

City of Coral Gables

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



Meeting Minutes

Tuesday, April 13, 2010

9:00 AM

City Hall, Commission Chambers

City Commission

*Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael "Ralph" Cabrera, Jr.
Commissioner Wayne "Chip" Withers*

*Patrick G. Salerno, City Manager
Elizabeth M. Hernandez, City Attorney
Walter J. Foeman, City Clerk*

ROLL CALL

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

INVOCATION

Father Alfredo Rolon from Church of the Little Flower gave the Invocation.

EXECUTIVE SESSION

Beginning at approximately 11:00 a.m., the City Commission will convene an attorney-client meeting in the Office of the City Manager to discuss settlement negotiations and strategy in the case of Lisa M. Detournay, Brenda Randol, and the Riviera Neighborhood Association, Inc. v. City of Coral Gables, and Amace Properties, Inc., Miami Dade County Circuit Court Case No. 07-29458 CA 13, under the parameters of Section 286.011(8) of the Florida Statutes (2009).

PLEDGE OF ALLEGIANCE

Commissioner Rafael "Ralph" Cabrera, Jr. 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) Resolution(s) adopted (Resolution No. 2010-62 through Resolution No. 2010-70); (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. 10-0277**

Recognition and presentation of Certificate of Appreciation to Morris Smyle, of Grand Western Brand; Mitchell Kaplan, of Books and Books and Navarro Discount Pharmacies, as 2010 Farmers Market Sponsors.

Attachments: [A-1 Signed Cover Memo](#)

[Note for the Record: Mayor Slesnick through City Manager Salerno acknowledged Department of Economic Sustainability Director Cyndi Birdsill and Farmers Market Organizer/ Special Projects Coordinator Cindy Dorrel; further inviting said individuals to present the recognitions in furtherance of this year's successful Farmers Market event; whereupon Mrs. Birdsill prefaced her remarks by noting that this year's slate of activities represented the 19th year of existence for the Farmers Market event; further stating that said event would have failed to be successful without the efforts of the herein below referenced individuals:

- (1). Cindy Dorrel, for all of her hard work in putting the Farmers Market event together; further characterizing her as the glue that puts everything together, and who handled all of the hard lifting, etc.;
- (2). Business Development Specialist Jessica Wotherspoon and Cultural Arts Specialist Catherine Cathers, fellow staff persons, who also provided assistance and ran the city's information booth;
- (3). The Public Service crews provided manpower assistance in setting up and taking down of the booths, along with responsibility for all of the landscaping chores-noting that they had knowledge of where everything was to be placed, pointing out that their personal assistance to her during her first year of involvement with this event was important;
- (4). The Coral Gables Television (CGTV) staff did a wonderful job in the videotaping of the gardening workshops and cooking demonstrations; further stating that said event represented the accumulation of a wealth of information that is disseminated as a community benefit, aided her department with the videotaping of same;
- (5). Public Works provided assistance to her department resulting in the closure of certain streets and with providing electrical needs to support the vendors with the placement of electrical boxes, wherever they were needed;
- (6). Police and Fire Departments provided a strong presence and support services; Police ran an informational booth; Fire Department placed fire trucks on display for the kids, as well as provided blood pressure check points for patrons;
- (7). Volunteers: Mitch Zararian and Patricia Harden worked full time with her staff every weekend to run a multitude of workshops, the city's information booth and the Market; also noting that the city's Informational booths were enhanced by volunteers

from the Parks and Recreation Youth Advisory Board; and that fellow volunteers Joseph Paz (son of the Mayor's Administrative Assistant, Evelyn Paz, and Carlos Lopez, son of Enrique Lopez were both very helpful;

(8). The City Clerk's Office provided additional services this year, through processing of passport applications on Saturdays, which proved to be convenient to many residents and non-residents alike;

(9). Mrs. Birdsill prefaced her remarks by stating that Mitch Kaplan, owner of Books and Books and one of the Market's partners, has been a vital and active community supporter, who has always provided support to our community; further informing our listening public that every year Books and Books has participated in the Farmers Market event via supplying of character costumes that are donated from publishing companies and providing book readings (i.e. Lars The Polar Bear, One of the Wild Things and Peter Rabbit, etc.); further acknowledging that a Certificate of Appreciation for its support was prepared to be presented to Cathy Steele, representative from Books and Books upon her arrival;

(10). Mrs. Birdsill acknowledged another one of its Market partners, namely Morris Smyle (i.e. Grand Western Brand), who sponsored the Grand Finale Picnic, that is hosted by the American Institute of Food and Wine, noting that during this year's Grand Finale Picnic lay witness to the fact that the music was provided for the first time by Coral Gables Senior High School Band, who began said activities with a grand entrance; further stating that it has always been his pleasure to participate along with the city, which provides a unique opportunity for a businessman like himself, working with a nonprofit organization like the American Institute of Wine and Food to collaborate with; further noting that during this year's three hour period that the Farmers Market was open, that he made a large contribution to the booster organization of Coral Gables Senior High School, in furtherance of a uniform purchase to be made for the Coral Gables Senior High School Band, by said club; further recalling the original founders of the American Institute of Wine and Food, namely Robert Mondavi and Julia Childs' pledge; further recognizing Ms. Child's requested desire that whenever said organization collaborated in furtherance of an event, to always include an educational component; further pointing out that this year that they collaborated with Coral Gables Elementary School and opened up a vegetable garden; further stating that every day the students routinely began by inquiring as to how the vegetable garden was doing; further following up with said inquiry by opening up said garden, toiling the seeds, planting seeds, as well as planting of the plants contained in the garden; observing it, taking care of it, weeding it, harvesting it, which became a key part of the students' curriculum this year; further stating that during the Farmers Market event, an art component was included; students were encouraged to attend the

Farmers Market event and illustrate their experiences on canvass; further adding that a booth was also provided wherein those in attendance could review the art provided by those students displayed of the garden);

(11). Mrs. Birdsill acknowledged Navarro Discount Pharmacy, who sponsored the Children's Petting Zoo this year; further introducing Christy Leon Navarro, Vice President of the Coral Gables Store, and Renee Sanchez, Manager of the Coral Gables Store on Miracle Mile. Mrs. Birdsill further noted that the petting zoo was a huge success with the children. Ms. Navarro also pointed out that Navarro's Pharmacy was proud and pleased to be a part of this year's event; further adding that they are doing a lot in our community in furtherance of upgrading its services; further stating that a new pediatric window, which is now being tested, has been added; further noting that her pharmacy has pledged to 15 minutes delivery to home and office, as further demonstration of its commitment toward upgrading of its services in better serving the customers and the community].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

A.-2. 10-0278

Recognition of Coral Gables resident Phyllis Oeters, Vice President of Baptist Health System, who has just completed a year as the President of the Orange Bowl Committee.

[Note for the Record: Mayor Slesnick prefaced his remarks by stating that Phyllis Oeters is an individual who is known by practically everyone in attendance, as well as to those members watching said telecast on our governmental access station Channel 77; further stating his desire to invite Mrs. Oeters to honor her, noting that she is a resident of Coral Gables; she is raising her child in Coral Gables; she is a businesswoman in Coral Gables, with her company headquartered here in Coral Gables; further noting that last year Ms. Oeters was the second woman elected to serve as the president of the Orange Bowl; further relaying how proud our City is of this accomplishment; further stating that the Orange Bowl has been a key organization in this community for the past 76 years; further pointing out that there have been a number of presidents of the Orange Bowl that have come from Coral Gables (including Founding presidents, as well as Founding members)- referencing that two of our city's past Mayors serving as president of the Orange Bowl Committee were from Coral Gables (i.e. W. Keith Phillips, Jr. (1970-1971) and James S. Dunn (1972-1973)); further mentioning that the current president, namely Antonio L. Argiz (2010-2011), following immediate past president Ms. Oeter's tenure, as well as the following president afterward, namely Jeffrey T. Roberts (Chair Elect 2011-2012), will also come from Coral Gables; whereupon Mayor Slesnick presented a Certificate of Recognition into the public record, expressing our heartfelt thanks for what she has accomplished; Mayor Slesnick further providing to our viewing certain trivia, more particularly that Thomas Jefferson's birthday is today, and that Phyllis Oeters is a native of Richmond, Virginia.

In accepting this accolade, Ms. Oeters stated that it was the committee behind her, that was comprised of Vice Mayor Kerdyk and Mayor Slesnick, that made this Calendar Year such a success; noting that she has lived in Coral Gables for 15 years; she has worked for 20 years, and has lived in Miami for 30 years; further thanking the general public; further adding that she is looking forward to her next challenge, commenting that maybe it will be right here in Coral Gables].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 2

A.-3. [10-0276](#) Presentation of the 2009 Communications Operator of the Year Award to Lisa Plasencia.

Attachments: [COMMISSION COVER MEMO - OPERATOR OF THE YEAR 2009](#)
[NOMINATION OF COMMUNICATION OPERATOR 2009](#)
[A-3 Signed Cover Memo](#)

[Note for the Record: Chief Naue was requested by Mayor Slesnick through the City Manager to join him on the dais, in furtherance of National Victims' Rights Week in Coral Gables (April 18-24, 2010) whereupon Chief Naue referenced the slate of activities associated therewith, including an Awards Ceremony to highlight the good work that the Telecommunications Operators are doing; further acknowledging Lisa Plasencia as this year's recipient of the Communications Operator of the Year Award, wherein Chief Naue requested of Major Raul Pedroso, who is in charge of the Communications Division, to share his views on this year's award recipient; whereupon Major Pedroso extended his congratulations to Lisa; further noting that when he started in the department, Lisa was already a Telecommunications Operator; further stating that from the first time that he met her, the words that were articulated in the nomination letter speak to the character of the person, adding that she is that type of person that one wants on their team-she greets you with a smile when an emergency situation arises, she gets on the radio always displaying a calm demeanor, in furtherance of getting the officers where they need to go error free; further adding that he is proud of what Lisa has accomplished, and proud of her today.

Mayor Slesnick pointed out to the viewing public, that the Telecommunications Operator represents your lifeline, between the caller and the life that is being saved.

In accepting this accolade, Lisa stated that she is honored and humbled; further stating that the 911-Operator's job is stressful sometimes; further pointing out that when times are tough right now, the Telecommunications Operators and officers pull together; they get the job done; further noting that the number one problem previously has been the safety of the officers and the community; further thanking those involved for said award].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 4

A.-4. 10-0280

Presentation of a Proclamation declaring April 18-24, 2010 as National Crime Victims' Rights Week in Coral Gables.

[Note for the Record: Vice Mayor Kerdyk stated that he had been watching the acknowledgement of National Telecommunications Week recognition, along with the recognition of Lisa Plasencia as the Telecommunications Operator of the Year presentation in his office; further stating that said operators through their diligence help enhance the quality of life to our residents; further referencing April 18-24, 2010 as "National Telecommunications Week" in Coral Gables; whereby he proceeded to read the proclamation into the public record in connection with same].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 6

A.-5. 10-0279

Presentation of a Proclamation declaring April 11-17, 2010 as National Public Safety Telecommunications Week in Coral Gables.

[Note for the Record: Commissioner Anderson prefaced her remarks by stating that she was pleased to present a proclamation in furtherance of "National Crime Victims' Rights Week in Coral Gables, wherein she proceeded to reference certain statistics and information contained in said protocol document that she read into the public record. Following presentation of said proclamation, she invited Katia Castellanos, Victims' Rights Advocate to proffer her comments- whereby she thanked the City Commission for the proclamation and informed the viewing public that 21 million Americans are victims of crime annually; further stating that it is rewarding to know that the City is supportive of victims' rights and that they are given dignity, fairness and respect in our city; further adding that the Police Department supports all of her divisions' endeavors; further reiterating that crime can strike anyone at any time; pointing out that one never knows who will be the next victim of crime; further introducing Ms. Tanya Sanchez, from the Office of the Attorney General, as an individual who has worked with the city to put on this event; adding that it should be reassuring to all citizens to know that there is always someone available to help them.

Ms. Sanchez stated that on behalf of Attorney General Bill McCollum and the Department of Legal Affairs, that she just wanted to thank the City Commission, Coral Gables, the Police Department and Katia for giving her agency the opportunity to collaborate in furtherance of a good cause on behalf of the victims and their rights and victims issues].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 5

A.-6. 10-0290

Presentation of a Certificate of Appreciation to Ed Weller, Building and Zoning Director, on the occasion of his retirement.

[Note for the Record: Mayor Slesnick informed the viewing audience that during the last City Commission meeting that it was announced that Ed Weller would be retiring, Mayor Slesnick requested of retired Building and Zoning Director Ed Weller to join him on the dais; further acknowledging this occasion as the saying of good-bye to the former director of Building and Zoning who retired at the end of March 2010; further stating that the City Commission had announced this at the last City Commission of March 23, 2010, stating that the Commission would have him back for receipt of a Certificate of Appreciation and one more round of applause and thanks for 15 years of public service.

Mayor Slesnick on behalf of the City Commission stated that Ed will be missed, not so much in person, but he knows that his colleagues who he was around and those whom he worked with will miss his presence; whereby Mayor Slesnick proceeded to read the protocol document (i.e. Certificate of Appreciation) into the public record; further thanking Ed for a job well done.

In accepting this accolade, Mr. Weller thanked the Mayor and members of the City Commission for the official recognition; further expressing thanks to the City Manager's Office, City Attorney, City Attorney; City Clerk, and Department Directors for the wonderful relationships that he has been able to develop over the past 15 years; further expressing his thanks to the employees from Building and Zoning, whom he described as a great staff, stating that he has enjoyed working with them; further noting that he is also appreciative of his being able to serve the community and its residents in a place where he has grown up; raised his children, worked in professionally; adding that he loves this city.

Mayor Slesnick summarized Mr. Weller's reflections, by stating that what he said one knows that is was heartfelt, even though one may not always agree with him; further acknowledging the difficult times that the Building and Zoning Department staff have endured, having been under great scrutiny; further stating that notwithstanding same, they were able to put out good work; further requesting of the City Clerk, departmental staff and his two children to join him on the dais for a photographic moment.

Before Mr. Weller, his children and departmental staff left the dais, Mayor Slesnick reflected that although there are certain things that are not always talked about, these have recently been some trying years for personnel in the Building and Zoning Department; further stating that many of the things that occurred that most employees had nothing to do with; further pointing out that they have been under great pressure,

scrutiny and public comments; and that through it all, that they have continued to do great work for the city; and that throughout this period, they have produced in a way to make this city work, operationally; further expressing his thanks on behalf of the City Commission and the city].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 3

B. APPROVAL OF MINUTES

B.-1. 10-0307 Regular City Commission Meeting of March 23, 2010

Attachments: [Meeting Minutes.pdf](#)
[Verbatim Transcript - Agenda Item F-1 - Discussion on Charter School Issue.pdf](#)
[Verbatim Transcript - Agenda Item I-2 - Breach of contract against ArcoArt Plus-TI](#)
[Verbatim Transcript - Agenda Items E-3, E-4 and E-5 are related - chg land use-re](#)

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be approved. The motion passed by the following vote:

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

City Clerk Item No. 7

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:

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

RESOLUTION NO. 2010-62**C.-1. 10-0284**

Resolution authorizing the donation of Coral Gables War Memorial Youth Center Summer Camp Scholarships to the Coral Gables War Memorial Youth Center Association for its annual scholarship program.

Attachments: [C-1 Signed Cover Memo](#)
[Summer Camp Resolution](#)

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF CORAL GABLES WAR MEMORIAL YOUTH CENTER SUMMER CAMP SCHOLARSHIPS TO THE CORAL GABLES WAR MEMORIAL YOUTH CENTER ASSOCIATION FOR ITS ANNUAL SCHOLARSHIP PROGRAM.

This Matter was adopted by Resolution Number 2010-62 on the Consent Agenda.

City Clerk Item No. 8

RESOLUTION NO. 2010-63**C.-2. 10-0294**

Resolution authorizing the City Manager to accept a donation of \$25,000 from The Fairholme Foundation, to be used for the purchase of emergency medical services equipment.

Attachments: [Fairholme Cover Memo](#)
[Fairholme Letter](#)
[Fire Rescue \\$25,000 Check](#)
[Fairholme Resolution](#)
[C-2 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF \$25,000.00 FROM THE FAIRHOLME FOUNDATION.

This Matter was adopted by Resolution Number 2010-63 on the Consent Agenda.

City Clerk Item No. 9

RESOLUTION NO. 2010-64C.-3. [10-0285](#)

Resolution authorizing the acceptance and execution of a Grant Application for the FY 2009 Economic Development Initiative Special Project (EDI-SP) Grant in the amount of \$142,500 for the design and construction of a pedestrian bridge adjacent to the existing Granada vehicular bridge crossing of the Coral Gables Waterway; approving the project identified for implementation in the Grant Application; authorizing the Public Works Director to serve as the City's authorized representative for purposes described in the Grant Application; and approving an amendment to the 2009-2010 Annual Budget in the amount of \$142,500 and an appropriation of funds for said amount.

Attachments: [C-3 Signed Cover Memo](#)
[Granada Bridge Resolution](#)

RESOLUTION AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A GRANT APPLICATION FOR THE FISCAL YEAR 2009 ECONOMIC DEVELOPMENT INITIATIVE SPECIAL PROJECT (EDI-SP) GRANT IN THE AMOUNT OF \$142,500 FOR THE DESIGN AND CONSTRUCTION OF A PEDESTRIAN BRIDGE ADJACENT TO THE EXISTING GRANADA VEHICULAR BRIDGE CROSSING OF THE CORAL GABLES WATERWAY; APPROVING THE PROJECT IDENTIFIED FOR IMPLEMENTATION IN THE GRANT APPLICATION; FURTHER AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SERVE AS THE CITY'S AUTHORIZED REPRESENTATIVE FOR PURPOSES, MORE PARTICULARLY DESCRIBED IN THE GRANT APPLICATION; AND APPROVING AN AMENDMENT TO THE 2009-2010 ANNUAL BUDGET IN THE AMOUNT OF \$142,500 AND AN APPROPRIATION OF FUNDS FOR SAID AMOUNT.

This Matter was adopted by Resolution Number 2010-64 on the Consent Agenda.

City Clerk Item No. 10

RESOLUTION NO. 2010-65C.-6. [10-0302](#)

Resolution authorizing the Cathedral of St. George to sell alcoholic beverages as part of the Coral Gables Middle Eastern Festival on 320 Palermo Avenue on Friday, April 16, 2010 from 11:00 a.m. until midnight; Saturday, April 17, 2010 from 11:00 a.m. until midnight; and Sunday, April 18, 2010 from 11:00 a.m. until 8:00 p.m., subject to Florida Department of Professional Regulation requirements

Attachments: [Middle Eastern Festival Resolution](#)
[Middle Eastern Festival Special Event Application](#)
[C-6 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE CATHEDRAL OF ST. GEORGE TO SELL ALCOHOLIC BEVERAGES AS PART OF THE CORAL GABLES MIDDLE EASTERN FESTIVAL, LOCATED ON 320 PALERMO AVENUE, FRIDAY, APRIL 16, 2010, FROM 11 A.M. TO MIDNIGHT; SATURDAY, APRIL 17, 2010 FROM 11 A.M. TO MIDNIGHT; AND SUNDAY, APRIL 18, 2010, FROM 11 A.M. TO 8 P.M., SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2010-65 on the Consent Agenda.

City Clerk Item No. 11

RESOLUTION NO. 2010-66C.-7. [10-0303](#)

Resolution authorizing the Gables Hispanic Cultural Foundation, Inc., to sell alcoholic beverages as part of the Gables Hispanic Cultural Festival on Biltmore Way from Hernando Street to LeJeune Road on Saturday, September 25, 2010 from 10:00 a.m. to 6:00 p.m. on Saturday, September 25, 2010, subject to Florida Department of Professional Regulation requirements.

Attachments: [Gables Hispanic Cultural Festival Resolution](#)
[Gables Hispanic Cultural Festival Special Event Application](#)
[C-7 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE GABLES HISPANIC CULTURAL FOUNDATION, INC., TO SELL ALCOHOLIC BEVERAGES AS PART OF THE GABLES HISPANIC CULTURAL FESTIVAL ON BILTMORE WAY FROM HERNANDO STREET TO LE JEUNE ROAD ON SATURDAY, SEPTEMBER 25, 2010 FROM 10 A.M. TO 6 P.M., SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2010-66 on the Consent Agenda.

City Clerk Item No. 12

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

C.-8. [10-0269](#) Code Enforcement Board Meeting of March 17, 2010

Attachments: [memo covermar 2010](#)
[ROLLCALLMAR 2010](#)
[march 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

C.-10. [10-0275](#) Board of Adjustment Meeting of March 1, 2010

Attachments: [BOARD OF ADJUSTMENT RECAP 3-01-10](#)
[BOADJ Summary 03-01-10](#)
[NOTICE 03-01-10](#)
[Cover Memo - 4-13-10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

C.-12. [10-0286](#) Budget/Audit Advisory Board Meeting of January 27, 2010

Attachments: [Budget Advisory Board 012710 Cover](#)
[Budget Advisory Board 012710 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

C.-13. [10-0292](#) Pinewood Cemetery Advisory Board Special Meeting of March 1, 2010

Attachments: [PinewoodSpecMtq Mar 1, 2010](#)
[NoAction03.01.10.10CCMtqNoAction04.13.10](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-14. [10-0306](#) Cultural Development Board Meeting of March 15, 2010

Attachments: [03 CDB Commission cover for 3-15-10 Minutes](#)
[03 CDB a Minutes MARCH 15 2010](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

Pulled from Consent Agenda**RESOLUTION NO. 2010-67****C.-4. 10-0289**

Resolution authorizing the execution of a Customer Agreement between the City of Coral Gables and the School Board of Miami-Dade County, Florida for a sewer connection outside the City Sanitary Sewer District to serve West Laboratory Elementary School located at 5300 Carrillo Street, Coral Gables, Florida, subject to the requirements of the Public Works Department as provided under Chapters 62 and 78 of the City Code, Ordinance No. 2007-29 and Resolution No. 27941; and provided that the executed agreement be made part of this Resolution. (Deferred from the April 13, 2010 City Commission Meeting.)

Attachments: [west lab resl - corrected](#)
[West Lab 4-27](#)
[West Lab 4-27 \(2\)](#)
[West Lab 4-27 \(3\)](#)
[West Lab Cover \(4\)](#)

RESOLUTION DEFERRING CONSIDERATION OF AGENDA ITEM C-4 (SUBJECT MATTER: AUTHORIZE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA FOR A SEWER CONNECTION OUTSIDE THE CITY SANITARY SEWER DISTRICT TO SERVE WEST LABORATORY ELEMENTARY SCHOOL, LOCATED AT 5300 CARRILLO STREET, CORAL GABLES, FLORIDA, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT, AS PROVIDED UNDER CHAPTERS 62 AND 78 OF THE CITY CODE, ORDINANCE NO. 2007-29 AND RESOLUTION NO. 27941) TO THE NEXT CITY COMMISSION MEETING PRESENTLY SCHEDULED FOR APRIL 27, 2010.

[Note for the Record: The verbatim transcript for Agenda Item C-4 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 Commissioner Withers, that this motion be deferred by Resolution Number 2010-67. The motion passed unanimously.

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

City Clerk Item No. 18

RESOLUTION NO. 2010-68**C.-5. [10-0293](#)**

Resolution appointing Nancy Sanabria (Nominated by Commissioner Cabrera), to serve the unexpired term, as a member of the International Affairs Coordinating Council, beginning June 1, 2009 through May 31, 2011.

Attachments: [R-2010-appointing Nancy Sanabria-Draft](#)
[Nancy Sanabria - IACC](#)
[Sanabria Resume](#)
[C-5 Signed Cover Memo](#)

RESOLUTION APPOINTING NANCY SANABRIA (NOMINATED BY COMMISSIONER CABRERA), TO SERVE AS A MEMBER OF THE INTERNATIONAL AFFAIRS COORDINATING COUNCIL, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, BEGINNING APRIL 13, 2010 THROUGH MAY 31, 2011.

[Note for the Record: Commissioner Anderson informed her colleagues that she would not be supporting this item, and that she was requesting a separate vote on same outside of the Consent Agenda. Following the vote taken on said item, Mayor Slesnick informed Commissioner Anderson that he wanted to say that he respected her vote and respected her opposition to said item; whereby Commission Anderson replied, that she had no problem with it and only wanted to state her view].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-68. The motion passed by the following vote:

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

Nays : 1 - Commissioner Anderson

City Clerk Item No. 19

C.-9. [10-0274](#) Traffic Advisory Board Meeting of February 16, 2010

Attachments: [TAB cover](#)
[TAB 2-16-10 minutes](#)

[Note for the Record: Commissioner Cabrera prefaced his remarks by informing the Administration that after reading the minutes on page he learned that the City was considering deployment of speed tables along Santa Maria Street, between Pinta Court and Mendavia Avenue. Public Works Interim Director Ernesto Pinto informed Commissioner Cabrera that ballots were sent to residents of the area; the residents were given until last week to mark their ballots; further adding that the residents needed 66% of the vote in order for the project to move forward; however, because the residents failed to get the needed percentage of votes, the project will not be moving forward.

Commissioner Cabrera stated that he was glad that the Public Works Director went through the process and met with the residents; further pointing out that he knew that Santa Maria Street had met the requirements for speed tables; however, he did not know what was the feedback received from the neighbors; further reiterating his appreciation for the update; adding that they only way he found out about such matters was through the newspapers].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be approved. The motion passed by the following vote:

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

City Clerk Item No. 20

C.-11. [10-0282](#) Property Advisory Board Meeting of March 17, 2010

Attachments: [Property cover](#)
[Property Minutes](#)

[Note for the Record: Commissioner Cabrera prefaced his remarks by stating that contained in the minutes of the Property Advisory Board of March 17, 2010, that there was a Schedule of Outstanding Rent (via a report as of March 16, 2010); further referencing a discussion that unfolded approximately nine or ten months ago, wherein Bijan of Coral Gables owed the City of Coral Gables for outstanding rent; further questioning the City Administration through Public Works Director Ernesto Pino that since the City gave Bijan's of Coral Gables the opportunity to start this business, whether Bijan's will be able to make the City whole again?- whereupon Mr. Pino responded to Mr. Cabrera that he cannot answer that question now.

Commissioner Cabrera inquired of Mr. Pino as to whether he will report back through the City Manager in the form of a memorandum? - or through the City Manager's Office?-whereby Mr. Pino in concert with Commissioner Cabrera stated that a response via memorandum is preferable; also adding that he was looking forward to Ms. Sanabria's term of service on the International Affairs Coordinating Council].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be approved. The motion passed by the following vote:

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

City Clerk Item No. 21

D. PERSONAL APPEARANCES

D.-1. [10-0251](#) Presentation by Sarah E. Rogers, Community Representative, American Cancer Society. (Deferred from the March 23, 2010 City Commission Meeting)

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

This Agenda Item was Discussed and Filed

City Clerk Item No. 22

E. PUBLIC HEARINGS

None

City Clerk Item No. 23

F. CITY COMMISSION ITEMS

None

City Clerk Item No. 24

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 25

H. CITY MANAGER ITEMS

None

City Clerk Item No. 26

I. CITY ATTORNEY ITEMS**RESOLUTION NO. 2010-69****I.-1. 10-0248**

Resolution authorizing the City Attorney to proceed with filing an action for breach of contract against ArcoArt Plus, L.L.C. d/b/a Trolinet for failing to comply with the terms of the agreement with the City; and further authorizing the City Attorney to take all action necessary to represent the interests of the City. (Deferred from the March 23, 2010 City Commission Meeting)

Attachments: [Arcoart Complaint](#)
[Arcoart Letter](#)
[Arcoart Resolution](#)
[I-2 Signed Cover Memo](#)
[I-1 Signed Cover Memo](#)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH FILING AN ACTION FOR BREACH OF CONTRACT AGAINST ARCOART PLUS, L.L.C. D/B/A TROLINET FOR FAILING TO COMPLY WITH THE TERMS OF THE AGREEMENT WITH THE CITY; FURTHER AUTHORIZING THE CITY ATTORNEY TO TAKE ALL ACTION NECESSARY TO REPRESENT THE INTERESTS OF THE CITY.

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

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2010-69. 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. 28

RESOLUTION NO. 2010-70I.-2. [10-0259](#)

Resolution accepting proposed settlement agreement and general release in connection with an action involving a claim filed by Bianca Milov Against the City of Coral Gables. (Deferred from the March 23, 2010 City Commission Meeting)

Attachments: [I-3 Signed Cover Memo](#)
[Milov Resolution](#)
[I-2 Signed Cover Memo](#)

A RESOLUTION ACCEPTING PROPOSED SETTLEMENT AGREEMENT AND GENERAL RELEASE IN CONNECTION WITH AN ACTION INVOLVING A CLAIM FILED BY BIANCA MILOV AGAINST THE CITY OF CORAL GABLES.

[Note for the Record: City Attorney Elizabeth Hernandez prefaced her remarks by stating that the City encountered an incident wherein the plaintiff was involved in a traffic crash with a city street sweeper/truck in September of 2009; further stating that the plaintiff sustained serious injuries, having undergone significant injuries at the Ryder Trauma Center; further noting that her medical bills are in excess of \$1.3 million; further pointing out to the City Commission that there is a proposal for settlement to accept the city's policy limits (i.e. a total of \$2 million; the city has a deductible of \$300,000; the city would pay \$300,000;) further adding that the City Attorney and outside counsel have evaluated said proposal, and concluded that said offer of settlement is in the best interest of the city; further adding that the original demand for settlement was \$100,000,000 (one hundred million dollars) since it was originally believed by the plaintiff that the city was insured for said amount; further reiterating their recommendation to accept the offer of settlement; further adding that the city has all of the necessary releases and indemnification from opposing counsel; further noting that excess counsel came down for the duration of the two mediation sessions that were held.

Questions, Comments, Inquiries and Concerns by the City Commission: Commissioner Cabrera inquired of the \$300,000 that is recommended to be funded from the city's Insurance Fund; further inquiring is said fund an Enterprise Fund/- further asking if there is a targeted amount of \$3 million?

City Attorney Hernandez responded that our Insurance Fund is approximately \$3 million. Mr. Salerno added that the Insurance Fund is not an Enterprise Fund, since it is not a business; further stating that it exists to fund any out-of-pocket expenses associated with insurance related expenses; further stating that it is more like an Internal Service Fund wherein an allocation is made to the departments to cover the anticipated expenses; said allocation being made on an individual basis, based on the number of claims that our organization may have.

Mayor Slesnick commented that matters such as this one, represent things that our organization does not talk about much on a regular basis; further citing the last election cycle wherein the City Commissioners, particularly Commissioner Anderson, all took a beating regarding what our reserves are, etc; further noting that the city has certain reserves, and that the fund in question is one that exists in order to carry out the business of the city; further citing those individuals whom are quick to cry and state that the sky is falling fail to have a fundamental grasp of the business complexity of the city; further acknowledging that the Insurance Fund has been in existence for sometimes in furtherance of the business of the city.

Commissioner Cabrera stated that the discussion on said matter represents a worthwhile exercise to have the City Manager share with the City Commission publicly his comments on said matter; further echoing his sentiments along with the Mayor regarding those individuals whom are quick to cite that the city is broke without a complete grasp of the complexity of business of the city.

In short, Mayor Slesnick voiced the sentiments of the entire City Commission regarding the plaintiff who suffered such a horrific injury].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-70. The motion passed by the following vote:

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

City Clerk Item No. 29

I.-3. 10-0304

Resolution directing the City Attorney to proceed with a request for an Attorney General Opinion regarding the adoption of an ordinance permitting a quorum to consist of members of a board participating electronically rather than requiring a personal appearance.

Attachments: [Attorney General Opinion Resolution](#)
[Attorney General Opinion Memorandum](#)
[Attorney General Opinion Agenda Item Backups](#)
[I-3 Signed Cover Memo](#)

This Resolution was Deferred

City Clerk Item No. 27

J. CITY CLERK ITEMS**None**

City Clerk Item No. 30

K. DISCUSSION ITEMS

Commissioner Anderson: I have two items, thank you; one of them is one that we had before; I had a resident from Edgewater Drive ask me if we could see if Miami-Dade County would consider putting a smaller bus on that route, and that particular resident has already spoken with the Office of Commissioner Gimenez. So Ms. Menendez, should I direct that to you, the information? I'll direct that and I'll give you that information so we can see what we can do. We were successful in Granada Boulevard after two years; see if we can make it a little faster this time through no fault of our own, the city. On March 23rd at the end of the Commission meeting, I brought up several questions of concern on an item that is solely becoming a big concern to residents, which is the issue of the Charter School in UBC. At that time, I asked several questions to be answered by our City Attorney, and last week I received an e-mail and I questioned if we were allowed to meet with our citizens, and she said the memo would be ready by April 7th. I said would not, I should send an e-mail with my memo tomorrow to the Commissioners. I received the memo last night at 6:51 p.m. I received it the night before a Commission meeting, an item of importance, and I take no great pleasure in doing this because it's not my habit, but it is the night before a Commission meeting, I had no time to review it, all the answers weren't there. I was very disappointed. I was also kind of surprised at the qualification on this particular opinion, says the initial determination of this office may change based on the request of both sides for an opportunity to provide additional information. I'm looking for you as our City Attorney to give us some finite rules in order for us to be able to proceed on an item that is reaching, I would say, the size of the Publix Manza proportions, where we had a lot of neighborhood discord, and I want our city to be on solid ground, as much solid ground as we can on a legal basis, this gives me no comfort, and it also as spoken by one of my other colleagues about another issue, I hadn't had no time to review this based on the questions. So I just wanted to register my deep concern over both those issues.

City Attorney Hernandez: The reason that I, first of all the determination of my office is that the underlying zoning is an "S" use with 110 students with additional limitations, and my position is if they wish, although they have the right to bring a Charter school there, they are limited to those conditions, and they have to go through the conditional use process. I advised both sides of that; both sides requested an opportunity to provide legal briefings and legal memos, and our office has always allowed both sides, as a matter of fact this morning I received additional legal briefings and legal memos from both sides with regard to their relative positions and their arguments and

additional case law. The matter is set to go before the DRC on April 30th, and I always feel that it is important to give the Commission the best possible advise with all the tools at our hand and what we have readily available in order for us to proceed forward. We were not able to meet with the School Board attorney until April 7th, and we've met with all sides, and I did not want to give you an incomplete memo on April 7th, I wanted to give you all the information that we could possibly obtain from all the various departments, including all the information and input that we could obtain from all sides. We wanted to speak to the one county that had been sued under, not exact fact scenarios, but similar, and the only time they had available was yesterday at 3:00 p.m. in the afternoon. So again, Commissioner I apologize for the delay, but my position I have been fairly consistent, that they have a right to be there, but they are limited in the number, except if they go through our process. Again, I apologize.

Commissioner Anderson: And I - my issue, I'm not going to talk about the issues of the legal part because you are stating that because I don't think that's in my purview, but what is in my purview is that it was three weeks ago, and it's something that, you know, I as Commissioner have the right to know what's going on; and last week you said you were going to have it ready and you didn't. I deserve - all of us deserve the courtesy because this came to the whole Commission. As Commissioner Cabrera spoke about another issue where he didn't get the information on time, I feel that that's on an issue of importance like that, and with the issue of qualifying your opinion, it doesn't give me much comfort, and I'll leave it at that, and I'll move on.

Commissioner Cabrera: Except I didn't discipline anyone, all I did was, I announced that I would prefer to defer the item until I had an opportunity to read it, but I'd like to ask you a question, how do you expect the City Attorney, or for that matter any of our city employees to give us a position or an opinion or a response, where in the case of this applicant, thus far, they have not taken any official position until they recently applied for a hearing before the Development Review Committee (DRC). We are still at a point in time that we are, you know, we are relying upon people that are concerned with a school that could potentially be in their backyards and they don't want it; and so I get calls, and I got a call this Saturday from Martin Mendiola, we all know Martin, he is a friend to everyone here on the Commission, Martin said, Ralph what's going on?- I have these people at my front door telling me that the sky is falling, and I tried to explain to him the situation. Let me go back to my original question, how do we expect the City Attorney or the City Manager, or any other department head to give us a position on a matter that hasn't come before us in an official capacity?

Commissioner Anderson: Commissioner, I pretty much stated what I'm going to say, I'm not going to answer that question.

Commissioner Cabrera: OK - you don't want to debate.

Commissioner Anderson: I feel I've already clarified my position.

Commissioner Cabrera: Well you disciplined someone and I didn't discipline anyone, what I did was I simply said; let's defer the item until such time I can get a better understanding of why we changed it. So if you use me as an example, I want to clear the air and give the true reason why I deferred the item, it was simply because I wanted to know exactly why the changes were made, which incidentally my colleague to my left was kind enough to give me those changes, and then the colleague to my far left decided to pull the item anyway. So whatever - it is what it is....

Vice Mayor Kerdyk: I think the issue is that we have this - we do have an issue here, and we're trying to get some clarity, at least from my position, I'm trying to get some clarity whether what the school says is the way it is, or where the residents want it to go is the way it is. So I'm trying to ask....

City Attorney Hernandez: And neither side is a hundred percent right.

Vice Mayor Kerdyk:...I'm trying to ask my City Attorney to provide that clarity to me, and the conversation was on this Dias two weeks ago?- or was it a month ago?- three weeks ago, and that's when the question was posed to our City Attorney, and I've been waiting, fortunately I've been out of town, so it hasn't been bothersome as it has been for many people, but the fact is I am waiting for this opinion, and now that I have that, the only issue that I have was the same thing as Commissioner Anderson, is this qualifier right here on this front page, and that's the only issue.

Mayor Slesnick: Well, can I address that?

Vice Mayor Kerdyk: Sure.

Mayor Slesnick: I really think that's - when I read it, that was the one thing that stood out that I thought was a very sincere statement, and to be honest with you as a lawyer we are looking at an unsettled state of the law in this case. We knew that going in; people are demanding us to make determinations on law which there is no final determination on.

Commissioner Cabrera: But we are constantly getting those kinds of messages.

Mayor Slesnick: And so therefore, I think the City Attorney's statement that this opinion may change as different facts are supplied or different opinions are given is a statement of reality. I think that was a very honest statement.

Vice Mayor Kerdyk: Maybe I just don't understand how an opinion is written. When my attorney writes an opinion on something that I ask him, they usually gives me, hey

this is the legal facts behind it, and this is how I believe, and you can proceed like that, you can sue like that, you can be sued like this, you can do all this, and I expect a....

Commissioner Cabrera: But your attorney's document is not a public document that can later be used against you.

Mayor Slesnick: There is a difference too. If you are one of the parties here that are before us, their attorneys are telling them either - their attorneys are giving them their best, this is where you stand advise; what you are looking at is an opinion given to the deciding body as an overview opinion trying to advise people of where you stand in making a decision on this matter. I think it's a different kind of thing, I really do. I think that this decision, I mean this opinion is a different type of opinion that you would normally get from your attorneys wondering whether you are going to enforce a lease or whether someone is in breach of a contract or so forth. I had a question - are you through?

Vice Mayor Kerdyk: I just wanted to point out one other thing though; the land use issue is a change of land use, which is a year long process, if I remember correctly, is that right?

Commissioner Cabrera: Could be.

City Attorney Hernandez: Twice a year you can go - I'm not exactly certain when the next cycle is, I want to say September, but I can't say.

Vice Mayor Kerdyk: It's a year process basically. So we are going find ourselves....

City Attorney Hernandez: But you can do minor twice.

Vice Mayor Kerdyk: I guess what I am trying to come to conclusion here, is we are going to find ourselves in some type of litigation....

City Attorney Hernandez: Oh yes.

Vice Mayor Kerdyk:...on your opinion...

City Attorney Hernandez: Right.

Vice Mayor Kerdyk:...and that's why I'd like to have some affirmative, and you say that's not possible...

Mayor Slesnick: At the moment.

Vice Mayor Kerdyk:...at the moment....

Mayor Slesnick: She is starting from scratch firming up a new area of the law.

Vice Mayor Kerdyk: Alright.

Commissioner Cabrera: We sat here - we were using examples today, we sat here today and dealt with a School Board representative over an item that Chip gave all kinds of institutional history on, and literally told this person how difficult it has been to work with the Miami-Dade County Public School System. We now have an item when we were trying to talk to the Miami-Dade County Public School System, what makes anybody in this room think that they are going to jump at the City of Coral Gables when we put a call into them or request for a meeting with an item like this when history shows us that it doesn't happen. How many public hearings did you go through?

Commissioner Withers: There was quite a few.

Commissioner Cabrera: Quite a few, I mean, come on, that's the reality, and the irony is, this damn thing that we were supposed to approve today is already operational, it's already there, I mean that's ridiculous. I really felt like getting up and going home.

Commissioner Withers: Let me just kind of weigh in here in a second. You know, at the end of the day it's a political decision from this Commission on whether 675 or 700 students in a residential neighborhood.

Vice Mayor Kerdyk: It is now.

Commissioner Withers: That's what I'm saying.

Vice Mayor Kerdyk: Based on his interpretation.

Commissioner Withers: That's what - at the end of the day where the "rubber hits the road", we have to decide whether we support that or we don't support it. Now, if we support it and we have the law behind us to support it, then when the neighbors sue us we've taken a position, this is the law. If we vote against the school because we politically don't think it's the best thing for our neighborhood, and the law supports us, then we are fighting against the institution and the School Board, I don't know. So one way or the other, we are going to have to fight this thing out. So from my perspective, I understand the political side, I just need to know when I make that political decision which side the law has fallen. That has - because there are two issues Liz...

City Attorney Hernandez: And there is only a few...

Commissioner Withers:...no let me finish, because there are two issues with me. Look, I don't think any of us want, and I'm speaking for myself, but I'm reading you guys based on St. Thomas, the soccer field, based on St. Phillips, based on the other issues; I don't think we want 5 or 6 or 700 cars backed up two deep on Segovia and Riviera Drive and causing - I don't think any of us want that; even though we are one hundred percent in favor of schools and charter schools and public schools, I don't think anyone of us want to put that on the residents in our neighborhood, unless I've read it wrong, I don't think any of us want that. But I think all of us feel that there's maybe some compromise in there where some type of school could be there if it really wasn't detrimental to the quality of life in the neighborhood. The question is, where is that middle ground found?- but I really think that to get to that middle ground we have to come from a position of strength, we have a present ourselves in a unified fashion that we have the law behind us on the decision we want to make. So I just need to find out really, who's allowed to do what, I mean, I don't know - Don you're the attorney, Liz is the attorney, I don't know what's so hard. To me this is either a black or white issue, I don't know where all the jockeying of position is, I mean...

City Attorney Hernandez: The jockeying, unfortunately what you have is, you have three different statutory frameworks that all work against each other.

Commissioner Withers: You have the State, the County and the City.

City Attorney Hernandez: No, no, I'm just talking State right now; we'll get to the City in a minute. First you have the State where you have a statutory provision that says, Charter schools are exempt from all the requirements of public schools except as provided herein. So then you have to go through other statutory provisions in the State formula, in order to determine which ones. The ones that apply as to where Charter schools can go in municipalities and under what zoning categories is very broadly worded. The one case that occurred in Sarasota County in a religious institution, is not exactly on all fours such as in our case; and so the question is, what is our zoning?- and our zoning is "S", and so what's happening is that the Charter school group is saying, well we have "S". So as long as the Fire Marshall says that, that number of students fit, we can go in there and you can do nothing to us.

Commissioner Withers: OK.

City Attorney Hernandez: OK. The neighbors from what I'm gathering are saying, no, no charter school can go in there unless they go through all this entire process.

Commissioner Withers: Understand.

City Attorney Hernandez: Our position is neither with the charter school or with the

neighbors, our position is a charter school can absolutely go in there under the law, but under our zoning category, which is 110 students, 18 teachers, through 2:30 p.m., if that's our zoning category. If they wish to change that they need to go through the conditional use process. Both sides have said no, we have strong evidence, and you know, we always allow everybody to bring all the, you know, because the bottom line is, if someone comes forward with a Supreme Court decision, which we have not found, and we have researched it, and looked for it, we are happy to receive it, because this is not at the DRC yet; they filed their application recently and they are scheduled to go to the DRC and the next City Commission meeting is April 27th, in an abundance of caution in the event they bring something forward, we have to advise you with the best tools at our disposal, and the only facts, the only application we have is what they have filed in front of the DRC, that and rumor and innuendo and you know, everything else.

Commissioner Withers: OK, so I understand. So based on the, I think, the 1977 ordinance, I think is what the memo said...

City Attorney Hernandez: Yes sir.

Commissioner Withers:....so what you're saying is that right now our position is that they have an "S" use or Special use, and they are allowed to 110 students or whatever that was, if they want to come back and ask for more, they have to come back to this Commission and ask for an increase in those numbers.

City Attorney Hernandez: Right.

Commissioner Withers: Now, when is that going to be etched in stone? If you haven't heard anything one way or the other by the DRC meeting, that's our position?

City Attorney Hernandez: Well, OK...again...

Commissioner Withers: What I'm saying I just can't - when are we going to say this is our position?

City Attorney Hernandez: It is my legal position that they have to go through the conditional use process.

Commissioner Withers: OK. OK.

City Attorney Hernandez: I've received two pleadings, you know, memos from both sides; one late last night from the Somerset Attorneys after they had received our memo, and one early this morning from the Neighborhood Association. I reviewed them both, I am going to review them again, but neither one has provided any

information that would make me change my position. The only issues that have been raised that raise a question on the land use were raised by academia, and I have to look at it again - Somerset - I have to look at it again to be certain, you know, it's asking for quick opinions based on numbers of students that are changing consistently, and information that is going back and forth consistently between the parties.

Commissioner Withers: When is the DRC review?

City Attorney Hernandez: The 30th.

Commissioner Withers: And we have a Commission meeting before that?

City Attorney Hernandez: Yes.

Commissioner Withers: So do you think by that Commission meeting it's now been - they now applied for it on March 29th...

City Attorney Hernandez: They've applied - right - DRC and they are set on the 30th.

Commissioner Withers: So what can our roll be at the Commission meeting is on the 27th? Can we form an opinion on what our position is?

City Attorney Hernandez: I believe that my opinion will remain the same as to the zoning; I'm reviewing based on one issue that was raised, the land use again, but I feel very strongly that they have to go through the conditional use process. I anticipate that they will probably litigate that issue, but...

Commissioner Withers: If that's our position what will be the response from the DRC?

City Attorney Hernandez: Well DRC is a process that everybody goes through anyway.

Commissioner Withers: I understand that, but what will they officially come out with?

City Attorney Hernandez: I can't say. The directors will be meeting and the directors - the Public Works department will raise issues of concern perhaps as to traffic, and the Fire Marshall may raise issues as to fire safety issues, whatever. Their review of the application....

Commissioner Withers: I understand all of that, but I'm talking about the actual land use or the actual zoning use, DRC will say...?

City Attorney Hernandez: Well DRC will only do, it's a technical committee...

Commissioner Withers: OK.

City Attorney Hernandez:...it is up to the applicant to file with the Planning Department an application for condition use approval and consideration.

Commissioner Withers: OK. OK. Then we will be addressing, probably, at the following Commission meeting...

City Attorney Hernandez: No, the Planning and Zoning Board first has to address the conditional use application and provide recommendations to the City Commission.

Commissioner Withers: Well, I mean, they want to do this by September, right?

City Attorney Hernandez: Yes. We are giving you our opinion vis-a-vie this issue. Now they can open a charter school of 110 students.

Commissioner Withers: I understand that. OK.

Mayor Slesnick: Mr. Manager have you received any request from Somerset Academy to use the Youth Center? Has this city received any request to use the Youth Center?

City Manager Salerno: I have not received any. I can't speak if there's not been something received elsewhere, but I haven't received anything.

Mayor Slesnick: Do you know of any request, Madam City Attorney?

City Attorney Hernandez: No sir.

Commissioner Anderson: That was one of my questions as well.

Mayor Slesnick: OK, you know, I got to tell you something. The more I sit up here, people ought to realize by misleading other people doesn't help the situation, and we've had so much misinformation and misleading of people; this is how people took over political systems in Europe at one time by setting up people to dislike and people to get all upset; and I get these approaches, we've been told they are going to take over the Youth Center, well I mean, they haven't even asked to use the Youth Center. They may ask some day...

Commissioner Cabrera: I think its Riviera Park - they want to take over Riviera Park.

Mayor Slesnick: Riviera Park that's right - so for anyone listening if you get told that people are taking over the Youth Center it's just a lie - l-i-e - lie. Now, could they

apply at some point?- Dona did you look into that?

Ms. Spain: The Youth Center has not received anything.

Mayor Slesnick: Thank you. The Youth Center has not received any request, the city has not received any request, could they request it?- yes, if there is a school there they could request it. Could we consider it?- yes. Could we set limitations on its use?- yes. Could we charge for its use?- yes. Those are all questions that could be answered in the future, but it's just an outright lie for people to be told that the Youth Center is being taken over by the possibility of a Charter school; and the e-mails that I get, the hatred in some of the e-mails is just not helpful, and the kinds of tones of voice that we get is just not helpful. So I don't know why people think that they have five neighbors sitting up here, five neighbors who have nine years together, some have up to twenty years, of protecting our neighborhoods, of doing the right thing, of caring for children, of caring for parents, of caring for neighborhoods, and all of a sudden there is some kind of evil Commission up here that has some kind of evil thoughts about destroying the City of Coral Gables. It just isn't helpful. You know, our doors are open, and our e-mails are open, and we are conversant with everyone that wants to be conversant with us, and I would also suggest too that for those people who think that reading the Herald and everything, that all we get is mail that's against the Academy. We have started now getting all this e-mail for having Somerset Academy there, by parents that live in Coral Gables who want their children to go there, so we have...

Commissioner Anderson: Which also has this information in it as well.

Mayor Slesnick: What?

Commissioner Anderson: Which also has this information in it as well.

Mayor Slesnick: Exactly, exactly - everyone. I mean, it's just very disturbing, and people want to know why I probably won't be running for office again, I mean, I just got to tell you, it's very disturbing to try to do the right thing for the right reasons, for your neighbors, and for your family and for their families, and have people act like that, so.

Commissioner Cabrera: You want to hear - I love this one. It is a shame that the Commission thought it was acceptable to burden a relative quiet neighborhood by establishing this full time school for over 700 students. This is a long time Coral Gables resident that just wrote that e-mail to us.

Mayor Slesnick: I thought you were going to be Principal.

Commissioner Cabrera: Yeah - OK.

Mayor Slesnick: Ms. Anderson, I'm sorry, you started us off on that track. Mr. Cabrera.

Commissioner Cabrera: Thank you. Given the latest crime that has taken place at the Village of Merrick Park, and I know that, let's see we've had two - Mayor's had been robbed twice; once a security guard was fatally shot, the Gucci store was robbed; the good news is no one else was hurt except of course the life that was lost by the security officer. I'm just wondering that at some point in time we can get some sort of a cooperative team effort, maybe that's already going on, I don't want to get in the way of Police operations, but I'd sure like to get a level of comfort with what we are doing to assist the Village in terms of our abilities to patrol and support the...that particular crime wave, I would venture to all it a crime wave only because its happened repeatedly over a short timeframe, that's really all I have to say about that issue. I wanted to comment also regarding the potential purchase of a property at 4650 Alhambra Circle. We all get a weekly message from the Manager's office and it's in the form of a report; and the last one we received for Friday April 9th, highlights the fact that this property, this 21,000 square foot property, which is located on the southwest corner of Mercado Avenue and Alhambra Circle, there is an agreed upon price of a million dollars, and that the funds to purchase the property are going to come from a Miami-Dade County GO Bond and a recently awarded Miami-Dade County Safe Neighborhood Parks Grant. I think that's great; I'm excited to hear that we are not going to be paying from the city coffers, but I'll tell you what I do believe that we need to know. We need to get a better understanding of the potential loss of property tax revenue for that property, I think that needs to be part of the quotient, and I think we also need to know what is going to be the projected maintenance expense for that property before we can truly make a decision on the purchase of this particular property, because as I understand the Manager's points, the transaction will require review by a number of City Boards, which include the Property Advisory Board, let's see what other Boards will have to take a look at this? Mr. Manager just out of curiosity, do you know the Boards?

City Manager Salerno: Yes, I do: Budget, Economic Development, Property Advisory, Parks and Rec., both the Budget and Economic Development have already...

Commissioner Cabrera: OK, so two out of the four have already seen this come before them, has already come before them. I just wanted you all to be cognizant of the fact that I am considering these numbers because there is going to be a loss of tax revenue, property tax revenue, and there will be an expense associated with not only the maintenance but the renovation of that particular parcel of land, because if you look at it now it's a barren parcel of land, it has a partial driveway, it's really an eye sore for that entire neighborhood, because I live in that neighborhood. While I don't expect the

Manager to respond because we just talked about it before the Commission meeting very briefly, I wanted him to know that I was interested in that item.

City Manager Salerno: Commissioner, thank you for the call, because those are excellent questions, and for the Commission's information the first time that I think that site was specifically mentioned to the Commission was in a report from myself on December 4th where we outlined that we had received a grant in the amount of \$220,000 from the County's Safe Neighborhood Parks Grant Program, and that we were pursuing a 21,000 square feet or approximately a half an acre site at 4650 Alhambra Circle. The taxes on that for 2009 are \$13,067.16, it is totally to be funded between county dollars, the million dollar price tag is \$779,950 at a GOB land acquisition of \$220,050 at a Safe Neighborhood Parks Bond issue, and Fred Couceyro estimates that the annual maintenance cost in a purely passive mode would be in the neighborhood of \$5,000 a year, and he would not need additional resources to maintain that additional half acre of property. So those are all absolutely good questions and frankly if there was substantial operating cost impacts or that would have been a factor in us even going forward with it, but the size of this piece of property at less than half an acre and the fact that it's a hundred percent funded seem to far outweigh those things, but we always look at those and I thank you for...

Commissioner Cabrera: Well, no listen, I plan to do this every single time we look at a property...

City Manager Salerno: We should.

Commissioner Cabrera:....these are factors that need to be accounted for. So I appreciate you taking the time to research that in such a short timeframe that I gave you. Last item that I have, look I think that it was last meeting that we had, I believe it was the last meeting...

Mayor Slesnick: May I jump in at that last one?

Commissioner Cabrera: Oh, absolutely - absolutely.

Mayor Slesnick: This again, well this again, my mind is not on the piece of property, but it's on this continued reference to county funds, I want to make a footnote to this for the citizens of Coral Gables. This is not to take anything away from the cooperation of the County and for their efforts in collecting these funds and then distributing them, it is not an effort to demean the County Commissioners whose names appear on the gigantic signs that are put up on these projects; but I would like Coral Gables citizens to understand that these funds are collected from them, these are funds that are collected from all the citizens of Dade County including Coral Gables citizens, and they are redistributed back by formula which was part of the bond issue, and so these are

funds that are owed to us; these are funds that are owed to us because of our position within Dade County, as part of the Dade County fabric and community; and it also, you know, if you drive up and down Ponce de Leon where are going to start the work on the median, you'll see gigantic County signs that this is a big County project, with the County Commissioners names listed and everything. You know that project was planned by our city, will be supervised by our city, was approved by this City Commission, it took a lot of planning and effort both in policy and in the Public Works Department, our City Manager's office, the City Attorney's office, and working through the bidding process, the Procurement Department, I go to Salvador Park and there is a great big County sign listing the County Commission, that is a product of our Parks and Recreation Department of our City Manager's Department, of this Commission laboring over, deciding what to do with some of those monies, and using them in Salvador Park, of again our Procurement Department. I now see big signs on Coral Way for the repaving of Coral Way, County signs. Now this Commission has never gone in to putting up, well maybe we have, but I don't remember, we don't put up great big temporary signs, wooden signs around our city with our names on it and saying this is a city project, but Mr. Manager, I'd like somehow to let the citizens understand that these projects are our projects, they are funded by dollars which are collected from the citizens of Dade County including our citizens by the county and distributed by the county and I praise them for all that, and I praise them for the bond issue, but I just have to tell you I just want to make sure that people know that all these county projects they see out there are really their city projects.

Commissioner Withers: Don let me just turn your stomach a little bit more on this, because you and Maria and Ralph weren't on the Commission, and I don't know if Bill was, but I remember Raul who was Mayor and I voted against this bond issue when it was first presented to us, that's a long time ago; and I don't remember the exact numbers, but the City of Coral Gables was basically held hostage, and said if you don't vote for this I don't know how much participation you will have in receiving these funds. Now, at the time, and Liz, I don't know if I'm out of line on this, so slap me down if I am, but at the time it was projected over the life of these bonds that the City of Coral Gables residents would contribute over \$85 million dollars, and we would receive back approximately \$5 million dollars. So we are definitely a donor community on this, so yes we do get some of that money funneled back to us, but the percentage we get compared to what we contribute is way under. We are a fortunate community, we should donate to the rest of the county, but I agree with you, I would just as soon have the signs up for one day and removed, I don't know if we could do that, I'm totally against putting up signs with our names on it, but I would gladly see what we could do to pass the sign ordinance in memory of the great William Kerdyk Sr., and remove those political signs as soon as they are put up. So that's my soap box.

Mayor Slesnick: OK. Mr. Cabrera back to you.

Commissioner Cabrera: Thank you. By the way, with Ponce median, I want you to hear this Bill, Ponce median; we missed the opportunity of a lifetime.

Vice Mayor Kerdyk: Why's that.

Commissioner Cabrera: We didn't put bicycle lanes.

Vice Mayor Kerdyk: Yes, you mentioned it.

Commissioner Cabrera: And I'm part of that, but we really missed an opportunity that will not come again; based upon the Master Plan it was supposed to have bicycle lanes. Oh well. Last item is, I'm at a point in time as I started to say, last Commission meeting we had, I believe it was the item on the Riviera/South Dixie project that we voted down, the majority of this Commission voted down, and we had yet another traffic study. Let me tell you where I'm at with traffic studies, the next traffic study I get from an applicant I'm going to throw it on that floor, I swear. I'm going to take it, I'm going to let the applicant know, and then I'm going to chuck it on the floor because I don't get traffic studies any validity. I have yet, in nine years, to get a traffic study up here from an applicant that didn't show what the applicant wanted to show. I mean, you all correct me if I'm wrong and I'll shut up and I'll just move right along. So what I'm suggesting is because the last applicant was a real gentleman, the attorney, I think it was Mr. Baille; Mr. Baille looked at me and said, hey Commissioner there are other municipalities that literally take the application, charge us for the study, but they quarterback - spearhead - manage the traffic study. There is no reason why we can't do it; there is no reason why this city can't identify two or three quality traffic engineers, which we have them; we've got one quality engineer in our city's midst who is also a city resident. We could have two or three of these firms rotate and get the applicant to pay for the study and allow the city to manage the process. So that when a traffic study comes to us I can feel comfortable that this traffic study is not yet another marketing tool for an applicant to get his way on a particular development or a particular project. So I really encourage not only us, but I encourage the city as a whole to take that position much sooner than later, because I'm telling you from now on, and I don't think we are going to get many developments before us in the months and the three years to come, but if I do, it is going on this carpet, I'm not even going to look at it.

Vice Mayor Kerdyk: You'll have one soon with the Baptist Church.

Commissioner Cabrera: Well that's a perfect example, there will be one, there will be one, and Chip outlined what it's going to look like; Chip outlined the traffic conditions of Segovia and that entire area in seven words.

Vice Mayor Kerdyk: I think it's a very good idea.

Commissioner Withers: We talked about it.

Vice Mayor Kerdyk: We have, I remember talking about it.

Commissioner Withers: We talked about it years ago about a fund to do that, and what we would do is, because we were not just going to study the two or three block area around there, we were even going to go out a little bit further with the study.

Commissioner Cabrera: It's a pretty simplistic approach and I know other municipalities are doing it, so why aren't we?- are we doing it because we are settlers?- are we doing it because it's too much work?- are we doing it because we don't have the people power?- I mean, I don't know, but it seems that if you really want a credible traffic study it should not come from the applicant. Like I said before, I look at it as another marketing brochure, another attempt to make their point to us that, oh there is not going to be a traffic problem, nonsense, here's our traffic engineer to dispel all worries.

Commissioner Withers: But Ralph, the other side of the coin, if we know - Riviera was a good example, what we heard last week, U.S.-1 and Riviera; we kind of looked at that traffic study, and we kind of realized, I think Maria even said something about, or maybe it wasn't Maria, about traffic in, in the morning, traffic out, was it really 500 trips, was it really - I think we understand what traffic studies are all about, I mean, don't you? When you look at one...

Commissioner Cabrera: You know perfect example, the guy comes in, the traffic engineer comes in with all these funky pictures with one car on Riviera and Dixie Highway, then a resident comes in with twelve pictures.

Commissioner Withers: That's what I'm saying, we know...

Commissioner Cabrera: But you know, don't you think it would be a lot more credible - what if that resident didn't come in and what if we weren't as intimately aware of that intersection as we all are?

Commissioner Withers: Well Bill drives there every morning and I drive there once almost every other day, so I think we kind of...

Commissioner Cabrera: That was one example, what about the others?- what about other areas that we are going to have at some point in time in the not so distant future that traffic studies are going to come in to try to set the course. Anyway, listen whether the city does something about it, I don't care one way or the other, I'm taking it and I'm throwing it out, I'm throwing it off the counter here, it's just a waste of my time

and I'm done, and if it embarrasses someone I don't care.

Mayor Slesnick: You were very clear.

Commissioner Cabrera: Thank you.

Mayor Slesnick: Stand by for Commissioner Cabrera's throwing episode.

Commissioner Withers: What if the city is the applicant?

Commissioner Cabrera: That's a totally different situation, I'm part of the city, I'm getting benefits, I get a salary, my goodness, come on, I get to park for free for the rest of my life as long as I'm a good person, as long as I'm a good person, that's the hard part.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes, just two items and Commissioner Cabrera brought up one of them, which was the Alhambra piece of property. Mr. City Manager you did mention that we have talked about or you have talked about it since December, but actually that dates back for a year and-a-half; we identified that piece of property about a year-year and-a-half ago, and identified it from the standpoint that we wanted to get open space for the City of Coral Gables to provide quality of life and take advantage of these lower prices that we are seeing now in the real estate market; and I think we are buying that at about \$45 a square foot, and at one point, probably three or four years ago, that property might have sold for \$80 a square foot. I'm happy to see the open space there and I understand there are other issues that we need to deal with, but you know me and open spaces.

Commissioner Withers: I'm surprised you didn't say partnership took...

Vice Mayor Kerdyk: I want to stay a good person. Anyway, the other thing is that Aragon, the 200 Block of Aragon is taking shape nicely, the theater looks good, the Museum is coming about and I just wanted an update of where we stood on the lease from the people from Florence, are we moving forward there?- where are we exactly on that perspective lease?

City Manager Salerno: That item is on-going, still moving forward, they are waiting on some additional information from the perspective tenant to complete the matter, so we are hopeful we will be getting that soon. Obviously we are dealing with - this is not a local transaction in that the folks are from another continent, and although there is e-mail, etc., there are time differences and the way they do business in Italy is somewhat different than normal practices here in the United States. So it's a matter of

bridging understandings of how to meet each other's needs. It's moving forward, we don't have a deal done yet; I'm still optimistic that, that will happen in the very near future.

Vice Mayor Kerdyk: That's it.

Commissioner Withers: Real quick. I had the opportunity to visit three projects under construction; one the Museum, I really encourage you to go by there, it's absolutely taking phenomenal shape; two, I went by the Country Club and I don't know if you all have been by that lately...

Commissioner Anderson: That was nice - beautiful.

Commissioner Withers:...that's coming out pretty cool; and then I met with Mr. Steve Grahams today at the Perrin Plaza Cinema.

Mayor Slesnick: No, it's the Gables Arts Cinema at the Perrin Plaza.

Commissioner Withers: Gables Arts Cinema at the Perrin Plaza, OK there you go; and I was really, really impressed with that, I think that's going to be just a really, really neat thing. I know I had some trepidation moving into it, but I can tell you that Steve and his group and the city has done a phenomenal job, that's going to be a really neat asset to that core area in downtown. That's it.

Mayor Slesnick: Mr. Manager.

City Manager Salerno: Mayor, just one brief item. There was earlier a discussion dealing with the Public Works operation and the trolley in general, and I feel compelled to just put into context and respond to some of the comments that were made earlier by the Commissioner on mismanagement associated with the trolley and that operation. I agree with you, Commissioner, that there has been mismanagement of aspects of that operation, but not with respect to this particular, I'm not dealing with this lease aspect, that is separate, but if you want to talk about mailing addresses, and wiring and things like that, I understand that. I'm not talking about lease, but I think it's not appropriate to characterize that, that operation, it has been - it has had an element of mismanagement; I've been saying that since I got here, I can't wave a magic wand and fix all the issues that are in that department. I've discussed that with you. We all know that in particular with the trolley system, the vehicles were being maintained at times at hundreds of thousands of dollars more than it is now costing us. The fleet was in jeopardy of being, coming to a crisis situation in many respects, and that area with new management and leadership of our automotive we were able to keep that from happening and purchase, as you know two vehicles that were better than any of the vehicles that we currently have in the fleet. As you all know management of the trolley

operation has recently changed; we are in the process of recruiting for a new trolley manager. The department leadership over the trolley system has changed and we are out looking for a new leader in that regard. So I want to point that the issue for the trolley, the trolley advertising issue goes back to August of '08, when the agreement was signed in January of '09 and amended in July '09, and that's when these issues were being talked about. I want to qualify that because many of the folks that I would hold responsible for the mismanagement are no longer here, OK. Those are opportunities hopefully for us to make strides forward; the interim management that's there is working their butts off doing a wonderful job in that regard; and I just felt I needed to stand up for the folks that are doing, that are working their darnest in that department, and tell them that I appreciate what they are doing; and we have a ways to go to make this a model organization, that's what I've been saying since day one. But I don't want folks to be thinking out there that the Public Works operation is just mismanaging this project. There were things that I certainly would have done differently in the past, we are going to have new folks in place shortly that will make different decisions, but to raise things and circumstances that have been in place there for years and not acknowledge what I've been saying all along is that we need changes and I want to thank the members of the Commission that are here for their support in making those changes, because we truly have made monumental gains with respect to Public Works and the trolley, and we have a ways to go. So with that said, I just didn't feel that I was going to let the word mismanagement going back to something in '08 frankly before I was here and before we started to make the changes that I know you all support and asked me to make, go unresponded to. That's all Mayor.

Commissioner Anderson: Thank you very much.

Mayor Slesnick: I have one thing; next week is "Earth Week" and culminated by Earth Day on the 22nd, I would love to have the Commission think about joining me; the Mayor's office is going to be out at Publix on Sunday the 18th from noon to 5:00 p.m. handing out literature about Earth Week and about greening our planet and about saving our environment, and we are going to be interfacing with the customers of Publix; Publix will be supporting it and we are going to be giving out some of their green bags...

Vice Mayor Kerdyk: Which Publix?

Mayor Slesnick: Right here, the Publix at LeJeune Road, we can only cover one, unless you'd would like to cover Manza.

Commissioner Withers: Bill will do the one across from Riviera Park.

Mayor Slesnick: Maria maybe you would like to - but we are close to your house so we can come on over.

Commissioner Anderson: You know when I was running for election the first time, I was told to go to that Publix, and I didn't go to that because I was - so I won't go this time either. No disrespect to "Earth Day" or anything like that, I just don't do Publix, I don't do Publix.

Commissioner Withers: Ralph's covering the one up on Douglas, you're covering this one, Bill's - I don't know that we have one to cover.

Mayor Slesnick: That's right. The Garden Club is going to be with us, the Coral Gables Garden Club, the Museum is going to be out, in fact Steve Klindt, the Director of the Museum, says he has his first "Earth Day" flag for the very first Earth Day celebration; and FPL and Comcast are providing us some handouts and things to give out to people about saving the Earth. So happy "Earth Week" and "Earth Day" to everyone. I hope that you all will appreciate that Coral Gables is part of the Earth and if we save the Earth we save Coral Gables. As we close this meeting, I have a statement to be read into the record. This is Detournay vs. City and Amace, it's an Executive Session statement, it is now 11:45 a.m., and we have advertised an Executive Session of the City Commission will now be addressing. The Session was advertised for April 13, 2010 at 11:00 a.m. or sooner after it is possible, possibly 11:00 central time. On April 2, 2010 under the provisions of Florida Statutes, Section 286.011, whereby the City Attorney requested that the City Commission meet in private to discuss pending litigation in the case of Detournay vs. City of Coral Gables and Amace, Case No. 07294858 CA13, the City Commission approved the City Attorney's request and at approximately 11:45 a.m., we will commence a private attorney-client session under the parameters of Florida Statutes 286.011. The private attorney-client session will conclude at approximately, probably 12:30 p.m. or thereabouts, whenever it concludes it will conclude some time afternoon, at which time the regular City Commission meeting shall resume. The session shall be attended by the members of the City of Coral Gables City Commission, Commissioner Maria Anderson, Commissioner Ralph Cabrera, Vice Mayor William Kerdyk, Commissioner Wayne Withers, the City Manager Pat Salerno, City Attorney Elizabeth Hernandez, Special Counsel Michael Fertig and Jennifer Glasser, it doesn't mention me, so I can go home...

City Attorney Hernandez: It did not mention you?

Mayor Slesnick: No, it did not mention me.

Commissioner Withers: We got Bill....

City Attorney Hernandez: Oh, because you were out of town and I...at the last one...

Mayor Slesnick: I was not out of town for the last one.

City Attorney Hernandez: Add Don Slesnick to it.

Mayor Slesnick: To support my fellow Commission members, I will attend - a certified court reporter shall be present to ensure that the session is fully transcribed and the transcript shall be made public upon conclusion of the litigation. So at this time we will meet in the City Manager's office pertaining to the Executive Session. Wait a minute - did it mention the City Clerk?- do we have the City Clerk?

City Attorney Hernandez: No he does not attend.

Mayor Slesnick: He does not attend, OK. Well gee Walter, you are the lucky one. Thank you we will reconvene here after that meeting.

[Note for the Record: At approximately 11:44:50 a.m. the City Commission recessed and proceeded to go to the attorney-client Executive Session in the City Manager's office].

[Note for the Record: City Commission meeting resumed at approximately 12:56:17 p.m.]

Mayor Slesnick: For those of you watching us on Channel 77 Gables TV, we have just returned from the Executive Session which was called for earlier today for the City Commission to meet with the City Attorney and our outside attorneys about a lawsuit which is in progress, which is called Detournay vs. City and Amace, and that Executive meeting is out of the Sunshine, it is not for public consumption at the moment, but the record of that session has been kept and will be a public record once the lawsuit is concluded in one manner shape or form or another; and now ladies and gentlemen we are back from the Executive Session and that concludes the Executive Session that we had, therefore we can go back to the City Agenda. At the present time I'm asking the City Commission if there is any motion to be made about the Executive Session. I don't believe I see any motion, if no motion and seeing none I would like to thank everyone for their cooperation in the Executive Session, and if there is no dissent, we are prepared to adjourn this meeting without dissent. Meeting is adjourned.

City Clerk Item No. 31

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 12:57 pm on April 13, 2010. The next regular meeting of the City Commission has been scheduled for April 27, 2010, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK