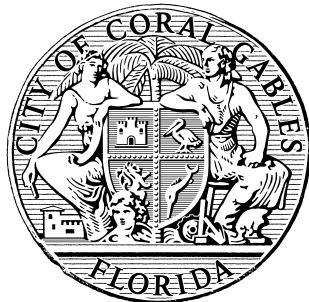


City of Coral Gables

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



Meeting Minutes

Tuesday, September 23, 2008

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*

ROLLCALL

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

INVOCATION

The invocation was given by Reverend Jorge R. Cotto of the Central Christian Church of Dade County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Manager David Brown.

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. 2008-21 through Ordinance No. 2008-22); (b) Resolution(s) adopted (Resolution No. 2008-143 through Resolution No. 2008-155); (c) Video; (d) Audio Recording; (d) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

A. PRESENTATIONS AND PROCLAMATIONS

A.-1. 08-0610 Presentation of a Proclamation declaring September 23, 2008 as Dr. Jim C. Hirschman Day in Coral Gables

[Note for the Record: Following the reading of the proclamation by Mayor Slesnick into the public record, Dr. Hirschman acknowledged that it must have taken twenty people to assimilate all of the documentation regarding himself; further pointing out his involvement with public officials, citing that when he began his tenure with the City, we were doing a lot of things that paramedics were doing outside of the law; further acknowledging that in furtherance of his attempt to institutionalize said practices through the State Legislature, he had initially collaborated with State Senator George Houlihan, who told him that if he would draft relevant legislation, then he would ensure the passage of same; whereby said initiative represented the beginnings of the Florida Statute 401; further pointing out that he had also requested of the Federal Communications Commission (hereinafter referred to as F.C.C.), to grant the City the privilege to have repeaters, whereupon said federal agency responded by saying no; further informing the Commission that said response prompted him to contact Florida Senator Bob Graham, whereupon he travelled to Washington D.C. Senator Graham was instrumental in having the F.C.C. listen to him; said agency did, which resulted in approval by the F.C.C. in allowing the City to have repeaters, which he so aptly

described as networking from the beginning; further conveying to the City Commission that he was humbled and that he sincerely appreciates the honor.

Deputy Fire Chief Marc Stolzenberg, representing Fire Chief Walter Reed in presenting Mr. Hirschman with a plaque from the Fire Department for his dedicated years of service, stated that as a young firefighter riding rescue, he was appreciative for the growth opportunity that Dr. Hirschman allowed; further noting that he allowed the firefighters to experiment with our own decision making; further acknowledging that paramedics needed guidance also; further citing the invaluable role played by both he and Dr. Krongold; further pointing out that when firefighters needed help, Dr. Hirschman knew where to find it; further thanking Dr. Hirschman for everything that he has done for him personally; whereupon the Deputy Chief presented Dr. Hirschman with said plaque with the inscribed language: "Presented to Dr. Jim C. Hirschman, for your 36 years of professional guidance and pioneering leadership as Medical Director of the Coral Gables Fire Department, and dedication and loyal service to the citizens of the City Beautiful."

Dr. Hirschman stated that he has known Deputy Fire Chief Stolzenberg for 25 years, and that each year he has known him, he has like him more; further acknowledging that firefighters are great people and that it has been a privilege to have worked with them for more than a generation.

Vice Mayor Kerdyk in presenting Dr. Hirschman with a City of Coral Gables pin, reflected upon his father, the late William Kerdyk, Sr., stating that his dad also had the opportunity to have known him, and that he wanted to present him with the City's pin for all that he has done].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

A.-2. 08-0608

Presentation of a Proclamation declaring October 5 - 11, 2008 as Fire Prevention Week in Coral Gables

[Note for the Record: Prior to reading the proclamation in recognition of Fire Prevention Week in Coral Gables (October 5th-11, 2008), Commissioner Withers requested of Deputy Fire Chief Marc Stolzenberg to invite his staff on the dais; whereupon the Deputy Fire Chief requested that Assistant Fire Chief Hope Gibbs, Fire Division Chief (Fire Prevention Division) along with Robert Lowman, Fire Division Chief, Chief of Operations; Laura Rodriguez, Public Education Specialist; Leonard Weight, Life Safety Inspector; Troy Easley, Communications Specialist, and Chester Oms, Fire Inspector II, to join him, in what Commissioner Withers so aptly described as a joint participatory proclamation reading initiative.

Deputy Fire Chief Stolzenberg stated that the significance of Fire Prevention Week is its emphasis on education and public awareness; further citing that during the month of October, the department raises awareness, as well as promotes life safety.

Division Chief Gibbs stated that the activities during Fire Prevention Week will reach over 10,000 children; further mentioning the Children's Fire Safety Festival (October 5th-11th, 2008), which brings a level of awareness regarding different fire safety techniques; further pointing out the importance of awareness during the month of October, and the importance of participation from everyone; further noting that the Fire Department will be visiting the schools; further stating that one should not hesitate to contact our Fire Department, which is one of the biggest tools in getting the message out.

Mayor Slesnick stated that he and the Commission appreciate all that she and the Fire Department does in educating the public, that education is critical, and thank you].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 4

Items A.-3. and C.-1. are related

A.-3. 08-0603 Presentation of a Proclamation declaring the week of October 23 - 31, 2008 as Red Ribbon Week in Coral Gables

[Note for the Record: Following the reading of the proclamation by Vice Mayor Kerdyk, he immediately requested of Informed Families Board of Directors member, namely Mr. John Hofmann, to enlighten the public as to what this campaign means to our families; further being reminded that Red Ribbon Week is a visible display for communities to take a visible stand against drugs through the symbol of the Red Ribbon; whereupon John Hofmann stated that this campaign informs kids regarding the issue of substance abuse throughout our schools, our community, and informs families, as part of the Red Ribbon Campaign, both locally, particularly here in Coral Gables, as well as nationally, on how to become drug free].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 5

A.-4. 08-0606 Welcome and introduction of Jo Ann D. Gans, Principal of Coral Gables Senior High School; Anna L. Rodriguez, Principal of Ponce de Leon Middle School; Graciela P. Cerra, Principal of Coral Gables Elementary School; Barbara Soto, Principal of West Lab Elementary School; Cheryl E. Johnson, Principal of George Washington Carver Elementary School; Deborah Wehking, Principal of Merrick Educational Center; Libia A. Gonzalez, Principal, George Washington Carver Middle School; Alexis Cazanas, Principal, Coral Gables Adult Education Center; Carlos Cambo, Principal, Academy for Community Education; Milagros Fornell, Regional Superintendent; Dannysu F. Pritchett, South Central Regional Center Administrative Director; Iraida Mendez-Cartaya, Administrative Director, Intergovernmental Affairs and Grants Administration; and Liza Martinez, Director, Intergovernmental Affairs and Grants Administration

[Note for the Record: Mayor Slesnick stated that he was honored to recognize the principals of our school district, along with the new Superintendent of Schools for Miami-Dade County Public Schools Mr. Alberto Carvalho, who addressed the Commission stating that there is a lot to celebrate, even with the challenges confronting our school district; further acknowledging his commitment to our Miami-Dade County School District, which began through establishment of the COMPACT with the City, which is as strong as ever; further proceeding to introduce his new benchmark of leadership in the school system including Dr. Milagros Fornell, the new Regional Superintendent; Liza Martinez, Intergovernmental Affairs and Grants Administration; further stating that there is a great future and mission ahead of us; further promising the City Commission that his heart is committed to improving the quality of life and the school system for our community, and while continuing to elevate the quality of education in the classroom for our children.

Mayor Slesnick requested of all the principals that were in attendance to come join the Commission for a 2008 Class Photograph with the superintendent, whereupon the following principals were introduced: Jo Ann Gans, principal, Coral Gables Senior

High school; Anna Rodriguez, principal, Ponce de Leon Middle School; Graciela Cerra, principal, Coral Gables Elementary School; Barbara Soto, principal, West Lab Elementary School; Cheryl Johnson, principal, George Washington Carver Elementary School; Deborah Wehking, principal, Merrick Educational Center; Libia Gonzalez, principal, George Washington Carver Middle School; Alexis Cazanas, principal, Coral Gables Adult Education; Carlos Cambo, principal, Academy for Community Education].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 2

A.-5. 08-0640

Presentation of a \$5,000 donation by Vahe Gabriel, of Waste Services of Florida, Inc., for the purchase and installation of bicycle racks in downtown Coral Gables

[Note for the Record: Commissioner Cabrera stated that he began looking approximately one year ago at placement of bike racks in the Coral Gables area, whereby he noticed that there were some that were strategically placed in certain designated areas downtown; therefore, he went out into the community and sought a collaborative partner that would be interested in furthering said initiative, whereby Waste Services of Florida, Inc. became an interested partner; further acknowledging the presence of Mr. Gabriel Lalinde, Sales Representative from Waste Services, Inc, as well as Mia Cavaco, Executive Director of the Coral Gables Community Foundation in connection with said issue; further acknowledging that Waste Services Inc., our partners in this initiative are going to purchase 30 bicycles racks, which will also entitle said company to have a tax deduction].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 7

A.-6. 08-0613

Presentation of a Certificate of Recognition to Miss Katherine Herald for participating in the Florida Girls State Senate Program

Attachments: [Katherine_Herald_resume_2008.pdf](#)

[Note for the Record: Mayor Slesnick invited the parents of Katherine Herald to join her on the dais, for her special recognition in being the only individual to have represented the City of Coral Gables in participating in the Girls State Program this calendar year; further citing that the Herald family has distinguished itself in the areas of community service and civic participation, noting that father Tom, having served on three City boards, as well as the family's participation in the Junior League; further noting that their daughter Katie will now join her family in its long list of accomplishments; further noting that Katie, having been elected from amongst her peers to serve as a Senator for a week, as further demonstration of her leadership potential; whereupon Mayor Slesnick pointed out to Miss Katie Herald that there is a seat on the dais that awaits her one day].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 3

A.-7. 08-0609

Presentation of 20 year service pin to Lt. Bart Barta, Police Department

Attachments: [CM_BartBarta20YrServicePin](#)

[Note for the Record: In presenting a 20 years service pin to Lt. Bart Barta, Police Department, City Manager Brown noted that he began his career as a police officer with the City in September, 1988, following serving two years with the City of Atlanta's Police Department; later being assigned to the Uniformed Patrol Division and the SWAT Team (November 1988); Bart was promoted to the rank of Sergeant (1992), and soon became the supervisor of the Bicycle Patrol Unit; having served in the Criminal Investigations Division (supervisor of the Property Crimes Unit and Youth Resources Unit); later after being promoted to the rank of Lieutenant, and having transferred to the Administrative Division, where he currently serves in the capacity of Accreditation Manager.

In accepting this accolade, Lt. Barta stated that he is indeed thankful and grateful, to have worked 20 years in the City of Coral Gables; further stating that Coral Gables is a great place, and he is fortunate to have been able to pursue a career here].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 8

A.-8. 08-0611

Congratulations to Gretel Salas-Perez, Information Technology Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of October 2008

Attachments: [Cover Memo EOM_October2008](#)
[EOM Oct08 001](#)

[Note for the Record: Gretel Perez-Salas, Information Technology Department, is the Coral Gables Employee of the Month for October, 2008, whom Human Resources Director Marj Adler, who so aptly described her “can do” attitude and dedication to the job as being outstanding.

Ms. Perez-Salas role has been essential to the customization, configuration, and adaptation of the Eden System and modules to the end user departments needs. She has also distinguished herself in providing customer service satisfaction; further pointing out that Ms. Perez-Salas has also provided continuous support to other enterprise systems in our organization, including Web portals, Legistar, Public Safety applications and TRIM; further providing software development and programming to facilitate the management, operations and reporting of said systems].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 9

B. APPROVAL OF MINUTES**B.-1. 08-0625** Regular City Commission Meeting of September 9, 2008

Attachments: [CCMtg September 9 2008 agenda item E-2 and H-2 are related - Ord. Stormwater](#)
[CCMtg September 9 2008 agenda item E-8, E-9 and E-10 are related - low rise to](#)
[Meeting Minutes.pdf](#)
[CCMtg September 9 2008 Agenda Item D-1 - .pdf](#)
[CCMtg September 9 2008 Agenda Item E-1 - .pdf](#)

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:

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

City Clerk Item No. 10

C. CONSENT AGENDA

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

Passed the Consent Agenda

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

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

RESOLUTION NO. 2008-144**C.-2. 08-0607**

A Resolution appointing Humberto Miret, Assistant Principal of Coral Gables Senior High School, to serve as a member of the School and Community Relations Committee for the balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [school board letter](#)
[MIRET resolution](#)
[Miret Resolution](#)
[Signed Resolution 2008-144.pdf](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF HUMBERTO MIRET TO SERVE AS A MEMBER OF THE SCHOOL AND COMMUNITY RELATIONS BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

This Matter was adopted by Resolution Number 2008-144 on the Consent Agenda.

City Clerk Item No. 11

RESOLUTION NO. 2008-145**C.-3. [08-0614](#)**

A Resolution appointing Jeffrey Flanagan (nominated by Commissioner Anderson) to serve as a member of the Planning and Zoning Board, for the balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Flanagan Appointment Cover](#)
[Flanagan Resolution](#)

A RESOLUTION APPOINTING JEFFREY FLANAGAN (NOMINATED BY COMMISSIONER ANDERSON), TO SERVE AS A MEMBER OF THE PLANNING AND ZONING BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

This Matter was adopted by Resolution Number 2008-145 on the Consent Agenda.

City Clerk Item No. 12

RESOLUTION NO. 2008-146**C.-4. [08-0641](#)**

A Resolution appointing Eugene P. Wolman (nominated by Commissioner Cabrera) to serve as a member of the Emergency Management Division, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Wolman Resolution Cover](#)
[Wolman Resolution](#)
[Signed Resolution 2008-146.pdf](#)

A RESOLUTION APPOINTING EUGENE P. WOLAM (NOMINATED BY COMMISSIONER CABRERA), TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

This Matter was adopted by Resolution Number 2008-146 on the Consent Agenda.

City Clerk Item No. 13

RESOLUTION NO. 2008-147**C.-5. 08-0620**

A Resolution granting a one-day permit to O/E Arts and Culture Foundation to sell alcoholic beverages from 2:00 p.m. until midnight on Saturday, February 7, 2009, at Fred B. Hartnett/Ponce Circle Park as part of the Coronation of the Queen-Carnaval En Miami.

Attachments: [Signed Resolution 2008-147.pdf](#)

A RESOLUTION GRANTING A ONE-DAY PERMIT TO O/E ARTS AND CULTURAL FOUNDATION TO SELL ALCOHOLIC BEVERAGES FROM 2:00 P.M. UNTIL 12:00 MIDNIGHT ON SATURDAY, FEBRUARY 7, 2009, LOCATED AT PONCE CIRCLE PARK AS PART OF THE CORONATION OF THE QUEEN-CARNAVAL EN MIAMI; SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2008-147 on the Consent Agenda.

City Clerk Item No. 14

RESOLUTION NO. 2008-148**C.-6. 08-0621**

A Resolution granting a one-day permit to the American Lung Association to sell alcoholic beverages from 5:30 p.m. until 10:30 p.m. on Thursday, March 26, 2009, on the 100 block of Giralda Avenue as part of the 6th Annual Coral Gables Wine and Food Festival.

Attachments: [Signed Resolution 2008-148.pdf](#)

A RESOLUTION GRANTING A ONE-DAY PERMIT TO THE AMERICAN LUNG ASSOCIATION TO SELL ALCOHOLIC BEVERAGES FROM 5:30 P.M. UNTIL 10:30 P.M. ON THURSDAY, MARCH 26, 2009 ON THE 100 BLOCK OF GIRALDA AVENUE, AS PART OF THE 6TH ANNUAL CORAL GABLES WINE AND FOOD FESTIVAL, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2008-148 on the Consent Agenda.

City Clerk Item No. 15

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

C.-7. [08-0604](#) Landscape Beautification Advisory Board Meeting of September 4, 2008

Attachments: [BC Cover Sheet 9-4-08 na](#)
[Minutes BC 9-4-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-8. [08-0618](#) Parks and Recreation Advisory Board Meeting of August 22, 2008

Attachments: [City Commission Meeting - Presentation P&R Advisory Board Minutes Cover 8-22](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

C.-9. [08-0619](#) Senior Citizens Advisory Board Meeting of August 4, 2008

Attachments: [Senior Citizen Advisory Board Cover & Minutes 8-4-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 18

C.-10. [08-0627](#) Parking Advisory Board Meeting of July 24, 2008

Attachments: [cover pab 07-24-08](#)
[pab minutes 07-24-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

C.-11. [08-0629](#) Parking Advisory Board Meeting of August 28, 2008

Attachments: [cover pab 08-28-08](#)
[pab minutes 08-28-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

Pulled from Consent Agenda**Items C.-1. and A.-3. are related****RESOLUTION NO. 2008-143****C.-1. [08-0628](#)**

A Resolution authorizing temporary placement of five (5) 3' X 3 ½' banners at certain City facilities from October 23 through October 31, 2008, in recognition of "Red Ribbon Campaign Week in the City of Coral Gables".

Attachments: [Red Ribbon Week Cover Memo](#)
[Red Ribbon Week Resolution](#)
[Signed Resolution 2008-143.pdf](#)

A RESOLUTION AUTHORIZING TEMPORARY PLACEMENT OF FIVE (5) 3' X 3 ½' BANNERS AT CERTAIN CITY FACILITIES FROM OCTOBER 23 THROUGH OCTOBER 31, 2008, IN RECOGNITION OF "RED RIBBON CAMPAIGN WEEK IN THE CITY OF CORAL GABLES."

[See Agenda Item A.-3.]

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-143. The motion passed by the following vote:

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

City Clerk Item No. 6

D. PERSONAL APPEARANCES**None**

City Clerk Item No. 21

E. PUBLIC HEARINGS

E.-1. [08-0615](#) BOARD OF ARCHITECTS APPEAL

Ms. Layla M. Fadel, applicant, has filed an appeal to the Coral Gables City Commission, from a decision of the Board of Architects at its regular meeting of September 4, 2008, wherein the Board denied Application AB 08-08-0351 in connection with the installation of a canvas awning over the principal entrance of the residence located at 544 Giralda Avenue, Coral Gables, Florida.

Attachments: [Appeal 006 - Fadel - Code Enforcement](#)
[Fadel Appeal Notice](#)
[Fadel Appeal Cover Memo](#)
[Fadel Appeal Zoning Code Section](#)
[Signed Resolution 2008-150.pdf](#)

A RESOLUTION OF THE CITY COMMISSION GRANTING THE APPEAL FILED BY LAYLA M. FADEL, APPLICANT, APPLICATION NO. AB 08-08-0351; THEREBY REVERSING THE DECISION OF THE BOARD OF ARCHITECTS AND ALLOWING FOR THE INSTALLATION OF A CANVASS AWNING OVER THE PRINCIPAL ENTRANCE; FURTHER RECOMMENDING THAT APPLICANT GO THROUGH THE PERMITTING PROCESS OF THE CITY'S ZONING CODE FOR SUBJECT PROPERTY LOCATED AT 544 GIRALDA AVENUE.

[Note for the Record: Following **Mayor Slesnick's** reading of the title to Agenda Item E-1 into the public record, Ms. **Layla Fadel**, applicant, approached the dais, and explained to the City Commission that the reason for her appeal was attributable to safety reasons; further explaining that when she purchased the subject residence, there was no awning that came to the front steps; further stating that the angle of the entrance is diagonal to the property; further stating that when it rains, it gets flooded; therefore, the most practical affordable solution in her opinion, was to install said awning; further informing the Commission that neighbors have told her that it now looks more aesthetically pleasing; further pointing out that the property has become more secure now-and if it rains, it does not accumulate.

Questions/Inquiry by the City Commission: **Commission Cabrera** queried the Administration regarding how did it come to learn about said matter?-further inquiring if it was as a result of Ms. Fadel installing the awning without a permit?-whereupon **Mrs. Salazar Blanco** stated that the Code Enforcement Division of the Building and Zoning Department had cited Ms. Fadel for installing the awning without a permit. **Carlos Mindreau**, City Architect, added that Ms. Fadel's application had come before the Board of Architects after said installation; further stating that the Board of Architects had suggested a squarer, more rectangular canopy in accordance with the architectural style of the house; further adding that a rounded shape is more aligned to the Art Deco style.

Commissioner Withers inquired of the Administration whether or not said awning

installation is in accordance with the Zoning Code?- further inquiring as to whether said structure meets both mechanical and structural requirements?--whereupon **Mr. Mindreau, City Architect** responded that Ms. Fadel has submitted engineering drawings for the canopy; however, there has not been a review of same; further stating that a review of said drawings would determine if the structure was designed appropriately, then it would proceed to a review by the Engineering Division to see if said structure was sufficiently built. **Mrs. Salazar Blanco** stated that if it meets all of the structural and engineering requirements, then yes, she can have it. Commission Anderson stated that this matter probably represents an economic hardship.

Mayor Slesnick stated through the City Manager, to the City's Architect, following the vote being taken to grant said appeal, thereby reversing the decision of the Board of Architects, that said vote by the City Commission should not to be considered precedent setting in the future, for like situated awning cases.

Said vote by the Commission was not intended to be an approval of the awning. Instead it was an approval to go through the permitting process (including mechanical and structural) in accordance with the City's Zoning Code].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-150. The motion passed by the following vote:

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 23

ORDINANCES ON SECOND READING

ORDINANCE NO. 2008-21

E.-2. [08-0593](#)

An Ordinance of the City Commission of Coral Gables amending the City Code, Chapter 34, entitled "Nuisances", Division 2 entitled "Vehicles", Section 34-77 by adding a definition for junk motor vehicles and dilapidated motor vehicles and Section 34-78 by adding dilapidated motor vehicles to the Prohibitions Section; providing for severability, repealer, codification, and an effective date. (Passed on First Reading September 9, 2008)

Attachments:

[dilapidatedvehicles](#)
[comm.dilapidatedvehicles](#)
[agendacover_dilapidatedvehicles](#)
[agendacover_nuisances](#)
[memo to cc -dilapidatedvehicles](#)
[Signed Ordinance 2008-21.pdf](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING CHAPTER 34 OF THE CITY CODE, ENTITLED "NUISANCES", DIVISION 2, ENTITLED

"VEHICLES", SECTION 34-77 BY ADDING A DEFINITION FOR JUNK MOTOR VEHICLES AND DILAPIDATED MOTOR VEHICLES AND SECTION 34-78 BY ADDING DILAPIDATED MOTOR VEHICLES TO THE PROHIBITIONS SECTION; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title to Agenda Item E-2 into the public record by the Attorney, there being no public comment proffered, Commissioner Withers inquired as to whether said legislation addressed storage trailers?-whereby City Attorney Hernandez informed the City Commission that said issue is found in a separate provision of the Zoning Code that she has copied and sent to the Commission; further adding that said legislation deals specifically with vehicles that have been abandoned in our swale areas, and have been left in a dangerous and hazardous condition.

Commissioner Withers further inquired as to matter of culpability for said violations in the swale area, questioning whether it lies with the property owner(s) or the violator(s)?-whereupon City Hernandez stated that responsibility lies with both; further pointing out that there is a maintenance provision in the Zoning Code which stipulates that property owners must maintain the swale area in a good condition; further stating that there already exist a separate provision in the Zoning Code regarding Campers and Trailers. Mayor Slesnick interjected what he felt Commissioner Withers was desirous of seeing, which was a strengthening of our ordinance/Code provisions for campers and trailers, since the City has addressed same for boats and for cars, why not continue same with campers and trailers].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2008-21. The motion passed by the following vote:

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 24

ORDINANCES ON FIRST READING**E.-3. 08-0630**

An Ordinance of the City Commission of Coral Gables amending the text of Chapter 74 of the City Code, entitled, "Traffic and Vehicles", by amending Section 74-356 entitled "Six-Month Notice; Introductory Period", to change the courtesy notice provision from six months to ninety-days; providing a repealer provision; a savings clause; a severability clause, and providing for an effective date.

Attachments: [Traffic and Vehicles Ordinance Cover](#)
[Traffic and Vehicles Ordinance](#)

[Note for the Record: Following a reading of the title to Agenda Item E-3 into the public record by the City Manager, City Manager Brown stated that the only modification to our Code, as reflected in said ordinance was to change the provision for courtesy notice to reflect a change from six months to ninety days. Acting Police Chief Richard Naue further added that following a review of the City's contract, it was determined that there had been a change in the industry standard; further pointing out that the Police Department was attempting to be consistent with same.

Questions/Inquiries by the City Commission: Vice Mayor Kerdyk queried as to when would the cameras be implemented? Whereby City Manager Brown informed the City Commission that the contract has already been executed, and that the Police Department had been looking at the intersections to determine which are the five best locations to recommend for location of said cameras; further stating that he would email the City Commission on the expected dates for installation of same. Vice Mayor Kerdyk urged the City Manager to push the affected parties involved with said project, in order that the City may move forward with same].

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:

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 25

RESOLUTIONS**RESOLUTION NO. 2008-149**E.-4. [08-0636](#)

A Resolution Confirming the Ordering of the Cocoplum Guardhouse Local Improvement District, designated as "CGH-01", subject to the provisions of City Code, Article II, entitled "Local Improvement Act" setting forth location, proposed improvements, estimated cost and designating properties deemed to be benefiting from the Guardhouse, that will be levied a special assessment for the improvements, located on Cocoplum Road, at the entrance of the Cocoplum Subdivision, Coral Gables, Florida.

Attachments:

[092308-Resolution Cocoplum Guardhouse.pdf](#)
[092308-CC Cover Memo Cocoplum Guardhouse.pdf](#)
[092308-Letter President Cocoplum HOA.pdf](#)
[092308-Resolution No 2008-66.pdf](#)
[092308-Resolution No 2008-22.pdf](#)
[092308-Ordinance No 3328.pdf](#)
[092308-Pub Hearing Notice Daily Bus Review.pdf](#)
[092308-Courtesy ltr to prop owners.pdf](#)
[092308-Proposed Improvements.pdf](#)
[092308-Estimated Cost Improvements.pdf](#)
[092308-List property owners.pdf](#)
[092308-Flow chart process establishing Improvement District.pdf](#)
[Signed Resolution 2008-149.pdf](#)

A RESOLUTION CONFIRMING THE ORDERING OF THE COCOPLUM GUARDHOUSE LOCAL IMPROVEMENT DISTRICT, DESIGNATED AS "CGH-01", SUBJECT TO THE PROVISIONS OF THE CITY CODE, ARTICLE II, ENTITLED "LOCAL IMPROVEMENT ACT" SETTING FORTH LOCATION, PROPOSED IMPROVEMENTS, ESTIMATED COSTS AND DESIGNATING PROPERTIES DEEMED TO BE BENEFITING FROM THE GUARDHOUSE, THAT WILL BE LEVIED A SPECIAL ASSESSMENT FOR THE IMPROVEMENTS, LOCATED ON COCOPLUM ROAD, AT THE ENTRANCE OF THE COCOPLUM SUBDIVISION, CORAL GABLES, FLORIDA.

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

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-149. 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. 22

F. CITY COMMISSION ITEMS

F.-1. [08-0637](#) Discussion concerning triangle of visibility - height of hedges
Mayor Donald D. Slesnick, II

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

This Agenda Item was Discussed and Filed

City Clerk Item No. 26

Items F.-2. and H.-4. are related

F.-2. [08-0635](#) Discussion concerning senior services and senior programming
Commissioner Maria Anderson

[Note for the Record: A copy of the verbatim transcript of Agenda Item F-2 is available for public inspection in the City Clerk's Office and in Legistar].

This Agenda Item was Discussed and Filed

City Clerk Item No. 27

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 29

H. CITY MANAGER ITEMS

H.-1. [08-0605](#) A Resolution of the City Commission of Coral Gables amending Resolution 2007-245 which established fees for various licenses, permits, services, and penalties by the City of Coral Gables, providing for severability, repealer, codification and an effective date. (Deferred from the September 23, 2008 Meeting)

Attachments: [Fees Resolution Cover Sheet 2008 \(2\)](#)
[FeeResolution2008CleanCopy.pdf](#)
[FeeResolution2008DraftMarkedUp.pdf](#)
[FeeResolution2008CleanCopy_2](#)
[FeeResolution2008DraftMarkedUp](#)
[Fees Resolution Cover Sheet 2008](#)
[PlanningFeeComparisonTable 2008](#)
[Public Works Fee Increases](#)
[BuildingAndZoningFeeIncreases](#)

This Resolution was Deferred

City Clerk Item No. 31

RESOLUTION NO. 2008-151**H.-2. 08-0642**

A Resolution accepting the recommendation of the City Manager to provide Capital Improvement Funds in the amount of five hundred forty-seven thousand (\$547,000.00) for building improvements to the Coral Gables Museum and the Country Club of Coral Gables.

Attachments: [Capital Improvement Funds Resolution Cover](#)
[Capital Improvement Funds Resolution](#)
[Signed Resolution 2008-151.pdf](#)

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO PROVIDE CAPITAL IMPROVEMENT FUNDS IN THE AMOUNT OF FIVE HUNDRED FORTY-SEVEN THOUSAND (\$547,000.00) FOR IMPROVEMENTS TO THE CORAL GABLES MUSEUM AND THE COUNTRY CLUB OF CORAL GABLES.

[Note for the Record: Following the reading of the title to Agenda Item H-2 into the public record, City Manager Brown stated that \$547,000 for the building improvements for the Coral Gables Museum (i.e. new administrative office on the second floor) and the Coral Gables Country Club (i.e. fumigation of drywall termites, new roof, and new air conditioning system) will come from the General Fund Reserve.

Questions/Inquiries from the City Commission: Commissioner Withers informed his colleagues that he had attended the Board Meeting (last Friday, September 19, 2008) of the Coral Gables Museum Board regarding the aforementioned building improvements, and that said recommendation made by our Manager was not needed in order to fulfill the mission of building the museum. However, Mayor Slesnick interjected that it would affect the building out of the necessary building space to accommodate City staff. Vice Mayor Kerdyk inquired as to the matter of the \$50,000 expenditure to repair 25% of the flat roof, whereupon Mr. Delgado stated that said project will enable the City to tie it in sufficiently; further stating that the other 75% of the roof was replaced five years ago].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-151. The motion passed by the following vote:

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 32

H.-3. [08-0616](#) Interim Update on Area Patrol

Attachments: [Area Patrol Report for Commission Memorandum](#)
[Area Patrol](#)

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

This Agenda Item was Discussed and Filed

City Clerk Item No. 30

Items H.-4 and F.-2. are related

H.-4. [08-0623](#) Presentation on the Senior Services Recreational Programs

Attachments: [Presentation on Senior Services Recreational Programs](#)
[Senior Center Programming Presentation](#)

[Note for the Record: A copy of the verbatim transcript of Agenda Item H-4 is available for public inspection in the City Clerks Office and in Legistar].

This Agenda Item was Discussed and Filed

City Clerk Item No. 28

H.-5. [08-0624](#) Presentation on the Coral Way & Segovia Roundabout and Segovia Median Construction Projects

[Note for the Record: Following the reading of the title to Agenda Item H-5 into the public record, **City Manager** stated that the Administration was requested to do a presentation on the Coral Way and Segovia Round-a-bout and the Segovia Median Construction projects, whereby **Mr. Delgado** approached the dais and informed the City Commission that this is the first bike facility that has been designed in the City of Coral Gables. The power point presentation, which is on file in the Office of the City Clerk, addresses a project area from Alhambra Circle to Bird Road, said projects associated therewith as more particular described as follows: First Project (Re-alignment of Segovia Circle at Segovia Street); Second Project (Roundabout at Segovia Street and Coral Way); Third Project (Roundabout at Segovia Street and Biltmore Way); and the realignment of Segovia Circle at Alhambra Circle.

Timeline: Mr. Delgado stated that the project schedule for said projects are as follows: Segovia Street and Coral Way Roundabout (Design Phase ends after August '08/Construction Phase goes from September through December '08); Re-alignment of Segovia Circle at Alhambra Circle and Segovia Street (Design Phase ends after August '08/Construction Phase goes through from September through December '08); Segovia Street and Biltmore Way Roundabout (Design Phase ends after May '09/Construction Phase goes through May through August '09), and the Segovia

Street Median and Bicycle Lanes (Design Phase ends during the month of August '09/Construction Phase goes through September through December '09); further stating that as of December 2009, that all projects should be completed.

Mayor Slesnick added that the Coral Way and Segovia Roundabout and Segovia Median Construction Projects represent a series of projects that the entire Commission is anxiously awaiting completion.

Questions/Inquiries from the City Commission: Mayor Slesnick reminded the Administration that a couple of years ago, residents came to the City Commission requesting help with their traffic problem; further inquiring as to whether they are aware of said project area?

Mayor Slesnick/Proposed Roundabout at Segovia Street and Coral Way: Mayor Slesnick informed the City Administration and his colleagues that following completion, that North Greenway Drive residents will probably ask to continue blocking off the streets because of the quietude of the area. **Commissioner Withers** further inquired of the Administration as to whether they had considered the functionality of making said area a circle rather than a roundabout? Mr. Delgado stated that one can make a right turn without interruption, people entering the circle from the north; further stating that by removing the light at Greenway Drive, the City is making another circle. Withers added that the majority of traffic is second volume of traffic is north on Segovia, third is south on Segovia and fourth is coming off Greenway. There is a big gap on the Greenway Drive so, you do stop signs on everthing but Coral Way as a solution?

Commissioner Anderson/Roundabout at Segovia Street and Biltmore Way: Commissioners Anderson and Cabrera stressed the need for an educational campaign regarding the use of the roundabout, especially along Biltmore Way].

This Agenda Item was Discussed and Filed

City Clerk Item No. 33

RESOLUTION NO. 2008-152**H.-6. 08-0601**

A Resolution authorizing the City Manager to compensate exempt employees at time and one half the regular rate of pay for duty in excess of forty hours per week under local, state, or federal declared or non-declared emergencies. (Deferred from the September 9, 2008 Meeting)

Attachments: [FEMAOvertimeReso](#)
[FEMA Overtime Cover](#)
[Signed Resolution 2008-152.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPENSATE EXEMPT CITY EMPLOYEES AT TIME AND ONE HALF THE REGULAR RATE OF PAY FOR DUTY IN EXCESS OF FORTY HOURS PER WEEK FOR LOCAL, STATE OR FEDERAL DECLARED OR NON-DECLARED EMERGENCIES

[Note for the Record: Following the regarding the title to the proposed Resolution for Agenda Item H-6 into the public record, City Manager Brown stated that FEMA (Federal Emergency Management Agency) had requested a resolution from the City Commission to continue to reimburse the City when disbursing those personnel cost to exempt employees; further stating that matter had been deferred previously to ensure that the City had connected to the Public Employees Relations Commission.

Mayor Slesnick stated that he would like to see a written opinion from our independent counsel handling personnel matters regarding said matter. Commissioner Withers queried the City Manager as to how will he be able to track the time of the nonexempt employees?-whereupon the City Manager informed him of the traditional methods such as via time cards, time sheets leave slips, etc. Mayor Slesnick stated to the City Manager that he did not think that he should be keeping time of exempt employees; further reiterating the need to see our independent counsel (i.e. our labor attorney), put his/her name on an opinion regarding same].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-152. The motion passed by the following vote:

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

City Clerk Item No. 34

I. CITY ATTORNEY ITEMS

I.-1. **08-0638** Pending Litigation Report

Attachments: [PENLIT.9 23 08](#)

[Note for the Record: **Coral Bay Section C Homeowners Association v Miami-Dade County: City Attorney Hernandez** informed the City Commission that said homeowners' association had filed an appeal with the Florida Supreme Court seeking review of the Third District Court of Appeal's decision reversing the trial court (which ruled in their favor) decision in granting their motion for default, and thereby entering a default final judgment to void Miami-Dade County's interest in the earthen dam, referenced as Tract C of a portion of Coral Bay Section C), and vesting title in the homeowners' association. City Attorney Hernandez further explained that the Supreme Court has refused to accept jurisdiction; further denying the homeowners' petition].

This Agenda Item was Discussed and Filed

City Clerk Item No. 35A

RESOLUTION NO. 2008-153

NA.I. **08-0669**
-1.1.

A Resolution of the City of Coral Gables accepting the City Attorney's recommendation to the proposal for settlement of the Bert J. Harris claim filed by property owners Fernando Menoyo and Almeria Row, LLC.

A RESOLUTION ACCEPTING THE CITY ATTORNEY'S RECOMMENDATION TO THE PROPOSAL FOR THE SETTLEMENT OF BERT J. HARRIS CLAIM FILED BY PROPERTY OWNERS FERNANDO MENOYO AND ALMERIA ROW, LLC (OWNERS OF THE FOLLOWING PROPERTIES: 744 BILTMORE WAY, 2509 ANDERSON ROAD, 745 VALENCIA AVENUE, 635 ALMERIA AVENUE, 643 ALMERIA AVENUE, 2605 ANDERSON ROAD, 2611 ANDERSON ROAD, 731 ALMERIA AVENUE, 735 ALMERIA AVENUE, 743 ALMERIA AVENUE, 2615 ANDERSON ROAD, 760 VALENCIA AVENUE), PARTICULARLY AS IT PERTAINS TO THE TIME DEADLINE FOR SAID SETTLEMENT; FURTHER DIRECTING THE CITY MANAGER TO REFER THE ISSUES OF HEIGHT LIMITATION (I.E. FORTY-FIVE FOOT HEIGHT LIMITATION FOR PROPERTIES, WHICH WOULD BE LIMITED TO THE PROPERTIES BY A MODIFICATION TO THE SITE SPECIFIC REGULATIONS IN THE ZONING CODE), AND PROPOSED SITE REGULATIONS TO THE CITY'S PLANNING AND ZONING BOARD FOR ITS CONSIDERATION, REVIEW AND POSSIBLE APPROVAL, AT ITS OCTOBER 8TH MEETING; FURTHER STATING THAT THE PLANNING AND ZONING BOARD'S RECOMMENDATION REGARDING POTENTIAL SETTLEMENT FOLLOWING ITS DELIBERATION AND RECOMMENDATION OF SAME WOULD ULTIMATELY BE CONSIDERED BY THE CITY COMMISSION AT A FUTURE MEETING DATE.

[Note for the Record: **Bert J. Harris Act Claim filed by Fernando Menoyo and Almeria Row:** **City Attorney Hernandez** discussed the proposal proffered by property owners, Fernando Menoyo and Almeria Row, LLC (which resulted from the Coral Gables Commission adoption of Ordinance Nos. 2007-01 and 2007-003, said legislation which reduced the permissible height on properties from forty five (45) feet to thirty-five feet for the first fifty feet of the properties, and thereafter allowing a height of forty five feet. As a result of the City's legislative action, the property owners filed a claim (in the amount of \$\$8,135,000) pursuant to the **Bert Harris Private Rights Protection Act**, for the loss in fair market value of the properties resulting from the alleged restrictions, limitations placed on said properties.

Since the property owners are considering the possibility of settling said Harris Act Claim, City Attorney Hernandez stated that it is her recommendation to accept their proposal to extend the time deadline; further stating that the issue of height limitation and proposed site regulations be considered by the Planning and Zoning Board at its October 8th, 2008 board meeting, before ultimately coming back before the City Commission for its consideration].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-153. The motion passed unanimously.

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

City Clerk Item No. 35B

NA.I. [08-0671](#)
-1.2.

[Note for the Record: Memorandum re Public Purpose Issues, BAP and Country Club of Coral Gables RFP: City Attorney Hernandez stated that pursuant to the City Commission's request to have her office advise the Commission whether Section 2-227 of the City Code or any other provision of law prevents the City from proceeding with BAP's request to file a proposal to develop the parking garage at 245 Andalusia Avenue, she indicated that her response has been distributed; further stating that if any there needs to be any further public discussion regarding same, then she respectfully request the Commission to inform her of same].

This Agenda Item was Discussed and Filed

City Clerk Item No. 35C

J. CITY CLERK ITEMS**None**

City Clerk Item No. 36

K. DISCUSSION ITEMS

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: Two things: A few weeks ago I had some preliminary discussions with the Manager after we selected the new Medical Director, and while I stand by my vote, I still think that we can probably use Dr. Hirschman some other way in the City; maybe we can use him to do health screenings for the seniors. He can do some type of lecture series. I think he's still a valuable resource, and I don't know how you all feel, but it might be interesting to explore some opportunities for him, and bring back a proposal; and maybe speak with the Fire Department and the Senior Division on how they might be able to use him; bring back a proposal on that.

Vice Mayor Kerdyk: I think that's a good idea.

City Manager Brown: Several Commissioners have approached me about the idea, and frankly I tried to start looking, but I'll try to zero in on something that would be meaningful for Dr. Hirschman, and valuable to the City.

Commissioner Anderson: Good, I'm glad. Good, if you'll bring that back as soon as possible, the next meeting or the following meeting. And the last one is, if you could put a memo in our boxes about the 2901 Building, the...[inaudible]...studio, part of Old Spanish Village, what is the status on our negotiations with that, if any? Thank you, that's it for me.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Mr. Manager, Burger Bob's continues to be on a month to month basis, can we get an update?

City Manager Brown: Yes, sir.

Commissioner Cabrera: Thank you. We all received the e-mail you sent us late last week regarding the three collective bargaining units, and now we are at impasse; are you planning to schedule a...

City Manager Brown: Yes. I talked to several Commissioners; the next step for us is to schedule an executive session; we are at impasse with all three unions, basically on

the items, the larger items which concerns retirement; and we need to get together. We can still negotiate through this process, but the clock starts ticking on whether we are going to pick a Special Master, waive the Special Master, or go to impasse with the Commission. So, I will be having Pilar contact each and every one of you to get on your calendar as soon as possible, so we can get together and discuss our next strategy.

Commissioner Cabrera: Good. Last but not least, this is actually directed at my colleagues more than anyone else. I had the opportunity last night to attend a meeting sponsored by a number of residents that live near the Biltmore Hotel; and the purpose of the meeting was just to have dialogue; and in fact the meeting was supposed to be more interactive than anything else. It was interactive, it was very animated, and I think we had, or I had 30 to 40 people in a conference room that was hosted by a law firm, expressed some concerns, expressed some doubts on the merits of the project; a lot of misinformation; and last but not least, they were very vocal on the position that they were taking against the project; and I received a petition with about, I think, three hundred or so signatures. So I'll pass that along, but I think you are all getting a copy of it; and once again what I tried to do was assure the group that all we did was provide them with the opportunity to go to the Federal Government to explore their project; and we did withhold permit charges until such time that they decide if their project merits any further review. Just wanted you all to be aware of it, maybe you've already met with some of these people; originally the group was much larger and I asked that it be trimmed down to 25 to 30 people, so that there could be some interaction between me and the participants; and I'm glad that it worked out that way because I think originally they wanted to have 80 or 90 people in this room, and it would have been difficult to manage it. That's it for me.

Commissioner Anderson: Just a comment. I have met as well with a smaller number, and I asked the Manager to provide them some documents they were inquiring about, so hopefully that will build goodwill in that sense; and they did state their concerns, I'm sure as they did to you.

Commissioner Cabrera: The one thing that I do want to mention to you is, if I had to do it over again, well I didn't have anything to do with it, but I had to take the wrath for it last night, but if I had to do it over again, if I had the ability to have done it, I probably would not have put the project on E-News, because what happened was, the perception out there is that because the project was on E-News the City is giving its full endorsement; and what I tried to explain to the group was that by putting it on E-News, the City was simply informing and educating. What I think we could have done to put ourselves in a position where we were simply doing that was to have a disclaimer in the documentation showing...because the reality is the way the project was presented its beautiful, its well laid out, its four colors, it's a very, very attractive marketing piece; and if we had had the ability to at least say, the City does not endorse

this project, but simply is providing it to you so that you can be better informed and educated on what they are trying to do, I think it would have gone a long way; but hey, its water under the bridge, lesson learned, and that was one thing that I took away from the group, though outside of a migraine headache.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: There was a memo that was generated from you, Mr. City Manager, on September 16th, regarding a project that is being contemplated in the Little Gables area; it's a 10 story structure, or certainly a 10 story building, 69 units. What is staff's involvement with that?- are they taking a proactive position? I guess opposing it would be it.

City Manager Brown: Eric.

Mr. Riel: At this point the notice of hearing is October 8th. We have though in the past on that particular property reached out to the property owner, two or three years ago, as well as about a year or two ago, and there was no interest from them to participate in the City's review process, but from this standpoint at this time, we are not doing anything but monitoring the application. The Planning Department did recommend denial of the request though, and we can attend a hearing, obviously we'll monitor it, but after it goes to the County Council it obviously has to go to the County Commission.

Commissioner Withers: I don't know if it's at all possible, but I always thought to meet our minimum housing requirement that might be an opportunity that parcel, that part...

Mr. Riel: That's exactly why we contacted them; they had absolutely no interest.

Commissioner Withers: So my only point is, if we ever are going to annex up to 8th Street, it would be certainly great if we could be pick up some of our affordable housing units at the same time.

Mr. Riel: That was specifically our reason for asking.

Vice Mayor Kerdyk: And just to follow up a little bit further, and this is where I was going; Little Gables we were contemplating annexing that area, the one positive...not the one, but certainly a positive of annexing any area in your control your borders; and apparently we don't have much control on this border, and if we did have that as part of the City of Coral Gables, we would have better control of that issue, but I would in my opinion, I would like you to at least play somewhat of a more active role in this and send somebody to the meeting and monitor it on a more progressive basis please.

Mr. Riel: And may I suggest that the Commission pass a resolution asking that whatever you would like to have us do because that way we can present that as a part of that first initial hearing. As I told you...

Mayor Slesnick: I forget the date right now, is that before our next meeting?

Mr. Riel: October 8th.

City Manager Brown: That would be before our next one.

Mr. Riel: Because that way we could deliver that message. Again the County staff did recommend denial, about a 63 page staff report which has a lot of findings in there and reasons for denial.

Mayor Slesnick: Why don't we do this?- if the Commission is comfortable, why don't you and your staff analyze it, come up with a position, I think we are all concerned about, I'm not sure we all have the where-with-all to sit here and vote on it, but write a letter that I would be glad to sign on behalf of the City stating the professional position of our Planning staff about this project.

Vice Mayor Kerdyk: That's very good, that's a good idea.

Mayor Slesnick: At least we can apply your knowledge and expertise to the subject.

Vice Mayor Kerdyk: Thank you, that's it.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: No sir.

Mayor Slesnick: Mr. Brown.

City Manager Brown: Just a reminder that Budget starts tonight at 5:01 p.m., second hearing.

Mayor Slesnick: And all I have is just to let you all know that we have been officially proclaimed by the small, rather imposing-unimposing document as full fledged members of the U.S. Green Building Council. So we are now...and David what I'd like to do is as members, I have the informational packets on my desk about what we can be doing and so forth; and I'd like you to determine who I should be giving those packets to; should be Planning probably, or Building.

City Manager Brown: Let me look at the packet and I can tell you.

Mayor Slesnick: Anything else? Liz?

City Attorney Hernandez: No, I'm fine.

Mayor Slesnick: OK. If not, we are going to adjourn this meeting and see you back at 5:01 p.m. for Budget Hearing.

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 2:04 pm on September 23, 2008. The next regular meeting of the City Commission has been scheduled for October 14, 2008, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK