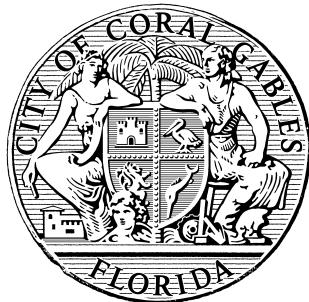


# **City of Coral Gables**

*City of Coral Gables*  
405 Biltmore Way  
Coral Gables, FL 33134  
[www.coralgables.com](http://www.coralgables.com)



## **Meeting Minutes**

**Tuesday, March 11, 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**

The Invocation was given by Reverend Kathryn Carroll of St. James Lutheran Church.

### **PLEDGE OF ALLEGIANCE**

Commissioner Maria Anderson led the Pledge of Allegiance.

[Note for the Record: Mayor Slesnick informed the viewing public that recently, the Department of Development had lost one of its key members, namely Florence Dawson last week; further noting that there had been a memorial service on Friday March 7, 2008 in her honor].

### **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. 2008-32 through Resolution No. 2008-42); (b) Ordinance(s) adopted on Second Reading (Ordinance No. 2008-04); (c) Video; (d) Audio Recording; (e) Minutes Folder with Agenda and back-ground information, including items were submitted at the meeting.

#### **A. PRESENTATIONS AND PROCLAMATIONS**

[Note for the Record: Department of Development Director Cathy Swanson-Rivenbank stated that there are roughly 42 cultural groups that are funded through different granting possibilities in Coral Gables; further noting that the Young Patrons of the Opera has promoted the opera and incorporated their cultural experiences in furtherance of same; further recognizing Cathy Mc Gilbert, Melanie Swift and Barbara Reese on the occasion of unveiling their new cookbook and eating guide entitled "Sunny Days and Balmy Nights" featuring parties with work plans and menus-totaling approximately 220 triple tested recipes.

Mayor Slesnick further thanked the Young Patrons of the Opera for the (gifts) that will be on display in City Hall; further stating that wherever one goes throughout our community, one cannot help but notice how supportive Coral Gables citizens are of the arts; further noting that said monies obtained, will go toward great cultural initiatives, especially in the area of the arts].

A.-1 [08-0145](#)

2007 Kiwanis Club of Coral Gables Officer of the Year Award Recipient Presentation to Officer Gordon Dickinson

Attachments: [Gordon Dickinson Cover Memo](#)  
[Gordon Dickinson Nomination Memo](#)

[Note for the Record: **Chief Hammerschmidt** stated for the record, that it gives him great pleasure to acknowledge one of the most prestigious awards in Coral Gables, namely the Coral Gables Officer of the Year Award, which for Calendar Year 2007 was bestowed upon **Officer Gordon Dickinson**; further acknowledging the presence of certain **Kiwanis Club of Coral Gables members** who were in attendance, namely **Jack Thomson, Aaron Glazer and Doug Kelly**, president of the Kiwanis Club; further acknowledging that this year's recipient, may be characterized as someone who day in and day out is exceptional; further noting that Gordon Dickinson was born in 1972 in Stuttgart, Germany; further pointing out that he graduated from High School in 1990; received his Bachelors of Arts Degree from the University of Miami in 1994; further stating that he has worked in the Patrol Division, before accepting a job in the Canine Division; further stating that he has excelled as a member of the Canine Unit, making 17 arrests, writing 220 traffic citations; further recognizing that Dickinson has done exceptional work for other areas of his department; further citing that he has done valuable work in the area of narcotics sales; further providing information regarding narcotics sessions; further providing intelligence reports; always eager to assist others; further pointing out that he has always been effective during his 13 year tenure; further stating that during Calendar Year 2007, his achievements have separated him from the rest of the lot.

Mayor Slesnick, in speaking of Officer Dickinson stated that it is always nice to combine what a Police Officer has done with a very good attitude; further thanking him for his years of service].

**This Agenda Item was Presented and Filed**

City Clerk Item No. 1

A.-2. [08-0117](#)

Presentation of the Robert DeKorte Memorial Award to Officer Eugene Gibbons

**Attachments:** [DeKorte Award Cover Memo](#)  
[DeKorte Award Nomination Memo](#)

[Note for the Record: **Police Chief Michael Hammerschmidt** stated that the most coveted award in Coral Gables is the Robert DeKorte Memorial Award, which is presented to a deserving recipient by the officers' peers; further inviting Sandy DeKorte Hassel to join him at the podium in furtherance of said presentation; further recalling that on January 21, 1972, that **Officer Robert DeKorte**, a 19-year veteran in the Police Department was killed; further recognizing Officer DeKorte's attributes, namely his courage, positive image to the public while in the line of duty, which has encouraged police morale.

Chief Hammerschmidt in reading the nominating letter that was submitted on behalf of **Eugene Gibbons** by his peers, noted that Mr. Gibbons has successfully negotiated Police contracts during his tenure which have been fair and equitable; further raising the morale of his fellow officers; also noting that his availability toward other members of the Fraternal Order of Police went beyond regular working hours; further acknowledging that Officer Gibbons has always been available to interact and display concerns that his peers may have; more aptly recognizing Officer Gibbons for his courage, dedication, devotion and duty.

**Ms. Sandy DeKorte Hassel**, the daughter of late Officer DeKorte in reflecting on her father's career, stated that he was a proud man, who loved his family, loved his job, who was considerate to all, a compassionate, wonderful soul; further adding that it was an honor to have met Officer Gibbons, and to present him with this Award.

Officer Gibbons requesting of the viewing public, as well as all of those in attendance in the Chambers on this same date, to take ten (10) seconds of silence in remembrance of Officer DeKorte, who put forth the supreme sacrifice, his family watching him go to work daily while doing what he loved best; further recognizing certain distinguished citizens who were present for this occasion, namely Roxcy Bolton, former **Mayor George Corrigan**, **Aaron Glazer**, chief members of the FOP; further thanking chief members of the FOP, for bestowing upon him this tremendous award; also pointing out that he takes his job very seriously; further stating that everything that he has done has been for the good of the Order; finally, inviting members of the public to come over and join him for coffee and bagels, following this presentation event].

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

City Clerk Item No. 2

[Note for the Record: **Mayor Slesnick** recognized **Commissioner Cabrera** to bring forth a special recognition, wherein Commissioner Cabrera stated that this past weekend, which was a tough weekend for riding a bicycle, lay witness to the Merrick House Governing Board sponsorship of a special event in conjunction with the Farmers Market -- highlighted by the serving of cookies, along with a buggy ride tour of the Coral Gables area, whereby a historical overview of certain sections of the City was given; further acknowledging certain representatives to said board who were in attendance on this same day, namely **Barbara Reese, Maria Vacca and Olga Vaquerro-Lima**, for said initiatives.

Commissioner Cabrera further recognized **Jason Gilley**, for his portrayal of former Coral Gables Mayor **George Merrick**; Gilley, a supervisor in our city's Parks and Recreation Department/Coral Gables Youth Center. Mr. Gilley informed the public that he is looking forward to exploring history deep within of Coral Gables, and our entire community].

## B. APPROVAL OF MINUTES

B.-1 [08-0152](#) Regular City Commission Meeting of February 26, 2008

**Attachments:** [Meeting Minutes February 26, 2008.pdf](#)  
[Verbatim Transcript Agenda Items H-1, H-2, H-3.pdf](#)

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

**Yea**s : 3 - Commissioner Cabrera, Jr., Commissioner Withers and Mayor Slesnick II

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

City Clerk Item No. 3

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

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

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

**Absent** : 1 - Commissioner Anderson

[Note for the Record: **Commissioner Cabrera** stated for the record, that he wanted to make a general comment in connection with one of his former Board appointees who had served approximately two to three years ago on one of our City's Boards; further stating that he had been contacted by one of our City's Board Secretary's, noting that said board member had been excessively absent; further documenting their missing two consecutive meetings, whereby said individual had later resigned because of excessive absenteeism; further directing the **Manager** to encourage an understanding of the rules for Boards/Committee attendance; further pointing out what applies to one Board regarding attendance policies, applies to all Boards. City Manager Brown stated that he would contact staff tomorrow in order to find out more about same].

[Note for the Record: **Mayor Slesnick** acknowledged the timely receipt of the January/February Board Minutes, with the exception of the Historic Preservation Board, instructing the City Manager to provide him with a report on 1044 Coral Way; further stating that he would also like a follow up on Granada Boulevard, north of Ruth Bryan Owens Park, to inform the Commission as to what are the next steps in connection with said matter].

**RESOLUTION NO. 2008-32**C.-1. [08-0157](#)

Resolution of the City Commission of Coral Gables supporting the Miami-Dade County Public Schools' legislative initiative and requesting action from the Florida Legislature.

**Attachments:** [Resolution Dade County Schools Support](#)  
[CoverMDCountySchools031108](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS' LEGISLATIVE INITIATIVE AND REQUESTING ACTION FROM THE FLORIDA LEGISLATURE.

**This Matter was adopted by Resolution Number 2008-32 on the Consent Agenda.**

City Clerk Item No. 4

**RESOLUTION NO. 2008-33**C.-2. [08-0167](#)

Resolution appointing Gonzalo Sanabria (appointed by Commissioner Cabrera) to serve as a member of the Historic Preservation Board, for a term ending May 31, 2009.

**Attachments:** [Gonzalo Sanabria Resolution](#)

A RESOLUTION APPOINTING GONZALO SANABRIA (NOMINATED BY COMMISSIONER CABRERA), TO SERVE AS A MEMBER OF THE HISTORIC PRESERVATION BOARD, FOR THE REMAINING BALANCE OF A TWO YEAR TERM WHICH BEGAN JUNE 1, 2007 THROUGH MAY 31, 2009.

**This Matter was adopted by Resolution Number 2008-33 on the Consent Agenda.**

City Clerk Item No. 5

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

C.-3. [08-0144](#) Retirement Board Meeting of January 24, 2008

**Attachments:** [CC.03-11-08.January](#)  
[Minutes.01-24-08](#)

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

City Clerk Item No. 6

C.-4. [08-0146](#) Parks and Recreation Advisory Board Meeting of February 15, 2008

**Attachments:** [Hornbacher Itr reCG Parks S Alhambra Circ 20080207180630 \(3\)](#)  
[Cover Memo 2-15-08 Summary](#)  
[Min 02-15-08](#)

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

City Clerk Item No. 7

C.-5. [08-0149](#) Historic Preservation Board Meeting of December 20, 2007

**Attachments:** [HPB Dec 20 2007 Minutes.pdf](#)  
[HPBNoAction-12.20.07Minutes.pdf](#)

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

City Clerk Item No. 8

C.-6. [08-0150](#) Coral Gables Merrick House Governing Board Meeting of February 4, 2008

**Attachments:** [CGMHNoAction-02.04.08Minutes.pdf](#)  
[Merrick House Board Minutes-February 4, 2008.pdf](#)

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

City Clerk Item No. 9

C.-7. [08-0156](#) Budget/Audit Advisory Board Meeting of February 14, 2008

**Attachments:** [Minutes 021408](#)  
[Budget Audit Advisory Board Minutes Cover Memo](#)

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

City Clerk Item No. 10

C.-8. [08-0158](#) Communications Committee Meeting of February 21, 2008

**Attachments:** [Minutes for February 2008.pdf](#)  
[Communications Minutes Cover Memo.pdf](#)

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

City Clerk Item No. 11

C.-9. [08-0159](#) Economic Development Board Meeting of February 6, 2008

**Attachments:** [minutes 2-6-08](#)  
[Commission cover no action 3-11-08](#)

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

City Clerk Item No. 12

C.-10. [08-0160](#) Cultural Development Board Meeting of February 4, 2008

**Attachments:** [CDB Minutes February 4 2008](#)  
[Commission cover no action 3-11-08](#)

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

City Clerk Item No. 13

C.-11. [08-0161](#) Property Advisory Board Meeting of January 16, 2008

**Attachments:** [Property Advisory Board Minutes Cover](#)  
[Property Advisory Board Minutes](#)

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

City Clerk Item No. 14

C.-12. [08-0163](#) Parking Advisory Board Meeting of January 24, 2008

**Attachments:** [cover pab 01-24-08](#)  
[pab minutes 01-24-08](#)

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

City Clerk Item No. 15

**D. PERSONAL APPEARANCES****Items D-1 and E-3 are related**

D.-1 [08-0147](#) Zeke Guilford, Esq., requesting amendment to previously approved Resolution No. 2007-16 granting the building site separation for the property located at 5705 Riviera Drive by deleting the requirement that the four (4) adjoining property owners join and become a party to the Declaration of Restrictive Covenant and adding a section declaring the covenant enforceable by the City and the four (4) adjoining property owners and binding upon the owners, their successors, heirs, executors, administrators, representatives and assigns.

**Attachments:** [Applicants 06 15 07 letter of request.pdf](#)

[Note for the Record: **Zeke Guilford, Esquire**, stated that when the issue involving the building site separation for the property located at 5705 Riviera Drive went before the Planning and Zoning Board, the draft restrictive covenant that formed part of the agenda packet, contained only his clients' signature; further noting one of the conditions is that a restrictive covenant shall be proffered by the applicant to all of the adjoining property owners to join and become a part of said agreement; Mr. Guilford further stated that he would have said covenant signed; however, he has been unable to obtain said signatures; further confirming the fact that none of the conditions contained therein, as set forth by the City have changed (i.e. removal of the encroachments, bringing the house into compliance, etc.); further stating that said restrictive covenant doesn't do anything in furtherance of the four (4) adjoining property owners to sign, to join and become part of the Declaration of Restrictive Covenant; further requesting of the City Commission to approve this request for an amendment to Resolution No. 2007-16, which will provide clarification language, and thereby filing of said Declaration of Restrictive Covenant, so as not to have any ambiguity as to same, with none of the aforementioned conditions as set forth by the City being changed].

**This Agenda Item was Discussed/No Action Taken**

City Clerk Item No. 16

**Non Agenda Item****RESOLUTION NO. 2008-34****NA.D. 08-0187****-1.**

A Resolution of the City Commission of Coral Gables to remand back to the Planning and Zoning Board, Agenda Item D-1, for its input (providing clarifying language), position and recommendation as to those requested changes made by Zeke Gilford, Esq., on behalf of the applicant (Bob and Paula Brockway), for property located at 5705 Riviera Drive), more particularly, to amend Resolution No. 2007-16, for the purpose of eliminating the requirements for adjoining property owners to sign, join and become part of the Declaration of Restrictive Covenant, and adding a section declaring said covenant enforceable by the City and the four adjoining property owners and administrators, binding upon the owners, their successors, heirs, executor, representatives and assigns; further stating that following deliberation by the Planning and Zoning Board, that said matter be brought back before the City Commission for its consideration, review and approval regarding same.

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES TO REMAND BACK TO THE PLANNING AND ZONING BOARD, AGENDA ITEM D-1, FOR ITS INPUT (PROVIDING CLARIFYING LANGUAGE), POSITION AND RECOMMENDATION AS TO THOSE REQUESTED CHANGES MADE BY ZEKE GILFORD, ESQ., ON BEHALF OF THE APPLICANT (GUILLERMO AND CONNIE HUERGO), FOR PROPERTY LOCATED AT 5705 RIVIERA DRIVE), MORE PARTICULARLY, TO AMEND RESOLUTION NO. 2007-16, FOR THE PURPOSE OF ELIMINATING THE REQUIREMENTS FOR ADJOINING PROPERTY OWNERS TO SIGN, JOIN AND BECOME PART OF THE DECLARATION OF RESTRICTIVE COVENANT, AND ADDING A SECTION DECLARING SAID COVENANT ENFORCEABLE BY THE CITY AND THE FOUR ADJOINING PROPERTY OWNERS AND ADMINISTRATORS, BINDING UPON SAID PROPERTY OWNERS, THEIR SUCCESSORS, HEIRS, EXECUTOR, REPRESENTATIVES AND ASSIGNS; FURTHER STATING THAT FOLLOWING DELIBERATION BY THE PLANNING AND ZONING BOARD, THAT SAID MATTER BE BROUGHT BACK BEFORE THE CITY COMMISSION FOR ITS CONSIDERATION, REVIEW AND APPROVAL REGARDING SAME.

A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-34. 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.17

**Items D-2 and H-4 are related****D.-2. 08-0165**

John M. Thomson, P. A., representing Brockway/Valencia, LLC requesting that the City Commission rescind Resolution No. 29637 and authorize the City Manager to execute the release of the Unity of Title Agreement.

[Note for the Record: Mr. Jack Thomson appeared before the City Commission and formally acknowledged the fact that Bob and Paula Brockway by bringing the Mercedes Benz Smart Car dealership to Coral Gables; further stating that said project is located on Valencia Avenue where they used to have a bakery on said site, and now all they have to do is renovate the building and add four lots to the property (i.e. parking and exhibits), hence in all the requirements that the City is requesting will be satisfied; further stating that his appearance before the Commission is in connection with the four lots (Lots 1 through 4, which goes down to the corner of Salzedo and Valencia) they are adding to said project. Further stating that there is already a Unity of Title agreement with Lots 37 and 38 on the other side of the street, which dates back to the 1980s when the pre-owned car dealership was located on Lots 37 and 38, and Lots 1 through 4 were needed for parking of used cars; further stating that said facility was later closed some years ago when the pre-owned operation was moved across the street from the present dealership; further noting that Lots 37 and 38 were then merged with the other lots all the way down to Salzedo, Lots 37 through 46, which are used for parking with the dealership and also has a Unity of Title of agreement on it for that purpose; further pointing out that the reason for said Unity of Title here is attributable to encroachments of the parking from lot to lot; which changed in the Declaration in the planning of those lots; further noting that Lots 37 and 38 already have a Unity of Title agreement attached to them, which should remain because said lots are used for parking of cars and there are encroachments on the property lines; further stating that we need to keep same until said use is discontinued.

Mr. Thomson requested of the Commission that the Unity of Title agreement that ties Lots 1 through 4, to Lots 37 and 38 be released, in order that the applicant can have a Unity of Title agreement which complies with City requirements on the site for a dealership, which is Lots 1 through 6].

**This Agenda Item was Discussed/No Action Taken**

City Clerk Item No. 19

**Non Agenda Item****RESOLUTION NO. 2008-35****NA.D. 08-0189****-2.**

A Resolution of the City Commission of Coral Gables expressing support for John M. Thomson's, P.A., request to rescind Resolution No. 29637 and instruct the City Manager to release an existing Unity of Title Agreement (record for lots 1 thru 4), and (lots 37 and 3), block 10, Crafts section according to the plat thereof, recorded in plat book (pb 10) on page 40, of the public records of Miami-Dade County, Florida.

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES EXPRESSING SUPPORT FOR JOHN M. THOMSON'S, P.A., REQUEST TO RESCIND RESOLUTION NO. 29637 AND AUTHORIZED THE CITY MANAGER TO RELEASE AN EXISTING UNITY OF TITLE AGREEMENT RECORD FOR LOTS 1 THRU 4, AND LOTS 37 AND 38, BLOCK 10, CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10 AT PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-35. The motion passed by the following vote:

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

**Nay**s : 1 - Mayor Slesnick II

City Clerk Item No. 20

**RESOLUTION NO. 2008-36****D.-3. 08-0155**

Iris Escarra, Esq., Greenberg and Traurig, on behalf of Merrick Park LLC, for permission to encroach into and over the right-of-way at various locations with a total of seven (7) signs, of which two (2) will replace existing signs and one (1) is reinstating a previously approved entryway sign for a parking garage at The Village of Merrick Park ("Merrick Park"), Coral Gables, Florida.

**Attachments:** [Escarra Personal Appearance Cover](#)  
[Village of Merrick Park Signs Resolution](#)  
[Escarra Letter.pdf](#)

A RESOLUTION APPROVING ENCROACHMENTS INTO THE RIGHT-OF-WAY CONSISTING OF SIGNS AT THE VILLAGE OF MERRICK PARK ("MERRICK PARK"), SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

[Note for the Record: **Irene Escarra, Esq.** (Greenberg and Traurig Law Firm), representing Merrick Park LLC, was joined by Carrie Bausch and Carl Esser, Senior Manager for the Village of Merrick Park, appeared before the Commission in connection with a request for signage for the Village of Merrick Park, as more particularly described in the above referenced agenda item title; further stating that said signage application included a total of seven (7) signs to be located in the swale area surrounding the Village of Merrick Park (i.e. four new signs; two replacement of signs, and one that is reinstating a previously approved archway entry into the parking garage); further noting that said matter was initially approved by the Board of Architects in Calendar Year 2007; further noting that the style of said signage is that of a Golden Celtic Design.

**Issues raised by the Commission: Difficulty in Finding the Village of Merrick Park Commissioner Cabrera** conveyed to the representatives appearing on behalf of the Village of Merrick Park that since its opening some six years ago, that following the marketing study, it was probably determined that many visitors, despite the placement of directional signs, which were supposed to help people find their way around the perimeter of the property, visitors were simply finding it very hard to locate the Village of Merrick Park. **Notification to the Affected Property Owners: Commissioner Cabrera** queried Ms. Escarra as to whether the affected property owners, including but not limited to those non-City of Coral Gables properties (i.e. Coral Gables Engineering; Cigar Store, Furniture Store, Printing, etc.) had been notified of the intent to install the signs; further stating that although the signage design had been tastefully done, he would have felt a lot more comfortable if the non-City of Coral Gables property owners could have received a courtesy notification; therefore, because there has been no outreach program for the affected property owners, he would not be supporting said item.

**Affect on the New Sign Ordinance:** Commissioner Cabrera questioned the City Manager regarding what effect would this have on the new Signs Ordinance? Wherein City Manager Brown responded none.

**Public Input:** **Andy Murai**, stated that said signage was here approximately three to four years ago; further noting that said initiative represents an increase in the number of signs without appropriate notice to the adjacent property owners; further stating that although he appreciates and supports the enhancement to the Village of Merrick Park, nevertheless he feels that the representatives of the Village of Merrick Park are missing a lot of key areas (i.e. in the area of US-1 and Ponce de Leon Boulevard, wherein a tombstone could have been put in to bring the customers into the Village of Merrick Park; further stating that the Village of Merrick Park has allowed a non-retailer, namely **Bayview Financial**, to put in a sign that could be used to advertise the Village of Merrick Park, said sign being installed by a sign company that is out of California; further stating that it was requested that said sign company use the same colors (i.e. black, beige and red) as *they* did; further suggesting that the entire signage matter should been reviewed comprehensively, and not just on a piecemeal basis.

**Attorney Escarra** stated that her team has been working with our city's Board of Architects and the Public Works Department regarding said signage matter for over a year; further emphasizing that their team has been working hard to ensure that that said project includes those elements that are necessary, elegant and is a presentable representation of the Village of Merrick Park.

**The need to Revisit Said Issue in the Future:** Vice Mayor Kerdyk questioned those representatives of the Village of Merrick Park as to the need to **come back and have another "bite of the apple"**; further emphasizing the necessity for having that comprehensive look; further questioning of said representatives as to whether they felt comfortable that this initiative, and whether this will be their last "bite of the apple" for a while?-whereupon **Mr. Carl Esser, General Manager/Merrick Park** stated that the signs are principally entrance signs; further stating that they are analogous to an "envelope", wherein one does not know what is inside of them; further stating that this presentation team has put together a complete comprehensive plan for which there has been a specific design that addresses each of the entrances coming off of Le Jeune, Ponce de Leon Boulevard and the Altara Avenue areas, wherein each area is identified; further stating that said initiative represents an opportunity to put together a signage package that helps people to get to Merrick Park; further stating that the issue of timing is a very important part of the process.

**Revisiting the Signage Issue: (Change of Ownership):** Commissioner Anderson stated that the original ownership of Merrick Park was by the **Rouse Company**; therefore, since there has been an ownership change, what **Merrick Park LLC**, is now requesting for is an opportunity to enhance and put together its own

initiative for proper signage-its own “bite of the apple”].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-36. The motion passed by the following vote:**

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

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

City Clerk Item No. 21

#### **E. PUBLIC HEARINGS**

#### **ORDINANCES ON SECOND READING**

##### **ORDINANCE NO. 2008-04**

**E.-1      [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-GRAFFITI ORDINANCE 2nd Reading](#)  
[Graffiti Ordinance Dec 11 1st Reading Cover Memo](#)  
[Graffiti Ordinance March 11 2nd Reading Cover Memo](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES COMMISSION AMENDING CITY CODE CHARTER 34, ENTITLED "NUISANCES," ARTICLE VI, ENTITLED "GRAFFITI; GRAFFITI REMOVAL", 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 A 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 OF 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.

[Note for the Record: **Mayor Slesnick** stated for the Record that he had only one major point of contention, and that is, that in no way shape or form that this ordinance will delay the eradication of graffiti; further stating the need for the administration to have an aggressive system of compliance (i.e. either get people to comply privately, fully realizing that the City has given a time frame of 72 hours for compliance); further emphasizing the need to remove graffiti in a timely fashion; further pointing out that although our current initiatives aimed at addressing the proliferation of graffiti may in the long run save our City money, the City may lose its image, resulting in a loss of citizens' satisfaction, etc.

**Issues Raised by the Commission:** **Commissioner Anderson** queried **Assistant City Manager Maria Jimenez** regarding the timeliness and the process for graffiti removal from a building, whereupon Ms. Jimenez responded by stating it involves the identification by the **Code Enforcement Division** of the item of graffiti to be removed; appropriate citing by the Code Enforcement Officer to the affected property owner(s) responsible for the removal of same, informing said individual(s) that said citation is not a violation per se, but more of a notice; further informing them that they have 72 hours to acknowledge and remove same; further stating, that in her opinion, a provision for extension of the period for graffiti removal is not recommended, and that the City should keep it at 72 hours. **City Manager David Brown** stated that the City wanted to give the utility companies a chance to prove what they said they can do].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2008-04. The motion passed by the following vote:**

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

City Clerk Item No. 23

**ORDINANCES ON FIRST READING****Time Certain: 10:00 a.m.**

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

**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:**

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

**Nay**s : 1 - Commissioner Withers

City Clerk Item No. 22

**RESOLUTIONS****Items E-3 and D-1 are related**

E.-3. [08-0118](#) Resolution amending previously approved Resolution No. 2007-16 of the City Commission of Coral Gables approving a separation of a building site pursuant to Zoning Code Section 12-5, to indicate that Lots 17-19 and 40-42, Block 127, Riviera Section Part 10 (5705 Riviera Drive), Coral Gables, Florida, shall be considered two separate building sites, with one building site consisting of Lots 17-19 and the other building site consisting of Lots 40-42; as set forth in Application No. 06-06-422-P; subject to certain conditions.

**Attachments:** [03 11 08 City Commission Cover Memo re 5705 Riviera Drive building site separa](#)  
[03 11 08 Exhibit B: Applicants 06 15 07 letter of request.pdf](#)  
[03 11 08 Exhibit C: Draft Restrictive Covenant.pdf](#)  
[03 11 08 Exhibit D: 07 12 06 PZB Meeting Minutes.pdf](#)  
[03 11 08 Exhibit E: Copy of public notification letters.pdf](#)  
[03 11 08 Exhibit A: Resolution - 5705 Riviera Drive.pdf](#)

**This Resolution was Deferred**

City Clerk Item No. 18

**RESOLUTION NO. 2008-38****E-4. [08-0148](#)**

Resolution of the City Commission of Coral Gables approving a mixed use (MXD) site plan for the proposed mixed use project referred to as "4311 Ponce", located on property legally described as Lots 38-43, Block 5, Industrial Section (4311 Ponce de Leon Boulevard), Coral Gables, Florida; as set forth in Application No. 01-08-043-P; subject to certain conditions. (Planning & Zoning Board Vote: 5-0)

**Attachments:** [03 11 08 City Commission Cover Memo 4311 Ponce MXD project.pdf](#)

[03 11 08 Exhibit B: 02 13 08 Staff report \(w attachments\).pdf](#)

[03 11 08 Exhibit C: 02 13 08 PZB Verbatim Minutes.pdf](#)

[03 11 08 Exhibit D: Updated public comments re 4311 Ponce de Leon updated for](#)

[03 11 08 Exhibit E: PowerPoint Presentation 4311 Ponce - 03.11.08 Commission](#)

[03 11 08 Exhibit A: Resolution - 4311 Ponce mixed use project.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES APPROVING A MIXED USE (MXD) SITE PLAN FOR THE PROPOSED MIXED USE PROJECT REFERRED TO AS "4311 PONCE", LOCATED ON PROPERTY LEGALLY DESCRIBED AS LOTS 38-43, BLOCK 5, INDUSTRIAL SECTION (4311 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; AS SET FORTH IN APPLICATION NO. 01-08-043-P; SUBJECT TO CERTAIN CONDITIONS.

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

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-38. The motion passed by the following vote:**

**Yea**s : 3 - Vice Mayor Kerdyk, Jr., Commissioner Withers and Commissioner Anderson

**Nay**s : 2 - Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 25

**F. CITY COMMISSION ITEMS**

F.-1. 08-0164 Discussion regarding the use of the Commission Chambers  
Mayor Donald D. Slesnick, II

[Note for the Record **Mayor Slesnick** stated that the representations from the City of Coral Gables/University of Miami Community Relations Committee, came to him and said they need meet on a quarterly basis; further stating that said Committee does not bring with them a lot of wear and tear on the City Commission Chambers; further stating that if said Committee would split the meeting venue responsibilities with our City, thus meeting at the University of Miami along with meeting in our Chambers, then it would only have to use our venue bi-annually; further requesting of his colleagues to allow the City Manager to have the discretion to consider said request; further adding that he fully supports all of those initiatives, that he and his colleagues have previously approved in furtherance of preserving the Chambers.

**Commissioner Cabrera** said that he would like to commend the City Manager in working toward trying to salvage the space; further stating that said Chamber renovations cost approximately \$28,000; further stating that if the Commission would allow said meetings to be held by the City of Coral Gables/University of Miami Community Relations Committee, then it would establish the precedent for other boards and committees to make similar requests; further noting that after a review of the City's Boards and Committee's and their respective meeting venues, he noted the following:

Board/Committee	Meeting Venue
Parks and Recreation Board	Coral Gables Library
Library Board	Coral Gables Library
Budget and Audit Advisory Committee	Manager's Office/Finance Director's Office
Merrick House Governing Board	Merrick House
Parking Advisory Board	Kevin McKinney's Office
Insurance Advisory Committee	Marj Adler's Office
Economic Development Board	Cathy Swanson-Rivenback's Office

**Commissioner Cabrera** further reiterated to his colleagues that he was interested in preserving the Chambers' space; further commanding the City Manager for bringing said matter to the City Commission for its discussion of same; also noting that since said renovations, he has noticed pen marks on his chair, as well as marks on the counter top on the dais in the Chambers; further explaining that he does not want it to appear that he is doing anything counter to the directive that the Commission had previously given the City Manager regarding this matter.

**Commissioner Withers** inquired of the **Mayor** as to why the City of Coral Gables/University of Miami Community Relations Committee would want to meet in our Chambers; whereupon the Mayor responded by saying it was in his opinion that they felt that this meeting venue provided the right atmosphere when the Committee invites representatives and other requested parties from the University of Miami].

**This Agenda Item was Discussed/No Action Taken**

City Clerk Item No. 26

**F.-2. 08-0169**

Discussion regarding meetings with Miami-Dade County Commissioners Carlos Gimenez and Rebeca Sosa.

Commissioner Rafael "Ralph" Cabrera, Jr.

[Note for the Record: Following a brief discussion, City **Commissioner Cabrera** indicated that he wanted to give the Commission an update, noting that they had discussed, allowing him to meet with Miami-Dade County Commissioner Carlos Gimenez, as well as Miami-Dade County Commissioner Rebecca Sosa on behalf of the City Commission; further stating that he had met with them, further informing his colleagues that he meets with Commissioner Gimenez on a regular basis; further explaining that regarding this particular matter, he and the Manager also met with both Commissioner Gimenez and Commissioner Sosa to discuss a number of topics that were important to the City of Coral Gables, specifically, road impact fees; further pointing out that during the discussion regarding road impact fees, both Commissioners were supportive however, both Commissioners expressed some reservations regarding how to get this done; further stating that in his opinion, the genesis for the reservation had to do with the fact that they have 11 other colleagues on the Miami-Dade Commission that would probably begin to ask the same thing for their respective constituencies; further noting that said Commissioners conveyed to him that they will figure out a way to get our money in a fashion that is predictable, in a fashion that is equal to the monies that the City pays in taxes; further adding that Commissioner Gimenez had requested a list of projects that were pending, thus assuring him that he will follow through, to ensure that those projects obtain the funds needed from impact fees. Commissioner Sosa further suggested that a Sunshine Meeting be conducted between her office and Commissioner Gimenez' office, and his office, along with our City Manager and other designated City Staff, in attempting to address those departments and the affected County, that may be creating some obstacles or delays within the bureaucracy, in furtherance of said issue; further informing his colleagues that he could not continue any further discussions regarding said matter at this time; however, that he would withdraw said matter and report on same at a future time].

**This Agenda Item was Withdrawn**

City Clerk Item No. 27

**G. BOARDS/COMMITTEES ITEMS****None**

City Clerk Item No. 28

**H. CITY MANAGER ITEMS**

H.-1. [08-0143](#) Resolution amending Resolution No. 27935, to waive Garage Sale Fees for senior citizens seventy years of age or older.

**Attachments:** [Garage Fee Waiver Resolution Cover.pdf](#)  
[Garage Fee Waiver Resolution.pdf](#)

[Note for the Record: Following the City Manager's reading of the title to Agenda Item H-1 into the Public Record, he highlighted said matter, noting that Commissioner Cabrera had previously brought up the issue regarding a waiver of the garage sale fees (twice annually) for the elderly.

Commissioner Cabrera recognized that Mayor Slesnick had brought up an interesting comment in connection with the appropriate age to be considered in defining elderly; whereby Mayor Slesnick stated that the initial suggestion of age 70 by the City Manager, just matched what had been used for the Alarm Ordinance; further adding that age 75, represents an age wherein one starts to move into an elderly status; further noting that people in their early seventies (i.e. noting two past Mayor's who were in attendance during the Commission Meeting being held on this same date), are examples wherein one still remains politically active and active on boards.

Commissioner Cabrera further suggested to his colleagues that said matter be deferred; further referring said matter to our Senior Advisory Board, to be reviewed by said group as a project, before coming back before the Commission with a recommendation].

**This Resolution was Deferred**

City Clerk Item No. 29 (Tabled)  
City Clerk Item No. 34

**RESOLUTION NO. 2008-39****H.-2. 08-0151**

Resolution authorizing the City Manager to execute an amendment to an existing agreement between the City of Coral Gables and the South Florida Water Management District, dated February 11, 2005, as amended, for financial assistance in the engineering and construction of storm drainage improvements by extending the term of said agreement by 13 months, to March 10, 2009 and amending the scope of work by eliminating eleven (11) locations for drainage improvements and substituting eleven (11) new locations in said agreement.

**Attachments:** [Water Management District Cover Memo.pdf](#)  
[Resolution 2007-09](#)  
[Water Management District Draft Resolution](#)  
[Water Management District Agreement](#)  
[SFWMD Agreement - Amendment 2.pdf](#)  
[SFWMD agreement- Amendment 1.pdf](#)  
[SFWMD agreement.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, DATED FEBRUARY 11, 2005, AS AMENDED, FOR FINANCIAL ASSISTANCE IN THE ENGINEERING AND CONSTRUCTION OF STORM DRAINAGE IMPROVEMENTS, BY EXTENDING THE TERM OF SAID AGREEMENT, BY 13 MONTHS, THEREBY ESTABLISHING A NEW EXPIRATION DATE OF MARCH 10, 2009 AND AMENDING THE SCOPE OF WORK BY ELIMINATING DATE OF MARCH 10, 2009 AND AMENDING THE SCOPE OF WORK BY ELIMINATING ELEVEN (11) LOCATIONS FOR PROPOSED DRAINAGE IMPROVEMENTS AND SUBSTITUTING ELEVEN (11) NEW LOCATIONS FOR DRAINAGE IMPROVEMENTS IN SAID AGREEMENT.

[Note for the Record: Following the reading of the title to said resolution, there being no additional questions, concerns nor comments being proffered by the City Commission, nor input by any member of the public, the Mayor instructed the City Clerk to call the roll].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-39. The motion passed by the following vote:**

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

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

City Clerk Item No. 30

**RESOLUTION NO. 2008-40****H.-3. 08-0154**

Resolution authorizing the City Manager or designee to execute the attached Letter of Understanding between the City and the County regarding the County's obligation to remove a shoal in the Coral Gables Waterway adjacent to City-owned property immediately north of the Blue Road Bridge.

**Attachments:** [Letter of Understanding Memo from City Attorney](#)  
[Blue Road Bridge Resolution](#)  
[Blue Road Bridge Cover](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE ATTACHED LETTER OF UNDERSTANDING REGARDING THE COUNTY'S OBLIGATIONS TO REMOVE A SHOAL IN THE CORAL GABLES WATERWAY ADJACENT TO CITY OWNED PROPERTY IMMEDIATELY NORTH OF THE BLUE ROAD BRIDGE.

[Note for the Record: Following the reading of the title to said resolution, there being no additional questions, concerns nor comments being proffered by the City Commission, nor input being given by any member of the public, the Mayor instructed the City Clerk to call the roll].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-40. The motion passed by the following vote:**

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

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

City Clerk Item No. 31

**Items H-4 and D-2 are related****RESOLUTION NO. 2008-37****H.-4. 08-0166**

Resolution authorizing the City Manager to execute the Release for the Unity of Title Agreement recorded for Lots 1 through 4 and lots 37 38for the property located at Lots 1 through 4 and Lots 37 and 38, Block 10, Coral Gables Crafts Section, according to the Plat thereof, recorded in Plat Book 10 at Page 40, of the Public Records of Miami-Dade County, Florida.

**Attachments:** [Release of Unity of Title Cover](#)  
[Resolution for Release of Unit of Title](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RELEASE THE UNITY OF TITLE AGREEMENT RECORDED FOR LOTS 1 THROUGH 3 AND LOTS 37 AND 38, BLOCK 10, CRAFTS SECTION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10 AT PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-37. The motion passed by the following vote:**

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

**Absent** : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 24

**H.-5. 08-0170**

Update on Building and Zoning Department Staffing

**Attachments:** [031108-Memo CC-BZ Update](#)

**This Agenda Item was Discussed/No Action Taken**

City Clerk Item No. 32 (Tabled)  
City Clerk Item No. 35

**Non Agenda Item****RESOLUTION NO. 2008-41****NA.H. 08-0192****-1.**

A Resolution supporting a request by the Old Spanish Village Development and its agents to implode the remains of the building structure located at 2801 Ponce De Leon Boulevard on March 30, 2008, beginning at 7:30 A.M.

A RESOLUTION SUPPORTING A REQUEST BY THE OLD SPANISH VILLAGE DEVELOPMENT AND ITS AGENTS TO IMPLODE THE REMAINS OF THE BUILDING STRUCTURE LOCATED AT 2801 PONCE DE LEON BOULEVARD ON MARCH 30, 2008, BEGINNING AT 7:30 A.M.

[Note for the Record: A copy of the verbatim transcript of the Non-Agenda Item regarding demolition activity scheduled for March 30th, 2008, is available for public inspection in the City Clerk's Office and in Legistar].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-41. The motion passed by the following vote:

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

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

City Clerk Item No. 33

**I. CITY ATTORNEY ITEMS****Non Agenda Item****RESOLUTION NO. 2008-42****NA.I.-1. 08-0191**

A Resolution of the City Commission instructing our legislative consultants (lobbyists) along with designated City staff persons, alongside the Florida League of Cities to take appropriate action against SB2432, entitled "An act relating to early responders," said proposed measure which prohibits counties and municipalities from charging fees or seeking reimbursement for the use of certain early responders services.

A RESOLUTION OF THE CITY COMMISSION INSTRUCTING OUR LEGISLATIVE CONSULTANTS (LOBBYISTS) ALONG WITH DESIGNATED CITY STAFF PERSONS, ALONGSIDE THE FLORIDA LEAGUE OF CITIES TO TAKE APPROPRIATE ACTION AGAINST SB2432, ENTITLED "AN ACT RELATING TO EARLY RESPONDERS," SAID PROPOSED MEASURE WHICH PROHIBITS COUNTIES AND MUNICIPALITIES FROM CHARGING FEES OR SEEKING REIMBURSEMENT FOR THE USE OF CERTAIN EARLY RESPONDERS

**SERVICES.**

[Note for the Record: City Attorney Hernandez informed the City Commission regarding the potential impact of Senate Bill No. 2432, wherein municipalities will be preempted from reimbursement for Federal Emergency Management Administration (F.E.M.A.) dollars, as well as for costs relating to non-emergency expenses, etc.; further approving the City Attorney's recommendation that the City Commission instruct our lobbyists and those designated City staff persons to take appropriate action against said measure, along side the Florida League of Cities.

Mayor Slesnick stated that the fiscal impact to the County that said measure would realize is approximately \$20 million; further pointing out that it has been reported that the tow truck companies are partially behind said initiative.

City Manager Brown further noted that said measure will also have an adverse effect on our debris removal revenues, totaling approximately \$3.8 million].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-42. The motion passed by the following vote:**

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

**J. CITY CLERK ITEMS****None**

City Clerk Item No. 37

**K. DISCUSSION ITEMS**

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I wanted to thank the Manager and his staff for contacting Perisosa Bakery; I know that they were very appreciative. In fact, the owners thanked the entire City Commission for the fact that we quickly helped the process to get the contractor back on track. I, in no way shape or form was accusatory of the Coral Gables Garden Club of causing these delays; but when a merchant pleads that they are about to go out of business because they've had a series of delays caused by construction around the site, and changes in on-street parking, you really feel bad and you want to do everything you can, especially during these tough economic times. So I'm very appreciative Mr. Manager of your efforts. The other thing I wanted to thank you on is the City Commission Directives. You dated them January 8, 2008 from that City Commission meeting, and then you also had a second set of directives from

January 22nd that Commission meeting, and I just wanted to tell you that with regards to the trolley advertising, I'm getting the feeling that this thing is going to die a very ugly death.

City Manager Brown: No sir, its not. We've just had bad luck and we've been out to bid twice trying to get a vendor that will do what we want and - I'm not going to say go for all these bells and whistles, so I'm not letting it die because there is a good revenue stream behind that, we are just going out a third time and we reduce the scope of work, and I think we are going to be successful this time.

Commissioner Cabrera: Thank you, that's it.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes. Thank you. Mayor, first of all let me apologize to Commissioner Cabrera for speaking during his presentation, you know this Commission is full of decorum and respect, and I apologize for that, for sure.

Commissioner Cabrera: That's awfully nice of you.

Vice Mayor Kerdyk: With regards - I have three quick issues. Sixteen hundred block of Ponce, I went by the new structure that was being built there, and they are palm trees being planted in front of their building, small palm trees; and I don't know if that meets our new landscaping plan or what ever it is, but I'd like somebody to check on that and get back to me with what the landscaping plan is and what they have actually planted. Second thing is the American Legion Building - do you have any updates on where we stand on the American Legion Building that you would like to go ahead and present to us right now.

City Manager Brown: Not at this time, but I will bring you a status via memo.

Vice Mayor Kerdyk: Please do, and the final thing is something I brought in front to the City Commission before and I never really got a great answer on it; and then I received an email from one of our fine residents, as a matter of fact he's the Chairperson of the Traffic Advisory Board, Chris Morrison. Let me just read the email to you: "My neighbor across the street has extended and bricked his driveway to accommodate his boat and trailer; I look out of our front window and we are now looking at his new boat and trailer, we thought that this was not permissible under City Code. We called Code Enforcement and we were told there has been a screw up when the new Code was put in place, and that it is no longer necessary to block the view of the boat and trailer from the street". Now, I brought that here before and nothing was done on it, and this just reiterates an issue that I heard is out there. So, I need some clarification on it; this is a problem and if it's not a problem somebody

needs to call Mr. Morrison and give him the correct you know....Do you know? Eric know?; Eric probably knows.

Mr. Riel: I have to look at it....research.....

City Manager Brown: We've got to research that.

Vice Mayor Kerdyk: How come we have to research it when somebody from staff is telling him that this is a screw up?

City Manager Brown: Because sometimes staff doesn't say the right thing and I've got to check on it, and so I'd be glad to get back to you.

Vice Mayor Kerdyk: Let me just tell you; way before I found this I heard from a couple other people that this was a screw up and if it's a screw up that's OK, everybody makes mistakes; but let's just fix the mistake as quickly as possible; if its not a mistake then I stand corrected.

Mayor Slesnick: Let me say this too, if it is a mistake it's a Scrivener's error because we certainly never discussed or voted on changing that.

City Manager Brown: That's true.

Mayor Slesnick: This Commission never made a conscience decision to change that and we need to quickly, David, like next meeting come back with a Scrivener's - some kind of corrective action, and I don't even think, and the City Attorney can opine, not now, whether we even - I don't even know that it needs to be in the same form as an ordinance. It's a mistake - if it was dropped out of the Code, it's a mistake.

City Manager Brown: Mayor, Vice Mayor, I'll be back next meeting if necessary, it'll be back in the Code, let me do the research.

Mayor Slesnick: But I thought you mentioned it before Bill.

Vice Mayor Kerdyk: I have brought it up five-six months ago, and I never heard back. We need to get back to this quickly, because we are not only - there is a glitch in the Code, I'm almost sure about that, and we are giving information out that confirms the glitch, so we need to get back here immediately.

City Attorney Hernandez: Commissioner, will you give me those papers?

Vice Mayor Kerdyk: Pardon me?

City Attorney Hernandez: The papers that you were referring to.

Vice Mayor Kerdyk: The email? Yes, I'll give it to you.

City Attorney Hernandez: Yeah.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: No sir.

Mayor Slesnick: Mr. Manager.

City Manager Brown: Yes, one item - just wanted to remind everybody that there will be an unveiling of the educational kiosk at the Youth Center today at 5:00 p.m.; Superintendent Crew will be there, representing the School Board will be there to unveil what is part of a compact is a computer that allow information going back and forth between the Youth Center and the City, and the Dade County School Board.

Mayor Slesnick: Just a couple things. One is again, a thank you to our own resident Jay Clark, who continues to write travel stories for different newspapers. I've had about six or seven emails from friends in Chicago telling me they've seen Coral Gables in the press because -- here's an article that the Chicago Tribune published for Jay Clark about Coral Gables, it's a really nice article. I passed out this thing I picked up off Delta Airlines which is about Earth Day on March 29th, and it is concerns the fact that on March 29th the effort is at 8:00 p.m., local time, people will turn off for one hour the lights that they are currently using. The net effect of this individual act has the potential to be extraordinary. With the flick of a switch you can help reduce greenhouse emissions and send a powerful message about global warming; on that day two point two (2.2) million and twenty one hundred (2,100) businesses and so forth turned off their lights in Sydney Australia, and that simple act turned massive collective measure reduce the City's energy consumption by more than ten percent (10%), the equivalent of taking forty-eight thousand cars off the road for one hour. So I was going to ask if the Commission says OK that we would ask our Channel 77 and E-News, why doesn't Coral Gables be part of this, and see if we can't get everyone on March 29th to turn off as much electricity as safely as possible to do.

All: Sure.

Mayor Slesnick: We might even start by turning off the lights at City Hall over night, any objection?

Commissioner Withers: No.

Mayor Slesnick: David, if we can. OK, with that green thought in mind we are going to adjourn this meeting and thank everyone for their participation.

City Clerk Item No. 38

**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 1:40 p.m. on March 11, 2008. The next regular meeting of the City Commission has been scheduled for March 25, 2008, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK