

# **City of Coral Gables**

*City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134  
[www.coralgables.com](http://www.coralgables.com)*



## **Meeting Minutes**

**Tuesday, December 15, 2009**

**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*

**ROLLCALL**

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

**INVOCATION**

Father Sean O'Sullivan from Church of the Little Flowers gave the Invocation.

**PLEDGE OF ALLEGIANCE**

Walter J. Harvey, School Board Attorney led the Pledge of Allegiance.

[Note for the Record: Following the pledge, Mayor Slesnick invited Walter J. Harvey, Esquire, School Board Attorney, to the dais. Mr. Harvey stated that he has known Mayor Slesnick for a number of years; further stating that Mayor Slesnick has taught him what professionalism is all about; further stating that he stands as a sterling example of mentoring; further pointing out that he has also worked with our City Attorney Elizabeth Hernandez, who has been instrumental in serving as a role model for attorney's like himself in the Wilkie B. Ferguson Bar Association; Cuban American Bar Association, as well as the Miami-Dade County Bar Association; further noting that City Attorney Hernandez has been honored by the Wilkie B. Ferguson Bar Association, she has demonstrated and carried the torch for our community; further stating that regarding School Board matters, the Board has worked on issues that have impacted on the lives of families in a positive way; further noting that the Coral Gables kids are among some of the best kids; further stating that Coral Gables has done a great job in terms of standing as a sterling example in our Miami-Dade community.

Mayor Slesnick added that our City is very proud of our schools, stating that they are amongst some of the highest ranked schools, academically, in the state; further pointing to the fact that the City Commission is proud that it can interact with the kids at Carver Elementary, Coral Gables Elementary School, Henry S. West Lab, Ponce Middle School, Coral Gables Senior High School, Sunset Elementary (even though the latter school is somewhat outside the municipal boundary).

Following said public acknowledgement, Mayor Slesnick invited Father Sean O'Sullivan, from the Church of the Little Flower to join Mr. Harvey and the members of the City Commission for a photographic session].

**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. 2009-55 through Ordinance No. 2009-58); (b) Resolution(s) adopted (Resolution No. 2009-331 through Resolution No. 2009-361); (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. [09-0801](#) Presentation by Mari Molina, Executive Director of the Coral Gables Business Improvement District, regarding leasing activity on Miracle Mile.

**Attachments:** [Dec 2009 BID Presentation to Commission](#)  
[Verbatim Transcript - Update on Business Improvement District Leasing Activity.p](#)

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

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

City Clerk Item No. 3

- A.-2. [09-0809](#) Presentation of Statement of Support for Employer Support of the Guard and Reserves Program.

**Attachments:** [ESGRSOSNationalGuardAndReserve](#)

[Note for the Record: Mayor Slesnick invited to the dais, Major Mike Mills from the City of South Miami, and head of the Employer Support for Guards and Reserves in the area of Coral Gables, and further acknowledged Marty Rosen, citizen and member of the Employer Support for Guards and Reserves, said group, which is a committee of volunteers (20 strong) that work with employees to make sure that their relations with civilian employees are in accordance with federal law; further noting that his organization encourages employers who hire reservist to sign a statement of support, that demonstrates to the employees that the employers are in support of their military duty to our country.

Mr. Mills further noted that Coral Gables has been one of his organization's leaders, as witnessed by our City's signing of said support document which is on file in the City Clerk's Office. Mr. Rosen further stated that it has been an honor to have Mayor Slesnick, who is a retired Army Reservist, as well as himself.

Mayor Slesnick informed said presenters that the City of Coral Gables had previously adopted legislation, thereby making said request more of form over substance; further noting that the City has staffers whom are also reservists; further thanking the

presenters for their initiative].

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

City Clerk Item No. 2

**A.-3. [09-0834](#)**

Presentation of a Certificate of Appreciation to Mr. R. Alberto Delgado, Public Works Director, on the occasion of his retirement.

[Note for the Record: Mayor Slesnick prefaced his remarks by noting that it has been a matter of public knowledge that Alberto Delgado is retiring from the City, and there will be parties and celebrations held in his honor; further acknowledging Mr. Delgado's professionalism and good work; great attitude, professional styled singing, who has led the City many times in renditions of patriotic music; whereby following said acknowledgement, Mayor Slesnick informed Mr. Delgado that the City Commission wanted to offer a small token of its appreciation for what he has done for our City, thanking him, wherein he read a Certificate of Appreciation document into the public record.

In accepting this protocol document, Mr. Delgado stated that he wanted to thank the City of Coral Gables for giving him the opportunity to participate in the management of so many projects, both above and below the ground; further thanking the many residents who have wished him well on the occasion of his retirement; further noting that he has had the opportunity to meet most residents in person; further thanking staff, noting that they were always there when he needed them; further stating that in closing, that he would always liked to be remembered as a gentleman who treated both workers and residents alike with courtesy and respect.

Vice Mayor Kerdyk acknowledged that Mr. Delgado has been a leader in a myriad of project matters, whether it has been associated with traffic calming, the Ponce Median project, Trolley initiatives, etc., noting that he has always represented himself as a gentleman; further recalling one incident involving a mailout for a townhall meeting, wherein 800 residents came out, prior to the advent of a hurricane of mammoth magnitude; that was accompanied by torrid rains further indicating that upon making his opening remarks he quickly turned the microphone over to Mr. Delgado who so graciously handled the townhall meeting like a gentleman].

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

City Clerk Item No. 1

**A.-4. [09-0813](#)**

Congratulations to Katrina Eckenroth, Police Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of January 2010.

**Attachments:** [Cover Memo](#) [EOM January2009](#)  
[EOM Letter Jan2010](#)

[Note for the Record: Katrina Eckenroth, Police Department was selected as the “Employee of the Month” for December. Ms. Eckenroth began her career with the City of Coral Gables as a Fire Communications Clerk I (1988), and subsequently moved to Police Records (1998). She has assumed the arduous task of training others in the department in the processing of citations and crash reports; further noting that she prides herself on accuracy and assumes sole responsibility for training new personnel in the department; further pointing out that Ms. Eckenroth has singlehandedly managed the processing of facially defective citations in accordance with Florida Statutes (i.e. when defective citation number is incomplete, incorrect, there exist certain missing info, etc.) ; further noting that her efficiency has resulted in a 30% reduction in defective citations.

Sgt. Klaus Reinoso, who has responsibility for the Data Management and Technology Section, Police Department, congratulated Ms. Eckenroth on her selection; further explaining that she has been tasked with traffic related records, and ensuring that said records always get to the Court system on time; she also maintains responsibility for the training of new Clerks, and is very passionate about her job; further acknowledging that everyone in the Records section is very proud of her].

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

City Clerk Item No. 4

**B. APPROVAL OF MINUTES**

**B.-1.**     [09-0856](#)     Regular City Commission Meeting of November 17, 2009

**Attachments:**     [Verbatim Transcript - Agenda Item E-13 - Cocoplum Guardhouse.pdf](#)  
[Verbatim Transcript - Agenda Item F-1 - Presentation on senior activities.pdf](#)  
[Verbatim Transcript - Agenda Item I-2 - City Attorneys Item - Presentation of prop](#)  
[Verbatim Transcript - Agenda Item A-1 - South Florida Park Coalition Charter.pdf](#)  
[Verbatim Transcript - Agenda Item A-2 - Miami Dade Broadband Coalition.pdf](#)  
[Meeting Minutes.pdf](#)  
[Verbatim Transcript - Agenda Item E-7 - Country Club Outdoor Seating2.pdf](#)

[Note for the Record: Prior to the taking of the roll call vote in connection with Agenda Item B-1, Commissioner Anderson requested of the City Clerk to amend the minutes document to correct the following references: page 24, three references to the name of Amado (“Al”) Acosta should be corrected to reflect the appropriate spelling of said individuals name; and on page 32, in reference to the Guiteras family, who owns the “Globe” Restaurant].

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

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

City Clerk Item No. 5

**C. CONSENT AGENDA**

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

**Passed the Consent Agenda**

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, 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. 2009-331****C.-1. 09-0828**

Resolution appointing Louan Zagarino (nominated by Board-As-A-Whole) to serve as a member of the Pinewood Cemetery Advisory Board, for a two-year term, beginning June 1, 2009 through May 31, 2011.

**Attachments:** [Pinewood Minutes November 9, 2009BoardAsAWholeAppt ActionLZagarinoApptmtCC12.15.09](#)  
[R- Zagarino appointment DRAFT](#)  
[C-1 Signed Cover Memo](#)  
[Signed Resolution 2009-331.pdf](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF LOUAN ZAGARINO (BOARD-AS-A-WHOLE APPOINTMENT), TO SERVE AS A MEMBER OF THE PINWOOD CEMETERY ADVISORY BOARD FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-331 on the Consent Agenda.**

City Clerk Item No. 6

**RESOLUTION NO. 2009-332****C.-2. [09-0811](#)**

Resolution appointing Paul Zamek (nominated by Board-As-A-Whole) to serve as a member of the Coral Gables Landscape Beautification Advisory Board, for a two-year term, beginning June 1, 2009 through May 31, 2011.

**Attachments:** [Resolution Bd as a Whole P Zamek 11-09](#)  
[LBAB Excerpt 11-09](#)  
[LBAB Nom Zamek 09](#)  
[C-2 Signed Cover Memo](#)  
[Signed Resolution 2009-332.pdf](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF PAUL ZAMEK (BOARD-AS-A-WHOLE APPOINTMENT), TO SERVE AS A MEMBER OF THE LANDSCAPE BEAUTIFICATION ADVISORY BOARD FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2011.

**This Matter was adopted by Resolution Number 2009-332 on the Consent Agenda.**

City Clerk Item No. 7

**RESOLUTION NO. 2009-333****C.-5. [09-0835](#)**

Resolution declaring the contents of the Preston Scott Design with Flowers Store surplus city property, in accordance with Section 2-920 of the Procurement Code, to authorize disposal of said property by public auction on December 20, 2009.

**Attachments:** [Agenda Cover \(Preston Scott\) \(2\)](#)  
[Resolution \( Preston Scott\) \(3\)](#)  
[Broward County Piggyback Contract](#)  
[United States Bankruptcy Court Reports Abandonment](#)  
[C-5 Signed Cover Memo](#)  
[Signed Resolution 2009-333.pdf](#)

A RESOLUTION DECLARING THE CONTENTS OF THE PRESTON SCOTT DESIGN WITH FLOWERS STORE SURPLUS CITY PROPERTY IN ACCORDANCE WITH SECTION 2-920 OF THE PROCUREMENT CODE TO AUTHORIZE DISPOSAL OF SAID SURPLUS PROPERTY BY PUBLIC AUCTION ON DECEMBER 20, 2009.

**This Matter was adopted by Resolution Number 2009-333 on the Consent Agenda.**

City Clerk Item No. 8



**RESOLUTION NO. 2009-334****C.-7. [09-0808](#)**

Resolution granting permission to The St. Patrick's Day Committee, Inc. to sell alcoholic beverages from Noon until 6:00 p.m. on Saturday, March 13, 2010, at the Fred B. Hartnett/Ponce Circle Park as part of the St. Patrick's Day Festival, subject to Florida Department of Professional Regulation requirements.

**Attachments:** [St Patrick's Day Committee Special Events Application.pdf](#)  
[St Patrick's Day Committee 2010 Draft Resolution \(2\).pdf](#)  
[St Patrick's Day Committee 2010 Cover Memo.pdf](#)  
[C-7 Signed Cover Memo](#)  
[Signed Resolution 2009-334.pdf](#)

A RESOLUTION GRANTING PERMISSION TO THE ST. PATRICK'S DAY COMMITTEE, INC. TO SELL ALCOHOLIC BEVERAGES FROM NOON UNTIL 6:00 P.M. ON SATURDAY, MARCH 13, 2010, IN FRED B. HARTNETT/PONCE CIRCLE PARK AS PART OF ST. PATRICK'S DAY FESTIVAL, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

**This Matter was adopted by Resolution Number 2009-334 on the Consent Agenda.**

City Clerk Item No. 9

**RESOLUTION NO. 2009-335****C.-8. [09-0831](#)**

Resolution amending Resolution No. 2009-225 by changing one of the approved dates for the "Art in the Park Event" and granting a request made by the Kiwanis Club of Little Havana to sell alcoholic beverages at Ponce Circle Park subject to Florida Department of Professional Regulation requirements; more specifically changing the date from January 1, 2010 to January 29, 2010.

**Attachments:** [Resolution No. 2009-225](#)  
[Kiwanis Club of Little Havana Cover Memo.pdf](#)  
[Art in the Park Resolution](#)  
[C-8 Signed Cover Memo](#)  
[Signed Resolution 2009-335.pdf](#)

A RESOLUTION AMENDING RESOLUTION NO. 2009-225, BY CHANGING ONE OF THE APPROVED DATES FOR THE "ART IN THE PARK EVENT", GRANTING A REQUEST MADE BY THE KIWANIS CLUB OF LITTLE HAVANA TO SELL ALCOHOLIC BEVERAGES AT PONCE CIRCLE PARK, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS; MORE SPECIFICALLY CHANGING THE DATE FROM JANUARY 1, 2010 TO JANUARY 29, 2010.

**This Matter was adopted by Resolution Number 2009-335 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2009-336****C.-9. [09-0840](#)**

Resolution authorizing expenditures in the amount of \$250,000.00 from State Forfeited Asset Fund (FAF) monies to reimburse the City of Coral Gables General Fund for expenditures associated with the Police Communications Center Project.

**Attachments:** [RESOLUTION - \\$250,000.](#)  
[COMMISSION COVER MEMO - \\$250,000. FAF](#)  
[C-9 Signed Cover Memo](#)  
[Signed Resolution 2009-336.pdf](#)

A RESOLUTION AUTHORIZING EXPENDITURES IN THE AMOUNT OF \$250,000.00 FROM STATE FORFEITED ASSET FUND (FAF) MONIES, TO REIMBURSE THE CITY OF CORAL GABLES GENERAL FUND FOR EXPENDITURES ASSOCIATED WITH THE POLICE COMMUNICATIONS CENTER PROJECT.

**This Matter was adopted by Resolution Number 2009-336 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2009-337****C.-10. [09-0829](#)**

Resolution authorizing the implementation of a combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement between the City of Coral Gables Police Department and the Miami-Dade County Police Department.

**Attachments:** [COMMISSION COVER MEMO - MIAMI-DADE MUTUAL AID](#)  
[RESOLUTION - MIAMI-DADE PD - MUTUAL AID AGREEMENT](#)  
[C-10 Signed Cover Memo](#)  
[Signed Resolution 2009-337.pdf](#)

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE CITY OF CORAL GABLES POLICE DEPARTMENT AND MIAMI-DADE COUNTY POLICE DEPARTMENT.

**This Matter was adopted by Resolution Number 2009-337 on the Consent Agenda.**

City Clerk Item No. 12

**RESOLUTION NO. 2009-338****C.-13. [09-0814](#)**

Resolution supporting and endorsing the South Florida Park Coalition Charter and the principles on which it stands.

**Attachments:** [Park Coalition Resolution.pdf](#)  
[South Florida Park Coalition Cover Memo.pdf](#)  
[SFParkCoalition.pdf](#)  
[C-13 Signed Cover Memo](#)  
[Signed Resolution 2009-338.pdf](#)

A RESOLUTION SUPPORTING AND ENDORSING THE SOUTH FLORIDA PARK COALITION CHARTER AND THE PRINCIPLES ON WHICH IT STANDS.

**This Matter was adopted by Resolution Number 2009-338 on the Consent Agenda.**

City Clerk Item No. 13

**RESOLUTION NO. 2009-339****C.-14. [09-0798](#)**

Resolution establishing a Subsidized Housing Impact Fee Deferral Program; providing findings, intent, authority and definitions; providing for application procedures; providing for reporting; providing for recording of restrictive covenants and lien to insure payment of deferred impact fees; providing for reporting on and suspension of impact fee incentives; and providing for an effective date.

**Attachments:** [12 15 09 Exhibit A Memo: Subsidized Housing Resol Lien 12-7-09](#)  
[12 15 09 CC Cover Memo re: Resolution re subsidized housing impact fee CC me](#)  
[12 15 09 Exhibit A Resolution: Subsidized Housing Incentives FINAL](#)  
[C-14 Signed Cover Memo](#)  
[Signed Resolution 2009-339.pdf](#)

A RESOLUTION ESTABLISHING A SUBSIDIZED HOUSING IMPACT FEE DEFERRAL PROGRAM PROVIDING FINDINGS, INTENT, AUTHORITY AND DEFINITIONS; PROVIDING FOR APPLICATION PROCEDURES; PROVIDING FOR REPORTING; PROVIDING FOR RECORDING OF RESTRICTIVE COVENANTS AND LIEN TO INSURE PAYMENT OF DEFERRED IMPACT FEES; PROVIDING FOR REPORTING ON AND SUSPENSION OF IMPACT FEE INCENTIVES; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Matter was adopted by Resolution Number 2009-339 on the Consent Agenda.**

City Clerk Item No. 14

**RESOLUTION NO. 2009-340****C.-15. [09-0849](#)**

Resolution amending the 2008-2009 Annual Budget and authorizing a transfer of funds from the Stormwater Utility Fund and the Sanitary Sewer System Fund into the General Fund for indirect operating costs provided by the General Fund departments for the fiscal year ended September 30, 2009.

**Attachments:** [Agenda Item - Resolution authorizing transfer of funds](#)  
[Transfer of Funds from Stormwater and Sanitary Sewer Funds](#)  
[C-15 Signed Cover Memo](#)  
[Signed Resolution 2009-340.pdf](#)

A RESOLUTION AMENDING THE FISCAL YEAR 2008-2009 ANNUAL BUDGET AND AUTHORIZING A TRANSFER OF FUNDS FROM THE STORMWATER UTILITY FUND AND THE SANITARY SEWER SYSTEM FUND INTO THE GENERAL FUND FOR INDIRECT OPERATING COSTS PROVIDED BY THE GENERAL FUND DEPARTMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2009.

**This Matter was adopted by Resolution Number 2009-340 on the Consent Agenda.**

City Clerk Item No. 15

**RESOLUTION NO. 2009-341****C.-16. [09-0841](#)**

Resolution electing to use the uniform method of collecting non-ad valorem special assessments levied within the incorporated area of the City; stating a need for such levy; providing for the mailing of this Resolution; and providing for an effective date.

**Attachments:** [Agenda cover sheet - Resolution to Use Uniform Method of Collection](#)  
[Resolution electing uniform method](#)  
[C-16 Signed Cover Memo](#)  
[Signed Resolution 2009-341.pdf](#)

A RESOLUTION ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; FURTHER STATING A NEED FOR SUCH LEVY; FURTHER /PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Matter was adopted by Resolution Number 2009-341 on the Consent Agenda.**

City Clerk Item No. 16

**RESOLUTION NO. 2009-342****C.-18. [09-0851](#)**

Resolution providing for certain accounting treatment for use of funds in the Sanitary Sewer System Fund; and providing an effective date.

**Attachments:** [Agenda Item - Resolution providing for certain accounting treatment Sanitary Sewer System Fund Proprietary Fund C-18 Signed Cover Memo Signed Resolution 2009-342.pdf](#)

A RESOLUTION PROVIDING FOR CERTAIN ACCOUNTING TREATMENT FOR USE OF FUNDS IN THE SANITARY SEWER SYSTEM FUND; AND PROVIDING AN EFFECTIVE DATE.

**This Matter was adopted by Resolution Number 2009-342 on the Consent Agenda.**

City Clerk Item No. 17

**RESOLUTION NO. 2009-343****C.-19. [09-0845](#)**

Resolution authorizing transfer of funds in the amount of one hundred sixty-eight thousand dollars (\$168,000), from the Special Revenue Fund entitled "Citywide Records Management Infrastructure, Business Process Improvement: Enterprise Content Management Project" into the General Fund for the fiscal year ended September 30, 2009.

**Attachments:** [Agenda Item - Resolution authorizing one-time transfer of funds Document Filing Fee Transfer of Funds C-19 Signed Cover Memo Signed Resolution 2009-343.pdf](#)

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE AMOUNT OF ONE HUNDRED SIXTY-EIGHT THOUSAND DOLLARS (\$168,000), FROM THE SPECIAL REVENUE FUND ENTITLED "CITYWIDE RECORDS MANAGEMENT INFRASTRUCTURE, BUSINESS PROCESS IMPROVEMENT: ENTERPRISE CONTENT MANAGEMENT PROJECT" INTO THE GENERAL FUND FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2009.

**This Matter was adopted by Resolution Number 2009-343 on the Consent Agenda.**

City Clerk Item No. 18

**RESOLUTION NO. 2009-344****C.-20. [09-0833](#)**

Resolution authorizing the American Institute of Wine and Food to sell wine through the American Institute of Wine & Food at the Grand Finale Picnic from 11:00 a.m. to 1:00 p.m. on March 27, 2010 at the Coral Gables Farmers Market.

**Attachments:** [AIWF resolution](#)  
[C-20 Signed Cover Memo](#)  
[Signed Resolution 2009-344.pdf](#)

A RESOLUTION AUTHORIZING THE AMERICAN INSTITUTE OF WINE AND FOOD (AIWF) TO SELL WINE AT THE GRAND FINALE PICNIC FROM 11:00 AM TO 1:00 PM ON MARCH 27, 2010 AT THE CORAL GABLES FARMERS MARKET.

**This Matter was adopted by Resolution Number 2009-344 on the Consent Agenda.**

City Clerk Item No. 19

**RESOLUTION NO. 2009-345****C.-21. [09-0700](#)**

Resolution approving a Memorandum of Understanding between the City of Coral Gables and Fairchild Tropical Botanical Gardens for Fairchild Tropical Botanical Gardens to join the City's fiber Institutional Network operations.

**Attachments:** [Fairchild Garden MOU 1109.pdf](#)  
[itFairchildInetMOU\\_CCAgendaCover08.pdf](#)  
[CCAgenda09-0700Resolution FTBGv04.pdf](#)  
[C-21 Signed Cover Memo](#)  
[Signed Resolution 2009-345.pdf](#)

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CORAL GABLES AND FAIRCHILD TROPICAL BOTANICAL GARDENS FOR FAIRCHILD TROPICAL BOTANICAL GARDENS TO JOIN THE CITY'S FIBER INSTITUTIONAL NETWORK OPERATIONS.

**This Matter was adopted by Resolution Number 2009-345 on the Consent Agenda.**

City Clerk Item No. 20

**RESOLUTION NO. 2009-346****C.-22. [09-0825](#)**

Resolution approving an Addendum of the Memorandum of Understanding between the City of Coral Gables and Laro, Inc. of Coral Gables DBA Riviera School for fiber Institutional Network operations.

**Attachments:** [Riviera Day School Fiber INet MOU.pdf](#)  
[Riviera Day School MOU Addendum](#)  
[C-22 Signed Cover Memo](#)  
[Riviera Day School MOU Resolution](#)  
[Signed Resolution 2009-346.pdf](#)

A RESOLUTION APPROVING AN ADDENDUM OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CORAL GABLES AND LARO, INC. OF CORAL GABLES DBA RIVIERA DAY SCHOOL FOR FIBER INSTITUTIONAL NETWORK OPERATIONS.

**This Matter was adopted by Resolution Number 2009-346 on the Consent Agenda.**

City Clerk Item No. 21

**RESOLUTION NO. 2009-347****C.-23. [09-0703](#)**

Resolution approving a Memorandum of Understanding between the City of Coral Gables and University of Miami Police Department for University of Miami Police Department to join the City's fiber Institutional Network operations.

**Attachments:** [cgMOUFiberInet UMPD 12092009.pdf](#)  
[CCAgenda09-0703Resolution UMPDv02.pdf](#)  
[itUMPDInetMOU CCAgendaCoverv04.pdf](#)  
[C-23 Signed Cover Memo](#)  
[Signed Resolution 2009-347.pdf](#)

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CORAL GABLES AND UNIVERSITY OF MIAMI POLICE DEPARTMENT FOR UNIVERSITY OF MIAMI POLICE DEPARTMENT TO JOIN THE CITY'S FIBER INSTITUTIONAL NETWORK OPERATIONS.

**This Matter was adopted by Resolution Number 2009-347 on the Consent Agenda.**

City Clerk Item No. 22

**RESOLUTION NO. 2009-348****C.-24. [09-0848](#)**

Resolution authorizing the use of City-owned submerged lands for dredging activities related to the construction of a boat slip on private property at 701 Bella Vista Avenue, subject to all permitting requirements of the City of Coral Gables.

**Attachments:** [Calvo's back-ups](#)  
[Calvo Resolution](#)  
[Calvo cover](#)  
[C-24 Signed Cover Memo](#)  
[Signed Resolution 2009-348.pdf](#)

A RESOLUTION AUTHORIZING THE USE OF CITY-OWNED SUBMERGED LANDS FOR DREDGING ACTIVITIES RELATED TO THE CONSTRUCTION OF A BOAT SLIP ON PRIVATE PROPERTY AT 701 BELLA VISTA AVENUE, SUBJECT TO ALL PERMITTING REQUIREMENTS OF THE CITY OF CORAL GABLES.

**This Matter was adopted by Resolution Number 2009-348 on the Consent Agenda.**

City Clerk Item No. 23

**RESOLUTION NO. 2009-349****C.-25. [09-0853](#)**

Resolution amending the 2009-2010 Annual Budget and authorizing an appropriation of funds in the Capital Improvement Fund for the Comcast I-Net interconnect capital project.

**Attachments:** [Agenda Item - Resolution amending 09-10 budget for appropriation in capital fund](#)  
[Resolution amending 09-10 budget appropriating fund](#)  
[C-25 Signed Cover Memo](#)  
[Signed Resolution 2009-349.pdf](#)

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 ANNUAL BUDGET AND AUTHORIZING AN APPROPRIATION OF FUNDS IN THE CAPITAL IMPROVEMENT FUND FOR THE COMCAST I-NET INTERCONNECT CAPITAL PROJECT.

**This Matter was adopted by Resolution Number 2009-349 on the Consent Agenda.**

City Clerk Item No. 24



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

- C.-26. [09-0810](#) Landscape Beautification Advisory Board Meeting of November 5, 2009

**Attachments:** [BC Cover Sheet 11-5-09 na](#)  
[Minutes BC 11-5-09](#)  
[LBAB Minutes 11-5-09 signed.pdf](#)

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

City Clerk Item No. 25

- C.-27. [09-0812](#) Board of Adjustment Meeting of November 2, 2009

**Attachments:** [BOADJ Summary 11-02-09](#)  
[BOARD OF ADJUSTMENT RECAP 11-02-2009](#)  
[Notice 11-02-09](#)  
[Cover Memo - 12-15-09](#)

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

City Clerk Item No. 26

- C.-28. [09-0816](#) Cultural Development Board Meeting of October 26, 2009

**Attachments:** [10 Commission cover no action 12-15-09](#)  
[10 CDB Minutes & Final Reports Review OCTOBER 26 2009](#)

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

City Clerk Item No. 27

- C.-29. [09-0817](#) Cultural Development Board Meeting of November 18, 2009

**Attachments:** [11 Commission cover no action 12-15-09](#)  
[11 CDB Minutes & Grants Review NOVEMBER 18 2009](#)

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

City Clerk Item No. 28

- C.-30. [09-0818](#) Cultural Development Board Meeting of November 23, 2009

**Attachments:** [11b Commission cover no action 12-15-09](#)  
[11b CDB Minutes Special Grants Meeting NOVEMBER 23 2009](#)

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

City Clerk Item No. 29

- C.-31. [09-0820](#) Economic Development Board Meeting of November 4, 2009

**Attachments:** [EDB Commission cover no action 12-15-09.pdf](#)  
[EDB Minutes 11.4 09 .pdf](#)

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

City Clerk Item No. 30

- C.-32. [09-0824](#) Code Enforcement Board Meeting of November 18, 2009

**Attachments:** [memo cover nov 09](#)  
[ROLLCALL nov 2009](#)  
[nov 2009](#)

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

City Clerk Item No. 31

- C.-33. [09-0826](#) Coral Gables Merrick House Governing Board Meeting of November 9, 2009

**Attachments:** [Merrick House Minutes Nov 9, 2009](#)  
[CGMNoAction-11.09.09MinutesforCC12.15.09](#)

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

City Clerk Item No. 32

- C.-34. [09-0827](#) Pinewood Cemetery Advisory Board Meeting of November 9, 2009

**Attachments:** [NoAction11.09.09CCMtqNoAction12.15.09](#)  
[Pinewood Minutes November 9, 2009](#)

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

City Clerk Item No. 33

- C.-35. [09-0837](#) Communications Committee Meeting of November 19, 2009

**Attachments:** [Microsoft Word - communicationsminutesagendadecember09.pdf](#)  
[Microsoft Word - minutes november 2009.pdf](#)

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

City Clerk Item No. 34

- C.-36. [09-0839](#) Parking Advisory Board Meeting or October 22, 2009

**Attachments:** [cover pab 10-22-09](#)  
[pab minutes 10-22-09](#)

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

City Clerk Item No. 35

**Non Agenda Item****RESOLUTION NO. 2009-350**

**Non**     **09-0874**  
**Agenda**

A Resolution granting approval for participation in the annual Christmas courtesy parking program on Miracle Mile parking meters from Sunday December 20th, 2009 until Thursday, December 31st, 2009, during the Holiday Season.

**Attachments:**    [Signed Resolution 2009-350.pdf](#)

A RESOLUTION GRANTING APPROVAL FOR PARTICIPATION IN THE ANNUAL CHRISTMAS COURTESY PARKING PROGRAM ON MIRACLE MILE PARKING METERS FROM SUNDAY, DECEMBER 20TH, 2009 UNTIL THURSDAY, DECEMBER 31ST, 2009, DURING THE HOLIDAY SEASON.

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-350.**

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

**Nays :** 1 - Commissioner Withers

City Clerk Item No. 36

**Pulled from Consent Agenda****RESOLUTION NO. 2009-351**

**C.-3.**     **09-0830**

Resolution authorizing the waiving of the cost of parking meter rentals for the 59th Annual Beaux Arts Festival of Art.

**Attachments:**    [Beaux Arts Meter LTR](#)  
[Beaux Arts Reso](#)  
[cover sheet Beaux Arts Festival](#)  
[C-3 Signed Cover Memo](#)  
[Signed Resolution 2009-351.pdf](#)

A RESOLUTION AUTHORIZING THE WAIVING OF THE COST OF PARKING METER RENTALS FOR THE 59TH ANNUAL BEAUX ARTS FESTIVAL OF ART.

[Note for the Record: Commissioner Cabrera informed his colleagues that he pulled Agenda Items C-3 and C-4, respectively because both issues dealt with authorizing the waiver of the cost of parking meter rentals (Agenda Item C-3, more particularly for the Beaux Arts Festival of Art; and Agenda Item C-4, the 2009 Junior Orange Bowl International Tennis Championship); further adding that Agenda Item C-4 has been a long standing event, and that Agenda Item C-3 has been a well established tennis event; further mentioning to his colleagues that he was recently made aware of the fact that the City had decided to refrain from continuing the Annual Courtesy Parking Program during the holiday season; further noting that the City has been doing said program dating back to Calendar Year 1968; further noting that said matter has

always been approved through a resolution, noting that since it has been done legislatively, that he is delighted to see that it has been done again; further stating that since our Fiscal Year 2009-2010 Budget provides for a fee increase for On-Street and Off-Street Parking rates, that to deny our merchants said program is unconscionable.

In closing, Commissioner Cabrera requested that the City adopt the Annual Holiday Courtesy Parking Program again beginning December 20 through December 31, 2009, for those areas that the City has applied to in the past; further noting that notwithstanding our economic woes, this has been a long standing event in our community.

City Manager Salerno stated that said matter has been handled not as an action of the City Commission, but as an administrative action that has been acted upon, which costs the City approximately \$20,000 annually; further stating that he was not aware that City Commission action approved the Annual Holiday Courtesy Parking, and that the expenditure of \$20,000 is a policy decision; further informing the Commission that he has been watching the City's revenue as meticulously as possible, realizing that the economy is not getting any better; further stating that if the City Commission thinks that said event has some value, then he will follow through with its wishes; further mentioning that the previous City Manager had substantially reduced the Annual Holiday Courtesy Parking Program, before he even knew about same.

Commissioner Cabrera further added that if he had received prior and constructive knowledge about said matter from the City Manager's Office; he would have not brought said matter up; further stating that he would have preferred to hear from the City Manager's Office rather from the general public regarding same.

Commissioner Withers further inquired as to whether said program was citywide?-recalling that he had recently eaten along Miracle Mile and paid three dollars for parking; further adding that he does not believe that said payment for parking will keep people away, adding that free usage of the meters without parking may prevent people from access to our downtown shops and stores; further stating that he is not in favor of the Annual Holiday Courtesy Parking because the City is counting on said revenue.

Mayor Slesnick inquired as to the City's policy regarding parking meters and enforceability for the Junior Orange Bowl Event, during the evening of the parade?-whereby Mr. Kevin Kinney, Director of the City's Parking Department explained that there are 36 meters that are adjacent to the Tennis Center; further adding that the Parking Department has not enforced meters during the parade; further adding that on Saturday night (January 2nd), the City blocks off the streets; further adding that in the downtown area, that typically in the past. The City has not done any enforcement of

parking meters.

Mayor Slesnick suggested that in order to maintain our role as a good event host, that one hour before said event and one hour following said event, be considered, as we extend the courtesy to those guest that the City has invited to participate in our Junior Orange Bowl Parade event].

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-351. The motion passed by the following vote:**

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

City Clerk Item No. 37

**RESOLUTION NO. 2009-352 (As Amended)**

**C.-4. 09-0838**

Resolution authorizing the waiving of the cost of parking meter rentals for the 2009 Junior Orange Bowl International Tennis Championship.

**Attachments:** [letter barbara waters JOB tennis](#)  
[Resolution JOB Tennis](#)  
[cover sheet JOB tennis](#)  
[C-4 Signed Cover Memo](#)  
[Signed Resolution 2009-352.pdf](#)

A RESOLUTION AUTHORIZING THE WAIVER OF COST FOR PARKING METER RENTALS IN CONNECTION WITH THE JUNIOR ORANGE BOWL INTERNATIONAL TENNIS CHAMPIONSHIP.

[Note for the Record: Please refer to those comments referenced above on Agenda Item C-3].

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted as amended by Resolution Number 2009-352. The motion passed by the following vote:**

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

City Clerk Item No. 38

**RESOLUTION NO. 2009-355****C.-6. 09-0836**

Resolution accepting the recommendation of the Chief Procurement Officer to authorize participation in a piggyback contract with Miami-Dade County for the purchase of gasoline and diesel fuel.

**Attachments:** [Agenda Cover\(2\)](#)  
[Fuel Draft Resolution](#)  
[Miami-Dade Gasoline and Diesel Fuel Contract](#)  
[C-6 Signed Cover Memo](#)  
[Signed Resolution 2009-355.pdf](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO AUTHORIZE PARTICIPATION IN A PIGGYBACK CONTRACT WITH MIAMI-DADE COUNTY FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL.

[Note for the Record: Vice Mayor Kerdyk informed his colleagues that he wanted to pull this item to ask the City Manager to provide the City Commission with some background information regarding this issue, and that he should be commended for his investigatory work in ascertaining that the City did not have a contract for gasoline services, and as a consequence thereof in piggybacking off of the state contract will save the City approximately \$80,000 annually.

City Manager Salerno stated that one of the largest purchases for the City has been in the area of fuel consumption; further stating that through staff inquiry, it has been discovered that there has not been an authorization to purchase fuel, adding that the City will expend roughly \$1.8 million dollars in fuel costs this fiscal year alone; further adding that once he discovered that there had not been a contract over the past seven years, then he made this an operational priority to get this commodity under a contract, following the appropriate authority legally to have a contract, as well as seeking the appropriate staff to save dollars-further pointing out that the City will save .15 cents per gallon, for every gallon of fuel that is purchased; further noting that most communities that piggyback off of an existing contract acknowledge that volume is the best course of action to pursue.

City Manager Salerno also stated that when the City's newly appointed Automotive Director Steve Riley joined the City, he had asked him to conduct a full review of the Automotive Department operation; further adding that Mr. Riley has been with the City for approximately four months and is doing a fine job; further acknowledging that there will be new opportunities for increased productivity and increased savings from this initiatives.

**Questions, Comments, Inquiries and Concerns from the City Commission:**  
**Commissioner Withers** inquired of the City Manager, has the City continually pursued the matter of taking our vehicles and testing them in the bio-fuel arena?-

whereby **City Manager Salerno** stated that **Automotive Director Steve Riley** is a leader in green fuel technology used, in terms of managing fleets; adding that he will explore whether there is any financial reason to pursue this initiative, and will have a discussion with him regarding same.

Mr. Volsky stated that he wanted to concur with the statement of the Vice Mayor in commending the City Manager in addressing the fuel matter; further stating that he has heard that Coral Gables is the only City in the U.S. that still buys intermediate gasoline; further inquiring as to why for seven years the City did not have a contract for purchase of said commodity?-further requesting an investigation into said matter; further inquiring as to how much money has been lost?

Commissioner Anderson also inquired as to whether there has been absent a contractual document for gasoline beyond the seven years?-whereupon the City Manager stated that there has not been a contract for gasoline for at least seven years].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-355. The motion passed by the following vote:**

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

City Clerk Item No. 42

### **RESOLUTION NO. 2009-353**

**C.-11. [09-0821](#)**

Resolution authorizing the granting of an easement to American Traffic Solutions for a Photo Red Light System at 525 South Dixie Highway, on the NE corner of Riviera Drive and US1, Coral Gables, Florida.

**Attachments:** [525 - Legal opinion request](#)  
[Intersection Plan Riviera US1](#)  
[Resolution 2009-247-Riviera](#)  
[ORd. 2007-35 - easements](#)  
[525 Cover](#)  
[525 Resol](#)  
[Exhibit A Legal Riviera US1](#)  
[Intersection Plan Riviera US1](#)  
[525 Easement form](#)  
[ATS Riviera Easement form](#)  
[C-11 Signed Cover Memo](#)  
[Signed Resolution 2009-353.pdf](#)

A RESOLUTION AUTHORIZING THE GRANTING OF AN EASEMENT TO AMERICAN TRAFFIC SOLUTIONS FOR A PHOTO RED LIGHT SYSTEM AT 525 SOUTH DIXIE HIGHWAY ON THE NORTHEAST CORNER OF RIVIERA DRIVE AND US1, CORAL GABLES, FLORIDA.

[Note for the Record: Commissioner Cabrera informed the public that Agenda Item

C-11 authorizes the granting of an easement to American Traffic Solutions for a photo Red light system at 525 South Dixie Highway, on the northeast corner of Riviera Drive and US-1; and that Agenda Item C-12, authorizes the granting of an easement to American Traffic Solutions for a photo red light system at 198 South Dixie Highway, on the Southwest corner of Jefferson Street and US-1; further stating that the only reason that he has pulled these two items for discussion is because he has read about all of those cities that are taken class action suits against the photo red light system (i.e. the cities of Pembroke Pines and Aventura, respectively); further stating that as much as he supports the photo red light system program, he is concerned about the potential legal expense; further inquiring of the City Attorney to provide input regarding said matter.

City Attorney Hernandez informed the City Commission that the City of Homestead was recently sued approximately two weeks ago; further noting that legislation has been proposed in our State Capitol, studying how many lives will be saved; further commenting that implementation should be placed on where pedestrian traffic is heaviest; further stating that we have additional comfort support features.

City Attorney Hernandez stated that the City will continue to discuss said matter, monitoring the traffic activity in our City; however, said issue is a life safety one, noting that it is enforced in a code enforcement manner, further adding that because it is new, it has not been made part of statutory law under Chapter 316, F.S.

Commissioner Cabrera queried City Attorney Hernandez with a hypothetical question, inquiring as to what will happen if the state approves legislation to allow for installation of the photo red light camera system?-what happens next?-City Attorney Hernandez responded that by passage of said legislation, moots the class action lawsuits.

Commissioner Cabrera urged the City to take a more proactive approach, thereby supporting certain legislative priorities that include said issue.

Mayor Slesnick cautioned his colleagues that if the state passes legislation regarding this matter, then the state will also demand a larger share of the revenue from the fines; further reminding the public that as it pertains to the photo red light system installation, located in the west bound traffic along Le Jeune Road, that one must stop at the red light before making a right hand turn].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-353. The motion passed by the following vote:**

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

City Clerk Item No. 39



**RESOLUTION NO. 2009-354****C.-12. [09-0822](#)**

Resolution authorizing the granting of an easement to American Traffic Solutions for a Photo Red Light System at 198 South Dixie Highway on the SW corner of Jefferson Street and US1, Coral Gables, Florida.

**Attachments:** [ORd. 2007-35 - easements](#)  
[Resolution 2009-247](#)  
[Jefferson ATS draft resol](#)  
[ATSEasementFormWordRevised\\_3](#)  
[Jefferson cover](#)  
[Intersection Plan Jefferson US1](#)  
[Jefferson Exhibit A](#)  
[C-12 Signed Cover Memo](#)  
[Signed Resolution 2009-354.pdf](#)

A RESOLUTION AUTHORIZING THE GRANTING OF AN EASEMENT TO AMERICAN TRAFFIC SOLUTIONS FOR A PHOTO RED LIGHT SYSTEM AT 198 SOUTH DIXIE HIGHWAY, ON THE SOUTHWEST CORNER OF JEFFERSON STREET AND US1, CORAL GABLES, FLORIDA.

[Note for the Record: Please refer to those comments referenced above on Agenda Item C-11].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-354. The motion passed by the following vote:**

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

City Clerk Item No. 40

**RESOLUTION NO. 2009-356****C.-17. [09-0843](#)**

Resolution accepting the donation of \$19,250 from the owners of 375 Miracle Mile to be deposited into the Arts Acquisition Fund for the Art in Public Places program in lieu of furnishing public art, as required by Zoning Code Article 5, Division 6, Section 5-604 Coral Gables Mediterranean Style Design Standards and amending Resolution 2007-37 to eliminate language in Section 1. referencing "two (2) abstract sculptures."

**Attachments:** [11c Commission cover ACTION 375 Miracle Mile - revised.pdf](#)  
[11c Res AiPP 375 Miracle Mile - revised.pdf](#)  
[CDB Section III of 10.26.09 Minutes.pdf](#)  
[CDB Section III of 11.18.09 Minutes.pdf](#)  
[Zoning Code - Section 5-604.pdf](#)  
[R-2007-37 - highlighted.pdf](#)  
[C-17 Signed Cover Memo](#)  
[Signed Resolution 2009-356.pdf](#)

A RESOLUTION ACCEPTING THE DONATION OF \$19,250 FROM THE OWNERS OF 375 MIRACLE MILE TO BE DEPOSITED INTO THE ARTS ACQUISITION FUND FOR THE ART IN PUBLIC PLACES PROGRAM IN LIEU OF FURNISHING PUBLIC ART, AS REQUIRED BY ZONING CODE ARTICLE 5, DIVISION 6, SECTION 5-604 CORAL GABLES MEDITERRANEAN STYLE

DESIGN STANDARDS AND AMENDING RESOLUTION 2007-37 TO ELIMINATE LANGUAGE IN SECTION 1. REFERENCING "TWO (2) ABSTRACT SCULPTURES."

[Note for the Record: Resident George Volsky inquired of the Mayor and City Commission as to what is the Arts Requisition Fund?-further adding that there has been a recent story appearing in the Coral Gables Gazette which analyzes the budget of the Coral Gables Museum; further stating that the City has to set aside 1.5 percent of its budget for the Coral Gables Museum for public art; further inquiring of the City Commission as to whether money has been put into this Acquisition Fund?-whereby Mayor Slesnick informed Mr. Volsky that he has brought up said matter numerous times in the past, and that the City Commission and City Attorney have taken an exception to his interpretation of same].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-356. The motion passed by the following vote:**

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

City Clerk Item No. 43

**C.-37. [09-0847](#)**

Parks and Recreation Advisory Board Meeting of November 20, 2009

**Attachments:** [Cover Sheet.Minutes 11-20-09.pdf](#)  
[Min 11-20-09.draft.pdf](#)

[Note for the Record: Commissioner Anderson informed the City staff that she wanted to reference the Parks and Recreation Advisory Board Meeting Minutes of November 20, 2009, wherein on page two, entitled "City Projects Update" she questioned what was put for the Country Club Prado Project ("outdoor dining project for Country Club Prado"); further stating in jest that if said reference is true, then she is resigning from the Commission"); further stating that she believes that what was meant was probably an update from Historical Restoration Projects].

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

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

City Clerk Item No. 41

**D. PERSONAL APPEARANCES**

None

City Clerk Item No. 44

**E. PUBLIC HEARINGS****ORDINANCES ON SECOND READING****ORDINANCE NO. 2009-47****E.-1. 09-0640**

An Ordinance of the City Commission of Coral Gables amending the previous conditions of approval (Ordinance No. 3587) and changes to the previously approved site plan for the Country Club of Coral Gables to include outdoor dining on south side of property facing North Greenway Drive, enclosed/open air outdoor area on west side of property and improvements to existing porte-cochere on the rear of the property, legally described as Lots 1-9 and 37-39, Block 32, Section "B" (997 North Greenway Drive), Coral Gables, Florida, and including required conditions; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (Second Reading November 17, 2009, vote: 2-2)

**Attachments:** [09 22 09 CC Cover Memo: Country Club of Coral Gables 1st reading](#)  
[09 22 09 Exhibit A: Ordinance - Country Club of Coral Gables site plan- 1st reading](#)  
[09 22 09 Exhibit B: 09 16 09 Staff report and attachments](#)  
[E-5 Signed Cover Memo](#)  
[10 13 09 Exhibit A: Ordinance re Country Club of CG 2nd reading](#)  
[10 13 09 Exhibit B: 09 22 09 CC Summary Minutes with items entered into the record](#)  
[10 13 09 Exhibit C: Letter from Applicant re alternative plan](#)  
[10 13 09 Exhibit D: Applicant's Alternative Site Plan](#)  
[10 13 09 Exhibit E: Site Plan Package presented at 1st Reading](#)  
[10 13 09 Exhibit F: 09 16 09 PZB Staff report](#)  
[10 13 09 Exhibit G: Public Comments Country Club of CG amend site plan review](#)  
[10 13 09 Exhibit H: Applicant's PowerPoint Presentation](#)  
[10 13 09 CC Cover Memo re: Country Club of CG 2nd reading](#)  
[E-1 Signed Cover Memo](#)  
[Conflict of Interest Form-8B - Rafael Cabrera Jr.](#)  
[11 17 09 Exhibit A: Proposed CGCC Ordinance 2nd reading](#)  
[11 17 09 Exhibit B: 10 13 09 CC Mtg Minutes](#)  
[11 17 09 Exhibit C: Letter from Applicant re alternative plan](#)  
[11 17 09 Exhibit D: Applicant's Alternative Site Plan](#)  
[11 17 09 Exhibit E: 11.03.09 neighborhood meeting summary of public comments](#)  
[11 17 09 Exhibit F: 11 03 09 Neighborhood Meeting Sign-In Sheet](#)  
[11 17 09 Exhibit G: 11 03 09 CGCC Neighborhood presentation](#)  
[11 17 09 Exhibit I: 10 26 09 Neighborhood Letter](#)  
[11 17 09 Exhibit J: 10 13 09 Ordinance No 2009-47](#)  
[11 17 09 CC Cover Memo re: CGCC 2nd reading - outdoor seating](#)  
[11 17 09 Exhibit H: 11 17 09 Updated Public Comments](#)  
[E-7 Signed Cover Memo](#)  
[Signed Ordinance 2009-47.pdf](#)  
[12 15 09 Exhibit A: 11 17 09 Proposed CGCC Ordinance 2nd reading](#)  
[12 15 09 Exhibit B: Add'l correspondence](#)  
[12 15 09 CC Cover Memo: CGCC 2nd reading CC cover memo](#)  
[E-1 Signed Cover Memo](#)  
[Verbatim Transcript - CCMtg December 15 2009 - Country Club Outdoor Dining.ppt](#)

[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].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-47. The motion FAILED by the following vote:

**Yeas :** 2 - Commissioner Anderson and Commissioner Withers

**Nays :** 2 - Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

**Abstentions :** 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 45

### **ORDINANCE NO. 2009-55 (As Amended)**

**E.-2. 09-0671**

An Ordinance of the City Commission of Coral Gables amending the Zoning Code Section 4-401., Uses Prohibited and Article 8., Definitions to clarify the City's current nightclub provisions, providing severability, providing for codification thereof, and providing for an effective date. (Passed on First Reading November 17, 2009 with 4-1 vote.)

**Attachments:** [11 17 09 CC Cover Memo re: Nightclub ZC text amendment 1st reading](#)  
[11 17 09 Exhibit A: Ordinance re Nightclubs 1st reading](#)  
[11 17 09 Exhibit B: State regs on restaurants - 61A3](#)  
[11 17 09 Exhibit C: PZB Nightclub staff report](#)  
[11 17 09 Exhibit D: 09 16 09 Excerpts of PZB Meeting Minutes](#)  
[E-9 Signed Cover Memo](#)  
[12 15 09 CC Cover Memo re: Nightclub ZC text amendment 2nd reading](#)  
[12 15 09 Exhibit A: Ordinance re Nightclubs 2nd reading](#)  
[E-2 Signed Cover Memo](#)  
[Signed Ordinance 2009-55.pdf](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE ZONING CODE SECTION 4-401., USES PROHIBITED AND ARTICLE 8., DEFINITIONS TO CLARIFY THE CITY'S CURRENT NIGHTCLUB PROVISIONS, PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-2 into the public record, Commissioner Withers posed a hypothetical to our City Attorney, as it pertained to Section 4-401 of the Zoning Code, more particularly, as to whether after the conduct of a bi-monthly audit, if it was discovered that alcoholic beverages exceed 49 percent of the total bi-monthly gross sales receipts/revenues, what would be the ensuing cause of action to be taken by the City?-whereby City Attorney Hernandez replied that the City may issue a citation urging compliance, wherein in the case of noncompliance, will result in prosecution by our Code Enforcement Board; or the City Commission may direct the City Attorney to enforce the appropriate provisions of the City's Ordinance.

Commissioner Withers further inquired as to the meaning of accessory use in accordance with Article 8- "Definitions" under the Zoning Code, more particularly inquiring as to whether many of the accessory uses must be contained in the building?-citing the Hyatt Regency Coral Gables as an example, querying whether a

reception held at that location would fall within the purview of Article 8 (“...includes entertainment, such as music, dancing and other similar social activities..”)?-whereby the City Attorney replied in the negative; further citing her own example, referencing that of an outdoor extravaganza which is held every Friday night, as falling within the definitional category of what is considered as an accessory use to a primary restaurant.

Commissioner Withers proffered an amendment to said Second Reading Ordinance, by changing bi-monthly to quarterly, as the timeframe wherein nightclubs where alcoholic beverages exceed 49 percent, exceed the percentage of gross sales receipt revenues of a primary restaurant. Commissioner Withers further questioned why said issue is now before the City Commission?-wherein Planning Director Eric Riel stated that following first reading of said ordinance, that the City Commission had requested through the City Manager of City staff, to review the Zoning Code provisions regarding nightclubs, and to provide recommendations that would clarify their use within the City, that staff did research and mirror those state rules and regulations regarding nightclubs.

Mayor Slesnick further inquired that since we are proposing to mirror said state rules, why then are we trying to amend same?-whereby City Attorney Hernandez stated that the amendment (from bi-monthly to quarterly) proffered by Commissioner Withers, is within the purview of the City Commission to adopt an ordinance that is more liberally construed, stating that it is a formula that is applied].

**This Ordinance was adopted by Ordinance Number 2009-55**

**Yeas :** 4 - Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 48

**ORDINANCE NO. 2009-56****E.-3. 09-0777**

An Ordinance of the City Commission of Coral Gables amending Article 5, Division 20, Telecommunications of the City Zoning Code, amending the previous "Amateur radio antennas" provisions to be renamed "Personal radio services antenna support structures" and amending Article 8, Definitions, providing for definitions; providing for severability, repealer, codification, and an effective date. (Passed on First Reading November 17, 2009 with 5-0 vote.)

**Attachments:** [11 17 09 CC Cover Memo re: telecommunications - 1st reading](#)  
[11 17 09 Exhibit A: Ordinance re Telecom Antenna Ordinance REDLINE](#)  
[11 17 09 Exhibit B: 11 04 09 PZB Staff Report](#)  
[11 17 09 Exhibit C: 11 04 09 PZB Meeting Minutes](#)  
[E-10 Signed Cover Memo](#)  
[12 15 09 CC Cover Memo re: telecommunications - 2nd reading](#)  
[12 15 09 Exhibit A: Ordinance re Telecom Antenna Ordinance clean copy](#)  
[E-3 Signed Cover Memo](#)  
[Signed Ordinance 2009-56.pdf](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING ARTICLE 5, DIVISION 20, TELECOMMUNICATIONS OF THE CITY ZONING CODE, AMENDING THE PREVIOUS "AMATEUR RADIO ANTENNAS" PROVISIONS TO BE RENAMED "PERSONAL RADIO SERVICES ANTENNA SUPPORT STRUCTURES" AND AMENDING ARTICLE 8, DEFINITIONS, PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-3 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, following a motion being made by Commissioner Withers and seconded by Commissioner Anderson, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-3].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2009-56. The motion passed by the following vote:**

**Yeas :** 4 - Commissioner Anderson, Commissioner Cabrera, Jr., Commissioner Withers and Mayor Slesnick II

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 49

**ORDINANCE NO. 2009-57****E.-4. [09-0778](#)**

An Ordinance of the City Commission of Coral Gables amending Article 5, "Development Standards", Division 16, entitled "Roofs", to allow for flat roof and roof top terraces in structures built on flood zone properties; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading November 17, 2009 with 5-0 vote.)

**Attachments:** [11 17 09 CC Cover Memo re: Flat Roofs - 1st Reading](#)  
[11 17 09 Exhibit A: Ordinance - ZC Text Amend - Flat roofs](#)  
[11 17 09 Exhibit B: 11 04 09 Flat roofs - staff report w att](#)  
[11 17 09 Exhibit C: 11 04 09 PZB Meeting Minutes](#)  
[11 17 09 Exhibit D: Illustrations](#)  
[E-12 Signed Cover Memo](#)  
[12 15 09 CC Cover Memo re: Flat Roofs - 2nd Reading](#)  
[12 15 09 Exhibit A: Ordinance - ZC Text Amend - Flat roofs](#)  
[E-4 Signed Cover Memo](#)  
[Signed Ordinance 2009-57.pdf](#)

An Ordinance of the City COMMISSION of Coral Gables, FLORIDA amending ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 16, ENTITLED "ROOFS", TO ALLOW FOR FLAT ROOF AND ROOF TOP TERRACES IN STRUCTURES BUILT ON FLOOD ZONE PROPERTIES; AND providing for severability, REPEALER, CODIFICATION, AND an effective date.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-4 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, following a motion being made by Commissioner Cabrera and seconded by Commissioner Withers, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-4].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2009-57. The motion passed by the following vote:**

**Yeas :** 4 - Commissioner Cabrera, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 50

**ORDINANCE NO. 2009-58****E.-5. [09-0806](#)**

An Ordinance of the City Commission of Coral Gables amending Chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions," relating to optional participation in the Coral Gables Retirement System by appointed officials; providing for an effective date; and repealing all Ordinances inconsistent herewith. (Passed on First Reading November 17, 2009 with a 5-0 vote)

**Attachments:** [Pensions Ordinance](#)  
[Actuary Letter](#)  
[E-11 Signed Cover Memo](#)  
[Pensions Ordinance Cover](#)  
[Pensions Ordinance on Second Reading](#)  
[E-5 Signed Cover Memo](#)  
[Signed Ordinance 2009-58.pdf](#)

AN ordinance amending chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions," RELATING TO OPTIONAL PARTICIPATION IN THE CORAL GABLES RETIREMENT SYSTEM BY APPOINTED OFFICIALS; providing for an effective date; and repealing all ordinances INCONSISTENT herewith.

[Note for the Record: Following the City Attorney's reading of the title to Agenda Item E-5 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, following a motion being made by Commissioner Withers and seconded by Commissioner Cabrera, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item E-5].

**A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Ordinance Number 2009-58. The motion passed by the following vote:**

**Yeas :** 4 - Commissioner Withers, Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

**Absent :** 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 51



**ORDINANCES ON FIRST READING****ORDINANCE NO. 2010-01****E.-6. 09-0785**

An Ordinance of the City Commission of Coral Gables amending the Official Zoning Code, Article 3, Division 20, entitled "Art in Public Places," in particular Section 3-2002, entitled "Definitions"; Section 3-2003, entitled "Art Funds", for the purpose of allowing the collection of funds to the Historic Public Art Fund and Art Acquisition Fund; providing for severability, repealer, codification, and an effective date. (Passed on First Reading December 15, 2009)

**Attachments:** [11 CDB Minutes Excerpt re AiPP November.pdf](#)  
[Afta Letter of Support.pdf](#)  
[12 15 09 Art in Public Places Amend 1st reading - clean](#)  
[12 15 09 Art in Public Places Amend 1st reading - marked](#)  
[08 CDB Minutes EXCERPT re AiPP AUGUST 19 2009](#)  
[Commission cover ACTION AiPP Amend 12.15.09 final](#)  
[E-6 Signed Cover Memo](#)  
[Verbatim Transcript - CCMtg December 15 2009 - Ordinance Art in Public Places.](#)  
[02 10 10 Art in Public Places Amend 2nd reading - strike and undrln](#)  
[02 10 10 Art in Public Places Amend 2nd reading - clean clean](#)  
[01 13 10 PZB EXCERPT Minutes](#)  
[Art in Public Places Cover Memo - 2nd Reading](#)  
[E-1 Signed Cover Memo](#)

[Note for the Record: Following the reading of the title to Agenda Item E-6, Economic Development Board Chairperson Carol Damian informed the public that the City Commission had approved the Art in Public Places Ordinance on December 11, 2007, said effective date being subject to the approval of a Public Art Master Plan; further informing the City Commission that the City has the opportunity to collect funds now, so said funding will become available once the master plan is finalized; further stating that the City has received a grant from the state of Florida for the purpose of hiring a consultant to assist the City in preparation of the master plan; further urging the City Commission to make the ordinance effective now with regard to the collection of public arts funds].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion 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 Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 47

**F. CITY COMMISSION ITEMS**

None

City Clerk Item No. 52

**G. BOARDS/COMMITTEES ITEMS****RESOLUTION NO. 2009-357**

- G.-1. [09-0819](#)** Resolution accepting the recommendations of the Cultural Development Board for FY2009-2010 Cultural Grants.

**Attachments:** [21 Res Cover 09-10 grant recommendations - Revised.pdf](#)  
[22 Res 09-10 grant recommendations - Revised.pdf](#)  
[21a CDB Minutes Excerpt November 18.pdf](#)  
[11b CDB Minutes Special Grants Meeting November 23.pdf](#)  
[20 Attachment A. FY 2009.10 Cultural Grants Allocation Recommendations Ltr.p](#)  
[G-1 Signed Cover Memo](#)  
[Signed Resolution 2009-357.pdf](#)

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE CULTURAL DEVELOPMENT BOARD FOR FISCAL YEAR 2009-2010 CULTURAL GRANTS.

[Note for the Record: Following an introduction of Agenda Item G-1 into the public record, Economic Sustainability Department Director Cindy Birdsill recognized the value of cultural grants in sustaining our cultural fabric as well as our lives; Cultural Development Board Chairperson Carol Damian, who informed the City Commission that her Board is proud of the City Commission for its efforts in identifying grant funding, opportunities for the non-profits; further stating that the Board had recommended funding in the following categorical areas:

6 in the cultural development category  
20 in the festival category  
6 in the community category  
Total Grant Amount: \$150,000.00

Further pointing out that the Board applied a rigorous scoring system, requiring 75 points or higher for cultural excellence; further adding that this has been a difficult financial time for non-profits; further adding that the Board is very grateful for the funding provided for cultural activities, noting that many of these organizations would not survive had it not been for the financial assistance provided by the City; further stating that of the groups that did apply for cultural grants, all were worthy of financial assistance; further stating that the review process is very rigorous and very transparent; further stating that agencies requesting funding were present for the process, to see how the Cultural Development Board rated them, to see what it is that the Board does, and to view the criteria, etc, adding that the Board was proud of these agencies and equally proud of the Commission for what the City has done for these agencies in funding same, during these very difficult times.

**Questions, Inquiries, Comments and Concerns from the City Commission:**  
**Mayor Slesnick** stated that he was unaware that one of our applicants for a cultural

grant in the cultural development category, whom has always received a sizable grant amount over the years, namely **GableStage**, was attempting to acquire the Coconut Grove Playhouse and leave our City; further stating that the City has spoken to the Biltmore Hotel in the past in furtherance of allowing said group to remain in the Biltmore facility; further stating that in his opinion, the City deserves some notification by GableStage of its intent to assume occupancy of the Coconut Grove Playhouse; further stating that he has reached out to **Joe Adler**, talking to him several times; further acknowledging the efforts of our officials in trying to maintain this cultural community and neighborhood].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-357. The motion passed by the following vote:**

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

City Clerk Item No. 46

**H. CITY MANAGER ITEMS****RESOLUTION NO. 2009-358****H.-1.(a) 09-0854**

Resolution authorizing agreements for legislative services and waiving the requirements of the Procurement Code, pursuant to Section 2-583(d).

**Attachments:** [H-1 Signed Cover Memo](#)  
[Legislative Services Resolution](#)  
[Signed Resolution 2009-358.pdf](#)  
[Verbatim Transcript - Legislative Services Agreements.pdf](#)

A RESOLUTION AUTHORIZING AGREEMENTS FOR LEGISLATIVE SERVICES AND WAIVING THE REQUIREMENTS OF THE PROCUREMENT CODE, PURSUANT TO SECTION 2-583 (d).

[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 Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-358. The motion passed by the following vote:**

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

City Clerk Item No. 53

**RESOLUTION NO. 2009-359****H.-1.(b) 09-0875**

Resolution authorizing agreements for legislative services and waiving the requirements of the Procurement Code, pursuant to Section 2-583(d).

**Attachments:** [Signed Resolution 2009-359.pdf](#)  
[Verbatim Transcript - Legislative Services Agreements.pdf](#)

A RESOLUTION AUTHORIZING AGREEMENTS FOR LEGISLATIVE SERVICES AND WAIVING THE REQUIREMENTS OF THE PROCUREMENT CODE, PURSUANT TO SECTION 2-583 (d).

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-359. The motion passed by the following vote:**

**Yeas :** 3 - Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

**Nays :** 1 - Commissioner Cabrera, Jr.

**Absent :** 1 - Commissioner Anderson

City Clerk Item No. 54

**RESOLUTION NO. 2009-360****H.-2. 09-0844**

Resolution accepting the recommendation of the Chief Procurement Officer authorizing an agreement with the Comprehensive Companies to administer a Voluntary Employee Benefits Program (Section 125 Cafeteria Plan) pursuant to Section 2-828 of the Procurement Code and Request For Quotes (RFQT) 2009.04.14 for an initial two (2) year period, with annual renewals, not to exceed a term of ten (10) years.

**Attachments:** [Agenda Cover \(2\)](#)  
[Draft Resolution](#)  
[H-2 Signed Cover Memo](#)  
[Signed Resolution 2009-360.pdf](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER, AUTHORIZING AN AGREEMENT WITH THE COMPREHENSIVE COMPANIES TO ADMINISTER A VOLUNTARY EMPLOYEE BENEFITS PROGRAM (SECTION 125 CAFETERIA PLAN) PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE AND REQUEST FOR QUOTES (RFQT) 2009.04.14 FOR AN INITIAL TWO (2) YEAR PERIOD, WITH ANNUAL RENEWALS, NOT TO EXCEED A TERM OF TEN (10) YEARS.

[Note for the Record: Following the introduction of Agenda Item H-2 into the public record, City Manager Salerno requested of Chief Procurement Officer Mike Pounds to present said item, wherein Mr. Pounds informed the City Commission that the City has provided Voluntary Employee Benefits Program to its employees since July 1, 1990; said voluntary benefits program consists of several insurance programs that are offered payroll deductions at the employee's expense as follows: short term disability; universal life insurance; cancer policy and critical life; said program also provides eligible employees these insurance programs on a before tax basis through a Section 125 Cafeteria Plan under the Internal Revenue Code; Mr. Pounds further stated that on April 14, 2009, the Procurement Division of Finance formally advertised, issued and distributed the Voluntary Employee Benefits Program Request for Quotes (RFQ) 2009.04.14; said firms responding to the RFQ were as follows: Comprehensive Companies, AFLAC, Colonial Life, Human, All-State, Business Plans, Inc. and the Hartford Life Insurance Company; Mr. Pounds pointed out that the Selection Committee recommended that a contract be awarded to AFLAC to administer a Voluntary Employee Benefits Program to eligible City employees through payroll deduction; further noting that in order to maintain continuity of existing voluntary benefit program for current City employees and to provide all employees with a choice of voluntary benefit providers, it was recommended that a new agreement also be approved with the current provider, namely Comprehensive Companies; that recommendation was reviewed and unanimously approved by the Insurance Advisory Committee; Mr. Pounds stated that at the September 25 City Commission Meeting, the Commission requested that staff investigate whether the current voluntary benefits provider offer AFLAC products to City employees, with the idea of continuing with Comprehensive Companies as the sole voluntary benefits administrator to avoid any

potential confusion among employees from having more than one voluntary benefits provider; he further indicated that the Procurement Division has contacted AFLAC, and that it has indicated that Comprehensive Companies will be able to enter into a broker agreement to market their products to Coral Gables employees and they are willing to enter into such agreement; further recommending that the City Commission authorize an agreement with the Comprehensive Companies to administer the City's Voluntary Employee Benefits Program for a two year period, with an option for annual renewals, not to exceed a term of 10 years.

Following the presentation made by Chief Procurement Officer Mike Pounds, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member of the City Commission, after a motion being made by Commissioner Withers and seconded by Commissioner Cabrera, Mayor Slesnick instructed the City Clerk to call the roll on Agenda Item H-2].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-360. The motion passed by the following vote:**

**Yeas :** 3 - Vice Mayor Kerdyk, Jr., Commissioner Withers and Mayor Slesnick II

**Nays :** 1 - Commissioner Cabrera, Jr.

**Absent :** 1 - Commissioner Anderson

City Clerk Item No. 55

## **I. CITY ATTORNEY ITEMS**

### **I.-1. 09-0852 Pending Litigation Report**

**Attachments:** [Pending Litigation Report](#)

[Note for the Record: City Attorney Hernandez indicated to the City Commission that what they had before them was the Pending Litigation Report, which basically shows certain depositions that have been set; tomorrow is the former City Manager, David Brown, as well depositions for the Burr's (Quantum Leap v City of Coral Gables); further noting that the City Attorney's Office is in the process of preparing a second amended complaint, resulting from the Burr's having created another website that infringes upon the Coral Gables Venetian Pool website; further claiming unfair competition; violation of federal trademark laws, and Florida Deceptive and Unfair Trade Practices Law].

**This Litigation was Discussed**

City Clerk Item No. 56

**J. CITY CLERK ITEMS****RESOLUTION NO. 2009-361****J.-1. 09-0850**

Resolution confirming the re-election of Sergeant Agustin Diaz as a Participating Police Officer Representative (Unopposed), and Randy Hoff who was elected as the Participant Regular Full-time Employee Representative, both individuals whom shall serve a two year term beginning January 1, 2010 through December 31, 2011.

**Attachments:** [Retirement Board Election Results - Cover Memo](#)  
[Agustin Diaz and Randy Hoff - Draft Resolution](#)  
[Certification of Results](#)  
[J-1 Signed Cover Memo](#)  
[Signed Resolution 2009-361.pdf](#)

A resolution CONFIRMING THE RE-ELECTION OF SERGEANT AGUSTIN DIAZ, WHO RAN UNOPPOSED, for THE participating POLICE OFFICER seat and randy hoff, who was elected to the participating regular full-time employee seat; SAID INDIVIDUALs TO SERVE AS PARTICIPANT RETIREMENT BOARD MEMBERs FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2010 THROUGH DECEMBER 31, 2011.

[Note for the Record: City Clerk Walter Foeman stated that this item was before the City Commission as a result of the recently held Coral Gables Pension Board Election, to fill the seats that will expire at the end of Calendar Year 2009, namely the participating police officer's seat, and the at-large regular full-time employee seat; further stating that following the closure of the nomination process, that one individual ran unopposed, namely incumbent Augustin Diaz, thereby automatically re-electing him to serve in the participating police officer's seat, pending confirmation by the City Commission; further noting that in the at-large full-time regular employee representative category, the following individuals were nominated: Randy Hoff, Troy Easley, and Ray Vorsteg.

Following the election, City Clerk Walter Foeman announced that the results were as follows: Troy Easley received 172 of the votes cast (31.62%); Randy Hoff received 212 of the votes cast (38.97%), and Ray Vorsteg received 143 of the votes that were cast (26.29%); also, 13 votes were rejected for signature variations (2.39%); there were 3 under votes (0.55%), and 1 over vote (0.18%); further requesting of the City Commission, to accept the City Clerk's Certification and Declaration of Result from said election].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-361. The motion passed by the following vote:**

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

City Clerk Item No. 57

**K. DISCUSSION ITEMS**

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: Nothing for me, thank you. Happy New Year to everybody.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: On December 9th, we received a memo from the Clerk's office regarding current Board and Committee vacancies, and I had a question about one of the Board's; I didn't understand who makes the appointment, and then I wanted to make a quick comment about the one appointment I don't have open, I wanted to do that publicly. But the International Affairs Coordinating Council had a position open and it says Ambassador At-Large, how is that appointed?

Mayor Slesnick: The Mayor nominates and you all confirm.

Commissioner Cabrera: Oh, I didn't know how that worked.

Mayor Slesnick: Yes, it's been a historic thing; I used to be Raul Valdes Fauli's Ambassador At-Large (appointment) for a while. What we did was I took it and redid the Ordinance, and kind of moved it into the IACC until it kind of had a home, but I'll nominate someone, actually its wrong there is a person he's still serving, Al Cueto...

Commissioner Cabrera: OK.

Mayor Slesnick:...as we may change it if Al has other happening, but Al is still Ambassador and you all approved that.

Commissioner Cabrera: OK - and Mr. Clerk, I did make an appointment to the Landscape Beautification Advisory Board, and I don't know if I went through the Manager's office on that, Ms. Spain or Ms. Jimenez, do you remember the e-mail that I wrote regarding the appointment?- because I had received a....yes that was to the Landscape Beautification Advisory Board...

Ms. Jimenez: [Inaudible - off mike]

Commissioner Cabrera:...I had received a recommendation and I had already made a decision on someone else. Mr. Clerk, I'm assuming you don't have that information yet?

City Clerk Foeman: Yes, I think I do Commissioner Cabrera, I'll check.



Commissioner Cabrera: If you don't just be sure to let me know and I'll resend it to you.

City Clerk Foeman: Sure.

Commissioner Cabrera: And then the last comment that I had this fine morning is, now that our City Manager has been with us six-seven months, I think that its time for us to come together and to begin to develop our own objectives, goal-setting and planning as a Commission body, because I have to tell you as much as I have gained from reading about his speeches at the Chamber and/or his comments at various Board and Committee meetings, and I appreciate them because they are all very well put together, and they are all pretty much in the same framework as I think most of us would like us to be thinking in that direction, we have not had a planning session or goal-setting session or any kind of objective development in a very long time; and I don't know how the rest of you feel, but I'd certainly like to begin that some time in January. Any thoughts on this from the Commission?

Vice Mayor Kerdyk: I think it's very good; very supportive of that.

Mayor Slesnick: You harken back and when this Commission first started as the five of us, we had some very positive goal-setting sessions with the Manager and his senior team, and we really did, I think, come to understand each other better, and get to know each other better, and get to lay out what our goals were. So I support it.

Commissioner Cabrera: I would suggest that we have this with the Manager, the Clerk and the City Attorney in an informal environment, so that we can begin to...I mean, we've got so many challenges ahead financially and from an infrastructure standpoint, and just from the general demands of government that I think that now is the time; I think he's had seven months to evaluate and he continues to evaluate staff and processes and departments, and I think that's very good, but I also believe that the time has come for the five of us to be together so we could have that kind of discussion.

Vice Mayor Kerdyk: That's good.

Commissioner Cabrera: That's it for me, I really....if I don't hear back its going to be my item for the first January meeting for us to all agree on a time and day, so.

Vice Mayor Kerdyk: I think it's good; I'm very supportive of it.

Commissioner Cabrera: And if you have thoughts between now and then I hope you'll share it with me when it becomes my item, so that we can get it out there in the open and see how we can move forward together as a team.

Vice Mayor Kerdyk: That sort of falls into an item that I wanted to bring up for the beginning of the year too is the pensions, the compensations, the packages for our employees. The Mayor has been circulating items that he's received from the Florida League of Cities; the County has set up a compensation committee to review their compensation packages, and I'd like to schedule under my name a discussion in January to discuss possibly setting up a blue ribbon panel or committee of qualified individuals of our electorate that would speak to us a little bit about these financial issues that are affecting the City and more specifically with regards to our pension funds. So Mr. City Manager, if you would get with me, so that we can talk over the next couple of weeks and then we can schedule this item for the agenda at some point in the future.

City Manager Salerno: Be glad to.

Vice Mayor Kerdyk: And the only other thing I have, I just wanted to wish everyone a Merry Christmas, a Happy Holiday Season, and certainly a Happy New Year; enjoy your families, be with your families. We all find out that after we go home at night the greatest thing is to see your children and see your spouse, and sometimes we forget that when we are sitting up on the dias, but I do wish you a very, very Happy Holiday Season. Thank you.

Mayor Slesnick: Chip.

Commissioner Withers: No sir, just Happy Holidays and Merry Christmas to the residents of Coral Gables and to each of you, its been a pleasure, its been a fun year; I look forward to another one next year.

Mayor Slesnick: Let me first of all say that I think we were all sent this, but just to point out to people that if they go to Travel and Leisure, they highlighted seventeen of world's coolest pools, and Coral Gables Venetian Pool is one of those, and it's a very nice little blurb and photograph in Travel and Leisure; I'm looking at the website right now that's on there, and it brings more attention in a positive sense to Coral Gables. I'd like to also wish well during this Holiday Season to the University of Miami and to the Florida Gators and to the F.S.U. Seminoles; FSU is playing West Virginia in the Gator Bowl and the Gators are playing Wisconsin - no the Gators are playing Cincinnati in the Sugar Bowl in New Orleans, and Miami is playing Wisconsin in the Champs Bowl in Orlando, so we have some great State teams, and South Florida I should mention the Bowls, they are playing in Toronto in International Bowl against Northern Illinois. Did Central Florida get a Bowl?- I don't know. I think covers the Floridians and we wish them all well because they represent our State. Yesterday I was honored to be invited as Mayor to the White House for a White House reception in Washington. Actually, its probably the most expensive reception that Jeanette and I

will go to having to purchase two round trip fares to get there for a one day adventure since I had to be back here for the Commission meeting; and I thought that maybe the citizens would be upset if we didn't go, the Mayor was invited; but I wanted the citizens to know that we paid our own way, it was not paid by the City, but we did get there after sitting on the tarmac in Baltimore for three and-a-half hours on the airplane, we were diverted because of fog in Washington and we ended up taking a cab from Baltimore to Washington, and it was quite an adventure, but we did make it and I was proud that the Mayor of Tallahassee and the Mayor of Coral Gables were the two Mayors from Florida that were in the audience and it was a very lovely thing, and you should be proud of your nation and your White House and the way they celebrate the holidays. I think though, that every morning when I wake up, and I know that this is shared by my fellow Commissioners, we all have a great dedication to the City that's why we are sitting here, I think of what a wonderful place we live and holiday time is certainly an great example of that, and if you came to our tree lighting I'd like to thank Public Service, Public Works, our Development Department, the Police, the Fire, all of the people who work so hard to make public events happen, our tree lighting was a tremendous success, Mr. Manager your office and everybody, it was a great night. The Merrick House the other day was a wonderful event, many Coral Gables citizens out again enjoying the City as if it were a small mid-America town, it was just great; and then we had the Menorah lighting the other night representing our citizens of Jewish faith lighting the Menorah and bringing light to the world. What we did this year - what they did, I didn't do it but I participated, they declared Miami Children's Hospital as part of Coral Gables for the night and they took the ceremony over to the Children's Hospital so the children in all the rooms could look down the courtyard and watch the Menorah being lit; and it was a great crowd and it was well received, and everybody at Miami Children's was happy to be part of Coral Gables for the evening. So with that Happy Hanukah, Merry Christmas, Happy New Year. Oh, there is one technical thing I would ask that the Manager look into and circulate if you all would consider the possibility of maybe the first meeting in February being on that Wednesday rather than the Tuesday, if not, that's fine I do have an obligation that makes it kind of difficult for me to be here on that Tuesday, but if you'd consider that Mr. Manager, if you'd just pass that around, or any other day of the week that you all would like to meet, but I have a problem for that Tuesday; other than that we will adjourn. The last meeting of 2009 and see you in 2010.

City Clerk Item No. 58

**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 11:39 am on December 15, 2009. The next regular meeting of the City Commission has been scheduled for January 12, 2010, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK