

City of Coral Gables

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



Meeting Minutes

Tuesday, February 12, 2008

9:00 AM

City Hall, Commission Chambers

City Commission

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

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

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

INVOCATION

[Note for the Record: Mayor Slesnick clarified for the public record, that **Reverend William Sofield**, not **Reverend Worth Carson** (as it appeared on the agenda) delivered the invocation; further thanking him for appearing, noting that although Reverend Carson could not be in attendance, nevertheless, he is being well represented; further requesting that Reverend Sofield would take the greetings on behalf of the City Commission back to his parishioners].

PLEDGE OF ALLEGIANCE

City Commissioner Rafael Cabrera, Jr., led the Pledge of Allegiance.

LEGISLATIVE SUMMARY

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Resolution(s) adopted (Resolution No. 2008-17 through Resolution No. 2008-25); (b) Video; (c) Audio Recording; (d) Minutes Folder with Agenda and back-ground information, including items were submitted at the meeting.

[Note for the Record: In his opening greeting, Mayor Slesnick informed the public that this meeting represents the first time that the Commissioners are using their newly installed laptop computers, including the agenda, along with all of the accompanying documentation].

[Note for the Record: Mayor Slesnick informed the public that the City Commission was honored to have a special visitation by the City's Parks and Recreation Youth Advisory Board, during today's Commission Meeting; further requesting of Parks and **Recreation Director Fred Couceyro** to introduce said members, whereupon Mr. Couceyro introduced the following members: **Jose Antonio Villamil; Lee A. Cooper Peabody; Ramon Diaz, Kyle Parker; Emily Schafer; Carolina Valdez Lora, and Juan Carlos Diaz Padron**].

Mayor Slesnick acknowledged the creation of the Youth Advisory Board, as being an initiative that has received the support from the entire Commission; further citing the efforts of **Commissioner Cabrera** in bringing said initiative forward; further urging the public to take a good look at those youth appearing before the Commission on this same date, stating that said group is a good indicator as to where we are headed in the future; further stating that said board has tackled some Commission Agenda issues that were being considered by our governing body.

Finally, Mayor Slesnick invited **Master Cameron Cookson**, (Boy Scout) to join the Commission, along with the Youth Advisory Board members in a photo session on the dais; further citing this young individual, who is completing his requirements for Eagle Scout, as being yet another fine example of our City's youth.

At the urging of the Parks and Recreation Director, **Youth Advisory Board President** Juan Carlos Diaz **Padron**, updated the Commission regarding "**Bingo Night**," which is slated for February 29th, 2008 (7 p.m. - 10 p.m.); further noting that all of the proceeds received from said "Bingo Night" Event will benefit the **Coral Gables Relay for Life** group (for cancer survivors in fighting cancer), said latter event which is scheduled for April 12th, 2008].

A. PRESENTATIONS AND PROCLAMATIONS

None

City Clerk Item No. 2

B. APPROVAL OF MINUTES

B.-1. 08-0088 Regular City Commission Meeting of January 22, 2008

Attachments: [CCMtg January 22 2008 agenda item E-2 - Ordinance Amending Zoning Code.pdf](#)
[CCMtg January 22 2008 agenda item F-2 - Discussion regarding special events at Meeting Minutes 1-22-2008.pdf](#)

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

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 30

CONSENT AGENDA**Passed the Consent Agenda**

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

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

RESOLUTION NO. 2008-17**C.-2. [08-0061](#)**

Resolution granting a one-day permit to John Martin's Restaurant to sell alcoholic beverages from 4:00 p.m. until 12:00 midnight on Monday, March 17, 2008, on Salzedo Street from Aragon Avenue to Miracle Mile, and one half block of Aragon Avenue, as part of the annual St. Patrick's Day Festival to benefit the Marian Center for mentally and developmentally disabled children, subject to Florida Department of Professional Regulation requirements.

Attachments: [John Martins St. Patrick's Day Special Event App. 2008](#)
[Cover Memo & Reso re John Martin's St. Patrick's Day Festival-2008](#)
[Final Executed Resolution 2008-17.pdf](#)

A RESOLUTION GRANTING A ONE-DAY PERMIT TO JOHN MARTIN'S RESTAURANT TO SELL ALCOHOLIC BEVERAGES FROM 4:00 P.M. UNTIL 12:00 MIDNIGHT ON MONDAY, MARCH 17, 2008, ON SALZEDO STREET FROM ARAGON AVENUE TO MIRACLE MILE, AND ONE HALF BLOCK OF ARAGON AVENUE, AS PART OF THE ANNUAL ST. PATRICK'S DAY FESTIVAL TO BENEFIT THE MARIAN CENTER FOR MENTALLY AND DEVELOPMENTALLY DISABLED CHILDREN, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2008-17 on the Consent Agenda.

City Clerk Item No. 3

RESOLUTION NO. 2008-18

- C.-3. [08-0081](#) Resolution approving amendment to the Kings Bay Security Guard District by Miami-Dade County for Kings Bay, Coral Gables, Florida; providing for construction of guard house facility and operation of traffic control devices; requiring execution of Interlocal Agreement and permit between City of Coral Gables and Miami-Dade County.

Attachments: [Kings Cover Page.pdf](#)
[Interlocal Kings.pdf](#)
[Kings Resolution.pdf](#)
[Final Executed Resolution 2008-18.pdf](#)

A RESOLUTION APPROVING AMENDMENT OF THE KINGS BAY SECURITY GUARD DISTRICT BY MIAMI-DADE COUNTY FOR KINGS BAY, CORAL GABLES, FLORIDA; PROVIDING FOR CONSTRUCTION OF GUARD HOUSE FACILITY AND OPERATION OF TRAFFIC CONTROL DEVICES; REQUIRING EXECUTION OF INTERLOCAL AGREEMENT AND PERMIT BETWEEN CITY AND MIAMI-DADE COUNTY.

This Matter was adopted by Resolution Number 2008-18 on the Consent Agenda.

City Clerk Item No. 4

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

- C.-5. [08-0060](#) Economic Development Board Meeting of December 5, 2007

Attachments: [Commission cover no action -2-12-08](#)
[Minutes 12-5-07](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 5

- C.-6. [08-0070](#) Communications Committee Meeting of January 17, 2008

Attachments: [Microsoft Word - minutes january 2008.pdf](#)
[Microsoft Word - communicationsminutesagendafebruary08.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 6

- C.-7. [08-0073](#) Budget/Audit Advisory Board Meeting of January 10, 2008

Attachments: [Budget Audit Minutes Cover](#)
[Budget Audit Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 7

- C.-8. [08-0076](#) International Affairs Coordinating Council Meeting of January 31, 2008

Attachments: [Cover Mem 2-12-08 No Action IACC Mtg. of 1-31-08](#)
[IACC Minutes 1-31-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 8

- C.-9. [08-0082](#) Historic Preservation Board Meeting of January 17, 2008

Attachments: [HPBJanu17.08.pdf](#)
[NoAction01.17.08MinutesforCC02-27-08.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 9

- C.-10. [08-0083](#) Coral Gables Merrick House Governing Board Meeting of January 7, 2008

Attachments: [MerrickHouseBoardMinutes-Jan7.2008.pdf](#)
[CGMHNoAction-01.07.08Minutes.pdf](#)
[JANUARY 08 CURATOR REPORT.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 10

- C.-11. [08-0085](#) Pinewood Cemetery Advisory Board Meeting of January 14, 2008

Attachments: [Pinewood minutes January 14 2008.pdf](#)
[01.14.08NoAction.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 11

- C.-12. [08-0074](#) Parks and Recreation Advisory Board Meeting of January 25, 2008

Attachments: [Cover Memo 1-25-08 Summary](#)
[Min 01-25-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

- C.-13 [08-0079](#) School and Community Relations Committee Meeting of January 15, 2008

Attachments: [021208 School and Community Relations Minutes Cover](#)
[School and Community Relations Committee Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

PULLED FROM CONSENT AGENDA**RESOLUTION NO. 2008-21****C.-1. 08-0089**

Resolution approving creation of a Special Taxing District by Miami-Dade County for Hammock Lakes, Coral Gables, Florida, for purpose of providing for twenty-four hours stationary security guard service subject to compliance with applicable Miami-Dade County requirements, approving construction of a guard house facility, a road closure with an emergency access gate, operation of traffic control devices, and requiring execution of Interlocal Agreement between City of Coral Gables and Miami-Dade County.

Attachments: [Hammock Cover Page.pdf](#)
[Hammock Lakes Res.pdf](#)
[Final Executed Resolution 2008-21.pdf](#)

A RESOLUTION TO DEFER CONSIDERATION OF AGENDA ITEM C-1 [SUBJECT MATTER: APPROVING CREATION OF A SPECIAL TAXING DISTRICT BY MIAMI-DADE COUNTY FOR HAMMOCK LAKES, CORAL GABLES, FLORIDA, FOR PURPOSE OF PROVIDING FOR TWENTY-FOUR HOUR STATIONARY SECURITY GUARD SERVICE, SUBJECT TO COMPLIANCE WITH APPLICABLE MIAMI-DADE COUNTY REQUIREMENTS, APPROVING CONSTRUCTION OF A GUARD HOUSE FACILITY, A ROAD CLOSURE WITH AN EMERGENCY ACCESS GATE, OPERATION OF TRAFFIC CONTROL DEVICES AND REQUIRING EXECUTION OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND MIAMI-DADE COUNTY].

[Note for the Record: A copy of the verbatim transcript of Agenda Item C-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 deferred by Resolution Number 2008-21. The motion passed by the following vote:

Yeas : 3 - Commissioner Withers, Commissioner Anderson and Commissioner Cabrera, Jr.

Nays : 2 - Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 16

RESOLUTION NO. 2008-20**C.-4. [08-0069](#)**

Resolution 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 at the rate of \$ 30,000.00 for an additional one (1) year period.

Attachments: [Resolution 2005-09](#)
[ProfessionalServAgreement_RobertJShafer2005](#)
[CoverMemo_RobertJShaferAgreement](#)
[Extend Robert J.Shafer Resolution2008](#)
[PROF.SERV. AGREEMENT_RobertJShafer](#)
[Final Executed Resolution 2008-20.pdf](#)

A RESOLUTION 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 AT THE RATE OF \$30,000.00 FOR AN ADDITIONAL ONE (1) YEAR PERIOD.

[Note for the Record: **Commissioner Cabrera** after inquiring of Human Resources **Director Marj Adler**, stated that he assumed that the Insurance Advisory Board had considered the issue of extension of Robert J. Shafer and Associates professional support services (for health insurance consultant services) contract; further mentioning to the Commission that said matter represented a bargain for the City in exchange for his professional services].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-20. 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. 15

NON AGENDA ITEM**RESOLUTION NO. 2008-19**

NA.C. 08-0104
-1.

Resolution appointing Richard Martin (nominated by Vice Mayor Kerdyk) to serve as a member of the Emergency Management Division.

Attachments: [Final Executed Resolution 2008-19.pdf](#)

A RESOLUTION APPOINTING RICHARD MARTIN (NOMINATED BY VICE MAYOR KERDYK) TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION, FOR THE REMAINING TWO (2) YEAR TERM, BEGINNING JUNE 1, 2007 THROUGH MAY 31, 2009).

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-19. 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. 14

D. PERSONAL APPEARANCES**Items D-1 and H-2 are related**

D.-1. 08-0084

Roger M. Serola, President of Cocoplum Homeowners Association, to discuss a local improvement district to provide for the remodeling of the entrance guardhouse.

Attachments: [021208 Roger Serola Personal Appearance Letter from Roger Serola](#)

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

This Agenda Item was Discussed/No Action Taken

City Clerk Item No. 17

Items D-2 and H-4 are related

- D.-2. [08-0096](#) Peter Lombardi, Manager of the Village of Pinecrest, to request approval of ballot language for the Village of Pinecrest in order for the City of Coral Gables to provide fire rescue services.

Attachments: [Pinecrest Fire Resolution Cover](#)
[Resolution Pinecrest Ballot](#)
[Pinecrest Interlocal Agreement](#)

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

This Agenda Item was Discussed/No Action Taken

City Clerk Item No. 19

E. PUBLIC HEARINGS**ORDINANCES ON SECOND READING**

None

ORDINANCES ON FIRST READING

Time Certain: 10:00 a.m.

E.-1. [08-0071](#)

An Ordinance of the City Commission of Coral Gables authorizing the City Manager to execute a Lease Agreement for a ten-year period, plus options, with Coral Gables Cinemateque, Inc., for 3,858 sq. ft. plus 1,922 sq. ft. of a private mezzanine, in the westernmost 60 linear feet of the City of Coral Gables Parking Garage located at 250 Aragon Avenue, known as the Museum Garage, with the legal description of Coral Gables Section K PB 8-33 Lots 10 through 20, Block 37. The space will have a retail address of 260 Aragon Avenue and will be used as a non-profit art cinema and cultural facility. (Deferred from the February 12, 2008 City Commission Meeting)

Attachments: [Cinema Lease-February revision with attach](#)
[CommCov2-12-08ArtCinema Ord 1stRdg revised.DOC Scanned](#)
[The Proposed Art Cinema](#)
[Arts Cinema Draft 1st Reading Ordinance](#)

[Note for the Record: **Mayor Slesnick** announced that Agenda Item E-1 will be deferred at the request of the Administration].

This Ordinance was Deferred

City Clerk Item No. 1

Items E-2 and E-3 are related**ORDINANCE NO. 2008-07****E.-2. 08-0077**

An Ordinance of the City Commission of Coral Gables for a change of land use from "Residential Use (Single-Family) Low Density" to "Commercial Use, Low-Rise Density" on Lot 24, Block 1B, MacFarlane Homestead and St. Albans Park Section (230 Florida Avenue), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (Passed on First Reading February 12, 2008)

Attachments: [02 12 08 Exhibit B Ordinance - Change of Zoning and Site Plan Review re: Bahan](#)
[02 12 08 Exhibit C PZB 01 09 08 Staff report.pdf](#)
[02 12 08 Exhibit D PZB 01 09 08 Verbatim Minutes.pdf](#)
[02 12 08 Exhibit E Public Comments re Bahamian Village amendment 01 09 08.p](#)
[02 12 08 Cover Memo re: Bahamian Village II 1st reading.pdf](#)
[02 12 08 Exhibit A Ordinance - Change of land use re Bahamian Village II 1st rea](#)
[03 25 08 Cover Memo re: Bahamian Village II 2nd reading.pdf](#)
[03 25 08 Exhibit A Ordinance - Change of Land Use 2nd Reading re: Bahamian V](#)
[03 25 08 Exhibit B Ordinance - Change of zoning and Site Plan Review 2nd Read](#)

[Note for the Record: Following **City Manager David Brown's** reading of the Ordinance on First Reading into the public record, Walter Carlson, Assistant Director, Planning Department, gave a synopsis of said issue, for the benefit of the public.

Mr. Carlson stated that said issue represented an amendment to the previously approved Bahamian Village site plan, which was approved in January of 2005; said plan which includes a change in land use, rezoning, site plan application, etc.; further stating that the remaining single family residence (located in the middle of the project) was not a part of said application; further noting that said residence has since been acquired by the applicant and is included as part of the development; further stating that inclusion of the remaining parcel requires that the land use and zoning designations be changed to commercial which is similar to the rest of the project, and it also requires site plan review, as presented in the staff report; further stating that said project is consistent with our Comprehensive Plan's goals, objectives and policies, etc.; further stating that said plan satisfies review criteria standards contained in the Zoning Code; further noting that all proposed land use and zoning designations are consistent with the surrounding commercial project; further stating that all previous requirements as a condition of approval should remain in effect.

Commissioner Anderson further clarified with Mr. Carlson as to whether this issue includes that parcel of land that was previously excluded, which would have created a parking variance when it first came to us; further confirming that as a consequence thereof, whether the City is now including same into the project, thus making it conform to the land use to make it compatible.

Laura Russo, Esq. indicated that she had met with the City's staff, and had accepted

all of the conditions that staff had put on the project; further stating that she looks forward to said project coming into fruition].

A motion was made by Commissioner Anderson, 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. 21

ORDINANCE NO. 2008-08

E.-3. 08-0078

An Ordinance of the City Commission of Coral Gables for a change of zoning from "SFR", Single Family Residential to "CL", Commercial Limited on Lot 24, Block 1B, MacFarlane Homestead and St. Albans Park Section (230 Florida Avenue), and review of proposed amendments to a previously approved site plan referred to as "Bahamian Village" on Lots 7-27, Block 1B, MacFarlane Homestead and St. Albans Park Section (intersection of Grand Avenue and U.S. 1), Coral Gables, Florida, and including required conditions; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (Passed on First Reading February 12, 2008)

Attachments: [02 12 08 Cover Memo re Bahamian Village II 1st reading.pdf](#)
[02 12 08 Exhibit B Ordinance - Bahamian Village II rezoning and site plan 1st Reg](#)
[03 25 08 Cover Memo re: Bahamian Village II 2nd reading.pdf](#)
[03 25 08 Exhibit B Ordinance - Bahamian Village II rezoning and site plan 2nd Re:](#)

[Note for the Record: Following the reading of the title to the Ordinance on First Reading into the public record by **City Manager Brown, Vice Mayor Kerdyk** queried of the Assistant Planning Director Walter Carlson through the City Manager, as to whether or not regarding the matter of entitlement, if there is a certain amount of time that a project has to exercise same?-whereupon Mr. Carlson stated that he believe there is an 18-month window; further instructing the City Manager to provide the members of the Commission with a memorandum detailing maintenance of said entitlements; further mentioning the fact that he had previously requested that said matter be addressed in the new Zoning Code.

Mayor Slesnick requested of the **City Manager** to include the **City Attorney** in any discussions regarding the entitlement issue to ensure there is an agreement regarding said matter; further encouraging **Mrs. Russo** that the City is very anxious in seeing this project move forward; further urging her through her client, to continue with said initiative].

A motion was made by Commissioner Anderson, 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 - Commissioner Withers, Commissioner Anderson, Vice Mayor Kerdyk, Jr., Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 22

ORDINANCE NO. 2008-04**E.-4. [07-1085](#)**

An Ordinance of the City Commission of Coral Gables amending the "Code of the City of Coral Gables", Chapter 34, entitled "Nuisances," Article VI, entitled "Graffiti; Graffiti Removal", by adding Section 34-108, entitled "Definitions", Section 34-109, entitled "Prohibitions", Section 34-110, entitled "Possession of spray paint & markers" Section 34-111, entitled "Declared Nuisance", Section 34-112, entitled "Responsibility of Property Owner(s); Graffiti Removal and Notice", Section 34-113, entitled "Appeal", Section 34-114, entitled "Failure to Comply; Cost Graffiti Removal as Lien on Property- Collection, Foreclosure and Sale", and Section 34-115, entitled "Interested Persons May Petition to dispute assessed costs"; and repealing all Ordinances inconsistent herewith. (Passed on First Reading February 12, 2008)

Attachments: [021208Graffiti Ordinance 1st Reading Cover Memo](#)
[031108-GRAFITTI ORDINANCE 2nd Reading](#)
[Graffiti Ordinance Dec 11 1st Reading Cover Memo](#)
[Graffiti Ordinance March 11 2nd Reading Cover Memo](#)

[Note for the Record: Following the reading of the title to the Ordinance on First Reading by **City Manager Brown, Assistant City Manager Maria Jiminez** gave a synopsis of said issue; further stating that on December 11, 2007. The City Commission deferred consideration of Agenda Item No. E-3; further providing City staff an opportunity to discuss with an outside agency the possibility of allowing the City's vendor to remove graffiti or to bill for services; or as an alternative, to deposit an amount with the City that the City can draw down upon; said communications being made with FPL and AT&T, Comcast, United Postal Service, Miami-Dade County, etc.; further stating that said outside agencies chose to handle the resources for said graffiti removal directly themselves; further stating that said graffiti ordinance presented on this same date includes several amendments, namely, the time allotted for graffiti removal increased from 48 hours to 72 hours; secondly, a definition for stickers is provided as part of the graffiti effort, also includes as part of the vendor's scope of work, for property owners to call into said vendor to have the graffiti removed by the vendors.

Commissioner Anderson suggested to the **City Administration** that said issue be publicized through our E-News, even though our residential component is small. Commissioner Cabrera added that notice should be given also on our City's homepage.

Mayor Slesnick informed Assistant City Manager Maria Jimenez stated that there was an article in American City and County Magazine regarding the expense of graffiti removal, and strategies employed by other cities in addressing said issue; further pointing out how one City has combined Arts in Public Places with decoration of its transformer boxes.

Mayor Slesnick noted that because the primary targets for graffiti removal, namely

are located on transfer boxes, equipment boxes, Comcast/FPL, and mailboxes, he would request a face to face meeting with representatives of the Post Office, our City Administration, FPL and Comcast; further pointing out that many of our mailboxes are old and in need of repair; further stating the need to be able to reach out to those affected parties, in an attempt to talk about these areas and gain a mutual understanding as to how said matters can be better handled].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading. 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. 23

ORDINANCE NO. 2008-09**E.-5. 08-0066**

An Ordinance of the City Commission of Coral Gables amending Chapter 50 of the "Code of the City of Coral Gables," entitled "Pensions," providing for certain changes in order to comply with provisions of Chapters 175 and 185, Florida Statutes; providing for an effective date; and repealing all Ordinances inconsistent herewith. (Passed on First Reading February 12, 2008)

Attachments: [Ordinance Re 175-185 'Discrimination'.pdf](#)
[CoverMemo_OrdinanceAmendingChap50.pdf](#)
[2ndReading_PensionOrdinance_CoverMemo](#)
[MISC Ordinance Re 175-185 'Discrimination' \(00222846-3\)](#)
[Draft Actuarial Impact Statement March 18, 2008](#)

[Note for the Record: **Human Resources Director Marj Adler** stated for the record, that these proposed amendments bring the City into compliance regarding Police and Fire Management; heretofore, Sections 175 and 165 of the Florida Statutes have been interpreted to say that Fire Management is eligible for the eight year DROP, and Police Management does not have to contribute to the City's Pension Plan; further noting that the city's Pension Plan put both the Police Management and the Fire Management in with the General Employees.

Commission Withers queried Ms. Adler through the City Manager as to whether or not the proposed ordinance would address a situation wherein the 185 and the 175 Board goes away in the future?-whereupon Ms. Adler responded by pointing out that if there are any changes pursuant to our Pension Plan, then the City would no longer be eligible for the monies received under said plan; therefore, it would become a moot issue.

Mayor Slesnick stated that he is bothered by how the City addresses our management, as well as some of the things that we are doing; however, he realizes that the City is under the gun consistent with the prerequisites that are established by the state regarding how we are to receive our 185/175 monies; further reminding the City Manager that discussion is needed in connection with whether the City is to going to refund five percent monies back to our city's firefighters; further stating that the City should challenge the state on said issue if the state continues to challenge the City regarding same, since the City took in the benefits, it is time to talk about restitution of those monies].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, 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 Cabrera, Jr., Commissioner Withers, Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 24

F. CITY COMMISSION ITEMS

- F.-1.** [08-0094](#) Discussion regarding loss of on-street parking
Commissioner Rafael "Ralph" Cabrera, Jr.

Attachments: [Lost On Street Parking Memorandum](#)

[Note for the Record: **Commissioner Cabrera** noted that the issue of on-street parking is a huge matter, and that our City Administration had put together a meeting comprising our **City's Parking Consultant; The Parking Director Kevin Kinney, our Public Service Director Dan Keys, Assistant City Manager Dona Lubin, and our City Manager;** further stating that said group addressed the issue of on-street parking, pointing out the City may realize between 15 and 20 percent of said loss that will be converted to right-of-ways; streetscape and pedestrian improvements; further expressing the hope that the City becomes conscious of using said space more efficiently, and preserving on-street parking spaces as "is" practice; further suggesting that the City would maintain some on-street parking without compromising landscape beautification efforts-thus, applying certain common sense approaches; further memorializing said discussion being held on this same date, as memorialized in his memoranda, which was distributed to the Commission, in support of said issue.

Vice Mayor Kerdyk queried of Commissioner Cabrera whether or not another garage might be contemplated in the downtown business corps?-whereupon Commissioner Cabrera stated that the City might have to go back to our existing garages and demolish some of our existing structures, and build a new garage facility.

Vice Mayor Kerdyk acknowledged that said initiative would require sufficient time, thereby suggesting that the City needs to initiate the process in order to move forward with same. Commissioner Cabrera expressed optimism that the City Administration would consider same.

Commissioner Anderson queried pondered as we lose parking, what are we gaining in the public realm (i.e. streetscape, etc.); further noting that one goal should be development of a master plan for parking (i.e. North Ponce area); further noting that said initiative will necessitate some thought as to where we are going to acquire parking; further urging the City Administration to consider working with a developer toward finding same.

Commissioner Cabrera stated his confidence in the City's Parking Director in remaining focused with respect to said issue; further expressing his assurances that the Parking Department is involved with reviewing streetscape related projects].

This Resolution was Discussed and Filed

City Clerk Item No. 25

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 26

H. CITY MANAGER ITEMS**RESOLUTION NO. 2008-23****H.-1. 08-0075**

Resolution authorizing the City Manager to purchase a used trolley from George Washington University, the sole source vendor, in the amount of \$68,000.00 as an addition to the fleet of the Coral Gables Trolley Program.

Attachments: [trolley cover \\$\\$\\$](#)
[A RESOLUTION AUTHORIZING THE CITY M RESOpurchaseGWUshuttlebus2008-23.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A USED TROLLEY FROM GEORGE WASHINGTON UNIVERSITY, THE SOLE SOURCE VENDOR, IN THE AMOUNT OF \$68,000.00 AS AN ADDITION TO THE FLEET OF THE CORAL GABLES TROLLEY PROGRAM.

[Note for the Record: **Public Works Director Alberto Delgado** informed the Commission that a used diesel trolley, in good condition, with 9,418 miles had been put out for sale by George Washington University; further pointing out that said purchase would represent an attempt to increase the city's diesel fleet by five.

Biodeisel Fuel: **Mayor Slesnick** inquired as to the city's resolve in moving toward biodeisel fuel; further stating that if the intent is to move toward more biodiesel fuel, then there must at least be an honest effort made to look for more biodiesel fuel.

City Manager Brown informed the Commission that to move toward biodiesel fuel, the City will need minimally a 5,000 gallon tank, since the vendor does not want to sell a smaller unit; whereupon Mayor Slesnick further inquired as to whether representatives of the City had sought whether or not the vendor would be willing to include said 5,000 gallon tank as part of the overall cost.

Converting our fuels: **Commissioner Withers** inquired of the City Manager as to why the City hasn't gone at a quicker pace in converting our fuels quicker; whereupon City Manager Brown informed both he and the Commission that there is a cost that is attached to the conversion of capital equipment and the mix; further explaining that it all about the cost to house the tank.

Public Works Director Alberto Delgado stated that there needs to be discussion regarding the cost of maintenance of the hydroelectric fleet, since this represents the fifth year for said fleet; further explaining that the City will be able to sell said hydroelectric fleet, thereby decreasing the cost for maintenance of same.

Lack of Money for Other Projects: **Commissioner Anderson** stated that she

would not be supporting this item today; further stating that she felt there is lack of money for other projects, and that the City should be moving in another direction (i.e. Miracle Mile, etc.).

Memoranda regarding raising extra funding: Vice Mayor Kerdyk distributed a memorandum to the Commission explaining four ways in which he has sought to raise money for the trolleys:

1). Talking to staff at **Metropolitan Dade County Transit Authority** who have given the City funding ideas for the trolley, using impact fees.

2). Talked with **Gary Dunn**, State of Florida Department of Transportation, in an attempt to obtain \$525,000 from said agency, as part of its work program, as well as seeking funding in the amount of \$922, 500 for routing the extension of the trolley from SW 8th Street to Flagler.

3). **Federal Funding:** Evaluate the process for recouping federal revenue sharing funds (in the amount of \$100,000).

4). **Local Initiatives:** \$100,000 for advertising on trolleys; plan to charter our buses after hours and on weekends; realizing revenue for people parking on the Ponce Corridor; in the upcoming months it is anticipated that the City will have some definitive funds that will hopefully decrease maintenance.

Commissioner Anderson expressed optimism that said initiatives will reduce our dependency on the one-half penny sales tax. Mr. Delgado stated that it is anticipated that said proposal will reduce by approximately \$200,000, if the City eliminates the hydroelectric trolley system. Commissioner Cabrera expressed optimism that said proposal does come into fruition and generates a reoccurring revenue stream.

Hybrid System Discussion: Mayor Slesnick stated that he would like to have a briefing regarding the subject matter of how can everybody be talking about hybrids, and we have not moved into said direction].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-23. The motion passed by the following vote:

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

Nays : 1 - Commissioner Anderson

City Clerk Item No. 27

Items H-2 and D-1 are related**RESOLUTION NO. 2008-22****H.-2. 08-0093**

Resolution authorizing City staff to proceed with developing the requirements of ordering an improvement district for the purpose of providing funds necessary to improve the Cocoplum Entrance Guardhouse, and declaring the improvements to the Guardhouse to be appropriate, all pursuant to Article II, of the City Code, City of Coral Gables, Florida.

Attachments: [Cocoplum Local Improvement District Cover](#)
[Cocoplum Guardhouse Resolution](#)
[Final Executed Resolution 2008-22.pdf](#)

A RESOLUTION AUTHORIZING CITY STAFF TO PROCEED WITH DEVELOPING THE REQUIREMENTS OF ORDERING AN IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROVID- ING FUNDS NECESSARY TO IMPROVE THE COCOPUM EN- TRANCE GUARDHOUSE, AND DECLARING THE IMPROVE- MENTS TO THE GUARDHOUSE TO BE APPROPRIATE, ALL PURSUANT TO ARTICLE II, OF THE CITY CODE, CITY OF CORAL GABLES, FLORIDA.

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

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-22. 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. 18

H.-3. 08-0064

EDEN Project Update

Attachments: [EDEN Presentation.pdf](#)
[CoverMemo_EdenPresentation.pdf](#)

This Agenda Item was Presented and Filed

City Clerk Item No. 28

Items H-4 and D-2 are related

- H.-4. [08-0098](#) Resolution accepting the Village of Pinecrest ballot question, "Shall the Village of Pinecrest opt-out of the Miami-Dade Fire Rescue District and contract with the City of Coral Gables for fire rescue services?"

Attachments: [Pinecrest Interlocal Agreement](#)
[Pinecrest Fire Resolution Cover](#)
[Resolution Pinecrest Ballot](#)

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

Yeas : 2 - Commissioner Withers and Commissioner Anderson

Nays : 3 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

City Clerk Item No. 20

I. CITY ATTORNEY ITEMS**RESOLUTION NO. 2008-24****NA.I-1. 08-0107**

Resolution authorizing the City Attorney to file a motion with the Florida Supreme Court for leave to provide written comments and/or oral argument in opposition to proposed amendments to Rule 9.310(B)(2), and authorizing the City Attorney to participate in the proceedings on behalf of the City of Coral Gables.

Attachments: [Final Executed Resolution 2008-24.pdf](#)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A MOTION WITH THE FLORIDA SUPREME COURT FOR LEAVE TO PROVIDE WRITTEN COMMENTS AND/OR ORAL ARGUMENT IN OPPOSITION TO PROPOSED AMENDMENTS TO RULE 9.310(B)(2), AND AUTHORIZING THE CITY ATTORNEY TO PARTICIPATE IN THE PROCEEDINGS ON BEHALF OF THE CITY OF CORAL GABLES.

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-24. The motion passed by the following vote:

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 29

J. CITY CLERK ITEMS**RESOLUTION NO. 2008-25****J.-1. 08-0086**

Resolution of the City of Coral Gables Commission with attachments, officially accepting the attached City Clerk's Certification and Declaration of Results of the Special Municipal Referendum Election for Charter Amendment No. 1, held on January 29, 2008, in which said charter amendment providing for deletion of Section 22 of the Coral Gables Charter, (which calls for a Special Trial Board to be convened to conduct hearings, investigate and render a decision as to City Manager's removal, suspension, layoff or reduction in grade of any officer or employee) was rejected by the Coral Gables electorate.

Attachments: [Cover Memo.pdf](#)
[R-2008- DRAFT.pdf](#)
[Official Certification of Canvassing Board Results.pdf](#)
[Final Executed Resolution 2008-25.pdf](#)

A RESOLUTION OF THE CITY OF CORAL GABLES COMMISSION WITH ATTACHMENTS, OFFICIALLY ACCEPTING THE ATTACHED CITY CLERK'S CERTIFICATION AND DECLARATION OF RESULTS OF THE SPECIAL MUNICIPAL REFERENDUM ELECTION FOR CHARTER

AMENDMENT NO. 1, HELD ON JANUARY 29, 2008, IN WHICH SAID CHARTER AMENDMENT PROVIDING FOR DELETION OF SECTION 22 OF THE CORAL GABLES CHARTER, (WHICH CALLS FOR A SPECIAL TRIAL BOARD TO BE CONVENED TO CONDUCT HEARINGS, INVESTIGATE AND RENDER A DECISION AS TO CITY MANAGER'S REMOVAL, SUSPENSION, LAYOFF OR REDUCTION IN GRADE OF ANY OFFICER OR EMPLOYEE) WAS REJECTED BY THE CORAL GABLES ELECTORATE.

[Note for the Record: City Clerk Walter Foeman requested of the City Commission to accept the Clerk's Certification and Declaration of Results from the Special Referendum Election of January 29th, wherein 53.43 percent of the voters or 6,532 voted against the proposed Charter Amendment No. 1, and 46.57 percent or 5,694 voters voted for said proposed measure.

Mayor Slesnick in offering several comments regarding the Special Referendum Election, mentioned that in speaking with other people found there to be confusion in the construction of ballot language, citing the usage of double negatives-whereby in voting no, the electorate voted to keep the proposed Charter Amendment language in our Charter, and not to delete same; further suggesting that for any future Charter Amendment proposals, that the governing body consider the issue of advocating instead of only educating on behalf of any proposed matter versus abdicating same; further noting the margin of defeat, wherein said measure was defeated by a 900 vote margin, while noting that more than 1,100 voters in Coral Gables did not vote on said matter at all. By the same token, Mayor Slesnick also noted on the proposed County measure which appeared on the ballot before the City of Coral Gables measure, only 300 voters failed to vote on said measure].

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-25. The motion passed by the following vote:

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

City Clerk Item No. 31

K. DISCUSSION ITEMS

[Discussion Items: Commissioner Anderson thanked the Youth Advisory Board for being in attendance; further noting that said Board could lay witness to how the Commission works through the legislative process, even to the extent that sometimes finds itself engaged in some lighthearted moments.

Commends Information Technology Department for Computerization Efforts on the Dais: Commissioner Anderson thanked the Information Technology Department for its training of the Commission in furtherance of modernization of the legislative process.

Granada Golf Course: Commissioner Anderson noted that there were several small issues such as weeds on the greens that were serious matters at present, but one does not want them to become a larger problem.

Golden Gates Section Tour: Commissioner Anderson stated that she had participated in a tour of said area last Friday (February 8, 2008), along with Assistant City Manager Dona Lubin, and noticed the need to address certain matters such as clean-up and maintenance of our City's parks, signs, along other to-be-named items.

Statements regarding collaboration for future initiatives regarding Pine Crest Fire Services Issue: Commissioner Anderson stated that she was very impressed by Commissioner Withers comments during the discussion of the Fire Services issue; further stating that he would like to notice a public meeting with him regarding said matter, and particularly address the matter of how the City would pull together for the benefit of all, to ascertain a specific course of action regarding same.

Luncheon Series with Neighboring Mayors: Mayor Slesnick informed Commissioner Anderson and his colleagues present that he has been engaged in an on-going luncheon series with our neighboring Mayors; however, the issue of fire services has never been discussed - including the Mayor's from the cities of Pine Crest, South Miami, Cutler Bay and West Miami.

Cooperation/Collaboration between the City and Miami-Dade County: Commissioner Cabrera stated that following the discussion of the issue of fire rescue services for the City of Pine Crest, that he had engaged in a brief discussion with County Manager George Burges and his executive staff member, who acknowledged that he heard loud and clear the sentiments of the Commission regarding the lack of cooperation and collaboration between the City of Coral Gables and the County.

Repair of the City's Railings (Outside City Hall): Commissioner Cabrera inquired of the City Manager whether there is a way to expedite the work order

process for said railings, due to the fact that said matter represents a safety issue; further noting that said matter was brought to his attention last weekend during the Farmer's Market event, citing the number of railings that are broken.

Hotel Project (2700 block of Douglass Road): Commissioner Cabrera pointed out to his colleagues that there is a proposed hotel project at the corner of Douglass Road (eastern border), Almeria Road (northern border), and Sevilla (southern border); further noting that he has been informed in general terms that the developer of said project is interested in building a gentleman's hotel; further stating that it is unknown as to whether matter will come before the Commission as a change in land use, change in zoning, or by way of right, etc.; further conveying to the members of the Commission that it is anticipated that at some point some residents will reach out to us regarding same.

Commissioner Anderson stated that said matter had come before the Planning and Zoning Board, wherein a specific representative had appeared during the Zoning Code Rewrite requesting specific relief for something during the Zoning Code Rewrite; further noting that one representative who was formerly associated with Old Spanish Village now is working for said project.

Enhancements to Neighborhood Park on South Alhambra: In response to Commissioner Cabrera's inquiry regarding same, Vice Mayor Kerdyk stated that staff was going to change said location into a traffic calming circle; further stating that Public Works Director Alberto Delgado met with the affected residents and explained to them said process involved with same.

Father and Daughter Dance: Commissioner Cabrera commended Parks and Recreation Director Fred Couceyro, Jason Gilley and staff, for their outstanding job performed in furtherance of this event.

Veteran Building on Alhambra Circle: Vice Mayor Kerdyk requested of the City Manager to provide him and his colleagues with a status update as to where the City is in terms of doing something on this project.

Pension Plan Update (including Florida Retirement System)/Executive Session: In response to Vice Mayor Kerdyk's inquiry regarding when can the Commission have an executive session regarding said matter, the City Manager responded by stating that he will forward to the Commission definitive date options to discuss said matter.

Information Technology/City Clerk's Office Technology Update: Vice Mayor Kerdyk thanked the Information Technology Department and the City Clerk's Office for the modernization of technology on the dais.

Status regarding placement of metal roofs on the Planning and Zoning Board

Agenda: In response to Commissioner Wither's inquiry as to when the issue of metal roofs will move forward on said Planning and Zoning Agenda, Planning Director Eric Riel stated they will begin videoing same within the next two to three weeks, then they will proceed to the Planning and Zoning Board; further stating that they had been waiting for more metal roofs to be completed since they only had roughly seven or eight, currently.

Discussion of Waterway Ordinance (Fairchild Tropical Gardens): City Manager Brown stated that on February 19th, 2008, there will be a discussion of the Waterway Ordinance, to obtain public input before bringing same back to the Commission.

Call Received from Coast Guard re Housing for the Commander of the Seventh District: City Manager Brown stated that he had received a phone call from the Coast Guard, stating that they had located housing outside of the district; whereupon the City Manager inquired as to whether if said find was for temporary housing, only; and if so, further extending the offer to the Strategic Command for the Seventh District that in the future if said need further arises that the City of Coral Gables would work with them to seek same within said district.

Fresno's Holiday Parade: Mayor Slesnick acknowledged the publicity involving a holiday parade received by the City of Fresno, California, in American City and County Magazine ; further citing said event as being one which galvanizes the City and brings people together.

Restoration of a Theatre (Tracey, California): Mayor Slesnick further noting in another article appearing in American City and County Magazine, that the restoration of an old theatre in Tracey, California, is a further example of a driving economic engine of the City; further noting that both examples mirrored similar initiatives taken by our City as well.

Amendment One: Mayor Slesnick informed the Commission that he had met with the League of Mayors, discussing such issues as the challenge of tax reduction and changes in our economy; further reviewing a detailed map which shows how Florida voters voted on Proposition One; further noting the dark green areas of said map, depicting those voters who voted over 50% against Proposition One (includes not just rural areas, but also the cities of Tampa, Orlando and Jacksonville), and the light green areas of said map, depicting those voters who voted at least 60% for said measure; further noting the voting patterns of South Floridians, wherein said voters voted as a unified block (ie. City of Coral Gables voted 70% to 30 % for said measure, as compared to approximately 72% for said measure by County voters).

Review of Tax and Budget Reform Commission Initiatives: Mayor Slesnick mentioned that there is a Neighborhood Bill of Rights, or Citizens' Democratic Movement (A Citizens' Bill of Rights) which would require plebiscites on all zoning matters; further stating that there is currently a proposition for same for all budget issues, wherein there would be a requirement that every budget decision made would require a vote by the general population; further conveying to the Commission the idea that an exchange of sales taxes for ad valorem taxes is being contemplated as part of said vision; further suggesting to the Commission that notwithstanding the fact that said measure would require support by a minimum of 17 members of said Commission before it can become a ballot measure, that he would urge the Commission to consider meeting with members of said Tax and Budget Reform Commission regarding same].

City Clerk Item No. 32

ADJOURNMENT

[Note for the Record: There being no further business on the Regular Commission Meeting agenda, the Commission of the City of Coral Gables adjourned its meeting at 1:35 p.m. on February 12, 2008. The next regular meeting of the City Commission has been scheduled for February 26, 2008, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

NOTE