

# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, March 23, 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**

Commissioner Wayne "Chip" Withers gave the Invocation.

**PLEDGE OF ALLEGIANCE**

[Note for the Record: Mayor Slesnick requested of Miami-Dade County Property Appraiser Pedro Garcia, to lead those in attendance, as well as our viewing audience in the Pledge Allegiance to the Flag; further stating that Mr. Garcia is the elected official who has the responsibility and enviable task of appraising the residential and commercial real estate in Miami-Dade County, a very critical job in Miami-Dade County; further acknowledging that municipalities depend upon those appraisals as to how much one is taxed on homes; setting a baseline for governments regarding how much our properties are worth, further adding that said amount determines what municipalities are allowed to charge on our tax bills; further noting that Mr. Garcia is one of our County's elected officials, along with our County Mayor, Tax Collector, and County Clerk.

In appreciation for the aforementioned acknowledgement, Mr. Garcia thanked the City Commission for the invitation to be in attendance, pointing out that it was a great pleasure to be here; further sharing with the public that his office is currently involved in pricing throughout Miami-Dade County-further noting that they currently have approximately 80,000 sales; further stating that his office has to clarify what kind of sales it is getting-commenting that they are getting inspections on foreclosures; inspections on short sales; further stating that in May that he will have numbers on properties; further anticipating reductions in property taxes; property values are going down; further sharing some good news in that there will be some leveling of the property values, adding that there may be a little increase.

Mr. Garcia further encouraged that any individuals owning commercial property in Miami-Dade County, to provide his office with information regarding income and expenses; further advising the public that his office will be sending out letters to property owners, and that it is imperative to have reliable data, when his office does projections, it will not yield a good outcome; further expressing his desire to help property owners, noting that there are a lot of vacancies and rentals throughout Miami-Dade County.

Mayor Slesnick shared with his colleagues and the public that before the City Commission meeting they found out, that Mr. Garcia and Commissioner Cabrera's

father knew each other in Cuba, when Commissioner Cabrera's father was a famous race car driver; further presenting Mr. Garcia with the city's seal, reminding him that the city of Coral Gables is under his watch and keep; further pledging to continue to work with Mr. Garcia for the duration of his term].

## **LEGISLATIVE SUMMARY**

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Ordinance(s) adopted (Ordinance No. 2010-05 through Ordinance No. 2010-06); (b) Resolution(s) adopted (Resolution No. 2010-53 through Resolution No. 2010-61); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

### **A. PRESENTATIONS AND PROCLAMATIONS**

**A.-1. 10-0250** Presentation of Certificates of Recognition to Georgina Angones, Patricia Clarke and Linda Collins Hertz, who have been selected as Women of Impact 2010 for their involvement in the betterment of our community.

[Note for the Record: The Mayor invited Commissioner Anderson to present a Certificate of Recognition to Linda Collins Hertz, on the occasion of Women's History Month; whereupon Commissioner Anderson acknowledged her for having been selected as one of the "Women of Impact for 2010," for a recognition that she has earned, a lifetime of service; whereby she read said protocol document into the public record; further citing Ms. Hertz' drive, devotion and commitment toward those wonderful projects that she has championed in our community.

In accepting this accolade, Ms. Hertz stated that she felt like a "post turtle," analogous to a turtle that has been perched on a post; further adding that said turtle does not know what it is doing there, and it has certainly had help along the way].

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

City Clerk Item No. 1

**A.-2. 10-0267**

Presentation of a Proclamation declaring April 2010 as Water Conservation Month in Coral Gables.

[Note for the Record: Mayor Slesnick acknowledged the presence of Ed Hernandez, a former city of Coral Gables employee who has assumed a very important role within the South Florida Water Management District; further stating that Mr. Hernandez has acknowledged that Coral Gables will always have a special place in his heart; further stating that he has promised that Coral Gables will always have water present; further stating that on the occasion of “Water Conservation Month,” that Coral Gables will like to take its place with other municipalities who have acknowledged this occasion and are asking its citizens to do same, whereby he read a proclamation into the public record proclaiming the month of April as “Water Conservation Month.”

Mayor Slesnick told Mr. Hernandez that our Coral Gables citizenry is fully behind the conservation of water initiative and protection of our water resource, that are so important to our future. Mr. Hernandez informed Mayor Slesnick that on behalf of the South Florida Water Management District, that his leadership on water conservation is appreciated; further adding that as the District looks toward the future, it is important to note that the District is not reactive, but instead proactive; further stating to the City Commission that he appreciates its effort made in furtherance of water conservation].

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

City Clerk Item No. 2

A.-3. 10-0254 Presentation of 20 years service pin to Dania Rodriguez, Finance Department.

**Attachments:** [CM\\_Rodriguez](#)

[Note for the Record: City Manager Pat Salerno requested of Finance Director Don Nelson to introduce Ms. Dania Rodriguez on the occasion of her twenty years of service; whereby Mr. Nelson stated that Ms. Rodriguez began her tenure with the city as an Accountant I in March of 1990, straight out of college from Florida International University into the city's Accounting Department; later being promoted to Accountant II, having the responsibility for advanced accounting work, including but not limited to the recently distributed Quarterly Financial Report, our Comprehensive Annual Financial Report, which the city has received recognition annually, for the past twenty years, regarding the certification for achievement for excellence in Financial Reporting. Mr. Nelson further added that Dania is a great employee, dependable, accurate and that he is extremely proud of her accomplishments in congratulating her for 20 years of dedicated service].

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

City Clerk Item No. 3

**A.-4. 10-0255**

Congratulations to Migdalia Mejia, Finance Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of April 2010.

Attachments: [Cover Memo EOM April 2010](#)  
[EOM Ltr. April 2010](#)

[Note for the Record: Prior to the recognition of the "Employee of the Month" Award for the month of April, City Manager Salerno introduced Elsa Velez to the Coral Gables community, as the city's new director of the Department of Human Resources; further noting that Mrs. Velez had previously served as Deputy Director as well as Interim Director for the City of Miami's Human Resources Department, and recently was offered the position of Department Director there, before accepting the post of director here in Coral Gables; further stating that he is extremely proud to have her here in the city; further acknowledging that Mrs. Velez received her Juris Doctor degree from the University of Florida, and is a member of the Florida Bar, and also received her Bachelor's degree from Florida International University.

In response to the aforementioned acknowledgement, Mrs. Velez stated that she was pleased to be present, and looks forward to serving our great and beautiful city. She commented that Migdalia Mejia, who began her tenure with the city in 2004 in the Finance Department, demonstrated an exceptional job in furtherance of a new revenue source to the city, the Fire Protection Assessment fee; further explaining that said revenue collection process, which entails approximately 18,000 bills/customers to process, which also involves answering customer calls, recording walk-in over the counter and mailed revenue collections, complaints, etc; further noting that because of her initiative in connection with this newly established revenue source, that her department wanted to recognize her for same.

Finance Director Don Nelson in commenting on Ms. Mejia's efforts states that she is one of those employees that whenever one asks for her to do something, that it is done; further noting that her call list resulting from the new fire fee was amazing; further noting that she answered every call and every over the counter inquiry. In short, he described her as a great and dedicated employee; further thanking her for her efforts].

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

City Clerk Item No. 4

**B. APPROVAL OF MINUTES**

B.-1. 10-0268 Regular City Commission Meeting of March 9, 2010

Attachments: [Meeting Minutes.pdf](#)  
[CCMtg March 9 2010 Agenda Item H-1 - Reso approving medical-dental-life insur](#)

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

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

City Clerk Item No. 5

**C. CONSENT AGENDA**

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

**Passed the Consent Agenda**

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

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

**RESOLUTION NO. 2010-53****C.-1. 10-0237**

Resolution granting a one-day permit to the United Way of Miami-Dade to sell alcoholic beverages on Thursday, April 22, 2010, from 5:00 p.m. to 10:00 p.m. at the Village of Merrick Park on San Lorenzo Avenue during the Miami Wine and Food Festival, subject to Florida Department of Professional Regulation requirements.

**Attachments:** [Resolution for United Way of Miami Dade.pdf](#)  
[Special Events for United Way of Miami Dade.pdf](#)  
[cover memo United Way.pdf](#)  
[C-1 Signed Cover Memo](#)

RESOLUTION GRANTING A ONE-DAY PERMIT TO THE UNITED WAY OF MIAMI-DADE TO SELL ALCOHOLIC BEVERAGES ON THURSDAY, APRIL 22, 2010, FROM 5 P.M. TO 10 P.M., AT THE VILLAGE OF MERRICK PARK ON SAN LORENZO AVENUE DURING THE MIAMI WINE AND FOOD FESTIVAL, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

**This Matter was adopted by Resolution Number 2010-53 on the Consent Agenda.**

City Clerk Item No. 6

**RESOLUTION NO. 2010-54****C.-2. 10-0238**

Resolution authorizing the execution of an Agreement between the City and University of Miami authorizing a sewer connection outside the City Sanitary Sewer districts to serve the proposed Miguel B. Fernandez Entrepreneurship Building at the University of Miami located at 1305 Stanford Drive, 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.

**Attachments:** [1305 Stanford plans](#)  
[1305 Stanford Cover](#)  
[1305 Stanford Resolution](#)  
[C-2 Signed Cover Memo](#)

RESOLUTION AUTHORIZING A SEWER CONNECTION OUTSIDE THE CITY SANITARY SEWER DISRICTS TO SERVE THE UNIVERSITY OF MIAMI MIGUEL B. FERNANDEZ ENTREPRENEURSHIP BUILDING, LOCATED AT 1305 STANFORD DRIVE, 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; FURTHER PROVIDING THAT THE EXECUTED AGREEMENT BE MADE PART OF THIS RESOLUTION.

**This Matter was adopted by Resolution Number 2010-54 on the Consent Agenda.**

City Clerk Item No. 7

**RESOLUTION NO. 2010-55****C.-3. 10-0257**

Resolution authorizing the donation of one thousand dollars (\$1,000) to be used for a Bronze Sponsorship of Miami-Dade County Days in Tallahassee on April 21 and 22, 2010.

**Attachments:** [Dade County Days Reso](#)  
[Dade County Days Letter](#)  
[C-3 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE DONATION OF ONE THOUSAND DOLLARS (\$1,000.00) TO BE USED FOR A BRONZE SPONSORSHIP OF MIAMI-DADE COUNTY DAYS IN TALLAHASSEE ON APRIL 21 AND 22, 2010.

**This Matter was adopted by Resolution Number 2010-55 on the Consent Agenda.**

City Clerk Item No. 8

**RESOLUTION NO. 2010-56****C-4. 10-0262**

Resolution rescinding Resolution 2009-81 that authorized the purchase of a Mack 2 Low Profile Surface Dredger from Liverpool Water Witch Marine & Engineering Co. Ltd., from Liverpool, UK and amending Resolution 2009-137 by not appropriating the funds from the Stormwater Utility Fund for said purchase.

**Attachments:** [Water Witch Resolution](#)  
[C-4 Signed Cover Memo](#)

RESOLUTION RESCINDING RESOLUTION 2009-81, THAT AUTHORIZED THE PURCHASE OF A MACK 2 LOW PROFILE SURFACE DREDGER FROM LIVERPOOL WATER WITCH MARINE & ENGINEERING COMPANY, LTD., FROM LIVERPOOL, UK AND AMENDING RESOLUTION 2009-137 BY NOT APPROPRIATING THE FUNDS FROM THE STORMWATER UTILITY FUND FOR SAID PURCHASE.

[Note for the Record: Vice Mayor Kerdyk prefaced his comments by commending Automotive Director Steve Riley; further pointing out that the city had previously authorized purchase of a Mack 2 Low Profile Surface Dredger from Liverpool Water Witch marine and Engineering Co. Ltd., from Liverpool, UK; further requesting of City Manager Salerno to elaborate on this efficiency measure by Mr. Riley, wherein the City Manager informed the City Commission that he had requested of Mr. Riley to evaluate the decision to purchase said equipment, with a view toward whether this was the most appropriate thing to do and whether there was a domestic alternative; whereupon Mr. Riley concluded that the existing Water Witch did not have to be replaced, instead, he determined that said existing vehicle (which is used an estimated 120 hours annually, or three weeks) could be refurbished at a cost of \$10,000; further stating that said independent review resulted in the following breakdown in terms of work to be done:

- 1) Sandblasting the entire outside deck and hull down to the bare metal;
- 2) Repainting the entire boat (i.e. with a new marine epoxy paint); and
- 3) Complete rebuilding of the cylinders to include stainless steel rods; and
- 4) New propeller shafts with new bushings; and
- 5) Complete new building of all hydraulic valves and reservoir; and
- 6) Redesigning all new hydraulic hoses and fittings; and
- 7) Propeller that is reconditioned and balanced; and
- 8) Bucket arms, cams and connecting rods that have been refurbished and galvanized to prevent corrosion; and
- 9) Refurbishing and galvanizing the rotor assembly; and
- 10) Complete review of the electrical system and lighting.

City Manager Salerno commended Mr. Riley for thinking outside of his original directive for a better alternative regarding said refurbishment of the existing Water Witch, which will contribute toward the improvement of the existing city waterways and save the city approximately \$200,000.

Mayor Slesnick stated that he is appreciate of those initiatives aimed at saving money, and those employee efficiencies in furtherance of same; further stating that he is also mindful of those citizens who live along the waterways; further noting that he hopes that the rebuilding will be the effective rebuilding that the city envisioned when the City Commission had initially authorized purchase of the Mack 2 Low Profile Surface Dredger; further adding that said purchase was for the purpose of cleaning our canals and stopping the backing up of seaweed, etc. that gets into the canals and is of concern to our residents; further reminding the viewing public that the referenced canals are public canals analogous to right-of-ways like our streets, where in the city has encountered issues in the past; further adding that the operational usage of the vessel for only 120 hours per year is being underutilized, in his opinion; further suggesting a more aggressive policy; further stressing responsibility to our canals, as well as those people along the canals, to ensure their cleanliness, their usability, and their breathtaking beauty, which can be further reinforced by a more active policy along our canals, as well as those restoration initiatives on some of our bridges].

**This Matter was adopted by Resolution Number 2010-56 on the Consent Agenda.**

City Clerk Item No. 9

**RESOLUTION NO. 2010-57**

**C.-5. 10-0265**

Resolution authorizing the Mayor to execute a Partnership Agreement between the Reserve Components of the United States Army and the City of Coral Gables.

**Attachments:** [ArmyReservePartnershipReso](#)  
[Proposed Partnership Agreement](#)  
[C-5 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PARTNERSHIP AGREEMENT BETWEEN THE RESERVE COMPONENTS OF THE UNITED STATES ARMY AND THE CITY OF CORAL GABLES.

**This Matter was adopted by Resolution Number 2010-57 on the Consent Agenda.**

City Clerk Item No. 23

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

C.-7. 10-0176 Cultural Development Board grant forms update workshop of January 28, 2010

**Attachments:** [01b CDB Commission cover for 1-28-10 Minutes](#)  
[01b CDB a Minutes1 JANUARY 28 2010](#)

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

City Clerk Item No. 11

C.-8. 10-0224 Pinewood Cemetery Advisory Board Meeting of February 8, 2010

**Attachments:** [Pinewood Minutes Feb 8, 2010](#)  
[NoAction02.08.10CCMtgNoAction03.23.10](#)

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

City Clerk Item No. 12

C.-9. 10-0225 Coral Gables Merrick House Governing Board Meeting of February 8, 2010

**Attachments:** [Merrick House February 8, 2010](#)  
[NoAction02.08.10CCMtgNoAction03.23.10](#)

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

City Clerk Item No. 13

C.-10. 10-0239 Communications Committee Meeting of February 18, 2010

**Attachments:** [Microsoft Word - communicationsminutesagendamarch010.pdf](#)  
[Microsoft Word - minutes february 2010.pdf](#)

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

City Clerk Item No. 14

C.-11. 10-0240 Landscape Beautification Advisory Board Meeting of March 4, 2010

**Attachments:** [Minutes BC 3-4-10](#)  
[BC Cover Sheet 3-4-10](#)  
[LBAB Minutes 3-4-10 signed.pdf](#)

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

City Clerk Item No. 15

**C.-12. 10-0241** City of Coral Gables/University of Miami Community Relations Committee Meeting of March 2, 2010

**Attachments:** [Cover Memo March 23, 2010](#)  
[MINUTES MARCH 2, 2010](#)

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

City Clerk Item No. 16

**C.-13. 10-0244** Property Advisory Board Meeting of February 26, 2010

**Attachments:** [PAB Feb cover](#)  
[Feb Lilian's](#)

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

City Clerk Item No. 17

**C.-14. 10-0246** Retirement Board Meeting of February 11, 2010

**Attachments:** [CC.03-23-2010.February 11, 2010](#)  
[Minutes.02-11-10](#)  
[Executive Summary.02-11-2010](#)

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

City Clerk Item No. 18

**C.-15. 10-0247** Senior Citizens Advisory Board Meeting of March 1, 2010

**Attachments:** [Cover Sheet.Minutes 03-01-10.pdf](#)  
[032310 Senior Citizens Advisory Board Minutes](#)

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

City Clerk Item No. 19

**C.-16. 10-0252** Cultural Development Board Meeting of February 8, 2010

**Attachments:** [02 CDB Commission cover for 2-08-10 Minutes](#)  
[02 CDB a Minutes1 FEBRUARY 8 2010](#)

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

City Clerk Item No. 20

**C.-17. 10-0256** International Affairs Coordinating Council Meeting of February 16, 2010

**Attachments:** [Microsoft Word - IACC Minutes 02-16-10](#)  
[IACC-March2010coverleter](#)

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

City Clerk Item No. 21

C.-18. 10-0258      Historic Preservation Board Meeting of February 18, 2010

**Attachments:** [HPBMinutesFebruary18,2010](#)  
[NoAction02.18.10.MinutesforCC03.23.10](#)

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

City Clerk Item No. 22

**Pulled from Consent Agenda**

**RESOLUTION NO. 2010-58**

C.-6. 10-0266      Resolution amending Resolution No. 29040 regarding the donation policy for the City of Coral Gables.

**Attachments:** [Excerpts Minutes CBD 31510](#)  
[Donation Policy Resolution](#)  
[Changes to Original Donation Policy](#)  
[C-6 Signed Cover Memo](#)

RESOLUTION AMENDING RESOLUTION NO. 29040 REGARDING THE  
DONATION POLICY FOR THE CITY OF CORAL GABLES.

[Note for the Record: Commissioner Withers prefaced his remarks by informing his colleagues that he had reviewed the background on this item, which proposes to amend Resolution 29040 regarding the donation policy for the City Coral Gables; further requesting through City Manager Salerno to have Mrs. Birdsill walk him through what precipitated this recommended change. Mrs. Birdsill explained that Resolution No. 29040 provided for a procedure whereby all donations to the City must pass through the Cultural Development Board (heretofore established as the Cultural Affairs Development Board); further adding that the Cultural Development Board is setup to handle cultural and artistic matters for the city; further stating that said issues impact upon the time efficiency of the office; further attempting to find a way of streamlining the way that donations are processed that are not related to culture and art; recommending that the Cultural Development Board will make recommendations with regard to those donations of art or have cultural value, and the Historic Preservation Board will make recommendations with regard to items of historic value other than art.

Commissioner Withers further queried of Mrs. Birdsill as to whether the suggestive policy will divide responsibilities in terms of who will make the recommendations? - further inquiring of Mrs. Birdsill as to whether anyone has looked at those cost factors involved with accepting and keeping donations? - also inquiring as to whether the Arts Advisory Council is required to follow the same guidelines and qualifications that our

City boards are required to follow? -finally inquiring as to whether any letters are written, thanking said donors (i.e. in-kind donations, property donations, etc.) and setting a value for the donated art?

Mrs. Birdsill responded that every entity that will be making a recommendation for a donation will do this; further stating that there is also a review of the maintenance obligation; stating that there is a provision whereby the Cultural Development Board appoints a board for review of same - Namely an Arts Advisory Council that is made up of arts professionals, people who are in tune with the production of art. Regarding guidelines and qualification criteria of the aforementioned subcommittee, Mrs. Birdsill stated that she will have to look that up and get back to Commissioner Withers. Regarding the acceptance of donations, Mrs. Birdsill stated that the Cultural Development Board neither sets nor confirms the value of same. Commissioner Withers stated that before any donations are accepted, that he would personally feel better if we did not confirm values, just accept same. Mrs. Birdsill further stated that the City will be pursuing a public arts master plan right now, and has retained a consultant who will give us an overall suggestive plan; further adding that we will be able to start acceptance of large pieces of art; further stating consideration will be given to the maintenance cost, where it will be placed, as well as the installation cost for same].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-58. The motion passed by the following vote:**

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

City Clerk Item No. 10

**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)

**This Agenda Item was Deferred**

City Clerk Item No. 24

D.-2. **10-0264** Request of Brian Leslie, 5400 Hammock Drive, to address the Mayor and City Commissioners regarding Holiday Park. (Deferred from the March 23, 2010 City Commission Meeting)

**This Resolution was Deferred**

City Clerk Item No. 25

**E. PUBLIC HEARINGS****ORDINANCES ON SECOND READING****ORDINANCE NO. 2010-05**

E.-1. **10-0228** An Ordinance of the City Commission of Coral Gables authorizing the City Manager to approve activities at the Ryder Convocation Center on the Campus of the University of Miami, notwithstanding limitations imposed by prior UMCAD approvals, in certain limited circumstances, setting forth the conditions; providing for repealer provision, savings clause, and a severability clause; and establishing an effective date. (Passed on First Reading March 9, 2010.)

**Attachments:** [Bank United Ordinance](#)  
[University of Miami Letter](#)  
[E-2 Signed Cover Memo](#)  
[UM ORD 2nd Reading](#)  
[E-1 Signed Cover Memo](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES PERMITTING THE BANK UNITED CENTER ON THE UNIVERSITY OF MIAMI CAMPUS TO EXCEED THE ONE THOUSAND AND SIX HUNDRED (1,600) SPECTATOR LIMITATION ON APRIL 7, 2010, NOTWITHSTANDING LIMITATIONS IMPOSED BY PRIOR UMCAD APPROVALS, IN CERTAIN LIMITED CIRCUMSTANCES, PROVIDING CONDITIONS FOR APPROVAL; PROVIDING FOR REPEALER PROVISION, SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

[Note for the Record: Following City Attorney Hernandez' reading of the title to Agenda Item E-1 into the public record, Commissioner Cabrera stated that he would like to receive some assurances from staff that once the City Commission approves

this ordinance, which will allow for certain activities to occur at the Ryder Convocation Center on the campus of the University of Miami, thus moving forth with the showing of the event "Peter and the Wolf," on April 7th, 2010, that the city of Coral Gables will not be creating any type of precedent for future events to happen on a regular basis; further reiterating his request for assurances that just because the City Commission approves same, that this does not become precedent setting legislation that gives the university or any other entity the opportunity to point to past legislative practices as justification for granting future approvals; further asking for a representative of the City Administration to provide a response to same.

Assistant City Manager Maria Menendez stated that the aforementioned proposed legislation addresses a one time event; further stating that any future events that exceed the one thousand six hundred seat limitation, previously approved by UMCAD, will have to come again before the City Commission for approval of same legislatively, in the form of an ordinance.

City Manager Salerno said that he would defer to the City Attorney, since the Administration was told that said matter was drafted and crafted as a license, that was the intent. City Attorney Hernandez added that when Coral Gables adopted the original ordinance in 1989 and subsequent thereto, one of the concerns that the City Commission had was that certain activities would have to be approved by the City Manager and there would be a secondary level that would require certain activities to be approved by the City Commission; further adding said one-time event, for the children of Miami-Dade public schools to attend "Peter and the Wolf" would require City Commission approval].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2010-05. The motion passed by the following vote:**

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

City Clerk Item No. 26

**ORDINANCE NO. 2010-06****E.-2. 10-0232**

An Ordinance of the City Commission of Coral Gables amending Chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions," providing for certain changes in order to comply with amendments in Chapter 2009-97, Laws of Florida, to Chapters 175 and 185, Florida Statutes; and providing an additional clarification; providing for an effective date; and repealing all ordinances inconsistent herewith. (Passed on First Reading March 9, 2010.)

**Attachments:**

[Agenda Item - Ordinance amending Chapter 50- Pensions 3-9-10](#)  
[CG Ord amending Pension Plan \(state law compliance etc \) 2 19 10 \(3\)](#)  
[E-3 Signed Cover Memo](#)  
[Agenda Item - Ordinance amending Chapter 50- Pensions 3-23-10 Second Readi](#)  
[Correspondence from Actuary](#)  
[CG Ord amending Pension Plan \(state law compliance etc \) 2 19 10 \(3\)](#)  
[GRS Letter](#)  
[E-2 Signed Cover Memo](#)

AN ORDINANCE AMENDING CHAPTER 50 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," PROVIDING FOR CERTAIN CHANGES IN ORDER TO COMPLY WITH AMENDMENTS IN CHAPTER 2009-97, LAWS OF FLORIDA, TO CHAPTERS 175 AND 185, FLORIDA STATUTES, AND PROVIDING AN ADDITIONAL CLARIFICATION; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-2 into the public record, there being no public testimony being proffered into the public record by any member of the public, nor their being any deliberation by any member of the City Commission, on a motion being made by Vice Mayor Kerdyk, and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on said item].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2010-06. The motion passed by the following vote:**

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

City Clerk Item No. 27

**ORDINANCES ON FIRST READING****Items E-3 through E-5 are related**

**E.-3. 10-0242** Change of Land Use. An Ordinance of the City Commission of Coral Gables 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 "Residential Use (Multi Family) Low Density" to "Commercial Use, Low-Rise Intensity" for a 0.59 acre parcel, legally described as Lots 17-19, Block 92, Riviera Section Part 2 (5100-5118 Riviera Drive), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (PZB recommended approval, Vote: 7-0)

**Attachments:** [03 23 10 CC Cover Memo re: Riviera Professional Office Building 1st reading](#)  
[03 23 10 Exhibit A: Ordinance - Riviera Professional Office Building change of lar](#)  
[03 23 10 Exhibit B: Ordinance - Riviera Professional Office Building rezoning 1st](#)  
[03 23 10 Exhibit C: Ordinance - Riviera Professional Office Building site plan revi](#)  
[03 23 10 Exhibit E: 03 10 10 PZB Minutes w attachments](#)  
[03 23 10 Exhibit D: PZB Staff Report - Riviera Professional Office Building Packa](#)  
[03 23 10 Exhibit F: Public Coments re: Riviera Prof Ofc Bldg Change of Land Use](#)  
[03 23 10 Exhibit G: PowerPoint - Riviera Professional Office Building](#)  
[E3-E5 Signed Cover Memo](#)

[Note for the Record : The verbatim transcripts for Agenda Items E-3, E-4 and E-5 are available for public inspection in the Office of the City Clerk, and also in Legistar].

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

**Yea**s : 1 - Commissioner Anderson

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

City Clerk Item No. 29

**E.-4. 10-0243**

Change of Zoning. An Ordinance of the City Commission of Coral Gables approving a change of zoning from Multi-Family 2 District (MF2) to Commercial Limited (CL) for a 0.59 acre parcel, legally described as Lots 17-19, Block 92, Riviera Section Part 2 (5100-5118 Riviera Drive), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (PZB recommended approval, Vote: 6-1)

**Attachments:**

[03 23 10 Exhibit G: PowerPoint - Riviera Professional Office Building](#)  
[03 23 10 Exhibit F: Public Comments - Riviera Prof Ofc Bldg Change of Land Use](#)  
[03 23 10 Exhibit E: 03 10 10 PZB Minutes w attachments](#)  
[03 23 10 Exhibit D: 03 10 10 PZB Staff Report - Riviera Professional Office Building](#)  
[03 23 10 Exhibit C: Ordinance - Riviera Professional Office Building site plan review](#)  
[03 23 10 Exhibit B: Ordinance - Riviera Professional Office Building rezoning 1st reading](#)  
[03 23 10 Exhibit A: Ordinance - Riviera Professional Office Building change of land use](#)  
[03 23 10 CC Cover Memo re: Riviera Professional Office Building 1st reading](#)  
[E3-E5 Signed Cover Memo](#)

[Note for the Record : The verbatim transcripts for Agenda Items E-3, E-4 and E-5 are available for public inspection in the Office of the City Clerk, and also in Legistar].

**This Ordinance was Discussed**

City Clerk Item No. 30

**E.-5. 10-0245**

Site Plan Review. An Ordinance of the City Commission of Coral Gables granting site plan approval for the construction of a 3 story/45' high, 14,590 sq. ft. commercial office building on the property legally described as Lots 17-19, Block 92, Riviera Section Part 2 (5100-5118 Riviera Drive), Coral Gables, Florida; and including required conditions; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (PZB recommended approval, Vote: 6-1)

**Attachments:**

[03 23 10 CC Cover Memo re: Riviera Professional Office Building 1st reading](#)  
[03 23 10 Exhibit A: Ordinance - Riviera Professional Office Building change of land use](#)  
[03 23 10 Exhibit B: Ordinance - Riviera Professional Office Building rezoning 1st reading](#)  
[03 23 10 Exhibit C: Ordinance - Riviera Professional Office Building site plan review](#)  
[03 23 10 Exhibit D: 03 10 10 PZB Staff Report re Riviera Professional Office Building](#)  
[03 23 10 Exhibit E: 03 10 10 PZB Minutes w attachments](#)  
[03 23 10 Exhibit F: Public Comments - Riviera Prof Ofc Bldg Change of Land Use](#)  
[03 23 10 Exhibit G: PowerPoint - Riviera Professional Office Building](#)  
[E3-E5 Signed Cover Memo](#)

[Note for the Record : The verbatim transcripts for Agenda Items E-3, E-4 and E-5 are available for public inspection in the Office of the City Clerk, and also in Legistar].

**This Ordinance was Discussed**

City Clerk Item No. 31

**RESOLUTION NO. 2010-59****Non 10-0287  
Agenda**

Resolution of the City Commission of Coral Gables informally expressing its intent to probably consider waiver of the 1 year Zoning Provision to allow the applicant to refile a new application.

RESOLUTION PERTAINING TO THE PROPERTY LEGALLY DESCRIBED AS LOTS 17-19, BLOCK 92, RIVIERA SECTION PART 2 (5100 - 5118 RIVIERA DRIVE) CORAL GABLES, FLORIDA, PROFFERING AN INFORMAL EXPRESSION OF SUPPORT FOR SUBMITTAL OF A LETTER TO THE CITY MANAGER'S OFFICE AND PLANNING DIRECTOR; AND WAIVING THE TWELVE (12) MONTH RESUBMISSION REQUIREMENT IN ACCORDANCE WITH ARTICLE 3, SECTION 3-210 OF THE CITY'S ZONING CODE ENTITLED, "RESUBMISSION OF APPLICATION AFFECTING SAID PROPERTY", FOR THE PROJECT REFERRED TO AS "RIVIERA PROFESSIONAL OFFICE BUILDING," THAT WAS DENIED BY THE CITY COMMISSION ON MARCH 23, 2010; AND REQUIRING THAT THE CITY COMMISSION WOULD PROBABLY, FAVORABLY CONSIDER A WAIVER OF THE TWELVE(12) MONTH PROVISION TO REFILE A NEW APPLICATION UPON RESUBMITTAL OF SAME BEFORE THE CITY COMMISSION.

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-59. The motion passed unanimously.

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

City Clerk Item No. 32

**F. CITY COMMISSION ITEMS****F.-1. 10-0263** General Discussion on UBC and the Charter School issue  
Commissioner Maria Anderson

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

**This Resolution was Discussed and Filed**

City Clerk Item No. 33

**G. BOARDS/COMMITTEES ITEMS**

**None**

City Clerk Item No. 34

**H. CITY MANAGER ITEMS****None**

City Clerk Item No. 35

**I. CITY ATTORNEY ITEMS**

I.-1. **10-0261** Pending Litigation Report

**Attachments:** [PENLIT 03\\_23\\_10](#)  
[ForeclosureList3\\_23\\_10](#)

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 36

I.-2. **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](#)

[Note for the Record: The verbatim transcript for Agenda Item I-2 is available for public inspection in the Office of the City Clerk and in Legistar].

**This Resolution was Deferred**

City Clerk Item No. 37

I.-3. **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](#)

**This Resolution was Deferred**

City Clerk Item No. 28

**RESOLUTION NO. 2010-60**

I.-4. 10-0260

Resolution accepting proposed settlement agreement and general release in connection with an action involving a claim filed by Danilo Benedit against the City of Coral Gables.

**Attachments:**[Benedit Resolution](#)[Benedit Settlement Agreement](#)[Benedit Memorandum to the City Commission](#)

RESOLUTION ACCEPTING PROPOSED SETTLEMENT AND GENERAL RELEASE REGARDING DANILO BENEDIT, FOR THE PURPOSE OF SETTLING ANY AND ALL CLAIMS MADE BY BENEDIT, INCLUDING, BUT NOT LIMITED TO, A LAWSUIT FILED IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE 08-23558-SEITZ, INCLUDING FIRST AMENDMENT CLAIMS AND FLORIDA'S PUBLIC SECTOR WHISTLEBLOW-ER ACT.

[Note for the Record: City Attorney Hernandez informed the members of the City Commission that they had the documents before them and that Special Counsel Denise Henekin, Esquire was present to address any questions regarding said matter; further stating that there being no further inquiry by any member of the City Commission, that following a motion being made by Commissioner Withers, and seconded by Vice Mayor Kerdyk, that Mayor Slesnick instructed of the City Clerk to call the roll].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2010-60. The motion passed by the following vote:**

**Yea**s : 3 - Vice Mayor Kerdyk, Jr., Commissioner Withers and Commissioner Anderson

**Nay**s : 2 - Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 38

**RESOLUTION NO. 2010-61**

Non 10-0288  
Agenda

A Resolution of the City Commission of Coral Gables authorizing an Attorney-Client meeting April 13, 2010.

RESOLUTION SCHEDULING THE DATE OF TUESDAY, APRIL 13, 2010, 11 A.M., IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES, FOR THE PURPOSE OF CONDUCTING AN ATTORNEY-CLIENT SESSION, CLOSED TO THE PUBLIC, 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., CASE NO. 07-29458 CA 13.

[Note for the Record: City Attorney Hernandez informed the City Commission that she had sent to them an e-mail and memorandum regarding the Detournay Case; further stating that the Court has set said case for June 9, 2010 and has ordered the parties to mediation; further stating that she is requesting an Attorney-Client Session, closed to the public in accordance with section 286.011(8), Florida Statutes, to be held on April 13, 2010, beginning 11 a.m., for the purpose of discussing a 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., which arises from a determination by the City's Zoning Administrator and City Attorney, resulting from an administrative opinion dated April 20, 2010 in connection with the use of boat slips along a manatee protection zone at the base of the Mahi Waterway; further stating that the City Attorney upheld the administrative determination; further stating that said Attorney-Client session will be attended by the members of the City Commission, namely Donald D. Slesnick, II, Maria Anderson, Rafael Cabrera, Jr., William H. Kerdyk, Jr. and Wayne "Chip" Withers, Patrick Salerno, City Manager, Elizabeth Hernandez, City Attorney, Special Counsel, Michael Fertig, Esq. and Jennifer Glasser, Esq. along with the city's Court Reporter].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2010-61. The motion passed by the following vote:**

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

City Clerk Item No. 39

**J. CITY CLERK ITEMS**

**None**

City Clerk Item No. 40

**K. DISCUSSION ITEMS**

Mayor Slesnick: Commissioner Anderson.

Commissioner Anderson: I'm all talked out, so I'll pass.

Mayor Slesnick: Mr. Cabrera: Well two comments; one has to do with my congratulations to the City of Coral Gables for completing the installation of the side entrance and exit of our City Hall. We've got our railings up and posted our impaired and/or handicap, now I'll have a much easier time in walking into City Hall and walking out of City Hall. Just for the record I'd like to note that it took six months longer than it took to build the Biltmore Hotel to achieve this exit. So I compliment...nineteen months - no thirteen months. I tried to look for some of those contractors, but they were dead. Anyway, on another note, I received a very thoughtful call from one of our citizens, Ms. Rebecca Pariz, and I apologize for butchering her last name, its Pariz; and she lives in the 500 Block of Aragon, and I don't know if she spoke to any of you, but what has happened to that neighborhood and Aragon specifically is, especially between the blocks 300 to 500 is that a lot of the traffic has been detoured or diverted based upon the construction of the round-about, and it has become a very, very difficult situation for the citizens that live there; and as I said before, she was very thoughtful in putting together this package, this correspondence, which basically outlines that animals have been killed, and there are constant large delivery vehicles, and County buses, and most importantly continuous folks who are speeding both in the morning and evening hours, and she went as far as to even provide photographs of not only the amount of traffic, the volume of traffic, but even how it stands still at times; and I know that we are working very hard to complete the round-about, and I believe that it will be completed in the coming weeks, but I really wanted to see if the city could take some interest on Aragon, and perhaps the only answer that I can come with as a lay person is to ask that greater enforcement be given to the area during those, high traffic times, but its taking a beating. The public right-of-way is taking a beating, it's terrible.

Vice Mayor Kerdyk: I mentioned at the last Commission meeting going to see Aragon the 400-500 Block, it looks so drab when I went by there. I thought it was the landscaping, but now that you mentioned it, it's the right-of-ways and everything else...

Commissioner Cabrera: It's the volume of traffic there that is coming eastbound and westbound everyday; and like I said before, she took the time to not only call us or call me, but she even took the time to take multiple, I mean, twenty to thirty photos on how bad the situation is.

Commissioner Anderson: I agree. I live next to it too. On Hernando it backs up when

you are trying to get into that alleyway, so I understand and that Block 56 does go down Almeria.

Mayor Slesnick: How about this Mr. Manager, when our circle is finished, which is eminent, maybe we could take a look at the streets that were the primary carriers of the detoured traffic in order to pay a little extra attention to the landscaping, to the swales, do something nice in return for these people carrying the traffic.

Commissioner Cabrera: In the meantime, my biggest concern right now is life safety. You know, the fact - you know, she makes a very clear point, she says look, we've had these animals killed and the thing that really concerns us all is what happens when a child is struck, that's obviously my biggest concern. The biggest fear I have in terms of holding political office is to have a person killed by a speeding vehicle, and it scares the heck out of me, and I would hate to see that happen while still in office or anytime in this city's history, and it will happen unfortunately; it's happened on the greenways, but this is an area that we are well aware of that is occurring because of the actual detour, and if anything could be done whether it's our motor unit or an assigned officer just to be out there a couple of days a week during the high traffic hours, because you know what happens when you have Police presence people have a tendency to be more law abiding.

Commissioner Anderson: As far as you mean speeding.

Commissioner Cabrera: Yes ma'am, yes ma'am. Oh, good afternoon, it's nice to see you. Thank you so much for this, thank you so much. So I just appealed to the city and the City Manager's office and our Police Department to maybe take this and make it a priority. Thank you. That's it for me sir.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes, thank you. Just two brief items. First of all, just recognition given to one of the people that we are very familiar with in the City of Coral Gables, Harriet Liles won the Collins Award for her preservation efforts. I think she should be noted for that; and then furthermore I had the opportunity of playing at Granada Golf Course recently. I was sort of disappointed at the condition it was in. So if the City Manager could take a look at that.

Commissioner Anderson: What in particular?

Vice Mayor Kerdyk: It looked horrible; it looked bad, the bunkers were not cut, the greens...

Commissioner Anderson: I don't get into bunkers (laughter).

Commissioner Cabrera: Touché.

City Manager Salerno: Don't blame us for your golf game (laughter).

Vice Mayor Kerdyk: But I think you should take a look at that because the Biltmore is in excellent shape, speaking on the other side of the situation there, the Biltmore is in excellent shape; and the Granada was in good shape the last time I played, which was six months ago, but now it looks a little rough, it needs to be...

Mayor Slesnick: Can I add to that?

Vice Mayor Kerdyk: Yes, sure.

Mayor Slesnick: Since I look at it every day; the Manager I think knows this, Don and I have talked about it, but I really think we've got to pay some attention to the management of the course, and I wasn't even talking about the grass or the bunkers, but it's become a dog park and while I like dogs and dogs have a place in our neighborhoods, the fact is you can't run a golf course with dogs on it, and dogs do what they do, and that ruins the golfing experience, and if we are selling the right to play golf, in other words we actually make people pay to play golf they should have...

Commissioner Anderson: It's a hazard too, so you know. I've had that happen, walk right across when I hit my drive, and that could be bad - left, right or center because that's how I have done it.

Mayor Slesnick: There is just no control and its really - right now, one of the things I pointed out was that they still close at their regular time, the golf shop closes at its regular time even though it stays light now an hour and something later, so play hasn't stopped at all, they just walk on and they abuse the course, and it's a shame, and I know that it's a money loser; Granada has never made money for us and it cost us some money and I just - but we all seem to be proud of our nine hole course, the oldest in the State of Florida, I hope that we can do something. You have anything else?

Vice Mayor Kerdyk: No, nothing sir.

Commissioner Withers: Just where we are on the Biltmore. I know we approved an escrow agreement, I guess with SunTrust, and last Commission meeting two weeks ago, we said we had a signed deal, is it signed?- are we ready to...?

City Manager Salerno: Let me pass to the City Attorney.

City Attorney Hernandez: We have both the city and the Biltmore on board; the escrow SunTrust, which is the bank that handles most of our accounts, supposedly overnighted their final approval yesterday. Mr. John Fox is the individual for SunTrust who is having issues with the form in which the Biltmore wanted the documents sealed; he had made promises to us as late as noon yesterday that he was overnighting his signature, I haven't seen it, so I can't say, but that's the escrow agent that would be receiving the boxes. The Manager's office and my office tried to schedule a meeting with the Biltmore for the 24th, but the Biltmore was unavailable.

Commissioner Withers: So say we have that escrow agreement, walk me through the next...

City Manager Salerno: Once the City Attorney is satisfied with the agreement between, the escrow agreement, that its acceptable to her, that all parties are acceptable, I will sign the escrow agreement, because there is a blank in the agreement actually - there is a blank there as to who the escrow agent is going to be, I can't sign an agreement that has a blank in it.

Commissioner Withers: OK.

City Manager Salerno: We expect it to be SunTrust, and if the City Attorney....

City Attorney Hernandez: And they supposedly have now...

Commissioner Withers: OK, so say that happens today or tomorrow.

City Manager Salerno: We are looking now at scheduling another meeting that is acceptable to the parties of the Biltmore, PriceWaterhouse and the city is going to be available because we are trying to push this, so I know on the part of the City Attorney she'll clear her schedule, I'll clear mine, so it's just a matter of coordinating between PriceWaterhouse and the Biltmore. We proposed the date to the Biltmore, they had a conflict, and we'll propose other dates to them, but we need to have an executed and agreed upon escrow agreement because that meeting - having a meeting without an escrow agreement officially in place doesn't help us.

Commissioner Withers: So then we do the evaluation and that takes a month?- six weeks?

City Manager Salerno: It depends on the responsiveness of the Biltmore to provide the documents. The firm we hired, PriceWaterhouse, has the resources to put whatever is necessary on it, but if I were to ask them, and I've asked them how long will it take you?- their response is its dependent upon how quickly the Biltmore responds in providing the documents. I can't speak for them, but it won't be something that will -

as I said, one of the reasons I sought out PriceWaterhouse was because of their ability to put whatever resources are necessary to do it, and they understand we want it done in an expedited basis, but it takes "two to tango", and we need the Biltmore's cooperation, which hopefully they will be providing to us.

Commissioner Withers: So once that is done you will then be coming back to us, I guess, to discuss some of the requests that the Biltmore has, is your recommendation, is that the next step?

City Manager Salerno: Well, I think we'll need to see what the report says. We have comprehensive amount of information that we are asking from PriceWaterhouse that will give you the information necessary for you to make those judgments as to how you'd like to do it, but I don't want to prejudge what the report is going to say.

Commissioner Withers: No, I understand that.

City Manager Salerno: But you'll be in a position to take action clearly what the results of the PriceWaterhouse report, whatever that action is, whether it's short term, long term, or no term.

Commissioner Anderson: Is there, and you may not be able to answer this, maybe in the short term, is there a way it could be segmented out, let's say PriceWaterhouse submits shorter term look at it?- because they are looking at some type of - they proffered all of us an interim agreement of some sort, is there some way to not circumvent an audit and find out what the meat, if we could enter into something else, like an interim agreement, or you don't recommend that?

City Manager Salerno: No, I think we need to - we are not asking them to do tangential type of information, in order for them to give you information to make those types of judgments it's going to be, it needs to be in a comprehensive fashion, and as we have discussed with the Biltmore any consideration is pending the outcome of our outside experts in that regard, that's what we have communicated to them, the City Attorney has communicated that to them on multiple occasions, and that's our current position. We will expedite PriceWaterhouse; they are chomping at the bit to get to work, OK, they called me, and say when are we ready?- and I'm holding them back until we have that escrow agreement, because we don't have a basis to start.

Commissioner Anderson: And actually just wanted to put it on the record just to get it out.

City Manager Salerno: Understand Commissioner.

Commissioner Anderson: I understand it and I respect that.

Mayor Slesnick: Chip?

Commissioner Withers: That's it.

Mayor Slesnick: OK.

Ms. Bolton:...[Inaudible - off mike]...

Vice Mayor Kerdyk: There is an interesting article in the Daily Business Review that I think has it today.

Ms. Bolton: [Inaudible]...speak up.

Vice Mayor Kerdyk: I said in the Daily Business Review there's an article that I think probably addresses the amount due, so you might want to look at that, I don't know.

Ms. Bolton: How much is it?

Vice Mayor Kerdyk: I didn't really read it that hard, but I think it said \$3 million dollars. It said in the Daily Business Review \$3.1 million dollars.

Ms. Bolton: It's more than that...[Inaudible]...

Vice Mayor Kerdyk: Well, I know, I'm just telling you guys what they reported today.

Mayor Slesnick: Anyways, first I'd like to congratulate all those who participated in "Pioneer Day", at Pinewood Cemetery, on Saturday. It was a wonderful celebration of our city's past, or far past as a matter of fact, pre Merrick past; I know that some people believe there was no such thing as pre Merrick, so anyway it was a wonderful day, and I also wanted to call attention to everybody that this coming Saturday is our day of the Farmers Market, it is our celebration of ending the Farmers Market. Some people don't find that's a very good thing to celebrate because they miss it when it goes away, but it will be a taste of the Gables so they'll be a big picnic with the participating restaurants at noon on Saturday, and I wanted to compliment Mr. Manager, if you would pass along the Commission's compliments to the Development office who have again buckled under and carried on another successful year of the Farmers Market.

City Manager Salerno: Thank you Mayor, it's a great event.

Mayor Slesnick: It's a major, major effort, so I thank them; everybody loves our Farmers Market - this week, this coming week. And I also want to take this

opportunity for the City Commission to recognize and say goodbye to our Director of Building and Zoning, Ed Weller, who is here with us, he has announced his retirement, and his last day of service to the city will be before our next Commission meeting; and Ed has given years of service to our citizens and to us, and Ed we wanted to thank you publicly. Come on up here so people can see you and say goodbye to you. We want to thank you for your service and we know that you are moving on to another phase of your life.

Mr. Weller: Thank you very much for the kind words Mayor. I would like to take a moment to express my appreciation to the very professional staff of the Building and Zoning Department for their support, and to let them know how honored and privileged I feel to be able to be their Director and Assistant Director for the last fifteen years. That department has been through a lot, and they've weathered it really well, and I also wanted to thank all my fellow directors, as well as the City Attorney, the City Clerk, the City Manager's Office, and all the Commissioners for the really nice relationship that I've had, and for the privilege of being able to serve the city and its residents.

Mayor Slesnick: Thank you Ed.

Commissioner Cabrera: Are we going to be able to recognize him formally on his last day. When is your last day Mr. Director?

Mr. Weller: Wednesday the 31st.

Commissioner Cabrera: So we need to figure a way to bring him back. Well, I'm actually surprised we didn't find a way to recognize you today, so I'd like to formally find a way to do so.

Mayor Slesnick: It snuck up on us.

Commissioner Cabrera: So I'd like to make sure that we do that, because there were fifteen years that you gave to this city and that you've been very dedicated.

Mr. Weller: Well it's been a great fifteen years that's for sure; fifteen years in March, March 2nd.

Commissioner Withers:...[Inaudible - off mike]...you started...one month....

Mayor Slesnick: You haven't been here quite as long as Withers.

Mr. Weller: Well this would like the third career I think, because I had twenty-two years as a construction company owner, and I've been here fifteen years, and then I'm

going to move on...

Commissioner Anderson: Stop adding, stop adding...

Mr. Weller: What?

Commissioner Anderson: Stop adding all those careers, it's going to give you away.

Mr. Weller: I'm going to do some consulting. I'm going to use all those feathers that I've acquired and have them work for me now.

Commissioner Cabrera: You know, speaking of Withers being here a long time, Commissioner Withers - somebody said that you've been here a long time; Commissioner Withers has been here so long that while he was in office he won an award, and you know what the award was?- fire - fire as in back in the prehistoric ages (laughter). Sorry, it's been a long day.

Mayor Slesnick: Ed, we send you forth with our blessings and our congratulations and our thanks.

Mr. Weller: I appreciate it.

Commissioner Cabrera: God speed to you.

Commissioner Anderson: Take some time off and have fun.

Mayor Slesnick: Mr. Manager, our next meeting is April 13th is it, something like that; it's the second Tuesday in April, and Ms. Bolton, congratulations on your recognition that you had at the beginning of Woman's History Month, we always are anxious to see you in the paper being recognized, and you were again. So congratulations. With that we will adjourn this meeting.

City Clerk Item No. 41

## **ADJOURNMENT**

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 2:08 pm on March 23, 2010. The next regular meeting of the City Commission has been scheduled for April 13, 2010, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK