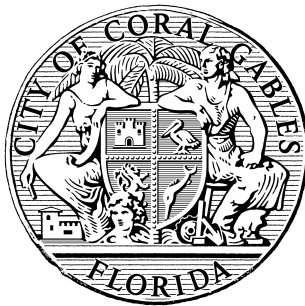


# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, March 11, 2014**

**9:00 AM**

**REVISED AGENDA - ADDITIONAL ITEM C.-4.1**

**City Hall, Commission Chambers**

### **City Commission**

*Mayor Jim Cason  
Vice Mayor William H. Kerdyk, Jr.  
Commissioner Patricia Keon  
Commissioner Vince Lago  
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 Keon, Vice Mayor Kerdyk Jr., Commissioner Lago and Commissioner Quesada

**INVOCATION**

[Note for the Record: Mayor Cason prefaced his remarks by stating that to start off the meeting, that the City Commission was happy to have with them the Reverend of the Day, former Commissioner Chip Withers, who delivered the invocation].

**PLEDGE OF ALLEGIANCE**

Commissioner Keon 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. 2014-04 and Ordinance No. 2014-06); (b) Resolution(s) adopted (Resolution No. 2014-44 through Resolution No. 2014-53); (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. 14-2927** Presentation of a Proclamation declaring March 2014 as Bike 305 Month in Coral Gables.

[Note for the Record: Following Mayor Cason's reading of the title to Agenda Item A-1 into the public record, he acknowledged that joining the City Commission today were Fred Couceyro, Parks and Recreation Department Director, Robert Ruano, Parks and Recreation Department Board member, Kevin Kikwin, Assistant Parks and Recreation Department, Miami-Dade County, and John Swain; whereupon he read the proclamation into the public record declaring March 2014 as Bike 305 Month in Coral Gables.

Mayor Cason requested of Commissioner Frank Quesada to present the item, whereby he called up as one of the individuals in attendance from the biker community and commented that there were a lot of exciting things happening in Coral Gables in connection with pedestrian accessibility and cycling within the City, combined with the Pedestrian Master Plan that is currently in the works, will help our City become an even better community, and easier to get around; further pointing out that many cities around the world have incorporated bikes into their culture, which has resulted in the improvement of traffic and the community, whereby he passed the microphone to Ms. Debbie Swain to comment on Bike Month, along with everything that the City is attempting to do.

Ms. Swain prefaced her statements by stating that she and other representatives were present on behalf of Bike Walk Coral Gables, noting that they are the City of Coral Gables community partner in the Countywide Bike (305) Countywide initiative; further stating that her organization does bike tours, noting that the City Beautiful is a beautiful destination, and why not a better way to see it than by bike, or by walking.

Referring to upcoming events, Ms. Swain informed the viewing public that on Sunday March 16, 2014 her organization will be hosting a Bike and Barbecue event, beginning 11 am, and that the public is cordially invited; further sharing with the viewing public that she is a commuter and rode her bike to City Hall for this agenda item, and that she had to tie her bike up to a meter.

In closing, Ms. Swain said that she was looking forward to working with the City Commission, Mayor and City Manager on the Pedestrian Master Plan, and in further identifying how the \$400,000 allocation in our budgeted will be spent].

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

City Clerk Item No. 1

**A.-2. 14-2909**

Congratulations to Officer Kevin Kelley, recipient of the City of Coral Gables Officer of the Month Award, for the month of January 2014.

**Attachments:** [COMMISSION COVER MEMO - OFFICER OF THE MONTH - JANUARY.pdf](#)  
[OFFICER OF THE MONTH FOR JAN 2014 MEMO.pdf](#)

[Note for the Record: Following Mayor Cason's reading of the title to Agenda Item A-2 into the public record, City Manager Salerno requested of Coral Gables Police Chief Weiner to present the item, whereby Chief Weiner stated that he was happy to present Officer Kevin Kelley as the recipient of the "Officer of the Month Award" for the month of February 2014.

Chief Weiner further explained that during his routine patrol, Officer Kelley noticed an individual walking east on the block of Grand Avenue matching the description of a robbery suspect by the name of Kelsy Marquis Ware, who had committed a strong armed robbery in Coral Gables on January 3rd of this year; a BOLO was issued, Officer Kelley made a U-turn at Grand Avenue and Douglas Road to confirm suspect Ware's identity; whereupon seeing Officer Kelley, said suspect walked quickly north on Douglas Road, and entered a convenience store at Frow Avenue, having strategically parked his marked car out of the view of the front door of the convenience store. He saw a female exit said store and continued west on Frow Avenue from Grand Avenue. Officer Kelley later initiated contact with the subject, whereby Mr. Ware was taken into custody, and transported to CGPD for questioning by the departments' Criminal Investigation Section. In closing Chief Weiner further points out that Officer Kelley should be recognized and commended his proactive approach while assuming his police duties, adding he demonstrated motivation and enthusiasm performing his duties].

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

City Clerk Item No. 2

- A.-3. 14-2936** Congratulations to Officer Kevin Kelley, recipient of the City of Coral Gables 2013 Officer of the Year Award.

**Attachments:** [COMMISSION COVER MEMO - OFFICER OF THE YEAR 2013.pdf](#)  
[OFFICER OF THE YEAR NOMINATION MEMO 2013.pdf](#)

[Note for the Record: Following Mayor Cason's reading of the title to Agenda Item A-2 into the public record, Chief Weiner continued with the presentation of Police Officer Kevin Kelley, as the recipient of the "2013 Officer of the Year Award."

Chief Weiner explained that during Calendar Year 2013, Officer Kelley was recognized on three separate occasions for his exemplary work-Officer of the Month for April 2013, for his efforts in arresting a habitual bike thief through usage of his investigative knowledge and work with the Criminal Investigative Division to close multiple cases; secondly, Officer Kelley received the Officer of the Month Award in August of 2013 for his proactive patrol efforts and subsequent foiling of a narcotics ring, wherein he used his investigative skills and identified drug offenders within his zone; and finally he was recognized as the Officer of the Month for the month of December 2013, while on Patrol Officer Kelley became involved in a fraud investigation that resulted in the identification of an individual that had committed many crimes in South Florida, resulting in this individuals arrest for over 13 felony crimes and warrants].

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

City Clerk Item No. 3

- A.-4. 14-2930** Presentation of 25 years service pin to Nelson Rodriguez, Fire Department.

**Attachments:** [25YrServicePin-NRodriguez](#)

[Note for the Record: Interim Chief Stolzenberg prefaced his remarks by noting that Nelson Rodriguez joined the City as a Fire Recruit in January of 1989 and became a Firefighter in February of 1989 and was later assigned as a paramedic. He adds that Nelson not only brings the skill set from the paramedic side, the floor side, but on some days he sits in seats like the City Commissioners in another City; further pointing out that he brings a sense of professionalism, and for the past 25 years it has always been, "yes Nelson we will work on it" (laughter).

In accepting this accolade, Nelson added, "25 years ago I walked into the City as a young man, today I am a little older, a little heavier, and it has been a pleasure to serve the City of Coral Gables].

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

City Clerk Item No. 4

- A.-5. 14-2931** Presentation of 25 years service pin to Robert Lowman, Fire Department.

**Attachments:** [25YrServicePin-Lowman](#)

[Note for the Record: Following Mayor's reading of the title to Agenda Item A-4 into the public record, City Manager Salerno requested of Human Resources Director Elsa Jaramillo Velez to briefly comment on Agenda Items A-4 and A-5 respectively, whereby she mentioned that the next two agenda items mark 25 years of loyal service to the City of Coral Gables, whereupon Interim Fire Chief Mark Stolzenberg presented said items, noting that each brings a unique skill set. Firstly, he introduced the City's Fire Marshall, namely Chief Robert Lowman. Interim Chief Stolzenberg said that Chief Lowman brings a gift of not only citing a specific problem, but recommending ways to solve the problem, which he notes is a great benefit; further congratulating him on 25 years of service].

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

City Clerk Item No. 5

- A.-6. 14-2932** Presentation of 25 years service pin to Michael Jennings, Fire Department.

**Attachments:** [25YrServicePin-Jennings](#)

[Note for the Record: Agenda Item A-6 was deferred].

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

City Clerk Item No. 6

**A.-7. 14-2919**

Congratulations to Firefighter Chris Butler, recipient of the City of Coral Gables Firefighter of the Month Award, for the month of March 2014.

**Attachments:** [Cover Memo, FF of the Month for March 2014](#)  
[Firefighter of the Month Notification Letter, March 2014](#)

[Note for the Record: Interim Chief Marc Stolzenberg acknowledged that Firefighter Chris Butler as the March 2014 Employee of the Month for his professional display of job performance in connection with a medical emergency; further noting that Firefighter Butler is a very conscientious employee, since this is the second time that he is being recognized as the Firefighter of the Month, having also been recognized on March 11, 2011; further pointing out that Chris is a 17 year veteran of the department, who routinely functions as an assigned paramedic on a fire truck.

During the incident in question, when Chris arrived at the scene, CPR was in progress, and an off-duty doctor, along with a Coral Gables Police Officer were assisting in the resuscitation,; Firefighter Butler confidentially gained control of the patients airway and started with advanced treatments, including injecting cardiac medications per Coral Gables Fire Rescue protocol. His quick actions resulted in a positive response by the patient, who rapidly regained a pulse; further continuing with advanced treatments to the patient until he began to speak. Interim Chief later pointed out that further assessment had shown that the patient experienced a heart attack; the patient was transported to South Miami Hospital where he received a stint and is doing fine. Interim Chief Stolzenberg noted that the team concept with Chris and his team, proved to be worthy in this situation, since it was attributable to Firefighter Butler's aggressive response, determination and expertise that resulted in the survival of the heart attack victim].

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

City Clerk Item No. 7

**A.-8. 14-2920**

Congratulations to Letty Ellis, Community Services/Parks and Recreation Division, recipient of the City of Coral Gables Employee of the Month Award, for the month of March 2014.

**Attachments:** [Letty Ellis Cover Memo](#)  
[Letty Ellis Letter](#)

[Note for the Record: Following Mayor Cason's reading of the title to Agenda Item A-8 into the public record, the City Manager requested of Human Resources Director Elsa Jaramillo Velez to present the agenda item, whereby she commented that Letty Ellis, Community Services/ Parks and Recreation Department, is a true asset to the City of Coral Gables, where she plays an important role in our community.

During the videotaped portion of the presentation of this agenda item, Mrs. Jaramillo-Velez stated:

"...Letty started with the City of Coral Gables in May 2007 as a part-time employee. Letty serves as the Adult Activities Coordinator and currently oversees our senior programs. From the very beginning, Letty proved to be a true asset to the City of Coral Gables. She started developing and organizing an array of activities for our senior citizens which includes various exercise classes for both the body (such as dancersize and pilates) and the brain (such as tips to keep the memory) and all of the senses in top shape, a computer club, Book Lovers Club, an Alzheimer's Support Group for Caretakers and numerous language classes.

Letty reaches out to individuals in the different areas and gets the programs to come to our senior citizens.....

Letty's dedication, passion and commitment make her the ideal candidate for the award."

Following the videotaped segment of the presentation, Letty greeted the viewing audience, thanking the Mayor, members of the City Commission, City Manager and Human Resources Director, and acknowledging acceptance of this recognition as Employee of the Month is indeed a great honor for the Coral Gables Adult Activity Center. Further pointing out that sometimes one may slip and say Adult Center instead of Adult Activities Center, but it is a great honor for senior program.]

**This Presentation/Protocol Document wasPresented and Filed**

City Clerk Item No. 8



**A.-9. 14-2921**

Presentation of a Proclamation declaring March 11, 2014, as Carolina Vester Day in Coral Gables.

[Note for the Record: Following the reading of the title to Agenda Item A-9 into the public record, Mayor Cason read the proclamation into the public record declaring March 11, 2014 as Carolina Vester Day here in Coral Gables; in accepting this accolade, Carolina noted that 12 years ago, she was invited to join the City Commission on the dais to deliver the Pledge Allegiance to the Flag, while attending Coral Gables Senior High School and serving as the editor of its newspaper publication; she recalled being asked to describe what it is that the students do at Coral Gables Senior High School-pointing out that at that time, this was her first introduction to the Mayor and members of the City Commission, and further reflecting to say look where it has put her now; further thanking the City Commission and City officials on this recognition].

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

City Clerk Item No. 9

**B. APPROVAL OF MINUTES****B.-1. 14-2940**

Regular City Commission Meeting of February 25, 2014.

**Attachments:** [Meeting Minutes](#)

[Verbatim Transcript - Agenda Item E-1 - Zoning Code Text Amendment - Signs](#)

[Verbatim Transcript - Agenda Item E-2 - Zoning Code Text Amendment - Art in Pu](#)

[Verbatim Transcript - Agenda Item E-3 - Receipt of Transfer Development Rights](#)

[Verbatim Transcript - Agenda Item E-4 - Conditional Use with Site Plan Review - T](#)

[Verbatim Transcript - Agenda Item E-5 - Ordinance amending Abandoned Real Pr](#)

[Verbatim Transcript - Agenda Item F-2 - Discussion and-or action regarding Comn](#)

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

**Yeas :** 5 - Commissioner Keon, Vice Mayor Kerdyk, Jr., Commissioner Lago, Commissioner Quesada and Mayor Cason

City Clerk Item No. 10

**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 Quesada, seconded by Vice Mayor Kerdyk, Jr., to Adopt the Consent Agenda. The motion carried by the following vote:**

**Yeas :** 5 - Vice Mayor Kerdyk, Jr., Commissioner Lago, Commissioner Quesada, Commissioner Keon and Mayor Cason

**RESOLUTION NO. 2014-44****C.-1. 14-2918**

Resolution authorizing the City of Coral Gables to request an amendment to the 2012 Urban Areas Security Initiative (UASI) Projects List.

**Attachments:** [Resolution, Amendment to 2012 UASI Projects List](#)  
[Miami UASI Budget Amendment Form](#)  
[C-1 Signed Cover Memo](#)

RESOLUTION AUTHORIZING THE CITY OF CORAL GABLES TO REQUEST AN AMENDMENT TO THE 2012 URBAN AREAS SECURITY INITIATIVE (UASI) PROJECTS LIST.

**This Matter was adopted by Resolution Number 2014-44 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2014-45**

- C.-2. 14-2928** Resolution authorizing free parking for participants (in Parking Garage Four) and a waiver for the \$590 cost of renting fifty-nine (59) parking spaces along Biltmore Way for the 2014 Coral Gables MS Walk and 5K Race scheduled for April 5, 2014.

**Attachments:** [C-2 Signed Cover Memo](#)  
[Parking Fee Waiver Resolution](#)  
[MS Letter](#)

RESOLUTION AUTHORIZING FREE PARKING FOR PARTICIPANTS (IN PARKING GARAGE FOUR) AND A WAIVER FOR THE \$590 COST OF RENTING FIFTY-NINE (59) PARKING SPACES ALONG BILTMORE WAY FOR THE 2014 CORAL GABLES MS WALK AND 5K RACE SCHEDULED FOR APRIL 5, 2014.

**This Matter was adopted by Resolution Number 2014-45 on the Consent Agenda.**

City Clerk Item No. 12

**RESOLUTION NO. 2014-46**

- C.-3. 14-2937** Resolution of the City Commission confirming the appointment of Robert Parsley to serve as a member of the Historic Preservation Board (Nominated by City Manager Salerno) for a two (2) year term, which began on June 1, 2013 and continues through May 31, 2015.

**Attachments:** [Robert Parsley Resume](#)  
[R-2014-Draft- Robert Parsley - Historic Preservation Board](#)  
[C-3 Signed Cover Memo](#)

RESOLUTION OF THE CITY COMMISSION CONFIRMING THE APPOINTMENT OF ROBERT PARSLEY TO SERVE AS A MEMBER OF THE HISTORIC PRESERVATION BOARD (NOMINATED BY CITY MANAGER SALERNO) FOR A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2013 AND CONTINUES THROUGH MAY 31, 2015.

**This Matter was adopted by Resolution Number 2014-46 on the Consent Agenda.**

City Clerk Item No. 13

**RESOLUTION NO. 2014-47**

- C.-4. 14-2938** Resolution of the City Commission confirming the appointment of Humberto Speziani to serve as a member of the Green Task Force (Nominated by the University of Miami) for a two (2) year term, which began on June 1, 2013 and continues through May 31, 2015.

**Attachments:** [Humberto Speziani](#)  
[R-2014-Draft- Humberto Speziani - Green Task Force](#)  
[C-4 Signed Cover Memo](#)

RESOLUTION OF THE CITY COMMISSION CONFIRMING THE APPOINTMENT OF HUMBERTO SPEZIANI TO SERVE AS A MEMBER OF THE HISTORIC PRESERVATION BOARD (NOMINATED BY THE UNIVERSITY OF MIAMI) FOR A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2013 AND CONTINUES THROUGH MAY 31, 2015.

**This Matter was adopted by Resolution Number 2014-47 on the Consent Agenda.**

City Clerk Item No. 14

**RESOLUTION NO. 2014-48**

- C.-4.1 14-2943** Resolution accepting the recommendation of the Chief Procurement Officer to approve a contract with AECOM Technical Services, Inc., as the design consultant for the renovation of the Fred B. Hartnett/Ponce Circle Park pursuant to Florida Statute 287.055, known as the "Consultants Competitive Negotiation Act" and Request for Qualifications (RFQ) 2013.10.15.

**Attachments:** [Draft Resolution](#)  
[Ponce Circle Park Signed Professional Services Agreement 3-6-2014](#)  
[C-4.1 Signed Cover Memo](#)

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER TO APPROVE A CONTRACT WITH AECOM TECHNICAL SERVICES, INC., AS THE DESIGN CONSULTANT FOR THE RENOVATION OF THE FRED B. HARTNETT/PONCE CIRCLE PARK PURSUANT TO FLORIDA STATUTE 287.055, KNOWN AS THE "CONSULTANTS COMPETITIVE NEGOTIATION ACT" AND REQUEST FOR QUALIFICATIONS (RFQ) 2013.10.15.

**This Matter was adopted by Resolution Number 2014-48 on the Consent Agenda.**

City Clerk Item No. 15

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

**C.-5. 14-2900** Library Advisory Board Meeting of February 12, 2014

**Attachments:** [LAB Cover Sheet 2-12-14](#)  
[Library Minutes 2-12-14](#)

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

City Clerk Item No. 16

**C.-6. 14-2902** Landscape Beautification Advisory Board Meeting of February 6, 2014

**Attachments:** [BC Cover Sheet 2-6-14](#)  
[Minutes BC 2-6-14](#)  
[LBAB Signed Minutes 2-6-14](#)

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

City Clerk Item No. 17

**C.-7. 14-2903** Property Advisory Board Meeting of January 15, 2014

**Attachments:** [PAB 3-11-14 Commission cover](#)  
[1-15-14 PAB minutes](#)

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

City Clerk Item No. 18

**C.-8. 14-2910** Historic Preservation Board Meeting of January 16, 2014

**Attachments:** [HPB.01.16.14MinutesforCC03.11.14](#)  
[HPB Minutes January 16 2014](#)

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

City Clerk Item No. 19

**C.-9. 14-2915** Merrick House Governing Board Meeting of February 3, 2014

**Attachments:** [2.3.14MinutesforCC3.11.14](#)  
[Merrick House February 3 2014](#)

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

City Clerk Item No. 20

- C.-10. 14-2916** Senior Citizens Advisory Board Meeting of January 6, 2014

**Attachments:** [Cover Sheet Minutes 01-06-14](#)  
[Min 01-06-2014](#)

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

City Clerk Item No. 21

- C.-11. 14-2917** Parks and Recreation Advisory Board Meeting of January 31, 2014

**Attachments:** [Cover Sheet Minutes 01-31-14](#)  
[Minutes 01-31-14 draft](#)

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

City Clerk Item No. 22

- C.-12. 14-2923** Cultural Development Board Meeting of February 26, 2014

**Attachments:** [CDB Commission cover 3-11-14](#)  
[CDB Minutes January 22 2014](#)

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

City Clerk Item No. 23

## **D. PERSONAL APPEARANCES**

**None**

City Clerk Item No. 24

## 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.

### ORDINANCES ON SECOND READING

#### ORDINANCE NO. 2014-04

**E.-1. 14-2908**

An Ordinance of the City Commission amending the Code of the City of Coral Gables, Florida, by amending Article VI "Abandoned Real Property" of Chapter 34 "Nuisances," to charge an additional fee for vacant properties; to allow City police department to issue trespass warnings for vacant properties; to grant the City Attorney the authority, with the approval of the City Manager or designee, to initiate court action to abate the public nuisance; declaring unlawful the failure to register or maintain a vacant property by the mortgagee or property owner; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading February 25, 2014)

**Attachments:** [E-5 Signed Cover Memo 2-25-14](#)  
[Abandoned Real Property Ordinance 3-11-14](#)  
[E-1 Signed Cover Memo 3-11-14](#)

AN ORDINANCE OF THE CITY COMMISSION AMENDING THE CODE OF THE CITY OF CORAL GABLES, FLORIDA, BY AMENDING ARTICLE VI "ABANDONED REAL PROPERTY" OF CHAPTER 34 "NUISANCES", TO CHARGE AN ADDITIONAL FEE FOR VACANT PROPERTIES; TO ALLOW CITY POLICE DEPARTMENT TO ISSUE TRESPASS WARNINGS VACANT PROPERTIES; TO GRANT THE CITY FOR ATTORNEY THE AUTHORITY, WITH THE APPROVAL OF THE CITY MANAGER OR DESIGNEE, TO INITIATE COURT ACTION; DECLARING UNLAWFUL THE FAILURE TO REGISTER OR MAINTAIN A VACANT PROPERTY BY THE MORTGAGEE OR PROPERTY OWNER; AND PROVING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[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 Vice Mayor Kerdyk, Jr., seconded by Commissioner Lago, that this matter be adopted by Ordinance Number 2014-04. The motion passed by the following vote.**

**Yeas :** 5 - Commissioner Lago, Commissioner Quesada, Commissioner Keon, Vice Mayor Kerdyk, Jr. and Mayor Cason

City Clerk Item No. 25

**ORDINANCE NO. 2014-05****E.-2. 14-2895**

Conditional Use with Site Plan Review. An Ordinance of the City Commission of Coral Gables, Florida, requesting conditional use with site plan review pursuant to Zoning Code Article 3, "Development Review", Division 4, "Conditional Uses", and Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-204, "Special Use (S) District", for an addition to an existing religious institution within a Special Use (S) zoned district, for the property commonly referred to as "Temple Judea" and legally described as Lots 1-31, Block 135, Riviera Section Part 9 (5500 Granada Boulevard), Coral Gables, Florida; and including required conditions; providing for severability, repealer, codification, and an effective date. (Passed on First Reading February 25, 2014)

**Attachments:** [Exhibit A - Draft Ordinance re Conditional Use with site plan review](#)  
[Exhibit C - 02 12 14 Excerpt of PZB Meeting Minutes](#)  
[Exhibit B - 02 12 14 PZB Staff Report w attachments](#)  
[E-4 Signed Cover Memo 2-25-14](#)  
[03 11 14 Exhibit A - Ordinance re Temple Judea](#)  
[E-2 Signed Cover Memo 3-11-14](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING CONDITIONAL USE WITH SITE PLAN REVIEW PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 4, "CONDITIONAL USES", AND ARTICLE 4, "ZONING DISTRICTS", DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS", SECTION 4-204, "SPECIAL USE (S) DISTRICT", FOR AN ADDITION TO AN EXISTING RELIGIOUS INSTITUTION WITHIN A SPECIAL USE (S) ZONED DISTRICT, FOR THE PROPERTY COMMONLY REFERRED TO AS "TEMPLE JUDEA" AND LEGALLY DESCRIBED AS LOTS 1-31, BLOCK 135, RIVIERA SECTION PART 9 (5500 GRANADA BOULEVARD), CORAL GABLES, FLORIDA; AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

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

**A motion was made by Commissioner Keon, seconded by Commissioner Quesada, that this matter be adopted by Ordinance Number 2014-05. The motion passed by the following vote.**

**Yeas :** 5 - Commissioner Quesada, Commissioner Keon, Vice Mayor Kerdyk, Jr.,  
Commissioner Lago and Mayor Cason

City Clerk Item No. 26



Items E.-3. and E.-4. are related

**ORDINANCE NO. 2014-06**

**E.-3. 14-2896**

Receipt of Transfer Development Rights (TDRs). An Ordinance of the City Commission of Coral Gables, Florida, requesting receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 3, "Development Review", Division 10, "Transfer of Development Rights", Section 3-1006, "Review and approval of use of TDRs on receiver sites", for the receipt and use of TDRs for the mixed use project referred to as "2020 Salzedo Street", on the property legally described as Lots 13-37 and the east 7' of lot 38, Block 18, Section K (2020 Salzedo Street), Coral Gables, Florida; including required conditions; providing for severability, repealer, codification, and an effective date. (Passed on First Reading February 25, 2014)

**Attachments:** [02 25 14 Exhibit E - TDR Background Information – 01 16 14 Historic Resources §](#)  
[02 25 14 Exhibit D - 02 12 14 Excerpt of PZB Meeting Minutes with comments rec](#)  
[02 25 14 Exhibit C - 02 12 14 PZB Staff Report w attachments](#)  
[02 25 14 Exhibit A - Draft Ordinance - Receipt of TDRs](#)  
[E-3 Signed Cover Memo 2-25-14](#)  
[03 11 14 Exhibit A - Ordinance re TDRs](#)  
[03 11 14 Exhibit C - 02 12 14 PZB Staff Report w attachments](#)  
[03 11 14 Exhibit D - 02 12 14 Excerpt of PZB Meeting Minutes with comments rec](#)  
[03 11 14 Exhibit E - TDR Background Information – 01 16 14 Historic Resources §](#)  
[E-3&E-4 Signed Cover Memo 3-11-14](#)  
[03 11 14 Exhibit B - Resolution - Mixed Use Site Plan Review re 2020 Salzedo Str](#)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING RECEIPT OF TRANSFER OF DEVELOPMENT RIGHTS (TDRS) PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 10, "TRANSFER OF DEVELOPMENT RIGHTS", SECTION 3-1006, "REVIEW AND APPROVAL OF USE OF TDRS ON RECEIVER SITES", FOR THE RECEIPT AND USE OF TDRS FOR THE MIXED USE PROJECT REFERRED TO AS "2020 SALZEDO STREET", ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 13-37 AND THE EAST 7' OF LOT 38, BLOCK 18, SECTION K (2020 SALZEDO STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

[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 Lago, that this matter be adopted by Ordinance Number 2014-06. The motion passed by the following vote.**

**Yeas :** 5 - Commissioner Keon, Vice Mayor Kerdyk, Jr., Commissioner Lago, Commissioner Quesada and Mayor Cason

City Clerk Item No. 27

**RESOLUTION****RESOLUTION NO. 2014-49**

- E.-4. 14-2897** Resolution. Mixed Use Site Plan Review. A Resolution of the City Commission of Coral Gables, Florida, requesting mixed use site plan review pursuant to Zoning Code Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District (MXD)", for the construction of a mixed use project referred to as "2020 Salzedo Street" on the property legally described as Lots 13-37 and the east 7' of lot 38, Block 18, Section K (2020 Salzedo Street), Coral Gables, Florida; including required conditions; providing for an effective date.

**Attachments:** [03 11 14 Exhibit A - Ordinance re TDRs](#)  
[03 11 14 Exhibit C - 02 12 14 PZB Staff Report w attachments](#)  
[03 11 14 Exhibit D - 02 12 14 Excerpt of PZB Meeting Minutes with comments rec](#)  
[03 11 14 Exhibit E - TDR Background Information – 01 16 14 Historic Resources S](#)  
[E-3&E-4 Signed Cover Memo 3-11-14](#)  
[03 11 14 Exhibit B - Resolution - Mixed Use Site Plan Review re 2020 Salzedo Str](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING MIXED USE SITE PLAN REVIEW PURSUANT TO ZONING CODE ARTICLE 4, "ZONING DISTRICTS", DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS", SECTION 4-201, "MIXED USE DISTRICT (MXD)", FOR THE CONSTRUCTION OF A MIXED USE PROJECT REFERRED TO AS "2020 SALZEDO STREET" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 13-37 AND THE EAST 7' OF LOT 38, BLOCK 18, SECTION K (2020 SALZEDO STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

[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 Keon, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2014-49. The motion passed by the following vote.**

**Yeas :** 5 - Vice Mayor Kerdyk, Jr., Commissioner Lago, Commissioner Quesada, Commissioner Keon and Mayor Cason

City Clerk Item No. 28

**ORDINANCE ON FIRST READING**

- E.-5. 14-2935** An Ordinance of the City of Coral Gables, Florida, relating to capital improvements and related services providing a special benefit to local areas within the city; authorizing the imposition and collection of special assessments to fund the cost of capital improvements and related services providing a special benefit to local areas within the city; providing certain definitions; providing for the creation of assessment areas; providing a procedure to impose special assessments; establishing procedures for notice and adoption of assessment rolls and for correction of errors and omissions; providing that assessments constitute a lien on assessed property upon adoption of the assessment rolls; authorizing hardship assistance and certain exemptions; providing a procedure for voluntary assessment programs; providing a procedure for collection of special assessments; providing a mechanism for the imposition of assessments on government property; repealing sections 58-19, 58-20, 58-22 through 58-49 and 58-53 of the City of Coral Gables Code of Ordinances; providing for severability; and providing an effective date. (Passed on First Reading March 11, 2014)

**Attachments:** [CapitalAssessmentOrdinance\\_FINAL\\_03\\_05\\_14](#)  
[E-5 Signed Cover Memo](#)  
[Agenda Cover Letter - Special Assessment Ordinance - 2nd Reading](#)  
[CapitalAssessmentOrdinance\\_FINAL\\_2nd\\_Reading](#)

[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 Vice Mayor Kerdyk, Jr., seconded by Commissioner Quesada, that this matter be approved as an Ordinance on First Reading. The motion passed by the following vote.**

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

**Absent :** 1 - Commissioner Lago

City Clerk Item No. 29

**F. CITY COMMISSION ITEMS****RESOLUTION NO. 2014-50**

**F.-1. 14-2941** Follow-up Re: Commission Aide position.

**Attachments:** [Commission Aide Job Description](#)

RESOLUTION INSTRUCTING THE CITY MANAGER TO ESTABLISH A PERMANENT POSITION OF COMMISSION-AIDE (I.E. PAY GRADE 17-E AT \$22.7163 PER HOUR, OR \$ 47,249.90 PER YEAR); BE ESTABLISHED; FURTHER CLARYING UNDER THE SECTION (LINES 3 AND 4, RESPECTIVELY) ENTITLED "ESSSENTIAL DUTIES AND RESPONSIBILITIES OF SAID POSITION THAT THE COMMISISON-AIDE ATTENDS ON BEHALF OF A MEMBER OF THE CITY COMMISSION, AT HIS/HER REQUEST COMMUNITY AND HOMEOWNER MEETINGS AND PREPARE SUMMARIES.

[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].

**A motion was made by Commissioner Quesada, seconded by Commissioner Keon, that this matter be adopted by Resolution Number 2014-50. The motion passed by the following vote.**

**Yeas :** 5 - Commissioner Quesada, Commissioner Keon, Vice Mayor Kerdyk, Jr., Commissioner Lago and Mayor Cason

City Clerk Item No. 30

**G. BOARDS/COMMITTEES ITEMS**

- G.-1. 14-2942** Resolution of the City Commission confirming the appointment of the following individuals to serve as members of the Green Task Force, for a two (2) year term, which began on June 1, 2013 and continues through May 31, 2015. (Deferred from the March 11, 2014, Meeting)

Landscape Architect (1): \_\_\_\_\_  
Professional Planner (1): \_\_\_\_\_  
Interest in Historic Preservation (1): \_\_\_\_\_  
Engineer (1): \_\_\_\_\_  
LEED Architect (1): \_\_\_\_\_  
University of Miami (1): Humberto Speziani  
Chamber of Commerce (1): Anabella Smith  
Garden Club (1): Sharon V. Trbovich  
Coral Gables Residents (3): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attachments:** [Cover Memo - Green Task Force - 04-08-2014](#)  
[R-2014-Draft- Green Task Force - 04-08-2014](#)  
[Membership Categories and Resumes - 03-31-2014](#)

**This Resolution was Deferred**

City Clerk Item No. 31

**H. CITY MANAGER ITEMS****RESOLUTION NO. 2014-51**

- H.-1. 14-2934** Resolution authorizing a grant to the Coral Gables Museum.

**Attachments:** [Museum Funding Resolution](#)  
[CG Museum Letter](#)  
[H-1 Signed Cover Memo](#)

RESOLUTION AUTHORIZING A GRANT TO THE CORAL GABLES MUSEUM.

[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 2014-51. The motion passed by the following vote.**

**Yeas :** 5 - Commissioner Lago, Commissioner Quesada, Commissioner Keon, Vice Mayor Kerdyk, Jr. and Mayor Cason

City Clerk Item No. 32

**RESOLUTION NO. 2014-52**

- H.-2. 14-2939** Resolution authorizing entering into an Agreement with Fairchild Tropical Botanic Garden, Inc. to participate in the Million Orchid Project, and to authorize the Fiscal Year 2013-2014 Annual Budget Funds to support this Project.

**Attachments:** [Fairchild Million Orchids Resolution](#)  
[Fairchild Million Orchids Agreement](#)  
[Photos of Orchids](#)  
[H-2 Signed Cover Memo](#)

RESOLUTION AUTHORIZING ENTERING INTO AN AGREEMENT WITH FAIRCHILD TROPICAL BOTANIC GARDEN, INC. TO PARTICIPATE IN THE MILLION ORCHID PROJECT, AND TO AUTHORIZE THE FISCAL YEAR 2013-2014 ANNUAL BUDGET FUNDS TO SUPPORT THIS PROJECT.

[Note for the Record: The verbatim transcript for Agenda Item H-2 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 2014-52. The motion passed by the following vote.**

**Yeas :** 5 - Commissioner Quesada, Commissioner Keon, Vice Mayor Kerdyk, Jr., Commissioner Lago and Mayor Cason

City Clerk Item No. 33

**I. CITY ATTORNEY ITEMS****RESOLUTION NO. 2014-53**

- I.-1. 14-2924** Discussion of Interpretation Re: Calculation of Development Rights for a Sending Site.

**Attachments:** [Item I-1](#)

[Note for the Record: The verbatim transcript for Agenda Item I-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 Commissioner Keon, that this matter be adopted by Resolution Number 2014-53. The motion passed by the following vote.**

**Yeas :** 5 - Commissioner Keon, Vice Mayor Kerdyk, Jr., Commissioner Lago, Commissioner Quesada and Mayor Cason

City Clerk Item No. 34

**J. CITY CLERK ITEMS**

None

City Clerk Item No. 35

**K. DISCUSSION ITEMS**

Mayor Cason: Alright - move onto Discussion Items starting with Commissioner Keon, any items?

Commissioner Keon: I had just a couple of questions. I wanted to know where we are on the GOB funds that were coming to us from the County for the refurbishment of the homes in the MacFarlane District.

City Attorney Leen: I have some information. I've been working with the Manager and with Dona Spain on this, so I have all the information though. It's going in front of a County Committee, County Commission Committee on Thursday and I plan to be there with Dona Spain. We have worked out language - the County Attorney's office has sent us some language that we've looked at, it's going forward well, its proceeding.

Commissioner Keon: It seems just to be moving forward, it's a matter of it will go through Committee.

City Attorney Leen: It will go through the County Committee, Mr. Manager did you want to say...?

City Manager Salerno: We are using an arrangement similar to what was used on the Biltmore with that grant in funds, except in the case of the Biltmore, they were able to advance 90 percent of the funds and there was a 10 percent exposure. The Biltmore, we had an agreement with the Biltmore that they would cover that risk of that 10 percent. Here we don't have the Biltmore, so I told, talked to the City Attorney and with Dona and I said look, we will take on that risk of that 10 percent that we will be fronting it, I mean it's the only way for it to be done if we take that on, so 90 percent would be fronted by them, the 10 percent portion that they will not go before we will have to front and then get the money.

Commissioner Keon: And then we get the money.

City Manager Salerno: Yes.

Commissioner Keon: OK.

Commissioner Lago: Quick question Craig. You said Thursday's meeting, is that a Commission meeting - County?

City Attorney Leen: That's a Committee meeting at the County Commission. They asked for us to be in attendance.

Commissioner Lago: If you need me to go I'll be more than willing to attend.

City Attorney Leen: You are welcome to attend.

Commissioner Lago: More than willing to attend.

Commissioner Keon: Craig is going...

City Attorney Leen: I'm going with Dona Spain.

Commissioner Keon:...with Dona Spain. You want to go?

Commissioner Lago: I'll go, not a problem.

City Attorney Leen: It's at noon.

Commissioner Lago: Perfect.

Commissioner Keon: The other item I had asked about. It keeps coming back over the oak tree on Lisbon. We keep getting memo and what I keep asking is, on the site plan when the site plan itself goes before the Board of Architects or for permitting, is the tree, if it's a specimen tree that is protected is that shown on the site plan, is it drawn in on the site plan with the document plans or what do you call them?

Commissioner Lago: The CD's, on the construction documents?

Commissioner Keon: Yes, on the document.



Commissioner Lago: And I know why you're asking this question because I spoke to the individuals who are spearheading this. I don't know if you want to call it conservation of the tree or making sure the tree is on the documents. I'm worried about the tree, it's a cluster of trees, it's around a 29 foot circumference cluster of trees. The only problem that I see when you look at the location of the tree is that lot is going to be virtually, I don't want to use the word impossible, but it's going to be very, very, difficult to build a home on that lot because that tree is literally facing and is in front of the main street, unless you are going to have an entrance that is basically on the setback, it's going to be extremely difficult. So that's why the residents are pushing so hard to get this tree properly documented to make sure that the developer or owner follows the protocol.

Commissioner Keon: What's interesting apparently they have put a barricade around the tree to protect the tree and its roots and whatever else, but yet apparently the construction documents don't show the tree and actually invade part of where the tree is. So it's kind of going forward do you say that we have specimen trees and we have all of these ordinances to protect them and whatever else, but if they are situated on a lot in such a way that it makes the lot unbuildable there needs to be some provision for that. I mean you want to protect trees, but people also if they purchase a lot to build a home on what do you do?- you tell them you can't build a house there because of the tree, I mean what happens?- and how overreaching and what is the role of government with regard to that?- it's just an issue that keeps discussion because you can't do both.

Commissioner Lago: It would probably be addressed the moment that the owner of the home of the lot puts forth construction documents to be reviewed by the City; he's got to address the tree.

City Manager Salerno: That's correct Commissioner.

Commissioner Lago: You have to address it. That's why I rolled back from this; listen, have faith in the system...

Commissioner Keon: What I'm asking is, is a tree on the documents?- I understood that it's not.

City Manager Salerno: No.

Commissioner Keon: It is on the document?

City Manager Salerno: Yes.

Commissioner Keon: So it would show if a front door is planned in the middle of the tree?

City Manager Salerno: Yes. What's not shown Commissioners is that - the tree is shown, but you know some of these trees are so large that, that root system is - you don't show the root system on the plans, so the tree is and you know there is one there and what happens is in the site plan review process that's when we go out look at it on site as Commissioner Lago was talking about, when it gets to that level staff is going out principally Public Service providing input. Planning they are looking at it, they are seeing the root structure and finding out how far that needs to be away from the home, so it's actually a process of inspection that has to help make that judgment because you can't have the structure of the foundation, etc., encroaching into that for both the protection of the home and the tree, so it's interactive in that regard and Public Service makes those judgments and you're right, up to a certain point. Everything I would say, the approach is, everything possible that needs to be done in order to save the tree. If it's a specimen type tree, everything possible needs to be done and that could mean that the house, the configuration of the house could be unique, it's also subject to variances, because it wasn't self-imposed. The owner is not self-imposing that problem, it's a site problem so there is always the ability to go through the variance process to get changes to site setbacks and side yard requirements, etc., in order to save the tree in that regard, so we've got a variety of things.

Commissioner Lago: Because the Manager mentioned, one of the main issues that you are going to have is the root ball system. So what happens is that when you can't just build a foundation right on the tree, you are going to have to be setback because the roots that are expansive, I can imagine on this tree, so I want to see where the foundation is scheduled to be constructed, so we'll take it from there, but I think the residents, like I told them, have a little bit of faith in the system.

Commissioner Keon: I just wondered how...

City Attorney Leen: I just want to say one thing. When I look at this from a legal perspective, simply put as the Manager said, they have to take basically anything they can do to save the tree they should do and that's imposed on them by law, but I do

want to also make clear that ultimately they are allowed to build a house on that property, we can't prevent them completely from building a house on that property or they'll be constitutional concerns, so we do have to allow that.

Commissioner Lago: They have the right to build on that lot, but they don't have the right to destroy that tree.

City Attorney Leen: No, but they have a right to build that house, so....

Commissioner Lago: That's the problem; you are going to have a courtyard with a tree in the middle.

City Attorney Leen: There are a lot of ways to address it, that's not my area, I'm just telling you we do have to allow them to build the house at some point, but they need to take, it incumbent on them under our Code to take every action necessary to preserve that tree, to look at variances, anything that they can do to preserve that tree.

Commissioner Keon: Do our variances - do we allow for, I know we have variances for how you site with regard to setbacks and everything else, but does the variance allow for us build higher?- you can actually build some sort of decking over the root system of a tree that anchors it in some way, do we allow for that?- according to the building codes is that possible?

City Manager Salerno: Possible.

Commissioner Keon: I guess - all those things can they be considered?

City Manager Salerno: It's possible.

Commissioner Keon: I'm sure when we did the action on the Commission Aide, now I'm assuming that we are hiring Danette for that position, is there a process that needs to happen?- or what happens now?

City Manager Salerno: I will talk with Elsa, I believe we will interpret that as a reclassification, so it's just changing her, there is no...

Commissioner Keon: I mean she will remain. This isn't that we lose a secretary and you go about and advertise and whatever...

City Manager Salerno: No.

Commissioner Keon: ...it is just that she is appointed, reclassification.

City Manager Salerno: Reclassification means...

Commissioner Keon: Of that position.

City Manager Salerno: Yes.

Commissioner Keon: OK. Thank you very much.

Mayor Cason: Bill.

Vice Mayor Kerdyk: Just two items. The first one is, we talked today about the museum and there is another organization in our City that is in a historic building and I've actually had many, many discussions with the City Manager regarding that and they received \$25,000 last year, which is the Actor's Playhouse. I can sit up here or we can bring Barbara Stein up here next meeting and believe me she'll be happy to come up here, but I honestly think that we need to consider giving her \$25,000 like she did last year for the Actor's Playhouse.

Commissioner Keon: Would that be in the budget?

Vice Mayor Kerdyk: Actually there was \$50,000 in the budget when I was talking to the City Manager and as I understood, could have misinterpreted, it was \$25,000 for the Actor's Playhouse and \$25,000 for the Museum, so I assume it's already in the budget under the \$50,000 there and maybe the City Manager can articulate a little bit more, but I do think we should give \$25,000 to Actor's Playhouse.

Mayor Cason: We approved that didn't we Mr. Manager?

City Manager Salerno: The money was put into the budget, but it was not - years ago, a year ago in the FY 13 Budget, the money was allocated \$25,000 and \$25,000, this year I kept the money the same, the money is there, but it's still subject to the Commission allocating it for that purpose.

Vice Mayor Kerdyk: So that's what I'm doing, I'm trying to - since it's already allocated I'd like to take \$25,000 apply it to Actor's Playhouse.

Commissioner Lago: You want to make a motion.

Vice Mayor Kerdyk: I'll make that motion.

Commissioner Quesada: Before you make the motion, if you don't mind me jumping in here.

Vice Mayor Kerdyk: No, no.

Commissioner Quesada: I'd like to see their finances; I'd like to see their information. When we sat down with the Museum, I mean when the Museum sat down with me they opened up everything, we had a very open discussion. Before I would commit to that, I would ask to see that, I would want to see that from them.

Vice Mayor Kerdyk: OK. I've seen it.

Commissioner Quesada: I haven't had the opportunity, maybe it's just me. I'm not saying I'm against it.

Commissioner Lago: I'm going to back you on that because as the new guy on the dais here, I want to make sure I'm also a little bit more aware of finances. I've talked to the Manager about other things that deal with that building in reference to, I'm not going to go into real detail about it, but there are some opportunities there and I'm still trying to work my hands around it, but I am in favor of giving them the money, I just want to become a little more educated.

Vice Mayor Kerdyk: I have no problem with that.

Mayor Cason: OK. So you'll arrange for them to provide us...

Commissioner Keon: You want it to come back at the next meeting?

Vice Mayor Kerdyk: Yes, next meeting.

Commissioner Quesada: Yes, I'm OK with that.

Mayor Cason: Vince?

Vice Mayor Kerdyk: I just wanted to say one thing. I wanted to congratulate Frank, Commissioner Quesada for getting appointed to MPO, Metropolitan Plan Organization. Let me tell you, that is a great organization. I served on that for 10 or 12 years. I think it's very, very good for the City of Coral Gables. I know that we were able when I was a representative to bring money back to the City for some very worthwhile programs for our community and having a person that sits on that Board is a good thing.

Commissioner Quesada: I'm very fortunate to have been selected. I'm in the vetting process right now, so I think the first meeting I'll be at is probably about 2 to 3 months away, but the MPO, the Metropolitan Planning Organization is actually the organization that gave the grant for the bike master plan study, and a number of other grants that we've gotten throughout the years, so I'm looking forward to...

Mayor Cason: Bringing home the bacon.

Commissioner Quesada:...yes, try to bring home some more bacon.

Commissioner Lago: Congratulations.

Commissioner Quesada: Thank you.

Mayor Cason: Vince?

Commissioner Lago: Commissioner Keon already discussed the issue in regards to GOB funds. You know, I encountered something interesting the other day when I went to the Kiwanis event, and I'll be brief, besides the traffic because you had a whole multitude of individuals who were enjoying the Kiwanis on the Mile, something that I had, probably about a half dozen people come to me and ask me, are the trolleys working? You know something that I think we should think about and maybe just discuss it, I'm not asking for any immediate action, but when you have events, and I guess we also need to do some financing studies in regards to it, it would be interesting to see if we could have the trolleys work or somehow, some way alleviate a little bit of the traffic when we have large events on the Mile. I know there are not many large events, but I had several people who came to me, that called me at 11 o'clock, 10

o'clock, can I park at my friend's house near Bird Road and catch the trolley. So I said listen, the trolleys don't work on Saturdays.

Commissioner Quesada: You know it's actually funny you say that because I don't live too far away from Merrick Park and the "Collection" area and I saw people parking at Merrick Park and walking down to the event, so you saw quite a bit of that and it would help in connectivity to connect to the Metrorail for those big events.

Commissioner Lago: Yes. The individual who actually called me, I felt bad for him he was actually waiting at the trolley stop, I said listen, don't wait too long because it's not coming, you'll catch it on Monday.

Mayor Cason: Is that something that the organizers can ask for and in most cases they would pay for it as an option?

City Manager Salerno: That's an interesting proposal because I think it makes - it runs us \$50-something dollars, \$53, I don't remember the exact dollar because we pay on an hourly rate for the drivers. It's our vehicle, our fuel and maybe in those instances that the Commissioner is suggesting we could have our Special Events Committee suggest that, I think that if you are saying this Mayor, if the Commissioners are saying it, we ask them for during that limited time period perhaps because it would relieve the parking demand on downtown is have them cover those costs. It's not that great - one trolley is about \$53 an hour, not including fuel and oil, so if the City wanted to be a contributor for the fuel and oil or not, the main cost is the \$53 for the driver, so we could explore that.

Commissioner Lago: I'm 100 percent behind that. I think what we are offering here is just another option; an option to get into downtown, enjoy the downtown and not have to bring your car, you can park at a friend's house, you can park at...

Mayor Cason: The same thing for the Junior Orange Bowl Parade, for example.

Commissioner Lago: Yes, there you go. So, I mean there are probably about 4 or 5 events a year that we have on the Mile that I think that would be significantly benefit by alleviating some of the congestion by having this.

Mayor Cason: Offer at the Special Events there is an option if they wish to partake of it and if they want to come to us as a reduction in price.

City Manager Salerno: I'll do that.

Commissioner Lago: Let's study it; let's see if it makes sense.

Mayor Cason: Anything else?

Commissioner Lago: No.

Mayor Cason: I have one thing. Vince, could you come back to us maybe the next meeting or the one after that with a discussion of where we are on the PACE Program? We signed up for commercial years ago and I don't know if the court cases in California related to the PACE Program have been decided, because that was holding us up for moving it into the residential side. Just have a discussion on the PACE Program.

Commissioner Lago: I'm very grateful that you mentioned that right now because that's something that I wanted to bring up and I was talking to the Manager about that the other day and also speaking with our City Attorney, and just working on hopefully moving the system, progressing the system into the residential as long as we don't incur any exposure.

City Attorney Leen: I'll come back next meeting with - I'll take a look at what the current state of the law is. My understanding is that I believe those cases were resolved, but I don't want to - but I also don't know if they were resolved in a way that satisfied our concern, but let me meet with the PACE attorney for the districts and I'll put together something for you for next time. I'll have a presentation on this.

Commissioner Quesada: So you are aware I had been following that because I was the appointment to that Board prior to Commissioner Lago. The big issue was priority, obviously and that was resolved in the California case, but California law is a little bit different when it comes to priority. The result was favorable in California to municipalities in California; however I don't think it's directly applicable to us.

City Attorney Leen: Against Fanny Mae, did they decide that issue against Fanny Mae?

Commissioner Quesada: You know I forget right now. I forget the details right now,



but I think it was favorable.

City Attorney Leen: I definitely will. I will get you all the information.

Mayor Cason: Before we go into recess, did you want to say a few things and then we'll go into recess.

City Attorney Leen: I did. I needed to raise a few things. First, I've spoken to individual Commissioners about this who raised it with me, but the City of Miami is looking for a conflict counsel and they want to do a letter of agreement with me, whereby my office will provide them conflict counsel, they'll provide us conflict counsel. I think it's a good idea. I checked with Robert Myers already just to see if there was any ethical concerns, he said there wasn't, as long as we are both receiving...

Commissioner Quesada: How common is it, how often is there a need for conflict counsel?- how often does that arise?

City Attorney Leen: Well for us for example, it would come up in Code Enforcement matters if - I'm the Code Enforcement prosecutor, so if we wanted someone to advise the Board on a complicated matter or if I wanted to advise the Board, I would generally want to get conflict counsel.

Commissioner Quesada: OK.

City Attorney Leen: It could come up in zoning matters too occasionally if the City is taking a strong position on something.

Commissioner Quesada: But it's not something that will pull your time completely away from us?

City Attorney Leen: No, no, in fact it's supposed to be very limited and I have discretion whether to do it or not, but I just wanted to make you aware of that. The second thing is we are going to talk about this more in the Executive Session, but I do want to say on the record that we did file a second amended complaint yesterday in the FPL matter; it's a matter of public knowledge. We raised an injunction count in that case relating to the administrative proceeding, we'll talk about it more in the Executive Session, but I did want to say that we are doing everything we can to protect the

City's interest. FPL has a proposal for us, which we are looking at and will discuss, but we are doing everything we can to protect the City's interest there.

Mayor Cason: OK.

City Attorney Leen: The third thing is, I wanted you to know that I'm going to be doing a review of all of our counsel now that I've been here almost 3 years. I'm going to be meeting with each of you individually to see what you think of the different counsel that has appeared before. Also, to the extent that you've had any interaction with our tort counsel and things like that, what you think about them, any counsels that you know of that you'd like me to look at, and then I'm going to be looking at all of our contracts to see if I can get better value for the City; and I'm going to be doing that over the next few weeks, but I'll be reaching out to each of you to meet with you; and then lastly, I don't know if I should say this, but I wanted you to know, I was proud of it, I was picked as a Top Government Lawyer by Legal Elite for the second year in a row, and I owe that to you because you've been very good to me and let me get involved in a lot of issues and I appreciate that.

Commissioner Lago: Congratulations - well deserved.

Mayor Cason: Congratulations. OK, so we will now go into recess to discuss two items FPL and the trolley issue in Executive Session and then we'll come back here to adjourn.

City Clerk Item No. 36

## **L. EXECUTIVE SESSIONS**

- L.-1. 14-2925** Attorney-Client executive session in the City Conference Room, 1st Floor, closed to the public, for purposes of discussing the lawsuit pending in the Eleventh Judicial Circuit entitled City of Coral Gables, Florida v. Astor Trolley, LLC, et al, Case No. 13-29113 CA 40 (Fla. 11th Judicial Cir.) and the related matter of Federal Transit Administration Complaint No. 2013-0131. (This session may be attended by the following individuals: Mayor Jim Cason, Commissioner Patricia Keon, Vice Mayor William H. Kerdyk, Commissioner Vince Lago, Commissioner Frank C. Quesada, City Manager Patrick Salerno, City Attorney Craig Leen, Deputy City Attorney Bridgette Thornton, and Special Counsel Stephen Helfman, Michael Popok, and John Quick. A certified Court Reporter will be present to ensure that the session is fully transcribed, and the transcripts will be made available to the public upon the conclusion of the above-stated litigation. At the conclusion of the Attorney-Client session, the City Commission meeting will be reopened and the person chairing the Commission meeting will announce the termination of the Attorney-Client session.)

**L.-2. 14-2926**

Attorney-Client executive session in the City Conference Room, 1st Floor, closed to the public, for purposes of discussing In re: Florida Power & Light Company Turkey Point Units 6 & 7 Power Plant Siting Application No. PA 03-45A3, DOAH Case No. 09-3575EPP, FDEP OGC Case No. 09-3107 and the related matter of The City of Coral Gables v. The Florida Power & Light Company, Case No. 13-023568 CA 01 (Fla. 11th Jud. Cir.). (This session may be attended by the following individuals: Mayor Jim Cason, Commissioner Patricia Keon, Vice Mayor William H. Kerdyk, Commissioner Vince Lago, Commissioner Frank C. Quesada, City Manager Patrick Salerno, City Attorney Craig Leen, Deputy City Attorney Bridgette Thornton, and Special Counsel Elizabeth Hernandez. A certified Court Reporter will be present to ensure that the session is fully transcribed, and the transcripts will be made available to the public upon the conclusion of the above-stated litigation. At the conclusion of the Attorney-Client session, the City Commission meeting will be reopened and the person chairing the Commission meeting will announce the termination of the Attorney-Client session.)

**M. 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 on March 11, 2014. The next regular meeting of the City Commission has been scheduled for Tuesday, April 8, 2014, beginning 9 a.m.]

JIM CASON  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK