

# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, February 22, 2011**

**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  
Lourdes Alfonsin Ruiz, Interim City Attorney  
Walter J. Foeman, City Clerk*

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

**ROLL CALL**

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

**INVOCATION**

Rabbi Edwin Goldberg from Temple Judea gave the Invocation.

**PLEDGE OF ALLEGIANCE**

[Note for the Record: The Pre-K Class of the Growing Place led those in attendance as well as the viewing public in the Pledge Allegiance to the Flag; Mayor Slesnick further acknowledged the presence of Ms. Mya Mestre, teacher of the Pre-K Class, from The Growing Place and invited Rabbi Edwin Goldberg to join the City Commission, The Pre-K Class and Ms. Mestre in a photographic session].

**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) Resolution(s) adopted (Resolution No. 2011-33 through Resolution No. 2011-37); (b) Video; (c) Audio Recording; (d) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

**A. PRESENTATIONS AND PROCLAMATIONS**

**A.-1. 11-0624** Presentation of a Proclamation declaring February 2011 as Black History Month in Coral Gables.

[Note for the Record: Mayor Slesnick prefaced his remarks by stating that the Presentations and Proclamations section of the agenda represents that portion of the agenda wherein our citizens and our employees are recognized; further requesting of Commissioner Anderson to present the next two protocol documents in connection with "Black History Month."]

Commissioner Anderson requested those members of the City's Golden Gate Community to join her on the dais in furtherance of the "Black History Month" recognition; further informing the public that on this occasion she has the pleasure of recognizing not only Black History Month, but also an individual who has given back to the community, as well; whereby she read into the public record a proclamation proclaiming Tuesday February, 2011 as "Black History Month."

Commissioner Anderson continued with the second presentation by acknowledging that she has always had the opportunity of working with late Mr. William A. Cooper during this particular time of year; adding that Mr. Cooper who would also provide her with a theme and/or a person as suggested by the neighborhood association worthy of recognition by the community; further adding that this year the name proffered by the Lola B. Walker Homeowners Association was that of Ms. Elizabeth Ann Tucker Anderson for her exemplary civic, religious, educational advocacy, and long term tenured status as a member of this community; thereby reading a Certificate of Recognition protocol document into the public record.

Ms. Andrews thanked the City Commission and the Lola B. Homeowners Association for this honor].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 1

**A.-2. 11-0620**

Presentation of a Proclamation declaring February 22, 2011 as Tropical Baroque Music Festival Day in Coral Gables.

[Note for the Record: Mayor Slesnick acknowledged the presence of Mr. Volker Anding, chairman of the Miami Bach Society, retired Consul General in Miami, and retired Ambassador to Panama and Uruguay from the Federal Republic of Germany. Mr. Anding prefaced his remarks by stating that one member of the City Commission is also a member of the board of the Miami Bach Society, namely Vice Mayor Kerdyk, adding that the Miami Bach Society is honored to have Vice Mayor Kerdyk as a member of the Bach Society; further introducing those members of the Board of Directors of the Miami Bach Society in attendance, as more particularly described herein below:

Tomas Abreu, Consul General of Monaco; Eva Alexander Countess Kendeffy; Counsel General of Germany; Kathryn B. Gaubatz, Executive Director Tropical Baroque Festival (Miami); Jay Bernfeld, Co-Artistic Director, Tropical Baroque Music Festival (Paris); Donald Oglesby, Artistic Director, Miami Bach Society, and Jancy Ball, Technical Director, Miami Bach Society (New York).

Mayor Slesnick commended The Miami Bach Society as well as the Tropical Baroque Festival, who he characterized as two great institutions, the latter one, which occurs totally in Coral Gables as witnessed in the Tropical Baroque Music Festival, an event which was founded 26 years ago by Donald Oglesby; the former entity is one which showcases music by pianist composer John Sebastian Bach and his colleagues; further reading a proclamation into the public record proclaiming Tuesday February 22, 2011 as "Miami Tropical Baroque Music Festival Day in Coral Gables;" further thanking the group for this wonderful cultural event.

Mr. Anding thanked the Mayor and members of the City Commission for being one of the sponsors who supported their effort to bring this type of music to Miami; further presenting this year's poster of the music festival to the City Commission in appreciation for the support that has been given to their group.

Mr. Voker Anding also extended an invitation to the Mayor and City Commission to attend an activity at the Biltmore Hotel on February 27th, 2011 that will include Fireworks; further informing the viewing public that there will be groups here from France and Italy as part of the festival activities, between February 27 through March 5, 2011].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 2

**A.-3. 11-0621**

Christopher "Kit" Toomey, winner of the 2011 SeaVee/Mercury Mayor's Cup Fishing Tournament, presenting the trophy to the City to display in City Hall for the next year.

[Note for the Record: Mayor Slesnick invited Christopher "Kit" Toomey, winner of the 2011 SeaVee/Mercury Mayor's Cup Fishing (Sailfish) Tournament, along with team participants Randy Hill and Tony Arbello to join him on the dais; further explaining that on behalf of the "Get Lit" Crew and Tournament Committee this year, they wanted to present this trophy to the City for display in City Hall for a one year period until said tournament next year; further adding that said group had 29 catches (sailfish that were released back into the wild after the competition ended) during tournament competition.

Mayor Slesnick added that the City Commission is proud to display said trophy here in City Hall].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 3

**A.-4. 11-0615**

Presentation of the Robert DeKorte Memorial Award to Sgt. John McRae.

**Attachments: [COMMISSION COVER MEMO -De-KORTE AWARD](#)**

[Note for the Record: Mayor Slesnick requested through City Manager Salerno to have Interim Police Chief Joe McNichol approach the podium regarding the presentation of the Robert DeKorte Memorial Award. Interim Police Chief McNichol asked Sergeant Randy Hoff (Fraternal Order of Police, hereinafter referred to as FOP) and Aaron Glasser (FOP Association, Lodge 7), along with this year's award recipient, namely Sergeant John McRae to also join him in connection with said presentation; further informing the viewing public that this year's award recipient will receive a check for \$500, 40 hours of annual leave, as well as having their name engraved on the Robert DeKorte Memorial plaque. The selection process is made by the Executive Boards of the Fraternal Order of Police Lodge 7 and Coral Gables Police Benevolent Association.

Interim Chief Joe McNichol further explained that the Robert Dekorte Memorial Award is presented annually in memory of Robert DeKorte, a 19-year veteran of the Coral Gables Police Department who was killed in the line of duty on January 21, 1972 while attempting to apprehend two subjects as they were committing an armed robbery at a local liquor store. The late Commissioner Rebyl Zain, proposed that an award be given each year to the officer who best exemplifies courage, dedication, and devotion to duty.

Interim Chief McNichol further read the letter as submitted by FOP President John Baublitz on behalf of Sergeant McRae, stating that in nominating him for the highest

honor in the Police Department, that he has demonstrated great dedication to his profession and especially to the betterment of the Marine Patrol Unit; his treatment of the officers within his unit with respect, including his encouragement in getting them to take more responsibility for his Unit's goals; his dedication to duty, matched by his devotion to the membership of Coral Gables FOP Lodge No. 7, as shown by his willingness to handle Lodge No. 7 related issues as his own; his belief that morale and brotherhood goes hand in hand; his exemplary role which has spilled over to other subordinates as demonstrated by their willingness to assume more leadership roles on the Executive Board, etc.

Interim Chief McNichol asked Sergeant Hoff to present a plaque to Sergeant McRae on behalf of the F.O.P.; further requesting of Mr. Aaron Glasser on behalf of FOP Lodge No. 7 to present Sergeant McRae with a check in the amount of \$200 for his excellent work and his contributions to the City; Mr. Glasser further added that this is an example of the fine officers and leadership that we have within the FOP. Interim Chief McNichol also presented Sergeant McRae with a check for \$500, in further appreciation for the 28 years of service he has contributed to the Police Department].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 5

**A.-5. 11-0612**

Presentation of the 2010 Kiwanis Club of Coral Gables Officer of the Year Award to Officer Scott Selent.

**Attachments:** [OFFICER OF THE YEAR NOMINATION SCOTT SELENT](#)  
[COMMISSION COVER MEMO - OFFICER OF THE YEAR 2010](#)

[Note for the Record (Agenda Item A-5): Mayor Slesnick requested of Jack Thompson and other members of the Kiwanis Club of Coral Gables to join him on the dais in connection with the presentation of the 2010 Kiwanis Club of Coral Gables "Officer of the Year Award" to Officer Scott Selent; further noting that Officer Selent's parents and girlfriend were also in attendance.

Interim Chief Joe McNichol described Officer Selent as being a highly motivated, committed and dedicated officer who serves his community. Officer Selent was chosen as Officer of the Month for the months of January and March 2010, respectively. He was also selected as Honorable Mention for the month of October 2010.

Interim Police Chief Joe McNichol proceeded to provide the viewing public with a summary of Outstanding Police Work: while engaged in routine area patrol on January 19, 2011, Officer Selent's ingenuity, sharp observation and outstanding activity led to the apprehension of three offenders and the seizure of four stolen vehicles; additionally,

one of the offenders provided valuable information regarding criminal activity occurring in Coral Gables and Miami-Dade County.

During the month of March, Officer Selent made two arrests that display his tenacity for deterring two potential crimes from occurring -whereby he used his investigative skills to arrest a potentially dangerous individual, which resulted in the seizure of a firearm, police lights and sirens, black gloves, flashlights, and a hand held walkie talkie that were in possession of the individual. Officer Selent also used his keen investigative skills to apprehend an individual that was in possession of a stolen firearm that was taken in a burglary that was committed from the City of Miami.

Interim Police Chief Joe McNichol commended Officer Selent on his dedication and devotion to duty; never hesitating to respond to any situation regardless of the circumstances or those involved; always making himself available without hesitation, adding that is why he is selected as the Officer of the Year, 2010.

In accepting this accolade, Officer Selent recalled a verse from the bible (Matthew: 5-9), wherein God said blessed are the peacemakers, for they are called sons of God; further stating that as a Son of God, that he took note four and-a-half years ago, and dedicated himself to his job of law enforcement; further giving thanks to God for providing him the opportunity to work; further thanking his parents from his formative years for giving him the opportunity to distinguish between right and wrong, adding that he loves his parents; further acknowledging their role in helping him recognize family values; further stating that his parents children, namely Kevin, Brian and himself have always embraced the values that his family have given them, and showing them the importance of family, and in supporting everything they did, in order that they could defend and protect their community; further thanking the Kiwanis organization for being there for his police brothers and sisters; finally, thanking the brothers and sisters of the Coral Gables Police Department for making this moment the most memorable and fun time of his life].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 6

**A.-6. 11-0604**

Congratulations to Firefighter David Vargas, recipient of the City of Coral Gables Firefighter of the Year Award for 2010.

**Attachments:** [Cover Memo, FF of Year 2010.pdf](#)  
[Notification Letter, 2010 FF of YR.pdf](#)

[Note for the Record: Chief Reed prefaced his remarks by stating that it is an honor and a privilege to recognize and call upon the dais Firefighter David Vargas, recipient of the 2010 Firefighter of the Year Award. Firefighter Vargas was recognized by Fire Chief Reed as being someone who not only performs his regular job as a firefighter admirably, but one who always goes the extra mile surpassing his job requirements and expectations; further recognizing that he was awarded Firefighter of the Month twice in 2010 for meritorious accomplishments, specifically for his life saving actions when deployed to Haiti with FEMA Task Force 2, following the earthquake, and for his dedication to the community in getting the Child Seat Program up and running again.

Chief Reed presented a plaque which has inscribed on it, "City of Coral Gables Fire Department presents Firefighter of the Year 2010, David Vargas, for his life saving actions while deployed to Haiti, and for his extraordinary efforts serving the community with the Child Seat program."

In accepting this accolade, Firefighter Vargas also thanked Fire Chief Reed and his administrative staff, hinting that those things that were mentioned, cannot be done without administrative staff support, noting that the Child Seat Program was not just about the labor management that we had, pointing out that he and Daniel Amador went to a class and became certified to look at the Child's Seat Program that took off like a rocket.'

Firefighter Vargas thanked his parents, wife and child, stating that without their support, he could not have achieved this; he just could not just arbitrarily go through with a new operation laid up on crutches; further telling the viewing public that his wife encourage him to go to Haiti to help the Haitian people; finally adding that he loves his job, it has been a great career-acknowledging that in response to anyone calling the 911 dial, there will be a team on location to help with any problems one may have].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 7

**A.-7. 11-0614**

Congratulations to Norma Gavarrete, Parks & Recreation Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of March 2011.

Attachments: [March 2011 EOM Ltr.](#)  
[Cover Memo EOM March2011](#)

[Note for the Record: Elsa Jaramillo-Velez told the viewing public that Norma Gavarette, Parks and Recreation Department was the recipient of the Employee of the Month Award for the Month of March 2011; further reading the following nominating letter as submitted to the Selection Committee, by Cindy Dorrel, Economic Sustainability Department:

“Norma has been with the City for many years and in that time has shown that she will do anything that needs to be done to get the job done. I have worked with her on tons of events and she has always been right there with me, getting the job done, no matter what it takes. She is a dedicated employee who has never been nominated for Employee of the Month, and I think that it is time that she be noticed for the incredible work she has performed. She is able to handle multiple tasks/events at one time and is very focused, and keeps track of what needs to be done for each one. If a problem arises, she handles it immediately. The City needs more people like Norma. Without a doubt, I believe Norma Gavarette deserves to be an Employee of the Month.”

During the videotaping segment of the presentation, Fred Couceyro informed the public that Ms. Gavarette began her tenure with the City of Coral Gables in 1997, as a part-time Clerk at the Coral Gables War Memorial Youth Center; she was promoted to a full-time Clerical Assistant I (1998), and promoted again in Calendar Year 2004 to an Administrative Assistant I; further acknowledging Ms. Gavarette as one who is always willing to take on new challenges, along with new tasks and roles; further stating that in her most recent job classification, that she has taken on the tasks of film permit and special events, which further demonstrates her ability to coordinate these activities to a successful conclusion.

Ms. Gavarette is the point person for the Coral Gables Farmers Market event (2011), a role Mr. Couceyro states that she has accepted with grace, which has resulted in the continued success of this event; further adding that Ms. Gavarette has taken on challenges very well, she has performed admirably, adding that he cannot think of any one more worthy of this recognition than Ms. Gavarette.

Ms. Gavarette thanked the City Commission for the award, thanked Cindy Dorrel for nominating her, and also to her colleagues for their support.

In closing Commissioner Cabrera informed Mr. Couceyro that he was personally disappointed that the creativity that he has seen in the past from his department as it pertains to the Employee of the Month recognitions have been discontinued, because they are greatly missed].

**This Presentation/Protocol Document was Presented and Filed**

City Clerk Item No. 8

**B. APPROVAL OF MINUTES**

**B.-1. 11-0629** Regular City Commission Meeting of February 8, 2011.

**Attachments:**

[Meeting Minutes](#)

[Verbatim Transcript - Agenda Item E-1 - Ordinance for Amended Agreement for O](#)

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, 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. 9

**C. CONSENT AGENDA (As Amended)**

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

**C.-1. 11-0613**

Resolution accepting the recommendation of the Chief Procurement Officer to award the Ponce de Leon Road Force Main Replacement Project to GPE Engineering and General Contractors Corporation in the amount of \$1,039,957.19 pursuant to Section 2-828 entitled "Contract Award" of the Procurement Code and Invitation For Bid (IFB) 2010.12.27. (Deferred from the February 22, 2011 meeting.)

**Attachments:**

[GPE Response.pdf](#)  
[Tabulation Sheet.pdf](#)  
[Consultant Recommendation.pdf](#)  
[C-1 Signed Cover Memo](#)  
[Resolution.pdf](#)

**This Resolution was Deferred**

City Clerk Item No. 4

**Passed the Consent Agenda**

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

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

**RESOLUTION NO. 2011-33**

**C.-2. 11-0617** Resolution authorizing the execution of Amendment No. 1 to Agreement No. 4600001900 between the City of Coral Gables and the South Florida Water Management District (SFWMD), Conveyance Improvements to the Coral Gables Waterway dated February 5, 2010, by revising the project scope of work to reflect a change in the construction limits.

**Attachments:** [Resol 2009-286](#)  
[SFWMD Amendment No. 01](#)  
[SFWMD Resolution](#)  
[C-2](#)

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO AGREEMENT NO. 4600001900 BETWEEN THE CITY OF CORAL GABLES AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD), CONVEYANCE IMPROVEMENTS TO THE CORAL GABLES WATERWAY DATED FEBRUARY 5, 2010, BY REVISING THE PROJECT SCOPE OF WORK TO REFLECT A CHANGE IN THE CONSTRUCTION LIMITS.

**This Matter was adopted by Resolution Number 2011-33 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2011-34**

**C.-4. 11-0627** Resolution authorizing waiver of the \$560.00 cost for renting fifty-six (56) parking spaces for the Antique Automobile Club of America (AACA) April 17, 2011 show scheduled on the 300 Block of Miracle Mile.

**Attachments:** [C-4 Signed Cover Memo](#)  
[Antique Car Show Letter](#)  
[Antique Car Show Resolution](#)

RESOLUTION AUTHORIZING WAIVER OF THE \$560.00 COST FOR RENTING FIFTY-SIX (56) PARKING SPACES FOR THE ANTIQUE AUTOMOBILE CLUB OF AMERICA APRIL 17, 2011 SHOW SCHEDULED ON THE 300 BLOCK OF MIRACLE MILE.

**This Matter was adopted by Resolution Number 2011-34 on the Consent Agenda.**

City Clerk Item No. 11

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

C.-5. 11-0600 Budget/Audit Advisory Board Meeting of December 29, 2010

**Attachments:** [Budget Audit December 29 2010](#)  
[Budget Audit 122910 Cover Sheet](#)

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

City Clerk Item No. 12

C.-6. 11-0602 Economic Development Board Meeting of December 1, 2010

**Attachments:** [EDB. 2-22.11 Commission cover - no action.pdf](#)  
[EDB Minutes 12-1-10.pdf](#)

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

City Clerk Item No. 13

C.-7. 11-0603 Advisory Board on Disability Affairs Meeting of December 8, 2010

**Attachments:** [Disability Affairs Board 12-8-10 minutes COVER](#)  
[December 8, 2010 Minutes](#)

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

City Clerk Item No. 14

C.-8. 11-0605 Green Task Force Meeting of November 22, 2010

**Attachments:** [Green Task Force 11-22-10 Minutes COVER](#)  
[Green Task Force 11-22-10 Minutes](#)

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

City Clerk Item No. 15

C.-9. 11-0609 Landscape Beautification Advisory Meeting of February 3, 2011

**Attachments:** [BC Cover Sheet 2-3-11 a\\_2](#)  
[Minutes BC 2-3-11\\_2](#)

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

City Clerk Item No. 16

**C.-10. 11-0610** Traffic Advisory Board Meeting of November 16, 2010

**Attachments:** [Traffic Advisory Board 11-16-10 minutes COVER](#)  
[TAB Minutes 11-16-2010](#)

[Note for the Record: Commissioner Cabrera referenced the Traffic Advisory Board Meeting of November 16, 2010, noting that said meeting was more than three months ago; further requesting of the City Administration to improve upon the timely submittal of minutes from the Boards and Committees].

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

City Clerk Item No. 17

**C.-11. 11-0616** Traffic Advisory Board Meeting of January 18, 2011

**Attachments:** [Traffic Advisory Board 1-18-11 minutes COVER](#)  
[TAB minutes 1-18-11](#)

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

City Clerk Item No. 18

**C.-12. 11-0626** Retirement Board Meeting of January 13, 2011

**Attachments:** [CC.02-22-2011.January 13, 2011](#)  
[Executive Summary.01-13-2011](#)  
[Minutes.01-13-11](#)

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

City Clerk Item No. 19

**Pulled from Consent Agenda****RESOLUTION NO. 2011-35**

**C.-3. 11-0622** Resolution of the Coral Gables City Commission, with attachment, authorizing City Manager to execute a Construction and Maintenance Agreement with Old Cutler Bay Homeowners Association for removal of palm trees from the Old Cutler Bay Neighborhood and relocation upon City rights-of-way; to load certain coconut palm trees upon City trucks; to relocate oak trees on Ponce de Leon Boulevard to the entrance of Old Cutler Bay at no cost to the City.

**Attachments:** [AgendaCoverMemoOldCutlerBay2\\_22\\_11.doc](#)  
[ResolutionOldCutlerBayHomeownersAssc2\\_22\\_11.doc](#)  
[C-3 Signed Cover Memo](#)

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION, WITH ATTACHMENT, AUTHORIZING CITY MANAGER TO EXECUTE A CONSTRUCTION AND MAINTENANCE AGREEMENT WITH OLD CUTLER BAY HOMEOWNERS ASSOCIATION FOR REMOVAL OF PALM TREES FROM THE OLD CUTLER BAY NEIGHBORHOOD AND RELOCATION UPON CITY RIGHTS-OF-WAY; TO LOAD CERTAIN COCONUT PALM TREES UPON CITY TRUCKS; TO RELOCATE OAK TREES ON PONCE DE LEON BOULEVARD TO THE ENTRANCE OF OLD CUTLER BAY AT NO COST TO THE CITY.

[Note for the Record: Commissioner Cabrera requested that Agenda Item C-3 be pulled from the City Commission Meeting Agenda In order that the Commission could take a roll call vote on said subject matter].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2011-35. The motion passed by the following vote:**

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

**Nay**s : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 20

**D. PERSONAL APPEARANCES**

**None**

City Clerk Item No. 21

## E. PUBLIC HEARINGS

Anyone who wishes to address the City Commission on an item to be considered for public hearing must fill out a Speaker Card and turn it in to the City Clerk. Speaker Cards can be obtained on the credenza located outside the Office of the Mayor, during the day of the City Commission Meeting.

### ORDINANCE ON FIRST READING

E.-1. 11-0618 Zoning Code Text Amendments. An Ordinance of the City Commission of Coral Gables requesting the following text amendments to the City of Coral Gables Official Zoning Code:

1. Article 1, "General Provisions", Section 1-108, "Transitional Rules";
2. Article 2, "Decision Making and Administrative Bodies", Division 1, "City Commission", Section 2-101, "Powers and duties"; and, Division 2, "Planning and Zoning Board", Section 2-201, "Powers and duties";
3. Article 3, "Development Review", Division 3, "Uniform Notice and Procedures for Public Hearing", Section 3-302, "Notice";
4. Article 3, "Development Review", Division 6, "Appeals", Section 3-606, "Procedures for appeals";
5. Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District (MXD)";
6. Article 4, "Zoning Districts", Division 4, "Prohibited Uses", Section 4-413, "Boats and boat trailers";
7. Article 5, "Development Standards", Division 1, "Accessory Uses", Section 5-115, "Drive-throughs, walk-up windows, and automated teller machines (ATM)";
8. Article 5, "Development Standards", Division 6, "Design Review Standards", Section 5-604, "Coral Gables Mediterranean Style Design Standards";
9. Article 5, "Development Standards", Division 6, "Design Review Standards", Section 5-607, "Exterior walls - facing materials"; and,
10. Appendix A, "Site Specific Zoning Regulations", Section A-23, "Cocoplum Section Two"; and,

providing for severability, repealer, codification and an effective date.

(PZB recommended approval, vote: 7-0) (Passed on First Reading February 22, 2011)

Attachments: [02 22 11 CC Cover Memo - Zoning Code text amendments - 1st Reading](#)

[02 22 11 Exhibit A: Ordinance - 1st Reading - ZC Text Amendments](#)

[02 22 11 Exhibit C: 02 09 11 PZB Staff Report - ZC Text Amendment](#)

[02 22 11 Exhibit D: 02 09 11 PZB Meeting Minutes](#)

[02 22 11 Exhibit B: ZC Text Amendment Chart](#)

[E-1 Signed Cover Memo](#)

[03 08 11 CC Cover Memo - Zoning Code text amendments - 2nd Reading](#)

[03 08 11 Exhibit A: Ordinance - 2nd Reading - ZC Text Amendments with attachme](#)

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

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

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

City Clerk Item No. 22

**F. CITY COMMISSION ITEMS - TIME CERTAIN 1:00 P.M.**

**G. BOARDS/COMMITTEES ITEMS**

**None**

City Clerk Item No. 23

**H. CITY MANAGER ITEMS**

**RESOLUTION NO. 2011-36**

**H.-1. 11-0584** Resolution approving encroachments into the public right-of-way for a proposed new building to be located at 2990 Ponce de Leon Boulevard (The Ponce Cat Building) subject to the requirements of the Public Works Department and all other applicable code(s). (Deferred from the February 8, 2011 meeting)

**Attachments:** [Encroachment request - Laura Russo letter](#)  
[C-2 Signed Cover Memo](#)  
[C-2 - 2990 Ponce de Leon Blvd - Staff request to defer item](#)  
[PonceCataloniaBldg-EXHIBITS A-1.A-8](#)  
[encroachmentsPonceCatalonia-RESOL](#)  
[encroachmentsPonceCatalonia-COVER 2-22-11](#)  
[H-1 Signed Cover Memo](#)

RESOLUTION APPROVING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY FOR A PROPOSED NEW BUILDING TO BE LOCATED AT 2990 PONCE DE LEON BOULEVARD (THE PONCE CAT BUILDING) SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT AND ALL APPLICABLE CODE REQUIREMENTS.

[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 Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2011-36. The motion passed by the following vote:**

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

**Nay**s : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 24

**I. CITY ATTORNEY ITEMS**

I.-1. **11-0625** Pending Litigation Report.

Attachments: [PENLIT02\\_22\\_11.doc](#)

RESOLUTION OFFERING TO CRAIG E. LEEN THE POSITION OF THE CITY ATTORNEY OF THE CITY OF CORAL GABLES, SUBJECT TO MAYOR DON SLESNICK NEGOTIATING A SALARY AND BENEFITS PACKAGE TO BE BROUGHT BACK FOR CONSIDERATION, REVIEW AND APPROVAL BY THE CITY COMMISSION AT THE CITY COMMISSION MEETING PRESENTLY SCHEDULED FOR MARCH 8, 2011.

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 25

**J. CITY CLERK ITEMS**

**None**

City Clerk Item No. 25

**K. DISCUSSION ITEMS**

Mayor Slesnick: Ms. Anderson you have anything to add?

Commissioner Anderson: I have a quick item. There is a traffic circle that was proposed for Galiano (Street) and Sidonia (Avenue) and it went to a vote of the residents, but a lot of the residents there are either absentee, in foreclosure, or whatever, and they are unable to reach a vote, and this particular circle has been approved because there has been issues in that circle, and I was contacted by the resident who's been very involved in it because he was hit by a truck actually near his house. I just want to pass this on to have staff maybe look at something different here, because this is not a normal circumstance, this is where an actual traffic circle was approved to be, I think, by the Traffic Board, and circumstances in that area, which is the North Ponce area are different and there is trouble getting the votes together. So I'll pass this along to you at the end of the meeting, and that's it for me.

Commissioner Cabrera: Can I just comment.

Commissioner Anderson: Sure.

Commissioner Cabrera: Ms. Menendez and I, I think it was about three years ago, we visited with Public Works at Miami-Dade County, and we learned, and correct me if I'm wrong, but we learned that the criteria for approving a traffic calming circle with regards to Miami-Dade County Public Works was the four affected corners.

Commissioner Anderson: And the problem is in those apartment buildings in that area there are a lot of foreclosures, so they are not able to meet or people are absentee, they don't really care what happens.

Commissioner Cabrera: I know, but what I'm just trying to find out from you because I'm not as familiar with the traffic calming circle you are referring, are you hearing that the people at the four affected corners?

Commissioner Anderson: Here's the...this lady is from....the gentleman that contacted me and then he contacted the lady who is at the building called [inaudible] Condo Association, which is across the way, and it says that it's going to be very difficult to get 100 percent approval of all owners at 101 Sidonia (Avenue) as many of these owners reside out of state, some others are in bankruptcy, and/or foreclosure or are in hiding.

Commissioner Cabrera: Oh, so 101 Sidonia (Avenue) is the corner.

Commissioner Anderson: Yes.

Commissioner Cabrera: Oh, I see.

Commissioner Anderson: That's the situation is that there is a special circumstance that doesn't...

Mayor Slesnick: Well, isn't it just our rule about 100 percent, this is nothing from the constitution.

Commissioner Cabrera: The County just says you have to get the four affected corners of that traffic calming circle to give permission or approval, is that correct Ms. Menendez?- and we learned that at a meeting that we went to about another subject, I forget what it was, but our Public Works Department being thoughtful and kind to the residents goes beyond that and looks to get more affirmation from traffic calming.

Mayor Slesnick: My point is that in a situation that is unusual, we could change our procedure.

Commissioner Anderson: And actually the Condo Association would be willing to attest to it. I just want to make sure that we are not missing an opportunity to address a special circumstance that actually has impact and the Traffic Board actually approved.

Mayor Slesnick: Would anybody here be offended if we ask the City administration to take a look at the possibility of having some alternative standards for concurrence on traffic circles where there is an impossibility to get 100 percent vote, especially if the Condo Association speaks for the whole building.

Commissioner Cabrera: I would think that would be the appropriate property owner-Condo Association because they actually own the exterior structure, the homeowners enjoy the internal property, but the external property is owned by homeowners association.

Commissioner Anderson: I'll gladly give this to the City Manager and also probably to you, our City Attorney, our Interim City Attorney, that way you can address that and if somebody could call Mr. Monte, he's the resident and tell him that we're looking at whatever we are going to look at, hopefully there will be able to be a resolution of some sort. That's it. Thank you.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: No.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes, just one really for Code Enforcement. We still have a lot of sites in the City of Coral Gables, especially in the Central Business District that we of course, are fenced because they are not moving forward in an expeditious manner in the commercial areas. I want to make sure that Code Enforcement goes to all those sites and make sure that the green casing is up to speed, and one in particular I'd like you to look at the corner of LeJeune Road and U.S.-1, I think it's the northwest corner, that is encapsulated in a fence, but there is no green material around it and the interior the grass needs cutting, it's not beholden to the City of Coral Gables

standards. So if you could go ahead and direct Code Enforcement to look at that, I'd appreciate it.

Commissioner Withers: Hey Bill, have you ever thought about asking folks after a certain amount of time if they want to keep their permit in play to actually topsoil it, improve it?

Vice Mayor Kerdyk: We talked about that, we talked about that.

Mayor Slesnick: You know what happened was Chip, if you remember, we talked about that, actually I proposed it and then the State Legislature sort of took it out of our hands and said we had to extend the permits for a certain amount of time, so they didn't have to do anything, but we need to look at when that legislative extension ends, if it does end, and besides maybe some goodwill, I mean, I think we should go after - up on Ponce, which one were you talking about?

Vice Mayor Kerdyk: I was talking the one the northwest corner on LeJeune Road and U.S.-1.

Commissioner Withers: Where the Shell station was.

Vice Mayor Kerdyk: I mean it looks horrible, but we have many of them that are a problem.

Mayor Slesnick: We have about five that are big pieces of open land that really look like trash.

Commissioner Withers: You know, we also have some abandoned homes throughout the Gables, I don't know what we are doing with that, I guess we just charge the \$200 a day and then file a lien against the lot?

Mayor Slesnick: No, we've been pretty good about being aggressive about, and if you know some that aren't being taken care of, we've gone in and taken care of a number of homes as far as cutting the grass and adding that to the bill, we drained a pool just the other day in Gables By- the-Sea based on a complaint by the citizens, we went in and cleaned the pool up and added that to the bill.

Commissioner Withers: I know there is one in particular, I've been working with the

City Attorney on, 4145 Pinta, it still has a blue tarp on if from five years ago, you know. It has a big old blue tarp, the house is overgrown, the pool is filled with mosquitoes, there is mold in the house. At one point do we just take the property and tear it down and put a green space there?- or what do we do?

Interim City Attorney Alfonsin: We filed a lawsuit for injunctive relief requiring the property owner to fix it up or we will go in and do it and lien the property.

Commissioner Withers: But I mean, why would we fix it up?- why wouldn't we just take it and tear it down and turn it into a park or something?

Interim City Attorney Alfonsin: We could request that in the court as well.

Mayor Slesnick: So is the Riviera Golf Course.

Commissioner Withers: There you go. As a fertilizer shed.

Interim City Attorney Alfonsin: What's happened is that we have a lot of cases Commissioner, that are in foreclosure, the banks have taken over, and we do have liens on the property, but the properties are abandoned.

Commissioner Withers: I think if our fines are high enough and they are running daily and the bank has certain amount of money on the books, they probably written it down to a point anyway. At some point I would think they just want to forfeit the property.

Interim City Attorney Alfonsin: Code Enforcement liens are inferior to mortgages.

Commissioner Withers: I'm sorry?

Interim City Attorney Alfonsin: Code Enforcement liens are inferior to mortgages.

Commissioner Withers: I got you.

Mayor Slesnick: But if we've been able to do the pool in Gables By-the-Sea, why can't we do the Pinta Court?

Interim City Attorney Alfonsin: It's a special assessment.

Mayor Slesnick: Why can't we do the Pinta Court one that Commissioner Withers has just suggested is full of mosquitoes?

Interim City Attorney Alfonsin: The courts don't necessarily consider that as a life safety issue.

Mayor Slesnick: Well no, no, whether we get - well we just did it. Can we take a look at being more aggressive? I think it is a safety issue when mosquitoes and vermin and...

Interim City Attorney Alfonsin: I brought that up to Judge Samuel Slom several weeks ago saying that I considered it a safety issue and a three Judge panel did not agree with me.

Mayor Slesnick: That was to enforce a lien?

Interim City Attorney Alfonsin: To allow Code Enforcement officers on the property to correct violations of a swimming pool.

Mayor Slesnick: Well, as far as I'm concerned till they stop us we ought to keep doing it.

Commissioner Anderson: That's just wrong.

Mayor Slesnick: I mean seriously, it's a danger and it's a hazard, and if there is water in it it's a dangerous thing for children. Mr. Withers.

Commissioner Withers: No sir, nothing.

Commissioner Cabrera: May I just....?

Mayor Slesnick: Yes.

Commissioner Cabrera: I forgot to mention this and Mr. Lonnie Hayes from here as a resident of the City of Coral Gables, Mr. Lonnie and Eleanor Hayes, I bumped into him the other day and he said, Ralph, has the City ever considered another type of grass material for the Coral Gables Youth Center fields?- and I said, not that I'm

aware of; and currently there are over 21 soccer teams using the Coral Gables Youth Center fields, and I encourage any one of you, I have a daughter that just finished a season there, I encourage any one of you to go out to that field at any point in time and look at the dangerous potholes that are out there, and staff works very hard to maintain it, but when you have over 21 teams using the field almost on a daily basis you are just going to have that wear and tear on our athletic field, and I'd certainly welcome the opportunity to have the City look into artificial surfaces. The Florida International University stadium has got a beautiful artificial surface that is not only used by their football team, it's also used by many of the high school teams that play here in Dade County, and it's been around now for two years, you can't tell that its worn at all, and there is just a lot of different materials that are available out there. I know it's probably a very expensive venture, but at the same time here we are talking about spending \$16 million to uproot live oak trees and put the love theme out there and make it the "Love Mile" and all these other things, but something that gets used by most of our citizens which is the Coral Gables Youth Center is just slowly but surely deteriorating, especially the field. So, I would hope that staff at some point in time considers looking at artificial surfaces as a way to better maintain our field out there.

Mayor Slesnick: Two things; one is, this is not the kind of artificial that you are talking about, you are talking about major athletic fields, but I did find out to my surprise because I don't have small children, but I have small grandchildren, I went to Salvador Park and found out that we have surfaced Salvador Park with astro turf and it was very good, it was seemingly looking good, holding up well and it was a good covering to use for a playground...

Commissioner Cabrera: That's great.

Mayor Slesnick:...and I was surprised by that; and secondly, what has ever happened something that goes back in your and my history, talk about things like this, I think, when's the last time we've seen the Foundation, the War Memorial Youth Center Foundation, I mean, are they still in existence, I presume they are, and what are they doing?- and are they helping raise money for projects or leading the charge for projects?

Commissioner Cabrera: I was a member of that group as you were before we took office, and the last project that I personally worked on was when we rededicated the War Memorial Monument and you were part of that as well, so I don't know what they are doing these days.

Mayor Slesnick: It just seems like - and you've raised a good point, and I wonder where our partners are in that. I still use a putter cover for my putter that I got from the War Memorial Youth Center Golf Tournament that raised money for doing something and that was like 15 years ago or something. Maybe - could you please ask Fred to get back to us about what the Foundation is doing, and how they are doing it, and whether or not they are active? With that we are going to adjourn; we are going to end this meeting actually, this official meeting of the City Commission for the 22nd of February is hereby concluded and we will reconvene at 1:00 o'clock.

Commissioner Cabrera: Is that going to be televised?

Commissioner Anderson: It will be recessed.

Interim City Attorney Alfonsin: It will be recessed.

Mayor Slesnick: OK. I'm happy to recess the meeting, but why would you have to do that? We are meeting back here for a completely different purpose and so forth.

Interim City Attorney Alfonsin: Because of notice.

Mayor Slesnick: OK. We will recess. The Mayor has been corrected and stands corrected; instead of adjourning we will recess at 1:00 o'clock, at which time we will interview two candidates for City Attorney. Thank you.

City Clerk Item No. 26

**RECESS AND RECONVENE AT 1:00 P.M.**

**F. CITY COMMISSION ITEMS (Continued)**

**RESOLUTION NO. 2011-37**

**F.-1. 11-0628** Discussion and/or action regarding City Attorney interviews.

(Item to be provided by the Human Resources Department on Friday, February 18, 2011.)

RESOLUTION OFFERING TO CRAIG E. LEEN THE POSITION OF CITY ATTORNEY OF THE CITY OF CORAL GABLES, SUBJECT TO MAYOR DON SLESNICK NEGOTIATING A SALARY AND BENEFITS PACKAGE TO BE BROUGHT BACK FOR CONSIDERATION, REVIEW AND APPROVAL BY THE CITY COMMISSION AT THE CITY COMMISSION MEETING PRESENTLY SCHEDULED FOR MARCH 8, 2011.

[Note for the Record: Mayor Slesnick prefaced his remarks by informing his colleagues that he had previously asked the Interim City Attorney and the City Clerk whether the governing body could add a third candidate to the pool of candidates to be considered for the City Attorney position; further informing the City Commission that the City Clerk and Interim City Attorney had both advised him that if he was desirous of doing this, then he should do same in a public forum; further stating that he had no such desire to push said matter any further, however if any one of his colleagues is desirous of joining him on said matter, then they can do so, otherwise he would move on.

At approximately 1:12 p.m., the City Commission continued its meeting from the morning session to interview those candidates for the position of City Attorney, namely Maria Chiaro, Esquire and Craig Leen, Esquire; Mayor Slesnick further confirmed with his colleagues the order of the interview session, which he stated would initially consist of having the candidates tell the City Commission about themselves, and secondly having the candidates entertain questions from the City Commission. [Note: The full text of the interview and questions session between the candidates and the City Commission is on file in the City Clerk's Office and in Legistar].

Following the aforementioned interview session, the Coral Gables City Commission unanimously passed and adopted a resolution offering to Craig E. Leen the position of City Attorney of the City of Coral Gables, subject to Mayor Don Slesnick negotiating a salary and benefits package to be brought back for consideration, review and approval by the City Commission at the City Commission Meeting presently scheduled for March 8, 2011].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2011-37. 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. 27

## **ADJOURNMENT**

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 3:02 pm on February 22, 2011. The next regular meeting of the City Commission has been scheduled for March 8, 2011, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK