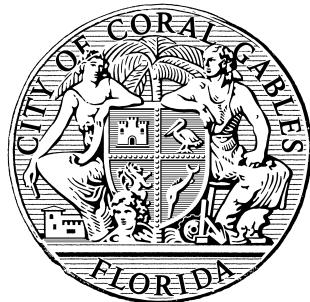


City of Coral Gables

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



Meeting Minutes

Tuesday, January 12, 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

Reverend Arnold Perry from St. Mark's Lutheran Church gave the Invocation.

[Note for the Record: Invocation: Mayor Slesnick requested of Reverend Dr. Arnold Perry to give his regards on behalf of the City Commission to the parishioners of the Church of the Little Flower; further acknowledging the Ginger Bread rendition which was done by Carolina Montoya, representing one of the city's entrances along with information regarding the city].

PLEDGE OF ALLEGIANCE

Commissioner Maria Anderson 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. 2010-01 through Resolution No. 2010-08); (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. 09-0865 Presentation of a Proclamation declaring January 12, 2010 as Carroll's Jewelers Day in Coral Gables.

[Note for the Record: Mayor Slesnick requested of Commissioner Withers to present a proclamation to Carroll's Jewelers in recognition of Carroll's Jewelers Day in Coral Gables, whereby Commissioner Withers prefaced his remarks by noting that the Moorman family and the Seghers family are synonymous with Miracle Mile; further pointing out that it is a known fact that Carroll's Jewelers has been in our city since 1946, standing as one of the city's founding and long standing businesses in Coral Gables, and concomitantly serving as an icon for an estimated six or seven decades.

Commissioner Withers requested of Jeanne Ann Moorman to provide the public with some background and family history of her family, wherein former Commissioner Moorman stated that her father, namely Carroll Segher, had a profound love for the Miami/Coral Gables area, initially coming down to the Coral Gables area in 1927, selling real estate for George Merrick; further stating that those interested purchasers were picked up from the train station, driven by him in a car that he had in his possession used to close deals; further noting that Mr. Segher came down here again in 1936-37, after viewing an ad in the newspaper in connection with a storefront property in downtown Miami, whereupon following the viewing of same, decided that he did not like said storefront and subsequently took a boat to Cuba; further stating that following his return, he took a streetcar to Coral Gables and saw a storefront (i.e. property located across the street from 365 Miracle Mile) that he liked, wherein he rented said property location (332 Miracle Mile) from his landlord (i.e. Mumpower) on October 16, 1946 and kept same until said landlord went out of business in 1950; further stating that Mr. Segher also rented another store location concomitant with the 332 Miracle Mile location (which is the current location for Carroll's Jewelers); further stating that her father later came down when she and Robert Moorman, Sr. were married; further noting that her father had mentioned that she could take a job and remain in the store until she found another job; further reminding the public that a similar storefront was also opened along Las Olas Boulevard in Ft. Lauderdale; further adding that her family includes six children, 15 grandchildren and 6 great-grandchildren; further noting that Bobby runs the Las Olas store while Steven has run the Coral Gables store; further noting that all of her family has worked in the business during some point in their lives, and that she was sorry that Carroll's is going out of business; wherein Commissioner Withers read the proclamation that declared Carroll's Jewelers Day in Coral Gables.

Having been also requested to give remarks, Steven Moorman stated that on behalf of his parents, grandparents and whole family, that he thanked the city for all of the good memories that they have shared in Coral Gables; further noting that it has been a great ride, further wishing the city all of the best success; reminding the public that Carroll's will be open until Friday.

Vice Mayor Kerdyk stated that there are a lot of businesses that make up the landscape of Coral Gables, and that this business has been a force; further noting that Jeanne Ann Moorman served on the City Commission and that Steven has been active with the Kiwanis, as well as being known for driving his truck during the Orange Bowl festivities; further pointing out that this is indeed a sad day on the occasion of the closing of the store, the city will surely miss the Carroll family.

Mayor Slesnick noted that Carroll's has been a part of all of our lives, for as long as he can remember; further noting that in his formative years while living in Miami, he used to enter into Coral Gables, going up Douglas Road, patronizing Jahn's for ice cream; further noting that Coral Gables was always the place to window shop, view things and think about the good life in Coral Gables; further thanking Jeannie Moorman for her service in the City as a merchant, resident and former City Commissioner; further thanking Steven for serving as a friend to a multitude of people, being a part of many organizations (including business organizations); further acknowledging that Carroll's will be missed; further stating that with the advent of the opening of the Coral Gables Museum that there might possibly be a Carroll's Jeweler's Exhibit (including a pink truck).

Commissioner Anderson also extended her best wishes to Carroll Jeweler's as it moves on; further noting that her mother used to take her to the store and shop there as well; further thanking Carroll's Jewelers for their service to the city that it loves, for its locale.

Chip Withers informed the public that through the years, that any disposable income that he has enjoyed has ended up with Carroll's].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

[Note for the Record: Mayor Slesnick requested through the City Manager to have the Cindy Birdsill, director for the Department of Economic Sustainability, to provide the public with an update regarding the advent of our Farmers Market event; whereby Ms. Birdsill stated that the Farmers Market begins this Saturday, January 16th, 2010 (between 8 a.m. and 1 p.m.) and continues for a period of 8 weeks; further stating that during the opening of this Saturday that the following classes will be held:

Tai Chi in the Park (Free) - 8:00 a.m.

Garden Workshop - 1 hour - 9:00 a.m.

Cooking Demonstration - 1 hour (Note: includes master chef demonstration from one of our finest local restaurants) - 10:00 a.m.

Children's Hour: Children's activities for younger market shoppers - 1 hour

Further noting that vendors will be on location selling their produce; further stating that all local vendors and farmers will be acknowledging the Green Movement, and the need to buy locally; Mayor Slesnick further inquired as to the temperature for the upcoming inaugural event this year, whereby he mentioned that the paper reported that it should be around 80 degrees.

Mayor Slesnick also noted that he had received notification from the City Clerk that the City's Passport Acceptance Facility will be open concomitant with the hours of the Farmers Market event for the processing of any passport applications (including first time applications as well as any renewals)].

B. APPROVAL OF MINUTES

B.-1. 10-0102 Regular City Commission Meeting of December 15, 2009.

Attachments:[Meeting Minutes.pdf](#)[Verbatim Transcript - Agenda Item H-1 - Legislative Services Agreements.pdf](#)[Verbatim Transcript - Agenda Item A-1 - Update on Business Improvement District.pdf](#)[Verbatim Transcript - Agenda Item E-1 - Country Club Outdoor Dining.pdf](#)

[Note for the Record: Commissioner Anderson requested of the City Clerk to review the following items, and ascertain whether there should be any necessary corrections in connection therewith:

- (a) She believed that Commissioner Withers had voted "Nay" on a non agenda item that was brought up by Commissioner Cabrera for participation in the annual Christmas courtesy parking program on Miracle Mile parking meters;
- (b) She believed that Commissioner Withers had voted against Agenda Items C-3 and C-4.
- (c) The City Clerk's Office shows that she had voted Nay on Agenda Item H-2].

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

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

City Clerk Item No. 2

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 Withers, seconded by Vice Mayor Kerdyk, Jr., 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. 2010-01

C.-1. 09-0860 Resolution authorizing expenditures in the amount \$20,000.00 from Federal Forfeited Asset Fund (FAF) monies to defray the cost of a protracted and complex criminal investigation being conducted by the Coral Gables Police Department.

Attachments: [RESOLUTION - \\$20,000 - MONTE CRISTO](#)
[MEMORANDUM - MONTECRISTO](#)
[COMMISSION COVER MEMO -\\$20,000 - MONTE CRISTO](#)
[C-1 Signed Cover Memo](#)
[Signed Resolution 2010-01.pdf](#)

A RESOLUTION AUTHORIZING EXPENDITURES IN THE AMOUNT OF \$20,000.00 FROM FEDERAL FORFEITED ASSET FUND (FAF) MONIES TO DEFRAY THE COST OF A PROTRACTED AND COMPLEX INVESTIGATION BEING CONDUCTED BY THE CORAL GABLES POLICE DEPARTMENT.

This Matter was adopted by Resolution Number 2010-01 on the Consent Agenda.

City Clerk Item No. 3

RESOLUTION NO. 2010-02**C.-2. 09-0786**

Resolution authorizing the execution of an agreement, between the City of Coral Gables and the Gables Estates Club Inc., for landscape maintenance of areas within the Gables Estates subdivision and further authorizing an administrative approval process for existing landscape encroachments within the Gables Estates subdivision, subject to the approval of the Landscape Encroachment Review Committee and the requirements of the Public Works Department.

Attachments: [GABLES ESTATES MAINT AGREEMENT 1.12.10](#)
[gables estates maintenance resolution 1.12.2010](#)
[GABLES ESTATES COVER SHEET 1.12.10](#)
[C-2 Signed Cover Memo](#)
[Signed Resolution 2010-02.pdf](#)

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT, BETWEEN THE CITY OF CORAL GABLES AND THE GABLES ESTATES CLUB INC., FOR LANDSCAPE MAINTENANCE OF AREAS WITHIN THE GABLES ESTATES SUBDIVISION AND FURTHER AUTHORIZING AN ADMINISTRATIVE APPROVAL PROCESS FOR EXISTING LANDSCAPE ENCROACHMENTS WITHIN THE GABLES ESTATES SUBDIVISION, SUBJECT TO APPROVAL OF THE LANDSCAPE ENCROACHMENT REVIEW COMMITTEE AND THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

This Matter was adopted by Resolution Number 2010-02 on the Consent Agenda.

City Clerk Item No. 4

RESOLUTION NO. 2010-03**C.-3. 09-0861**

Resolution accepting a Recovery and Reinvestment Act of 2009 (ARRA) Energy Efficiency Conservation Block Grant in the amount of \$212,700; approving the projects identified for implementation in the Grant Application; and approving the project budget of \$278,738 appropriation which includes leveraged funds in the amount of \$66,038 from the Parking Fund.

Attachments: [Recovery Grant Application](#)
[Cover for Recovery](#)
[Recovery Resolution](#)
[C-3 Signed Cover Memo](#)
[Signed Resolution 2010-03.pdf](#)

A RESOLUTION ACCEPTING A RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) ENERGY EFFICIENCY CONSERVATION BLOCK GRANT IN THE AMOUNT OF \$212,700; APPROVING THE PROJECTS IDENTIFIED FOR IMPLEMENTATION IN THE GRANT APPLICATION; AND APPROVING THE PROJECT BUDGET OF \$278,738 APPROPRIATION WHICH INCLUDES LEVERAGED FUNDS OF \$66,038 FROM THE PARKING FUND.

This Matter was adopted by Resolution Number 2010-03 on the Consent Agenda.

City Clerk Item No. 5

RESOLUTION NO. 2010-04**C.-4. 09-0864**

Resolution authorizing the implementation of a combined voluntary cooperation and operational assistance Mutual Aid Agreement for law enforcement services between the City of Coral Gables and the Village of Key Biscayne.

Attachments: [RESOLUTION - KEY BISCAYNE - MOU](#)
[COMMISSION COVER MEMO - KEY BISCAYNE - MOU](#)
[KEY BISCAYNE MOU](#)
[C-4 Signed Cover Memo](#)
[Signed Resolution 2010-04.pdf](#)

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN THE CITY OF CORAL GABLES AND THE VILLAGE OF KEY BISCAYNE.

[Note for the Record: Commissioner Cabrera inquired of Interim Police Chief Nause regarding approval of those voluntary cooperation and operational assistance Mutual Aid Agreements, what does said approval do in furtherance of improving one's ability to work with the other law enforcement agencies from other municipalities (i.e. Village of Key Biscayne, etc.)? -whereupon Interim Police Chief Nause stated that it is important to maintain strong bonds with the Law Enforcement Community at local, federal and state levels, our city needs to enter into contracts with said municipal agencies in order to know what our responsibilities are going to be, to know what is expected of us at different times, everyone has no problem with emergency issues; run of the mill issues (i.e. waterways issues, etc.)-strong bonds and to articulate what we will be able to do; more particularly, in the case of the Village of Key Biscayne, that manpower shortages have necessitated that our city provide off-duty assistance to them; further noting that Major Mc Nichols has evaluated said request and would like to maintain an updated agreement to provide assistance to law enforcement agencies, in case any assistance is needed; further noting that the Coral Gables Police Department is capable of providing said assistance in an appropriate, professional and diligent manner; further stipulating that our Police Department has been working with our City Attorney to make sure that there is knowledge of the legal ramifications (ie. who is responsible? - what resources are needed? -further emphasizing the need for maintaining good relations with those bordering municipalities, in furtherance of understanding our law enforcement roles very succinctly.

Questions, Inquiries, Comments and Concerns from the City Commission:
Commissioner Cabrera inquired of **Interim Police Chief Nause** as to whether during "hot pursuit," if one spills into the jurisdictional domain of another city, whether

the police agency in pursuit may enforce traffic infractions in another city? -whereby Interim Police Chief Naue answered in the negative. **Mayor Slesnick** conveyed his commendation for good work rendered by the Police Department in the conduct of a house to house search within a neighborhood; further commenting on the recent incident involving the murder-suicide in Coral Gables, wherein the perpetrator and victim chose Coral Gables as the locale to stop, resulting in a fight between the parties; further acknowledging that they knew each other; further acknowledging that the Victims Advocacy Unit and the Criminal Investigation Unit are actively involved; further urging the need for better knowledge and understanding needed with respect to dating issues, and the proper dating protocol].

This Matter was adopted by Resolution Number 2010-04 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2010-05

C.-5. 09-0866

Resolution re-appointing Kemal Rajib (Nominated by City Manager Salerno), to serve as a member of the Pinewood Cemetery Advisory Board, for a two (2) year term, beginning June 1, 2009 through May 31, 2011.

Attachments: [Kemal Rajib - Pinewood Cemetery Advisory Board](#)
[R-2010- Resolution - Kemal Rajib - Pinewood Cemetery](#)
[C-5 Signed Cover Memo](#)
[Signed Resolution 2010-05.pdf](#)

A RESOLUTION RE-APPOINTING KEMAL RAJIB (NOMINATED BY CITY MANAGER SALERNO), TO SERVE AS A MEMBER OF THE PINEWOOD CEMETERY ADVISORY BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

This Matter was adopted by Resolution Number 2010-05 on the Consent Agenda.

City Clerk Item No. 7

RESOLUTION NO. 2010-06**C.-6. 09-0871**

Resolution authorizing the City Manager to execute a joint agreement with the Business Improvement District for sharing costs to hire a consultant to review the preliminary plans for the Miracle Mile Streetscape Project.

Attachments: [Commission cover 1 12 10 \(2\).pdf](#)
[Resolution - 1-12-10 \(2\).pdf](#)
[JOINT PARTICIPATION AGREEMENT \(2\).pdf](#)
[C-6 Signed Cover Memo](#)
[Signed Resolution 2010-06.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT AGREEMENT WITH THE BUSINESS IMPROVEMENT DISTRICT FOR SHARING COSTS TO HIRE A CONSULTANT TO REVIEW THE PRELIMINARY PLANS FOR THE MIRACLE MILE STREETSCAPE PROJECT.

This Matter was adopted by Resolution Number 2010-06 on the Consent Agenda.

City Clerk Item No. 8

RESOLUTION NO. 2010-07**C.-7. 10-0104**

Resolution amending Resolution No. 2009-316 which authorized the execution of Florida Department of Environmental Protection Consent Order No. 08-2788 to reflect new project completion dates; and authorizing the execution of restructured Consent Order No. 08-2788.

Attachments: [Consent back-ups](#)
[consent cover](#)
[Resc Resol](#)
[2009-316](#)
[C-7 Signed Cover Memo](#)
[Signed Resolution 2010-07.pdf](#)

A RESOLUTION AMENDING RESOLUTION NO. 2009-316 WHICH AUTHORIZED THE EXECUTION OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CONSENT ORDER NO. 08-2788, TO REFLECT NEW PROJECT COMPLETION DATES; AND AUTHORIZING THE EXECUTION OF RESTRUCTURED CONSENT ORDER NO. 08-2788.

This Matter was adopted by Resolution Number 2010-07 on the Consent Agenda.

City Clerk Item No. 9

RESOLUTION NO. 2010-08

C.-8. 10-0103 Resolution setting forth Wednesday, February 10, 2010 as the First City Commission Meeting Date in February in lieu of Tuesday, February 9, 2010.

Attachments: [February 10 Resolution](#)
[C-8 Signed Cover Sheet](#)
[Signed Resolution 2010-08.pdf](#)

A RESOLUTION SETTING FORTH WEDNESDAY, FEBRUARY 10, 2010 AS THE FIRST CITY COMMISSION MEETING DATE IN FEBRUARY IN LIEU OF TUESDAY, FEBRUARY 9, 2010.

This Matter was adopted by Resolution Number 2010-08 on the Consent Agenda.

City Clerk Item No. 10

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

C.-9. 09-0857 Property Advisory Board Meeting of November 4, 2009

Attachments: [PAB 11042009 Cover Sheet](#)
[PAB 110409 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 11

C.-10. 09-0859 Traffic Advisory Board Meeting of November 17, 2009

Attachments: [TAB 111709 Cover Sheet](#)
[TAB 11172009 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

C.-11. 09-0862 Senior Citizens Advisory Board Meeting of December 7, 2009

Attachments: [Cover Sheet.Minutes 12-07-09.pdf](#)
[Min 12-07-2009 draft.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

C.-12. 09-0863 Board of Adjustment Meeting of December 7, 2009

Attachments: [Cover Memo - 1-12-10](#)
[BOARD OF ADJUSTMENT RECAP 12-07-2009](#)
[BOADJ Summary 12-07-09](#)
[NOTICE 12-7-09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

C.-13. 09-0869 Budget/Audit Advisory Board Meeting of October 29, 2009

Attachments: [011210-Cover Memo CC Minutes 102909.pdf](#)
[102909-Minutes.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

C.-14. 10-0101 Coral Gables Merrick House Governing Board Meeting of December 7, 2009

Attachments: [Merrick House December 7, 2009](#)
[CGMNoAction-12.07.09MinutesforCC01.12.09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

D. PERSONAL APPEARANCES

None

City Clerk Item No. 17

E. PUBLIC HEARINGS

None

City Clerk Item No. 18

F. CITY COMMISSION ITEMS

F.-1. 09-0873 Discussion regarding Planning Session with appointed officials.
 Commissioner Rafael "Ralph" Cabrera, Jr.

[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 in Legistar].

This Agenda Item was Discussed and Filed

City Clerk Item No. 19

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 20

H. CITY MANAGER ITEMS

None

City Clerk Item No. 21

I. CITY ATTORNEY ITEMS

None

City Clerk Item No. 22

J. CITY CLERK ITEMS

None

City Clerk Item No. 23

K. DISCUSSION ITEMS

Mayor Slesnick: OK - with that we have some closing comments. First of all let me ask the Manager, do you have any other comments?

City Manager Salerno: Nothing else Mayor.

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: I just want to say that trolley downstairs looks really nice, and I wanted to congratulate all who were involved in refurbishing it; I understand that it was done in-house except for a few small things and folks down there are very proud of the work they've done; and I wanted to share that publicly that they put together a really nice looking trolley with pieces/parts from other, and done a really very good job, and congratulations to them. And that's it for me.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Last Sunday while I was thawing out at Burger Bob's after stupidly trying to ride a bicycle, I ran into one of our residents - long time resident of Coral Gables, lovely lady, Sherry Creek, I think we all know her, just an adorable lady, and she was really despondent because she had locked her keys in her car and she didn't know what to do. She recently became a widow, and she has a son that that particular morning was working and she just had no idea what to do, and so my heart went out to her and I decided to try calling our Police Department, which was exceedingly courteous and professional in taking my call, and the front desk officer immediately tried to locate an officer that might be of assistance in getting that car unlocked, and I learned from the officer that apparently not all our Police Officers are equipped for that kind of assistance, some are though; some have the devices necessary to unlock a car; and they transferred me over to the Fire Rescue Department and I had the delight to speaking to Battalion Chief Thornhill, who as we all know his middle name is "can I help", and he immediately, Dan immediately tried to find someone to be of assistance, but I learned that the devices that they use to open doors are no longer on the trucks, but being as resourceful as he is and the Fire Rescue folks are, they found the device and they were on the way. Good news is we got the car unlocked, prior to the fire rescue folks arriving, and all ended well.

Commissioner Withers: Was that with the fire axe?-or was that....

Commissioner Cabrera: No, no, we were able to find some young man who was looking around to burglarize a car and say, come over here and see if you can help...(laughter)...so he obliged. Anyway, this brings me to my comments; this morning I went on the Internet and for all you budding auto thief enthusiasts, you can

go to carunlocktools.com and purchase a car unlocking tool, better known as a "Slim Jim", for \$6.00; and I was going to suggest maybe it would be a good idea if we have some of these around within our Police and Fire folks. I just think it's a wonderful service to provide; I know a locksmith would be able to do it, but some of these folks just get really despondent about this and I just thought it might be something helpful without putting us in any liablious - put any liability on us. So I wanted to pass that along. Oh, and incidentally, what I wanted to suggest is in the spirit of cost effectiveness, I wanted to suggest that perhaps we do this with Law Enforcement Trust Funds; if it's available; if the Law Enforcement Trust Fund will allow us to purchase these car unlocking tools, then we don't have to put it on our citizen's backs. And the next comment I wanted to make, a brief comment, I wanted to thank both Kevin Kinney and Dona Spain for following up on the Coral Gables Courthouse parking issue. I think that this is a very well put together memorandum; you did this on January 4th and I very much appreciate you taking so much time to address the needs and concerns of the residential neighborhood affected by this, and I wanted to suggest that if we could find the address or the name of the citizen or citizens that spoke on this matter, and if they could get a copy of this memorandum, I think this would lay their fears in terms of some of the concerns that they brought to our attention with some of the changes going on in the courthouse. So again, Assistant City Manager Spain and Mr. Kinney if you are watching, I very much applaud and appreciate the good work you did on this as a follow up - great work.

Commissioner Anderson: Commissioner Cabrera, they could probably give it to the homeowners association that is active in that area.

Commissioner Cabrera: That's a good idea, that's an excellent idea.

Commissioner Anderson: That way they can have it available at a meeting they may have, that may be a good way to disseminate it.

Commissioner Cabrera: That's a great suggestion by Commissioner Anderson, if we could somehow identify the homeowners association that would be responsible for this, that would be great. Thanks. And last but not least. I'm bringing this up more so Ms. Anderson and I can talk about it and we can give some directives to the City Manager. Last week on January 2nd to be exact, I received a letter from Mr. Antonio Rios, and Mr. Rios has been working toward some additional traffic calming initiatives for his son's neighborhood, which is the intersection of Nervia and South Alhambra Circle, and he is looking for assistance and perhaps identifying other traffic calming installations. What I have to say on a person level is, we've done more to traffic calm that immediate area than any other area in the City of Coral Gables these last five years. So outside of putting a cop on every corner with a machine gun, I don't know what more we are going to be able to do to traffic calm that area. It's the only area in our City for those that may be watching, that has reduced speed limits, something that

I've never been able to achieve in these last eight years, and that is they have a 25 mile per hour speed limit in that immediate area. How they got it? Why they got it?- is news to me, I have no clue, but they have more traffic calming circles that you can shake a stick at.

Commissioner Withers: That's Kerdyk's neighborhood, you can ask him.

Vice Mayor Kerdyk: That's closer to your neighborhood.

(Laughter)

Commissioner Cabrera: That's between both of you, that's between the two of you. What I wanted to do was because Mr. Rios mentioned to both Commissioner Anderson and myself and I wanted Commissioner Anderson to know that I got the got the same letter she probably received.

Commissioner Anderson: Actually, I didn't it, but maybe it's in my mail.

Commissioner Cabrera: Well he copied my boss, Don Slesnick (laughter), so I also wanted to get some "brownie" points.

Commissioner Anderson: I don't know if I got it, but it might have been lost in the mail, but they are a wonderful couple; he and his wife Margarita.

Commissioner Withers: The way they got the 25 mile per hour, there is a website called, speedingsigns.com...(laughter)...two Slim Jims with a speeding sign - that's a great deal.

Commissioner Cabrera: One time I wanted surveillance cameras in my office, and I literally found them on surveillancecameras.com.

Mayor Slesnick: Speaking of that neighborhood down there, Mr. Manager, there are two little intrusions into the Gables when we annexed Coral Waterway, or whatever it's called?- Coral Waterway - anyway, two churches asked to be excused the moment we annexed it, and they are little pieces in our City...

Commissioner Withers: Sunset Elementary...

Mayor Slesnick:...they are pieces in our City, I mean; this goes beyond our general conversation about annexation. I think we need to find out is it time now that that be made part of our City, it makes no sense at all. They somehow got the County to let them out of the annexation because they were fearful that we would somehow control the destiny of their schools or whatever, and I think that needs to be corrected; and I

thought there was a timeline they only let them out - I don't know, but if you could look into that.

Commissioner Cabrera: Anyway, back to this issue. My personal opinion is this, I'm a politician, I'm not a traffic engineer, I don't think Mr. Rios is an engineer either, he may be, but I wanted to pass this along to staff and get someone to somehow respond back to him and see if it's feasible to do additional traffic calming. I made some off the cuff comments based upon the fact that I along with some of you have worked on traffic calming in that neighborhood. I don't know how much more we can traffic calm it, and I sincerely don't know if it's the right thing to do simply because somebody wants a traffic calming circle, but if it's warranted, then I wanted to simply pass this along to staff and let Commissioner Anderson know that I was doing that.

Commissioner Anderson: Thank you.

Commissioner Cabrera: And hopefully - I will also contact Mr. Rios and let him know that we brought him up this morning, to let him know that we care about him, and we are concerned about his ongoing issue, and staff is going to hopefully address it. So Mr. Manager, I'll give this to you at the end of the Commission meeting; and I also wanted Mr. Rios to know that I did this also so that my colleague Mr. Slesnick was aware of the fact I was addressing the matter and I wouldn't get in any further trouble with him. With that I say good morning to all of you and wish you well in 2010.

Mayor Slesnick: Thank you Ralph - Vice Mayor Kerdyk.

Vice Mayor Kerdyk: Thank you very much Mayor. As I drive around the City of Coral Gables, I see several vacant pieces of properties, right-of-ways, there is one right across from Christy's, and in the spirit of continue to enhance the quality of life for the residents, those areas are in need of landscaping, and of course the City...you know, like right-of-ways - right across from Christy's there is that vacant piece of property, there is several around the City itself, and what I was saying is in the spirit of continuing to enhance the quality of life for the City and not stepping back as the Mayor pushing forward, I was wondering if the City Manager could identify some of these vacant pieces of property, and forward it over to us - to me...

Commissioner Cabrera: Can I just say something really fast.

Vice Mayor Kerdyk: Sure.

Commissioner Cabrera: We took a drive together on a very cold wet day, and we had folks in from out of town, and the Manager was gracious enough to spend an hour and-a-half with me, and we literally looked at these triangular parcels that are all asphalt, they are not even grass, and they are mostly in the residential areas, it doesn't

exactly....see Dona Spain taught me something, she's taught me a lot, she did some sort of a thesis accomplishing her architectural degree, and one of the things that she made me aware of is we have lots and lots of these triangular, diagonal, I don't know what you call them, parcels of land, that are just ugly asphalt; and he saw them along with me and he has already identified one that he went ahead and had some work done, but we've got them all over the City. We've got them near your neighborhood, actually between you and Chip, right there on Hardee there is a huge triangular parcel of land just east of the French Village that it's just dying for some landscaping, and it doesn't require curbing, and it doesn't require sewers, and it may not even require water, but what you are talking about are our existing ones - right?

Vice Mayor Kerdyk: Right - that's a very interesting...I didn't even think about that, but I was just talking about our existing ones that we should do something to landscape those and make those look better, and maybe, as we know we have budgetary constraints here, but maybe what we can do is reach out to the private sector and try to get some funding from them to assist us in landscaping those places. Now, you might ask how do we do that?- we can certainly look to the partnership program, we have some money there, we can reach out to these corporations, see if they will help us enhance...

Mayor Slesnick: I'll sell naming rights.

Vice Mayor Kerdyk: That's been broached in this arena several times...maybe if you can forward this over, then we can make a determination of how to proceed.

Commissioner Cabrera: While you were mentioning that though, that specific area that you are concerned about, may I piggyback on something? Old Spanish Village made some commitments to us in terms of landscaping and we have made some improvements to the Ponce Circle Park - Fred B. Hartnett Park that with the exception of one particular corner, the rest are bare and there is absolutely no landscaping, and the corner that I'm addressing is the one where Los Ranchos used to be, now at least it has sod, but outside of that the place looks like, you know, it looks like a war site.

Vice Mayor Kerdyk: You know those are temporary?

Commissioner Cabrera: No, I did not know they were temporary.

Vice Mayor Kerdyk: I think they are temporary.

Commissioner Cabrera: The curbing is temporary? I think that was permanent.

Vice Mayor Kerdyk: I think they are. Dona? Maybe I'm wrong, which wouldn't be

the first time. I don't think that's the original design.

Assistant City Manager Spain: We are still working on that, I met out there with Kevin Kinney and Alberto Delgado and Dan Keys, and they were installed to protect the fire hydrant that's there.

Vice Mayor Kerdyk: On a temporary basis.

Assistant City Manager Spain: I was told that it was on a temporary basis.

Vice Mayor Kerdyk: I was told that it was on a temporary basis...I think we pay for it; no they paid a little bit of it.

Mayor Slesnick: Wait a minute, we need to get a full...because I'm told that Old Spanish Village did all that installation, and paid for it, and that they put in the curbs in the sidewalk, I can't imagine its temporary...

Assistant City Manager Spain: I believe they did, but I don't believe there is irrigation in there and we are still working on getting the plans and having them reviewed by staff.

Vice Mayor Kerdyk: Could you send us an e-mail detailing exactly what the situation is and...

Mayor Slesnick: It's really weird.

Vice Mayor Slesnick: It is weird.

Commissioner Cabrera: Would you agree that it merits some sort of - with all the events...

Vice Mayor Kerdyk: That's why I asked about that, because I went by and saw them there, I stopped and said hey, what's going on here?- what are you going to do?

Commissioner Cabrera: Well my optometrist is right there on that corner, Dr. Obergon, and he says nothings gone on, and I called the City Manager's office and they had somebody sod it, I don't know whether it was the Old Spanish Village group, or who it was, but it was sodded, and I know there was monies that were committed to us...

Mayor Slesnick: Like the night I complained about that corner, its right across from my office for about six months. Thank you.

Commissioner Cabrera: Well, and then I know that at one time with Old Spanish Village we got a million dollar commitment to improve the park, and I don't know whatever happened to that monies, did those monies get paid to the City?- Am I missing something? I thought we were given...

Mayor Slesnick: When they are permitted or something, I mean, I don't know when that kicks in.

Vice Mayor Kerdyk: Who is it tied to?- I don't know.

Commissioner Cabrera: I don't know what it's tied to either, but I know that a financial commitment was made toward Fred B. Hartnett Ponce Circle Park, and I remember it being a million dollars.

Vice Mayor Kerdyk: Maybe when she is updating the other thing she can update what the commitment was, what was spent.

Commissioner Cabrera: Yes, I'd like to know because, I mean...

Mayor Slesnick: It may very well be upon permitting, I don't know yet.

Commissioner Cabrera: I don't know, I don't know.

Vice Mayor Kerdyk: It looks pretty bland.

Commissioner Cabrera: It looks like an Iraqi battle field.

Vice Mayor Kerdyk: But just to finish up. So Mr. City Manager can you provide me with those pieces of land?- and then we can talk about how we can landscape those and make those look better. Thank you.

City Manager Salerno: Correct.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: Yes, Mr. Mayor I have one item, I'm probably going to direct it to Liz, and that's the Biltmore Hotel. I know that several months ago it was a scheduled agenda item that we really never brought to fruition, but I've seen a lot of e-mails back and forth primarily between the Biltmore and Liz', Liz' office. I really don't know exactly where we are, I think it's an issue at budget time that we tip-toed around a little bit. I know that the City Manager sought additional funding in order to shore up the commitment that the Biltmore is responsible for and we needed to get to our budget, but I really don't know where we are since that time. I really don't want to go another four-five-six months back and forth racking up outside legal fees, jousting

with Seaway Group, I don't know if any of you had conversations or e-mails or whatever with any of the folks; I've just - honestly after reading through letter after letter after letter, it seems that we are at some kind of stalemate or impasse, and I don't know where the Commission wants to move forward with this, whether it's a City Manager item, whether it's a City Attorney item, and I'm just kind of throwing my hands up saying, how do we get this thing moving forward?

Commissioner Cabrera: Well the item was on twice...

Commissioner Withers: Right.

Commissioner Cabrera: ...and it was my item both times and I was asked by staff...

Commissioner Withers: That was like back in October or something.

Commissioner Cabrera: Yes. I was specifically asked by staff to - there was movement going on back and forth and so I thought for the good of all parties that we not bring it up, so I left it alone. But I share your frustration; I'm tired of reading e-mails and letters, but I've got to say I think in many instances the letters that are coming from the City are being drafted and sent by the City Attorney, but it's not necessarily a directive from the City Attorney. I'm at a juncture - I had a meeting with Gene Prescott and Bob Kay about a week and-a-half ago, and I sense a great deal of frustration from them as to where this process is for the same reasons you are outlining, you're laying out, excuse me. I would love to see some dialogue begin at some point in time; some sort of dialogue because I know there is an internal audit going on and there is information that is not supposedly coming forward and then the other side, at least they are giving the impression they are giving everything they can, and quite frankly my view on things are, the longer this drags the sooner we are going to end up in court. That's how I feel.

City Attorney Hernandez: So did you want me to give you a summary or no?

Commissioner Withers: I'm sorry Liz?

City Attorney Hernandez: I indicated that you had wanted to give you a summary, do you want it?

Commissioner Withers: Well, I really didn't intend to have a full blown summary discussion on this as much as what we need to do as a Commission to move this thing forward.

Vice Mayor Kerdyk: Is it not moving forward at this point? I hear that it is not, but I haven't heard recently.

Commissioner Withers: The last group of stuff was an escrow agreement back and forth that was supposedly resolved, at least I thought that it was resolved in initials e-mails, and again this is all a blur at this point, but back to the first part of December I thought we had crossed one of the big hurdles which was this original escrow agreement, and then I come to find out that here we are in January, a month later and we are still basically going backward a couple steps. And again, I don't know if that's an accurate statement.

Vice Mayor Kerdyk: Maybe we should ask her. Is that an accurate statement Liz?

City Attorney Hernandez: Not an accurate statement. We are dealing with the Biltmore on several fronts, let me just summarize it for you. My understanding is that they owe the City approximately \$2.5 million dollars, and Don Nelson would have the exact numbers. The Internal Auditor is still waiting on records to be released to her, so that she can conduct a thorough and appropriate review and provide her report to the City Manager's office, and she has been stumped at every point that she tries to get the appropriate records to do her work. The City Manager is working with a private accounting firm to serve as a consultant to the City; I'm working with Danny Ponce on an escrow agreement for documents that they take the position are exempt under the public records law. We have a disagreement over what is and isn't exempt from disclosure, and the City's responsibilities both civil and criminally under the Statute. The Biltmore has been asking the City Manager's office for a meeting to discuss interim relief as well as to enter into renegotiations for long term relief as we disagree on federal interpretations and federal regulations as to what the City's responsibilities are vis-a-vie the rental income that they receive. The biggest problem that we have is before the Manager's office and my office can proceed with the meeting is, we need documents and we need to have an accurate picture of what is, not just what they say is the problem over there, but what really is, so that we are in a position to come back to you and give you the best recommendations possible. We can't do that when they are not providing the Manager's office with the documents requested.

Vice Mayor Kerdyk: You know, I think that things will move by an expeditious basis once you get this escrow agreement completed. How close are you to getting this escrow agreement done?

City Attorney Hernandez: Our position on it is that they have to release certain records to a third party. The initial position that they had taken was that the records would then be returned to them, and that all the records that they provide would be exempt from disclosure. We can't take that position as a City. We gave them a working document in order to have further discussions and they turned around and signed it and returned it to us. So that was where the breakdown in communications was; they went from a working document to a, OK, we accept this, and we said said, no, no, this is our preliminary group of comments. We have more comments that are coming. We had

what we felt was a fruitful discussion on Friday, we believe that we are closer to coming to fruition on what is an appropriate escrow agreement, but the responsibilities of the City as a municipal government are very, very significant under the Public Records Act, and we can't just, you know - my position is all these records are public, so as far as I'm concerned give us the records so that we can do a thorough analysis. Their position is quite different, if they want to litigate that issue on their dime, it's on their dollar, and so that's where we are having the breakdown in communications because they are asking us to go into a gray area without knowledge as to what exactly is the document that they are going to take the position, this is exempt City.

Mayor Slesnick: I understand your position, and I appreciate their position though, and I appreciate yours...

City Attorney Hernandez: Yes.

Mayor Slesnick: But there are documents that I think are business documents that they have that may or may not be intended for public use, and may or may not be required by the lease to be turned over to us; however, I appreciate everything you've said, I didn't intend to bring this up until next time and the Manager and I have talked about this, but since it's been brought to the floor, I will chime in Chip, that I see this as World War I; everyone has dug themselves into the trenches and there are gas canisters being blown both ways, and no one wants to get out of the trenches and meet each other; and so my only urging is at this point that we've got to get some personal dialogue going and some dialogue between the parties going, and I urge that from the administration that we do what we can. I cannot tell the Biltmore what to do, but I urge and have been that we have some personal dialogue as soon as possible, and that we try to - I think Commission Cabrera is absolutely right, the longer we stay in the trenches the quicker we are going to be in court, and that's not productive. I will again stress to the citizens of this City that I believe that the citizens and the City are owed everything that they are rightfully owed; on the other hand this has been a seventeen year partnership which has been productive and has been beneficial to the City, we have one of the finest hotels in the United States, which brings great honor to our City the way it's run, the way it's visualized, the way it's captured on film, in magazines and everything else, and the City of Coral Gables we can't remember back a time, but it probably wouldn't be the City of Coral Gables as we are currently pictured without the Biltmore, the image of the Biltmore. So we've just got to resolve this for everyone's sake and I urge some movement as best we can.

City Attorney Hernandez: And I think that once we have our escrow agreement terms ironed out that we will be able to get all of the documents, but there are a couple of fine points that we have to get past and I would encourage the Biltmore to get past it.

Mayor Slesnick: I encourage everyone too. Mr. Manager, do you think - I know that

there are a lot of moving pieces that some that you are not in control of, but do you think that we could schedule a report from you next meeting, two weeks from now to see if we have any progress on this?- Commissioner Withers has asked.

Commissioner Withers: Listen, if we don't have the escrow agreement done in two weeks then, I mean, we had it agreed to the first of December. Again, I'm only hearing one side of the story Liz, and from what I understand it was sent back because you had sent it out without it being reviewed by our counsel, then we made some changes, we sent it to the Biltmore, they approved it and sent it back, I'm just saying, and for three weeks it's been sitting on our desk in the City waiting for approval.

City Attorney Hernandez: No.

Commissioner Withers: So the only thing, is there any reason why we can't get it done by the next Commission meeting?

City Attorney Hernandez: I have no doubt on our side we can get it done. We had sent them an escrow agreement that we were comfortable with...

Commissioner Withers: OK. When was that sent?

City Attorney Hernandez: Oh my God...

Commissioner Cabrera: Two weeks ago.

City Attorney Hernandez: No, no, no, August-September, I mean, when did we send that out? They then sent something back in December with changes; we made changes and sent to them saying, here are some preliminary concerns that we want to talk about; they instead took that and signed it. Now you know...

Commissioner Withers: OK, so they agreed to your changes?

City Attorney Hernandez: Yes, but that was preliminary changes that we wanted to discuss in order to get clarity, and when we had our telephone conference they realized and we realized that we were discussing a "duck" but we weren't discussing a "duck". So they are clarifying, they are bringing in new language, we are bringing in additional language, we should have our language to them no later than the end of the week at the latest, but that was a telephone conference that we had on Friday, and they are supposed to give us their comments as well.

Commissioner Cabrera: And you've had ongoing dialogue between your office and Mr. Ponce's office?

City Attorney Hernandez: I believe I have.

Commissioner Cabrera: I know because you've told me, I've gotten briefed on it, but has there been any other dialogue that has taken place outside of the attorney's talking to each other?

City Attorney Hernandez: You know, once there is counsel involved I speak to the attorney only. So I am not aware of any other.

Commissioner Cabrera: I know the answer to my question.

City Attorney Hernandez: Oh, I'm sorry, then I don't.

Commissioner Cabrera: Bottom line is there is no other dialogue other than attorneys talking to each other.

Commissioner Withers: That's a problem.

Commissioner Cabrera: That's a problem. That's why I say to you, we are going to end up in court, mark my words today; we are going to end up in court.

Commissioner Withers: What attorneys are involved in this? Reeder is involved and you are involved.

City Attorney Hernandez: And I'm involved.

Commissioner Withers: And who?

City Attorney Hernandez: And I am involved. Reeder and I have been dealing with the Biltmore.

Commissioner Withers: There are no other attorneys involved at all?

City Attorney Hernandez: At the present time I am consulting with a law firm in the event that we have to recommend filing of a lawsuit in order to enforce the provisions of the lease, but no, there is no other law firm involved at the present time.

Commissioner Withers: OK - then I guess, Mr. City Manager, where are we on hiring, again this was back in, again it all runs together, I thought there was an agreement that there would be a third party auditor that not only looked at numbers but looked at business practices, and best management practices, etc., where are we with the selection of that individual? - because I thought that was something the City was pushing for and the Biltmore had agreed to do.

City Manager Salerno: Yes, I proposed it, they acknowledged in correspondence that they agreed and they concurred that would be a good step forward...

Commissioner Withers: OK.

City Manager Salerno:...The information that we need, that they will need are going to be made available as a result of the escrow agreement, so starting to work without the escrow agreement in place is not going to be extremely productive, and we don't want to, but they are essentially - we don't have a firm under contract at the moment, but the escrow agreement is critical in that, that ideally needs to proceed giving them the go ahead...

Commissioner Withers: So you are hiring that person, Liz' office isn't hiring that person.

City Attorney Hernandez: No. I mean, you know, my office is hiring the person because it will serve as a consultant to the City and there is a work product...

City Manager Salerno: I identified the firm, but the firm...

City Attorney Hernandez:...Would be hired through my office.

Commissioner Withers: And the reason that firm hasn't been hired is?

City Attorney Hernandez: Well we are working with them; you know, you are using the term auditing as well and that's not - they are going to serve as a consultant to the Manager's office and to my office, OK. So I am concerned about some of the terminology that's being used in the discussion. They are not going to be doing an auditing function.

Commissioner Anderson: My understanding is that there was going to be some type of financial firm looking over this.

City Attorney Hernandez: Financial firm - yes.

City Manager Salerno: They are - they are.

Commissioner Anderson: Alright for lack of a better term - financial firm, I understand that; if the term was incorrect then let's just clarify it, yes, I thought there was a third party, financial component.

City Attorney Hernandez: Exactly.

Commissioner Anderson: Alright, there you go.

City Manager Salerno: What's key is if there is a message sent from this discussion to the Biltmore is, agree to the escrow agreement that they will receive from the City Attorney's office, that's the message we need to convey, and we need to get going, that they need to agree.

Commissioner Withers: And once that is in place then the financial whatever, forensic investigator will be brought on board.

City Manager Salerno: Yes.

Commissioner Withers: And then at that point when can we actually sit down face to face and talk with these folks that we feel that we have all the tools we need to move this forward? Because I know that's what's holding you up, or I think that's what's holding you up.

City Manager Salerno: That's what we said; we need the escrow agreement in place, the Biltmore knows we need the escrow agreement in place, because the escrow agreement specifically references this firm, a firm to serve the City in this capacity. So they know it's tied to that, so as long as they don't agree to an escrow agreement they also know that, that firm can't have access or they are not willing to provide the access without that security. I can say from my discussions with the firm that we are talking to is that we would schedule a meeting immedi

City Clerk Item No. 24

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 11:22 am on January 12, 2010. The next regular meeting of the City Commission has been scheduled for January 26, 2010, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK