT WITH WEATHERTROL MAINTENANCE CORPORATION BY ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR A TOTAL AMOUNT OF THREE HUNDRED SEVEN THOUSAND DOLLARS (\$307,000.00) FOR THE REMAINDER OF THE SECOND YEAR CONTRACT PERIOD TO COVER THE NEW AIR CONDITIONING INSTALLATION AT THE CORAL GABLES COUNTRY CLUB AND ANY OTHER CITYWIDE MISCELLANEOUS REPAIRS.

**This Matter was adopted by Resolution Number 2009-193 on the Consent Agenda.**

City Clerk Item No. 23

**RESOLUTION NO. 2009-194****C.-18. 09-0490**

Resolution authorizing application for a grant from the Safe Neighborhood Parks Bond Program and authorizing the execution of contracts for same.

**Attachments:** [Park Bond](#)

[Safe Neighborhood Parks Bond Program Cover Memo](#)

[Safe Neighborhood Parks Bond Program Backup Documents](#)

A RESOLUTION OF THE CITY OF CORAL GABLES AUTHORIZING APPLICATION FOR GRANT FROM THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM AND AUTHORIZING THE EXECUTION OF CONTRACTS FOR SAME.

**This Matter was adopted by Resolution Number 2009-194 on the Consent Agenda.**

City Clerk Item No. 24

**RESOLUTION NO. 2009-195****C.-19. 09-0447**

Resolution amending Resolution 2008-201 (as amended), which established fees for various licenses, local business taxes, permits, services, and penalties by the City of Coral Gables, by increasing the local business tax rates, inspection fees, and recording fees; providing for the correction of certain scriveners errors and providing for an effective date.

**Attachments:** [Business Tax Classification Comparison](#)

[R-2009- Draft Local Business Tax rates Revision](#)

[C-19 Cover Memo](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES AMENDING RESOLUTION 2008-201 (AS AMENDED), WHICH ESTABLISHED FEES FOR VARIOUS LICENSES, LOCAL BUSINESS TAXES, PERMITS, SERVICES, AND PENALTIES BY THE CITY OF CORAL GABLES, BY INCREASING THE LOCAL BUSINESS TAX RATES, INSPECTION FEES, AND RECORDING FEES; PROVIDING FOR THE CORRECTION OF CERTAIN SCRIVENERS ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

**This Matter was adopted by Resolution Number 2009-195 on the Consent Agenda.**

City Clerk Item No. 25

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

C.-20. 09-0427 Citywide Traffic Advisory Board Meeting of May 19, 2009

**Attachments:** [TAB May 19, 2009](#)  
[TAB May Minutes](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 26

C.-21. 09-0428 Landscape Beautification Advisory Board Meeting of June 4, 2009

**Attachments:** [BC Cover Sheet 6-4-09 na](#)  
[Minutes BC 6-4-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 27

C.-22. 09-0437 Code Enforcement Board Meeting of June 17, 2009

**Attachments:** [memo cover june\\_09](#)  
[ROLLCALL JUNE 09](#)  
[june 09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 28

C.-23. 09-0440 Coral Gables Merrick House Governing Board Meeting of May 18, 2009

**Attachments:** [CGMNoAction-05.18.09MinutesforCC07.07.09](#)  
[Merrick House May 18 2009](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 29

C.-24. 09-0442 Citywide Traffic Advisory Board Meeting of April 21, 2009

Attachments: [C-24 Traffic Advisory Board Cover & Minutes](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 30

C.-25. 09-0443 Board of Adjustment Meeting of June 1, 2009

Attachments: [BOADJ Meeting Minutes - June 2009](#)  
[BOADJ Summary 6-01-09](#)  
[Cover Memo 7-07-09](#)  
[Notice 6-01-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 31

C.-26. 09-0444 Library Advisory Board Meeting of June 10, 2009

Attachments: [LB Cover Sheet 6-10-09](#)  
[Library Minutes 6-10-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 32

C.-27. 09-0449 City of Coral Gables/University of Miami Community Relations Committee Meeting of May 4, 2009

Attachments: [Community Relations Comm-May 4 2009](#)  
[UM Cover Memo - 7-07-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 33

C.-28. 09-0450 Retirement Board Meeting of May 14, 2009

Attachments: [CC.07-07-2009.May 14, 2009](#)  
[Minutes.05-14-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 34

C.-29. 09-0451 Economic Development Board Meeting of June 3, 2009

**Attachments:** [EDB. 7.2.09 Commission cover.pdf](#)  
[EDB. 6.3.09 Minutes - Final.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 35

C.-30. 09-0462 Senior Citizens Advisory Board Meeting of June 1, 2009

**Attachments:** [Cover Sheet Minutes 06-01-09.pdf](#)  
[Min 06-01-2009 draft.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 36

C.-31. 09-0472 Cultural Development Board Meeting of May 18, 2009

**Attachments:** [05a Commission cover no action 07-07-09](#)  
[05 CDB Minutes MAY 18 2009](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 37

C.-32. 09-0476 Coral Gables Advisory Board on Disability Affairs Meeting of May 6, 2009

**Attachments:** [Disability cover](#)  
[Disability May minutes](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 38

C.-33. 09-0505 Property Advisory Board Meeting of June 10, 2009

**Attachments:** [Property Advisory Board Minutes Cover Memo](#)  
[Property Advisory Board June Minutes](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 39

C.-34. 09-0481 Property Advisory Board Meeting of April 15, 2009

**Attachments:** [PAB April cover](#)  
[Property Advisory Board April Minutes](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 40

C.-35. 09-0491 School and Community Relations Committee Meeting of April 20, 2009

**Attachments:** [summary of april 20, 2009.pdf](#)  
[april 20.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 41

C.-36. 09-0483 Parking Advisory Board Meeting of May 28, 2009

**Attachments:** [cover pab 05-28-09](#)  
[pab minutes 05-28-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 42

C.-37. 09-0485 Parking Advisory Board Meeting of June 25, 2009

**Attachments:** [cover pab 06-25-09](#)  
[pab minutes 06-25-09](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 43

C.-38. 09-0499 Budget/Audit Advisory Board Meeting of May 21, 2009

**Attachments:** [Cover Memo Minutes 052109.pdf](#)  
[Minutes 052109.pdf](#)

**This Matter was approved on the Consent Agenda.**

City Clerk Item No. 44

**D. PERSONAL APPEARANCES****D.-1. 09-0425**

Mark Pidal, Administrative Director of the Junior Orange Bowl Committee, to introduce the 2009-2010 Board Members and Officers.

[Note for the Record: Mark Pidal, Administrative Director of the Junior Orange Bowl Committee provided the City Commission with certain factual information involving the committee, noting that it was formed in 1948; further pointing out that said committee does serve the kids of our community, conducting 16 different events during the festival season (including the Junior Orange Bowl); further introducing the Board of Directors of the Junior Orange Bowl, to the City Commission, as more particularly listed herein below:

President Elect: Brian Seits  
Board Member: Randall Groh  
Secretary: Enid Miguez  
Vice President: Dallas Brown  
President: Marti Bueso  
No Show: Jim Borgman  
Vice President: Don Slesnick, III

Board Members: Nancy Little, John Admire, Barbara Water

Mr. Pidal also recognized those past presidents of the Orange Bowl Committee, including but not limited to Jack Thompson, John Admire, John Thompson, Jim Borgman, etc. Mr. Pidal further introduced Marti Bueso, president, who stated that she is humbled to have represented the Jr. Orange Bowl; further stating that not only does the Jr. Orange Bowl have to thank the City for its sponsorship, financial support and in-kind services, but also for the enormous amount of time that each member of the City Commission has devoted to Jr. Orange Bowl Committee related matters over the years; further acknowledging that she has been a part of this group in excess of 25 years; further citing that it is wonderful watching the many generations that have grown with this initiative; further acknowledging the world renowned teams of golf and basketball (i.e. International Events that bring focus to the City of Coral Gables and to our youth); further reiterating that through the Jr. Orange Bowl, that we are doing something for our kids, whether it is through our activities or through athletic prowess; further bringing attention to this year's theme, "Children Eliminating Boundaries," Boundaries of Decision; Boundaries of Discrimination; Boundaries through Learning of Other People Cultures, through knowledge and education, etc.; whereupon Ms. Bueso presented our City Commission with a green bordered plaque with a background with the lettering inscribed: "Junior Orange Bowl Committee, Presented to the City of Coral Gables, Sponsor of the 60th Annual Junior Orange Bowl Festival, 2008-2009"; further thanking the City for its many years of unwavering support].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 3

**RESOLUTION NO. 2009-196****D.-2. 09-0426**

W. Tucker Gibbs, Esq., on behalf of 396 Alhambra Plaza, LLC, requesting encroachments consisting of precast decorative cornices and moldings, balconies and decorative lighting fixtures adjacent to 396 Alhambra Plaza, Coral Gables.

**Attachments:**

[back-ups for 396](#)  
[396 alhambra COVER](#)  
[396 alhambraRES](#)  
[396 Alhambra Plaza Cover Memo](#)

A RESOLUTION approving encroachments into the right-of-way, adjacent to 396 alhambra circle, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

[Note for the Record: Tucker Gibbs, Esquire, representing 396 Alhambra Plaza, LLC., appeared before the City Commission, requesting for an encroachment agreement with the City, consisting of precast decorative cornices and moldings, balconies and decorative lighting fixtures, adjacent to 396 Alhambra Circle (including encroachments for landscaping and irrigation). Public Works Department Director Delgado stated that he had no objections, and recommended approval of same].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-196. The motion passed by the following vote:**

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

City Clerk Item No. 45

**RESOLUTION NO. 2009-197****D.-3. 09-0459**

Laura Russo, Esq., of Russo and Baker, on behalf of Lola B. Walker Homeowners Foundation of Coral Gables, Inc. requesting that the City Commission waive all City permit, impact, and variance fees for four affordable housing units to be built in the MacFarlane Homestead District.

**Attachments:**

[RussoLetterLBW](#)  
[Agenda write up resolution](#)  
[D-3 Lola B. Walker Cover Memo](#)  
[Lola B. Walker Resolution](#)

RESOLUTION WAIVING ALL BUILDING (I.E. CITY PERMIT), AND VARIANCE FEES FOR FOUR AFFORDABLE HOUSING UNITS TO BE BUILT IN THE MACFARLANE HOMESTEAD DISTRICT (FOLIOS 03-4120-006-110; 03-4120-006-1280; 03-4120-006-1290 AND 03-4120-006-1530); FURTHER DEFERRING PAYMENT OF THOSE IMPACT FEES FOR THE AFORMENTIONED HOMES UNTIL SUCH TIME THAT SAID HOMES ARE SOLD OUTSIDE OF THE ESTABLISHED FEDERAL (DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT) GUIDELINES FOR AFFORDABLE HOUSING THAT ARE ADMINISTERED BY MIAMI DADE COUNTY GOVERNMENT; FURTHER ACKNOWLEDGING LAURA RUSSO, ESQUIRE'S INTENT, ON BEHALF OF THE LOLA B. WALKER HO MEOWNERS FOUNDATION OF CORAL GABLES, TO RESOLVE SAID ISSUES MORE PARTICULARLY DESCRIBED HEREIN VIA DEED RESTRICTION, AND/OR A DECLARATION OF RESTRICTIVE COVENANT, AND TO WORK WITH THE CITY ATTORNEY, AND THE CITY MANAGER, THROUGH HIS DESIGNATED REPRESENTATIVE (NAMELY MARIA JIMENEZ), TO ADDRESS ALL ISSUES GERMANE TO THE AFORMENTIONED MATTER.

[Note for the Record: The verbatim transcript for Agenda Item D-3 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 adopted by Resolution Number 2009-197. The motion passed by the following vote:**

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

City Clerk Item No. 46

**RESOLUTION NO. 2009-198****D-4. 09-0480**

Laura Russo, Esq., of Russo and Baker, and/or John P. Fullerton, of Fullerton Diaz Architects, on behalf of Groves Properties Ltd., located at 4100 Salzedo Street, to request permission to allow temporary, interior signage for a period of six months for One Village Place Condominiums.

**Attachments:**

[One Village Place Letter](#)  
[One Village Place Interior Sign Close up](#)  
[Village Place Signage Interior Resolution](#)  
[D-4 One Village Place Interior Signs Cover Memo](#)

A RESOLUTION OF THE CITY COMMISSION ALLOWING TEMPORARY INTERIOR SIGNAGE FOR A PERIOD OF SIX MONTHS FOR ONE VILLAGE PLACE CONDOMINIUMS LOCATED AT 4100 SALZEDO STREET, CORAL GABLES, FLORIDA.

[Note for the Record: Tucker Gibbs, Esquire, representing Grove Properties Ltd, appeared before the City Commission to request permission to allow for temporary interior signage for a period of six months for One Place Village Condominiums located at 4100 Salzedo Street, Coral Gables; further stating that his client did not realize that he is required to place City required paper on the window of his property; further acknowledging this economically difficult time, and the difficulty involved with leasing rental space or selling of condo space.

**Questions, Comments, Inquiries and Concerns from the City Commission:** Commissioners Anderson and Withers acknowledge that there is precedent for this request pointing out the signage at Publix Supermarket. Vice Mayor Kerdyk distinguished this request from the Publix signage by noting part of the location (3638 Flagler Street) faced Miami, while part (102/196/114 Ponce De Leon) faced Coral Gables. Here, the temporary interior signage faces Coral Gables; stating that the City has always been known for its sign ordinance; further stating that he has fears of having signs pop up.

Tucker Gibbs, Esq. stated that the goal for the temporary signage would give some sense to the Streetscape, not being flat up against the window, being set back provides some volume to the retail space.

Vice Mayor Kerdyk further stated that he believes in the fair and equal treatment of all involved in matters such as this; further stating that if the Commission votes favorably for this issue, then other requesting parties will come along and want the same type of treatment; further pointing out that he cannot say that a particular piece of property has not been sold, because signage has not been placed there.

Commissioner Cabrera inquired of the Administration as to whether any notification

had been provided to any of the affected neighborhoods; whereby, there being no public comment proffered by any member of the public, nor there being any further deliberation proffered by any member of the City Commission, following a motion being made by Commissioner Anderson and seconded by Commissioner Withers, the Mayor instructed the City Clerk to call the roll on Agenda Item D-4].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-198. The motion passed by the following vote:**

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

City Clerk Item No. 47

**D.-5. 09-0482**

Laura Russo, Esq., of Russo and Baker and/or John P. Fullerton, of Fullerton Diaz Architects, on behalf of Groves Properties Ltd., located at 4100 Salzedo Street, to request permission to allow temporary, exterior signage for a period of six months for One Village Place Condominiums.

**Attachments:**

[One Village Place Letter](#)  
[One Village Place Outside Sign](#)  
[One Village Place Exterior Resolution](#)  
[D-5 One Village Place Exterior Signage Cover Memo](#)

[Note for the Record: Tucker Gibbs, Esquire, representing Grove Properties, Ltd., appeared before the City Commission to request permission to allow temporary exterior signage for a period of six months for One Village Place Condominiums.

**Questions, Inquiries, Comments and Concerns from the City Commission:** Commissioner Withers stated that he had a problem with this item; further characterizing said matter to being analogous to a sandwich board; further describing himself as being more aligned to that of a sixed sign that is nicely done kind of guy in comparison to something that has been thrown onto the street for a garage sale type of analogy; further stating that he cannot proffer a second for this Agenda Item; further stating that there being no public comment proffered by any member of the public, nor there being any second to the motion that was made for approval by Commissioner Anderson, Agenda Item D-5 failed for lack of a seconder to said motion].

**This Resolution Failed**

City Clerk Item No. 48

**E. PUBLIC HEARINGS****ORDINANCES ON SECOND READING****ORDINANCE NO. 2009-30****E.-1. 09-0350**

An Ordinance of the City Commission of Coral Gables pursuant to Zoning Code Article 3, Division 12, "Abandonment and Vacations", providing for the vacation of a twenty (20') foot alley between Lots 1-4 and a portion of Lot 44, Lots 45 - 48 inclusive, Block 34, Coral Gables Section "K" and establishment of a new vehicular turnaround on Lots 42-44; and creation of two (2), sixteen (16') foot public access easements on Lots 12-16, Block 34, Coral Gables Section "K," to accommodate public access to the remaining portions of the twenty (20') foot alley within Block 34; the vacation is necessary to allow for the construction of various improvements for the City owned property known as the "Coral Gables Museum", legally described as Lots 1-4, 42-48, and vacated portion of the alley, Block 34, Coral Gables Section "K" (285 Aragon Avenue), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date (all legal descriptions on file for review). (Passed on First Reading May 26, 2009).

**Attachments:**

[05 26 09 Exhibit A: Ordinance - City Museum alley vacation 1st reading](#)

[05 26 09 Exhibit C: 05 13 09 Excerpts of PZB Verbatim Meeting Minutes](#)

[05 26 09 Exhibit B: 05 13 09 PZB Staff Report with attachments](#)

[05 26 09 Exhibit B: Submittal Package \(part of Staff Report\)](#)

[E-2 Cover Memo](#)

[06 02 09 CC Cover Memo re: City Museum alley vacation 2nd reading](#)

[07 07 09 CC Cover Memo re: City Museum alley vacation 2nd reading](#)

[07 07 09 Exhibit A: Ordinance - City Museum alley vacation revised 2nd reading](#)

[07 07 09 Exhibit B: 07 01 09 Public Works Memo](#)

[07 07 09 Exhibit C: Public Works survey sketch](#)

[E-1 Museum Alley Cover Memo](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 12, "ABANDONMENT AND VACATIONS", PROVIDING FOR THE VACATION OF A TWENTY (20') FOOT ALLEY BETWEEN LOTS, 1-4 AND A PORTION OF LOT 44, LOTS 45-48 INCLUSIVE, BLOCK 34, CORAL GABLES SECTION "K" AND ESTABLISHMENT OF A NEW VEHICULAR TURNAROUND ON LOTS 42-44; AND CREATION OF TWO (2), SIXTEEN (16') FOOT PUBLIC ACCESS EASEMENTS ON LOTS 12-16, BLOCK 34, CORAL GABLES SECTION "K", TO ACCOMMODATE PUBLIC ACCESS TO THE REMAINING PORTIONS OF THE TWENTY (20') FOOT ALLEY WITHIN BLOCK 34; THE VACATION IS NECESSARY TO ALLOW FOR THE CONSTRUCTION OF VARIOUS IMPROVEMENTS FOR THE CITY OWNED PROPERTY KNOWN AS THE "CORAL GABLES MUSEUM", LEGALLY DESCRIBED AS LOTS 1-4, 42-48, AND VACATED PORTION OF THE ALLEY, BLOCK 34, CORAL GABLES SECTION "K" (285 ARAGON AVENUE), CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE (ALL LEGAL DESCRIPTIONS ON FILE FOR REVIEW).

[Note for the Record: Following the reading of the title to Agenda Item E-1 into the public record, Planning Department Director Eric Riel reminded the City Commission that on May 26, 2009, the City Commission considered and approved this measure on First Reading (by a 4-0 vote); the City's Planning and Zoning Board had previously met on May 13th, 2009 and approved the proposed alleyway vacation and easement dedications (by a 6-0 vote); further stating that the Planning Department recommends approval of the proposed alleyway vacation and easement dedications required for the Coral Gables Museum as proposed by the Historical Resources and Public Works Departments.

Ms. Roxcy Bolton, resident (124 Cadima Avenue) requested of the City Commission to postpone the closing of the alley behind the Museum for a period of two weeks to enable the members of the Commission to conduct a site visit of the area in question; before taking any final action regarding same; further reiterating her concern regarding the closure of alleyways in general in Coral Gables, pointing out that it does not benefit the citizenry, it does not enhance the quality of life when one closes the alleyway; further noting that the alleyway located at 285 Aragon Avenue is a very critical one that is within a small neighborhood including such establishments as Books and Books, which oftentimes attracts as many as between 150 and 200 patrons; further acknowledging those departments such as Police and Fire that have to respond to occurrences within a split second timing; further stating that the impact on response time resulting from an alley closure places peoples' lives in jeopardy; further noting that the Department of Fire Rescue has to also be responsive to emergency calls, in dealing with the constraints regarding an alley closure; further informing the City Commission that she loves the Old Fire and Police Station Building; further reiterating that it would be a tragedy to close the alleyway and impede the mobility of Police and Fire personnel; further pointing out that she was informed that the previous City Manager had taken Public Works Director Alberto Delgado off of the job; further acknowledging all of the fine buildings which were constructed under Mr. Delgado's construction management leadership, never hearing a complaint about him; further reminding the Mayor of his prior advocacy activities in picketing with her to keep the Biltmore Hotel open; further mentioning that with all of the funding that has gone into the Coral Gables Museum, that we still lack sufficient funding; further urging the City Commission to postpone consideration, review and approval of the proposed alleyway vacation and easement dedications required for the Coral Gables Museum project for a period of two weeks, to allow for members of the Commission to go over to the site and see the building; further mentioning to Commissioner Withers that she had forgotten to mention the fact that he is foregoing his public salary in furtherance of the interest of the Coral Gables citizenry.

Following Mayor Slesnick's request for an update on the financing of the museum project, Historical Resources Department Director Kara Kautz stated that Historical Resources and Public Works Department have reviewed the proposed alleyway

closure and did not have any opposition to same; further stating that it is an active construction site with workers there each day.

Mayor Slesnick commented on a recent article regarding the condition of the historic building, wherein it was mentioned that said building looked pretty ragged; further noting that construction of the building had stopped; further asking whether Mr. Delgado has been removed from the site?

Mrs. Kautz stated that when she was hired, since she has had construction related experience, she assumed the role of project manager for the Coral Gables Museum Project; further confirming that Mr. Delgado had not been removed from the project. Mr. Delgado also confirmed same.

Architect George Hernandez in commenting on the construction site further stated that a lot of workers were there, observing that the reconstruction work was being done on the coral stone on the WPA portion of the building; further stating that the restoration would take longer than the new construction, and that both are preceding at the same time.

Commissioner Withers pointed out to his colleagues that the City is not closing the alley, but diverting the alleyway; further stating that the City has received \$1.5 million in grants and agreements, and that the museum has received \$2.5 million; further stating that the City has also committed to providing between \$800,000 and \$900,000 for the Coral Gables Museum; further adding that City is providing that the second floor of the museum facility be constructed to move the Historical Resources Department, into said space along with the City's Archives; further mentioning that he would be happy to sit down with Ms. Bolton and review with her the cost scenarios in connection with the Museum facility.

Mayor Slesnick stated that he does not have a problem with public dollars on the museum facility, as long as the spending is done right; further stating that the work has been progressing and continuing, and that he expects to see a newly restored WPA restored building].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2009-30. The motion passed by the following vote:**

**Yea**s : 4 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**Absent** : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 53

**ORDINANCES ON FIRST READING****Items E.-2 through E.-4. are related****Time Certain: 10:00 a.m.**

**E.-2. 09-0469** An Ordinance of the City Commission of Coral Gables approving a change of land use from "Residential Use (Single Family) Low Density" to "Religious/Institutional Use" for a 1.0 acre parcel proposed for use as an athletic field for the St. Thomas Church/School, located on portions of Lot 2, Avocado Land Company's Subdivision (5450 North Kendall Drive), Coral Gables, Florida (legal description on file); providing for a repealer provision, a savings clause, a severability clause, and providing for an effective date. (Passed on First Reading July 7, 2009)

**Attachments:** [07 07 09 CC Cover Memo re: St. Thomas church and school 1st reading](#)  
[07 07 09 Exhibit A: Ordinance - St. Thomas change of land use 1st reading](#)  
[07 07 09 Exhibit B: Ordinance - St. Thomas rezoning 1st reading](#)  
[07 07 09 Exhibit C: Ordinance - St. Thomas site plan 1st reading](#)  
[07 07 09 Exhibit D: 06 03 09 PZB St Thomas staff report w attachments](#)  
[07 07 09 Exhibit E: 06 03 09 Excerpts of PZB Meeting Minutes w attachments](#)  
[07 07 09 Exhibit F: Summary of submitted public comments - St. Thomas land us](#)  
[07 07 09 Exhibit G: Staff's CC PPT - St Thomas Church and School](#)  
[E-2 through E-4 Cover Memo](#)  
[07 29 09 CC Cover Memo re: St. Thomas church and school 2nd reading](#)  
[07 29 09 Exhibit A: Ordinance - St. Thomas change of land use 2nd reading](#)  
[07 29 09 Exhibit B: Ordinance - St. Thomas rezoning 2nd reading](#)  
[07 29 09 Exhibit C: Ordinance - St. Thomas site plan 2nd reading](#)  
[07 29 09 Exhibit D: 06 03 09 PZB St Thomas staff report w attachments](#)  
[07 29 09 Exhibit E: Staff's 07 07 09 CC PPT - St Thomas Church and School](#)

[Note for the Record: A copy of the verbatim transcript for Agenda Item E-2 is available in the Office of the City Clerk and in Legistar].

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

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

City Clerk Item No. 49

**E.-3. 09-0470**

An Ordinance of the City Commission of Coral Gables approving a change of zoning from Single-Family Residential (SFR) to Special Use District (S) for a 1.0 acre parcel proposed for use as an athletic field for the St. Thomas Church/School, located on portions of Lot 2, Avocado Land Company's Subdivision (5450 North Kendall Drive), Coral Gables, Florida (legal description on file); providing for a repealer provision, a savings clause, a severability clause, and providing for an effective date. (Passed on First Reading July 7, 2009)

**Attachments:**

[07 07 09 CC Cover Memo re: St. Thomas church and school 1st reading](#)  
[07 07 09 Exhibit A: Ordinance - St. Thomas change of land use 1st reading](#)  
[07 07 09 Exhibit B: Ordinance - St. Thomas rezoning 1st reading](#)  
[07 07 09 Exhibit C: Ordinance - St. Thomas site plan 1st reading](#)  
[07 07 09 Exhibit D: 06 03 09 PZB St Thomas staff report w attachments](#)  
[07 07 09 Exhibit E: 06 03 09 Excerpts of PZB Meeting Minutes w attachments](#)  
[07 07 09 Exhibit F: Summary of submitted public comments - St. Thomas land us](#)  
[07 07 09 Exhibit G: Staff's CC PPT - St Thomas Church and School](#)  
[E-2 through E-4 Cover Memo](#)  
[07 29 09 CC Cover Memo re: St. Thomas church and school 2nd reading](#)  
[07 29 09 Exhibit A: Ordinance - St. Thomas change of land use 2nd reading](#)  
[07 29 09 Exhibit B: Ordinance - St. Thomas rezoning 2nd reading](#)  
[07 29 09 Exhibit C: Ordinance - St. Thomas site plan 2nd reading](#)  
[07 29 09 Exhibit D: 06 03 09 PZB St Thomas staff report w attachments](#)  
[07 29 09 Exhibit E: Staff's 07 07 09 CC PPT - St Thomas Church and School](#)

[Note for the Record: A copy of the verbatim transcript for Agenda Item E-3 is available in the Office of the City Clerk and in Legistar].

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

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

City Clerk Item No. 50

**RESOLUTION NO. 2009-199**

**Non 09-0537  
Agenda**

A Resolution of the City of Coral Gables amending an Ordinance granting site plan approval for the new St. Thomas Church/School Athletic Field.

A RESOLUTION PROFERRING AN AMENDMENT FOR A 1.0 ACRE PARCEL, FOR THE PROPOSED USE AS ST. THOMAS EPISCOPAL CHURCH/SCHOOL ATHLETIC FIELD, LOCATED AT 5450 NORTH KENDALL DRIVE, BY INCLUDING THE FOLLOWING LANGUAGE CONTAINED HEREIN: THAT THE TIME OF USE FOR ST. THOMAS EPISCOPAL CHURCH/SCHOOL FIELD WILL BE FROM MONDAY THROUGH SATURDAY FROM 7:30 A.M. UNTIL 5:30 P.M., AND ON SUNDAY FROM 7:30A.M. UNTIL 4:00 P.M.; FURTHER PROVIDING THAT A LANDSCAPED, 4' HIGH WALL WILL STRETCH THE LENGTH OF SAID ATHLETIC FIELD FROM THE END OF THE CHURCH BUILDING AT THE WEST END OF THE PROPERTY LINE EASTWARD, ALONG THE ENTIRE PROPERTY LINE.

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-199. The motion passed by the following vote:**

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

City Clerk Item No. 51

E.-4. 09-0471

An Ordinance of the City Commission of Coral Gables granting site plan approval for the new St. Thomas Church/School athletic field and modifications to the existing parking lots, located on portions of Lot 2, Avocado Land Company's Subdivision (5450, 5690 and 5692 North Kendall Drive), Coral Gables, Florida (legal description on file); providing for a repealer provision, a savings clause, a severability clause, and providing for an effective date. (Passed on First Reading July 7, 2009)

**Attachments:**

[07 07 09 CC Cover Memo re: St. Thomas church and school 1st reading](#)  
[07 07 09 Exhibit A: Ordinance - St. Thomas change of land use 1st reading](#)  
[07 07 09 Exhibit B: Ordinance - St. Thomas rezoning 1st reading](#)  
[07 07 09 Exhibit C: Ordinance - St. Thomas site plan 1st reading](#)  
[07 07 09 Exhibit D: 06 03 09 PZB St Thomas staff report w attachments](#)  
[07 07 09 Exhibit E: 06 03 09 Excerpts of PZB Meeting Minutes w attachments](#)  
[07 07 09 Exhibit F: Summary of submitted public comments - St. Thomas land us](#)  
[07 07 09 Exhibit G: Staff's CC PPT - St. Thomas Church and School](#)  
[E-2 through E-4 Cover Memo](#)  
[07 29 09 CC Cover Memo re: St. Thomas church and school 2nd reading](#)  
[07 29 09 Exhibit A: Ordinance - St. Thomas change of land use 2nd reading](#)  
[07 29 09 Exhibit B: Ordinance - St. Thomas rezoning 2nd reading](#)  
[07 29 09 Exhibit C: Ordinance - St. Thomas site plan 2nd reading](#)  
[07 29 09 Exhibit D: 06 03 09 PZB St Thomas staff report w attachments](#)  
[07 29 09 Exhibit E: Staff's 07 07 09 CC PPT - St. Thomas Church and School](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 12, "ABANDONMENT AND VACATIONS", PROVIDING FOR THE VACATION OF A TWENTY (20') FOOT ALLEY BETWEEN LOTS, 1-4 AND A PORTION OF LOT 44, LOTS 45-48 INCLUSIVE, BLOCK 34, CORAL GABLES SECTION "K" AND ESTABLISHMENT OF A NEW VEHICULAR TURNAROUND ON LOTS 42-44; AND CREATION OF TWO (2), SIXTEEN (16') FOOT PUBLIC ACCESS EASEMENTS ON LOTS 12-16, BLOCK 34, CORAL GABLES SECTION "K", TO ACCOMMODATE PUBLIC ACCESS TO THE REMAINING PORTIONS OF THE TWENTY (20') FOOT ALLEY WITHIN BLOCK 34; THE VACATION IS NECESSARY TO ALLOW FOR THE CONSTRUCTION OF VARIOUS IMPROVEMENTS FOR THE CITY OWNED PROPERTY KNOWN AS THE "CORAL GABLES MUSEUM", LEGALLY DESCRIBED AS LOTS 1-4, 42-48, AND VACATED PORTION OF THE ALLEY, BLOCK 34, CORAL GABLES SECTION "K" (285 ARAGON AVENUE), CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE (ALL LEGAL DESCRIPTIONS ON FILE FOR REVIEW).

[Note for the Record: A copy of the verbatim transcript for Agenda Item E-4 is available 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 approved as an Ordinance on First Reading as Amended. The motion passed by the following vote:**

**Yea**s : 4 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

**Nay**s : 1 - Commissioner Anderson

City Clerk Item No. 52

**Items E.-5. through E.-8. are related**

**E.-5. 09-0464** An Ordinance of the City Commission of Coral Gables adopting the annual update to the Capital Improvements Element (CIE) within the City's Comprehensive Plan; providing for a repealer provision, a savings clause, a severability clause; and providing for an effective date. (PZB recommended approval 5-0 vote.)

**Attachments:** [07 07 09 CC Cover Memo re: Comprehensive Plan 1st reading](#)  
[07 07 09 Exhibit A: CIE Ordinance 1st Reading](#)  
[07 07 09 Exhibit B: 10 year water plan Ordinance 1st Reading](#)  
[07 07 09 Exhibit C: EAR Ordinance 1st Reading](#)  
[07 07 09 Exhibit D: Map Inconsistencies Ordinance 1st Reading](#)  
[07 07 09 Exhibit E: 06 03 09 PZB Staff report w ALL attachments](#)  
[07 07 09 Exhibit F: Excerpts of 06 03 09 and 05 13 09 PZB Meeting Minutes](#)  
[07 07 09 Exhibit G: Submitted Public Comments \(RNA Letter\)](#)  
[07 07 09 Exhibit H: Staff's Comp Plan CC Presentation](#)  
[E-5 through E-8 Cover Memo](#)

[Note for the Record: Following the reading of the title to Agenda Item E-5 by the City Attorney into the public record, Planning Director Eric Riel stated Agenda Items E-5, E-6, E-7 and E-8, and accompanying ordinances, represent an update to our City of Coral Gables Comprehensive Plan and Map, more particularly Agenda Item E-5 addresses an updated Capital Improvement Element; Agenda Item E-6 addresses a Ten Year Water Supply Plan; Agenda Item E-7 addresses various text/updates to our Comprehensive Plan in accordance with the State of Florida Evaluation and Appraisal Report Process; and Agenda Item E-8 addresses the re-adoption of the Comprehensive Plan Map and inconsistent land use changes; further stating that a major land use change has been the removal of floor limitations (i.e. from a floor to a feet element); further stating that certain added elements include newly created elements titled Administration, Design, Public Safety and Green (i.e. setting the base for continuity in updating our Zoning Code to promote Green/Sustainability, etc.) to the City of Coral Gables Comprehensive Land Use Plan; setting, goals, objectives, policies (i.e. re mobility due to the success of our trolley project; also in connection with Parks/Recreation Service Standards, etc.).]

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

**Yea**s : 4 - Commissioner Withers, Commissioner Anderson, Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

**Absent** : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 54

**E-6. 09-0465**

An Ordinance of the City Commission of Coral Gables adopting a ten-year water supply facilities work plan and amending the Comprehensive Plan to promote and facilitate better coordination between water supply and local land use planning as required by Florida law; providing for a repealer provision, a savings clause, a severability clause; and providing for an effective date. (PZB recommended approval 5-0 vote.)

**Attachments:** [07 07 09 CC Cover Memo: Comprehensive Plan 1st reading](#)  
[07 07 09 Exhibit A: CIE Ordinance 1st Reading](#)  
[07 07 09 Exhibit B: 10 year water plan Ordinance 1st Reading](#)  
[07 07 09 Exhibit C: EAR Ordinance 1st Reading](#)  
[07 07 09 Exhibit D: Map Inconsistencies Ordinance 1st Reading](#)  
[07 07 09 Exhibit E: 06 03 09 PZB Staff report w ALL attachments](#)  
[07 07 09 Exhibit F: Excerpts of 06 03 09 and 05 13 09 PZB Meeting Minutes](#)  
[07 07 09 Exhibit G: Submitted Public Comments \(RNA letter\)](#)  
[07 07 09 Exhibit H: Staff's Com Plan CC Presentation](#)  
[E-5 through E-8 Cover Memo](#)

[Note for the Record: Following City Attorney Hernandez' reading of the title to Agenda Item E-6 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, on a motion by Vice Mayor Kerdyk and seconded by Commissioner Withers, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-6].

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

**Yea**s : 4 - Commissioner Anderson, Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

**Absent** : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 55

**E.-7. 09-0466**

An Ordinance of the City Commission of Coral Gables adopting the Evaluation and Appraisal Report (EAR) based amendments, various updates of the Goals, Objectives, and Policies, and providing for newly created elements titled: Administration, Design, Public Safety, and Green to the City of Coral Gables Comprehensive Land Use Plan; authorizing transmittal to Florida Department of Community Affairs for review; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (PZB recommended approval 5-0 vote.)

**Attachments:** [07 07 09 CC Cover Memo re: Comprehensive Plan 1st reading](#)  
[07 07 09 Exhibit A: CIE Ordinance 1st Reading](#)  
[07 07 09 Exhibit B: 10 year water plan Ordinance 1st Reading](#)  
[07 07 09 Exhibit C: EAR Ordinance 1st Reading](#)  
[07 07 09 Exhibit D: Map Inconsistencies Ordinance 1st Reading](#)  
[07 07 09 Exhibit E: 06 03 09 PZB Staff report w ALL attachments](#)  
[07 07 09 Exhibit F: Excerpts of 06 03 09 and 05 13 09 PZB Meeting Minutes](#)  
[07 07 09 Exhibit G: Submitted Public Comments \(RNA letter\)](#)  
[07 07 09 Exhibit H: Staff's Comp. Plan CC Presentation](#)  
[E-5 through E-8 Cover Memo](#)

[Note for the record: Following City Attorney Hernandez' reading of the title to Agenda Item E-7 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, on a motion by Vice Mayor Kerdyk and seconded by Commissioner Withers, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-7].

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

**Yea**s : 4 - Vice Mayor Kerdyk, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**Absent** : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 56

E.-8. 09-0468

An Ordinance of the City Commission of Coral Gables readopting the Comprehensive Plan Map in its entirety and Change of Land Use Map designations for the purpose of correcting inconsistencies between Comprehensive Plan Map and Zoning Map classifications based upon the current use for the following City owned properties:

- (1) Change from "Commercial, Low and Mid-Rise Intensity" to "Public Buildings and Grounds" for 285 Aragon Avenue (Coral Gables Museum) located on Lots 1-4 and 42-48, Block 34, Coral Gables Section "K"; and,
- (2) Change from "no designation" to "Open Space" for the public open space located on all of Block 37, Country Club Section 3; and,
- (3) Change from "Residential (Single-Family) Low Density" to "Public Buildings and Grounds" for the City Utility Station located on Tract A, Block 2, Hammock Oaks Harbor Section 2.

Providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date.(PZB recommended approval 5-0 vote.)

**Attachments:**

- [07 07 09 CC Cover Memo re: Comprehensive Plan 1st reading](#)
- [07 07 09 Exhibit A: CIE Ordinance 1st Reading](#)
- [07 07 09 Exhibit B: 10 year water plan Ordinance 1st Reading](#)
- [07 07 09 Exhibit C: EAR Ordinance 1st Reading](#)
- [07 07 09 Exhibit D: Map Inconsistencies Ordinance 1st Reading](#)
- [07 07 09 Exhibit E: 06 03 09 PZB Staff report w ALL attachments](#)
- [07 07 09 Exhibit F: Excerpts of 06 03 09 and 05 13 09 PZB Meeting Minutes](#)
- [07 07 09 Exhibit G: Submitted Public Comments \(RNA letter\)](#)
- [07 07 09 Exhibit H: Staff's Comp. Plan CC Presentation](#)
- [E-5 through E-8 Cover Memo](#)
- [Comprehensive Plan Cover Memo](#)

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

**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:**

**Yea**s : 4 - Commissioner Withers, Commissioner Anderson, Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

**Absent** : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 57

**E.-9. 09-0473**

An Ordinance of the City Commission of Coral Gables granting site plan approval for a proposed one story, less than 1,000 square feet "Plant Conservation Building", located centrally within the Montgomery Foundation Property, and legally described as a portion of the Robert H. Montgomery Section (11901 Old Cutler Road), Coral Gables, Florida; providing for a repealer provision, a savings clause, a severability clause, and providing for an effective date. (Passed on First Reading July 7, 2009)

**Attachments:**

[07 07 09 CC Cover Memo re: Montgomery Botanical Center 1st reading](#)  
[07 07 09 Exhibit A: Montgomery property site plan 1st reading](#)  
[07 07 09 Exhibit B: 06 03 09 Staff report](#)  
[Montgomery Applicant Submittal Package](#)  
[07 07 09 Exhibit C: 06 03 09 Excerpts of PZB Meeting Minutes](#)  
[E-9 Cover Memo](#)  
[07 29 09 CC Cover Memo re: Montgomery Botanical Center 2nd reading](#)  
[07 29 09 Exhibit A: Ordinance - Montgomery property site plan 2nd reading](#)

[Note for the Record: Following City Attorney Hernandez' reading of the title to Agenda Item E-9 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, on a motion by Commissioner Withers and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-9.

Following the roll call, Commissioner Withers brought up the issue regarding having to bring back the matter of waiver of the Not for Profit entity at a later time, wherein Mr. Riel informed the City Commission that representatives of the Montgomery Foundation will not be asking for said waiver since said matter does not form part of the approval process].

**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:**

**Yea:** 3 - Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**Absent:** 2 - Commissioner Cabrera, Jr. and Vice Mayor Kerdyk, Jr.

City Clerk Item No. 58

**E.-10. 09-0474**

An Ordinance of the City Commission of Coral Gables granting approval to an amendment to the Zoning Code Article 2, Division 5, entitled "Historic Preservation Board", Section 2-503, "Meetings; Quorum; Required Vote", providing for an automatic continuance in the event of a lack of majority vote, providing severability, providing for codification thereof, and providing for an effective date. (Passed on First Reading on July 7, 2009)

**Attachments:**

[07 07 09 CC Cover Memo re: HPB Quorum - 1st reading](#)  
[07 07 09 Exhibit B: 06 03 09 PZB staff report](#)  
[07 07 09 Exhibit C: 07 03 09 Excerpts of PZB Meeting Minutes](#)  
[07 07 09 Exhibit A: Ordinance re HPB Quorum - 1st Reading](#)  
[07 29 09 CC Cover Memo re: HPB Quorum - 2nd reading](#)  
[07 29 09 Exhibit A: HPB Quorum Ordinance - 2nd Reading](#)

[Note for the Record: Following City Attorney Hernandez' reading of the title to Agenda Item E-10 into the public record, Planning Director Eric Riel stated that this proposed amendment to the Zoning Code (Article 2, Division 5, entitled "Historic Preservation Board") provides for an automatic continuance in the event of a lack of a majority vote; further stating that the Planning and Zoning Board unanimously recommended approval of said zoning text measure by a 5-0 vote; there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, on a motion by Vice Mayor Kerdyk and seconded by Commissioner Cabrera, Mayor Slesnick directed the City Clerk to call the roll on Agenda Item E-10].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:**

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

City Clerk Item No. 59

**Items E.-11 and E.-12 are related****E.-11. 09-0475**

An Ordinance amending Article III of Chapter 78 of the Code of the City of Coral Gables titled "Sanitary Sewer System" and in particular Sec. 78-99 titled "Compulsory connection required where sanitary sewer available" for the purpose of making the owner solely responsible for the construction, maintenance, repair, cleaning, and cost of inspection of all laterals from their property line to any point of connection with the City's sanitary sewer system.

**Attachments:** [E-11 Ordinance](#)  
[E-11 Cover Memo](#)

[Note for the Record: Following City Attorney Hernandez' reading of the title to Agenda Item E-11 into the public record, Public Works Director Alberto Delgado stated that the proposed ordinance amending Article III of Chapter 78 of the City's Code (entitled "Sanitary Sewer System, and Section 78-99 (entitled Compulsory Connection Required where Sanitary Sewer Available) was put forth resulting from the lack of a Code provision requiring owners to be responsible for the construction, maintenance, repair, cleaning and cost of inspection of all laterals from their property line to any point of connection with the City's sanitary sewer system.

**Questions, Inquiries, Comments and Concerns from the City Commission:** Commissioner Withers inquired of the Administration as to whether the responsibility is for construction, repair, cleaning, etc. of laterals is on their property versus the City property?

Mr. Delgado further informed the City Commission that there is a lateral line that comes across the front yard and connects into the main line; said lateral is supposed to be maintained by the property owners, because the City is not allowed to do maintenance; the only exception is in those instances wherein there has been damage to laterals resulting from actions by the City or by root intrusion from City trees; further stating that the property owner, tenant, occupant, or user shall pay a sewer service charge, which is based on the water consumption that they have used.

Vice Mayor Kerdyk stated that Agenda Item E-11 represents a clarification issue, stating that anything that is off of the main line is the property owner's, tenant's, occupant's or user's responsibility].

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

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

City Clerk Item No. 60

**E.-12. 09-0441**

An Ordinance amending Article III of Chapter 78 of the Code of the City of Coral Gables titled "Sanitary Sewer System" and in particular Sec. 78-106.2(2) titled "Sewer connection procedures for properties outside sewer districts; Terms and conditions" for the purpose of reducing the rates applied to connecting outside the City to be 25% greater than the rates applied to the same connections within the City and to comply with section 180.191(1), Florida Statutes.

**Attachments:** [E-12 Cover Memo](#)  
[E-12 Ordinance](#)

[Note for the Record: Public Works Director Delgado explained to the City Commission that the proposed ordinance amends Article III of Chapter 78 of the City Code and in particular Sec. 78-106.2(2) entitled Sewer Connection Procedures for properties outside sewer districts, for the purpose of reflecting those provisions of the Florida Statutes in reducing the rates for connecting outside the City to be 25% greater than the rates applied to the same connections within the City and to comply with Section 180.191(1), Florida Statutes.

**Questions, Comments, Inquiries and Concerns from the City Commission:** Commissioner Withers inquired of Public Works Director Delgado through the City Manager, as to who determines the rate of connection?-whereupon Mr. Delgado responded that the consultant uses a formula based on consumption; further stating that the consultant evaluates an application and determines the flow.

There being no public testimony proffered by any member of the public, nor there being any further deliberation by any member of the City Commission, on a motion by Commissioner Anderson and seconded by Commissioner Cabrera, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-12].

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

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

City Clerk Item No. 61

**E.-13. 09-0446**

An Ordinance of the City Commission of Coral Gables amending Chapter 2, Article III, Division I, Section 2-60 of the City Code entitled "Terms of members", by providing that a Board Member's term shall continue until the end of the appointing Commissioner's term in office; providing for a repealer provision, a severability clause, and providing for an effective date. (Passed on First Reading July 7, 2009)

**Attachments:** [amendment to section 2-60 city code extendingterm](#)

[Terms of Members Ordinance Cover Memo](#)

[comm\\_boardscommittees\\_memberterm\\_appointingcommissioner\\_mem](#)

[agendacoversheet\\_boardmemberterms appointing commissioner](#)

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

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

City Clerk Item No. 62

**F. CITY COMMISSION ITEMS**

**None**

City Clerk Item No. 63

**G. BOARDS/COMMITTEES ITEMS**

**None**

City Clerk Item No. 64

**H. CITY MANAGER ITEMS****RESOLUTION NO. 2009-200**

**H.-1. 09-0493** Resolution accepting the recommendation of the Chief Procurement Officer pursuant to Section 2-583 to waive the Procurement Code to award a contract for the Coral Gables Country Club Roofing Repair Project in the best interest of the City.

**Attachments:** [Country Club Roofing Repair Resolution](#)  
[Country Club Roof Back-ups](#)  
[H-1 Country Club Roofing Repair Cover Memo](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER PURSUANT TO SECTION 2-583 TO WAIVE THE PROCUREMENT CODE TO AWARD A CONTRACT FOR THE CORAL GABLES COUNTRY CLUB ROOFING REPAIR PROJECT IN THE BEST INTEREST OF THE CITY.

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

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-200. The motion passed by the following vote:**

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

City Clerk Item No. 65

**RESOLUTION NO. 2009-201****H.-2. 09-0353**

Resolution authorizing the execution of an amendment to the Professional Services Agreement between the City and ArcoArt Plus, LLC d/b/a Trolinet, by granting an extension of time for project implementation and providing for a revised compensation schedule for the Trolley Advertising Program.

**Attachments:**

[Trolinet contract](#)  
[Resolution 2008-128](#)  
[Trolinet payment amendment](#)  
[0256 001](#)  
[H-2 Trolley Advertising Program Cover Memo](#)  
[Trolinet Resolution](#)

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND ARCOART PLUS, LLC, D/B/A TROLINET, INC., BY GRANTING AN EXTENSION OF TIME FOR PROJECT IMPLEMENTATION AND PROVIDING FOR A REVISED COMPENSATION SCHEDULE FOR THE TROLLEY ADVERTISEMENT PROGRAM.

[Note for the Record: Following City Manager Salerno's reading of the title to Agenda Item H-2 into the Public Record, Public Works Director Alberto Delgado informed the City Commission that ArcoArt Plus, LLC,d/b/a Trolinet had contacted the City requesting an amendment to the professional services agreement, in order to extend the period of payments (Note: there will be no payments during the months of June, July and August of 2009) to the City for an additional 90 days for advertising sales proceeds in accordance with the attached payment schedule.

**Questions, Comments, Inquiries and Concerns from the City Commission:** Commissioner Cabrera inquired of the Administration, as to whom is responsible for the professional services agreement?-further informing the Administration that he will be disappointed if there are any other delays regarding this project for on-board trolley and print advertising within the interior of shuttle buses operated by the Coral Gables Trolley; further reminding his colleagues that the Commission had talked about advertising 5 years ago; further stating that 5 years have elapsed and we are still struggling with said issue; further stating that it appears like we have an unsustainable system, and it is very frustrating for him not to know whom is at fault; further stating that at some point in time, the City has to pay attention to same; further stating that he wants to avoid the unpleasantry of having listen to a frustrated contractor, as a lay person, who realizes that there are some problems; further acknowledging the good work done by the City Manager in connection with said issue, stating that he did not mean to infer that he had anything to do with the lack of said issue to move forward in an expeditious manner; further reiterating the fact that it has been frustrating since the Commission has talked about same since 2002, pointing out that there was a time that there was such favorable interest shown by the contractor, merchants and the City; further expressing optimism that the window of opportunity is still available for the City

to proceed in connection therewith.

Mayor Slesnick agreed that the unnecessary delay is inexplicable to a point, acknowledging that the vendor has been currently experiencing unforeseen equipment installation problems; further stating that the City Manager during the pre-agenda review had reassured him that as part of the current professional services agreement, that he will ensure a successful conclusion to this process; further pointing out that since his involvement with said matter, the staff has done a good job in taking something that has lagged and moved forward in a constructive vein; further noting that the vendor has faced some tough economic times, and as a consequence thereof has provided for certain concessions-including giving up ownership of all equipment in the trolley; further stating that if something unfortunate happens, the amendment to the professional services agreement gives the City \$160,000 in assets.

A representative from Trolinet appeared before the City Commission stating that in collaboration with the City's Public Works Department, and the Trolley Division has been able to complete the first portion of the project, and is moving along with the second portion of the project, despite economic hard times; further stating that he is confident in the project, and his intent is to complete a successful project].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-201. The motion passed by the following vote:**

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

City Clerk Item No. 66

**I. CITY ATTORNEY ITEMS**

I.-1. **09-0448** Pending Litigation Report

Attachments: [PENLIT 7 07 09](#)

[Note for the Record: City Attorney Hernandez brought before the City Commission a proposed resolution to consider joining other local governments in a lawsuit challenging Senate Bill 360 as being unconstitutional; further stating that said legislation was signed by Governor Charlie Christ on June 1st, 2009; further stating the City of Weston has reached out to other municipalities and counties to join them as party plaintiffs in challenging Senate Bill 360 as an unfunded mandate on municipal governments; further noting that it is only requesting \$2,500 to participate in said legislation; further mentioning that the law firm of Weiss Serota, which is acting in the capacity of City Attorney for the City of Weston has approached our City requesting for our participation; further stating that it is her recommendation that our City should participate, since she is unsure as to whether the glitch bill will be adopted to clarify some of the ambiguous language contained in said legislation; further noting that in the meantime, it is known that the City of Weston is moving forward with this initiative; further noting that regarding the impact of said legislation, that many municipalities are taking the position that said proposed measure does not affect the whole host of permits that, as well as the host of permits that were issued; further stating that there are a host of procedural matters that exist; further stating that it is up to the City Commission as to whether it would like to participate along with the City of Weston as a party plaintiff; further stating that municipalities and counties are not in agreement as to the impact of said legislation; further stating that said measure does not affect a whole host of permits that were issued; further noting that there are a lot of procedural grounds required before a developer can take advantage of the extension of the life of a permit, which must be filed by December 1st of this year, in order to preserve any claims that a developer may have, that a permit may continue to be alive and well, and exist, without paying additional fees; or continue to incur a full complement of workers on their respective job sites].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 67

**J. CITY CLERK ITEMS****None**

City Clerk Item No. 68

**K. DISCUSSION ITEMS**

Mayor Slesnick: Ms. Anderson, nothing; Mr. Kerdyk excuse me Mr. Cabrera, I'm sorry, he's on my mind today, he's back, he's back, Mr. Cabrera.

Commissioner Cabrera: The first one has to do with the Merrick House; I recently attended a Merrick House Governing Board meeting, and had a chance to visit with the Board and learned that they had a pending list of projects, and these project range from signage to work in the kitchen, repair some warped floors, to a whole series of issues having to do with the Merrick House; and I very quickly explained to the members of the Board that we are in a tight budget cycle, and they were very quick to respond to me that they had monies set aside for repairs, renovations of the house, and so staff quickly put together what we have been doing in terms of bringing the house back up to working shape, but I think that on the list that staff gave us back, I think there was some missing items; and I was hoping through the Manager's office we could direct someone to meet with the Governing Board at their next regularly scheduled meeting, and discuss those items that are still pending; and if there is the appropriate funding mechanism from their side; I believe that they had in excess of forty thousand dollars (\$40,000) available from the fundraising efforts...

Commissioner Anderson: In their trust fund.

Commissioner Cabrera: Yes, so if those monies are appropriate or if they can be used appropriately toward repairs, I would certainly urge the City staff to move with that, because they seem somewhat frustrated over the lack of attention to their pending list. So I would very much appreciate any follow up that would be made with the Board.

City Manager Salerno: I'd be glad to; Ms. Spain is working on that now.

Commissioner Cabrera: Thank you Mr. Manager. The second item is rather sensitive and it deals with a City employee who worked in the Clerk's office for a number of years and prior to that she worked for Historic Preservation Board; and I think you all know Ms. Susan Franqui, and I do believe that you all know the conditions that she encountered, health conditions she encountered, and caused her to leave the City for a time, and the City staff members were very generous, many of her colleagues were very generous in giving her sick time; the City Clerk's office worked above and beyond the call of duty to try to help her, I think the City Clerk himself really extended

himself as much as he could, and we all recently learned that she is prepared to come back to work, but unfortunately due to the changes that have occurred within the City and outside the City that opportunity doesn't seem to present itself, and let me tell you why I bring this up to you all. I think at some point in time we are going to have to address it and the reason we are going to have to address it is because I am convinced that when we appointed her Deputy Clerk we did so through a resolution, and that means we made that decision, the five of us, and some people think that that's maybe a formality, and others think that just because there was a resolution it really carries no weight that this Commission should even venture to be discussing a personnel issue, but I'd like you all to think, or put this aside for a minute and look at it from a moral and ethical standpoint; and that's really what I'm appealing to you on, and I'd like to get your feedback on this, because I believe that she should be reinstated, and how that gets done, well I leave that up to staff; I don't think that its up to us to decide how we reinstate her. I think staff needs to do what this Commission tells it to do, if we feel that she should be reinstated, and I for one feel that way, and so I don't know how else to bring this up but in a public forum and that's why I'm discussing this item at this point. So does anyone wish to speak on it? You don't feel comfortable, I didn't hear you.

Commissioner Anderson: I don't feel comfortable in addressing that item, nothing against anybody, I think she is a very fine person.

Commissioner Cabrera: In what forum, and I'm not trying to be flippant, in what forum would you feel comfortable?

Commissioner Anderson: I don't know if there is a resolution as far as from a court standpoint that's going to come, or from a legal settlement that's going to come our way, and kind of my policy not to talk about those issues with personnel, and it's not about any one person, it's about everybody. I've known Susan for the past years and I've known of her troubles, and I know that staff did a lot to help her with leave time, as to the eventual solution of it I'll wait for our legal team to come forth with a solution.

Commissioner Cabrera: OK, and I respect your position, and I appreciate the fact that you took the time to respond to me, so what I'm going to say is not to be taken in the form of debate...

Commissioner Anderson: No, no, I understand.

Commissioner Cabrera: But we are well within our rights, I know I am, I am well within my right as a City Commissioner to discuss this item, and that's the only reason...look, look, I'll tell you very candidly, the last thing I wanted to do on this day was to talk about this, and I'll tell you why, and I know it may be hard for some of you to believe it; number one, I didn't feel like this was a good item to discuss from a grand

standing standpoint, I'm not doing it for political reasons, I really am just doing it because I think it's the right thing to do. So I appreciate the fact that you have let me know how you feel, and I think from what I hear you saying is that you would prefer for the City Attorney's office or someone to get back to us with some sort of legal decision.

Vice Mayor Kerdyk: Can I say how I feel? I think I have heart felt sympathy for Susan as probably everybody sitting up here; it was my understanding that out legal team was in the process of discussing this with her attorney at the present time, and that a discussion was almost had.

City Attorney Hernandez: Yes...

Commissioner Cabrera: Excuse me Madam City Attorney, Bill that's the case, but in all fairness to the City Attorney and City Manager and everybody else, we're the ones that really need to give some sort of direction as to how to proceed, and quite frankly other than Ms. Anderson who was nice enough to share with me how she feels, I don't know how the rest of the group feels. So I'm getting a flavor for how everyone feels here and we may or may not be able to agree as a collegial body as to how we proceed, but I want to bring this to some sort of closure, I don't want this to continue to just linger, I don't think its fair to her, I certainly don't think...

Vice Mayor Kerdyk: I agree, but I think there was more; Susan Franqui was an issue and there was another moving part to it too, that is part of this negotiation.

Commissioner Cabrera: I'm only here to talk to you about Susan Franqui.

City Attorney Hernandez: And Vice Mayor what we were trying to do was because of the issue of the budget and where we were in terms of personnel, we were trying to work out a situation with one employee and another employee in order to bring back a universal resolution. We met with the Manager and he documented that I had been working with our Special Counsel that we need to meet with the Manager and make sure that he's comfortable with what's going on, so that we can either resolve the entire issue or agree that we don't have a resolution.

Vice Mayor Kerdyk: But it was my understanding that you had a resolution on the matter.

City Attorney Hernandez: I believe that, I have, I have...

Vice Mayor Kerdyk: Who's the missing piece now?- is the City Manager the missing piece?

Commissioner Cabrera: No, I think what we have...you know, this was acted upon very quickly and we may have some miscommunications, and really look, Bill, everybody is really trying to row in the same direction, and everyone is trying to make this thing happen for the good of the City, and the good of other parties, but the point that I'm trying to get across to everybody today is how do we all feel about Ms. Franqui and where do we stand on this issue, I know how I stand and my goal is to get you all to agree to reinstate, and how does that occur?- I think we leave that up to the professionals to tell us how that happens. I don't know how else to...

Mayor Slesnick: Like the rest of you I worked for Susan even before I came to the Commission, and I have valued Susan as a person and as a worker greatly from her past performance and her past relationship with me, but during the troubling times and she went through some horrible times, as you said Ralph, the City Clerk did everything within his power to help her through those times and fellow City employees did everything they could to help her through those times; and I do not believe that on her decision to return that was not announced to the City in a very clear way, and was not really done in a way that was productive, it left her in a situation and the City in a situation where no one was really sure at the moment as to what the intentions were of either party, and I really put that upon Susan's plate, even if it was caused by external forces, but it still despite the Clerk's best efforts to get from her specifics about her return it never materialized until almost after the fact when she acted as if she had been ready to return, but no one had taken her up on the offer when no one really knew she was ready. So I don't believe in my short quick analysis, and the City by the way for the citizens to know, gave this lady all of the time and all of the leave required by law and more so. So I don't know that there is any legal situation where she can pursue against the City, although it somewhat puts me in a somewhat strange situation because of the way I feel about these things, that she went out and immediately hired an attorney, and before I was even contacted, no one had come to me like you just did, which is a good thing and say the City Commission should consider what they did in the resolution, but no one ever, Susan never approached that with me. The first thing I knew she had an attorney, and that we were dealing with an attorney, that's the first thing I knew, and that's a shame. I think that one thing that we need to do is, we need to put a resolution before us removing her as Deputy City Clerk, even if we bring her back, which I'm not speaking against, but even if we bring her back, it's not my thinking that we are bringing her back as a Deputy City Clerk...

Commissioner Cabrera: It's not mine either.

Mayor Slesnick: OK, so therefore I think your point is well taken, we need to act officially on that resolution, and take that title away from her. I would be happy to see Susan back in the City workforce, if there is a place for Susan, I would be delighted to see her being a productive member of our City, and I know that she is supposedly I'm told a little short of vesting, that may or may not be true, she may be vested, I'd like to

see her treated as generously as possible for a lady who gave some time to the City and productively so, and was thinking and hoping that we would be presented with a way in which to do that, and so that's how I feel, that's about as much as I can say.

Commissioner Cabrera: You know that last part you said, repeat it, I think you said something and I'm waiting to see how that....

Mayor Slesnick: I said I would suspect, I've never hired anybody for the City, and so therefore I was waiting to see who was going to make a productive suggestion from our administration as to how we can bring her back, if we can.

Commissioner Cabrera: That's where I get frustrated because believe me this is the last thing I want to talk about, but if I don't take this on and bring it up in a public forum, I don't know if it gets addressed, I genuinely think that it just goes away.

Mayor Slesnick: I support it to bring her back, if there is a plan to do so.

Commissioner Cabrera: But I thought maybe what you were referring to was that you would support...see in order for that to happen this had to be discussed, that's how I feel, maybe the rest of you don't think that way, but I think in order for that to take place we needed to bring it up.

Commissioner Anderson: I was just going to say for me, how I view it separate, and I think I might have articulated it, excuse me if its late in the day, our resolution as Deputy Clerk was a situational thing at that time and I'm looking at it now in a different spot to see how things can be made right whatever that right is, but in a different context, I don't feel it's a moral obligation on my part I speak only, I just feel that its something procedurally that we have to decide on my part to see how we resolve this. Just wanted to add that to the record.

Commissioner Cabrera: Chip you have any feelings on this?

Commissioner Withers: Yes, I guess I was contacted four or five months ago like a lot of us were, and it was Susie directly, and I was checking in with her as to how she was doing, because as a friendship relationship, it had nothing to do with the City, it was how you feeling, whatever; and then it kind of died down and then it resurfaced through a bunch of e-mails supporting probably the same e-mails that you received from different folks...

Commissioner Anderson: And we got a call from a State representative as well.

Commissioner Withers:...What brought it forward. Personally I think she is a phenomenal individual, you know the old story where you throw your shoe in the

middle of the room and you are going to try to get someone else's shoe, she is certainly not someone shoe I would pick up, because what she has been through personally, medically, I just astounding that she survived it, mentally, but I do kind of feel that we are being worked a little bit on this issue...

Commissioner Cabrera: Worked by whom?

Commissioner Withers: By the whole system, by the attorney, by the whole, everything that's in play right now...

Commissioner Anderson: Their attorney.

Commissioner Withers: Yeah, and I don't know how much, Liz stop me when we say we can't talk any more or whatever about this; I wish that second part of the equation wouldn't have come into play, I would have probably looked at this whole thing a little bit differently than I'm looking at it now. That's just how I feel because I really feel that you know, and I kind of hope that the roles gets reversed and the representing attorney really comes through with what his real motivations are; the motivations were explained to me, I spoke with the attorney, I checked with Liz, so I kind of feel like we are being worked a little bit, jabbed a little bit, and I would like to kind of let that process maybe flow for another week-two weeks, to see how that plays out and then address the situation. That's just how I feel.

Commissioner Cabrera: I appreciate that, you know when I first...

Commissioner Withers: Do you feel that way?- do you feel that second part of that equation is now trying to force our hand?

Commissioner Cabrera: I'm going to answer you. The first I heard of this I consulted with the City Attorney very briefly, and learned that it was not within our purview to become involved with this, even though the Charter allows us to look at these things, but then what happened was, and this is the part that I guess you could look at and say we were being worked on, I read a message, an e-mail that I think we all received, it very clearly spelled out how she was hired to be Deputy Clerk and when I saw that document I realized that we hired her. Now, it would be argued that, that's simply a formality, from now on we are never going to do something like that, but nonetheless we hired her by a vote of 5-0.

Mayor Slesnick: She was already an employee of the City, we appointed her.

Commissioner Cabrera: We appointed her, OK, forgive me Mayor...

Mayor Slesnick: No, I'm not trying to be...

Commissioner Cabrera: Well, no, I'm saying forgive me in a genuine way.

Mayor Slesnick: She was hired, she was employed...

Commissioner Cabrera: Don, you don't have to defend it, I think you are right.

Mayor Slesnick: OK, let's talk about Billy; do you think we hired Billy?

Commissioner Cabrera: I don't recall a resolution being approved...

Commissioner Anderson: We did.

Commissioner Cabrera: I don't remember, good for you guys, there's a lot of things, I remember the States and Capitals, I don't remember how we hired him or how we appointed him, I don't remember.

Commissioner Withers: I wasn't referring to that hiring process...

Commissioner Cabrera: But he's right, we appointed him.

Commissioner Withers: I was referring to the other party that's coming to play now with this whole thing; do you know what I'm talking about?

Commissioner Cabrera: I know exactly what you are talking about.

Commissioner Withers: Does that cause you any anx at all.

Commissioner Anderson: Distasteful.

Commissioner Cabrera: You know I have learned after eight years there are a lot of things that I don't like, but those are the cards that I was dealt with, and if I want to dwell on it and be bothered by the personality and how they feel about me, and how they blog me, then I'm going to be a wreck, I'm going to have a second hair transplant to get through it. So the point is I don't want to worry about those kinds of things, these are the cards that I've been dealt with, so I have to deal with it.

Commissioner Anderson: Yeah, its part of the decision-making process we are going to have to go through unfortunately whether we like it or not; personally I'm not overjoyed that's for sure, but I understand that this may be one of the things that we have to do to resolve it, am I happy?- no, not at all.

Vice Mayor Kerdyk: Is there any reason it can't wait two weeks before we make a

decision on this?

City Attorney Hernandez: No, not at all.

Commissioner Cabrera: Hey look it's the will of this group and by the tone of everyone I think you guys, you folks have a legitimate concern and I respect your positions, I may not agree with it, but at the end of the day I certainly respect your positions, and so hey when I get up from here I have to think about insurance, and so I'm not going to worry about this until we all get together again, but I am not going to let it die, I mean, I'm going to keep it moving, and so I know when you all don't like something and how things work, I mean, I saw it today, I saw that unfold today, and I see it every time we are all together and that's OK, but I'm not going to let it die.

Vice Mayor Kerdyk: But I don't think we dislike the suggestion, it's the fact that we want to see a final conclusion that comes out before we make the final determination, I don't know if it's a prudent, from my standpoint I don't know if it's a prudent decision to make at this particular time when we don't know what all the moving parts are, that's my thought process.

Commissioner Cabrera: That's a good point, that's my fault, but I assure you I've learned a very valuable lesson on this one, when I make something a priority everybody better makes it a priority that works for me, or we are going to have serious problems, because I'm here till 2013.

Commissioner Withers: Let me just say in closing Ralph, if you can kill two birds with one stone in this situation, if you know what I'm talking about...

Commissioner Cabrera: I know exactly what you are talking about.

Commissioner Withers: That might be the direction I'm more inclined to take...

Commissioner Cabrera: And I don't blame you.

Commissioner Withers:...than just hit one bird with one stone, that's the only thing I'm trying to...

Commissioner Cabrera: And that's really smart, and that's really smart.

Commissioner Withers: I have no problem, I said it publicly, I would love to see Susie back with the City, I think she was a stellar employee, I think every time I dealt with her she was smiling, she was accommodating, and I think we all agree.

Vice Mayor Kerdyk: Great employee.

Commissioner Withers: In the best of all worlds she would be here, I think that's my goal and my objective, now how we get there might be different paths, but that's how I feel.

Commissioner Cabrera: I appreciate that. That's it for me, I'm looking forward to the 29th, we'll be back together again.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: I have nothing thank you.

Commissioner Withers: I just have one little thing that drives me nuts. What are we doing about those County signs when they donate money to us for parks, how long do we allow them to stay on the property before we remove them? Some have been up now for sixteen-seventeen years, I mean....

Mr. Delgado: There is a provision in the grant for a period of time that we need to keep the sign up; we just removed-on Columbus and Coral Way because it was supposed to be....

Commissioner Withers: How about the one across from the Chinese village? It's been about eighteen months.

Mr. Delgado: OK, that one I think is about two years, I am going to check, it's about to expire. So the provision calls you know, when you get a grant that you are suppose to keep the signs for a period of time, and I will, this is the one for the donation of the land....

Commissioner Withers: What if it gets blown over or stolen?

Mr. Delgado: We get it from the General Obligation Bond. I am going to check the time.

Commissioner Withers: That's it. Thank you. What do we have here Don?

Mayor Slesnick: Well this is my show and tell again; this is a very wonderful article in Florida Travel Life; this was an article promoted by our BID, and so Mari was kind enough to provide me with a copy of this; and again and I think its just again a superb article and its called, *What its like to live in Coral Gables*, residents love this old world ambience and this historic enclave in the heart of South Florida. So I think it's a great article, and I congratulate the BID for pushing that in. I would also say that I am about to leave you all for a little while, I haven't left the City for more than seven days

in eight years, but I am taking my wife on our fortieth anniversary, whatever it is I'm taking my wife and we are off for a couple of weeks to celebrate our fortieth anniversary, so you all won't have me to kick around for a couple of weeks.

Commissioner Withers: Where are you going?

Mayor Slesnick: We are going to Italy.

Commissioner Withers: Where?

Mayor Slesnick: Italy. I-T-A-L-Y.

Commissioner Withers: Really.

Mayor Slesnick: So I would like to note I am wearing my Jefferson tie today to celebrate both the 4th of July and the fact that he died on the 4th, and twice this Commission has been installed on Jefferson's birthday.

Commissioner Cabrera: I just have a quick question.

Mayor Slesnick: Yes.

Commissioner Cabrera: Why are we getting so many e-mails on that waterway Renaissance thing?- are they looking for money?

Mayor Slesnick: No, it's because a neighbor who is an influential neighbor, and a well respected neighbor and architect wrote us an e-mail de-writing the project...

Commissioner Cabrera: De-writing it?

Mayor Slesnick: Yes, de-writing it, criticizing it, and at that moment I asked whether we had been mislead into believing that the citizens at all had supported it, and so forth. The people who are doing the project, Peter, went to meet with that citizen and have enlisted his aid and his support for the idea, but with his own input that I think there was e-mail that was circulated today, at least I got it, suggesting that maybe the color scheme should be different based on historical things. Anyways, that's why I think we are getting e-mails to let us know that these neighbors do support it.

Commissioner Cabrera: So they are not looking for money, right?

Mayor Slesnick: No, that's my supposition, OK, that's the background that I know.

Commissioner Cabrera: I appreciate that.

Mayor Slesnick: With that, Mr. Manager did you have any last thing?

City Manager Salerno: Nothing.

Commissioner Withers: Tomorrow morning.

Mayor Slesnick: Tomorrow morning, that's right, we won't be coming back in two weeks, we are coming back tomorrow morning, 9:00 a.m.; 9:00 a.m. tomorrow morning here for our Budget Workshop, and then on the 29th, which is a Wednesday for our next official Commission meeting. So I will see you all then and thank you all for the support from the staff and the directors and the Manager.

City Clerk Item No. 69

## **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 2:54 pm on July 7, 2009. The next regular meeting of the City Commission has been scheduled for July 29, 2009, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK