

# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, May 12, 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*

*The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings.*

**ROLLCALL**

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

**INVOCATION**

Father Sean Patrick O'Sullivan from Church of The Little Flower gave the Invocation.

**PLEDGE OF ALLEGIANCE**

City Attorney Elizabeth Hernandez 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. 2009-24); (b) Resolution(s) adopted (Resolution No. 2009-114 through Resolution No. 2009-125); (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. [09-0247](#) Presentation of a Proclamation declaring May 12, 2009 as Norma Lemberg Day in Coral Gables.

**Attachments:** [Cover Memo for Norma Lemberg.pdf](#)

[Note for the Record: Commissioner Anderson and Vice Mayor Kerdyk jointly presented the proclamation to Norma Lemberg, in further recognition of Norman Lemberg Day in Coral Gables. Commissioner Anderson acknowledged Ms. Lemberg's receipt of the coveted C. Colburn Hardy Older Advocate Award, which was established in 1998, by the Florida Foundation on Active Aging, and given to that outstanding senior Floridian in recognition of their volunteer efforts demonstrating vision, advocacy, and leadership regarding the future of Florida's growing aged population; further stating that since the state of Florida beat them to it in bestowing upon her this recognition, she wanted to make sure that her hometown recognizes her as well, whereby Commissioner Anderson read the proclamation proclaiming May 12, 2009 as "Norma Lemberg Day in Coral Gables."]

Vice Mayor Kerdyk pointed out to the viewing public that one of the variables that makes Coral Gables so great, is the outstanding people who live here; further stating that Ms. Lemberg was born and grew up in Brooklyn, New York and Havana, Cuba; further stating that she moved to Coral Gables in 1960, where she began her career

here as a social worker, volunteering to help other Cuban Americans; further stating that following passage of the Older Americans Act, she was responsible for the establishment of a social service nutritional program; further proceeding to set up a meal/social service program (Senior Center) in Miami Beach and Little Havana; further responding to the need for housing; retired from the Department of Health and Rehabilitative Services in 1979; later was appointed by Governor Chiles to set up the Department of Elderly Affairs; further stating that he appreciates everything that she has done for the City of Coral Gables.

In accepting the aforementioned recognition, Ms. Lemberg stated that she is accepting this proclamation on behalf of the entire Senior Citizens Advisory Board; further pointing out that no one is an island to himself; further stating that it has been a wonderful six years, serving on the Senior Citizens Advisory Board; further stating that Vice Mayor Kerdyk; Commissioner Anderson, Mayor Slesnick and Commissioner Cabrera have been a great help in getting programs initiated and on the way.

On a parting note, Ms. Lemberg stated that she had not resigned from the board, and that the City would see her back].

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

City Clerk Item No. 1

**A.-2. 09-0313**

Presentation of a Proclamation declaring May 9-17, 2009, as National Tourism Week in Coral Gables.

[Note for the Record: Mayor Slesnick invited Eugene Prescott, Chairman of the Greater Miami Convention and Visitors Bureau, and William D. Talbert, President and Chief Executive Officer (CEO) of the Greater Miami Convention and Visitors Bureau to the dais in recognition of National Travel and Tourism Week in Coral Gables. Mr. Prescott in thanking the Mayor and Commission, stated that in terms of our community and industry, it has been a challenging time; further stating the Convention and Visitors Bureau is working hard to address the many challenges that are confronting our area; further stating that they are supported by BED Tax monies, and that 85 percent of the Greater Miami Convention and Visitors Bureau funds are expended on promotional related activities; further stating that American Airlines has been very active in giving dollars in furtherance of said promotional activities.

Mr. Talbert added that it has been a tough year for the tourism industry since September 15th; further stating that he does not know when the global economic crisis will get better; further recognizing the 41st Annual International POW WOW Convention, which is the international travel industry's premier conference (May 16th through May 20, 2009) as the number one travel show in the United States, which has been scheduled for our community along with the "Dine Around Event," which has been scheduled for Monday night (May 18, 2009); further pointing out that Coconut

Grove and Coral Gables are the only two areas that will have scheduled “Dine Around” events; further acknowledging the significance of having 5,000 travel professionals, who buy 15 percent of the travel here in our own community, as being spectacular; further pointing out that the Report on the Resort Tax Collections shows that the resort tax revenues are down by 25 percent; further acknowledging aggressive marketing initiatives shown by the Bureau, in partnership with Peter Dolara of American Airlines, along with the Miami-Dade County Beacon Council; further acknowledging the coming of “Restaurant Month in June” to our community; further acknowledging the Live, Work and Play Message “In Miami, Where Worlds Meet;” finally acknowledging that we are living in the best place in the world; thanking the Commission for all of their support. Mayor Slesnick invited all of the affected organizations and representatives who were present to partake in a photo session, including Mark Trowbridge, Executive Director, Coral Gables Chamber of Commerce; Mari Molina, Business Improvement District; Jessica Wotherspoon, Department of Development, etc.].

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

City Clerk Item No. 2

## **B. APPROVAL OF MINUTES**

**B.-1. 09-0339** Regular City Commission Meeting of April 28, 2009

**Attachments:**

[Meeting Minutes](#)

[Verbatim Transcript - Agenda Item D-2 and H-3 - Cutler Oaks Estate Homeowner](#)

[Verbatim Transcript - Agenda Item E-2 - Amending Chapter 34 Nuisances](#)

[Verbatim Transcript - Agenda Item G-1 G-2 and G-3 - Board and Committee Items](#)

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

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

City Clerk Item No. 3

**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 Anderson, to Adopt the Consent Agenda. The motion carried by the following vote:

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

**RESOLUTION NO. 2009-115****C.-1. 09-0293**

Resolution authorizing the extension of a contract with Gym Kidz, Inc. pursuant to Section 2-834 (d) of the Procurement Code for a period not to exceed one hundred twenty (120) days from the expiration of the current contract for the provision of Gymnastic Professional Services.

**Attachments:**[PSA Gymnastics.pdf](#)[Correspondence Request from Gym Kidz.pdf](#)[Gymnastics Professional Services Extension Resolution.pdf](#)[Gym Kidz Cover Memo.doc](#)[Signed Resolution 2009-115.pdf](#)

A RESOLUTION AUTHORIZING THE EXTENSION OF A CONTACT WITH GYM KIDZ, INC., PURSUANT TO SECTION 2-834 (D) OF THE PROCUREMENT CODE FOR A PERIOD NOT TO EXCEED ONE HUNDRED TWENTY (120) DAYS FROM THE EXPIRATION OF THE CURRENT CONTRACT FOR THE PROVISION OF GYMNASTIC PROFESSIONAL SERVICES.

**This Matter was adopted by Resolution Number 2009-115 on the Consent Agenda.**

City Clerk Item No. 4

**RESOLUTION NO. 2009-116****C.-2. 09-0315**

Resolution accepting the recommendation of the Chief Procurement Officer pursuant to the Procurement Code Section 2-829 "Approval of Change Orders and Contract Modifications" to provide for the approval of a Change Order to Purchase Order #002886 issued to Secure Technologies Integrators in the amount of \$24,314.31 with a change order amount of \$11,356.00, associated with the Kings Bay Guard House construction.

**Attachments:** [secure technologies cm memo.pdf](#)  
[C-2 Kings Bay Guard House Cover Memo](#)  
[C-2 Kings Bay Guard House Resolution](#)  
[Signed Resolution 2009-116.pdf](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER PURSUANT TO THE PROCUREMENT CODE SECTION 2-289 "APPROVAL OF CHANGE ORDERS AND CONTRACT MODIFICATIONS" TO PROVIDE FOR THE APPROVAL OF A CHANGE ORDER TO PURCHASE ORDER #002886 ISSUED TO SECURE TECHNOLOGIES INTEGRATORS IN THE AMOUNT OF \$24,314.31 WITH A CHANGE ORDER AMOUNT OF \$11,356.00 ASSOCIATED WITH THE KINGS BAY GUARDHOUSE CONSTRUCTION.

**This Matter was adopted by Resolution Number 2009-116 on the Consent Agenda.**

City Clerk Item No. 5

**RESOLUTION NO. 2009-117****C.-3. 09-0322**

Resolution authorizing the City Manager to execute a Funding Agreement between the City and Miami-Dade County for the transfer of \$75,000.00 from the General Obligation Bond (GOB) category "Enhancement-Expansion of Parks and Public Plazas, Signage/Historical Markers Project No. 88-72230" to the proposed General Obligation Bond (GOB) Project entitled "Rotary Centennial Park;" and further authorizing the City Manager to contract with Miami-Dade County and third-party contractors to complete said project during this Fiscal Year 2008-2009.

**Attachments:** [0046\\_001 park](#)  
[C-3 Resolution](#)  
[C-3 \\$75,000.00 Cover Memo](#)  
[Signed Resolution 2009-117.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR CONSTRUCTION OF THE PROPOSED GENERAL OBLIGATION BOND (GOB) PROJECT ENTITLED "ROTARY CENTENNIAL PARK" IN THE AMOUNT OF \$75,000; AUTHORIZING THE CITY MANAGER TO CONTRACT WITH MIAMI-DADE COUNTY AND THIRD PARTY CONTRACTORS TO COMPLETE SAID PROJECT BY FISCAL YEAR 2008-09; AUTHORIZING THE TRANSFER OF GOB DESIGNATED FUNDS IN THE AMOUNT OF \$75,000 FROM THE CATEGORY "ENHANCEMENTS-EXPANSION OF PARKS AND PUBLIC PLAZAS, SIGNAGE/HISTORICAL MARKERS PROJECT NO. 88-72230" TO

THE AFORESAID PROPOSED GOB PROJECT; AND AUTHORIZING THE CITY ADMINISTRATION TO TRANSFER UNUSED GOB PARK IMPROVEMENT FUNDS TO THE SIGNAGE/HISTORICAL MARKERS PROJECT.

**This Matter was adopted by Resolution Number 2009-117 on the Consent Agenda.**

City Clerk Item No. 6

### **RESOLUTION NO. 2009-118**

**C.-4. 09-0338**

Resolution granting a one-day permit to The Village of Merrick Park to sell alcoholic beverages on Monday, May 18, 2009, from 7:30 p.m. to 10:30 p.m. at The Village of Merrick Park and San Lorenzo Avenue during "A Taste of Miami: Coral Gables" to promote Coral Gables to Pow Wow participants (Buyers, Tour Operators and Delegates) pursuant to Florida Department of Professional Regulation requirements and City Special Event Committee Provisions.

**Attachments:** [A Taste of Miami Coral Gables Draft Resolution.pdf](#)  
[A Taste of Miami Coral Gables Special Events Application and Permit.pdf](#)  
[C-4 Merrick Park Special Event Cover Memo](#)  
[Signed Resolution 2009-118.pdf](#)

A RESOLUTION GRANTING A ONE-DAY PERMIT TO THE VILLAGE OF MERRICK PARK TO SELL ALCOHOLIC BEVERAGES ON MONDAY, MAY 18, 2009, FROM 7:30 P.M. TO 10:30 P.M., AT THE VILLAGE OF MERRICK PARK AND SAN LORENZO AVENUE DURING "A TASTE OF MIAMI: CORAL GABLES", PURSUANT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS AND THE CITY'S SPECIAL EVENT COMMITTEE PROVISIONS.

**This Matter was adopted by Resolution Number 2009-118 on the Consent Agenda.**

City Clerk Item No. 7

### **RESOLUTION NO. 2009-119**

**C.-5. 09-0285**

Resolution accepting the recommendation of the Chief Procurement Officer pursuant to the Procurement Code Section 2-772 "Special Procurement/Bid Waiver" to lease from Peterson Harley Davidson of Miami, LLC eleven (11) Harley Davidson Police Motorcycles for a term of twenty-four (24) months with a not to exceed amount of \$112,200.00 for all leased motorcycles.

**Attachments:** [Peterson Letter.pdf](#)  
[2009.04.99 Police Motorcycles - Harley Davidson Draft Reso \(2\).pdf](#)  
[C-5 Harley Davidson Motorcycles Cover Memo](#)  
[Signed Resolution 2009-119.pdf](#)

A RESOLUTION OF THE CITY OF CORAL GABLES ACCEPTING THE RECOMMENDATION OF THE CHIEF PROCUREMENT OFFICER PURSUANT TO THE PROCUREMENT CODE SECTION 2-772 "SPECIAL PROCUREMENT/BID WAIVER" TO LEASE FROM PETERSON HARLEY DAVIDSON OF MIAMI, LLC ELEVEN (11) HARLEY DAVIDSON POLICE MOTORCYCLES FOR A TERM OF TWENTY-FOUR (24) MONTHS, WITH THE TOTAL LEASE PAYMENT AMOUNT NOT TO EXCEED \$112,200.00 FOR ALL

LEASED MOTORCYCLES. (TO BE FUNDED BY THE AUTOMOTIVE FUND).

**This Matter was adopted by Resolution Number 2009-119 on the Consent Agenda.**

City Clerk Item No. 8

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

C.-6. [09-0306](#) Communications Committee Meeting of April 16, 2009

**Attachments:** [Microsoft Word - communicationsminutesagendamay09.pdf](#)  
[Microsoft Word - minutes april 2009.pdf](#)

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

City Clerk Item No. 9

C.-7. [09-0319](#) Historic Preservation Board Meeting of April 16, 2009

**Attachments:** [HPB Minutes April 16, 2009](#)  
[NoAction04.16.09.MinutesforCC05.12.09](#)

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

City Clerk Item No. 10

C.-8. [09-0320](#) Pinewood Cemetery Advisory Board Meeting of April 13, 2009

**Attachments:** [NoAction04.13.09CCMtgNoAction05.12.09](#)  
[Pinewood Minutes April 13, 2009](#)

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

City Clerk Item No. 11

#### **D. PERSONAL APPEARANCES**

**None**

City Clerk Item No. 12

## E. PUBLIC HEARINGS

### ORDINANCES ON SECOND READING

#### ORDINANCE NO. 2009-24

##### E.-1. [09-0267](#)

An Ordinance of the City of Coral Gables amending Chapter 34 of the "Code of the City of Coral Gables" entitled "Nuisances" and in particular Sections 34-1, entitled "Clearing of Land" 34-22, entitled "Failure to Comply; Forms of Notice to Property Owner", 34-23, entitled, "Cost of Clearing as Lien on Property-Collection, Foreclosure and Sale" by changing the dates upon which a property owner is provided notice upon which to remedy the situation; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading on April 28, 2009.)

**Attachments:**

[lot clearing- 04 21 09 FINAL 1](#)  
[Microsoft Word - Agenda Cover Memo LOT CLEARING](#)  
[LOT CLEARING ORDINANCE- 05 01 09](#)  
[NOTICE](#)  
[E-1 Lot Clearing Ordinance Cover Memo](#)  
[Signed Ordinance 2009-24.pdf](#)

AN ORDINANCE AMENDING CHAPTER 34 OF THE "CODE OF THE CITY OF CORAL GABLES" ENTITLED "NUISANCES" AND IN PARTICULAR SECTIONS 34-1, ENTITLED "CLEARING OF LAND" 34-22, ENTITLED "FAILURE TO COMPLY; FORMS OF NOTICE TO PROPERTY OWNER", 34-23, ENTITLED, "COST OF CLEARING AS LIEN ON PROPERTY-COLLECTION, FORECLOSURE AND SALE" BY CHANGING THE DATES UPON WHICH A PROPERTY OWNER IS PROVIDED NOTICE UPON WHICH TO REMEDY THE SITUATION; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title to Agenda Item E-1 into the public record by City Manager Salerno, Commissioner Anderson inquired of the City Attorney, in cases involving property management companies where a property goes into foreclosure, how does one address matters involving encroachments of limbs, etc. and hedges onto other individual's property; whereby City Attorney Hernandez stated that one can always trim back encroachments (i.e. hedges, limbs) back onto others property; further stating that the aggrieved property owners have a right to trim said shrubbery back; secondly regarding the condition of the property, involving encroachments into the City's right-of-way, that the City Commission has in the past, directed her office to file a cause of action to bring a property owner back into compliance with our City's Code; further stating that once her office receives the notice from the City Manager, or the affected department director, she has seen that in a majority of the cases the property owner, the bank will come into her office to remedy the situation; further adding that her office puts forth a concerted effort to bring those designated properties into compliance; further stating that the final remedy has been an instruction to her office to initiate injunctive relief; further stating that the prospect of this latter action is a sufficient deterrent to prevent the affected parties from

incurring any additional expenses].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-24. The motion passed by the following vote:**

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

City Clerk Item No. 13

## **ORDINANCES ON FIRST READING**

### **ORDINANCE NO. 2009-25**

#### **E.-2. 09-0335**

An Ordinance of the City of Coral Gables amending Chapter 2, Article III, Section 2-60 of the Code of the City of Coral Gables, Florida, as amended, entitled "Terms of Members"; providing for repealer, severability, codification and an effective date. (Passed on First Reading on May 12, 2009)

**Attachments:** [boards\\_retirementboard\\_exempt\\_terminlimits](#)  
[comm\\_memo\\_retirement\\_terminlimit\\_exempt](#)  
[agendacover\\_boards\\_term\\_retirementbdexempt](#)  
[comm\\_memo\\_retirement\\_terminlimit\\_exempt](#)  
[E-1 Cover Memo](#)  
[Signed Ordinance 2009-25.pdf](#)

[Note for the Record: A copy of 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 Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:**

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

City Clerk Item No. 14

## **F. CITY COMMISSION ITEMS**

### **None**

City Clerk Item No. 15

## **G. BOARDS/COMMITTEES ITEMS**

### **None**

City Clerk Item No. 16

**H. CITY MANAGER ITEMS****RESOLUTION NO. 2009-120****H.-1. 09-0324**

Resolution accepting a grant for financial assistance in the amount of \$500,000.00 from the Florida Department of Environmental Protection (DEP) for the construction of New City 3 Sanitary Sewer Pump Station and further authorizing the City Manager to execute an agreement between the City and the DEP for said financial assistance under DEP Agreement No. LP8910.

**Attachments:** [0059\\_001-8910](#)  
[H-1 Resolution](#)  
[H-1 DEP Agreement LP8910](#)  
[Signed Resolution 2009-120.pdf](#)

A RESOLUTION ACCEPTING A GRANT FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF \$500,000.00 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) FOR THE CONSTRUCTION OF NEW CITY 3 SANITARY SEWER PUMP STATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE DEP FOR SAID FINANCIAL ASSISTANCE UNDER DEP AGREEMENT NO. LP8910.

[Note for the Record: Following City Manager Pat Salerno's reading of Agenda Item H-1 into the public record, there being no public input proffered by any member of the public, nor there being any deliberation by any member of the City Commission, on a motion being made by Commissioner Cabrera and seconded by Commissioner Anderson, Mayor Slesnick requested of the City Clerk to call the roll on said item].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-120. The motion passed by the following vote:**

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

City Clerk Item No. 17

**RESOLUTION NO. 2009-121****H.-2. 09-0327**

Resolution accepting a grant for financial assistance in the amount of \$500,000.00 from the Florida Department of Environmental Protection (DEP) for the replacement construction of Old Cutler Road Sanitary Force Main, Phase III, and further authorizing the City Manager to execute an agreement between the City and the DEP for said financial assistance under Agreement No. LP8911.

**Attachments:** [LP8911 back-ups](#)  
[0058\\_001](#)  
[H-2 Old Cutler Force Main Resolution](#)  
[H-2 DEP LP8911 Cover Memo](#)  
[Signed Resolution 2009-121.pdf](#)

A RESOLUTION ACCEPTING A GRANT FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF \$500,000.00 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) FOR THE REPLACEMENT CONSTRUCTION OF OLD CUTLER ROAD SANITARY SEWER FORCE MAIN, PHASE III, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE DEP FOR SAID FINANCIAL ASSISTANCE UNDER DEP AGREEMENT NO. LP8911.

[Note for the Record: Following City Manager Pat Salerno's reading of Agenda Item H-2 into the public record, there being no public input proffered by any member of the public, nor there being any deliberation by any member of the City Commission, on a motion made by Commissioner Anderson and seconded by Commissioner Cabrera, Mayor Slesnick requested of the City Clerk to call the roll on said item].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-121. The motion passed by the following vote:**

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

City Clerk Item No. 18

### **RESOLUTION NO. 2009-122**

**H.-3. 09-0328**

Resolution authorizing the City Manager to execute a Joint Participation Agreement between the Florida Department of Transportation and the City of Coral Gables for financial assistance in the amount of \$377,641.00 for the purchase of two (2) new 30-foot long, heavy-duty, low-floor, replacement shuttle buses for the Coral Gables Trolley Program.

**Attachments:** [0052\\_001-47](#)  
[H-3 Trolley Replacement Cover Memo](#)  
[H-3 Trolley Purchase Resolution](#)  
[Signed Resolution 2009-122.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF CORAL GABLES FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF \$377,641.00 FOR THE PURCHASE OF TWO (2) NEW 30-FOOT LONG, HEAVY-DUTY, LOW FLOOR, REPLACEMENT SHUTTLE BUSES FOR THE CORAL GABLES TROLLEY PROGRAM.

[Note for the Record: A copy of the verbatim transcript for Agenda Item H-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 Anderson, that this motion be adopted by Resolution Number 2009-122. The motion passed by the following vote:**

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

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

City Clerk Item No. 19

**RESOLUTION NO. 2009-123**

**H-4. [09-0329](#)**

Resolution authorizing the City Manager to execute a Joint Participation Agreement between the Florida Department of Transportation (FDOT) and the City of Coral Gables for financial assistance in the amount of \$92,500.00 for service development in the expansion of the Coral Gables Trolley Route on Ponce de Leon Boulevard from S. W. 8th Street to West Flagler Street.

**Attachments:** [0051\\_001-46](#)

[H-4 Trolley Route Expansion Resolution](#)

[H-4 Traffic Board Minutes](#)

[H-4 Trolley Route Expansion Cover Memo](#)

[Signed Resolution 2009-123.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF CORAL GABLES FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF \$92,500.00 FOR SERVICE DEVELOPMENT IN THE EXPANSION OF THE CORAL GABLES TROLLEY ROUTE ON PONCE DE LEON BOULEVARD FROM S. W. 8th STREET TO WEST FLAGLER STREET.

[Note for the Record: A copy of the verbatim transcript for Agenda Item H-4 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 Withers, that this motion be adopted by Resolution Number 2009-123. The motion passed by the following vote:**

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

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

City Clerk Item No. 20

**I. CITY ATTORNEY ITEMS****RESOLUTION NO. 2009-124**I.-1. [09-0321](#)

Resolution establishing a City of Coral Gables Identity Theft Prevention Program, as required by the Federal Trade Commission's Red Flag Rule and providing an effective date of May 1, 2009.

**Attachments:**

[identitytheftprogram](#)  
[identitytheftprogram\\_ex1](#)  
[comm\\_identitytheftprogram](#)  
[I-1 Identity Theft Prevention Cover Memo](#)  
[Signed Resolution 2009-124.pdf](#)

A RESOLUTION ESTABLISHING A CITY OF CORAL GABLES IDENTITY THEFT PREVENTION PROGRAM AS REQUIRED BY THE FEDERAL TRADE COMMISSION'S RED FLAG RULE AND PROVIDING AN EFFECTIVE DATE OF MAY 1, 2009.

[Note for the Record: City Attorney Elizabeth Hernandez informed the City Commission that Congress adopted the Fair and Accurate Credit Transactions Act (FACTA) of 2003, which establishes a Coral Gables Identity Theft and Prevention Program, further stating that said legislation requires our City to implement an Identity Theft Prevention Program; which must be approved by the governing body of the municipality to be in compliance with the Federal Trade Commission's Red Flag Rule.

Questions, Comments, Inquiries and Concerns from the City Commission: Commissioner Withers inquired of the City Attorney as to whether the City's Identity Theft Prevention Program has a credit card component?- further inquiring through City Manager Salerno of Finance Director Don Nelson, as to whether in instances wherein the City contracts with a new vendor, following a credit check, background check, etc., whether there are certain safeguards in place to ensure that the aforementioned information regarding the vendor is kept secure and out of the public domain; further questioning as to whether salient parts of our program can be shared with local businesses?

City Attorney Hernandez stated that if the City accepts a customers credit card, that there are certain safeguards in place to prevent potential theft, and protect the City when we proceed to use our Identity Theft Prevention Program.

Finance Director Don Nelson stated that the Identity Theft Prevention Program was needed to prevent identification theft; provide protection against the divulging of certain information to the public, including any name or address that may be used, telephone number, date of birth, government issued driver's license, government passport number; further stating that staff will be trained regarding the procedures to be used

when taking said information (i.e. credit information is obtained) to enable them to identify red flags during their ordinary course of business, thus helping to prevent identity theft, how to secure information, not to release this information, thereby avoid divulging same to the public; further stating that routinely, the City accesses certain public information regarding a vendor (i.e. Dunn's Report; Report Numbers, etc.); information that is filed with the State of Florida Division of Corporations; however, the City is concerned with certain personal data (i.e. social security, birth date, etc.); further reiterating that training of staff is important; further stating that the City will be working with our external auditors in furtherance of this initiative); further stating that every business that accepts credit is also required to have an Identity Theft Prevention Program

Commissioner Cabrera informed his colleagues that he has been the victim of identity theft, whereby someone secured a copy of his driver's license and replaced his photograph with their photograph on same; however, further acknowledging that they were later apprehended by the United States Postal Service].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-124. The motion passed by the following vote:**

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

City Clerk Item No. 21

#### **J. CITY CLERK ITEMS**

[Note for the Record: City Clerk Walter Foeman reminded the members of the City Commission that in accordance with Section 10 of the Coral Gables Charter, that he would be submitting his report regarding election related costs to his office, from the recently held General Biennial and Special Municipal Referendum Election by close of business Wednesday, May 13, 2009].

City Clerk Item No. 22

**K. DISCUSSION ITEMS**

Mayor Slesnick: Maria.

Commissioner Anderson: I have one item that is of concern. I think we need to start watching. There is a project that is being planned for Fairchild Tropical Garden, and it potentially could involve land use change and variances, and the neighbors have some concerns. They have already met with the Fairchild team, and they weren't totally comfortable with some of the things that were said, or whatever, I wasn't at the meeting so I can't vouch for that. I think we really need to be very mindful of that coming up, that could be a potentially a contentious neighborhood dispute issue that might come before us at some point; and I think what Fairchild is proposing might be really a wonderful thing, but it might get lost if it's not handled properly with the surrounding neighborhood. So I'd ask for staff to be keenly aware of that, the Manager to know about, that there are already residents that are concerned and upset at the way....

Commissioner Withers: What do they want to do?

Commissioner Anderson: From what I understand it's a science center, and it's going to be placed toward the back area where some of the residents off Campana are; I don't know more than that and so some of the residents that border are on Campana, are concerned about certain things; and I think as with anything there is a lot of mistrust and misinformation, and I think we as a City need to make sure we give as much information as we can, and just be aware that, that's a potential issue that could be raised, that we need to be aware of with neighbors. That's it.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I don't know if the rest of you got the same kind of e-mail I received last week, but I heard about an issue that I don't think we don't have a lot of authority or jurisdiction over, but I still want to bring it up for discussion, and for no other reason that maybe we all get a better understanding of it, and as we move forward as a municipality we learn from it. I was approached by a citizen who wanted to discuss the change of his neighborhood's trash pick up day, and I'm going to try to frame this quickly for us. A southern community, the Gables Estates community for a very long time wanted to change its trash pick up day from a Monday to a Friday. In order for staff to accommodate that request, they needed to change one of its routes so that they could accommodate the southern community having a Friday pick up day versus a Monday pick up day. Discussions went on and it was finally determined that a survey would be sent to the community that would be affected by this change, and that was the northwest section of our City. That community received a survey from our City that I believe was partially funded or totally funded by the southern community,

and that same southern community was given the opportunity to review the language of the survey, and modifications were made to the language of the survey. We sent the survey out, and the part that, I guess, troubles me a bit is, when the survey was sent out the language of the survey sent something along the lines that if you did not respond back with the survey, that your non response would count in favor of making this change.

Commissioner Anderson: I had that same concern.

Commissioner Cabrera: So the change was the following: the southern community if they were successful would get a Friday pick up day, and the former community that had that Friday pick up day would now move to a Monday pick up day. When the survey was tabulated the actual number showed that the southern community got what it wanted from the survey, inspite of the fact that there were people that did not respond; if you take those numbers out, it still came out that the northern community was in favor of changing it to Monday, but here's the catch, a few catches; first catch is the results were a difference of less than two percent (2%) from what staff told me; secondly....

Commissioner Withers: Two percent from counting the non responders or....

Commissioner Cabrera: Forget the non responders for this discussion; the people that responded....

Commissioner Withers: The people who voted.

Commissioner Cabrera: Yes, less than 2% was - the number was something like 210 to 220, something like that, OK. Then what occurred - well let me take a step back, that area the northwest quadrant, and I think Ms. Anderson can attest to this, when you go out and you campaign and you walk it, we just had an election, you will learn something very quickly, the high percentage of the residents that live in that area are of Hispanic descent, and most importantly do not even speak English. Spanish is their first language, and in some instances their only language. So the survey went out, number one, in English; number two, there was no other advertisement associated with the survey, there was never anything in Neighbors, there was nothing in E-News, and I can see why we wouldn't do that, but still there was no advertising that went on with this. I don't know about the rest of you; I get surveys from Lexus, and from USAA, and Disneyworld, and I don't even look at them, I throw them in the garbage. So I believe there was probably a lot of that, that went on, but regardless the outcome is the following: the southern community today now enjoys a Friday pick up, whereas the northwest community that used to have a Friday pick up now has a Monday pick up.

Commissioner Withers: This is for yard trash?

Commissioner Anderson: Yard.

Commissioner Cabrera: Trash, yes sir, trash. And so some of the arguments that can be made on both sides is, one argument that can be made for this change is, well those that live in the northwest community, a lot of people may decide they want to cut their own grass, so its nice that they can get to cut their grass on the weekend and then Monday it gets picked up, but the reality is there is a lot of folks that have yard people that comes Tuesdays, Wednesdays, and Thursdays, and now on Fridays, and now what occurs is they will have that trash there all week long and into the weekend, and lets face it, the northwest quadrant of our City is mostly 50 by 100 lots; the community of Gables Estates is a much larger community with much larger homes, and in many instances, and this is the most ironic thing because I took a ride over to Gables Estates...what's that?

Commissioner Withers: They remove it themselves.

Commissioner Cabrera: They remove it themselves; you don't have as many trash picks in Gables Estates as you have in the northwest quadrant of our City, that's what I just kind of marveled at this weekend when I drove by.

Commissioner Anderson: Yeah, I agree. I'd forgotten I'd talked to the Manager; I was going to talk about it. My biggest problem is the whole vote count, and then again what you raise is very interesting too, is that when you have the lawn stuff in the northwest quadrant it shows more because it's a smaller concentrated area, and I kind of have a fundamental problem the expense of one over the other, one area over the other.

Commissioner Cabrera: To me it has nothing to do with income, it just has to do with one area benefited from a change and the other area was penalized for that change.

Commissioner Anderson: Exactly.

Commissioner Cabrera: That's the real gist that I have with it.

Mayor Slesnick: But it's more complicated than that, and I've talked to Mr. Lucas and I've actually had three contacts from that area to complain...the northwest.

Commissioner Cabrera: Oh the northwest.

Mayor Slesnick: I didn't consider three being too many, but certainly Mr. Lucas raised some good points, but I do think that as we look at this, first of all I am troubled by a couple of things you said about the survey, so I think those are things we need to look

at and decide whether or not it was adequately done, and whether it was properly done, absolutely; but this is not a recent phenomenon - Gables Estates has had Monday pick up for many years and has complained about Monday pick up for many years, and has asked to be considered for changing, and I mean they are also citizens and taxpayers that need to be considered. So as we look at this, I just want to make sure its not just as easy as saying to Gables Estates, well you know, you've always had Monday pick up, and if it troubles you tough, you always....

Commissioner Anderson: That wasn't my intent either; that wasn't my intent, one over the other; that should never have to be one over the other, but...

Mayor Slesnick: And I'm kind of curious when I start thinking about it, now I'm really getting into Dan's area, and I don't mean to do that, but I'm going to for a second, but I'm kind of curious as to whether or not if Monday pick up isn't desired by north Gables and not desired by south Gables, we are now on a five day trash pick up, I believe, are we on a five day trash schedule?- we used to be on a four day trash schedule; the thought about maybe eliminating Mondays from trash collection altogether and going back to some four day schedule, which doesn't even have Mondays as a component.

Commissioner Cabrera: Well that's certainly something to look at, but....

Mayor Slesnick: But if you think about it for a minute, and I tried to stop and think, if you push Monday off the radar screen and make it back to Tuesday, well the people who put the trash out on weekends just have to wait until Tuesday. So it really isn't the Monday component, its how do we get the trash up after the weekend?- and who has it done then?- so I don't know; I will give it back to you Dan.

Commissioner Cabrera: But you raise a really good point, and that is that, and I think Ms. Anderson tried to respond and did so, we should be sensitive to people that ask us after many, many years, hey could we change this?- I concur with you, but not at the expense of another neighborhood, and then when you analyze the results and you look at the fact that the demographics shows you that there is a high percentage of Hispanic-speaking residents in that area, which I cannot scientifically attest to this, but I can tell you by walking, that the vast majority are older, and the vast majority Spanish is their first language and only language, and now you see the results of this survey that...let me put it to you this way, if in the last election I had lost by less than two percent I would have asked for a recount; I would have gone to the Miami-Dade County Elections Department and really made a huge ruckus about this; anyone of us would, I think anyone of us would unless you didn't want to get re-elected and then you kind of just let it go, and say that's the way people spoke. So I don't know what we do about it; I don't think it's within our...

Mayor Slesnick: Well actually one ballot issue did lose by less than two percent.

Commissioner Cabrera: Oh, here you go; that's because you started too late, you said it yourself, you started too late.

Mayor Slesnick: I didn't do anything; I did not go to the Miami-Dade County Elections.

Commissioner Cabrera: Well you could have; you still have time; I think you can still do it; that's funny, that's funny how you brought that up. Really back to this thing, you are trying to take me off track; back to this thing. I don't know Mr. Manager, the bottom line is it was something that was done administratively, but at the end of the day the five of us are the ones that get the feedback from our citizens and so I felt compelled to bring this to us and to tell you that if we could do this over again, I would certainly do it a lot different. I don't think that it's going to stop; I think we are going to get more and more citizens who are being affected by this adversely in the northwest quadrant to complain about it; and so I think that staff really does need to address this issue, and I don't know how the rest of you feel.

Commissioner Withers: I'm just curious to know, and Dan, what prompted the request from the south to change?- what was the reason behind it?

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

Commissioner Withers: I'm just curious to know what was the...that created the survey that created the change?- was it they didn't want to see their trash in the neighborhoods on the weekends.

Assistant City Manager Jimenez: Absolutely. For the record, Maria Jimenez, Assistant City Manager, and this was done way before the new City Manager came in, matter of fact it was done during my interimship, and it was just that Commissioner...

Commissioner Withers: Then let me ask you a very basic philosophical question. If the people in the south Gables are worried about their trash on their swales over the weekend, was there any thought given that maybe the people in the north had the same concerns about it?

Assistant City Manager Jimenez: Absolutely, and the intent of the survey, and we have traditionally have changed route days without notifying the residents, it becomes an operational issue; but because we were sensitive to the north Gables as well as to the south, we wanted to survey them, and basically see what our residents wanted. I think Commissioner Cabrera did a good job in explaining the background of how we got into this point, if the survey in fact would have been different where we would have

received a response not in favor of the pick up by the two percent, we wouldn't be here today, regardless of those notices that in reality we had a high turnout that did not respond, that has been explained. The way that it was written is, if you don't have a problem with the change you don't have to respond, but again he brings up a good issue as far as the Hispanic population and we did not communicate that in Spanish, it was purely in English. So sir, we do have this situation.

Commissioner Withers: Could the people have mistakenly be home behind pick up of garbage with trash, I mean, I didn't see the survey, I mean, did you ask them did you want to see the trash in your swale over the weekend?- was that the question that we asked them?

Assistant City Manager Jimenez: No, no it was actually just the change of the date is my understanding.

Mr. Keys: The other services stayed the same.

Assistant City Manager Jimenez: The other services stayed the same as regards to recycling and garbage, the issue was the trash day, changing it from a Friday pick up to a Monday pick up.

Mayor Slesnick: Maria, an answer to Mr. Withers question, explain how long Gables Estates has talked about this issue.

Assistant City Manager Jimenez: Many, many years; I can tell you I've been in the City Manager's office for fifteen years, and I think every year they have tried to request the City to change the date.

Commissioner Withers: Was there an operational component to this?- a cost component?

Assistant City Manager Jimenez: No, I believe Dan would tell you that it was purely trying to address the request of the Gables area, and maybe he can speak to it, but my understanding is that he selected an area that is equivalent as far as what's needed to pick up out there.

Commissioner Withers: I'll make a deal with you; our trash is picked up on Wednesday, so you can take my area and I'll go to Friday or Monday and give you Wednesday.

Commissioner Anderson: Oh, you are going to be in such trouble with your neighbors; and I don't remember what mine is; but if there was no operational issue, then I guess I have a philosophical problem with one over the other, and its not that the Gables

Estates shouldn't have, but its just...

Mayor Slesnick: But it's been one over the other, Maria, it's been one over the other for fifteen years.

Commissioner Cabrera: You know I'd like my garbage to be picked up on Fridays, I mean, my trash to be picked up on Fridays, but it gets picked up on Tuesday.

Commissioner Anderson: But it shouldn't be a Sophie's choice, one or the other.

Mayor Slesnick: Well, it shouldn't be, but I guess unless we have another crew.

Commissioner Anderson: I understand.

Mayor Slesnick: And we are eight million short now, we don't need another crew...

Commissioner Cabrera: Maybe we could have the trolley pick it up for us on its way to the northern section. (Laughter)

Mayor Slesnick: One other answer, maybe this didn't happen to you all, maybe I'm the only one that got affected by it; but when Dan went from five days to four days my trash day changed, and there was no poll.

Commissioner Withers: Mine changed from Tuesday to Wednesday.

Commissioner Cabrera: But that was a system wide change, and that's OK, that's acceptable.

Commissioner Anderson: This was a solicited change.

Commissioner Cabrera: Solicited change, a requested change that, and we missed one part, there was the opportunity, hear me out, there was the opportunity for the southern neighborhood to modify the language of the survey, and I'm sure an attorney was involved in that. But how many of the northwest residents did not respond, what percentage did not respond?

Assistant City Manager Jimenez: Do you have those figures Dan?

Mr. Keys: About fifty percent (50%).

Commissioner Cabrera: Five-zero - 50%, so it wasn't a small number; it was a fairly high number.

Assistant City Manager Jimenez: Again, the way it was written is if they did not have a problem with the change, they did not have to respond to the survey; now given you bring up a good issue as far as the Hispanic population, and probably some of us, or some residents not even reading it...

Commissioner Anderson: I think that's the case, some people just left the mail for whatever reason, the date may have passed and it just didn't happen. When we do surveys when we are running for election some people don't know that any of us are on the Commission, and it's not anything to berate any resident, it's just sometimes its just life, it's just busy.

Commissioner Cabrera: All they know is Don Slesnick. (Laughter)

Commissioner Withers: I think Ralph's point is....

Commissioner Anderson: It's just a fact of life; that people in their lives are busy and sometimes they don't get to their mail or whatever.

Commissioner Withers: Or if you would have said in the survey, if you do not return it, then you are not in favor of it.

Commissioner Cabrera: It could have been either way, that's why I say an attorney had something to do with that survey.

Mayor Slesnick: What did the southern residents, what role did they play in the survey?

Assistant City Manager Jimenez: I think they just requested to see the form of the letter, in reality that's normal, it's OK to show...

Commissioner Cabrera: Sure I concur, its public information, but did they not get the opportunity to also modify it?

Assistant City Manager Jimenez: That's my understanding, that they suggested some language as it related to those who did not respond.

Commissioner Cabrera: Right.

Assistant City Manager Jimenez: You know at the end of the day if again, the survey would have been different where the majority would have not responded in favor, this would be a different story. We did have the results of the survey indicate that the majority of the northwest quadrant of the Gables did want to change their pick up day and that's why I believe the change took place.

Commissioner Anderson: And the change in the language proposed by the southern constituents was about the non responding.

Assistant City Manager Jimenez: Yes.

Commissioner Anderson: I have a fundamental problem.

Commissioner Cabrera: How much would it cost to reinstitute?

Commissioner Anderson: I don't think we can do anything.

Mr. Keys: A thousand dollars.

Commissioner Cabrera: A thousand dollars. I'll make a deal with you, I'm serious, I'm not kidding around, this is not a joke; you take my four hundred dollars monthly expense account for the next three months and deduct from my pay, I will pay for the survey - no, I'm serious, I don't want the City to...

Mayor Slesnick: Ralph, Ralph...

Commissioner Cabrera: No, that was a campaign issue, that was a campaign issue.

Mayor Slesnick: That was kind of you, but I think the City can afford a thousand dollars, if that's the will of the Commission to resurvey, do it in two languages, and make it so it's very clear what we are asking, and so forth.

Vice Mayor Kerdyk: Let me ask you Maria, when we do traffic calming measures, is that the same language we use in traffic calming measure?- if you don't respond it's counted as a yes or no vote?

Assistant City Manager Jimenez: It's my understanding that we do have some language.

Vice Mayor Kerdyk: We need to look at that language totally if there is a problem with this particular issue, we need to look at it overall too, because I've had many people that have these traffic calming devices...

Assistant City Manager Jimenez: Again, I want to make a point that regardless of how the letter was written, the responding residents, the majority of them were in favor of the change, not a big majority as you pointed out, but the majority. So even if we were to discount those who did not respond because maybe they read it and just said I don't have a problem with the change, those that did respond the majority did not have

a problem with the change.

Commissioner Cabrera: And I think you did a phenomenal job in managing the process, but as Commissioner Anderson said a few minutes ago, it's so true, a lot of our citizens don't even know, they can't name two or three Commissioners; they are too busy; they are building their families; they are building their businesses; they are worrying about the strains of life. They don't necessarily look at a survey and say, oh gee, I better take the time to do this or else, the way my trash gets picked up is going to affect me from now until whenever. I gave you the example; I get surveyed all the time; Commissioner Withers what I was saying was he went like this (threw his hand), he throws them out. So it's the kind of thing that maybe if we had been a little bit more sensitive to the demographics, and done a little bit more advertising, even on Neighbors; remember how we advertised in Neighbors a few weeks back or a few months back, Commissioner Withers brought this up that if you didn't get your roofs cleaned there was going to be this blitz to go and find you, remember that? This could have been advertised in a much more positive way to give everybody a heads-up that this is coming and it's going to have an effect on where your trash, or how long your trash sits out there. You know, it's easy for me to "Monday morning quarterback" and criticize, and I don't mean to be, but I've had residents come to me and say we are not necessarily happy about this; this is not something that we wanted to do. So my direction would be to resurvey.

Vice Mayor Kerdyk: I'm OK with that.

Commissioner Withers: Let me just mention - its only Gables Estates, is that the only area?

Assistant City Manager Jimenez: Yes sir.

Commissioner Cabrera: And now your area, and now your area.

Assistant City Manager Jimenez: I understand they selected an area that kind of fits the size of Gables Estates.

Commissioner Withers: Dan is Gables Estates revenue positive for us in collecting trash? Maybe we go back to them and ask them to remove their debris on their own, let their own yard folks move it and we don't even worry about trash pick up down there.

Mr. Keys: I'd have to do some....

Commissioner Withers: That might be a solution because like Ralph said, I would bet the majority of the folks down there remove their own yard clippings and things like

that.

Mr. Keys: Apparently there was still a large portion that didn't and that's why....

Commissioner Cabrera: Right, there are still holes out there but nearly to the size and the scope to the north Gables, I mean, it can't be; fifty by one hundred - fifty by a hundred foot lot and you've got a hole right in front of it versus a lot that's a hundred and ten to one hundred and thirty foot wide, just don't see it.

Commissioner Withers: You generate a heck of a lot more debris off of those lots in Gables Estates than you do in north Gables.

Commissioner Cabrera: Chip, but a lot of them, the yard people take them.

Commissioner Withers: That's what I'm saying.

Mr. Keys: There are fewer homes in Gables Estates than there is in the north end.

Commissioner Withers: But the volumes are the same?

Mr. Keys: Roughly - the time that it takes to do one route is equivalent to the other, and it basically just a switch; the same crew does these areas they just switch days.

Commissioner Cabrera: So that's my recommendation. Any thoughts?

Mayor Slesnick: What happens?

Commissioner Anderson: I guess there is no operational way for both to get their wishes, right?

Mayor Slesnick: No, and get a different result.

Commissioner Cabrera: And I'm willing to bet you we get a different result, not much, like I'll bet you a dollar.

Mayor Slesnick: Anybody wants to chime in to support this or not?

Commissioner Anderson: I just think the process was not appropriate; I would say yes.

Vice Mayor Kerdyk: You would say yes?

Commissioner Anderson: Yes, I would say yes.

Commissioner Cabrera: To resurvey ma'am?

Commissioner Anderson: Yeah, what could it hurt?

Commissioner Cabrera: What would you say?

Vice Mayor Kerdyk: I would say yes.

Commissioner Anderson: And this is really not an indictment of any one's community, the south community or the north community. I think for me it's about the process, and if it was an operational change that we all were impacted on, like the....then we accept it, but it was an initiated change; I have a problem with that.

Commissioner Cabrera: I agree. Thank you. Chip, how do you feel?

Commissioner Withers: I'll go with the majority; I'm indifferent one way or the other. I think there is a bigger picture out there.

Commissioner Cabrera: Which is?

Commissioner Withers: No, no, I just think that the whole issue of yard cuttings being removed and being left on the swales.

Commissioner Cabrera: Oh I agree with you; I concur there; it looks terrible.

Commissioner Withers: The whole trash pile situation looks terrible...

Commissioner Cabrera: Liability issues...

Commissioner Withers:...I mean, whether we do it or we don't, whether its there for six days from Sunday to Friday, or six days from Friday to...

Commissioner Cabrera: But you know what it is, it's a convenient nuisance, and...

Commissioner Withers: And until we get a handle on dealing with the trash issue we are going to have the same arguments crop up, north, south, east, west the whole time.

Vice Mayor Kerdyk: So the will is to go ahead and resurvey it?

Commissioner Cabrera: Don, how do you feel about this?

Mayor Slesnick: Listen, I'm not going to object to resurvey; I just don't know what

you are going to do when you resurvey it, then you are going to have the Gables Estates people up here.

Commissioner Cabrera: That's OK.

Commissioner Anderson: And its not, see it's not about them either, I understand that; it is and it isn't.

Mayor Slesnick: I had a very productive conversation with Mr. Lucas on the phone, and I understood his position; he stated very clearly and very articulately, and I said to him I wasn't quite sure what the answer was, but I said these are good Gables residents too, and they pay tax money too, and they have asked to be considered after fifteen years of having Monday morning they would like something different; and I say if you don't have an extra crew you've got to move the crew from some place.

Commissioner Anderson: And all of these are good Gables residents, that's what I'm trying to get at; I don't want to put an adversarial position on one or the other.

Commissioner Cabrera: I go back to what you said, I concur with everything you say, but the problem here is by making that change for someone to benefit it hurts someone else.

Mayor Slesnick: If it hurts them - that was the survey purpose and Maria said the people who did respond said it didn't hurt them by a small majority, but that's fine; I'm not going to...

Commissioner Cabrera: You don't have to agree.

Mayor Slesnick: I don't disagree or agree; I'm just...OK do we want to do the resurvey? Yes?

All: Yes.

Commissioner Cabrera: Can we let the results speak for themselves, none of this if you don't respond back, it's a yea or a nay; just whatever the results. Just like in elections in real life when you run for office, if somebody doesn't vote it doesn't go to you or to somebody else.

Vice Mayor Kerdyk: We have to keep in mind that this has already been implemented, I mean, they have already started as of the beginning of this week, started making this change.

Commissioner Cabrera: Oh yeah, it was implemented on Monday.

Commissioner Withers: So maybe we ask if they like the new schedule.

Mayor Slesnick: Well there is a consensus from the Commissioner, Mr. Manager, that we resurvey in two languages the....of the Gables, there is no consensus that I've heard of what to do after we have resurveyed; let's resurvey and figure out.

Commissioner Cabrera: Let's resurvey and see the results.

Mayor Slesnick: That's what I'm saying, that's what I'm saying. I don't know how we are going to approach doing something when we see the results, but we'll see them.

Vice Mayor Kerdyk: I actually have mine on Monday and I like it on Monday to be honest with you, maybe we'll get the same results back.

Commissioner Withers: Well, do we want to ask, I think it's an opportunity maybe to hold off a week or two on the survey, and then ask the folks if they like the new implementation of the schedule.

Commissioner Cabrera: It's going to take at least two weeks to form a new survey anyway.

Commissioner Withers: I mean the format of the questioning would be, do you like the implementation of the new schedule.

Commissioner Cabrera: You know, that's a really good idea.

Commissioner Anderson: That's fine.

Commissioner Cabrera: English and Spanish.

Commissioner Withers: And that way it looks like the City is being proactive to a new change.

Mayor Slesnick: Maria.

Commissioner Anderson: That's fine; I think that's a wiser approach for us.

Commissioner Cabrera: That's the institutional knowledge that we have of twenty-eight years of serving on the City Commission.

Commissioner Anderson: Institutional memory.

Commissioner Withers: Going after the Kerdyk record.

Commissioner Anderson: Now in his fiftieth year on the Commission (Laughter) - no, no Withers.

Mayor Slesnick: My old schedule really kept us attentive because we had Tuesday garbage, Thursday recycling and trash, and Friday garbage; now we have Friday garbage, trash and recycling, everything. If I miss one day now I'm really....

Commissioner Anderson: Well get this, my trash hole that was actually somebody's trash hole that I was using is now filled in by an electronic thing, something that FPL put in, it's a big old box, so I don't have a place to put anything anymore.

Commissioner Cabrera: That's another issue.

Mayor Slesnick: Was it FPL or ATT?

Commissioner Anderson: I don't know what the heck it is. It was for a new development that was being built in my back alley, so all of a sudden that hole which was really unsightly has a big old box.

Commissioner Cabrera: Green canister?

Commissioner Anderson: No, no, no, it's actually inserted into the hole; its complex, don't worry about it.

Commissioner Cabrera: You know why I brought this item up today because I wanted to keep my record as Chairman of the Commission with the shortest Commission meeting ever, when I chaired it that one time that you were in South America I think, so my record is still unbroken, I still have maintained it.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Thank you Mayor, two issues. First of all, I've been approached by some Board members from the Merrick Board that have expressed concern about some projects that are currently funded that are not getting completed, and those have to do with the upstairs; there are floors that need to be redone, and furniture that basically needs to be refurbished, and then downstairs the upholstery needs to be completed, while the window treatments also needs to be taken care of; and what's important about this is that we have our hundred year anniversary for Merrick House coming next year, would be nice to go ahead and complete these funded projects, and I would like staff to report back to us about where these projects are. I know the refrigerator is having problems in the kitchen, let's get this house taken care of; and then also what kind of plans do we have to open up the Merrick House for the

hundred year building of that house. The second issue is a very positive matter that we brought in front of the Board, Commission about three weeks ago or four weeks ago, and that has to do with the bridge that we are going to work on Granada Boulevard. I have Peter Hairston here; Peter would you join me up here. Peter has been working very diligently and closely with staff with regards to working on this bridge. That Commission meeting where he appeared before, instructed Peter to meet with Carlos specifically and Dona Lubin to discuss color tones and types of treatments to the bridge itself. So Peter why don't you give us a little background as to where we stand now and where you see this bridge project moving forward.

Mr. Hairston: OK. Since the last meeting here on the 24th, we've done things that you all instructed us to do that is, we have met with Carlos Mindreau and Dona Spain, and Bruce Brockhouse has been on our color design committee, and Bill Kerdyk, Vice Mayor Kerdyk, and we have selected the sample colors, the finishes, and then went about putting them up on the Granada bridge itself; and so today you can see some of the actual rendering of what we would envision the bridge looking like as our first pilot. We've met with Al Delgado and Pat Burns from Public Works again, both of whom have visited on site, and we've talked about the logistics of this public-private partnership. We are in this case, they would basically look to us to do all the work. We would coordinate with them on things like notification of residents, traffic safety, and other things like that, and we are ready to go on Monday next week, if the Commission approves our doing so, I believe with Vice Mayor Kerdyk's help and some residential support, we have all the financial or funding needed for this and possibly even for the next. What we envision here is aesthetically improving the bridges and the adjoining landscaping in keeping with George Merrick's original vision of a Mediterranean community, and this would be most successful if we obviously, with the pilot hopefully helping us further galvanize public support if we could then follow it with the same type of work on successive bridges. We envision the first phase being those bridges that are southeast of U.S.-1, which comprise of kind of a loop there to look at the Hardee bridge, the Granada bridge, and the bigger one, the Coco Plum/LeJeune bridge; and that is something we think we can accomplish expeditiously allowing two weeks or so for the first bridge, it will be a learning process to a certain extent, but we think that will be more than enough weather permitting. One reason we would like to go ahead and get going on that is both to be able to show everybody what we are talking about. There is nothing that will show it better than to actually see one done, and then also to do it before the rains come. We will have some very interesting and fun public relations both with media PR, support from Maria Fallon, who we met on Friday, and then the community is interested in doing some things. For example we have a race which will be the first Mahi to the Bay, the Granada-Maynard bridges are on the Mahi waterway, which is off of Coral Gables to U.S.-1, and we envision having a kind of fun race, canoes, kayaks, paddles, surfboards, and other things, which would go from Maynard or UM Maynard bridge around out to the Bay and we would have the terminus there and kind of fundraiser, awards ceremony, cocktail party in Tahiti

Beach area, and this type of thing would help further build support and enthusiasm for the program, raise money for it, and bring further awareness of our wonderful waterway network. So the first step is to make the first bridge successful, and we think we have a team in place, professional painters, professional artists, material supplied; the supplier is going to be working hand in hand with us as would Carlos Mindreau along the way and every step of the way. We would be using colors and finishes that he approves; all natural materials and those which is as you may recall already used in the area, so we have precedent and can look at Margaret Stoneman Douglas' house, the Alhambra Water Tower, the same would be used on Vizcaya, and a lot of private residences around. So people are familiar with it and are comfortable with the material, and we are comfortable that we can do it at a cost that is comparable to that which Public Works would have to pay if it just made internal allocations for the white washing that they currently have. So the look would go something like, this helps but, this is the Granada bridge, architecturally beautiful and in good shape, but the finishes would be more in line with the, for example, the DeSoto Fountain, which is what we selected as a classic and conservative...which would be in keeping with some of the historical, what Merrick did back when he was bargaining the Gables; and so we can go from this look to something like the approved the sample colors which we currently have on the bridge today. Now this is still not completely finished with some of the aging and natural weathering that will accomplish with some additional application of patinas, but by the time we are finished with this it will look that it has been this way for some time, and it should be beautiful.

Commissioner Cabrera: Is there something that can be done in the treatment of the paint job to protect it from graffiti or that's not possible.

Mr. Hairston: One thing is to enlist some of our school students to participate in the program so that we have our own Police force and their buddies painting the bridge for prevention, but in terms of the actual material, it would have to be addressed in a way comparable to that currently done today, and we would have, we would do the follow up maintenance as needed, and also will make sure that Public Works personnel knew how to do it; you can't take it off depending what it is, you may be able to take it off, but if you cannot then you wouldn't, just go back through the same process, and one of the nice things about this unlike say paint in your house, where you might have a more kind of a uniform flat color on the wall, I would note if a year from the time you painted it, you go back unless you really match it well because of fading and so on, in this case the finish is not going to be flat and totally consistent anyway, it would have texture, so it makes it a little more forgiving for the follow on repair.

Vice Mayor Kerdyk: One of the things that we found out when we were researching this, its been over fifteen years since we painted the bridge, and you can probably see by his pictures that that indicates its time for a paint job there, and Peter has done an extremely good job coordinating that. The Coral Gables Foundation and the

Partnership Program are going to pay a good chunk here, and then the neighborhood itself is coming up with a good chunk, and this is an expensive proposition its over twenty thousand dollars to paint this bridge. I never knew it was so detailed to get involved in a bridge. I must tell you, this weekend I had the opportunity, and I say this proudly, but my son was doing his Eagle Scout project and one of the things that we were doing was taking a canoe ride down the waterway collecting trash for the betterment of the City of Coral Gables; and I looked over there and saw that bridge that needed that paint job, it is beautiful from the waterway and these bridges are just fantastic architecturally, especially on the southern portion of the City. So hopefully this will add a little spice to the life of the people in the City of Coral Gables, and thank you for all your efforts you have done.

Mr. Hairston: Thank you.

Commissioner Anderson: Thank you very much.

Mayor Slesnick: Mr. Manager, Peter one of the things that I have had brought to my attention maybe other members of the Commission have had the same thing brought to theirs, is the situation that we have no light whatsoever under the bridges at night, and it's a dangerous situation or its an encouraging situation to some people who may loiter under bridges, and someone suggested to me that one thing that we can do or at least look at is have more ambient lighting, nothing bright no neon, but some ambient light which is solar powered so that doesn't need to be electrical lines or electrical cost, but some small solar collector somehow located around the bridge that would help with lighting; maybe in conjunction with the improving looks we could start looking at that as a idea too.

Mr. Hairston: I'd be glad to do that, I think it's a great idea.

Vice Mayor Kerdyk: Thank you very much.

Mayor Slesnick: Mr. Kerdyk is that it.

Vice Mayor Kerdyk: That's it.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: I just have one, and this is probably a joint question, probably more so to the City Manager, but also the City Attorney. We've all recognized the plans moving forward in looking for additional revenue sources and I know we are approaching our budget, so I don't know how much can be done between now and the new budget as far as, I don't know if we will be changing any ordinances or fee structures or whatever, but I was just kind of throwing this out to you City Manager, is

there anything we need to be aware of, or we need to help you on moving into the budget sessions that we have. I didn't mean to catch you off guard but I mean, I don't know if there is anything moving forward that we need to move with you on.

City Manager Salerno: Yes Commissioner, in that regard I was planning to bring up an item today so that's very appropriate. I would like pursuant to Section 2-583 request authority from the City Commission to waive the provisions of the Procurement Code, so that staff can negotiate an agreement and engage the services of two independent consultants. One would be to study our development services related departments, i.e. Building and Zoning, Planning, and review their staffing complement, that's very important as we look at is this budget situation that we get it right; and subsequently review our fee structure for those departments, but that would follow that initial staffing review. The second item is a consultant to conduct a fire assessment study and the related work associated with that. In that particular case, the firm of GSG out of Tallahassee is presently conducting a study for Miami-Dade County and their corresponding municipalities that are within their service district. Miami-Dade is approaching this in the same way that I think it's appropriate for Coral Gables, and that is to give the City Commission, in their case the County Commission, options as they address their financial challenges for the upcoming fiscal year. The waiver is appropriate and necessary in order to have the work done concurrent with the consideration of the '09-'10 Budget. The work that was done in Miami-Dade started, and I confirmed this, I believe it was in December or so, approximately in '08, that's when they started; we are here in May 12th, but I think it is possible and we will do our best to make sure that, that information would be developed in time for you to consider and have those options available to you. Lastly, to the extent that we may need additional funds to cover the costs of these studies outside of the appropriate accounts, we may need to use some General Fund Reserves to fund these two efforts. It's clear that we would get some advantages of using GSG and they do ninety-five percent (95%) of the fire assessment studies in the State of Florida, you could almost describe them as a sole source situation, but we are not going down that road, its just simply because of the time commitments, in order for you to consider that prior to the adoption of the budget that's what the waiver is necessary for. Briefly the fire assessment as we discussed has nothing to do with rescue or ambulance service, it is strictly an assessment and a study of that portion cost of your fire service to different use categories, meaning residential, commercial, office, institutional, etc., with a lot of flexibility. Each city is different; the study is done and you get to consider your special needs in that regard, and again this is to provide you all with options, because most cities are significantly dependent upon property taxes, and this city is no different, in fact because you don't have an advantage of a fire rescue, excuse me, a fire assessment fee. You are more so dependent upon property taxes, the changes, etc.; and since we don't know what's going to be happening following June 1st, its even more prudent and in particular the County Manager and I discussed this, this week. He is wanting to just have that option available for the County Commission so they are not

simply dependent upon what they do with their property tax for meeting their needs. Many cities throughout the State utilize a fire assessment, and until the study is done it's impossible to even speculate and for us to see that in the context of the overall needs of the community next year in light of what the revenue situation would be; it's impossible to speculate what those fees would be without doing the study. As I said, the advantages, they are already working in Miami-Dade County and we can take advantage of the fact that they are here working in the County right now in order to expedite and do work that would typically take four to five months of effort, and at least get to having the model and the numbers available to us, in hopefully six weeks, and if not by the time that the budget would be initially be presented to you early on in your consideration process. So, I'd like to ask that we utilize Section 2-583 to waive the necessary provisions of the Code so that we can go ahead with these two consultants. I don't have a firm in mind yet with respect to the development services study, but GSG is clearly in the unique position to facilitate this work on the fire assessment.

City Attorney Hernandez: Mr. Salerno called me this morning to ask about this issue, and we discussed the Procurement Code and the provisions that would apply, and this is obviously a situation that would justify a four-fifths vote by the City Commission to waive the Procurement Code, we met this morning.

Commissioner Withers: We can put a cost to it, correct?

City Attorney Hernandez: You can.

Commissioner Withers: What are we talking about as far as what you think these costs, or these studies would cost?

Mr. Salerno: In the case of the fire assessment, the numbers that we have been discussing, and I haven't taken it to the extent of pinning it down exactly, but the discussion has been in the forty to fifty thousand dollar (\$40,000 - \$50,000) range for the, and when I discussed this with folks I'm using forty-five (\$45,000), but I was given a range of forty to fifty, we should be very close to the forty-five range, that is for the study. If the Commission decides to implement there are additional implementation costs associated; some of those could be done and borne in-house by staff, otherwise we could contract out the entire implementation and implementation means the billing, that could run, and again until we get the number of parcels that are in the City, I don't have those numbers, so I would rather not give a precise number, but it could be in the neighborhood of twenty thousand dollars potentially for implementation if we had it done; I would say twenty-five thousand potentially, they typically charge about a dollar thirty per parcel, that's a ballpark number, that includes postage, envelopes, notice, etc., it's a one time cost, so it could be in the twenty-five thousand dollar (\$25,000) range; and lastly there is the legal work that would be done, again that's if you go

forward with implementation. So it's a building block; study - forty to fifty thousand, forty-five is a good middle range, but it could be a little higher; twenty-five thousand plus or minus for implementation costs, if you don't implement you don't bare that cost; and the legal work of doing the ordinance that would be necessary to implement a fire assessment fee would be up to the City Attorney to decide who to use; GSG typically uses a firm, Neighbors Giblin, to work on that because they have teamed up with them and they know that, but it would be up to the City Attorney to decide who she thinks best could do it, to do that work. What I'm told is that Neighbors Giblin will typically charge in the neighborhood of about twenty-five thousand, if it's a lump sum fee to do the work. In this case we could also pursue it on an hourly basis and would be to the extent necessary by the City Attorney to get assistance in that regard. The City Attorney could decide to do the work in-house, but most cities typically use, at least on the first, if they decide to implement, use some outside assistance in that regard. So twenty-five thousand might be a ballpark in that regard for the legal work. So those are the parameters I've got; they are flexible at this stage. I don't have a proposal from them; I've only had discussions with them. Miami-Dade County just for the consultant, just for the study, is spending, I'm told, in the neighborhood of seven hundred thousand dollars, just for the study; and that will include unincorporated Miami-Dade County, plus the municipalities that they serve as well. That does not include implementation nor does it include legal services associated with the ordinance, but they have a large legal staff there, so they may decide to do it in-house, if they decide to go forward; they have made no decision yet that they will implement. They are again, proceeding to put themselves into the position so that is an avenue available to them should they find it necessary. With respect to the staffing study, I haven't zeroed in yet on a firm; I've talked to a firm, I'm not yet comfortable with the numbers that they have talked about for that work. This component would be, as I said, a review of, determining the appropriate staffing level for those operations, and then what is the corresponding fee structure necessary to recover our cost in that regard. So it could be a number of that same total ballpark, but I would expect it to be less than that combined when you looked at, but it could be high as number seventy-five thousand, and it could be substantially less than that, but no more than that at the highest end. So, as I've said, I've had some discussions, but I'm not satisfied with the numbers that I was given, and have not focused particularly on one firm yet in that regard.

Commissioner Anderson: Do you need a motion? I'll make it.

Commissioner Withers: What's the motion?

Commissioner Anderson: To waive the provisions of the Procurement Code in order for the Manager to, we can fill in the blank, whatever the language says, in order to get the services for the assessment, fire assessment fee study, is that correct?- for two studies or one study?

City Manager Salerno: Two studies - two different firms in reality; one is a review of development services, staffing and supporting fee structure; the other one is a fire assessment fee and related work that would be necessary.

Mayor Slesnick: We have a motion by Ms. Anderson to waive the terms of the Procurement ordinance in order for the Manager to move forward in procuring two different sets of consultants, one to study the fire fee implications and cost analysis, and one to study the make up and composition of the Building and Zoning Department, and the fee structure for Building and Zoning.

Commissioner Cabrera: [Inaudible - audio difficulty]...that includes the Manager will provide all the members of the Commission before going forward this exercise.

Commissioner Anderson: Sure - that's a good idea.

Mayor Slesnick: As amended.

Commissioner Withers: I'll second it, but I have a question on the development; are they going to look at all our fees that we charge across the board for development, or just specific building fees? - I don't quite understand that.

City Manager Salerno: They will look at the fees that support our development services operations.

Commissioner Withers: Which would be building...?

City Manager Salerno: All of building, permitting, planning fees, everything that supports our development services within those departments I'd like looked at, to the extent that there is some insignificant items we might not do that, but everything that's material needs to be looked at, but once the appropriate staffing is determined.

Commissioner Cabrera: What about staffing?

City Manager Salerno: That's the first step; we need to determine in the current building environment what the appropriate staffing level is, and to allow a reasonable cushion so to speak, for the up-tick in the economy that we would hope would happen. We got to get that right.

Commissioner Cabrera: So in essence the first part of this analysis is to evaluate staffing?

City Manager Salerno: Yes sir.

Vice Mayor Kerdyk: Just one question with regard to the fire fee. Does that include all property owners in Coral Gables?- which would be inclusive of commercial, residential, schools?

City Manager Salerno: Yes. There are no assessments that I am aware of, fire assessments that are levied on public schools.

Vice Mayor Kerdyk: Well not public schools, let's say institutions, universities?

City Manager Salerno: There is a tremendous amount of flexibility. Each city you can customize the fire assessment, so there are many policy decisions as you review this that you get to make; no two cities are alike, and your priorities get to work into the assessment. So you can exempt categories and subcategories within it or not.

Mayor Slesnick: We have a motion and a second; the motion is amended by Mr. Cabrera.

City Manager Salerno: Mayor and that includes authorizing the appropriate staff to sign the engagement letters, obviously notifying Commissioners of the fees?

Commissioner Cabrera: Upon cost approvals?- upon the final cost approvals?

Commissioner Anderson: Approvals or estimates.

Commissioner Cabrera: For estimates.

City Manager Salerno: Yes we would have a professional services agreement; I just wanted to make sure the motion included authority to enter into those agreements, that's all.

Mayor Slesnick: Ms. Anderson does the motion include authority to enter into those agreements?

Commissioner Anderson: Yes - absolutely, we'll make sure it does.

Mayor Slesnick: And Mr. Withers.

Commissioner Withers: I accept that.

**Mayor Slesnick: So be sure when the motion if finally written, Mr. Clerk, that it includes authority for the Manager to enter into the contracts, if the motion passes. Any further discussions or questions? Mr. Clerk would you call the**

**roll please.**

**Commissioner Cabrera: Yes**

**Vice Mayor Kerdyk: Yes**

**Commissioner Withers: Yes**

**Commissioner Anderson: Yes**

**Mayor Slesnick: Yes**

**(Vote: 5-0)**

City Manager Salerno: Thank you Commissioners.

Mayor Slesnick: Mr. Withers anything else?

Commissioner Withers: That's it. The question I had about appointments, what is the time frame on that now Don?- for Board appointments, what are we shooting for?

Mayor Slesnick: I talked to the City Clerk yesterday; I was kind of hoping we would have something on the agenda to start naming them today, but we didn't. Mr. Clerk you assured me that we will have on the agenda and ready to go next time a session of appointments.

City Clerk Foeman: Yes Mr. Mayor.

Mayor Slesnick: OK, and I think the Clerk has passed out, have you passed out your worksheets yet?

City Clerk Foeman: Yes I have.

Mayor Slesnick: So next time we will do that in case you are ready to go we will do that now.

Commissioner Withers: No, I'm not, but I will be.

Mayor Slesnick: Next time. Anything else Mr. Manager?

City Manager Salerno: Nothing else Mayor.

Mayor Slesnick: I just wanted to tell you one of the up-ticks that I've seen recently is that despite our downturn economy, we've done three ribbon cuttings of different kinds of establishments and different types of places in Coral Gables in the Business District, but the one thing that amazes me, and I don't know much about restaurants, but when we talk about restaurants and we've talked about parking for restaurant staffs, you know, we have provision, and I keep thinking of restaurants of being thirty, forty, fifty people something like that. The newest restaurant in our, is the "Yardhouse"

in the Village of Merrick Park, their staff that has been hired is two hundred and seventy (270) people.

Commissioner Anderson: Wow!

Vice Mayor Kerdyk: Their what?- say that again.

Mayor Slesnick: 270.

Vice Mayor Kerdyk: Is what?

Mayor Slesnick: Their staff.

Vice Mayor Kerdyk: The staff is 270. I heard they have four hundred and seventy-six (476) seats.

Mayor Slesnick: Well I didn't count the seats...

Vice Mayor Kerdyk: Four hundred and seventy-six seats, I mean, our biggest restaurant is like two hundred seats.

Mayor Slesnick: So it kind of takes over second size largest employer in Coral Gables, or third largest employer, it's amazing to me. I wish everyone who's opened a business in Coral Gables well in the coming months and the coming years, and may everyone that's in business now do well and we all find a rising tide. With that we are going to conclude our session today, and we will be back here on the 26th of May, the day after Memorial Day. I wish everyone a very, very safe and happy Memorial Day weekend, and may we remember those who have given their lives for the country on Memorial Day weekend. Thank you. We will adjourn.

City Clerk Item No. 23

**RESOLUTION NO. 2009-125**

**NA.K. 09-0344**  
-1.

A Resolution authorizing the waiver of the necessary provisions of the Procurement Code pursuant to Section 2-583, of the City Code to engage the services of two firms.

**Attachments:** [Signed Resolution 2009-125.pdf](#)

A RESOLUTION AUTHORIZING THE WAIVER OF THE NECESSARY PROVISIONS OF THE PROCUREMENT CODE PURSUANT TO SECTION 2-583, OF THE CITY CODE TO ENGAGE THE SERVICES OF TWO FIRMS FOR THE PURPOSE OF CONDUCTING TWO STUDIES: (1) A REVIEW OF THE STAFFING AND RELATED ISSUES THAT SUPPORT DEVELOPMENT SERVICES FOR CERTAIN AFFECTED DEPARTMENTS (I.E., BUILDING AND ZONING DEPARTMENT; PLANNING DEPARTMENT, ETC.) IN THE CITY, ALONG WITH THE SUPPORTING FEE STRUCTURE ASSOCIATED THEREWITH; AND (2) A STUDY REGARDING THE ESTABLISHMENT OF A FIRE ASSESSMENT FEE; FURTHER STIPULATING THAT UPON RECEIPT OF FEE ARRANGEMENTS IN CONNECTION WITH THE AFOREMENTIONED STUDIES, AND SUBSEQUENT NOTICE TO THE CITY COMMISSION REGARDING SAME, THAT THE CITY MANAGER IS FURTHER AUTHORIZED TO ENTER INTO THE NECESSARY CONTRACTUAL RELATIONSHIPS WITH SAID FIRMS WHICH ARE IN THE BEST INTEREST OF THE CITY.

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2009-125. The motion passed by the following vote:**

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

City Clerk Item No. 24

**ADJOURNMENT**

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 11:40 am on May 12, 2009. The next regular meeting of the City Commission has been scheduled for May 26, 2009, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK