

City of Coral Gables

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



Meeting Minutes

Tuesday, January 22, 2013

9:00 AM

REVISED

Additional Item F-1
Supplement to Item H-1

City Commission

Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael "Ralph" Cabrera, Jr.
Commissioner Frank C. Quesada

Patrick G. Salerno, City Manager
Craig E. Leen, City Attorney
Walter J. Foeman, City Clerk

ROLL CALL

Present: 5 - Mayor Cason, Commissioner Anderson, Commissioner Cabrera Jr., Vice Mayor Kerdyk Jr. and Commissioner Quesada

INVOCATION

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

PLEDGE OF ALLEGIANCE

Commissioner Frank Quesada 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) Ordinance(s) adopted (Ordinance No. 2013-01); (b) Resolution(s) adopted (Resolution No. 2013-01 through Resolution No. 2013-15); (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. [12-2126](#) Presentation of a Proclamation declaring January 2013 as Human Trafficking Awareness Month in Coral Gables.

[Note for the Record: Mayor Cason prefaced his remarks by stating that the first item on this morning's agenda was a proclamation declaring January 2013 as Human Trafficking Awareness Month in Coral Gables, thereby reading the proclamation into the public record; further all citizens to stand together in furtherance of eradicating human trafficking].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 3

- A.-2. [12-2144](#) Presentation of 25 years service pin to Gail E. Springer, Public Works Department.

Attachments: [CM 25 Year Service Pin Recipients-Springer](#)

[Note for the Record: City Manager Pat Salerno instructed Human Resources Director Elsa Jaramillo Velez to present this item (i.e. 25 years of service pin to Gail Springer, Public Works Department) whereby she informed the viewing public, as well as all in attendance that Ms. Springer began her career in the City in the capacity of Clerical Assistant in the Public Works Department in December of 1987-she was later promoted to City Dispatcher in September of 1989, said position which she maintains to this day.

Human Resources Director Jaramillo Velez describes Gail as being very special, having been selected as February 1992 Employee of the Month and again in February 2007; she later accepted the honor of Employee of the Year in 2007; further acknowledging Gail for her meritorious service to the City.

In accepting this accolade Gail stated that it seems like only yesterday; also recognizing that there have been too many new faces entering the City that it feels like she is going through an entirely new experience all over again; finally stating that she has appreciated the experience of working in the City, and that she has enjoyed all of her years here in the City].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 4

- A.-3. [12-2145](#) Presentation of 25 years service pin to Gregory L. Talton, Public Service Department.

Attachments: [CM 25 Year Service Pin Recipients - Talton](#)

[Note for the Record: City Manager Salerno requested of Human Resources Director Elsa Jaramillo Velez to present this item to the viewing public, wherein Mrs. Jaramillo stated that Gregory L. Talton began his tenure with the City in January of 1988 as a Sanitation Worker in the Public Services Department; further stating that he was promoted to Sanitation Operator I in January of 1994; July of 1996 he accepted another promotion to Sanitation Operator II; in June of 1999, a position he maintains to date.

In accepting this accolade, Gregory informed the viewing public that this was very special to him-further explaining that when he received his twenty year pin that his mother had the flu, and therefore she could not make the ceremony; further pointing out that he lost his mother nine months ago; further stating that he thought that his mother would be present on this day in order that he could present her with this pin; further sharing with those in attendance that last week he had another special gift, he became a grandfather-adding that one day he will present his grandson with this pin once he becomes old enough to understand the meaning of same; finally explaining to the public that his job means a lot to him, and that he is thankful for the opportunity that the City has given him, and that he will continue to work his best for the City].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 5

- A.-4. [12-2132](#) Congratulations to Firefighter Jammer Nuñez, recipient of the City of Coral Gables Firefighter of the Month Award, for the month of January 2013.

Attachments: [Cover Memo, FF of the Month, Jan 2013.pdf](#)
[Notification Letter.pdf](#)

[Note for the Record: City Manager Pat Salerno called upon Human Resources Director Elsa Jaramillo Velez to present Agenda Item A-4, thereby introducing Firefighter Jammer Nunez as the recipient of the City of Coral Gables Firefighter of the Month Award for January; further explaining that Firefighter Nunez was selected for his acts of concern and consideration in helping a citizen, specifically his excellent response to an emergency call involving a victim of a garage accident, wherein Firefighter Nunez responded efficiently and expeditiously while rendering aid to the victim while trapped in a car while being stuck in a garage door; said firefighter also received assistance from the crew, namely Lt. Alpizar and Firefighter Pereira whom both provided support to the family and aided in calming the victim's daughter throughout the traumatic incident; the victim was later transported to the hospital where she made a full recovery. Upon the recommendation of the family and the Fire Department they recognized Firefighter Nunez' thoughtfulness, kindness and concern in addressing this matter and recommended him for the Firefighter of the Month.

In accepting this accolade Firefighter Nunez thanked the Fire Chief, City Commission, City Manager, all of the firefighters who were present for his acceptance of this award; further stating that it is an honor for him to be present in front of all who were in attendance in further recognition of something good that the firefighters did; further adding that it is not often we get recognized for something good that we did, but when they do it feels good, knowing that the firefighters' crew made a difference in someone's life; further explaining that he was glad that we was part of the crew that responded to this call, adding that he believed that the fire crew made a difference in this patient's life, and her family; further adding that the Fire Department is proud of all that they do, and that he is proud to be part of this organization].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 6

- A.-5. [12-2142](#) Congratulations to Detective John Carrasco, recipient of the City of Coral Gables Officer of the Month Award, for the month of November 2012.

Attachments: [NOMINATION - CARRASCO](#)
[COMMISSION COVER MEMO NOVEMBER - CARRASCO](#)

[Note for the Record: Agenda Item A-5 was deferred].

This Presentation/Protocol Document was Deferred

City Clerk Item No. 2

- A.-6. [12-2146](#) Congratulations to Dania Rodriguez, Finance Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of January 2013.

Attachments: [Cover Memo EOM January 2013](#)
[EOM Jan 2013 Ltr.](#)

[Note for the Record: City Manager Pat Salerno requested of Human Resources Director Jaramillo Velez to present Agenda Item A-6, whereby Mrs. Jaramillo informed the viewing public that Dania Rodriguez is the recipient of the Employee of the Month Award for the month of January, 2013.

During the videotaped segment of this presentation, Mrs. Jaramillo stated that it was her pleasure to nominate Dania Rodriguez as the Employee of the Month for January, 2013; Mrs. Rodriguez began her tenure in the City as an Accountant I (1990); later being promoted to Accountant II, having served her entire tenure in the City while in the Finance Department; further describing her as being one of those rare individuals whose personal mission is to go the extra mile not only to perform her assigned responsibilities, but to assist any employee who needs information or the resolution of a finance related matter; further pointing out that during her 23 year tenure, Dania has developed vast institutional knowledge and a level of professionalism that is invaluable to the Finance Department and the City overall.

Upon making the presentation to Dania, Ms. Gomez congratulated her on being a wonderful employee, and acknowledged her as being one who does a lot for the City and the Finance Department.

In accepting the award Dania said that on behalf of all of her fellow accountants that she was grateful to be recognized for their performance and in meeting the objectives and mission of the City].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 7

B. APPROVAL OF MINUTES

B.-1. [12-2170](#) Regular City Commission Meeting of December 11, 2012.

Attachments: [Meeting Minutes](#)

[Verbatim Transcript - Agenda Item D-2 - Appearance by Nick Di Donato President](#)
[Verbatim Transcript - Agenda Item D-3 - Appearance by Chairman of Green Task](#)
[Verbatim Transcript - Agenda Item E-1 - Ordinance relating to Ad Valorem taxatio](#)
[Verbatim Transcript - Agenda Item H-1 - Reso relating to Retirement System for C](#)
[Verbatim Transcript - Agenda Item H-2 - Briefing by Acting Police Chief Scott Masi](#)
[Verbatim Transcript - Agenda Item H-3 - Presentation of Police Dept Efficiency an](#)
[Verbatim Transcript - Agenda Item F-1 - Board of Architects Selection Process an](#)
[Verbatim Transcript - Agenda Item F-2 - Discussion regarding LeJeune Road Med](#)
[Verbatim Transcript - Agenda Item F-3 - Discussion regarding permitting on holid](#)

A motion was made by Commissioner Quesada, seconded by Commissioner Cabrera, Jr., that this matter be approved. The motion passed by the following vote.

Yeas : 4 - Commissioner Anderson, Commissioner Cabrera, Jr., Commissioner Quesada and Mayor Cason

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 8

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 Cabrera, Jr., seconded by Commissioner Quesada, to Adopt the Consent Agenda. The motion carried by the following vote:

Yeas : 4 - Commissioner Cabrera, Jr., Commissioner Quesada, Commissioner Anderson and Mayor Cason

Absent : 1 - Vice Mayor Kerdyk, Jr.

RESOLUTION NO. 2013-01

C.-1. 12-2133

Resolution authorizing the acceptance and execution of the Fiscal Year 2011-2012 Emergency Medical Services (EMS) County Grant #C1013 Letter of Understanding and Agreement from the Miami-Dade County Board of County Commissioners and the State of Florida Department of Health; and amending the Fiscal Year 2012-2013 Annual Budget to recognize the grant award as revenue and appropriate such funds to cover the cost of the grant expenditures.

Attachments: [Copy of State Award Letter to the County.pdf](#)
[Distribution of Expected New Revenue Schedule.pdf](#)
[Request for Grant Fund Distribution form.pdf](#)
[Letter of Understanding - Agreement, EMS County Grant #C1013.pdf](#)
[Miami-Dade County's Work Plan, revised 8-15-12.pdf](#)
[Resolution, EMS County Grant #C1013.pdf](#)
[C-1 Signed Cover Memo](#)
[Signed Resolution 2013-01](#)

RESOLUTION AUTHORIZING THE ACCEPTANCE AND EXECUTION OF THE FISCAL YEAR 2011-2012 EMERGENCY MEDICAL SERVICES (EMS) COUNTY GRANT #C1013 LETTER OF UNDERSTANDING AND AGREEMENT FROM THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF HEALTH; AND AMENDING THE FISCAL YEAR 2012-2013 ANNUAL BUDGET TO RECOGNIZE THE GRANT AWARD AS REVENUE AND APPROPRIATE SUCH FUNDS TO COVER THE COST OF THE GRANT EXPENDITURES.

This Matter was adopted by Resolution Number 2013-01 on the Consent Agenda.

City Clerk Item No. 9

RESOLUTION NO. 2013-02**C.-2. [12-2143](#)**

Resolution authorizing Satchmo Blues Bar and Grill, Inc. to sell alcoholic beverages from 5:00 p.m. until midnight at the Plaza located at 60 Merrick Way on Friday, March 15, 2013, from 4:00 p.m. until midnight on Saturday, March 16, 2013 and from noon until 8:00 p.m. on Sunday, March 17, 2013, during the St. Patrick's Day Party in the Gables event, to benefit Charlee Homes For Children, subject to Florida Department of Professional Regulation requirements.

Attachments: [Resolution for St Patricks Day Party](#)
[Special Events Application & Permit](#)
[C-2 Signed Cover Memo](#)
[Signed Resolution 2013-02](#)

RESOLUTION AUTHORIZING SATCHMO BLUES BAR AND GRILL, INC. TO SELL ALCOHOLIC BEVERAGES FROM 5:00 P.M. UNTIL MIDNIGHT AT THE PLAZA LOCATED AT 60 MERRICK WAY ON FRIDAY, MARCH 15, 2013, FROM 4:00 P.M. UNTIL MIDNIGHT ON SATURDAY, MARCH 16, 2013, AND FROM NOON UNTIL 8:00 P.M. ON SUNDAY, MARCH 17, 2013, DURING THE ST. PATRICK'S DAY PARTY IN THE GABLES EVENT, TO BENEFIT CHARLEE HOMES FOR CHILDREN, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2013-02 on the Consent Agenda.

City Clerk Item No. 10

RESOLUTION NO. 2013-03**C.-3. [12-2147](#)**

Resolution authorizing Satchmo Blues Bar and Grill, Inc. to sell alcoholic beverages from noon until midnight at the Plaza located at 60 Merrick Way on Friday, April 12, 2013; from 4:00 p.m. until midnight on Saturday, April 13, 2013; and from noon until 8:00 p.m. on Sunday, April 14, 2013; during the 9th Annual Bierhaus Paella Fest event to benefit Charlee Homes For Children, subject to Florida Department of Professional Regulation requirements.

Attachments: [Resolution](#)
[Special Events Application & Permit](#)
[C-3 Signed Cover Memo](#)
[Signed Resolution 2013-03](#)

RESOLUTION AUTHORIZING SATCHMO BLUES BAR AND GRILL, INC. TO SELL ALCOHOLIC BEVERAGES FROM NOON UNTIL MIDNIGHT AT THE PLAZA LOCATED AT 60 MERRICK WAY ON FRIDAY, APRIL 12, 2013, FROM 4:00 P.M. UNTIL MIDNIGHT ON SATURDAY, APRIL 13, 2013, AND FROM NOON UNTIL 8:00 P.M. ON SUNDAY, APRIL 14, 2013, DURING THE 9TH ANNUAL BIERHAUS PAELLA FEST EVENT TO BENEFIT CHARLEE HOMES FOR CHILDREN, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2013-03 on the Consent Agenda.

City Clerk Item No. 11

RESOLUTION NO. 2013-04

- C.-4. [12-2148](#) Resolution authorizing Coral Gables Museum to sell alcoholic beverages from 5:00 p.m. to 11:00 p.m. at the Coral Gables Museum Plaza located at 285 Aragon Avenue on Thursday, February 28, 2013, during the 5th Annual ARTOPIA event, subject to Florida Department of Professional Regulation requirements.

Attachments: [Resolution](#)
[Special Events Application & Permit](#)
[C-4 Signed Cover Memo](#)
[Signed Resolution 2013-04](#)

RESOLUTION AUTHORIZING CORAL GABLES MUSEUM TO SELL ALCOHOLIC BEVERAGES FROM 5:00 P.M. TO 11:00 P.M. AT THE CORAL GABLES MUSEUM PLAZA LOCATED AT 285 ARAGON AVENUE ON THURSDAY, FEBRUARY 28, 2013, DURING THE 5TH ANNUAL ARTOPIA EVENT, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2013-04 on the Consent Agenda.

City Clerk Item No. 12

RESOLUTION NO. 2013-05

- C.-5. [12-2151](#) Resolution appointing Rene Alvarez (Nominated by Mayor Cason) to serve as a member of the Code Enforcement Board for the remaining balance of a four (4) year term, said term which began on June 1, 2011 and continues through May 31, 2014.

Attachments: [R-2012 - Draft - Rene Alvarez - Code Enforcement Board](#)
[Rene Alvarez Resume](#)
[C-5 Signed Cover Memo](#)
[Signed Resolution 2013-05](#)

RESOLUTION APPOINTING RENE ALVAREZ (NOMINATED BY MAYOR CASON) TO SERVE AS A MEMBER OF THE CODE ENFORCEMENT BOARD FOR THE REMAINING BALANCE OF A FOUR (4) YEAR TERM, SAID TERM WHICH BEGAN ON JUNE 1, 2011 AND CONTINUES THROUGH MAY 31, 2014.

This Matter was adopted by Resolution Number 2013-05 on the Consent Agenda.

City Clerk Item No. 13

RESOLUTION NO. 2013-06

- C.-6. [12-2158](#) Resolution authorizing encroachments into the public right-of-way within the Cocoplum Subdivision for the purpose of replacing existing wood signs with stone signs at two locations, subject to the requirements of the Public Works Department.

Attachments: [Letter of Request](#)
[Proposed Signage Plans](#)
[Board of Architect's approval signature](#)
[Cocoplum Sign Resolution](#)
[C-6 Signed Cover Memo](#)
[Signed Resolution 2013-06](#)

RESOLUTION AUTHORIZING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY WITHIN THE COCOPLUM SUBDIVISION FOR THE PURPOSE OF REPLACING EXISTING WOOD SIGNS WITH STONE SIGNS AT TWO LOCATIONS, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

This Matter was adopted by Resolution Number 2013-06 on the Consent Agenda.

City Clerk Item No. 14

RESOLUTION NO. 2013-07

- C.-7. [12-2157](#) Resolution approving a change order under Section 2-829 of the Procurement Code to cover contract modifications to the Pump Station "E" Upgrades Project.

Attachments: [Pump Station E Upgrades Metro Equipment Change Order-COVER cover](#)
[Pump Station E Change Order Resolution](#)
[C-7 Signed Cover Memo](#)
[Signed Resolution 2013-07](#)

RESOLUTION APPROVING A CHANGE ORDER UNDER SECTION 2-829 OF THE PROCUREMENT CODE TO COVER CONTRACT MODIFICATIONS TO THE PUMP STATION "E" UPGRADES PROJECT.

This Matter was adopted by Resolution Number 2013-07 on the Consent Agenda.

City Clerk Item No. 15

RESOLUTION NO. 2013-08

- C.-8. [12-2161](#) Resolution approving the Annual Review required by the City of Coral Gables and University of Miami Agreement for the period from September 28, 2011 to September 27, 2012 and Section 163.3235 of Florida Statutes.

Attachments: [Exhibit A 1-22-13 Resolution approving UM Annual Report](#)
[Exhibit B City of Coral Gables and University of Miami Agreement Annual Review Development Agreement Annual Report 2011-2012](#)
[C-8 Signed Cover Memo](#)
[Signed Resolution 2013-08](#)

RESOLUTION APPROVING THE ANNUAL REVIEW REQUIRED BY THE CITY OF CORAL GABLES AND UNIVERSITY OF MIAMI AGREEMENT AND SECTION 163.3225 OF FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 28, 2011 TO SEPTEMBER 27, 2012.

This Matter was adopted by Resolution Number 2013-08 on the Consent Agenda.

City Clerk Item No. 16

RESOLUTION NO. 2013-09

- C.-9. [12-2171](#) Resolution appointing Barbara Katzen (Nominated by Commissioner Quesada) to serve as a member of the Emergency Management Division for the remaining balance of a two (2) year term, said term which began on June 1, 2011 and continues through May 31, 2013.

Attachments: [R-2013 - Draft - Barbara Katzen - Emergency Management Division](#)
[Barbara Katzen Resume](#)
[C-9 Signed Cover Memo](#)
[Signed Resolution 2013-09](#)

RESOLUTION APPOINTING BARBARA KATZEN (NOMINATED BY COMMISSIONER QUESADA) TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION, FOR THE REMAINING BALANCE OF A TWO (2) YEAR TERM, SAID TERM WHICH BEGAN ON JUNE 1, 2011 AND CONTINUES THROUGH MAY 31, 2013.

This Matter was adopted by Resolution Number 2013-09 on the Consent Agenda.

City Clerk Item No. 17

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

- C.-10. [12-2124](#) Parks and Recreation Advisory Board Meeting of November 16, 2012

Attachments: [Minutes 11-16-12 draft](#)
[Cover Sheet.Minutes 11-16-12](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 18

- C.-11. [12-2125](#) Senior Citizens Advisory Board Meeting of December 3, 2012

Attachments: [Min 12-03-2012 draft](#)
[Cover Sheet Minutes 12-03-12](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

- C.-12. [12-2127](#) Board of Adjustment Meeting of December 3, 2012

Attachments: [Cover Memo - City Commission Meeting 01-22-13 _1_](#)
[Public Notice December 3, 2012](#)
[BA Summary December 3, 2012](#)
[BOARD OF ADJUSTMENT RECAP 12-03-2012](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

- C.-13. [12-2129](#) Disability Affairs Advisory Board Meeting of December 5, 2012

Attachments: [Microsoft Word - Disability Affairs 12-5-12 Minutes COVER](#)
[12-5-2012 minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 21

- C.-14. [12-2130](#) Communications Committee Meeting of December 20, 2012

Attachments: [Agendaitemjanuary 2013](#)
[minutes december 2012](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 22

- C.-15. [12-2131](#) Property Advisory Board Meeting of October 17, 2012

Attachments: [PAB 1-22-13 Commission cover](#)
[10-17-12 PAB minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 23

- C.-16. [12-2139](#) Coral Gables Merrick House Governing Board Meeting of December 3, 2012

Attachments: [Merrick House Board minutes 12-3-12 - DRAFT](#)
[12.3.12MinutesforCC1.22.13](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 24

- C.-17. [12-2140](#) Coral Gables Historic Preservation Board Meeting of November 15, 2012

Attachments: [HPB.11.15.12MinutesforCC01.22.13](#)
[HPBMinutesNovember15,2012](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 25

- C.-18. [12-2141](#) Pinewood Cemetery Advisory Board Meeting of November 5, 2012

Attachments: [11.05.12MinutesCCMtq1.22.13](#)
[Pinewood Cemetery Board minutes - 11-5-12 - DRAFT](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 26

- C.-19. [12-2149](#) Code Enforcement Board Meeting of November 28, 2012

Attachments: [memo cover NOV 2012](#)
[ROLLCALL NOV 2012](#)
[nov 2012 recap](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 27

- C.-20. [12-2156](#) Retirement Board Meeting of November 8, 2012

Attachments: [CC.01-22-2013.November 8, 2012 Minutes.11-08-2012](#)
[Executive Summary.11-08-2012](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 28

- C.-21. [12-2160](#) Board of Adjustment Meeting of January 7, 2013

Attachments: [BOA Cover Memo 01-07-13](#)
[BOA Public Notice 01-07-13](#)
[BOA Recap 01-07-13](#)
[BOA Summary 01-07-13](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 29

D. PERSONAL APPEARANCES

- D.-1. [12-2172](#) John B. Thompson to appear for presentation of information and material to be considered by the Commission.

This Agenda Item was Withdrawn

City Clerk Item No. 1

E. PUBLIC HEARINGS

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

APPEALS

RESOLUTION NO. 2013-19

E.-1. [12-2136](#)

Board of Architects Appeal - Application No. AB 12-11-0424
(Continued from the January 22, 2013 Meeting)

Mr. Jorge Alvarez, representing Dade Medical College, the Applicant, has filed an appeal to the Coral Gables City Commission, from a decision of the Board of Architects at its regular meeting of November 29, 2012, wherein the Board denied Application No. AB 12-11-0424, in connection with a building sign (Dade Medical College) located above the sixth floor of the building located at 95 Merrick Way.

Attachments: [01 22 13 Exhibit A Legal Ad - Notice of Appeal](#)
[01 22 13 Exhibit B Application Appeal from BOA](#)
[E-1 Signed Cover Memo 01-22-13](#)
[02 05 13 CC Cover Memo re: Appeal - Dade Medical College - Agenda Item](#)
[02 05 13 Exhibit A Legal Ad - Notice of Appeal](#)
[02 05 13 Exhibit B Application Appeal from BOA](#)
[02 05 13 Exhibit C 01 22 13 City Commission Meeting Minutes](#)
[02 05 13 Exhibit D 01 28 13 Preliminary Zoning Analysis](#)
[E-1 Signed Cover Memo 02-05-13](#)
[Signed Resolution 2013-19](#)
[Verbatim Transcript 2/5/13 - Agenda Item E-1](#)
[Verbatim Transcript 1/22/13 - Agenda Item E-1 - Board of Architects Appeal re buil](#)

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

This Resolution wasContinued

Yeas : 4 - Commissioner Quesada, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Cason

Nays : 1 - Commissioner Anderson

City Clerk Item No. 31

E.-2. [12-2155](#) Board of Adjustment Appeal - Application No. BA-11-08-5790 (390 Bird Road)

EMW, LLC, applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its regular meeting of Monday, December 3, 2012, wherein it approved a variance request as outlined under the applicant's proposal.

Attachments: [Exhibit A Legal Ad and Notice of Public Hearing on Variance](#)
[Exhibit B Legal Ad - Notice of Appeal](#)
[Exhibit C Application for Appeal from Board of Adj.](#)
[Exhibit E Board of Adj. Meeting Minutes and Recap](#)
[Exhibit F 12 03 12 Letter Informing Applicant of Board's decision](#)
[Exhibit G Packet - Board of Adj. Staff Report and attachments](#)
[Exhibit G-1 Resolution No 2012-69 and Land Exchange Agreement](#)
[Exhibit G-2 Site Pictures and Traffic Background](#)
[Exhibit G-3 Plans](#)
[E-2 Signed Cover Memo](#)
[Exhibit D Transcript of Board of Adj. Hearing](#)

[Note for the Record: Agenda Item E-2 was deferred].

This Appeal was Deferred

City Clerk Item No. 32

ORDINANCE ON SECOND READING**ORDINANCE NO. 2013-01**

- E.-3. [12-2110](#) An Ordinance relating to Ad Valorem taxation, providing for an increased Homestead Exemption for certain qualifying senior citizens to be applied to millage rates levied by the City of Coral Gables, providing requirement of annual application and submission of supporting documentation, providing for waiver of exemption, providing for an annual increase in income limitation, providing an effective date and inclusion in "Code of City of Coral Gables", Chapter 66, "Taxation", by amending Article VI, Sec. 189-190 and adding Sec. 191 - 195. (Passed on First Reading December 11, 2012)

Attachments: [Homestead Exemption Qualified Seniors Ordinance 12-11-12](#)
[E-1 Signed Cover Memo](#)
[Homestead Exemption Qualified Seniors Ordinance 1-22-13](#)
[E-3 Signed Cover Memo](#)
[Signed Ordinance 2013-01](#)
[Verbatim Transcript 1/22/13 - Agenda Item E-3 - Ordinance relating to ad valorem](#)
[Verbatim Transcript 12/11/12 - Agenda Item E-1 - Ordinance relating to Ad Valorer](#)

AN ORDINANCE RELATING TO AD VALOREM TAXATION, PROVIDING FOR AN ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN QUALIFYING SENIOR CITIZENS TO BE APPLIED TO MILLAGE RATES LEVIED BY THE CITY OF CORAL GABLES, PROVIDING REQUIREMENT OF ANNUAL APPLICATION AND SUBMISSION OF SUPPORTING DOCUMENTATION, PROVIDING FOR WAIVER OF EXEMPTION, PROVIDING FOR AN ANNUAL INCREASE IN INCOME LIMITATION, PROVIDING AN EFFECTIVE DATE AND INCLUSION IN "CODE OF CITY OF CORAL GABLES", CHAPTER 66, "TAXATION", BY AMENDING ARTICLE VI, SEC. 189-190 AND ADDING SEC. 191-195.

[Note for the Record: The verbatim transcript for Agenda Item E-3 is available for public inspection in the Office of the City Clerk and in Legistar].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Quesada, that this matter be adopted by Ordinance Number 2013-01. The motion passed by the following vote.

Yeas : 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Quesada and Mayor Cason

City Clerk Item No. 33

ORDINANCES ON FIRST READING

Items E-4 and E-5 are related

ORDINANCE NO. 2013-02

E.-4. [12-2134](#) Conditional Use with Site Plan. An Ordinance of the City Commission of Coral Gables, Florida on property legally described as Tract "A", Snapper Creek Lakes Subdivision (11190 Snapper Creek Road), Coral Gables, Florida; requesting the following: (Passed on First Reading January 22, 2013)

a. Site plan review of a proposed two (2) story community center to replace the existing one (1) story facility for exclusive use by Snapper Creek Lakes residents and marina members of a previously annexed subdivision, known as Snapper Creek Lakes Subdivision pursuant to the City of Coral Gables Resolution No. 28947 (Annexation), Ordinance No. 3207 (Land Use and Zoning Designation) and Ordinance No. 3249 (Site Specific Regulations;

b. Encroachment of landscaping and other associated improvements into the Old Cutler Road public right-of-way; and, including required conditions; providing for severability, repealer, codification, and an effective date. (Legal descriptions on file at the City)

Attachments: [01 22 13 Exhibit C Staff Recommendation Report with attachments](#)
[01 22 13 Exhibit E Proposed ZC Site Specific Provisions](#)
[01 22 13 Exhibit F Excerpts of PZB Meeting Minutes](#)
[01 22 13 Exhibit D Applicant's Plan Submittal](#)
[01 22 13 Exhibit A 1st Reading Ordinance Snapper Creek Site Plan Review and E](#)
[01 22 13 Exhibit B 1st Reading Ordinance Snapper Creek ZC Text Amendment E-4 & E-5 Signed Cover Memo](#)
[02 05 13 CC Cover Memo Snapper Creek 2nd reading](#)
[02 05 13 Exhibit A 2nd Reading Ordinance Snapper Creek site plan review and er](#)
[02 05 13 Exhibit B 2nd Reading Ordinance Snapper Creek zoning code text amer E-3 & E-4 Signed Cover Memo](#)
[Signed Ordinance 2013-02](#)
[Verbatim Transcript 2/5/13 - Agenda Item E-3 & E-4](#)
[Verbatim Transcript 1/22/13 - Agenda Item E-4 and E-5 are related - Ordinances 5](#)

[Note for the Record: The verbatim transcript for Agenda Item E-4 is available for public inspection in the Office of the City Clerk and in Legistar].

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

Yeas : 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Quesada, Commissioner Anderson and Mayor Cason

City Clerk Item No. 34

ORDINANCE NO. 2013-03

- E.-5.** [12-2135](#) Zoning Code Amendment. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Appendix A, "Site Specific Zoning Regulations", by creating a new section, "Section A-94 - Snapper Creek Lakes - Tract "A", providing provisions governing the use of the existing marina facility and community center, on property legally described as Tract "A", Snapper Creek Lakes Subdivision (11190 Snapper Creek Road), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date. (Legal descriptions on file at the City) (Passed on First Reading January 22, 2013)

Attachments: [01 22 13 Exhibit C Staff Recommendation Report with attachments](#)
[01 22 13 Exhibit E Proposed ZC Site Specific Provisions](#)
[01 22 13 Exhibit F Excerpts of PZB Meeting Minutes](#)
[01 22 13 Exhibit D Applicant's Plan Submittal](#)
[01 22 13 Exhibit A 1st Reading Ordinance Snapper Creek Site Plan Review and E](#)
[01 22 13 Exhibit B 1st Reading Ordinance Snapper Creek ZC Text Amendment](#)
[E-4 & E-5 Signed Cover Memo](#)
[02 05 13 Exhibit A 2nd Reading Ordinance Snapper Creek site plan review and er](#)
[02 05 13 Exhibit B 2nd Reading Ordinance Snapper Creek zoning code text amen](#)
[02 05 13 CC Cover Memo Snapper Creek 2nd reading](#)
[E-3 & E-4 Signed Cover Memo](#)
[Signed Ordinance 2013-03](#)
[Verbatim Transcript 2/5/13 - Agenda Item E-3 & E-4](#)
[Verbatim Transcript 1/22/13 - Agenda Item E-4 and E-5 are related - Ordinances §](#)

[Note for the Record: The verbatim transcript for Agenda Item E-5 is available for public inspection in the Office of the City Clerk and in Legistar].

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this matter be approved as an Ordinance on First Reading. The motion passed by the following vote.

Yeas : 5 - Vice Mayor Kerdyk, Jr., Commissioner Quesada, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Cason

City Clerk Item No. 35

F. CITY COMMISSION ITEMS

- F.-1.** [12-2173](#) Discussion regarding Andalusia Parking Garages.
Commissioner Rafael "Ralph" Cabrera, Jr.

Attachments: [Verbatim Transcript - Agenda Item F-1 - Discussion regarding Andalusia Parking C](#)

[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. 36

G. BOARDS/COMMITTEES ITEMS**RESOLUTION NO. 2013-10**

- G.-1. [12-2138](#) Presentation of excerpts from the Historic Preservation Board meeting of November 15, 2012, requesting the following action:

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 1021 Alhambra Circle, a contributing structure within the "Alhambra Circle Historic District," legally described as Lots 15 & 16 and the East ½ of Lot 17, Block 3, Coral Gables Section "C," according to the Plat thereof as recorded in Plat Book 8, at Page 26, of the Public Records of Miami-Dade County, Florida. The estimated cost of the project is \$1,200,429 and the estimated cost of work on historic section is \$770,949 (both estimates were supplied by Applicant and are not verified by Historical Resources Staff) which would correspond to approximately \$4,370.51 per year and \$43,705.10 over ten years. (Historic Preservation Board Vote: Unanimous 8 - 0).

Attachments: [AV2009-04 Resolution](#)
[COA\(SP\)2009-09 Staff Report](#)
[AV2009-04 Staff Report](#)
[Case File AV2009-04 Application Part 1](#)
[Case File AV2009-04 Application Part2](#)
[Historic Preservation Board Meeting minutes Excerpts of May 7, 2009](#)
[Historic Preservation Board Meeting minutes Excerpts of November 15, 2012](#)
[Case File AV2009-04 Power Point Presentation](#)
[G-1 Signed Cover Memo](#)
[Signed Resolution 2013-10](#)
[Verbatim Transcript - Agenda Item G-1 - Reso authorizing Ad Valorem tax relief 1C](#)

RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO THE PROPERTY LOCATED AT 1021 ALHAMBRA CIRCLE, A CONTRIBUTING STRUCTURE WITHIN THE "ALHAMBRA CIRCLE HISTORIC DISTRICT," LEGALLY DESCRIBED AS LOTS 15 & 16 AND THE EAST ½ OF LOT 17, BLOCK 3, CORAL GABLES SECTION "C," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, AT PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2013-10. The motion passed by the following vote.

Yeas : 5 - Vice Mayor Kerdyk, Jr., Commissioner Quesada, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Cason

City Clerk Item No. 30

H. CITY MANAGER ITEMS**RESOLUTION NO. 2013-11**

- H.-1. [12-2169](#) Resolution accepting the recommendation of the Chief Procurement Officer pursuant to Section 2-828 of the Procurement Code entitled "Contract Award" and Invitation for Bid (IFB) 2012.11.21 to award the Ingraham Park and Tiziano Park Improvement Project to Caribe Utilities of Florida, Inc.; and authorizing a budget amendment to the Fiscal Year 2012-2013 Annual Budget recognizing as revenue a transfer of funds from Capital Improvement Fund reserves and appropriating such funds to put toward the cost of project.

Attachments: [Recommendation](#)
[Project Site Plan](#)
[Bid Tabulation](#)
[Bid Response](#)
[Resolution](#)
[H-1 Signed Cover Memo](#)
[Supplement to Agenda Item H-1](#)
[Signed Resolution 2013-11](#)
[Verbatim Transcript - Agenda Item H-1 - Reso accepting CPO invitation to bid](#)

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE ENTITLED "CONTRACT AWARD" AND INVITATION FOR BID (IFB) 2012.11.21 TO AWARD THE INGRAHAM PARK AND TIZIANO PARK IMPROVEMENT PROJECT TO CARIBE UTILITIES OF FLORIDA, INC.; AND AUTHORIZING A BUDGET AMENDMENT TO THE FISCAL YEAR 2012-2013 ANNUAL BUDGET RECOGNIZING AS REVENUE A TRANSFER OF FUNDS FROM CAPITAL IMPROVEMENT FUND RESERVES AND APPROPRIATING SUCH FUNDS TO PUT TOWARD THE COST OF THE PROJECT.

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

A motion was made by Commissioner Quesada, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2013-11. The motion passed by the following vote.

Yeas : 5 - Commissioner Quesada, Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Cason

City Clerk Item No. 37

I. CITY ATTORNEY ITEMS**RESOLUTION NO. 2013-12**

- I.-1. [12-2168](#) Resolution of the City Commission, with attachment making provisions for holding a General Biennial election on April 9, 2013, for the election of candidates for the office(s) of Mayor and two Commissioners; further designating and appointing the City Clerk as the official representative of the City Commission, with respect to the supervision of said General Biennial Election; further directing the City Clerk to give notice by publication of the adoption of this Resolution and the provisions hereof.

Attachments: [Biennial Election Resolution](#)
[I-1 Signed Cover Memo](#)
[Signed Resolution 2013-12](#)

RESOLUTION OF THE CITY COMMISSION, WITH ATTACHMENT, MAKING PROVISIONS FOR HOLDING A GENERAL BIENNIAL ELECTION ON APRIL 9, 2013, FOR THE ELECTION OF CANDIDATES FOR THE OFFICE(S) OF MAYOR AND TWO COMMISSIONERS; FURTHER DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION, WITH RESPECT TO THE SUPERVISION OF SAID GENERAL BIENNIAL ELECTION; FURTHER DIRECTING THE CITY CLERK TO GIVE NOTICE BY PUBLICATION OF THE ADOPTION OF THIS RESOLUTION AND THE PROVISIONS HEREOF.

[Note for the Record: Following Mayor Cason's request of the City Attorney to present Agenda Item I-1, and after the City Attorney Craig Leen read the title to same into the public record, the latter informed the City Commission that the proposed legislation sets the General Biennial Election on April 9, 2013, whereby following a motion being made by Vice Mayor Kerdyk and seconded by Commissioner Quesada, Mayor Cason instructed the City Clerk to call the roll on said item].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Quesada, that this matter be adopted by Resolution Number 2013-12. The motion passed by the following vote.

Yeas : 5 - Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Quesada and Mayor Cason

City Clerk Item No. 38

J. CITY CLERK ITEMS**RESOLUTION NO. 2013-13**

- J.-1. [12-2163](#) Resolution of the City of Coral Gables City Commission, with attachments, accepting the City Clerk's Certification and Declaration of Results from the Coral Gables Retirement Board Election, which was held from December 11th, 2012 through December 14th, 2012; said election which confirmed the re-election of Donald "Rusty" Hill to the Participating Regular Full-Time Employee seat for a term of two years, which began on January 1, 2013 and continues through December 31, 2014; and the re-election of Troy Easley, who ran unopposed for the Participating Firefighter seat for a term of two years, which also began on January 1, 2013 and continues through December 31, 2014.

Attachments: [Certification-Declaration Results-Retirement Board J-1 Signed Cover Memo Signed Resolution 2013-13](#)

RESOLUTION OF THE CITY OF CORAL GABLES CITY COMMISSION, WITH ATTACHMENTS, ACCEPTING THE CITY CLERK'S CERTIFICATION AND DECLARATION OF RESULTS FROM THE CORAL GABLES RETIREMENT BOARD ELECTION, WHICH WAS HELD FROM DECEMBER 11TH, 2012 THROUGH DECEMBER 14TH, 2012; SAID ELECTION WHICH CONFIRMED THE RE-ELECTION OF DONALD "RUSTY" HILL TO THE PARTICIPATING REGULAR FULL-TIME EMPLOYEE SEAT FOR A TERM OF TWO YEARS, WHICH BEGAN ON JANUARY 1, 2013 AND CONTINUES THROUGH DECEMBER 31, 2014; AND THE RE-ELECTION OF TROY EASLEY WHO RAN UNOPPOSED FOR THE PARTICIPATING FIREFIGHTER SEAT FOR A TERM OF TWO YEARS, WHICH ALSO BEGAN ON JANUARY 1, 2013 AND CONTINUES THROUGH DECEMBER 31, 2014.

[Note for the Record: Following Mayor Cason's request of City Clerk Walter Foeman to present Agenda Item J-1, Mr. Foeman informed the viewing public that this agenda item was a request made by the City Clerk to accept the Certification and Declaration of Results from the Retirement Board Election to fill two vacancies that were existing on the board, namely that of a Participating Firefighter seat and a Participating Regular Fulltime Employee seat; further stating that there was a qualifying period wherein following closure of same on November 16, three petitions were filed for both seats-one petition was filed by incumbent Troy Easley (i.e. Participating Firefighter seat)-Mr. Easley ran unopposed, therefore his re-election was before the City Commission pending confirmation of same; secondly, the petitions submitted for the second seat, that of Regular Full-time Employee seat, were filed by Jason Swift (i.e. Police Department) and incumbent Donald "Rusty" Hill (Finance Department). Clerk Foeman further explained that at the end of the voting period (i.e. December 11th through December 14th, 2013) the tabulation of votes were as follows: Donald "Rusty" Hill received 81 votes (67.50%) and Jason Swift (i.e. Police Department) received 38 votes (31.67%); there was 1 (.83%) invalid vote due to signature

differences between what was on the voter certificate as compared to what was on file i.e. Signature Verification form). There being no deliberation by any member of the City Commission, upon a motion being made by Vice Mayor Kerdyk and seconded by Commissioner Quesada, Mayor Cason directed the City Clerk to call the roll on Agenda Item J-1].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Quesada, that this matter be adopted by Resolution Number 2013-13. The motion passed by the following vote.

Yeas : 5 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr., Commissioner Quesada, Commissioner Anderson and Mayor Cason

City Clerk Item No. 39

RESOLUTION NO. 2013-14

J.-2. [12-2166](#)

Resolution appointing Troy Easley (Participating Firefighter Representative), and Donald "Rusty" Hill (Participating Full-time Employee Representative), both to serve as members of the City of Coral Gables Retirement Board, each for a two year term, said term which began on January 1, 2013 and continues through December 31, 2014.

Attachments: [Retirement Board Appointments](#)
[J-2 Signed Cover Memo](#)
[Signed Resolution 2013-14](#)

RESOLUTION APPOINTING TROY EASLEY (PARTICIPATING FIREFIGHTER REPRESENTATIVE), AND DONALD "RUSTY" HILL (PARTICIPATING FULL-TIME EMPLOYEE REPRESENTATIVE), BOTH TO SERVE AS MEMBERS OF THE CITY OF CORAL GABLES RETIREMENT BOARD, EACH FOR A TWO YEAR TERM, SAID TERM WHICH BEGAN ON JANUARY 1, 2013 AND CONTINUES THROUGH DECEMBER 31, 2014.

[Note for the Record: City Clerk Foeman informed the City Commission that this agenda item was the re-appointment of incumbent Troy Easley (i.e. Participating Firefighter representative) and incumbent Donald "Rusty" Hill (i.e. Participating Regular Full-time Employee Representative) to the City of Coral Gables Retirement Board. There being no deliberation by any member of the City Commission, upon a motion being made by Commissioner Quesada and seconded by Commissioner Anderson, Mayor Cason instructed the City Clerk to call the roll on Agenda Item J-2].

A motion was made by Commissioner Quesada, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2013-14. The motion passed by the following vote.

Yeas : 5 - Vice Mayor Kerdyk, Jr., Commissioner Quesada, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Cason

City Clerk Item No. 40

RESOLUTION NO. 2013-15

J.-3. [12-2165](#)

Resolution appointing certain members of the Canvassing Board (board) for the upcoming General Biennial Election of Tuesday, April 9, 2013, namely, the Honorable William H. Kerdyk, Jr., Vice Mayor, City of Coral Gables, and the Honorable Rodolfo "Rudy" Ruiz, County Court Judge, 11th Judicial Circuit for the purpose of canvassing absentee ballots and precinct returns; further authorizing said board to certify the results of said election.

Attachments: [J-3 Signed Cover Memo](#)
[Canvassing Board Resolution](#)
[Signed Resolution 2013-15](#)

RESOLUTION APPOINTING CERTAIN MEMBERS OF THE CANVASSING BOARD (BOARD) FOR THE UPCOMING GENERAL BIENNIAL ELECTION OF TUESDAY, APRIL 9, 2013, NAMELY, THE HONORABLE WILLIAM H. KERDYK, JR., VICE-MAYOR, AND THE HONORABLE RODOLFO "RUDY" RUIZ, COUNTY COURT JUDGE, 11TH JUDICIAL CIRCUIT FOR THE PURPOSE OF CANVASSING ABSENTEE BALLOTS AND PRECINCT RETURNS; FURTHER AUTHORIZING SAID BOARD TO CERTIFY THE RESULTS OF SAID ELECTION.

[Note for the Record: City Clerk Foeman stated that this agenda item addresses the appointment of certain members to the City of Coral Gables Canvassing Board in accordance with Sections 22-2(c) and 22-2(d) of the Coral Gables City Code for the purpose of canvassing the absent ballots, precinct returns, along with certification of results from the election; further explaining that the Code states that whenever there is an insufficient number of Commissioners that are unable to serve on the Canvassing Board, then the City Commission shall appoint a qualified elector of the City to serve who is not a candidate with opposition in the election being canvassed, and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed; further informing the City Commission that County Court Judge Rodolfo "Rudy Ruiz (11th Judicial Circuit) had been approached regarding this matter and has agreed to serve as a member of the Canvassing Board, along with Vice Mayor Kerdyk and the City Clerk. There being no further deliberation by any member of the City Commission, upon a motion being made by Commissioner Quesada and seconded by Commissioner Anderson, Mayor Cason instructed the City Clerk to call the roll on Agenda Item J-3].

A motion was made by Commissioner Quesada, seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2013-15. The motion passed by the following vote.

Yeas : 5 - Commissioner Quesada, Commissioner Anderson, Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Cason

City Clerk Item No. 41

K. DISCUSSION ITEMS

Mayor Cason: Commissioner Anderson.

Commissioner Anderson: Yes. Just one item. I've been working with - I've known Mr. Rios who lives in the area off of Sunset, citizen and he's had the unfortunate situation where he has had some squatters come in and live in a property that near him; and I've discussed this with the City Attorney and there are very few remedies that we can do unless they are violating laws or ordinances; and so what I wanted to do was have him bring back, our City Attorney bring back research from other cities on tougher squatter laws, because I think we might be able to do more to protect the neighborhoods because right now I think we are at a disadvantage and good law abiding people who have lived there a long time all their lives are being inconvenienced, their quality of life. So at the next Commission meeting would that be possible?

City Attorney Leen: Yes. I'll let you know if it's not, but I believe it will be. I will try to, based on what you said; I would look at other municipalities to see if there are any laws. Just so the Commission knows there is, and this happened with another squatter issue that occurred on El Rado Street. If there is a violation of our minimum housing code, which does happen sometimes in these circumstances, according to the Police and Code Enforcement, because I did speak to them about it and I also spoke to outside counsel to see what can you do in these situations. Often in situations where there are squatters there will be a minimum housing code violation because the squatters have no ownership or leasehold interest in the property so they can't, for example arrange for water or electricity, so sometimes that will have been turned off in those circumstances we can fine the minimum housing code violation and placard the house, which is what happened on El Rado Street and resolve that issue. There is another issue though, an underlying issue, which is that sometimes apparently banks will allow squatters to stay in the house and will take no action almost acquiescing in a sense, I guess, to prevent other people from coming into the house, other people are there at least someone is there is the bank's perspective is. We have been with Code Enforcement, we have been trying to contact banks and we've been citing banks when there is an actual Code violation, but based on these instructions what I can do is if it's OK with the Commission, I could coordinate with City staff and I can look into other municipalities to see if there are any laws which are missing, and also maybe put together a list of the laws that we have that Code Enforcement can use to enforce the law when there is a squatter situation and there is some violation of the law current.

Commissioner Anderson: Great. And pending that information maybe we can discuss that at the February meeting, maybe we can think about creating an ordinance if that's the will of the Commission. That's it for me.

Commissioner Cabrera: Can I just ask you with regards to this particular case that you brought up today and working with the City Attorney, I'm just curious. Were they connected to Miami-Dade Water and Sewage?

City Attorney Leen: Yes, I did take the request from the Commissioner and I did send it to staff, they did look into it and I've been informed that there is water and electricity, so we couldn't use the same approach. I'm going to try to reach out to the bank to see, and we've done that in the past, we did that with Bank of America, so I don't know who the bank is here, but this involved another property when we reached out to bank of America and they were very responsive. So I'm thinking maybe we can reach out to the bank here and see if maybe they don't know about the issue and will take some action.

Commissioner Cabrera: Interesting.

Commissioner Anderson: Great. Thank you very much.

Mayor Cason: Commissioner Cabrera.

Commissioner Cabrera: Thank you. Received an inquiry from several golfers at Granada Golf Course that there seems to be either a shortage of golf carts or there seems to be a lot of broken golf carts, and for example, I was told that on a weekend play by 10 a.m. all golf carts are unavailable the one they have on the course; and so I was wondering if maybe staff can look into this and get to the bottom of why we are having this difficulty with the golf carts at both Granada and Biltmore Golf Courses.

Vice Mayor Kerdyk: We've had that before too.

Commissioner Cabrera: Yes, it's not new, it's a reoccurring issue.

Vice Mayor Kerdyk: No, no, but it's something that needs to be corrected. I agree with you.

Commissioner Anderson: That's lost revenue and displeasure amongst our....

Vice Mayor Kerdyk: Whose responsibility?- is that the City or is that Biltmore?

Commissioner Cabrera: I'm not sure.

Mayor Cason: Do you know Mr. Manager?

City Manager Salerno: Operation of the golf of the Biltmore is their responsibility not ours.

Vice Mayor Kerdyk: The golf carts?

City Manager Salerno: The golf carts, yes. They are the ones paying for the leases and if they wanted to have leased more golf carts they could have.

Mayor Cason: And Granada?

City Manager Salerno: Granada is the City's. I have not received any calls in that regard, but we are glad to look at it.

Vice Mayor Kerdyk: We should do that, yes, we should do that, that's a problem.

Commissioner Cabrera: Well the problem exists. I received the call; I received the inquiry at Granada about it.

Vice Mayor Kerdyk: They looked a little messy when last I was there.

Commissioner Cabrera: But you know what happens Bill?- when they break down they stay out of commission longer than anticipated and that causes players to have to wait longer and so as I was explained on weekend play, 10 o'clock all golf carts are unavailable, and if you drive by the starters area at Granada you'll see that there are very few carts out there period, anyway.

Vice Mayor Kerdyk: Right. I believe that.

Commissioner Cabrera: Received an inquiry from a resident as it relates to the intersection of Alhambra and LeJeune Road, that intersection strangely enough

northbound traffic and southbound traffic if they wish to make a left hand turn there is no light, there is no arrow for left hand turns.

Commissioner Quesada: It's impossible to make a left there.

Commissioner Cabrera: Impossible to make a left...

Commissioner Quesada: I avoid that intersection...

Mayor Cason: I drive it every day.

Commissioner Cabrera: You are taking your life into your own hands at that intersection.

Commissioner Quesada: Yes, I agree.

Commissioner Cabrera: So with that in mind what I'd like to see us do is contact Miami-Dade County Public Works to determine if a left hand arrow is appropriate. I have been told, I haven't seen this, but I have been told that there are numerous accidents there with people trying to make left hand turns.

Commissioner Quesada: I've seen a few. My office used to be on that corner so three times a day I was at that intersection.

Commissioner Cabrera: You were probably pretty high; your building was, I mean your floor was like...

Commissioner Quesada: We were on the 8th floor.

Commissioner Cabrera: So you had a pretty good view of it.

Commissioner Quesada: Yes and actually my window was looking at that intersection, so I would look at it; there was always backup, whoever was making a left turn was always either - you have to take the red...

Mayor Cason: It backs up the whole road.

Commissioner Quesada: It backs up the whole road. It's a legitimate traffic issue.

Commissioner Cabrera: So it was brought to my attention by....

Commissioner Quesada: Here's my concern with the County.

Commissioner Cabrera: What's that?

Commissioner Quesada: You know in that area near the Ingraham Park, you know there was a similar issue that there was just needed better signalization; and I spoke to Public Works and sent it to County, so I went directly to the County and it took me 15 months to get the light in, and now it's there now and it's a safer situation. So I don't know if we have better access.

Commissioner Cabrera: It may be interesting to see what the number is of accidents and if the number warrants....

Commissioner Quesada: Is that something we would have?

Commissioner Cabrera: Well Police Department would have a case number if in fact, I'm sure a query could be done of that intersection and we could see - for all I know maybe the accidents are minimal, but like Jim said and you said it's literally impossible to make a left hand turn there. You try to avoid it, but then here's what happens if you avoid it and you go north you go into a neighborhood. If you avoid it and you go south well then you have to make a left on Giralda or the next street, the next street does have a light.

Commissioner Quesada: It causes more congestion.

Commissioner Cabrera: Yes, it does.

Mayor Cason: There is another one like that on Granada and Coral Way turning left from Granada, it backs up.

Commissioner Cabrera: Yes.

Mayor Cason:...And I don't know if we can look into that as well, but it may not be as much traffic to warrant it, but...

Vice Mayor Kerdyk: The other thing that's happening here, if I can just - is on Ponce, we talked about this briefly, and I mentioned it to the City Manager, but there's got to be some signalization problems. As you are heading south, excuse me, north on Ponce there are huge backups now...

Commissioner Quesada: Ponce and where?

Commissioner Cabrera: Anywhere on Ponce.

Vice Mayor Kerdyk: Anywhere on Ponce there are huge backups; and I initially attributed it the building of our senior citizen facility on Andalusia, but even when that's not backed up there are huge backups there and I think there is a signalization issue on either Miracle Mile or on Ponce, the staggering is not correct.

Commissioner Quesada: Do we control the timing of that?

Vice Mayor Kerdyk: That's the County, the County.

Commissioner Quesada: Even on City streets?

Vice Mayor Kerdyk: Even on City Streets.

Commissioner Cabrera: But we can make a request that it be looked at...

Vice Mayor Kerdyk: Because it's messy.

Commissioner Cabrera:...between governments. Question for the Manager. How are negotiations going with the Fire Union?

City Manager Salerno: They are ongoing. We had a meeting that was scheduled for a week or, 10 days ago and unfortunately it had to be cancelled due to one of our key members of our team, our outside actuary dealing with the pension issue had a tragedy in his family, a death, and we had to cancel it for that day and we are looking to get that rescheduled and we've discussed that it will be rescheduled, but we would have had a subsequent meeting and made some progress I believe, unfortunately of that tragedy it had to be postponed.

Commissioner Cabrera: Can we get an update on the senior center at an upcoming

Commission meeting? I know that you are talking to the Palace about a potential - more than talking you are negotiating with them. I'd like all of us to get an update on it on the senior center.

Commissioner Anderson: That would be good.

City Manager Salerno: Be glad to.

Commissioner Cabrera: Great. That concludes my comments.

Mayor Cason: Thank you. Vice Mayor.

Vice Mayor Kerdyk: I really have nothing Mayor.

Mayor Cason: Mr. Quesada.

Commissioner Quesada: I have two items. Going back to E-1, Dade Medical College, the issue we had coming back, I know it's a rare occasion for it to come before the City Commission twice, but is it a possibility? Craig, Mr. City Attorney, you had mentioned that maybe we go before the Board of Architects and then they go before Zoning, and Board of Adjustment, and then they sort of consolidate any appeals at one time. I think that makes a lot of sense just so we don't have people "yo-yoing" back and forth from the Commission. I know it's a rare circumstance, but it might apply in a different situation not just signage, so that we can keep people from coming back and forth. Bill, have you ever seen, other than signage, one group appeal two different Board rulings?

Vice Mayor Kerdyk: I can't remember seeing anything that was a weird situation. I can't remember either. There may have been a situation but I can't recall right off the hand of anything like that happening.

Commissioner Quesada: I don't know if staff, asking the City Attorney, or the City Manager to see if it makes sense to change the procedural rule to require that anything comes before us make sure it has been fully vetted by the different Boards before it comes to us.

City Manager Salerno: Commissioner, I think there is a lot of merit to that. The City Attorney and I have discussed that and certainly just on this year, let's call it logical

aspect, that I can imagine as policymakers you would feel uncomfortable as acting on the aesthetics of something, but at the same time you are being told doesn't meet the sign requirements. I'll have discussions with the City Attorney and staff about perhaps requiring the zoning review to be done prior to and any action dealing with that. That does not solve all the issues, it's a "chicken and egg" situation as the City Attorney and I have discussed; however, what it would do is not put you into perhaps uncomfortable position to be voting on an aesthetics issue where you are also being told the sign does not meet Code.

Commissioner Quesada: And that was my conflict today, because I'm very much inclined to go with the DMC requested signage, but I don't know how the zoning is going to change the look and feel of it once it's shrunken down. I'll imagine not much, it didn't change much, I'm going to vote for it, but that was my conflict today, and this is something relatively minor, I don't want us to be put in that situation when it's something considerably more significant. That's it, so if you guys can just work together and see what makes sense and let us know maybe next meeting or when you guys are ready to discuss it again and we can go from there.

City Attorney Leen: If I may Commissioner, there may be a - I think what the Manager said makes a lot of sense and maybe we should have a lot of these initial staff determinations made right away. I do think that the other question though maybe there should be a rule, at least giving either the Manager or the Attorney or the Commission some sort of discretion to merge appeals in a procedural way, that could just require a Zoning Code text amendment and if the Commission is interested I could talk to the Manager and I could talk to the Zoning officials about whether we want to add at least - I think you implicitly already have that power that was my legal determination, but it's never harmful to make that expressed in the Zoning Code as well, it just gives you more authority, which I think is generally a good thing in these types of situations so you have flexibility as to how to address them.

Commissioner Quesada: Well let me just say that any ideas that you may have look into them and come back to us and tell us what you think is the best, that makes the most sense for the applicant as well as for the Commission and staff.

City Attorney Leen: Yes.

Commissioner Quesada: Thank you. That's it.

City Attorney Leen: Mr. Mayor I have one issue after you...

Mayor Cason: Go ahead.

City Attorney Leen: Are you sure?

Mayor Cason: Yes.

City Attorney Leen: I've been asked to just give a brief statement for your consideration and any feedback relating to the City's position related to the trolley building. Many of you may have seen that in the news, I'm sure everyone has. The newspaper has reported recently on the trolley building that's been proposed for an area in the west Grove and there has been reports that in some of the article attacking the City of Coral Gables related to that; and I just wanted to make a couple of points clear for the record. First, we have a trolley building right now in the City of Coral Gables, it's right near the high school you all know where it is, but for the benefit of the public its near the high school near Merrick Park; and a developer came to the City and made a request that the, and this was something that came before you a number of months ago, related to a land swap, and they wanted to basically use that area for development and they wanted to give us a trolley building in exchange. I talked to our outside counsel because to me this is becoming very quickly a legal matter, and I talked to our outside counsel and he just wanted me to make it clear to you, and I wanted to make it clear as well, that in approving that land swap this Commission and City staff and our outside counsel made it clear from the beginning that the trolley building, whatever trolley building was swapped, whatever they gave us had to comply with all laws, federal, state and local, and that it was not our intention to force a trolley building on any community. It was up to the developer to get these approvals and that was the agreement that was approved by this Commission, they had to get the approvals. When that agreement was approved this Commission - there was no appeal or objection that this Commission knew about. So in my view no matter what happens in this case regarding the proposed trolley building in the west Grove, this City was not aware of those issues, at least the City Commission when this came up. Now our counsel was aware, at least he has informed me that the concerns that if they - the proposed location was in the City of Miami and there was a concern that well, that has to be looked at by the City of Miami zoning officials potentially their Commission, potentially their public there might be objections, and if they are not able to get that approval we want that to be on the developer, they are proceeding at risk essentially, and Coral Gables doesn't have to close on that transaction ultimately if they are not

able to get us the trolley building to exchange. So it's my understanding that the City of Miami was made aware of the proposed use for this building from the beginning and that our contractor with the developer requires them to get all the approvals. Now, I have given an opinion and I just wanted to make it clear to everyone that I don't believe that the City because we are in an agreement with the developer and we've signed a contract with them, I have stated that in my view the City cannot interfere with that contract; the developers have to meet certain conditions in order to close on the agreement. One of those conditions is that they have to present us the trolley building that meets all of these laws. Now that's obviously been called into question, at least in the news and I've been informed that there is a potential that there may be a lawsuit that's filed, that's going to have to be resolved by the developer, because the City will not accept the building ultimately unless all of those issues are fully resolved and there is no risk to the City. So the problem is that we can't, at least in my view, we have to act very carefully in this matter because if we make it more difficult for the developer to get those approvals they may argue that we are frustrating or making it difficult for them to meet a condition.

Commissioner Quesada: So we are breaching the contract.

City Attorney Leen: They may argue that. Now at this point I have to say it's been made clear to us publicly that there may be a zoning issue, they have to resolve that. I think we can legally tell them that, look, under our agreement we are supposed to be getting a trolley building without any of these legal issues...

Commissioner Quesada: Any encumbrances?

City Attorney Leen: Yes.

Commissioner Quesada: So if we right now said hypothetically, we said, we want no part of this, we would be in breach of contract with the developer, is that what you are saying?

City Attorney Leen: At some point, if there is a legal issue with this trolley building they commit a breach of the contract; there is an anticipatory review...

Commissioner Cabrera: They can, they can.

City Attorney Leen: But they haven't - in my view this issue is still being resolved, there

hasn't been any lawsuit filed as of this time, it's my understanding the developer is trying to work this out still, and we have to give them that opportunity, but I did want to say that we are insisting that any questions regarding these approvals are resolved; and I've been invited to go to a meeting with, I believe, certain community groups and with the University of Miami, it's a seminar where Professor Alfieria I think is the head of it...yes it's on ethics, they've invited me to attend, I will attend because I want to make it clear to the public why we are not getting more involved in negotiating with the community directly because we are in privity with the developer who has to do that, but I also want them to understand our position so they don't think we are ignoring them or anything like that. We obviously view this as a very important issue; and I'm bringing this to your attention, one, because it's a major material issue that has come up and it's been in the news and I want you to know about it, but two, also to get your feedback and give you the opportunity to ask me any questions.

Commissioner Cabrera: Well the only comment I have because I think you've done a very good job of laying out the process as it relates to the City, at the same time I think it's important to point out to you that when I became aware of inquiries from the West Grove Homeowners Association, I not only alerted City staff, I brought it up in an informal discussion period in December of 2011, and openly discussed it again with the hopes because we are a) getting this trolley depot built for us, and b) going to be the end-user of the trolley I was hopeful that we would at least have some dialogue with that community, whether it be through the developer or directly, I was hopeful that that would have taken place. Now how much of it took place?- I don't know. As I said before, and I said this to the newspaper, a memo was written by me and a discussion was held by me with the Commission. So that's the only correction I would make of the comments you made sir.

Commissioner Anderson: I understand the legal parts so I'm not going to even touch that. I was wondering in the past, I remember when we've had issues bordering our own borders, we've taken a strong stand, we've actually attended, our staff has attended planning meetings and asked to make sure that our area, our bordering, our community are protected and sometimes they do sometimes they don't, but we are engaged. I would just love, and I know this will probably not going to happen, for us as a City to...City to other City to maybe proffer landscaping or a trolley stop something simple to build goodwill. I'm not trying to interfere with the developer's contract or anything like that. I'm just tossing it out there, because I think we are impacting a neighborhood that is very poor and I think that they are looking for simple solutions, so. I throw it out there and that's all for me now.

Mayor Cason: My impression was, I don't have detailed knowledge, but that the developer had quite a lot of landscaping that was going to go in around the garage, is that...do you know?

City Attorney Leen: I would have to defer to staff on that. I don't know what the developer's current situation is.

Commissioner Cabrera: Commissioner Sarnoff did send me some information. To me the way this depot is being built, it's very thoughtful in the standpoint that parking is being addressed, buffers are being addressed, landscaping is being addressed, and those are all good, those are all good things, but there is nothing wrong in having that kind of dialogue and as Commissioner Anderson pointed out if there was an opportunity to enrich that community through either a trolley stop or something along the lines as a gracious offer from the City I think it would have certainly gone a long way, that's my feeling on it you know.

Commissioner Quesada: At the time we voted on this, I think we all voted on this unanimously 5-0, right?

Commissioner Cabrera: Yes, correct.

Commissioner Quesada: And we didn't or at least I didn't know of any objections or any concerns at that time, I don't think any of us did. I would like to hear what kind of conversations our staff did have with Miami or the developer or any kind of meetings, if that's OK with you Mr. Manager?

City Manager Salerno: Yes. I was prepared to bring something up but had decided not to, but since Commissioner Cabrera has brought up the issue of asking staff to do things, etc. I feel that I need to respond to Commissioner Cabrera your comments in the paper criticizing me. Here today you are very balanced and free to say whatever you like; however, in the paper you strongly criticized me specifically for not doing anything and not responding to you, this was in a recent article in the Miami Herald. I need to for the record state this because I don't get a chance; I wasn't given an opportunity to respond to your comments in that meeting. As you recall Commissioner, on the 28th of November you received an e-mail and it was an e-mail that had been referred to you from Mr. J.S. Rasheed, one of the community leaders within the Coconut Grove neighborhood, and he asked you if you would like to know if you

could attend their executive community meeting on December 5th at 6 o'clock. You forwarded that item to me and it said, it concluded with please follow up appropriately. At a subsequent meeting, I think it was December 13th, you asked me what did I do?- I said I referred the matter directly to the developer, I requested that they attend and discuss the matter and they did, and Commissioner you had no follow up to my statement, no indication that that was not adequate, no indication that you wanted me to do something else. Just simply I made the statement you accepted it, that was the close of the matter, but you chose subsequently to attack me for not doing my job, for not responding, and basically for doing nothing where you knew that when you were asked that, that I had; and I think you went beyond that, beyond trying to make me look bad, I think you also tried to make this Commission look bad and the City look bad; and I wasn't going to bring this up, but it would have been nice if you had responded to the press as you did just now and I wouldn't even be talking about this matter at this point, OK. Commissioner....

Commissioner Cabrera: I'm going to get a chance to speak.

City Manager Salerno: Of course you are a Commissioner.

Commissioner Cabrera: I'm talking to my colleagues sir.

City Manager Salerno: Commissioner with all due respect you were the one invited to the meeting with the residents, you got the e-mail, you have the e-mail. If you really cared about those Coconut Grove residents as you were quoted as saying, "I felt for these people", end quote, you would have gone to the meeting instead of telling me to handle it, which I did, which you had no problem with what I did, but then you criticized me after the fact and you didn't criticize me at the time that I told you what I was doing. Furthermore, you had two opportunities to raise questions about the plans and the developer's intentions to secure a site in the City of Miami when it came before you for the votes on First and Second Reading, July 24th and I believe the second one was August 28th. You sat silent Commissioner, yet you found it appropriate to criticize me for doing nothing. Not one question about the Coconut Grove residents, not one question about what was happening with regards to this project with relation to the neighborhoods, but yet you criticized me for doing nothing. I was not invited to attend that meeting, you were. That's all I wanted to say. I wanted the record to reflect how I felt about the matter and I appreciate your version of it today, and I did not appreciate your commenting that I did nothing and frankly as far as I was concerned you were satisfied with my response and with staff's response

when I heard nothing from you. That's all I have.

Commissioner Cabrera: OK. I stand by everything I said to the Miami Herald and at no point in time would I be critical of any of you. Let me just say for the record, I did not get a memo as the Manager just outlined...

City Manager Salerno: I never said memo.

Commissioner Cabrera: Excuse me, don't interrupt me. Yes, you did, you did. Five minutes ago you said the word memo. I wrote it down, you said memo, OK, but I'm not...

City Manager Salerno: Did not.

Commissioner Cabrera:...I stayed silent when you were speaking, so let's reciprocate. I did not get a memo. What happened was I met with Commissioner Xavier Suarez on or about that time that I reached out to the City Manager. In that meeting one of his staff members articulated very clearly some serious inquiries that this West Grove Homeowners Association had, and in fact mentioned one of the leaders name, and I told him have him reach out to me. That leader, Mr. Rasheed, reached out to me via City Hall, left me a voicemail with Candy. I responded to his voicemail, discussed it with him and said, it's not appropriate for me to come, it could be a quasi-judicial matter and it's best that I do not attend a meeting where something like this could be discussed it later comes back to us and I have to then recues myself, but I'll tell you what, I'll forward it to the City Manager's office. I sent a memo to the City Manager with an attachment of my messages that included Mr. Rasheed's telephone number so that he would have the person's name who made the inquiry and would follow up on this process. The Manager never responded to my message and in fact in the subsequent meeting he basically suggested that he understood what was being requested and saw no reason to respond to me, at least that's what I recall from the discussion. I brought it up to all of us in December and explained that there had been a concern voiced by this community. The Manager once again clarified for me that he had forwarded to the developer. I believe I expressed my angst with what I really wanted to see happen and he corrected me by saying you did not specifically, and I don't have the minutes, he does, he is reading them, but I basically wanted him to follow up on this issue because I thought that this would be a standard operating procedure for this government to reach out to a neighboring government on a matter that pertains to both sides, I mean, let's face it, we are the end-user, this deal, this

project would never be going forward if we did not approve the land swap, and as far as my willingness or unwillingness to ask questions, that's my prerogative in a Commission meeting. We had people from the Gables side of that area present, I remember speaking to several of them, they had no concerns at that time, and therefore I saw no reason to ask any questions. So that's my version and I stand by my quotes in the paper, I stand about my feelings regarding how the Manager handled this matter, and that's all I have to say this afternoon or morning still morning. Now do you want to keep this going Jim?

City Manager Salerno: I just want one....Mayor...

Commissioner Cabrera: No, Jim do you want to keep this going?- because we can, we can keep it going till....

City Manager Salerno: I have one further word and I will...

Commissioner Cabrera: He had a concern and I responded to his concern and now you are going to give him another - OK, I forgot....

City Manager Salerno: That's the right of free speech I guess is about.

Commissioner Cabrera: Well you are our employee; this is not a matter of free speech.

City Manager Salerno: I know. I'm your subordinate Commissioner...I am your subordinate...

Commissioner Anderson: Yes you are.

City Manager Salerno:...just like 791 others here are and if you were to treat the 791 people like you treat me, I dare say....

Commissioner Cabrera: Sir - sir....

Commissioner Anderson: Can I inject a point of order here?

City Manager Salerno: I want to stay on point.

Commissioner Anderson: I rise to a point of order. I rise to a point of order.

City Manager Salerno: I just want to say one thing. Commissioner the only thing I'm trying...

City Attorney Leen: The point of order takes precedence. What is the point of order?

Commissioner Anderson: I want to stop this. Let me just say, I have lived through 3 now 4 City Managers; tough times throughout we'll all have them in the future with whoever is sitting there, but the one thing that was sacred in a public official that sits at the will of the Commission is that you don't respond with such callousness and disrespect as he is being allowed to, and I'm trying - I came today to this Commission meeting intent on not engaging in this, but Jim, Frank, this is not standard operating procedure for the way Commissions and Managers and City Attorneys and City Clerks interact, I just offer that for you because it's really disturbing and it's hard to watch from the residents who watch that, and we ultimately have to think of that. When I leave you all are going to continue to be the bosses and I hope you will be, but this is just intolerable and it's just not because 5-6 months ago I asked for a resignation, it's just intolerable to have someone who sits as an equal to us, I mean it's unbelievable, and I rest my case and I'm on my way. Thank you.

Mayor Cason: You have anything else? OK. Thank you very much. The meeting is adjourned.

City Clerk Item No. 42

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 11:41 am on January 22, 2013. The next regular meeting of the City Commission has been scheduled for February 5, 2013, beginning 9 a.m.]

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

