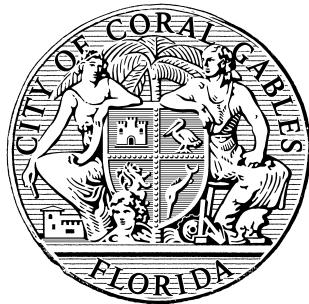


City of Coral Gables

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



Meeting Minutes

Tuesday, January 27, 2009

9:00 AM

City Hall, Commission Chambers

City Commission

*Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael "Ralph" Cabrera, Jr.
Commissioner Wayne "Chip" Withers*

*Maria Alberro Jimenez, Interim City Manager
Elizabeth M. Hernandez, City Attorney
Walter J. Foeman, City Clerk*

ROLL CALL

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

INVOCATION**PLEDGE OF ALLEGIANCE**

Vice Mayor William H. 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) Ordinance(s) adopted (Ordinance No. 2009-06 through Ordinance No. 2009-12); (b) Resolution(s) adopted (Resolution No. 2009-12 through Resolution No. 2009-29); (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. 09-0024**

Special welcome to Florida State Senator Dan Gelber and Florida House of Representatives Erik Fresen, Julio Robaina, and Carlos Lopez-Cantera to the City of Coral Gables.

[Note for the Record: Mayor Slesnick acknowledged Florida State Representatives Erik Fresen, Julio Robaina and Carlos Lopez-Cantera, respectively to our City of Coral Gables; further inviting said representatives to provide some public comment on the occasion of their visit; wherein State Representative Fresen (District 11) stated that he represents a large portion of the City of Coral Gables in his district, from the north end of Coral Gables to US-1; further stating that it has been a pleasure to represent the City of Coral Gables, that his heart is in the City, and that it is his intent to make many trips to our City; further pointing out that early during his formative years, that Commissioner Cabrera was his coach; further stating that anything that he can do to promote the viability of our City, that it would be a pleasure to do so.

State Representative Robaina (District 117) stated that he was honored to come before the City Commission as the senior member of the delegation; further stating that he is honored to have the opportunity to serve Coral Gables during good times and in the tough times; further stating that he is also honored to represent our citizenry in Tallahassee, along with these young legislators; further pointing out to our residents that they must not judge said legislators on their youth, but on their pledge to do good things, thus working for the betterment of our City; further urging our citizenry to pray for them in Tallahassee, for wisdom and revenue; further also mentioning that on this same date at 11 a.m., that he will be announcing his candidacy for the State Senate.

State Representative Carlos Lopez-Cantera (District 113) informed the Coral Gables citizenry that although he represents a small portion of Coral Gables, it is always his pleasure to go to bat for the City of Coral Gables, and keep our City close to his heart.

Mayor Slesnick in articulating the sentiments of our City Commission, stated that on behalf of the Commission, that he wished the aforementioned legislators the very best; further stating that our state depends on them; further saying that our City was proud to have them represent us; further stating that our City will be awaiting a legislative report from them; further congratulating them on their election and re-election, respectively].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 3

A.-2. 09-0032

Presentation of a Certificate of Appreciation to Spencer Aronfeld for his role with the Menorah Presentation at Fred B. Hartnett Ponce Circle Park. (Deferred from the January 27, 2009 City Commission Meeting)

[Note for the Record: Agenda Item A-2 was deferred until the City Commission meeting of February 10, 2009].

This Resolution was Deferred

City Clerk Item No. 1

A.-3. 09-0044

Presentation of a Proclamation declaring January 27, 2009 as Clive Cork Day in Coral Gables.

[Note for the Record: Commissioner Cabrera invited retiring Automotive Director Clive Cork up to the dais, along with his wife Marie; further acknowledging Mr. Cork's 22 years of exemplary and dedicated dutiful service in the area of automotive service with the City of Coral Gables, thereby presenting him with a proclamation on behalf of the City, declaring January 27th, 2009 as "Clive Cork's Day" in Coral Gables.

In accepting the aforementioned accolade, Mr. Cork stated that he is glad this day has come; further acknowledging that after 53 years, that it is time to pass the torch to other people; further pointing out that the staff, management and people here have been great; further stating that two other members of his staff are also retiring, namely Donald Arnold, Automotive Supervisor, after thirty-five years of service, who has also served as his assistant; and Patrick "P.J." Williams, Automotive Supervisor, who functioned as the Preventive Maintenance person, who will soon journey to Pennsylvania to get married.

Commissioner Cabrera on a parting note, stated that although Clive Cork will retire from public service, he will still remain active with his other passion, that of photography; further expressing optimism that the City will lure him back for an exhibit to display some of his photographic work].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 2

A.-4. [09-0018](#) Presentation of 20 years service pin to Ronald Janzer, Fire Department.

Attachments: [CM_20YrServicePin_Ronald Janzer](#)

[Note for the Record: On the occasion of Ron Janzer's receipt of his twenty year service pin, Fire Chief Reed acknowledged that he began his career with the City as a firefighter in January of 1989; earning his Emergency Medical Technician status in Calendar Year 1991, Driver/Engineer status in August of 1995; further distinguishing himself as an excellent employee who produces high caliber of work, being recognized as an excellent team player, who recognizes what team work should be; always well received by his co-workers, and always willing to go out of his way to help a member of the public at anytime; further noting that he has taken rookie firefighters under his wing; further showing them how to work through our organization].

This Presentation/Protocol Document was Recognized

City Clerk Item No. 4

A.-5. [09-0019](#) Presentation of 20 years service pin to Robert Lowman, Fire Department.

Attachments: [CM_20YrServicePin_Lowman](#)

[Note for the Record: On the occasion of Robert Lowman's receipt of his twenty year service pin, Fire Chief Reed acknowledged that he began his career with the City as a firefighter in January of 1989; further noting that he went on to earn certifications as an Emergency Medical Technician and Fire Safety Inspector, respectively; later accepting the position of Fire Inspector and Fire Cause Investigator (1990), became a Certified Paramedic (1992); was promoted to Fire Lieutenant (October, 2002), Fire Captain-Staff (2004), before assuming the position of Division Chief executive in April of 2008, with functional responsibilities including the overseeing of operations and support services; further noting that was appointed as the department's coordinator for its 15 year evaluation, which was conducted by the Insurance Services Offices (ISO), and was instrumental in making a significant contribution to the department, in furtherance of maintaining its coveted ISO Class One status.

In accepting said accolade, Lowman stated that this is the greatest job in the world, and the greatest City to do it for].

This Presentation/Protocol Document was Recognized

City Clerk Item No. 5

A.-6. [09-0020](#) Presentation of 20 years service pin to Keith Taylor, Fire Department.

Attachments: [CM_20YrServicePin_Taylor](#)

[Note for the Record: On the occasion of Keith Taylor's receipt of his twenty year service pin, Fire Chief Reed stated that he began his career with the City as a firefighter in January of 1989; later acquired EMT status in July of 1991, along with Emergency Medical Technician status in July of 1991; Paramedic Certification in October of 1993, and Driver/Engineer status in 1995; further characterizing Keith Taylor as a hard worker, team member, experienced and conscientious firefighter; also noted for serving on the Executive Board for the Coral Gables Firefighters; further noting his contribution to the Muscular Dystrophy Summer Camp.

In accepting this accolade Driver/Engineer Taylor stated that he has really enjoyed his time here in Coral Gables, and that he looks forward to many more years to come].

This Presentation/Protocol Document was Recognized

City Clerk Item No. 6

A.-7. [09-0021](#) Presentation of 20 years service pin to Nelson Rodriguez, Fire Department.

Attachments: [CM_20YrServicePin_NRodriguez](#)

[Note for the Record: On the occasion of Nelson Rodriguez' receipt of his twenty year service pin, Fire Chief Reed noted that he began his career as a firefighter recruit in February of 1999; thus becoming a firefighter in February of 1989; this individual whom was a product of the Hialeah Explorer Program later received his State Paramedic Certification in January of 1991; and was later assigned to the Rescue Division in March of 1992. Firefighter Rodriguez has been acknowledged by peers and superiors alike as being one who delivers exceptional work, that is both accurate and timely, who can be counted upon to perform any task; further stating that his time management, communication skills and work habits are outstanding; further noting that he has offered a lot of ideas to the Fire Department.

In accepting this accolade, Firefighter Rodriguez noted that this has been some of the quickest twenty years; further stating that he has been committed to only one other thing, his wife; further thanking the department and his peers for said recognition].

This Presentation/Protocol Document was Recognized

City Clerk Item No. 7

A.-8. [09-0022](#) Presentation of 20 years service pin to Tom Zelenak, Fire Department.

Attachments: [CM_20YrServicePin_Tom Zelenak](#)

[Note for the Record: On the occasion of Tom Zelenak's receipt of his twenty year service pin, Fire Chief Reed noted that he began his career as a firefighter in 1989; further noting that he earned his Emergency Medical Technician status in September of 1991, along with his State Paramedic Certification in January of 1992; later being appointed to the position of Fire Staff Lieutenant (1993) and Fire Lieutenant (1995).

In noting some of his personal attributes, Chief Reed pointed out that Lieutenant Zelenak leads by example, mentoring young firefighters, and has been recognized as one who has earned the respect and loyalty of his subordinates; displaying a strong sense of purpose with a high level of commitment and is motivated to achieve optimal results; further stating that Lieutenant Zelenak has been active with Local 1210, and currently chairs the City's Firefighters Pension Fund.

In accepting this accolade, Lieutenant Zelenak thanked the residents of Coral Gables and everyone present; further acknowledging that having grown up in Coral Gables has been a great place; further thanking the City Commission for allowing our firefighters to work in a first class place and organization].

This Presentation/Protocol Document was Recognized

City Clerk Item No. 8

A.-9. [09-0023](#) Congratulations to Kenneth Larkin, Public Service Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of February 2009.

Attachments: [Cover Memo EOM February2009](#)
[EOM FEB09_001](#)

[Note for the Record: Human Resources Director Marj Adler acknowledged Kenny Larkin, Spray Surface Worker in the city's Public Service Department, as the Employee of the Month, for the month of February; further distinguishing him for his dedicated and constant service; noting his exemplary attitude toward service, while always looking for ways to become more efficient; further stating that Mr. Larkin began his tenure with the City as a part-time Maintenance Worker (June '89) over in Golf Course Maintenance, became a fulltime employee in June of 1991, was promoted to Sanitation Operator in January of 2007, later assuming the position of Spray Surface Worker (February 2207), where he remains today.

Public Services Director Dan Keys further acknowledged the invaluable contribution rendered to the City by Mr. Larkin, noting that in being over the management of pest control and fertilization operation, he displays great initiative, more particularly surveying the City for insect and diseased property, while carrying out the fertilization

program necessary to ensure that key palms and general landscaped plants are in good condition; further describing Mr. Larkin as a "peoples' person," and as one who displays great work ethic, along with always being the first volunteer for extra work during special events; further characterizing Mr. Larkin as an excellent ambassador for our City, recalling a recent automobile accident, whereby he had remained present through his lunch break to calm the tempers of those involved.

Commissioner Anderson introduced a new segment to our Employee of the Month Recognition portion of the agenda, wherein those fellow peers of Mr. Larkin were invited up and proffered their comments in characterizing said individual; wherein said comments provided ranged from the fact that he has been an inspiration to a lot of younger employees, that his exemplary manner demonstrated should be continued; that his peers have enjoyed working with him; further stating that he has shown positive qualities in his work habits; further expressing optimism that those younger employees whom will come behind him to absorb some of those positive qualities.

Mr. Larkin, in accepting this recognition stated that he wanted to initially thank God, his supervisors, along with his co-workers, and that he is appreciative, humble and grateful, and that he will continue to work hard].

This Presentation/Protocol Document was Recognized

City Clerk Item No. 9

B. APPROVAL OF MINUTES

NA.B. 09-0077 Meeting Minutes from the January 13, 2009 regular City Commission Meeting.
-1.

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

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

City Clerk Item No. 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 Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., to Adopt the Consent Agenda. The motion carried by the following vote:

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

[Note for the Record (Agenda Item C-2/C-6): Commissioner Cabrera stated before the vote on the Consent Agenda was taken, that he would like to comment on several items (namely Consent Agenda Items C-2 and C-6, respectively). Regarding Agenda Item C-2, Commissioner Cabrera stated that he was very supportive of those grant monies from the Tenant Healthcare Foundation to be used in furtherance of the Fire Department and whatever programs that the City Manager deems appropriate.

Regarding confirmation of Bruce Brockhouse's Board-As-A-Whole appointment to the Landscape Advisory Board (Agenda Item C-6), Commissioner Cabrera further queried whether he had maintained his place of business here in the City of Coral Gables? - whereupon Interim City Manager Jimenez stated he no longer resides nor is employed, nor maintains a business in the City. As a consequence thereof, and on a motion by Cabrera and seconded by Commissioner Withers, he moved to have the vote previously taken on said matter reconsidered; further following a second motion, which was made by Commissioner Withers and seconded by Vice Mayor Kerdyk, moved to have said matter deferred, pending receipt of further information.

In the ensuing discussion prior to the vote being taken, Commissioner Cabrera stated that it has been his policy not to support the appointment of any prospective Board member who neither resides nor has a place of business in the City. Mayor Slesnick added that he has never voted for a prospective Board member who neither lives nor works in the City; further inquiring as to why it is it that we do not have someone who either lives or works in the City filling this position?]

RESOLUTION NO. 2009-12**C.-1. 09-0002**

A Resolution of the City Commission of Coral Gables authorizing the Kiwanis Club of Little Havana to sell alcoholic beverages as a part of the Latin Jazz Art Festival and Carnaval at Ponce Circle Park on Friday, March 6, and on Miracle Mile on Saturday and Sunday, March 7 and 8, 2009.

Attachments: [Kiwanis Club of Little Havana Special Events Application & Permit 010909.pdf](#)
[Cover Sheet for Kiwanis Club of Little Havana.pdf](#)

A RESOLUTION AUTHORIZING THE KIWANIS CLUB OF LITTLE HAVANA TO SELL ALCOHOLIC BEVERAGES AS A PART OF THE LATIN JAZZ ART FESTIVAL AND CARNAVAL AT PONCE CIRCLE PARK ON FRIDAY, MARCH 6, AND ON MIRACLE MILE ON MARCH 7 AND 8, 2009, AS PART OF THE LATIN JAZZ FESTIVAL AND CARNAVAL, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2009-12 on the Consent Agenda.

City Clerk Item No. 11

RESOLUTION NO. 2009-13**C.-2. 09-0011**

A Resolution of the City Commission of Coral Gables authorizing the City Manager to accept a grant valued at \$7,500 from the Tenet Healthcare Foundation for support of education and community programs. This grant came as a result of a recommendation from the Coral Gables Hospital.

Attachments: [RESOLUTION - TENET HEALTHCARE FOUNDATION GRANT.pdf](#)
[Tenet Fdn Notification Ltr - \\$5,000 Grant.pdf](#)
[Tenet Fdn Notification Ltr - \\$2,500 grant.pdf](#)
[Cover Memo - Tenet Foundation Grant.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT VALUED AT \$7,500.00 FROM THE TENET HEALTHCARE FOUNDATION.

This Matter was adopted by Resolution Number 2009-13 on the Consent Agenda.

City Clerk Item No. 12

RESOLUTION NO. 2009-14**C.-3. [09-0025](#)**

A Resolution of the City Commission of Coral Gables authorizing an expenditure in the amount of \$100,000.00 from State Forfeited Asset Funds monies to reimburse the City of Coral Gables General Fund for expenditures associated with the Police Communications Center Project.

Attachments: [COMMISSION COVER MEMO - \\$100,000. FAF](#)
[RESOLUTION - \\$100,000.](#)

A RESOLUTION AUTHORIZING EXPENDITURES IN THE AMOUNT OF \$100,000.00 IN STATE FORFEITED ASSET FUND (FAF) MONIES TO REIMBURSE THE CITY OF CORAL GABLES GENERAL FUND FOR EXPENDITURES ASSOCIATED WITH THE POLICE COMMUNICATIONS CENTER PROJECT.

This Matter was adopted by Resolution Number 2009-14 on the Consent Agenda.

City Clerk Item No. 13

RESOLUTION NO. 2009-15**C.-4. [09-0028](#)**

A Resolution of the City Commission of Coral Gables authorizing expenditures in the amount of \$23,598.00 from the Coral Gables Police State Forfeited Asset Fund (FAF) monies to provide for the purchase of two Universal Night Sight Scope Systems and three accompanying rail mounting systems for SWAT sniper rifles.

Attachments: [COMMISSION COVER MEMO - \\$23,598.00](#)
[RESOLUTION - \\$23,598.00](#)

A RESOLUTION AUTHORIZING EXPENDITURES IN THE AMOUNT OF \$23,598.00 FROM THE CORAL GABLES POLICE STATE FORFEITED ASSET FUND (FAF) MONIES TO PROVIDE FOR THE PURCHASE OF TWO UNIVERSAL NIGHT SCOPE SYSTEMS AND THREE ACCOMPANYING RAIL MOUNTING SYSTEMS FOR SWAT SNIPER RIFLES.

This Matter was adopted by Resolution Number 2009-15 on the Consent Agenda.

City Clerk Item No. 14

RESOLUTION NO. 2009-16**C.-5. [09-0029](#)**

A Resolution of the City Commission of Coral Gables authorizing expenditures in the amount of \$16,425.05 from the Coral Gables Police State Forfeited Asset Fund (FAF) monies to provide for the purchase of a Robotic Remote Reconnaissance System for the Coral Gables Police SWAT team.

Attachments: [COMMISSION COVER MEMO - \\$16,425.05](#)
[RESOLUTION - \\$16,425.05](#)

A RESOLUTION AUTHORIZING EXPENDITURES IN THE AMOUNT OF \$16,425.05 FROM THE CORAL GABLES POLICE STATE FORFEITED ASSET FUND (FAF) MONIES TO PROVIDE FOR THE PURCHASE OF A ROBOTIC REMOTE RECONNAISSANCE SYSTEM FOR THE CORAL GABLES POLICE SWAT TEAM.

This Matter was adopted by Resolution Number 2009-16 on the Consent Agenda.

City Clerk Item No. 15

RESOLUTION NO. 2009-21**C.-6. [09-0040](#)**

A Resolution of the City Commission of Coral Gables confirming the appointment of Bruce Brockhouse (appointed by the Board-As-A-Whole) to serve as a member of the Landscape Beautification Advisory Board, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Landscape -Bruce Brockhouse- Action Req.pdf](#)
[R-2009- Resolution - Bruce Brockhouse- Landscape Advisory-Draft.pdf](#)
[BC Cover Sheet 1-12-09 na.pdf](#)

A RESOLUTION OF THE CITY COMMISSION DEFERRING CONSIDERATION OF AGENDA ITEM, C-6 [SUBJECT MATTER: CONFIRM APPOINTMENT OF BRUCE BROCKHOUSE (APPOINTED BY THE BOARD-AS-A-WHOLE), TO SERVE AS A MEMBER OF THE LANDSCAPE BEAUTIFICATION ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be deferred by Resolution Number 2009-21. The motion passed

City Clerk Item No. 16

City Clerk Item No. 33

RESOLUTION NO. 2009-20**NA.C. 09-0078**

A Resolution of the City Commission rescinding the vote on Agenda Item C-6.

-6.1.

A RESOLUTION OF THE CITY COMMISSION RESCINDING THE VOTE PREVIOUSLY TAKEN ON AGENDA ITEM NO. C-6: CONFIRM APPOINTMENT OF BRUCE BROCKHOUSE (APPOINTED BY THE BOARD-AS-A-WHOLE), TO SERVE AS A MEMBER OF THE LANDSCAPE BEAUTIFICATION ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009].

A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-20. The motion passed unanimously.

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

City Clerk Item No. 32

RESOLUTION NO. 2009-18**C.-7. 09-0042**

A Resolution of the City Commission of Coral Gables accepting the recommendation of the City Manager to extend the Professional Services Agreement with Robert J. Shafer and Associates, Inc. for health insurance consultant services for an amount not to exceed \$30,000.00 for an additional one (1) year period commencing February 1, 2009.

Attachments: [CoverMemo Shafer 12209](#)
[ProfessionalServAgreement_RobertJShafer](#)
[Resolution 2005-09](#)
[DraftResolution2009_Shafer](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO EXTEND THE PROFESSIONAL SERVICES AGREEMENT WITH ROBERT J. SHAFER AND ASSOCIATES, INC. FOR HEALTH INSURANCE CONSULTANT SERVICES FOR AN AMOUNT NOT TO EXCEED \$30,000.00 FOR AN ADDITIONAL ONE (1) YEAR PERIOD COMMENCING FEBRUARY 1, 2009.

This Matter was adopted by Resolution Number 2009-18 on the Consent Agenda.

City Clerk Item No. 17

RESOLUTION NO. 2009-19**C.-8. 09-0015**

A Resolution of the City Commission of Coral Gables amending Resolution No. 2006-203, passed and adopted on November 15, 2006, to include Allen Morris Corporation's request, on behalf of Ponce de Leon Financial Towers, LLC, owner, to install custom wrap with graphic images and signs on a temporary construction fence on the right-of-way at 2801 Ponce de Leon Boulevard, adjacent to the "Old Spanish Village" project in Coral Gables, Florida.

Attachments:

[Allen Morris Cover Memo](#)
[Allen Morris Letter](#)
[Allen Morris Request](#)
[Allen Morris Resolution](#)

A RESOLUTION AMENDING RESOLUTION NO. 2006-203, PASSED AND ADOPTED NOVEMBER 15, 2006, TO INCLUDE ALLEN MORRIS CORPORATION'S REQUEST, ON BEHALF OF PONCE DE LEON FINANCIAL TOWERS, LLC. OWNER, TO INSTALL CUSTOM WRAP GRAPHIC IMAGES AND SIGNS ON A TEMPORARY CONSTRUCTION FENCE ON THE RIGHT-OF-WAY AT 2801 PONCE DE LEON BOULEVARD ADJACENT TO THE "OLD SPANISH VILLAGE" PROJECT IN CORAL GABLES, FLORIDA.

This Matter was adopted by Resolution Number 2009-19 on the Consent Agenda.

City Clerk Item No. 18

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

C.-9. [09-0003](#) School and Community Relations Committee Meeting of November 17, 2008

Attachments: [nov 17](#)
[summary NOv 14](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

C.-10. [09-0008](#) Landscape Beautification Advisory Board Meeting of January 8, 2009

Attachments: [BC Cover Sheet 1-8-09 na](#)
[Minutes BC 1-8-09](#)
[LBAB Minutes 1-8-09 signed](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

C.-11. [09-0009](#) Landscape Beautification Advisory Board Special Meeting of January 12, 2009

Attachments: [BC Cover Sheet 1-12-09 na](#)
[Minutes BC 1-12-09](#)
[LBAB Minutes 1-12-09 signed](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 21

C.-12. [09-0012](#) Senior Citizens Advisory Board Meeting of December 1, 2008

Attachments: [Cover Sheet.Minutes 12-01-08.pdf](#)
[Min 12-01-2008.DRAFT.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 22

C.-13. [09-0013](#) Senior Citizens Advisory Board Meeting of January 5, 2009

Attachments: [Cover Sheet.Minutes 01-05-09.pdf](#)
[Min 01-05-2009 draft.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 23

C.-14. [09-0033](#) Library Advisory Board Meeting of January 14, 2009

Attachments: [LB Cover Sheet 1-14-09 na](#)
[Library Minutes 1-14-09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 24

C.-15. [09-0027](#) Historic Preservation Board Meeting of December 18, 2008.

Attachments: [HPB December 18, 2008](#)
[NoAction12.18.08.MinutesforCC01.27.09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 25

C.-16. [09-0035](#) Retirement Board Special Meeting of December 17, 2008

Attachments: [CC.01-27-09.December 17, 2008](#)
[Minutes.12-17-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 26

C.-17. [09-0036](#) Retirement Board Special Emergency Meeting of December 23, 2008

Attachments: [CC.01-27-09.December 23, 2008](#)
[Minutes.Special meeting.12-23-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 27

C.-18. [09-0037](#) Youth Advisory Board Meeting of January 6, 2009

Attachments: [Cover Memo YAB 1-6-09.pdf](#)
[Min 1-6-2009.draft.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 28

C.-19. [09-0038](#) Parking Advisory Board Meeting of November 20, 2008

Attachments: [cover.pab.11-20-08](#)
[pab minutes 11-20-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 29

C.-20. [09-0039](#) Cultural Development Board Meeting of November 12, 2008

Attachments: [CDB Minutes November 12 2008](#)
[Commission cover no action 01-27-09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 30

C.-21. [09-0043](#) Code Enforcement Board Meeting of January 21, 2009

Attachments: [memo cover JAN 09](#)
[ROLLCALL jan 09](#)
[jan 09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 31

D. PERSONAL APPEARANCES**D.-1. 09-0047**

Alex Rodriguez, Chairman of the All American High School Basketball Games, to share with the City the upcoming event scheduled for March 31, 2009, at the University of Miami's Bank United Center, Coral Gables, Florida.

Attachments: [Presentation Handout](#)

[Note for the Record: Alex Rodriguez, Chairman of the All American High School Basketball Games, resident of the City of Coral Gables, and alumni of the University of Miami, along with Leslie Pantin, JR. Chairman of the City's Communications Committee, appeared before the City Commission in connection with the upcoming McDonald's All American High School Basketball Game and related events (March 30th -April 1, 2009); further noting that this is the first time said event will be held in the state of Florida; further stating that the host hotel will be The Westin Colonnade; there will be many families frequenting the Coral Gables area; further stating that it is requested that said organization work with the City Manager's Office to see how best they can promote said event; further stating that the proceeds from same will go to the Ronald McDonald House of South Florida.

Comments, Concerns, Inquiries by the City Commission: Commissioner Kerdyk noted that this is a high profile event, that is known to many, and that it would behoove the City to work with said organization in furtherance of same. Commissioner Withers stated that since the event will probably sell out, how can we help said organization?--whereby Mr. Rodriguez stated that in furtherance of promoting same, that it is requested that if they can utilize Channel 77, our City's website; along with possible utilization of the City's trolley system.

Mayor Slesnick concluded by informing both Mr. Rodriguez and Mr. Leslie Pantin, Jr., that the Commission would request of our City Manager to open up the doors in finding ways she can work with them regarding said event; further stating that the City looks forward to supporting the event, the charity, etc.; further suggesting that Mr. Rodriguez would consider in his dealing with ESPN, to impress upon them the fact that they will be in Coral Gables, during coverage of said event].

This Agenda Item was Discussed and Filed

City Clerk Item No. 34

RESOLUTION NO. 2009-22**D.-2. 09-0016**

Larry Marbert, Vice-President of Real Estate and Facilities, University of Miami, for permission for an outside sewer connection to the City's pressure system to serve the Norman A. Whitten University Center and the University of Miami new Student Activity Center (SAC) located at 1330 Miller Road, Coral Gables, Florida.

Attachments: [UM Student Center Cover](#)
[UM Resolution](#)
[UM back up letters](#)
[Resolution 25785](#)
[Resolution 27941](#)

A RESOLUTION AUTHORIZING AN OUTSIDE SEWER CONNECTION TO THE CITY'S PRESSURE SYSTEM TO SERVE THE NORMAN A. WHITTEN UNIVERSITY CENTER AND THE UNIVERSITY OF MIAMI NEW STUDENT ACTIVITY CENTER (SAC) LOCATED AT 1330 MILLER ROAD, CORAL GABLES, FLORIDA, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT, AS PROVIDED IN ORDINANCE NO. 2007-29 (CITY CODE SECTION 78-106) AND RESOLUTION 27941, AND PROVIDED THAT THE EXECUTED AGREEMENT BE MADE PART OF THIS RESOLUTION.

[Note for the Record: Zeke Guilford, Esq., appearing along with Larry Marbert, Vice President of Real Estate and Facilities, University of Miami, requested the University of Miami's removal from service pump station No. 9 (and its force main) and re-connect buildings to Pump Station No. 8, which will receive additional flow from the University of Miami new Student Activity Center (SAC) and the Norman A. Whitten University Center buildings; further stating that staff has recommended approval, subject to approval by the owner of those conditions proffered by the City's Public Works Department, and as more particularly outlined in the support documentation on file in the City's Office].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-22. The motion passed by the following vote:

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

City Clerk Item No. 35

E. PUBLIC HEARINGS

ORDINANCES ON SECOND READING

ORDINANCE NO. 2009-06

E.-1. [08-0852](#)

An Ordinance of the City Commission of Coral Gables, Florida, amending the text of the Official Zoning Code, Appendix A, Site Specific Zoning Regulations providing for changes to the allowable townhouse building height for specific properties from 35 to 45 feet pursuant to a City of Coral Gables City Commission Settlement Agreement; providing for repeal, providing severability, providing for codification thereof, and providing for an effective date.

Attachments:

[01 13 09 Exhibit A Draft Ordinance with Claimants proposed ZC language](#)
[01 13 09 Exhibit B Claimant proposed ZC language](#)
[01 13 09 Exhibit C 10 08 08 PZB Verbatim Minutes with Attachment C](#)
[01 13 09 Exhibit D 11 12 08 PZB Staff Report with all Attachments A thru J](#)
[01 13 09 Exhibit E 12 10 08 PZB Verbatim Minutes with Attachments I thru M](#)

[01 13 09 CC Cover Memo re: Meneyo 1st Reading site specific](#)
[01 27 09 CC Cover Memo Meneyo 2nd Reading](#)
[01 27 09 Exhibit B Ordinance with claimants proposed zc language - 2nd Reading](#)
[01 27 09 Exhibit A Claimant proposed ZC language](#)
[01 27 09 Exhibit C Public Comments received](#)
[Presentation Handout](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE TEXT OF THE OFFICIAL ZONING CODE, APPENDIX A, SITE SPECIFIC ZONING REGULATIONS PROVIDING FOR CHANGES TO THE ALLOWABLE TOWNHOUSE BUILDING HEIGHT FOR SPECIFIC PROPERTIES FROM 35 TO 45 FEET PURSUANT TO A CITY OF CORAL GABLES CITY COMMISSION SETTLEMENT AGREEMENT; PROVIDING FOR REPEAL, PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE.

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

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-06. The motion passed by the following vote:

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

City Clerk Item No. 36

ORDINANCE NO. 2009-07**E.-2. 08-0853**

An Ordinance of the City Commission of Coral Gables, Florida, amending the text of the Official Zoning Code, Article 5, Division 16, providing for clarification of the permitted roofing material of copper roofs, and Article 8, providing for a definition of "copper," providing for repeal, providing severability, providing for codification thereof, and providing for an effective date.

Attachments: [01 13 09 CC Cover Memo re: roofing materials ZC text amendment 1st reading](#)
[01 13 09 Exhibit A Ordinance - ZC Text Amend](#)
[01 13 09 Exhibit B 12 10 08 Planning Dept. Staff Report and Attachments](#)
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)
[01 27 09 CC Cover Memo re: roofing materials ZC text amendment 2nd reading](#)
[01 27 09 Exhibit A Ordinance - copper roofs 2nd Reading](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE TEXT OF THE OFFICIAL ZONING CODE, ARTICLE 5, DIVISION 16, PROVIDING FOR CLARIFICATION OF THE PERMITTED ROOFING MATERIAL OF COPPER ROOFS, AND ARTICLE 8, PROVIDING FOR A DEFINITION OF "COPPER," PROVIDING FOR REPEAL, PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following City Attorney Elizabeth Hernandez reading of the title to Agenda Item No. E-2 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member(s) of the City Commission, said matter passed unanimously].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2009-07. 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. 38

ORDINANCE NO. 2009-08**E.-3. 08-0854**

An Ordinance of the City Commission of Coral Gables, Florida, amending the Zoning Code, Article 2, "Decision Making and Administrative Bodies", Section 2-702, entitled "City Attorney", to provide the proper procedures to follow to review rulings of the City Attorney; and providing for severability, repealer, codification, and an effective date.

Attachments: [01 13 09 CC Cover Memo re: administrative decision makers ZC text amendment](#)
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)
[01 13 09 Exhibit B 12 10 08 Planning Dept. Staff Report and Attachments](#)
[01 13 09 Exhibit C Verbatim Excerpts of PZB Meeting Minutes](#)
[01 27 09 CC Cover Memo re: administrative decision makers ZC text amendment](#)
[01 27 09 Exhibit A Ordinance re appeals of City Attorney decisions 2nd Reading](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE ZONING CODE, ARTICLE 2, "DECISION MAKING AND ADMINISTRATIVE BODIES", SECTION 2-702, ENTITLED "CITY ATTORNEY", TO PROVIDE THE PROPER PROCEDURES TO FOLLOW TO REVIEW RULINGS OF THE CITY ATTORNEY; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following City Attorney Elizabeth Hernandez reading of the title to Agenda Item E-3 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any members of the City Commission, said matter passed unanimously].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdik, Jr., that this motion be adopted by Ordinance Number 2009-08. The motion passed by the following vote:

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

City Clerk Item No. 39

ORDINANCE NO. 2009-09**E-4. 08-0855**

An Ordinance of the City Commission of Coral Gables, Florida, amending the Zoning Code, Article 8, entitled "Definitions" to amend the definition of "Family" to reflect the appropriate constitutional requirements; and providing for severability, repealer, codification, and an effective date.

Attachments: [01 13 09 CC Cover Memo re: family definition ZC text amendment 1st reading](#)
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)
[01 13 09 Exhibit B 12 10 08 Planning Dept. Staff Report and Attachments](#)
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)
[01 27 09 CC Cover Memo re: family definition ZC text amendment 2nd reading](#)
[01 27 09 Exhibit A Ordinance family text amendment 2nd Reading](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE ZONING CODE, ARTICLE 8, ENTITLED "DEFINITIONS" TO AMEND THE DEFINITION OF "FAMILY" TO REFLECT THE APPROPRIATE CONSTITUTIONAL REQUIREMENTS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following City Attorney Elizabeth Hernandez reading of the title to Agenda Item E-4 into the public record, there being no public testimony proffered by any member(s) of the public, nor there being any deliberation by any members of the City Commission, said matter passed unanimously].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2009-09. The motion passed by the following vote:

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

Nays : 1 - Commissioner Withers

City Clerk Item No. 40

ORDINANCE NO. 2009-10**E.-5. 08-0857**

An Ordinance of the City Commission of Coral Gables, Florida, amending the Zoning Code, Article 2, Division 5, "Historic Preservation Board", Section 2-502, entitled "Membership; Terms; Vacancies; Removal", to amend the current membership to require two architects on the Historic Preservation Board; and providing for severability, repealer, codification, and an effective date.

Attachments: [01 13 09 CC Cover Memo re: Historic Preservation Board ZC text amendment 1st](#)
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)
[01 13 09 Exhibit B 12 10 08 Planning Dept Staff Report and Attachments](#)
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)
[01 27 09 CC Cover Memo re: Historic Preservation Board ZC text amendment 2nd](#)
[01 27 09 Exhibit A Ordinance Historic Preservation Board 2nd Reading](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ZONING CODE ARTICLE 2, DIVISION 5, "HISTORIC PRESERVATION BOARD", SECTION 2-502, ENTITLED "MEMBERSHIP; TERMS; VACANCIES; REMOVAL", TO AMEND THE CURRENT MEMBERSHIP TO REQUIRE TWO ARCHITECTS ON THE HISTORIC PRESERVATION BOARD; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following City Attorney Elizabeth Hernandez reading of the title to Agenda Item E-5 into the public record, Commissioner Cabrera requested clarification regarding the five disciplines necessary to be filled through appointment of members to the Historic Preservation Board (namely, one architect or preservation architect registered in the state; one historian or architectural historian; one certified planner or registered landscape architect; one professional in the field of real estate, development or licensed general contractor, and one attorney); further inquiring of the Administration, if he were to have an appointment due to a vacancy that is pending, he would ascertain what particular discipline is pending for appointment, then appoint an individual with the requisite qualifications within that discipline for said appointment; further pointing out that it does fall upon the Commission to fill their respective appointments since the aforementioned referenced five positions are contingent upon the particular discipline needed to be filled staff will advise the Commission upon the creation of any vacancy; further stating that staff will advise as to where a vacancy exist depending upon the discipline].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Ordinance Number 2009-10. The motion passed by the following vote:

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

Absent : 1 - Commissioner Anderson

City Clerk Item No. 41

ORDINANCE NO. 2009-11**E.-6. [08-0858](#)**

An Ordinance of the City Commission of Coral Gables, Florida, amending the Zoning Code, Article 5, Division 8, Section 5-805, entitled "Davits, watercraft lifts and floating watercraft lifts", to amend the number of davits permitted on a property; and providing for severability, repealer, codification, and an effective date.

Attachments: [01 13 09 CC Cover Memo re: Davits ZC text amendment 1st reading](#)
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)
[01 13 09 Exhibit B 12 10 08 Planning Dept Staff Report and Attachments](#)
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)
[01 27 09 CC Cover Memo re: Davits ZC text amendment 2nd reading](#)
[01 27 09 Exhibit A Ordinance re: Davits - 2nd Reading](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ZONING CODE ARTICLE 5, DIVISION 8, SECTION 5-805, ENTITLED "DAVITS, WATERCRAFT LIFTS AND FLOATING WATERCRAFT LIFTS", TO AMEND THE NUMBER OF DAVITS PERMITTING ON A PROPERTY; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following City Attorney Elizabeth Hernandez reading of the title to Agenda Item E-6 into the public record, there being no further testimony proffered by any member(s) of the public, nor there being any deliberation by any members of the City Commission, said matter passed unanimously].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdik, Jr., that this motion be adopted by Ordinance Number 2009-11. The motion passed by the following vote:

Yeas : 4 - Vice Mayor Kerdik, Jr., Commissioner Withers, Commissioner Cabrera, Jr. and Mayor Slesnick II

Absent : 1 - Commissioner Anderson

City Clerk Item No. 42

ORDINANCE NO. 2009-12 (As Amended)**E-7. 08-0883**

An Ordinance calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred and twenty (120) days after the draft is submitted, an ordinance in connection with the proposed amendments to the Charter of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following questions, to be known as Charter Amendment Ballot Question No. ____: Shall the Charter of the City of Coral Gables be amended to provide for term limits for a total of eight (8) years for the Mayor?; Ballot Question No. ____: Shall the Charter of the City of Coral Gables be amended to provide for term limits for a total of twelve (12) years for a City Commissioner, with the incumbent Mayor in Group One (I) and the incumbent Commissioners in Group Four (IV) and Group Five (V) allowed to run for an additional term in the General Biennial Election of 2011?; and Ballot Question No. ____: Shall the Charter of the City of Coral Gables be amended to provide that the time served in fulfilling the unexpired term resulting from a vacancy on the City Commission shall not be counted in applying these term limits?; including, but not limited to, amending certain sections, 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 (60) 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 (2008), 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 (30) 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: [comm_charter 9 term limits](#)
[termlimits_1 \(2\)FINAL](#)
[agendacover_termlimits](#)
[Signed Ordinance 2009-12](#)

AN ORDINANCE CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL REFERENDUM ELECTION OF CORAL GABLES, FLORIDA, ON APRIL 14, 2009, IN ACCORDANCE WITH SECTION 6.03 OF THE CODE OF MIAMI-DADE COUNTY, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID CITY, NOT LESS THAN SIXTY (60) NOR MORE THAN ONE HUNDRED AND TWENTY (120) DAYS AFTER THE DRAFT IS SUBMITTED, AN ORDINANCE IN CONNECTION WITH THE PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF CORAL GABLES, WHEREIN THE VOTERS OF THE CITY OF CORAL GABLES SHALL BE CALLED UPON TO VOTE ON THE FOLLOWING QUESTIONS, TO BE KNOWN AS BALLOT QUESTION NO. 4: SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE FOR TERM LIMITS OF EIGHT (8) CONSECUTIVE YEARS FOR THE MAYOR AND TWELVE (12) CONSECUTIVE YEARS FOR A CITY COMMISSIONER, WITH THE

INCUMBENT MAYOR IN GROUP ONE (I) AND THE INCUMBENT COMMISSIONERS IN GROUP FOUR (IV) AND GROUP FIVE (V) ALLOWED TO RUN FOR AN ADDITIONAL TERM IN THE GENERAL BIENNIAL ELECTION IN 2011?"; AND BALLOT QUESTION NO. 5: SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE THAT THE TIME SERVED IN FULFILLING THE UNEXPIRED TERM RESULTING FROM A VACANCY ON THE CITY COMMISSION SHALL NOT BE COUNTED IN APPLYING THESE TERM LIMITS?"; INCLUDING, BUT NOT LIMITED TO, AMENDING CERTAIN SECTIONS, 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 (60) DAYS PRIOR TO THE DATE OF SUCH SPECIAL MUNICIPAL REFERENDUM ELECTION; FURTHER DIRECTING THE CITY CLERK OF THE CITY OF CORAL GABLES TO PUBLISH NOTICE OF SUCH SPECIAL ELECTION PURSUANT TO SECTION 100.342, FLORIDA STATUTES (2008), WHICH NOTICE SHALL INCLUDE THE FULL TEXT OF THE PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF CORAL GABLES, FLORIDA, PROVIDING AT LEAST THIRTY (30) 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 FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

[Note for the Record: A copy of the verbatim transcript of Agenda Item E-7 is available for public inspection in the City Clerk's Office and in Legistar].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted as amended by Ordinance Number 2009-12. The motion passed by the following vote:

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

City Clerk Item No. 43

RESOLUTION NO. 2009-24

NA.E. [09-0079](#)
-7.1.

A Resolution of the City Commission of Coral Gables approving the order of the ballot questions for the upcoming April 14, 2009 Election.

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES AUTHORIZING AND DIRECTING THE CITY CLERK TO DESIGNATE THE PROPOSED CHARTER AMENDMENT ISSUES FOR OUR UPCOMING APRIL 14, 2009 SPECIAL MUNICIPAL REFERENDUM ELECTION IN THE FOLLOWING ORDER: "SHALL THE CITY OF CORAL GABLES CHARTER, SECTION 54, BE AMENDED BY INCREASING THE THRESHOLD FOR FORMAL PUBLIC BID AND AWARD FROM TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS TO ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) ON PUBLIC WORKS PROJECTS, AND SHALL THIS SECTION BE TRANSFERRED TO THE CITY CODE FOR FURTHER AMENDMENTS BY THE CITY COMMISSION?" - TO BE KNOWN AS QUESTION NO. 1; "SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO ELIMINATE THE TRIAL BOARD?" - TO BE KNOWN AS QUESTION NO. 2; "SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE FOR THE MAYOR TO BE ELECTED TO SERVE A TWO (2) YEAR TERM COMMENCING THE SECOND TUESDAY IN APRIL, 2011?" - TO BE KNOWN AS QUESTION NO. 3; "SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE FOR TERM LIMITS OF EIGHT (8) CONSECUTIVE YEARS FOR THE MAYOR AND TWELVE (12) CONSECUTIVE YEARS FOR A CITY COMMISSIONER, WITH THE INCUMBENT MAYOR IN GROUP ONE (I) AND THE INCUMBENT COMMISSIONERS IN GROUP FOUR (IV) AND GROUP FIVE (V) ALLOWED TO RUN FOR AN ADDITIONAL TERM IN THE GENERAL BIENNIAL ELECTION IN 2011?" TO BE KNOWN AS QUESTION NO. 4; FURTHER STATING THAT IF **ONE VOTES "NO" ON QUESTION NO. 4, DO NOT VOTE ON THE FOLLOWING QUESTION:** "SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE THAT THE TIME SERVED IN FULFILLING THE UNEXPIRED TERM RESULTING FROM A VACANCY ON THE CITY COMMISSION SHALL NOT BE COUNTED IN APPLYING THESE TERM LIMITS?" - TO BE KNOWN AS CHARTER AMENDMENT QUESTION NO. 5.

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

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

City Clerk Item No. 44

RESOLUTION NO. 2009-25

NA.E. [09-0080](#)
-7.2.

A Resolution of the City of Coral Gables City Commission amending Ordinance 2009-12.

A RESOLUTION AMENDING ORDINANCE NO. 2009-12 [SUBJECT MATTER: AN ORDINANCE CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL REFERENDUM ELECTION OF CORAL GABLES, FLORIDA, ON APRIL 14, 2009, IN ACCORDANCE WITH SECTION 6.03 OF THE CODE OF MIAMI-DADE COUNTY, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID CITY, NOT LESS THAN SIXTY (60) NOR MORE THAN ONE HUNDRED AND TWENTY (120) DAYS AFTER THE DRAFT IS SUBMITTED, AN ORDINANCE IN CONNECTION WITH THE PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF CORAL GABLES, WHEREIN THE VOTERS OF THE CITY OF CORAL GABLES SHALL BE CALLED UPON TO VOTE ON THE FOLLOWING QUESTIONS, TO BE KNOWN AS CHARTER AMENDMENT BALLOT QUESTION NO. 3 : SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE FOR TERM LIMITS FOR A TOTAL OF EIGHT (8) YEARS FOR THE MAYOR?; BALLOT QUESTION NO. 4 : SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE FOR TERM LIMITS FOR A TOTAL OF TWELVE (12) YEARS FOR A CITY COMMISSIONER, WITH THE INCUMBENT MAYOR IN GROUP ONE (I) AND THE INCUMBENT COMMISSIONERS IN GROUP FOUR (IV) AND GROUP FIVE (V) ALLOWED TO RUN FOR AN ADDITIONAL TERM IN THE GENERAL BIENNIAL ELECTION OF 2011?; AND BALLOT QUESTION NO. 5 : SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE THAT THE TIME SERVED IN FULFILLING THE UNEXPIRED TERM RESULTING FROM A VACANCY ON THE CITY COMMISSION SHALL NOT BE COUNTED IN APPLYING THESE TERM LIMITS?; INCLUDING, BUT NOT LIMITED TO, AMENDING CERTAIN SECTIONS, 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 (60) 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 (2008), 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 (30) 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].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-25. The motion passed by the following vote:

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

Nays : 1 - Commissioner Withers

City Clerk Item No. 45

ORDINANCES ON FIRST READING

E.-8. 09-0046

An Ordinance of the City of Coral Gables, amending Chapter 2, Article III, Division 1, Section 2-60 of the City Code entitled "Terms of members", by providing that a board member shall serve until a successor has been selected and qualified; providing for a repealer provision, a severability clause, and providing for an effective date. (Passed on First Reading January 27, 2009 - City Commission Vote 5-0)

Attachments: [amendment to section 2-60 city code successor](#)
[agendacover_board member term 2-60](#)
[comm 2-60 TERM OF MEMBERS mem](#)
[agendacover_board member term 2-60](#)

[Note for the Record: Following Interim City Manager Jimenez' reading of the title to Agenda Item No. E-8 into the public record, Mayor Slesnick pointed out that said Ordinance on First reading represents a technical change; City Attorney Hernandez added further that said legislation does in fact represent a technical change, and what she has experienced is that a given Board member will have served, an appointing City Commissioner would not have a replacement for nomination yet; elected officials come and go, therefore, for the sake of consistency, term compliance, said legislation is necessary; also considering our election cycle wherein new officials are elected, and thereby are faced with the task of appointing new members to Boards, there is a need for consistency, being in conformance with the State of Florida's Attorney General's Opinion regarding said subject matter, and of the opinions of the Court, City Boards will have the full force of its members that are contributing members, until a new member has been selected, qualified and appointed, in spite of the eight (8) year term limit].

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

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

City Clerk Item No. 46

F. CITY COMMISSION ITEMS

F.-1. [**09-0048**](#) Discussion regarding the possibility of establishing mediation procedures to facilitate neighborhood and developer dialog when conflict exists.

Commissioner Maria Anderson

[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. 47

G. BOARDS/COMMITTEES ITEMS

RESOLUTION NO. 2009-26

G.-1. [**09-0026**](#) Presentation of excerpts from the minutes of the Historic Preservation Board meeting of December 18, 2008 requesting the following action with regard to Case File AV 2006-05:

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 544 San Esteban Avenue, a local historic landmark legally described as Lot 3, Block 21, Coral Gables Riviera Section Part I, according to the Plat thereof, as recorded in Plat Book 28 at Page 31, of the Public Records of Miami-Dade County, Florida.

The approximate tax exemption requested for a \$350,000 improvement, which could correspond to approximately \$1,837.50 per year and \$18,375.00 over ten years.

Attachments: [HPB December 18, 2008](#)
[Report-544SanEsteban](#)
[544SanEstebanAV2006-05](#)
[HPBACTIONAdValorem544SanEsteban](#)
[AVreport-SanEsteban544](#)
[AVResolution-544SanEstebanCC01.27.09](#)

A RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO PROPERTY LOCATED AT 544 SAN ESTEBAN AVENUE, A LOCAL HISTORIC LANDMARK LEGALLY DESCRIBED AS LOT 3, BLOCK 21, CORAL GABLES RIVIERA SECTION PART I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 31, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

[Note for the Record: Interim City Manager Maria Jimenez informed the City Commission that this item included a presentation of excerpts from the minutes of the Historic Preservation Board meeting of December 18, 2008 requesting Ad Valorem tax relief (CASE FILE AV 2006-05) for the property located at 544 San Esteban Avenue, a local historic landmark, legally described as Lot 3, Block 21, Coral Gables Riviera Section Part 1, etc.; further stating that the approximate tax exemption requested for a \$350,000 improvement, which could correspond to approximately \$1,837.50 per year and \$18,375.00 over ten years.

Historic Preservation Officer Kara Kutz stated that said property was originally designed in 1926 by Robert Law Weed, architect, and one of the most influential architects in Coral Gables, who designed residences and commercial buildings; further noting that included in said support documentation in connection with said issue was an architectural rendering of what the house would look like; further stating for the public record, those improvements that were made to said property: restoration of the porte cochere; installation of new impact resistant doors and windows; restoration of side entry door; new entry feature-doors and overhang; new kitchen cabinetry; new kitchen appliances; new lighting fixtures; plaster walls repaired; exterior of house painted; further stating there is an addition of a two-story structure to the rear of the house which includes a new family room, new master bedroom/bathroom/bath utility room; further stating that on December 18, 2008 the HEP Board unanimously passed (6-0) a motion to recommend approval of the application authorizing Ad Valorem Tax Relief for subject property, which was granted design approval on March 23, 2009, by the HEP Board].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-26. The motion passed by the following vote:

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

City Clerk Item No. 48

H. CITY MANAGER ITEMS**RESOLUTION NO. 2009-27 (As Amended)****H.-1. 08-0884**

A Resolution of the City Commission of Coral Gables authorizing the expenditure of funds in an amount not to exceed \$200,000.00 from Miami-Dade County General Obligation Bond Project No. 156-70661, Miracle Mile Streetscape Improvements, for the development of a Master Plan for right-of-way improvements consistent with the conceptual plans developed by the Street Design Committee established by the Business Improvement District for Miracle Mile and Giralda Avenue, Coral Gables, Florida. (Deferred from the January 13, 2009 City Commission Meeting)

Attachments: [0759_001](#)

[Exhibit A](#)

[011309-RESOLUTION-Streetscape Miracle Mile](#)

[Miracle Mile PDF cover](#)

[011309-RESOLUTION-Streetscape Miracle Mile](#)

[Cover Miracle Mile](#)

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$200,000.00 FROM MIAMI-DADE COUNTY GENERAL OBLIGATION BOND PROJECT NO. 156-70661, MIRACLE MILE STREETSCAPE IMPROVEMENTS, FOR THE DEVELOPMENT OF A MASTER PLAN FOR RIGHT-OF-WAY IMPROVEMENTS CONSISTENT WITH THE CONCEPTUAL PLANS DEVELOPED BY THE STREET DESIGN COMMITTEE ESTABLISHED BY THE BUSINESS IMPROVEMENT DISTRICT FOR MIRACLE MILE AND GIRALDA AVENUE, CORAL GABLES, FLORIDA.

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

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted as amended by Resolution Number 2009-27. 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. 49

RESOLUTION NO. 2009-28**H.-2. 09-0045**

A Resolution of the City Commission of Coral Gables endorsing Mainstreet Economic Recovery Stimulus Project list, as submitted by the City of Coral Gables Administration.

Attachments: [Stimulus Cover](#)
[Stimulus Resolution](#)

A RESOLUTION ENDORSING MAINSTREET ECONOMIC RECOVERY STIMULUS PROJECTS, AS SUBMITTED BY THE CITY OF CORAL GABLES ADMINISTRATION.

[Note for the Record: Following Interim City Manager Maria Jimenez' reading of the title to the proposed resolution into the public record, she informed the members of the Commission that our City continues to receive Citywide, information that meets the Federal Economic Stimulus Project List eligibility standards; further stating that the administration has gone through its initial Wish List of projects; met with our designated representatives for same, and it is ready to read into the public record a revised list of those projects that the Administration is submitting for the City Commission's endorsement of, as more particularly itemized herein below:

In the Federal Category for Community Development:

- (1) Coral Gables Museum
- (2) New Parking Garage (Lot No. 6) & Trolley Facility
- (3) Alhambra Water Tower Resotration Project

In the Streetscape Project Category:

- (1) Miracle Mile Streetscape Project
- (2) Citywide Waterway Dredging Project
- (3) Ponce de Leon (Phases 2 and 3) Improvement
- (4) Bridge Improvements Project
- (5) Citywide Restoration of our Historic Entrances and Plazas

Public Safety and Technology:

- (1) New Fire Station No. 4
- (2) Broadband and Infrastructure

Water Waste and Water Infrastructure Project:

- (1) Force Main Replacement

Transit:

- (1) New Transit Buses

Energy:

- (1) Energy Management System (Citywide) Implementation

Questions, Concerns, Comments by the City Commission

Commissioner Withers inquired as to whether money would be disbursed for specific projects, or was it allocated in one lump sum?- whereby Interim City Manager Maria Jimenez stated that she did not know at this time how the money will be disbursed. Mayor Slesnick added that in his opinion, he didn't think that they knew either the manner of disbursement; further stating that it will be difficult attempting to trickle said funding down to smaller cities; further complimenting our Interim City Manager and her staff in this expeditious manner in making said Economic Stimulus Funding Request happen; further expressing little optimism in connection with the process of getting any disbursement down to the County's, and subsequently for the County's resolve in getting same down to municipalities].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-28. 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. 50

I. CITY ATTORNEY ITEMS

I.-1. **09-0050** Pending Litigation Report.

Attachments: [PENLIT 1_27_09](#)

[Note for the Record: City Attorney Hernandez informed the members of the City Commission that there was no new information to add to the Litigation Report].

This Agenda Item was Discussed

City Clerk Item No. 51

RESOLUTION NO. 2009-23I.-2. [09-0041](#)

A Resolution of the City Commission of Coral Gables authorizing settlement of any and all claims brought or which could have been brought in connection with Fernando Menoyo and Almeria Row, LLC v. City of Coral Gables.

Attachments: [comm_menoyo_almeriarow_mem](#)
[menoyo_almeriarow_settlement](#)
[agendacover settlement in Menoyo Almeria Row Resolution](#)

A RESOLUTION AUTHORIZING SETTLEMENT OF ANY AND ALL CLAIMS BROUGHT OR WHICH COULD HAVE BEEN BROUGHT IN FERNANDO MENOYO AND ALMERIA ROW, LLC V. CITY OF CORAL GABLES.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-23. 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. 37

RESOLUTION NO. 2009-29NA.I. [09-0090](#)
-2.1

A Resolution of the City of Coral Gables City Commission authorizing for educational and informational campaign be conducted in connection with the subject matter of "Term Limits".

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AUTHORIZING THE CITY MANAGER TO INCLUDE AS PART OF THE APPROPRIATION AND EXPENDITURE OF UP TO \$40,000, WHICH PASSED AS RESOLUTION NO. 2009-07 TO INFORM AND EDUCATE THE VOTERS OF THE CITY OF CORAL GABLES ON THOSE CHARTER AMENDMENT ISSUES TO APPEAR ON THE UPCOMING SPECIAL MUNICIPAL REFERENDUM ELECTION BALLOT OF APRIL 14, 2009, CHARTER AMENDMENT ISSUE NO. 4, IN CONNECTION WITH TERM LIMITS, WHICH WAS PASSED AND ADOPTED MORE PARTICULARLY AS ORDINANCE NO. 2009-12, AS AMENDED, ALONG WITH CHARTER AMENDMENT ISSUE NO. 5, WHICH PROVIDES THAT THE TIME SERVED IN FULFILLING THE UNEXPIRED TERM RESULTING FROM A VACANCY ON THE CITY COMMISSION SHALL NOT BE COUNTED IN APPLYING THESE TERM LIMITS; SAID AMOUNT FOR THE AFOREMENTIONED CHARTER AMENDMENT ISSUES TO BE APPROPRIATED AND EXPENDED IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE.

[Note for the Record: City Attorney Hernandez stated that at the City Commission Meeting of January 13th, the Commission passed and adopted Resolution No. 2009-07, which approved an expenditure in the amount of \$40,000 to inform and

educate the voters of the City of Coral Gables on those Charter Amendment Issues (Note: Also included in said amount was an allocation and expenditure for the proposed Charter Amendment Issue in connection with "Term Limits," which later passed on First Reading, to appear on the upcoming Special Municipal Referendum Election of April 14, 2009; further rescinding in part that portion of said Resolution 2009-24 related to said matter, and further providing that an educational and informational campaign be conducted in connection with the subject matter of "Term Limits," and made part of said said \$40,000 expenditure].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-29. The motion passed by the following vote:

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

City Clerk Item No. 52

J. CITY CLERK ITEMS

None

City Clerk Item No. 53

K. DISCUSSION ITEMS

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: Yes, two items; one is, I was reading in the Parking Advisory Board minutes about their discussion on Garage 1, could we have an update on what's happening with that proposed project via memo?-the one behind the Miracle Theater; and then the second one, I'd like to request for us to request an Executive Session to discuss union issues. I'd like for us to look at some things in light of very recent issues, especially in the downturn in the economy, and I'd like for us to do that as soon as we possible can schedule that.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I'd like to go back to the City Attorney for a second; I think that today I read somewhere, it was either today or yesterday, I read either on my Blackberry or my desktop, something about the City Attorney's Office proceeding with the City Commission's instructions to file suit regarding the use of the VenecianPool.com site.

City Attorney Hernandez: Right. What had happened was, we had brought forth a proposed settlement offering a certain sum for the transferring of the site, the

Commission said no....

Commissioner Cabrera: Right.

City Attorney Hernandez:...We took back the Commission's offer by e-mail, they accepted the Commission's offer, and we provided the monies, fifty dollars (\$50.00) to do the application, and they have thus far refused to do so. It's exceeded the thirty days I asked for because Ms. Burr was ill, and we've been back and forth, and at this point we gave them until five o'clock (5:00 p.m.) on Friday to provide us with the transfer, we had not; yesterday we provided them with the courtesy copy of the complaint, as of this time they have not complied with their written settlement agreement.

Commissioner Cabrera: And the amounts?-because I recall that when you brought it to our attention there was one amount, and my concern was with the overall amount, that was the issue that I had; I mean, I didn't have really any other issues outside of the financial agreement to pay for this website. Can you be specific with me and tell me and tell me what was the final agreed upon amount?

City Attorney Hernandez: No money; they would transfer the site; we would pay for the cost of it which is fifty dollars.

Commissioner Cabrera: And originally the offer was from the City?

City Attorney Hernandez: I had made a recommendation of twenty-five hundred dollars (\$2,500)

Commissioner Cabrera: OK - That's the part that I'm having trouble with, because see, I would have been comfortable with five hundred dollars, a thousand dollars, and even perhaps fifteen hundred dollars; and I recall Vice Mayor Kerdyk warning me and telling me that, hey, you realize we're going to do this over twenty-five hundred dollars, and it could then lead to further litigation and legal expense. So you were right, you were right back then; and so I'm trying to correct a wrong and to say that I would not be adverse to giving some sort of a monetary settlement of a figure of somewhere between five hundred and fifteen hundred dollars.

City Attorney Hernandez: OK, that would be reopening, and at this point we have a signed agreement where they would be responsible for our attorney's fees; we have a signed agreement to a settlement offer. My recommendation at this point is to take any further discussions off the table, and I'll do whatever you all want, but we are going to be here again, and again, and again.

Commissioner Cabrera: OK. I'm giving you how I feel about the subject; what I

should have done is whenever we voted on this a month ago, I should have just agreed that, yeah, it wasn't worth spending more than twenty-five hundred dollars over this issue, and been done with it. OK. Now we've all been advised, we know what the conditions are and where the issue is going. Second item, I have has to do with an e-mail that both Mayor Slesnick and I received. Right before the Holidays in December, we had an e-mail from the son of a merchant in our City, Society Cleaners, and Mr. Sanchez wrote to Mayor Slesnick and copied me, because he and I were classmates at Gables High, and what he was making us aware of was an ongoing issue that was affecting a particular quadrant of Coral Gables. For those of you that are unfamiliar with Society Cleaners; Society Cleaners is on Southwest Eighth Street at the northern perimeter of our City, and literally a couple of doors down from Ponce de Leon on the west side; and what Mr. Sanchez tried to share with us was that there had been an increase of petty crime, vandalism, graffiti, in his immediate area and wanted to alert our City, our City Manager was exceedingly supportive and responsive, and subsequently our Department was made aware of it. You know, the saddest part of all of this was that two Saturdays ago, another neighbor of Mr. Sanchez at Society Cleaners, Perezosa Bakery was burglarized...

Commissioner Anderson: Got cleaned out.

Commissioner Cabrera:...that's exactly right; Commissioner Anderson is actually right on target. They not only took their cash registers and their food, they took their refrigerators, their freezers, all of their utensils for baking, and literally this business that's been around for many, many years in Coral Gables may not even stay around, because not only did they suffer from this burglary, they also suffered greatly from the construction of the entrance to the Ponce business section.

Commissioner Anderson: Unfortunately they didn't have an alarm, nor...

Commissioner Cabrera: They did not have an alarm, right.

Commissioner Anderson: And they weren't able to have insurance on that; unfortunate, very unfortunate.

Commissioner Cabrera: So I'm informing you of this because I know that our Police Department is now going to go out and hopefully have a meeting with these affected merchants, who incidentally because they work their, they have a sense of what negative elements are coming in the neighborhood and causing all of this. Absolutely, I just want to inform the Commission.

Mayor Slesnick: I just told Maria, I wrote about this in December...

Interim City Manager Jimenez: Yes you did.

Commissioner Cabrera: December 18th, we both did, and she responded.

Mayor Slesnick:...And I never got a report back about what had happened there. I also though, we are coming to a time when we take a look at the assignment of Police Officers. It was my understanding that in going to the new system that this was exactly the kind of thing that our new system would be predicting areas of crime that we would focus on, and stop and be ready to stop, or discourage by being in those areas, and this was an area that was called to our attention clearly that we are having problems, and another merchant gets wiped out.

Commissioner Cabrera: Yeah.

Interim City Manager Jimenez: I understand.

Commissioner Cabrera: Don, by the way, she did in all fairness to the City Manager.

Mayor Slesnick: I'm not saying she didn't respond saying, I mean; we never got a distinct answer back.

Commissioner Cabrera: No, we didn't.

Mayor Slesnick: In fact it wasn't until recently that we heard that the Police never did meet with them.

Commissioner Cabrera: Well that's because we had a subsequent e-mail from Mr. Sanchez, and I then spoke to him and copied the City Manager on it again, and ultimately I just want to, and you responded and you copied me, and then I responded and I did not copy you, but I said I would be willing to be a part of that meeting if one could be had, so please make sure you include me on that, and then she went ahead and I believe, I'll defer to you.

Interim City Manager Jimenez: I spoke to the Police Chief, they did do some work following that December 18th incident, he's here in the audience if you want him to address it.

Commissioner Cabrera: No.

Interim City Manager Jimenez: No? OK.

Commissioner Cabrera: I know that an arrest was made, and I saw that in an e-mail.

Interim City Manager Jimenez: Right. We are going to be presenting at our next

meeting the patrolling program that they've been working on, and hopefully they will be addressing the issue that you all brought to our attention as far as targets.

Commissioner Cabrera: I'll tell you one thing that was done and it was very gracious, when I made the City aware of the latest burglary that took place at Perezosa Bakery, who by the way is an active member of our Farmer's Market family, City staff decided to waive the expense associated with their participation in Farmer's Market because for all intents and purposes they won't be back, it doesn't look like they'll be back this season. So, I thought that was very gracious of City staff and I appreciate that very much, that was a very nice courtesy that you extended to this family.

Interim City Manager Jimenez: Our Development Department and our Director.

Commissioner Cabrera: Yes, Ms. Swanson did that; and last, but certainly not least, I wanted to announce to all of you that this evening there is a Public Safety Commission Meeting, and they had invited me to attend the meeting a while ago, and we weren't able to schedule it because of conflicting schedules, but the Chairperson happens to currently, the current Chairperson happens to be my appointment and we had met recently about the Board, and I wanted to share with all of you that the Board is still struggling with their identity and their purpose, and they have done everything possible to become more active and to actually from what I gather from the Chair you know, become an active participant in the process, but I'm not certain what's happened. So, I'm not going as a delegate of this Commission, I'm simply going as one member to kind of find out where they're at, and to see what are the frustrations, what are the areas that they need our help and see where we can be of some assistance, or I remember the last time they came before us it was under a different Chairman. They suggested that this Commission make some decision one way or the other, after some effort be extended; and I don't really know what the efforts have been, but I just know that right now this Board, again from one member, the Chairperson, may be struggling with their identity and their purpose; and so I just wanted you all to be aware of this in case you hear about it afterwards. Any questions or thoughts on this?

Mayor Slesnick: One thing you might suggest to them is that if we are going to have a report given to us about the patrol system, why aren't they hearing that first?

Commissioner Cabrera: Well, I was going to bring that up tonight.

Mayor Slesnick:...and giving us their thoughts.

Commissioner Cabrera: You know what?- I was going to actually bring that up tonight, and I was going to suggest that...you see, I'm pretty passionate on that one Don, so I'm going to have to be very careful on how I word it, but I certainly will make them aware of one thing, that its coming before us through the City Manager's

Office; and I want to know how much they know about it; and I also want to know what they would like to do in term of becoming part of the process, how they can take a position in a recommended fashion and help us formulate our own positions on it. So, let's see what happens; its at the Coral Gables Youth Center, and I'll be happy to let you all know if your Board appointments don't tell you before the next Commission meeting the outcome of tonight's meeting; but I feel bad for these folks so that's why I want to take an active role in trying to help them, and its pretty much non-controversial, you know, I can't get anybody to yell at me about my kids going to their school and stuff like that, we won't get into that anyway. Alright - very good.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: No items Mr. Mayor.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: Wow! That caught me off. I just have one item, it has to do with an issue that's outside of our City, but could be in our City very shortly, if in fact the annexation of the High Pines area takes place. You are all familiar with our Lady of Lourdes Academy, some of the residents have reached out to me as well as the High Pines Homeowners Association with a concern they have, and it's the expansion plans that will be going to the Community Planning Council or Planning Board, I don't know what they call it for the County; I've photocopied and distributed the applicant's draft on the expansion plans for the Lourdes Academy. The concern for the residents in the immediate area and for the High Pines is that several years ago the school came to the residents and worked out a deal, they confirmed this would be their expansion plan and that would be it; they came back two or three years later with additional aggressive plans, the County Board advised the school and the church to go back to the residents and have public meetings with the neighbors - mediation Maria - which didn't happen, but has since surfaced and now there is an additional plan which is even more aggressive asking for variances on about half the number of parking spaces, control floors of height, parking on unimproved areas, etc., etc., etc. My concern is this Commission, if we are eventually going to be annexing this area, this will be a huge problem that we will be inheriting as a result, and we will be dealing with this issue for ever, and ever, and ever. So my feeling would be for the Commission to take a position, I know that our Mayor has written the Mayor of Dade County in the past saying that developments on our borders that do affect us, we would like to be a party to at least and offering our input; in this specific instance, this will be something that if we do annex High Pines it would be a definite issue for us to deal with. So my feeling would be that the City either participate, voice an opinion, show a presence in support of future residents and take a look at this plan; and my personal opinion is that it is egregious, and it is overstating what they should be allowed to do. I can guarantee you that there would be absolutely no way this Commission would allow anything like this

at in our community. So I am concerned about future residents of the City of Coral Gables.

Mayor Slesnick: Well I support what Mr. Withers is asking us to do. Chip, who did you have in mind?

Commissioner Withers: Well I don't know...

Mayor Slesnick: One of us like you, or...

Commissioner Withers: In the past I know when we were dealing with that hole in the doughnut issue, and there was that home that was trying to be rezoned as a daycare center that is on Sunset next to, I think, is right there across from Sunset Elementary School, there was one home that was trying to...we actually had someone from the City staff I think, in fact, I think, it might have been, was it you or Dona.

Interim City Manager Jimenez: I think it was Planning actually. We had a similar issue come up recently in Little Gables, and we did have planning attend and voice our concerns over it.

Mayor Slesnick: That was the one that I wrote the letter on?

Interim City Manager Jimenez: Yes sir, we can do the same for both writing the letter.

Mayor Slesnick: And we should write the letter and we should send a representative.

Interim City Manager Jimenez: OK, absolutely.

Mayor Slesnick: Does anybody disagree with Mr. Withers?

Commissioner Cabrera: Can I bring one more item back up, I am sorry.

Commissioner Withers: No, thank you very much Commissioner.

Mayor Slesnick: Well, let me, Chip is that your only item?

Commissioner Withers: Yes, that is the only item I had.

Commissioner Cabrera: Can I just get you all to understand that I am going to be forwarding to the City Manager's Office the latest letter from the neighborhood association, known as the RNA on two very important items; and I want you all to see it, because there may be some misinformation there about some of you all feelings, and I think it is only fair that you all get to see it.

Mayor Slesnick: Does it talk about me?

Commissioner Cabrera: They talk about people.

Vice Mayor Kerdyk: One more question, Ms. City Manager is there any update on the City Manager search that we should know collectively here?

Interim City Manager Jimenez: We can certainly provide that Sir. Cathy.

Vice Mayor Kerdyk: Yeah, I think that is important.

Cathy Swanson-Rivenbark: Good morning Mayor and members of the Commission, you all will be receiving packets February 5th, your staff has not reviewed those packets or made any recommendations related to them. There will be thirteen (13) possibly fourteen (14) candidates that will be included. At that point you all will be asked to begin individually short listing those candidates. You will have the opportunity of meeting with Colin Baensiger, either in person or by phone; and then we would be hoping that you all would be ready to develop a collective short list February 10th, at a time and the agenda. If you all are able to reach an agreement as to who your short listed candidates would be, whether they are five (5), whether they are six (6), whatever you all decide the cutoff, then we would be setting up a calendared experience February 20, 21, 22, when we would talk about what those components would be. Individual meetings with each of the short listed candidates, a collective meeting with those short listed candidates for you to question and answer. I believe that you could either have a Commission Meeting, a Special Commission Meeting on the 23rd, the Monday of that experience, or in the afternoon of the 24th of February, separate from your Regular Commission Meeting for you all to actually make your determination. As a placeholder, we have reserved some hotel rooms, because this is an expensive time for the hotel rooms. We got some great government rates, so it was a good window in postponing it a little bit further. So we have put a hotel block on a certain number of rooms, uncertain on what your final decision would be. Once you shortlist February 10th, we would take care of travel arrangements, and bring in those candidates that you all are interested in seeing in person.

Vice Mayor Kerdyk: Great, thank you for the update.

Mayor Slesnick: And before somebody miss interprets your statement; that is not necessary that any of them will need travel, and that is not necessary that all of them will need travel.

Cathy Swanson-Rivenbark: They could be coming in from a couple of blocks.

Mayor Slesnick: That's what I am saying; I just didn't want people to think that the only people we are considering are out of town candidates.

Cathy Swanson-Rivenbark: We have no idea who the list is, we are ready to do whatever, obviously if they are driving in, no additional travel arrangements will be made, we just wanted to take advantage of whatever great rates we can.

Mayor Slesnick: Thank you. Maria do you have any additional?

Interim City Manager Jimenez: No sir, thank you.

Mayor Slesnick: Just a couple of quick ones. One of our younger citizens, Fran Swanson, called to my attention to today, it's International Holocaust Remembrance Day, in memory of the victims of the holocaust. It was a day that was started in 2005 by the United Nations; and this is a day in which we can remember that there is sometimes great tragedies in our society, and that those tragedies are part of our history, that we should use to learn from, and to never have repeated; and I thank Fran for her bringing it to our attention, and for our remembering of that. I would compliment the First United Methodist Church on their pre inaugural service, that they had the Monday night preceding the inaugural. It was a wonderful inspirational service, it is something I think we should do more of here as inner-faith service, and included members of the Muslim community, as well as various Christian faiths, and it was very well attended, and very well done; and that would of course lead me to also acknowledge the fact that we do have a new President of the United States, and we congratulate him, and his team and wish them well, and let them know that we will be doing our part here for making sure that progress is ahead of us. I would like to thank Sally Jude and the members of her committee and the Coral Gables Garden Club; and of course thank Cathy Swanson and her team for making possible the Green Festival, which occurred as part of the Farmer's Market this last weekend. As you know this City, other governments, and people are working on green and sustainability, and this was another effort by citizens of Coral Gables to work to inform other citizens about what greening means. So Cathy for making that possible, thank you, and for Sally and her team from the Garden Club, thank you and for all the work they went through to make that a successful outreach mission. One editorial note, just because I said government and private industries working on it; I just for my own I have to tell you that I have heard so many people keep saying to us, that we have to do it like private industry, you know, there are good lessons from all things, there are great lessons from private industry; and I would point out that the last year or so, that I think our government has shown a great deal of more responsibility than a lot of the private industries in our nation, and I hope they learn from us. One last note, if you have not seen it, I was informed the other day by the computer, that HGTV published a list of ten cities which are their dream neighborhoods, the places, the preferable ten places in the United States to live in the neighborhood; I think that is pretty impressive since

HGTV is like the spokesperson for real estate throughout the nation, and out of all the nation Coral Gables was number 5 on the list of 10 dream neighborhoods.

Commissioner Withers: Why weren't we number one (1) Don?

Mayor Slesnick: I am not sure where they ranked we were in the top 10 and we were right there, I was proud the other neighborhoods if you saw them.

Commissioner Cabrera: I think it had something to do with parallel versus angled parking.

Commissioner Withers: Is that what knocked us down?

Mayor Slesnick: They said this would be the number one City if they had parallel parking. Anyways, with that we are going to close this section and we will be back here February 10th, and Maria you are going to establish a "shade" meeting, I take it?

Interim City Manager Jimenez: Yes sir.

Mayor Slesnick: At the request of Ms. Anderson.

Interim City Manager Jimenez: Yes sir.

Mayor Slesnick: OK. We are adjourned.

City Clerk Item No. 54

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 12:38 pm on January 27, 2009. The next regular meeting of the City Commission has been scheduled for February 10, 2009, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK