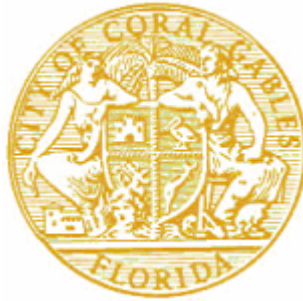


City of Coral Gables

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



Meeting Minutes

Tuesday, October 9, 2007

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*

*David L. Brown, City Manager
Elizabeth M. Hernandez, City Attorney
Walter J. Foeman, City Clerk*

ROLL CALL

Present: Mayor Slesnick, Commissioner Cabrera, Jr., Commissioner Withers, Commissioner Anderson and Vice Mayor Kerdyk, Jr.

INVOCATION

The invocation was given by Reverend Frank J. Corbishley, Chapel of the Venerable Bede/Episcopal Church Center, University of Miami.

PLEDGE OF ALLEGIANCE

Vice Mayor Kerdyk, Jr., led the Pledge of Allegiance.

LEGISLATIVE SUMMARY

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Resolution(s) adopted (Resolution No. 2007-226 through Resolution No. 2007-233); (b) Ordinance(s) adopted on Second Reading (Ordinance No. 2007-32 and Ordinance No. 2007-33); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and background information, including items were submitted at the meeting.

A. PRESENTATIONS AND PROCLAMATIONS

- A.-1. 07-0910** Presentation of a Proclamation proclaiming October 2007 as Fire Prevention Month in Coral Gables

Presented and Filed

[Note for the Record: Commissioner Anderson related a story from the 1960's involving her grandmother in connection with a fire which had taken place in her grandmother's home; whereupon following further inquiry, her grandmother, later explained that she had placed a pan on the stove, and proceeded to take a shower; afterwards, she entered the kitchen, only to find firefighters in her presence, who inquired if she was OK. She responded by saying that she was alright, but also told me that "they (i.e. firefighters) were so cute."]

City Clerk Item No. 2

- A.-2. 07-0930** Presentation of a Proclamation proclaiming October 2007 as Americans with Disabilities Month in Coral Gables

Presented and Filed

City Clerk Item No. 3

- A.-3. 07-0909** Presentation of a Proclamation proclaiming October 9, 2007 as Books & Books Day in Coral Gables

Presented and Filed

City Clerk Item No. 4

- A.-4. 07-0934** Presentation of a Proclamation proclaiming the week of October 23 - 31, 2007 as Red Ribbon Week in Coral Gables

Deferred

[Note for the Record: Mayor Slesnick deferred the presentation of the Proclamation for Red Ribbon Week in Coral Gables, to be considered during the October 23, 2007 City Commission meeting].

City Clerk Item No. 1

B. APPROVAL OF MINUTES

- B.-1. 07-0898** Regular City Commission Meeting of September 25, 2007

Attachments: City Commission Meeting minutes - Sept 25 2007.doc

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this matter be approved. The motion carried by the following vote:

Yeas: 3 - Commissioner Anderson, Commissioner Withers and Mayor Slesnick

Absent: 2 - Commissioner Cabrera, Jr. and Vice Mayor Kerdyk, Jr.

City Clerk Item No. 5

- B.-2. 07-0911** Second Budget Hearing of September 25, 2007

Attachments: Second Budget Hearing Meeting 9-25-2007.doc

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this matter be approved as amended. The motion carried by the following vote:

Yeas: 3 - Commissioner Anderson, Commissioner Withers and Mayor Slesnick

Absent: 2 - Commissioner Cabrera, Jr. and Vice Mayor Kerdyk, Jr.

City Clerk Item No. 6

C. CONSENT AGENDA**Passed The Consent Agenda****Passed The Consent Agenda**

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, to Adopt the Consent Agenda. The motion carried by the following vote:

Yeas: 3 - Commissioner Withers, Commissioner Anderson and Mayor Slesnick

Absent: 2 - Commissioner Cabrera, Jr. and Vice Mayor Kerdyk, Jr.

RESOLUTION NO. 2007-226**C.-1. [07-0918](#)**

Resolution appointing Tamara Hartnett (nominated by Vice Mayor Kerdyk) to serve as a member of the City of Coral Gables/University of Miami Community Relations Committee, for a two-year term, beginning June 1, 2007 through May 31, 2009.

Attachments: Comm Cov 10-09-07 Res CD appointee - Tamara Hartnett (4).doc
R-2007- DRAFT (Tamara Hartnett) UM Community Relations Committee.doc

This Matter was adopted by Resolution Number 2007-226 on the Consent Agenda.

Present: Mayor Slesnick, Commissioner Cabrera, Jr., Commissioner Withers, Commissioner Anderson and Vice Mayor Kerdyk, Jr.

RESOLUTION APPOINTING TAMARA HARTNETT (NOMINATED BY VICE MAYOR KERDYK) TO SERVE AS A MEMBER OF THE CITY OF CORAL GABLES/UNIVERSITY OF MIAMI COMMUNITY RELATIONS COMMITTEE, FOR A TWO YEAR TERM, BEGINNING JUNE 1, 2007 THROUGH MAY 31, 2009.

City Clerk Item No. 7

RESOLUTION NO. 2007-227

- C.-2. [07-0929](#) Resolution authorizing temporary placement of five (5) 3' X 3 ½' banners at certain City facilities from October 23 through October 31, 2007, in recognition of "Red Ribbon Campaign week in the City of Coral Gables".

Attachments: Red Ribbon Resolution Cover.doc
Red Ribbon Campaign Week Resolution.doc

This Matter was adopted by Resolution Number 2007-227 on the Consent Agenda.

RESOLUTION AUTHORIZING TEMPORARY PLACEMENT OF FIVE (5) 3' X 3 ½' BANNERS AT CERTAIN CITY FACILITIES FROM OCTOBER 23 THROUGH OCTOBER 31, 2007, IN RECOGNITION OF "RED RIBBON CAMPAIGN WEEK IN THE CITY OF CORAL GABLES"

City Clerk Item No. 8

RESOLUTION NO. 2007-228

- C.-3. [07-0931](#) Resolution of the City Commission of Coral Gables amending Resolution No. 2004-226 establishing a policy for the use of the City of Coral Gables Seal.

Attachments: ResoCitySealAmendedClean.doc
ResoCitySealAmendedMarkedUp.doc
R-2004-226 2004-226.pdf
CitySealResoAmendedCover (2).doc

This Matter was adopted by Resolution Number 2007-228 on the Consent Agenda.

A RESOLUTION AUTHORIZING POLICY OF THE CITY COMMISSION OF CORAL GABLES AMENDING RESOLUTION NO. 2004-226 ESTABLISHING A POLICY FOR THE USE OF THE CITY OF CORAL GABLES SEAL.

City Clerk Item No. 9

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

- C.-4. [07-0894](#) Board of Adjustment Meeting of September 10, 2007

Attachments: RECAP 9 10 07 CCOMMISSION.doc
Minutes for Board of Adjustment Meeting 9-10-07.pdf
Notice Brd of Adjustment

This Matter was approved on the Consent Agenda.

City Clerk Item No. 10

C.-5. 07-0923 Budget/Audit Advisory Board Meeting of September 13, 2007

Attachments: Budget Audit Advisory September 13 2007.doc
Budget Audit September 13 Minutes Cover.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 11

C.-6. 07-0901 City of Coral Gables/University of Miami Community Relations Committee Meeting of September 10, 2007

Attachments: City UM Relations Comm Mtg September 10 07.doc
CC agenda cover memo oct 09,07 CRC.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

C.-7. 07-0922 Communications Committee Meeting of September 20, 2007

Attachments: minutes september 2007.doc
minutes september 2007.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

C.-8. 07-0904 Cultural Development Board Meeting of September 6, 2007

Attachments: CDB Minutes 9-6-07.pdf
Comm cov 10-9-07no act 9-6-07.DOC

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

C.-9. 07-0900 International Affairs Coordinating Council Meeting of June 28, 2007

Attachments: Cover Mem 10-9-07 No Action.DOC
IACC Minutes 6-28-07 lmc.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

C.-10. 07-0903 International Affairs Coordinating Council Meeting of September 27, 2007

Attachments: Cover Mem 10-9-07 No Action IACC Mtg. of 9-27-07.DOC
IACC Minutes 9-27-07.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-11. 07-0907 Parking Advisory Board Meeting of August 23, 2007

Attachments: cover pab 08-23-07.doc
pab minutes 08-23-07.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

C.-12. 07-0793 Public Safety Committee Meeting of July 10, 2007

Attachments: Public Safety Minutes Cover.doc
Public Safety Minutes.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 18

C.-13. 07-0912 Senior Citizens Advisory Board Meeting of September 10, 2007

Attachments: Senior Citizens Advisory Board mites 09102007.doc
Senior Citizens Board cover memo 091007.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

C.-14. 07-0917 Retirement Board Meeting of August 9, 2007

Attachments: CC.10-09-07.August.DOC
Minutes.08-09-07.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

- C.-15. 07-0906** Traffic Advisory Board Meeting of August 21, 2007
Attachments: TBA 8-21 cover.DOC
Corrected August 21 Traffic Board Minutes.doc
This Matter was approved on the Consent Agenda.

City Clerk Item No. 21

- C.-16. 07-0913** Youth Advisory Board Meeting of September 13, 2007
Attachments: Youth Adv. Bd. cover memo 091007.doc
Youth Advisory Board Minutes of 91307.doc
This Matter was approved on the Consent Agenda.

City Clerk Item No. 22

D. PERSONAL APPEARANCES

None

City Clerk Item No. 23

E. PUBLIC HEARINGS**ORDINANCE NO. 2007-32****E.-1. 07-0802**

Ordinance on Second Reading. An Ordinance of the City Commission of the City of Coral Gables amending and updating the official Zoning Code, Ordinance No. 2007-01, as amended, of the City of Coral Gables, Florida, for the purpose of correcting scrivener's errors; providing a repealer provision, a savings clause and a severability clause, and providing for an effective date. (Passed on First Reading September 11, 2007)

Attachments: 09 11 07 CC Memo - Zoning Code scrivener's errors FINAL.pdf
09 11 07 - ATT A - 1st Reading Zoning Code Scrivener's Errors Ord.pdf
09 11 07 - ATT B - Pages containing comments.pdf
09 11 07 - ATT C - Notice of Public Hearing ad.pdf
10 09 07 Commission Cover Memo re: Zoning Code scrivener's errors - 2nd Read
10 09 07 Exhibit A: Ordinance 2nd Reading Zoning Code Scrivener's Errors Ord.d
10 09 07 Exhibit B: ZC scrivener's errors - Pages containing comments.pdf
10 09 07 Exhibit C: Memo to City Clerk - 10 09 07 CC meeting item - ZC Scrivene
10 09 07 Exhibit C: Legal Notice w/map (part 2) Zoning Code Scrivener's Errors 21

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this matter be adopted by Ordinance Number 2007-32. The motion carried by the following vote:

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

Absent: 1 - Vice Mayor Kerdyk, Jr.

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING AND UPDATING THE OFFICIAL ZONING CODE, Ordinance No. 2007-01, as amended, OF THE CITY OF CORAL GABLES, FLORIDA FOR THE PURPOSE OF CORRECTING SCRIVENER'S ERRORS; PROVIDING A REPEALER PROVISION, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Item No. 24

ORDINANCE NO. 2007-33**E.-2. 07-0821**

Ordinance on Second Reading. An Ordinance of the City Commission of the City of Coral Gables amending Chapter 50 of the Code of the City of Coral Gables, entitled "Pensions," providing for certain changes in order to comply with the Uruguay Round Agreements Act (GATT), the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA), the Small Business Job Protection Act of 1996 (SBJPA), the Taxpayer Relief Act of 1997 (TRA 97), the Internal Service Restructuring and Reform Act of 1998 and the Community Renewal Tax Relief Act of 2000 (CRA); an effective date and repealing all Ordinances inconsistent herewith. (Passed on First Reading September 11, 2007)

Attachments: Agenda Cover Memo - GUST.pdf
MISC GUST Amendment Final Version (M2593411).DOC
Attorney Letter from Akerman Senterfitt to the City Attorney.pdf
Ordinance on Second Reading 1092007.pdf
Actuarial Impact Statement.PDF

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this matter be adopted by Ordinance Number 2007-33. The motion carried by the following vote:

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

Absent: 1 - Vice Mayor Kerdyk, Jr.

AN ORDINANCE AMENDING CHAPTER 50 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," PROVIDING FOR CERTAIN CHANGES IN ORDER TO COMPLY WITH THE URUGUAY ROUND AGREEMENTS ACT (GATT), THE UNIFORM SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994 (USERRA), THE SMALL BUSINESS JOB PROTECTION ACT OF 1996 (SBJPA), THE TAXPAYER RELIEF ACT OF 1997 (TRA 97), THE INTERNAL SERVICE RESTRUCTURING AND REFORM ACT OF 1998 AND THE COMMUNITY RENEWAL TAX RELIEF ACT OF 2000 (CRA); PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES INCONSISTENT HERewith.

[Note for the Record: The City's Finance Director, namely Don Nelson stated that the Retirement Board had met on September 14th, 2007, and taken a 5-2 vote to go out for a Request for Proposals (RFPs) in connection with Board Attorney services. Following further inquiry by the Mayor and Commissioner Withers regarding whether or not the City had pushed the issue of the actuary, Mr. Nelson stated that no further action had been taken by the Board regarding actuarial services. Mr. Nelson did point out to the Commission that this matter had been previously taken up by the Retirement Board. Mr. Nelson further explained that during the meeting of September 14th, there were no actuarial issues before the Board for discussion, nor were there any issues to prompt the

actuary issue.

Commissioner Anderson indicated that she had spoken to her appointee on the Pension Board on both issues, and expressed optimism that a disposition of the aforementioned would be forthcoming.

Mayor Slesnick queried Commissioner Withers regarding the need to send another message to the Retirement Board in connection with possibly seeking outside actuarial services; whereupon the Commission directed the City Manager to again express its desire to convey same to the Board, thereby asking for consideration in going out for a Request for Proposals in connection with actuarial services.]

City Clerk Item No. 25

ORDINANCE NO. NO NUMBER ASSIGNED**E.-3. 07-0791**

An Ordinance on First Reading: An Ordinance calling for the holding of a Special Municipal Referendum Election of Coral Gables, Florida, on January 29, 2008, for the submission to the qualified electors of said City, and Ordinance in connection with the proposed amendment to the Code of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. : Shall the Charter of the City of Coral Gables be amended to delete Section 22 entitled, "Authority over officers and employees; removal, suspension, reduction; requests for cause and hearing; trial board", which calls for a special trial board to investigate and render a decision as to the propriety of the City Manager's removal, suspension, lay-off or reduction in grade of any officer or employee; stating the form of the question to be voted upon, providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further directing the City Clerk to cause a certified copy of the herein ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty days prior to the date of such Special Municipal Referendum Election; directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2007), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty days notice of the election or referendum by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing an effective date for this ordinance.

Attachments: agendacoversheet_trialboard.DOC
SPECIAL MUNICIPAL ELECTION - CHARTER (CC MEMO) 08 23 07.doc
cm_agenda item cover memo_trial board.doc
referendum trial board 08 22 07 .doc
referendum trial board 09 17 07 (3) (2).doc
SPECIAL MUNICIPAL ELECTION - CHARTER (CC MEMO) 10 02 07.doc
agendacoversheet_trialboard.DOC
agendacoversheet_trialboard.DOC
cm_agenda item cover memo_trial board.doc
SPECIAL MUNICIPAL ELECTION - CHARTER (CC MEMO) 10 02 07.doc

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

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

AN ORDINANCE CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL REFERENDUM ELECTION OF CORAL GABLES, FLORIDA,

ON JANUARY 29, 2008, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID CITY, AND ORDINANCE IN CONNECTION WITH THE PROPOSED AMENDMENT TO THE CODE OF THE CITY OF CORAL GABLES, WHEREIN THE VOTERS OF THE CITY OF CORAL GABLES SHALL BE CALLED UPON TO VOTE ON THE FOLLOWING QUESTION, TO BE KNOWN AS CHARTER AMENDMENT BALLOT QUESTION NO. : SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO DELETE SECTION 22 ENTITLED, "AUTHORITY OVER OFFICERS AND EMPLOYEES; REMOVAL, SUSPENSION, REDUCTION; REQUESTS FOR CAUSE AND HEARING; TRIAL BOARD", WHICH CALLS FOR A SPECIAL TRIAL BOARD TO INVESTIGATE AND RENDER A DECISION AS TO THE PROPRIETY OF THE CITY MANAGER'S REMOVAL, SUSPENSION, LAY-OFF OR REDUCTION IN GRADE OF ANY OFFICER OR EMPLOYEE; STATING THE FORM OF THE QUESTION TO BE VOTED UPON, PROVIDING THE FORM OF THE BALLOT FOR SAID ELECTION; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF THE VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN ORDINANCE TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN SIXTY DAYS PRIOR TO THE DATE OF SUCH SPECIAL MUNICIPAL REFERENDUM ELECTION; DIRECTING THE CITY CLERK OF THE CITY OF CORAL GABLES TO PUBLISH NOTICE OF SUCH ELECTION PURSUANT TO SECTION 100.342, FLORIDA STATUTES (2007), WHICH NOTICE SHALL INCLUDE THE FULL TEXT OF THE PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF CORAL GABLES, FLORIDA, PROVIDING AT LEAST THIRTY DAYS NOTICE OF THE ELECTION OR REFERENDUM BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF CORAL GABLES, WITH PUBLICATION MADE AT LEAST TWO TIMES, ONCE IN THE FIFTH WEEK AND ONCE IN THE THIRD WEEK PRIOR TO THE WEEK IN WHICH THE ELECTION OR REFERENDUM IS TO BE HELD; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

[Note for the Record: City Attorney Elizabeth M. Hernandez at the request of the Mayor gave a description of Section 22 of the Charter, in connection with the Trial Board; further stating that the City has a Charter provision that provides for employee usage of the Trial Board. The only provisions remaining in our Charter is that section which deals with exempt employees. The City of Coral Gables is one of a few cities statewide, who have maintained the Trial Board.

As a consequence thereof, the City Commission has expressed its desire to have a referendum election to address the removal of said section from our City Charter. She further stated that under Florida Statutes, in order to revoke this provision that currently exist in our City's Charter, it must be done by Referendum Election.]

In response to Commissioner Cabrera's query regarding the composition of said Trial Board, the City Attorney explained that the Commission As-A-Whole makes two appointments to the Board, our city employees are entitled to appoint two individuals, and said named individuals to the Board (totaling four) are to appoint the remaining member of the Board.

Commissioner Cabrera further queried Madam Attorney and the City Manager about the definition of the term Officer, requesting an explanation as to why the term Officer is listed here; further stating he was of the opinion that officers were department heads; further pointing out that when this issue was discussed at the first budget workshop, his intent was not to change any due process procedural safeguards for general employees, but to focus his attention on the director level and put them on the same level as that of our appointed officials.

The City Attorney responded to the aforementioned query regarding definition of Officer by stating that Officer denotes our three appointed officials, namely City Manager, City Attorney and City Clerk.

Mayor Slesnick added that all employees who are unionized have their own system under the contract; further stating that anyone who is in the exempt or managerial confidential employee category is included. The main issue in the opinion of the Mayor is those senior management employees, who are in the top tier of government should not be given "due process" rights and should serve at the will of the City Manager. The Manager has to address the issue of accountability for those employees with the Trial Board held over his head. The Mayor further noted that unions have now taken the responsibility for protecting its own employees; said employees who are not in bargaining units are covered by labor agreements. The only employees who are not in bargaining units are those exempt employees. The court system has viewed public employees who have property rights, as having rights of due process. He further cautioned his colleagues that if the electorate were to vote to revoke the Trial Board provision out of the Charter, that the City would not grant property rights to said group of employees that could be challenged in our courts.

Commissioner Cabrera noted that he had received input from some concerned employees that the corrective action process would be removed for those at-will employees, if voters decided to revoke this provision in our Charter; further stating that the at-will component will affect not only the director level positions, but also the secretarial level positions as well. Mayor Slesnick responded by

noting that only secretaries who are confidential employees would be affected. In response to his query regarding the number of non- union employees citywide, he was informed that there are approximately 120 employees

City Attorney Hernandez suggested that a list of employees who are affected by this issue should be prepared. Commissioner Cabrera reiterated same, stating that said list be provided to the Commission between first and second reading.

City Manager Brown stated that in removing the Trial Board provision, you are concomitantly removing the excluded category from an extra level of protection that they currently have enjoyed. The City Manager distinguished progressive discipline instances from those wherein due process procedural safeguards would apply; further stating that unless an act committed by a director is flagrant, he is inclined to give them a second chance, as exhibited through his management style of progressive discipline instances.

Commissioner Kerdyk queried what due process safeguards would exist for the excluded and exempt employees in this particular situation; further suggesting that maybe there is some way to bifurcate the employees; further directing the City Manager that prior to Second Reading to address the issues of who is affected by this proposed measure, how are they affected, etc.

During the public hearing phase of this issue, the herein below referenced individuals (namely, Richard Namon, George Volsky and Jackson "Rip" Holmes) gave public testimony on said matter:

Richard Namon: Cited public hearings which were held approximately three years ago on changes to our City Charter.

- Queried the Commission regarding what has happened over the last two years to make removal of Charter Section 22 necessary.

- Opined that 18 percent of the city's employees are protected against firings, or demotions for political or arbitrary reasons.

- Urged the Commission to consider public hearings to discuss removal of said Charter provision before proceeding to a Special Election.

- Opined that a supervisor would be deterred from firing an employee without substantial reasons, if they had knowledge that said actions were subject to public review.

- Opined that removal of Charter Section 22 might encourage non-union employees to form or join a union.

- Queried the Commission regarding who would want to work for a City where every two years their job could be in jeopardy after an election.

[Note for the Record: Commissioner Withers in response to Namon's questioning regarding what has changed, stated that since 1989, an estimated 10 or 11 employees that have been terminated; of said number, only one who has

taken his case before the Trial Board.]

[Note for the Record: Commissioner Cabrera in response to Mr. Namon's comments regarding who would want to work for a City where every two years their job would be in jeopardy following an election, felt that said comment inferred that elected officials might be involved in the firing process. Commissioner Cabrera further explained that he provides the City Manager with feedback on the Manager's direct reports on an on-going basis.

Mayor Slesnick noted that our appointed officials serve at the will of the Commission and are subject to the same scrutiny following our municipal elections every two years.

George Volsky: Stated that the intended purpose for his appearance before the Commission on this matter is to encourage and facilitate citizen participation.

-Opined that this matter should have been done when you named the Charter Review Committee.

-Drawing parallels between the City of Coral Gables Charter and the U.S. Constitution, Mr. Volsky cited the Mayor's State of the City Address, and queried why not go through the process of placement of said issue on the November 2008 ballot.

-Congratulated the Mayor and City Manager for allegedly making our City the only one in the USA, wherein drivers drive their cars on the left hand side of the street.

Jackson "Rip" Holmes: Stated that he felt the timing of the Charter proposal deleting the Trial Board provision was timely, and may coincide with the budget cuts that he feels are necessary.

-Urged the City to focus on the budget cuts.

-Opined that department heads are not two or three times more productive than he is; therefore he felt that the budget and salary cuts are appropriate, including that of the Manager.]

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

City Clerk Item No. 26

ORDINANCE NO. NO NUMBER ASSIGNED**E.-4. 07-0920**

An Ordinance amending the code of the City of Coral Gables, Florida, by amending Chapter 74 entitled "Traffic and Vehicles" by creating Article VIII entitled "Dangerous Intersection Safety", providing for recorded image monitoring and enforcement of red light infractions, and for related procedures and provisions; amending Chapter 101, "Administration and Enforcement", Article VI, "Code Enforcement", by creating Section 101.91 entitled "Administrative Charges; Collection of Fines; Penalty", to facilitate use of Code Enforcement mechanism for dangerous intersection safety; providing for severability, repealer, codification, and an effective date.

Attachments: redlightordinance (3).doc
agendacoversheet_redlightordinance.DOC
comm_redlightordinance.doc
cm_agenda item cover memo_redlightordinance.doc
Advisory Legal Opinion - Traffic, use of unmanned cameras.htm
redlightordinance (3).doc

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

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

AN ORDINANCE AMENDING THE CODE OF THE CITY OF CORAL GABLES, FLORIDA, BY AMENDING CHAPTER 74 ENTITLED "TRAFFIC AND VEHICLES" BY CREATING ARTICLE VIII ENTITLED "DANGEROUS INTERSECTION SAFETY", PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT INFRACTIONS, AND FOR RELATED PROCEDURES AND PROVISIONS; AMENDING CHAPTER 101, "ADMINISTRATION AND ENFORCEMENT", ARTICLE VI, "CODE ENFORCEMENT", BY CREATING SECTION 101.91 ENTITLED "ADMINISTRATIVE CHARGES; COLLECTION OF FINES; PENALTY", TO FACILITATE USE OF CODE ENFORCEMENT MECHANISM FOR DANGEROUS INTERSECTION SAFETY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE

[Note for the Record: Chief Hammerschmidt provided the Commission with the following salient points regarding the proposed Red Line Ordinance:

- The first City to institute similar legislation was Gulf Breeze, Florida;
- The city to institute the largest program operating in Florida was Apopka, Florida;
- Other cities to initiate or are in the process of instituting there own ordinance for a program include Adventura, Hallandale Beach, Pembroke Pines, Orlando and Tampa. Sanford and Miami -Dade County have both gone through a first reading ordinance regarding same. The cities of Key Biscayne and Pine Crest have begun exploratory steps in connection therewith.
- Logistics of Ticketing:** This system will be implemented through our Code

Enforcement Division, wherein the City of Coral Gables Police Department assigns an officer on a daily or weekly basis, who goes through the video images to review same; said application is used with laser beams, whereby if one breaks the stop bar after the light changes, it would immediately takes photos within a fraction of a second to determine if vehicles stopped through the stop bar or proceeded through the intersection. If the driver proceeded through the intersection, then the officer has to make a determination whether a violation has occurred or not;

-Initial Startup: Chief Hammerschmidt stated that the Police Department would start with five intersections.

-Ticketing: Our city's Code Enforcement Division would issue a Notice of Violation, along with a corresponding ordinance fine of \$125. If the violator does not respond to said notice within a designated period of time, said matter will be forwarded to a collections agency.

-Authoritative Source Regarding Issuance of Citations: Only the state can create citations.. However, in responding to Vice Mayor Kerdyk's inquiry regarding whether cities can create citations, Chief Hammerschmidt noted that Senator Carey Baker (Eustis), Chairman of the Transportation Committee, who was previously opposed to the creation of a state statute regarding same, has now changed his position; said measure has also been supported by law enforcement organizations statewide].

[Note for the Record: Commissioner Cabrera through the City Manager, requested of the Police Chief to provide him with the contact information for State Senator Baker, in order that a letter could be drafted on behalf of the Commission which substantiates the Commission's support for the Coral Gables Police Department's efforts, as well as support for this endeavor; further providing our citizenry an opportunity to weigh in on same and concomitantly reach out to their respective state elected officials regarding said matter.]

Public Record/Videotaping of Infractions: In response to Commissioner Wither's inquiry as to whether or not the videotaping of the traffic infractions creates a public record, Chief Hammerschmidt responded by saying that the vendor will be the custodian of record, thus removing the city from custodial responsibility, and placing the responsibility on the vendor to respond to any public records request (i.e. videotape). Chief Hammerschmidt further explained that the protocol for same consists of submitting a public records request form to the vendor, who in return will provide the requesting party with a copy of the videotape.

Policy Regarding Review of Videotape: In response to Commissioner Wither's inquiry as to whether a review of the videotape is undertaken prior to the issuance of a Notice of Violation, Major Masington responded by stating that due to time constraints, there would be no way that the officer could review the image at the moment of the accident/ infraction occurred. Major Masington

further added that images may be flagged; however one must prove that there is a criminal violation involved in the accident itself.

[Note for the Record: Commissioner Withers stated that the Coral Gables Police Department might want to consider writing this as part of their protocol: videotape review prior to issuance of tickets in view of the fact that officers have advanced technology such as laptops in their cars, internet, etc.]

-Donation of Equipment: Commissioner Cabrera recalled that approximately three years ago there was similar technology to be donated by a vendor at no cost to the City.

Chief amm

Hammerschmidt noted that all equipment including cameras would be donated at the vendor's expense; the vendor would receive a percentage of the collected revenue from said violations until all of the equipment has been paid for. Once the collected equipment is paid for, then the vendor would continue to receive a smaller percentage of said revenue because of his responsibility as the custodian of records; and subsequently the City's percentage or revenue would increase. Commissioner Cabrera inquired whether said arrangement would come back to the Commission in the form of an agreement?-whereupon Chief Hammerschmidt responded that it would.

-Identification of Violator: Commissioner Cabrera also recalled from three years ago the discussion regarding the need for proper identification of the violator who runs the red light, whereby Chief Hammerschmidt stated that the owner of the vehicle is the person who would receive the Notice of Violation. Major Masington inserted one caveat, stating that, if the Custodian of the car is shown not to have granted permission to the user of the car, then the owner has twenty-one days to contest; after twenty-one days if the owner fails to contest the Notice of Violation, the owner has to pay same.

Ethical Standards of the Vendor: Commissioner Anderson stressed the need for ethical standards that must be placed upon the vendor, so instances involving said violations do not end up on YouTube; further noting that there are so many ways through the advances of technology nowadays to doctor up a photographs.

City Clerk Item No. 29

Time certain: 10:00 a.m.

ORDINANCE NO. NO NUMBER ASSIGNED

E.-5. 07-0919

Ordinance on First Reading. An Ordinance of the City Commission of the City of Coral Gables authorizing the acquisition by the City of the Palace-owned parcel and the simultaneous ground leases of the City's public properties for their development as a Senior Housing Facility by and between the Palace Management Group, LLC, a Florida Limited Liability Company ("Palace"), and the City of Coral Gables, a Florida municipal corporation, pursuant to Ordinance No. 2004-30, of City-owned property located at 45 and 50 Andalusia Avenue, Coral Gables, Florida and privately owned property located at 83 Andalusia Avenue, Coral Gables, Florida, the legal descriptions and folio numbers of which are set forth as follows:

(1) 45 Andalusia Avenue (City owned-Municipal Lot 9) Lots 35 through 43 and Tract B, in Block 4, of CORAL GABLES CRAFT SECTION, according to the Plat thereof, as recorded In Plat Book 10, Page 40, of the Public Records Of Miami-Dade County, Florida;

Folio No. 03-4117-005-0890

(2) 83 Andalusia Avenue (Palace owned Parcel-f/k/a Melody Inn Parcel) Lots 44 through 47, in Block 4, of CORAL GABLES CRAFT SECTION, according to the Plat Thereof, as Recorded in Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida.

Folio Nos. 03-4117-005-0971; 03-4117-005-0980 and 03-4117-005-0990

(3) 50 Andalusia Avenue (City Owned-Parking Garage 5) (The "Parking Garage"): Lots 10 through 20, in Block 5, of CORAL GABLES CRAFT SECTION, according to the Plat thereof, as recorded in Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida.

Folio Nos. 03-4117-005-1070 and 03-4117-005-1120

Attachments: O-2004-30.doc

Staff Report - Palace 10-9-07.rtf

ParkingGarageLease & DevFINAL10-03-07.DOC

ResidentialLease & DevFINAL10-03-07.DOC

LegisHistoryAtt A 10-9-07.doc

CommCov10-9-07PalaceOrd.DOC

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

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

ORDINANCE ON FIRST READING. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES AUTHORIZING THE ACQUISITION BY THE CITY OF THE PALACE-OWNED PARCEL AND THE SIMULTANEOUS GROUND LEASES OF THE CITY'S PUBLIC PROPERTIES FOR THEIR DEVELOPMENT AS A SENIOR HOUSING FACILITY BY AND BETWEEN THE PALACE MANAGEMENT GROUP, LLC, A FLORIDA LIMITED LIABILITY COMPANY ("PALACE"), AND THE CITY OF CORAL GABLES, A FLORIDA MUNICIPAL CORPORATION, PURSUANT TO ORDINANCE NO. 2004-30, OF CITY-OWNED PROPERTY LOCATED AT 45 AND 50 ANDALUSIA AVENUE, CORAL GABLES, FLORIDA AND PRIVATELY OWNED PROPERTY LOCATED AT 83 ANDALUSIA AVENUE, CORAL GABLES, FLORIDA, THE LEGAL DESCRIPTIONS AND FOLIO NUMBERS OF WHICH ARE SET FORTH AS FOLLOWS:

(1) 45 ANDALUSIA AVENUE (CITY OWNED-MUNICIPAL LOT 9) LOTS 35 THROUGH 43 AND TRACT B, IN BLOCK 4, OF CORAL GABLES CRAFT SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

FOLIO NO. 03-4117-005-0890

(2) 83 ANDALUSIA AVENUE (PALACE OWNED PARCEL-F/K/A MELODY INN PARCEL) LOTS 44 THROUGH 47, IN BLOCK 4, OF CORAL GABLES CRAFT SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FOLIO NOS. 03-4117-005-0971; 03-4117-005-0980 AND 03-4117-005-0990

(3) 50 ANDALUSIA AVENUE (CITY OWNED-PARKING GARAGE 5) (THE "PARKING GARAGE"): LOTS 10 THROUGH 20, IN BLOCK 5, OF CORAL GABLES CRAFT SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FOLIO NOS. 03-4117-005-1070 AND 03-4117-005-1120

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

City Clerk Item No. 30

F. CITY COMMISSION ITEMS

None

City Clerk Item No. 31

H. CITY MANAGER ITEMS**RESOLUTION NO. 2007-231****H.-1. 07-0889**

Resolution authorizing City Manager to select the Trust for Public Land (TPL) for the City Beautiful Greenprinting/Conservation services Pursuant to Procurement Code, section 2-772 "Special Procurement/Bid Waiver", waiving the requirements of obtaining sealed bids for greenprinting services for future park planning and conservation needs in an amount not to exceed \$51,990.00 for the overall bid and in an amount not to exceed \$24,999 of cost directly to the City.

Attachments: TPL Resolution Cover Memo 100907.DOC
Trust for Public Land Backup.pdf

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2007-231. The motion carried by the following vote:

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

Note for the Record: Fred Couceyro delivered the following Greenprint Project Overview including the herein below referenced salient points re Agenda Item H-1:

Accreditation Standards: Pursuant to the National Parks and Recreation Accreditation Agency, we are required to have different Parks and Recreation plans in place, as well as to provide for a periodic review and update of same in periodic cycles.

-Master Plan: Parks and Recreation Open Space Master Plan were created during Calendar Year 1999.

-Process of Greenprinting: What makes the greenprinting plan a viable option was that it would act not only as an action plan for the Master Plan, but provides an update for key elements to said plan; acts as a strategic plan for that plan; also provides the City with a tool for future planning and serves as a decision making and communication tool in the form of a layered GIS computer model.

-History of Project: Process began over one year ago with a presentation by the Trust for Public Land before the Parks and Recreation Advisory Board on greenprinting (August 2006); Parks and Recreation Advisory Board recommended that the staff move forward with said project and work toward the Funding with the Trust for Public Land; subsequently there was a greenprint proposal presented to the City for a total cost of \$51,990, direct cost to the City not to exceed \$24,999. Said item before the Commission is presented as a special procurement bid waiver item.

-Amy Condon (Trust for Public Land) deliver the Greenprint Presentation: Thanked the City of Coral Gables for partnering with The Trust for Public Land regarding National Park-ing Day event on September 21, 2007, wherein our City joined 247 cities to turn parking spaces into certain park areas.

-Greenprint Presentation consisted of the following slides: (i.e. How Greenprinting is Different; Conservation Services; Conservation Vision Process; Goals of City Beautiful Greenprint; City Beautiful Greenprint Process; Existing Conditions Analysis; Establish Mappable Criteria; Design and Design and Refine Greenprint Model; Parcel Prioritization; Conservation Finance Analysis; Final Report and Presentation and Greenprinting Results), said document which is on file in the Office of the City Clerk.

Certain concerns were raised by members of the Commission:

Leveraging opportunities and financing: Commissioner Anderson requested specific examples of what other cities were doing for financial leverage; whereupon Ms. Condon responded by citing the Lake County, Florida example, wherein the electorate had passed a bond referendum issue, with a specific number of goals of what they wanted to achieve for their environmentally endangered lands; however, there was no specific priority regarding how to spend bond funds; further stating that there was an Open Space Acquisition Committee that people brought nominated properties to, which was a long involved nomination process. As a consequence thereof, the Trust for Public Land did a greenprint based on the goals set forth by Lake County; which incorporated potential funding opportunities (i.e. Florida Community Trust/state funding program Florida Forever Fund/ Environmentally Endangered Land Program; Federal Landwater Conservation dollars, etc.), said potential funding options to be explored while they wrote their grant proposal(s). Ms. Condon further added that each every source required a local match, noting that the more one would put in matching dollars, the higher one's score would become, thus stressing the need to look at the feasibility for creating local funding and the best funding mix for communities.

Parcel Scorecard: Commissioner Anderson cited the city's recent purchase of certain parcels for open space (i.e. 5028 Maggiore), and inquired of Ms. Condon

whether the Trust for Public Land would be able to provide assistance to the city in making a determination whether said open space be used for an active versus a passive park, whereby Ms. Condon referenced the utilization of the recreational opportunity analysis-whereby does one have his mix of families/infrastructure-one may compare the demographics of the area (i.e. area that is getting younger and younger with no playgrounds in the area; as compared to another example wherein one may witness an older population that likes to walk, that is very active, but there are no greenways and connectors for them or they have to use car transportation to get to that. Ms. Condon further pointed out that if better use of the distribution of recreational facilities is a goal, or the better use of land within its inventory, then the Trust can look at same.

Tracking data/Updating Changes/ Information: In response to Commissioner Anderson's inquiry re how does one track certain kinds of changes so that we as a city can make the best determination of what to place where, Ms. Condon noted that through proper GIS training one can try and use the best available data that is accessible today from multiple sources; further pointing out that as new data becomes available, one can go into that designated area of the model and show the use where the data has changed.

North Ponce Area: In response to Commissioner Anderson's inquiry regarding how will the city staff and the Trust for Public Land make changes and quick decisions to our master plan, Parks and Recreation Director Cuycero stated: That part of the layered model will give the City what the priorities are for that particular parcel, as the City moves along; where by if the density goes up, the population goes up, there would be more concurrency issues with playgrounds, or with certain types of open space that we would need there--that is how we would use that model to determine what the parcels best use would be.

Master Plan Study: Vice Mayor Kerdyk inquired of Ms Condon, how long will it take to conduct a study?-whereby Ms. Condon stated eight months. Vice Mayor Kerdyk recalled the 1999 Master Plan, pointing out that a lot of time was spent on the needs assessment; engaging in a lot of flat mapping. He admitted that his first reaction was this might represent more beauracracy before receiving reassurances, along with department's recommendation. However, he further added that despite the entire computer modeling, that if a piece of property is to be considered for purchase, then it is a local level decision, and the buck stops here. One must look at each opportunity, as well as the staff's recommendations. Condon further noted, citing the Georgia example, whereby the governmental unit was looking at prioritizing that area where they could do something, with the expectation that if redevelopment occurs, then as a result of interdepartmental modeling, one may foresee the interdisciplinary value in furtherance of best practices in decision-making options.

City Clerk Item No. 32

H.-2. 07-0933**Update on Capital Improvement Projects**

Attachments: Capital Improvement Projects Update Memo.doc
Capital Improvement Projects Update Chart.xls

Discussed/No Action Taken

[Note for the Record: Public Works Director Alberto Delgado gave an overview and status update of Capital Project in the 2006-2007 Budget, as well as other capital projects from previous years. Listed herein below is a summation of Mr. Delgado's assessment, as well as those questions raised by the Commission regarding same:

Desoto Fountain: In response to an inquiry by Commissioner Cabrera regarding the completion date of this project (from previous year capital dollars of \$702,989, for the purpose of modeling and restoration of the fountain, only), stated that it should be finished around the end of November. Mr. Delgado in response to Commissioner Cabrera's further inquiry regarding the possibility of any roadway improvements (additional funding, not from prior year capital dollars) in an effort to turn that fountain the middle of the boulevard into a roundabout, explained: that David Plummer and Associates had obtained a grant from the Metropolitan Planning Council to do a preliminary conceptual design of the fountain; once said matter is approved by Miami-Dade County, then our City will receive monies from impact fees to proceed with construction of the roundabout.

Accidents at Intersection of Granada, Sevilla, DeSota Boulevard: Commissioner Cabrera pointed out number of accidents which have occurred at this location due to the failure of drivers to stop, Mr. Delgado stated that greenspace to the inner circle will be included, thus adding landscaping as a measure of protection to the fountain.

Water Tower: Commissioner Cabrera noted that the estimated time of completion of April 2008, was only six months away. Mr. Delgado explained that the \$350,000 in funding sought was not received; further stating that the engineer for said project had completed a structural evaluation report, said document looked at doing the structural repairs to make the building safe; further explaining because of the failure to receive the aforementioned additional funding, has necessitated that they scale down the scope of work; however, he stated that he would continue to look for additional money to do other enhancements. Mr. Delgado also mentioned that repairs were completed with the \$85,000 received in FEMA funding; thus rendering the building safe; doors which had been previously opened at the top were now sealed; the building has been closed; there are no leaks.

Country Club Prado: In response to Commissioner Cabrera's inquiry regarding the completion date (ie. April 8, 2007), Mr. Delgado stated that said date will change; still keeping that date in the report until we have a new projected completion date.

Miracle Mile Theater Marquee: Mr. Delgado stated that all repairs had been completed with FEMA funds. Further noting that he is currently negotiating with the original manufacturer that installed the marquee, namely Acolite to ascertain whether they can do the repairs for the marquee within the budgetary constraints of \$250,000].

City Clerk Item No. 35

NA-H-3 07-0935

Discussion of City Commission Meetings for November and December 2007

Discussed/No Action Taken

[Note for the Record: City Manager David Brown presented the Commission with the herein below suggestive meeting dates for November and December.

Suggestive Dates: **November** 13th, 2007 and **December** 11, 2007.

Optional Consideration: Mayor Slesnick requested of his colleagues and the Manager to consider the fourth Tuesday of November; not that the Commission commit ourselves, but to keep it there as a placemark, if needed. City Manager Brown agreed to keep it there, stating that if its needed, we can announce it at the November 13, 2007 Commission Meeting.

Veterans Day (November 11th Holiday, celebrated on the 12th of November): City Manager Brown reminded the Commission that Veterans Day is a National Holiday and that since we will be off, the agenda will have to be distributed on the Friday preceding the Commission Meeting.]

City Clerk Item No. 36

I. CITY ATTORNEY ITEMS

None

City Clerk Item No. 37

J. CITY CLERK ITEMS

Items J-1 and J-2 are related

RESOLUTION NO. 2007-232

- J.-1. [07-0924](#) Resolution confirming preliminary assessment roll for Business Improvement District of Coral Gables Special Assessments.

Attachments: Confirming Preliminary Assessment Roll - Cover Memo (10-09-07).doc
Resolution Confirming Preliminary Assessment Roll (CCMtg.10-09-07).doc
Preliminary Assessment Cost.pdf

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this matter be adopted by Resolution Number 2007-232. The motion carried by the following vote:

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

Absent: 1 - Vice Mayor Kerdyk, Jr.

A RESOLUTION CONFIRMING PRELIMINARY ASSESSMENT ROLL FOR BUSINESS IMPROVEMENT DISTRICT OF CORAL GABLES SPECIAL ASSESSMENTS.

[Note for the Record: City Clerk Walter Foeman stated that on August 28, 2007, the Commission pursuant to Resolution No. 2007-202 had set a public hearing date of October 9, 2007 to review the Preliminary Assessment Roll; further noting that as a prerequisite to same, that the BID was required pursuant to state law to file the Preliminary Assessment Roll in the Office of the City Clerk, said document which was duly filed; further mentioning to the Commission that on this same date that they are sitting as the Equalization Board for the purpose of hearing all parties regarding proposed assessments, making any adjustments that the Commission deemed appropriate.]

City Clerk Item No. 33

RESOLUTION NO. 2007-229J.-2. [07-0925](#)

Resolution designating the Miami-Dade County as the Canvassing Board for the purpose of canvassing results of the upcoming January 29, 2008 City of Coral Gables Special Municipal Referendum Election.

Attachments: R-2007-DRAFT DESIGNATING MIAMI-DADE COUNTY AS CANVASSING BD. (1 Designating Miami-Dade County as Canvassing Board (10-09-07).doc

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2007-229. The motion carried by the following vote:

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

A RESOLUTION DESIGNATING THE MIAMI-DADE COUNTY CANVASSING BOARD AS THE CANVASSING BOARD FOR THE PURPOSE OF CANVASSING RESULTS OF THE UPCOMING JANUARY 29, 2008 CITY OF CORAL GABLES SPECIAL MUNICIPAL REFERENDUM ELECTION

City Clerk tem No. 27

RESOLUTION NO. 2007-230**J.-3. [07-0926](#)**

Resolution of the Commission of the City of Coral Gables, Florida, authorizing and directing the City Manager to allocate an amount of \$7,500, for the conduct of the Special Municipal Referendum Election of the City of Coral Gables, Florida on January 29, 2008, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. 1: Shall the Charter of the City be amended to delete Section 22 entitled, "Authority over officers and employees; removal, suspension, reduction; requests for cause and hearing; "Trial Board", which calls for a special Trial Board to investigate and render a decision as to the propriety of the City Manager's removal, suspension, lay-off or reduction in grade of any officer or employee, etc."

Attachments: Directing the City Manager to allocate funds for Spec. Mun. Ref. Election (10-09-0 R-2007-DRAFT - AUTHORIZE CITY MGR. TO ALLOCATE FUNDS FOR SPECIA R-2007-214.doc
DRAFT - Ordinance - Special Municipal Ref. Election 1-29-08.pdf

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this matter be adopted by Resolution Number 2007-230. The motion carried by the following vote:

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

Absent: 1 - Commissioner Cabrera, Jr.

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO ALLOCATE AN AMOUNT OF \$7,500 FOR THE CONDUCT OF THE SPECIAL MUNICIPAL REFERENDUM ELECTION OF THE CITY OF CORAL GABLES, FLORIDA ON JANUARY 29, 2008, WHEREIN THE VOTERS OF THE CITY OF CORAL GABLES SHALL BE CALLED UPON TO VOTE ON THE FOLLOWING QUESTION, TO BE KNOWN AS CHARTER AMENDMENT BALLOT QUESTION NO. 1:

"AUTHORITY OVER OFFICERS AND EMPLOYEES; REMOVAL, SUSPENSION, REDUCTION; REQUESTS FOR CAUSE AND HEARING; TRIAL BOARD", WHICH CALLS FOR A SPECIAL TRIAL BOARD TO INVESTIGATE AND RENDER A DECISION AS TO THE PROPRIETY OF THE CITY MANAGER'S REMOVAL, SUSPENSION, LAY-OFF OR REDUCTION IN GRADE OF ANY OFFICER OR EMPLOYEE.

Citry Clerk Item No. 28

RESOLUTION NO. 2007-233J.-4. [07-0927](#)

Resolution confirming Final Assessment Roll setting forth properties benefited by special assessment district known as Business Improvement District of Coral Gables, to provide special services for said district subject to certain adjustments and terms.

Attachments: Confirming Final Assessment Roll - Cover Memo (10-09-07).doc
Resolution Confirming Final Assessment Roll (CCMtg. 10-09-07).doc

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this matter be adopted by Resolution Number 2007-233. The motion carried by the following vote:

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

Absent: 1 - Vice Mayor Kerdyk, Jr.

A RESOLUTION CONFIRMING FINAL ASSESSMENT ROLL SETTING FORTH PROPERTIES BENEFITED BY SPECIAL ASSESSMENT DISTRICT KNOWN AS BUSINESS IMPROVEMENT DISTRICT OF CORAL GABLES, TO PROVIDE SPECIAL SERVICES FOR SAID DISTRICT, SUBJECT TO CERTAIN ADJUSTMENTS AND TERMS.

[Note for the Record: City Clerk Walter Foeman mentioned that the Commission had just passed a resolution confirming the preliminary assessment roll; further noting that following a scheduled public hearing wherein no parties came forward to be heard regarding the proposed preliminary assessments, that the City Commission was now ready to take action regarding confirmation of the Final Assessment Roll.

Business Improvement District's Executive Director Mari Molina: thanked everyone involved with this initiative, and expressed her delight in continuing the work of the BID.

Rising Cost Along Miracle Mile: Mayor Slesnick requested of Ms. Molina and our city's Development Director Cathy Swanson-Rivenback, to talk to those affected tenants regarding rising costs; emphasizing that there is one tenant in particular who is driving a major piece of the market on Miracle Mile.

Ms. Molina stated that much of said rising costs are attributable to the passthroughs and the "double whammy" of property insurance hikes.]

City Clerk Item No. 34

K. DISCUSSION ITEMS**Condition of Bridges as it relates to Graffiti**

Commissioner Cabrera informed the Commission that the issue involving graffiti under our bridges had been addressed, following communication with Major Masington and Chief Hammerschmidt regarding same. Commissioner Cabrera thanked the departments of Police, Public Works, along with the Manager's Officer, namely Assistant City Manager Maria Jiminez for their good works regarding said matter, which many residents who were using said waterways had found to be very distasteful; further expressing optimism that the City will stay on top of said issue.

Mayor Slesnick further added that it bothered him that the City would have an outside contractor for public spaces like the bridges; further inquiring of the administration as to how the City may hold the contractor's feet to the fire, to be more aggressive and assertive in such matters, if the City is paying him; further suggesting that maybe we should look at how we detect graffiti, or whose responsibility it is as opposed to just catching up with out of control graffiti; also, to consider the possibility of night time lighting under the bridges.

Commissioner Anderson: Requested of the Administration to consider potential Homelad Security funding as it pertains to the issue of security and safety of our neighborhoods.

City Manager Brown distinguished our current policy from what was done in the past, wherein the City used to turn the vendor loose on his own, stating that now when graffiti is found on public property, we dispatch the graffiti vendor to that area; further stating that he would check through Public Works director Delgado to ascertain how much available electrical was out there; where he could tap into; the cost for same the amount of intrusion into someone's backyard, and report back to the Commission by the next meeting regarding said matter.

Use of Stickers throughout our Downtown Area

Commissioner Cabrera stated that there has been extensive placement of the Delva sticker throughout the downtown area, and it is now spilling into residential areas; further stating that he has no idea what it is, but it is constantly visible in the downtown area; recognizing the difficulty of removal because the perpetrators are finding ways to get up to the top of pole structures for placement of same; further acknowledging the offensive nature of some of said stickers, and the fact that he is aware that everyone (i.e. Mr. Keys, Mr. Delgado, etc.) is working hard to eradicate the problem.

Status of the Biltmore Golf Course

Commissioner Kerdyk inquired of the City Manager when will the Biltmore Golf Course be opening, and what was the current status regarding same. City Manager Brown explained that he did not know when the course would be opening; secondly, regarding the status, that they are finishing the pouring of the three main bridges that make the course work, having encountered some problems with the design of the abutment in order to hold the bridges, having poured over the weekend to get those three important bridges in place. The Manager further explained that the plan is to have a soft opening on weekends only for a couple of weekends while they finish pouring on the other four bridges; once the three bridges have been cleared, play could resume using the two vehicle bridges on both sides of the course; then, they could finish the other four bridges, and then it would be back to normal.

Vice Mayor Kerdyk suggested that it would be good if our residents found out about Architect Donald Rosin and how the design of the Biltmore Golf Course is going to be resorted to his original intent; further suggesting including information regarding said matter on the next e-mail or e-mail blaster to our residents. Commissioner Cabrera suggested that maybe Vice Mayor Kerdyk would consider doing a program on Channel 77 regarding same; further mentioning a positive e-mail received from an avid golf player who had been a die hard critic, finding the course to be in exceptional condition.

Leisure Service Guide/Senior Division Services

Vice Mayor Kerdyk noted that the Leisure Services Guide which was put out from September through December, was the best that he has seen yet from said publication, and that it contained a lot of services for people who were fifty-five plus age; however, most of the recreational activities for seniors were slated during weekdays, and we should consider inclusion of activities on Saturdays.

Brochure Outreach in English and Spanish

Commissioner Cabrera questioned the administration regarding preparation of a brochure in English and Spanish as part of our city's outreach, citing that our newsletter goes out in English and Spanish, realizing that the Annual Report does not because it would be cost prohibitive.

City Manager Brown said he was not sure if everything goes out in English and Spanish, or just certain, publications, but that he would find out and report back to the Commission regarding same.

City Clerk Item No. 38

ADJOURNMENT

[Note for the Record: There being no further business on the [select: (1) Regular; (2) Special; (3) Workshop] Commission Meeting agenda, the Commission of the City of Coral Gables adjourned its meeting at 12:30 p.m. on October 9th, 2007. The next regular meeting of the City Commission has been scheduled for October 23, 2007, beginning 9:00 a.m.

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK