

City of Coral Gables

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



Agenda

Tuesday, December 14, 2010

9:00 AM

City Hall, Commission Chambers

City Commission

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

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

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

THE STAR-SPANGLED BANNER

*Flagami Elementary School Kindergarten Teacher Velda D. Virgil, accompanied by
School Principal Dr. Kathleen P. Caballero*

INVOCATION

The Reverend Laurie Kraus, Riviera Presbyterian Church

PLEDGE OF ALLEGIANCE**A. PRESENTATIONS AND PROCLAMATIONS**

- A.-1. [10-0748](#) Presentation of a Proclamation declaring December 14, 2010 as Elizabeth Hernandez Day in Coral Gables.
- A.-2. [10-0791](#) Introduction of Legislative Delegation.
- A.-3. [10-0761](#) Presentation of a Certificate of Recognition to the Coral Gables Fire Department for their first place finish and exemplary performance at NASCAR's Hot-and-Spicy Firefighter Cook-Off.
- A.-4. [10-0751](#) Congratulations to Firefighter David Vargas, recipient of the City of Coral Gables Firefighter of the Month Award for the month of December 2010.
- A.-5. [10-0756](#) Congratulations to Police Officer Edward Garcia, recipient of the City of Coral Gables Police Officer of the Month Award for the month of October 2010.
- A.-6. [10-0765](#) Congratulations to Patricia Arocha, Automotive Department, recipient of the City of Coral Gables Employee of the Month Award for the month of January 2011.

B. APPROVAL OF MINUTES

- B.-1. [10-0793](#) Regular City Commission Meeting of November 9, 2010

C. CONSENT AGENDA

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

- C.-1. [10-0741](#) Resolution authorizing the Release of Unity of Title for Lots 8-15, Block 6, Coral Gables Coral Groves Section, 1800 S. LeJeune Road, recorded in the Plat Book 15, Page 72 of the Public Records of Miami-Dade County, Florida for the purpose of finalizing the plat for the building site separation approved by the City Commission on September 22, 2009, pursuant to Resolution Nos. 2009-269 and 2009-270.
- C.-2. [10-0742](#) Resolution approving an Addendum to the Memorandum of Understanding between the City of Coral Gables and Fairchild Tropical Botanical Gardens for Fairchild Tropical Botanical Gardens to join the City's fiber Institutional Network operations.
- C.-3. [10-0749](#) Resolution appointing Rebecca Bartleson (nominated by Vice Mayor Kerdyk) to serve as a member of the Parks and Recreation Youth Advisory Board, for the unexpired balance of a two (2) year term, from December 14, 2010 through May 31, 2011.
- C.-4. [10-0750](#) Resolution appointing Ariel Fernandez (nominated by Vice Mayor Kerdyk) to serve as a member of the Emergency Management Division, for the unexpired balance of a two (2) year term, from December 14, 2010 through May 31, 2011.
- C.-5. [10-0754](#) Resolution authorizing the waiving of the cost of parking meter rentals for the 60th Annual Beaux Arts Festival of Art.
- C.-6. [10-0758](#) Resolution authorizing Amendment No. 1 to the Department of Environmental Protection Agreement No. LP8910, Sanitary Sewer Pump Station City No. 3 Rehabilitation Project, entered into between the City of Coral Gables and the Department of Environmental Protection on June 26, 2009, for the purpose of extending the completion date of the Agreement from December 31, 2010 to December 31, 2011.
- C.-7. [10-0770](#) Resolution approving the University of Miami Campus Art Master Plan report in accordance with the requirements of the Art in Public Places Ordinance, Zoning Code Article 3, Division 20.
- C.-8. [10-0787](#) Resolution approving two (2) change orders to the Ponce de Leon Boulevard Median Installation & Roadway Improvements Phase II Project under Section 2-829 of the Procurement Code in the amount of \$303,044.82 for modifications to the median landscaping plan; further authorizing an amendment to the 2010-2011 Annual Budget for an appropriation of \$159,620 for the amount to be reimbursed from Miami- Dade County Road Impact Fees.

- C.-9. [10-0795](#) Resolution authorizing the execution of a Solid Waste Franchise Agreement (Agreement) with Waste Management Inc. of Florida (WMIF) and authorizing a waiver of the City's Procurement Code to allow the award of the Agreement to WMIF pursuant to Section 2-583(d) of the Procurement Code.
- C.-10. [10-0783](#) Resolution authorizing Amendment No. 1 to the Department of Environmental Protection Agreement No. LP8909, Sanitary Sewer Pump Station City No. 2 Rehabilitation Project, entered into between the City of Coral Gables and the Department of Environmental Protection on March 30, 2009, for the purpose of extending the completion date of the Agreement from October 31, 2010 to June 30, 2012.
- C.-11. [10-0788](#) Resolution accepting the recommendation of the Chief Procurement Officer to award the Segovia Streetscape Improvements Project to McBayne's Construction and Renovation, Inc. pursuant to Section 2-828 of the Procurement Code, Invitation For Bid (IFB) 2010.09.27 and the Community Small Business Enterprise (CSBE) Sixteen Percent (16%) Subcontractor Goal, in the amount of \$696,262.50 (six hundred ninety-six thousand two hundred sixty-two dollars and fifty cents); further authorizing an amendment to the 2010-2011 Annual Budget for an appropriation of \$696,262.50 (six hundred ninety-six thousand two hundred and sixty-two dollars and fifty cents).
- C.-12. [10-0789](#) Resolution accepting the recommendation of the Chief Procurement Officer pursuant to Section 2-583 to waive the Procurement Code to award a contract to Cherry Lake Tree Farm for the purchase and installation of 202 (two hundred and two) container grown oak trees (300 gallon size) as part of the Segovia Streetscape Improvement Project in the amount of \$113,928.00 (one hundred thirteen thousand nine hundred twenty-eight dollars).
- C.-13. [10-0760](#) Resolution supporting the adoption of the Miami-Dade County Resolution approving significant modification to Building Better Communities General Obligation Bond Program Project No. 293 - "Historic Preservation Fund," to allocate funds for the Biltmore Hotel for the exterior structural rehabilitation project.
- C.-14. [10-0764](#) Resolution granting a one-day permit to the American Lung Association in Florida - South Area - to sell alcoholic beverages on Saturday, March 26, 2011, from 6:00 p.m. to 10:00 p.m. on Ponce De Leon between Miracle Mile and Sevilla Avenue during the 8th Annual Coral Gables Wine and Food Festival, subject to Florida Department of Professional Regulation requirements.
- C.-15. [10-0725](#) Resolution authorizing the City to reduce permit fees associated with the replacement of Chinese drywall, and providing for an effective date.
- C.-16. [10-0766](#) Resolution authorizing expenditures in the amount of \$150,000.00 in State Forfeited Asset Fund (F.A.F.) monies to reimburse the City of Coral Gables General Fund for expenditures associated with the Police Communications Center Project.
- C.-17. [10-0771](#) Resolution approving the Fiscal Year 2010-2011 Cultural Grants.

- C.-18. [10-0773](#) Resolution accepting the donation of a Granada Shop console table from Jim and Cathy Kononoff.
- C.-19. [10-0775](#) Resolution accepting the recommendation of the Chief Procurement Officer to piggy-back a contract for the purchase of eighty (80) parking pay stations from Parkeon, Inc., from the City of Seattle, Washington contract, pursuant to Section 2-978 of the Procurement Code in the amount of \$702,000.00 (seven hundred and two thousand dollars); further providing the option to purchase an extended warranty at a cost of \$540.00 (five hundred forty dollars) per pay-station per year.
- C.-20. [10-0794](#) Resolution pursuant to Section 2-26 of the City Code, entitled "Regular Meetings, Special Meetings" setting forth the City Commission meeting date for January 2011, on Tuesday, January 25, 2011.
- C.-21. [10-0790](#) Resolution authorizing the City Manager of the City of Coral Gables to execute a deed re-conveying the Fire Station property to the University of Miami in conjunction with a City of Coral Gables and University of Miami Agreement dated September 28, 2010.
- C.-22. [10-0792](#) Resolution authorizing the City Manager of the City of Coral Gables to execute a deed conveying the Internal Waterways within the University of Miami campus to the University of Miami in conjunction with a City of Coral Gables and University of Miami Agreement dated September 28, 2010.
- C.-23. [10-0782](#) Resolution of the City of Coral Gables, Florida indicating that the City of Coral Gables does not support proposed Amendment No. 1 offered by the Miami-Dade County School Board to the "Amended and Restated Interlocal Agreement (ILA) for Public School Facility Planning; authorizing transmittal of the School Board Response Form to the Miami-Dade County School Board; and providing for an effective date.

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

- C.-24. [10-0712](#) Coral Gables Merrick House Governing Board Meeting of October 18, 2010
- C.-25. [10-0734](#) Code Enforcement Board Meeting of October 27, 2010
- C.-26. [10-0738](#) Communications Committee Meeting of October 21, 2010
- C.-27. [10-0744](#) Landscape Beautification Advisory Committee Meeting of November 4, 2010
- C.-28. [10-0753](#) Coral Gables Merrick House Governing Board Meeting of November 8, 2010
- C.-29. [10-0755](#) Code Enforcement Board Meeting of November 17, 2010
- C.-30. [10-0757](#) Budget/Audit Advisory Board Meeting of October 27, 2010
- C.-31. [10-0763](#) Parks and Recreation Advisory Board Meeting of November 19, 2010
- C.-32. [10-0767](#) City of Coral Gables/University of Miami Community Relations Committee Meeting of October 4, 2010
- C.-33. [10-0768](#) Economic Development Board Meeting of November 3, 2010
- C.-34. [10-0769](#) Cultural Development Board Meeting of October 18, 2010
- C.-35. [10-0776](#) Youth Advisory Board Meeting of November 22, 2010
- C.-36. [10-0777](#) Retirement Board Meeting of October 14, 2010
- C.-37. [10-0778](#) Historic Preservation Board Meeting of November 18, 2010

D. PERSONAL APPEARANCES

None

E. PUBLIC HEARINGS

All Individuals desiring to give testimony shall be sworn in.

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

ORDINANCES ON SECOND READING

- E.-1. [10-0674](#) Change of Land Use. An Ordinance of the City Commission of Coral Gables, Florida, amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Crafts Section (246-296 Andalusia Avenue), Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (PZB recommended approval, vote: 5-0) (Passed on First Reading October 26, 2010)
- E.-2. [10-0716](#) Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, amending the Official Zoning Code, Article 5, "Development Standards," Division 14, "Parking, Loading, and Driveway Requirements," Section 5-1404, "Materials, construction and drainage", to clarify language used to cite for vehicles parked on unapproved surfaces; and, providing for severability, repealer, codification, and an effective date. (Passed on First Reading November 9, 2010)
- E.-3. [10-0717](#) Planned Area Development, Site Plan, Encroachment, and Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, requesting the following for Gulliver Academy, located on Tract No. 7, Avocado Land Company Subdivision (12595 Red Road), Coral Gables, Florida:
- 1) Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5;
 - 2) Site plan review and an amendment to the previously approved Gulliver Academy Master Campus Site Plan to allow for new classrooms, pavilion building, gymnasium, baseball field house, natatorium and other miscellaneous improvements;
 - 3) Encroachment into the Campamento Drive, Old Cutler Road and Red Road rights-of-ways; and,
 - 4) Zoning Code Text Amendment to the Official Zoning Code, Appendix A, Site Specific Zoning Regulations;
- providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0) (Passed on First Reading November 9, 2010)

ORDINANCES ON FIRST READING

- E.-4. [10-0739](#) Abandonment and Vacation of Non-Fee Interests. An Ordinance of the City Commission of Coral Gables, Florida, pursuant to Zoning Code Article 3, Division 12, "Abandonment and Vacations", providing for the abandonment and vacation of non-fee interests of the City for the following public rights-of-way identified as: Theo. Dickinson Drive, Wm. E. Walsh Avenue, George E. Merrick Street, Henry King Stanford Drive, Pavia Street and Levante Avenue, all within the University of Miami campus, Coral Gables, Florida; providing for severability, repealer, codification, and an effective date (Mapping and legal descriptions on file for review within the Planning Department).
- E.-5. [10-0772](#) Conditional Use. An Ordinance of the City Commission of Coral Gables, Florida, granting conditional use site plan approval pursuant to Zoning Code Article 3, Development Review, Division 4, Conditional Uses, for a bank drive-through facility within the Commercial Limited (CL) District on the property legally described as Lots 23-34, Block 3, Biltmore Section (595 Biltmore Way - Northern Trust Bank), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-1)

RESOLUTIONS

- E.-6. [10-0745](#) Resolution electing to use the uniform method of collecting non-ad valorem special assessments for fire protection services levied within the incorporated area of the City; stating a need for such levy; providing for the mailing of this Resolution; and providing for an effective date.
- E.-7. [10-0746](#) Resolution electing to use the uniform method of collecting solid waste collection non-ad valorem assessments levied within the incorporated area of the City; stating a need for such levy; providing for the mailing of this resolution; and providing for an effective date.

F. CITY COMMISSION ITEMS

- F.-1. [10-0762](#) Resolution accepting retirement of City Attorney Elizabeth M. Hernandez effective December 31, 2010. (Commission-as-a-Whole)
- F.-2. [10-0785](#) Resolution appointing Lourdes Alfonsin Ruiz as Interim City Attorney of the City of Coral Gables. (Commission-as-a-Whole)
- F.-3. [10-0759](#) Resolution granting approval for a one-hour courtesy parking program for on-street parking meters within the Business Improvement District each year from December 15 through December 25. (Commissioner Rafael "Ralph" Cabrera, Jr.)

G. BOARDS/COMMITTEES ITEMS

None

H. CITY MANAGER ITEMS

None

I. CITY ATTORNEY ITEMS

- I.-1. [10-0779](#) Resolution directing the City Attorney to proceed with filing an action for injunction, abatement of public nuisance, foreclosure of a Code Enforcement Lien and other relief against Jose Baez, owner of 4145 Pinta Court; and further authorizing the City Attorney to take all action necessary to represent the interests of the City.
- I.-2. [10-0784](#) Pending Litigation Report

J. CITY CLERK ITEMS

None

K. DISCUSSION ITEMS

This time is for informal discussion among the City Commissioners, the City Manager and the City Attorney

ADJOURNMENT**NOTE**

Any person who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, must register with the City Clerk, prior to engaging in lobbying activities before city staff, boards, committees and/or the City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall.

Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Interested persons should, therefore, take the necessary steps to ensure that a verbatim record of the proceedings is made which contains the testimony and evidence upon which the appeal is based.

Any person making impertinent or slanderous remarks or who become boisterous while addressing the Commission, shall be barred from further audience before the Commission by the Chair, unless permission to continue or again address the Commission is granted by the majority vote of the Commission Members present. Clapping, applauding, heckling or verbal outbursts or any remarks in support or opposition to a speaker shall be prohibited. Signs or placards shall not be permitted in Commission Chambers.

Any person requiring special accommodations for participation in the meeting should contact Ernesto Pino, Assistant Public Works Director, at 305-460-5004, with requests for auxiliary aids or services at least one business day before the meeting.

Patrick G. Salerno
City Manager