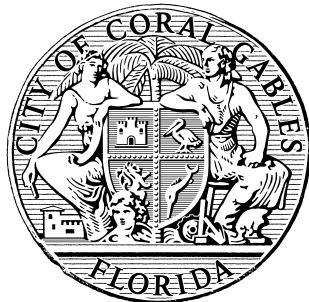


City of Coral Gables

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



Meeting Minutes

Tuesday, December 16, 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*

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

ROLLCALL

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

INVOCATION

[Note for the Record: Mayor Slesnick called upon those present, in the absence of Reverend Frank Kapania, (Saint Marks Lutheran Church), being present to deliver the Invocation, to remember those Coral Gables residents who have recently passed; further acknowledging the untimely passing of Rob Hector, long time Coral Gables resident whose father had represented our City in the state legislature, as well as Bob Zahner, our former City Attorney; further calling upon those present to join him in a moment of silence; further adding that it is expected that sometimes during a City Commission Meeting in January, that the Commission will find a suitable way of honoring the late Mr. Zahner].

PLEDGE OF ALLEGIANCE AND WINTER WONDERLAND

[Note for the Record: **Mayor Slesnick** asked each of the students to identify themselves, whereby the following students stated their names for the public record: **Ryan Moralejo; Alexandra Holian; Jordan Payne; Leah Lozado; Jacqueline Nguyen; Allison Delgado; Eleanor Harley; Alexa Bishopric, and Alejandro Rovira; Mary Alice Kays**, Music Teacher, and one of the real strengths of Coral Gables Elementary School, noted Mayor Slesnick, along with **Principal Graciela (Cheli) Cerra**, were also introduced; further inviting the students, arts teacher, music teacher and principal to join the Mayor and City Commission on the dais to receive some memorabilia; further inviting **Ms. Chris Rupp** (representing the Coral Gables Museum) to share with the members of the public regarding the First Annual “Gingerbread House” Contest Competition, taking place this past weekend (the weekend of December 6th, 2008)-further noting that there were 30 participants ranging from pre-schoolers to architects to designers; further sharing with the public the incident involving fellow student Alejandro Riviera, who had entered the Gingerbread Contest Competition, along with his friend (unnamed); following the completion of a Gingerbread House Competition resulting in a beautiful finish, it collapsed, much to his dismay; further pointing out that through his mother’s urging and insistence, said art work was rebuilt; other kids viewed it and were simply amazed; following Alejandro’s mother’s writing a letter explaining the totality of the surrounding circumstances, resulting in he and his friend winning the Viewer’s Choice Award, which was the largest cash prize award (\$500) in said competition; further pledging that \$200 of said cash award would go to the Community Partnership for the Homeless].

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. 2008-205 through Resolution No. 2008-217); (b) Video; (c) Audio Recording; (d) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

A. PRESENTATIONS AND PROCLAMATIONS

A.-1. [08-0799](#) Presentation of a Certificate of Recognition for Mr. David Lawrence, who has been selected to the 2009 Florida Athletic Coaches Association Hall of Fame.

[Note for the Record: **Commissioner Cabrera** in presenting the Certificate of Recognition to **Coral Gables High School Football Coach David Lawrence** described him as a long time City of Coral Gables resident and a Coral Gables educator; further acknowledging that because Coach Lawrence is on the cusp of being inducted into the Hall of Fame, he provided him with a reflective "This Is Your Life" flashback of his many accomplishments, which included attendance at Coral Gables Elementary School; Ponce de Leon Junior High School; Coral Gables Senior High School; graduating from Florida State University (1966) Coach of the Year, Lake Weir High School in Summerville, Florida ('71); Favorite Teacher Award ('74); Finalist, Teacher of the Year Award, Miami-Dade County Public Schools ('75); led, the District 6 Track Champions, Coral Gables High School ('94) and ('81); Coral Gables Senior High School established the David Lawrence, Athletic and Community Service Award ('07).]

Coach Lawrence, in accepting said accolade, states that one of the biggest joys that he has grown to appreciate is the number of students who have gone on to become coaches; further acknowledging that the many years he had spent at Goral Gables Senior High School were the "glory years;" further stating that they were some of the best years of his life; further thanking the City Commission very much. City Commissioner Cabrera requested of Coach Lawrence's wife to join him, along with the members of the City Commission in a photo session; further stating that both he and **Vice Mayor Kerdyk** did not play football at Coral Gables Senior High School, pointing out that they were too light in weight. **Mayor Slesnick** added that he noticed that Coach Lawrence gave praise to those former students whom he taught, that went on to become coaches; however, there was no mention of those former students whom he taught, that went on to become City Commissioners (laughter)].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

A.-2. 08-0816

Presentation of a Proclamation declaring December 16, 2008 as Ponce de Leon Middle School Day in Coral Gables. (Ms. Anna Rodriguez, Principal)

[Note for the Record: **Commissioner Maria Anderson** in honoring Ponce de Leon Middle School, also acknowledged its **principal, Ana Rodriguez**, pointing out that she had been contacted by one of the parents from the school, who impressed upon her the significance of the milestone of her school's achievement (Ponce de Leon Middle Years Programme World School, as recognized by the International Baccalaureate Organization Middle Years Programme, hereinafter referred to as IBO); whereupon Commissioner Anderson read our City's proclamation declaring December 16th, 2008 as Ponce de Leon Middle School Day in Coral Gables into the public record.

In accepting the aforementioned proclamation, Ms. Rodriguez stated that Ponce de Leon Middle School is no longer Coral Gables best kept secret, since now it will be formally recognized as **Ponce de Leon Middle Years Programme World School**, as recognized by the IBO].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 2

[Note for the Record: **Mayor Slesnick** reminded the public that today is Election Day; further urging each and every one that it is our democratic right and privilege to vote, so that the new Property Appraiser elect, is the appropriate person that should be elected].

B. APPROVAL OF MINUTES**B.-1. 08-0814**

Regular City Commission Meeting of November 18, 2008

Attachments: [CCMtg November 18 2008 Agenda Item E-4 - Verbatim Transcript.pdf](#)
[CCMtg November 18 2008 Agenda Item F-3 - Verbatim Transcript.pdf](#)
[CCMtg November 18 2008 Agenda Item F-5 - Verbatim Transcript.pdf](#)
[Meeting Minutes.pdf](#)
[CCMtg November 18 2008 Agenda Item D-1 - Verbatim Transcript.pdf](#)
[CCMtg November 18 2008 Agenda Item D-4 - Verbatim Transcript.pdf](#)
[CCMtg November 18 2008 Agenda Item E-2 - Verbatim Transcript.pdf](#)

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

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

City Clerk Item No. 4

C. CONSENT AGENDA

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

Passed the Consent Agenda

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

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

Absent : 1 - Commissioner Cabrera, Jr.

RESOLUTION NO. 2008-205**C.-1. 08-0791**

A Resolution of the City Commission of Coral Gables, Florida, supporting legislation adopted by the Board of County Commissioners of Miami-Dade County, Florida, in connection with the co-designation of Southwest 37th Avenue from Southwest 8th Street to Southwest 22nd Street as William H. Kerdyk, Sr., Avenue.

Attachments: [Kerdyk Resolution Cover Memo](#)
[Kerdyk Resolution](#)
[Signed Resolution 2008-205.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, SUPPORTING LEGISLATION ADOPTED BY THE BOARD OF COUNTY COMMISSIONER OF MIAMI-DADE COUNTY, FLORIDA IN CONNECTION WITH THE CO-DESIGNATION OF SOUTHWEST 37TH AVENUE FROM SOUTHWEST 8TH STREET TO SOUTHWEST 22ND STREET AS WILLIAM H. KERDYK, SR., AVENUE.

This Matter was adopted by Resolution Number 2008-205 on the Consent Agenda.

City Clerk Item No. 5

RESOLUTION NO. 2008-206**C.-2. [08-0793](#)**

A Resolution of the City Commission of Coral Gables, Florida, appointing Bria Dewberry (nominated by Interim City Manager Maria Alberro Jimenez) to serve as a member of the Parks and Recreation Youth Advisory Board, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Bria Dewberry Cover Memo](#)
[Bria Dewberry Resolution](#)
[Signed Resolution 2008-206.pdf](#)

A RESOLUTION APPOINTING BRIA DEWBERRY (NOMINATED BY INTERIM CITY MANAGER MARIAL ALBERRO JIMENEZ) TO SERVE AS A MEMBER OF THE PARKS AND RECREATION YOUTH ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

This Matter was adopted by Resolution Number 2008-206 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2008-207**C.-3. [08-0805](#)**

A Resolution of the City Commission of Coral Gables, Florida, authorizing the American International Wine and Food Association to sell donated wine at the Grand Finale Picnic from 11:00 a.m. to 1:00 p.m. on March 28, 2009 at the Coral Gables Farmers Market.

Attachments: [AIWF resolution](#)
[AIWF cover page 12-16-08](#)
[Signed Resolution 2008-207.pdf](#)

A RESOLUTION AUTHORIZING THE AMERICAN INTERNATIONAL WINE AND FOOD ASSOCIATION (AIWF) TO SELL DONATED WINE AT THE GRAND FINALE PICNIC FROM 11:00 AM TO 1:00 PM ON MARCH 28, 2009 AT THE CORAL GABLES FARMERS MARKET.

This Matter was adopted by Resolution Number 2008-207 on the Consent Agenda.

City Clerk Item No. 7

RESOLUTION NO. 2008-208**C.-4. 08-0807**

A Resolution of the City Commission of Coral Gables, with an attachment, re-electing Division Chief Wayne Sibley, who was renominated and ran unopposed, as a member of the City of Coral Gables Retirement Board (participating firefighter representative); further confirming said individual by the City Commission as a member to said board, for a term beginning January 1, 2009 through December 31, 2010.

Attachments: [R-2008 - Draft - Wayne Sibley.pdf](#)
[COVER SHEET Wayne Sibley.pdf](#)
[Signed Resolution 2008-208.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, WITH AN ATTACHMENT, RE-ELECTING DIVISION CHIEF WAYNE SIBLEY, WHO WAS RENOMINATED AND RAN UNOPPOSED, AS A MEMBER OF THE CITY OF CORAL GABLES RETIREMENT BOARD (PARTICIPATING FIREFIGHTER REPRESENTATIVE); FURTHER CONFIRMING SAID INDIVIDUAL BY THE CITY COMMISSION AS A MEMBER TO SAID BOARD, FOR A TERM BEGINNING JANUARY 1, 2009 THROUGH DECEMBER 31, 2010.

This Matter was adopted by Resolution Number 2008-208 on the Consent Agenda.

City Clerk Item No. 8

RESOLUTION NO. 2008-209**C.-5. 08-0808**

A Resolution of the City Commission of Coral Gables, with an attachment, re-electing Victor Goizueta, who was renominated and ran unopposed, as a member of the City of Coral Gables Retirement Board (participating regular, full-time employee representative); further confirming said individual by the City Commission as a member to said board, for a term beginning January 1, 2009 through December 31, 2010.

Attachments: [R-2008 Retirement Board- Victor Goizueta.pdf](#)
[COVER SHEET VICTOR GOIZUETA.pdf](#)
[Signed Resolution 2008-209.pdf](#)

A RESOLUTION OF THE CITY COMMISSION, OF CORAL GABLES WITH AN ATTACHMENT, RE-ELECTING VICTOR GOIZUETA, WHO WAS RENOMINATED AND RAN UNOPPOSED, AS A MEMBER OF THE CITY OF CORAL GABLES RETIREMENT BOARD (PARTICIPATING REGULAR FULL-TIME EMPLOYEE REPRESENTATIVE); FURTHER CONFIRMING SAID INDIVIDUAL BY THE CITY COMMISSION AS A MEMBER TO SAID BOARD, FOR A TERM BEGINNING JANUARY 1, 2009 THROUGH DECEMBER 31, 2010.

This Matter was adopted by Resolution Number 2008-209 on the Consent Agenda.

City Clerk Item No. 9

RESOLUTION NO. 2008-210**C.-6. [08-0815](#)**

A Resolution of the City Commission of Coral Gables, Florida, amending Resolution No. 2007-247 changing location from 2020 Ponce de Leon Boulevard to 285 Aragon Avenue and approving the request from Coral Gables Elementary School for temporary placement of art created by students to be placed on the vinyl mesh attached to the construction fence of the Coral Gables Museum.

Attachments: [Museum Construction Fence](#)
[Museum Construction Resolution](#)
[Signed Resolution 2008-210.pdf](#)

A RESOLUTION AMENDING RESOLUTION NO. 2007-247 CHANGING THE LOCATION FROM 2020 PONCE DE LEON BOULEVARD TO 285 ARAGON AVENUE AND APPROVING PLACEMENT OF ART CREATED BY STUDENTS OF CORAL GABLES ELEMENTARY SCHOOL TO BE PLACED ON THE VINYL MESH ATTACHED TO THE CONSTRUCTION FENCE OF THE CORAL GABLES MUSEUM.

This Matter was adopted by Resolution Number 2008-210 on the Consent Agenda.

City Clerk Item No. 10

RESOLUTION NO. 2008-211**C.-7. [08-0826](#)**

A Resolution of the City Commission of the City of Coral Gables, Florida, supporting the delegation of authority to district offices of the Department of Transportation to adjust and implement alternative procedures and design standards to mitigate traffic impacts and promote safe and convenient travel for vehicles, pedestrians and bicyclists, urging other counties and municipalities to support the limited delegation of authority to the FDOT District Office in order to better respond to local needs; authorizing the City Clerk to forward this Resolution to the FDOT Secretary; and providing for an effective date.

Attachments: [FDOT Draft Resolution](#)
[FDOT Cover](#)
[Letter from the City of South Miami](#)
[Signed Resolution 2008-211.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, SUPPORTING THE DELEGATION OF AUTHORITY TO DISTRICT OFFICES OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO ADJUST AND IMPLEMENT ALTERNATIVE PROCEDURES AND DESIGN STANDARDS TO MITIGATE TRAFFIC IMPACTS AND PROMOTE SAFE AND CONVENIENT TRAVEL FOR VEHICLES, PEDESTRIANS AND BICYCLISTS; URGING OTHER COUNTIES AND MUNICIPALITIES TO SUPPORT THE LIMITED DELEGATION OF AUTHORITY TO THE FDOT DISTRICT OFFICES IN ORDER TO BETTER RESPOND TO LOCAL NEEDS, AUTHORIZING THE CITY CLERK TO FORWARD THIS RESOLUTION TO THE FDOT SECRETARY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Matter was adopted by Resolution Number 2008-211 on the Consent Agenda.

City Clerk Item No. 11

RESOLUTION NO. 2008-212**C.-8. [08-0840](#)**

A Resolution of the City Commission of Coral Gables, Florida, appointing Samuel Joseph (nominated by Commissioner Anderson) to serve as a member of the Communications Committee, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Samuel Joseph Cover Memo](#)
[Samuel Joseph Resolution](#)
[Signed Resolution 2008-212.pdf](#)

A RESOLUTION APPOINTING SAMUEL JOSEPH (NOMINATED BY COMMISSION ANDERSON) TO SERVE AS A MEMBER OF THE COMMUNICATIONS COMMITTEE, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

This Matter was adopted by Resolution Number 2008-212 on the Consent Agenda.

City Clerk Item No. 12

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

C.-9. [08-0787](#) Communications Committee Meeting of November 20, 2008

Attachments: [Microsoft Word - communicationsminutesagendanovember08.pdf](#)
[Microsoft Word - minutes november 2008.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

C.-10. [08-0789](#) Code Enforcement Board Meeting of November 19, 2008

Attachments: [memo covernov 08](#)
[ROLLCALL nov 08](#)
[NOV 08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

C.-11. [08-0792](#) Parks & Recreation Advisory Board Meeting of November 20, 2008

Attachments: [Cover Sheet.Minutes11-20-2008.pdf](#)
[Min 11-20-08.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

C.-12. [08-0797](#) Senior Citizens Advisory Board Meeting of November 3, 2008

Attachments: [Cover Sheet.Minutes 11-3-08.pdf](#)
[Min 11-03-2008.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-13. [08-0798](#) Economic Development Board Meeting of November 5, 2008

Attachments: [EDB. 11.5.08 Minutes.pdf](#)
[EDB. 12.16.08 Commission cover - no action.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

C.-14. [08-0800](#) Board of Adjustment Meeting of November 3, 2008

Attachments: [Cover Memo 11-3-08](#)
[BOADJ Notice 11-3-08](#)
[BOADJ Meeting Minutes 11-3-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 18

C.-15. [08-0801](#) Landscape Beautification Advisory Board Meeting of November 13, 2008

Attachments: [Minutes BC 11-13-08](#)
[BC Cover Sheet 11-13-08 na](#)
[LBAB 11-13-08 signed.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

C.-16. [08-0802](#) Landscape Beautification Advisory Board Meeting of December 4, 2008

Attachments: [BC Cover Sheet 12-4-08 na](#)
[Minutes BC 12-4-08](#)
[LBAB Minutes 12-4-08 signed](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

C.-17. [08-0809](#) Historic Preservation Board Meeting of October 16, 2008

Attachments: [NoAction.10.16.08MinutesforCC12.16.08](#)
[HPBOct16.2008](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 21

C.-18. [08-0810](#) Historic Preservation Board Meeting of November 20, 2008.

Attachments: [NoAction.11.20.08MinutesforCC12.16.08](#)
[HPB-11.20.08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 22

C.-19. [08-0811](#) Pinewood Cemetery Advisory Board Meeting of November 10, 2008

Attachments: [NoAction11.10.08CCMtgNoAction12.16.08](#)
[PinewoMinutesNov2008-REVISED](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 23

C.-20. [08-0812](#) Coral Gables Merrick House Governing Board Meeting of November 17, 2008

Attachments: [CGMNoAction-11.17.08MinutesforCC12.16.08](#)
[CGMHouse11.17.08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 24

C.-21. [08-0821](#) School and Community Relations Committee Meeting of September 22, 2008

Attachments: [sep22](#)
[summary of 9-22-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 25

Item H.-1. is deferred

C.-22. [08-0822](#) School and Community Relations Committee Meeting of October 14, 2008

Attachments: [oct.14](#)
[summary of 10-14](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 26

C.-23. [08-0823](#) Retirement Board Meeting of November 13, 2008

Attachments: [CC.12-16-08.November](#)
[Minutes.11-13-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 27

C.-24. [08-0831](#) Traffic Advisory Board Meeting of September 16, 2008

Attachments: [Traffic Adv. Bd. Sept. 16 Cover Memo](#)
[Traffic Adv. Bd. Sept. 16 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 28

C.-25. [08-0828](#) Traffic Advisory Board Meeting of October 21, 2008

Attachments: [Traffic Adv. Bd. Sept. 16 Cover Memo](#)
[Traffic Adv. Bd. Oct. 21 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 29

C.-26. [08-0829](#) Traffic Advisory Board Community Meeting October 21, 2008

Attachments: [Traffic Adv. Bd. Oct. 21 Comm. Mtg. Cover](#)
[Traffic Adv. Bd. Comm. Mtg. Oct. 21 Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 30

C.-27. [08-0833](#) Traffic Advisory Board Meeting of November 18, 2008

Attachments: [Traffic Adv. Bd. Nov. 18 Cover](#)
[Traffic Adv. Bd. Nov. 18 Minutes](#)
[Traffic Calming Improvements Chart](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 31

C.-28. [08-0834](#) Library Advisory Board Meeting of November 12, 2008

Attachments: [LB Cover Sheet 11-12-08na](#)
[Library Minutes 11-12-08](#)
[Library Minutes 11-12-08 signed](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 32

D. PERSONAL APPEARANCES

D.-1. [08-0796](#) Fausto Gomez, of Gomez Barker, P. A. to discuss the upcoming legislative session.

Attachments: [Letter from Gomez, Barker Associates, Inc.](#)

[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 and Filed

City Clerk Item No. 34

D.-2. 08-0836

Jim Borgmann, President of the Junior Orange Bowl Committee, to thank the City Commission for the support of the 60th Annual Junior Orange Bowl Parade that will take place on December 30th in Downtown Coral Gables.

[Note for the Record: **Mayor Slesnick** introduced **Jim Borgmann**, this year's President of the Junior Orange Bowl Committee, to the City Commission and to the general public; further stating that Mr. Borgmann is the City Manager for the City of Miami Springs.

In addressing the City Commission, Mr. Borgmann stated that during his acceptance speech, he reminded our City Commission that one of his highlights in being selected as President of the Junior Orange Bowl is that this year marks the 60th Anniversary of the Junior Orange Bowl; further stating that assuming the position of president of the Junior Orange Bowl represents a significant highlight during his lifetime; further thanking the City of Coral Gables for its generous \$33,350 donation during this difficult budgetary period, wherein said amount has helped to defray those expenses associated with sports, arts, photography, creative writing, as well as the tennis and golf tournaments; further noting that the Jr. Orange Bowl Parade is their signature event; further pointing out that the layout for this year's event will be different, since the grandstands will be facing City Hall, thanks in part to the efforts of **Don Slesnick III**, for coming up with this idea; further informing the City Commission that he has in his possession label pins for distribution to the City Commission; further acknowledging those Jr. Orange Bowl volunteers in attendance, including **Mark Pidal (Administrative Director, Junior Orange Bowl Committee)**; **Connie Goodman-Milone (Creative Writing Chairperson)**; **Police Chief Richard Naue (Vice President, Junior Orange Bowl Committee)**; **Dallas Brown (Board Member)**; **Enid Miguez (Secretary)**; further acknowledging that said individuals are instrumental in making their organization run; further acknowledging that there are approximately 50,000 participating kids in overall events associated with the Junior Orange Bowl Parade, thus making said event the largest Youth Arts and Sports Festival in the world.

Questions, Comments, Inquiries by the City Commission: Mayor Slesnick stated that the Jr. Orange Bowl Committee hosts one of the largest International Junior Tennis Tournaments, in its 47th Year (December 14th-23rd 2008), at the following locations at the Biltmore Hotel, and the tennis courts at Salvadore Park, December 17 through the 23rd, 2008, Boys 14 and Under (University of Miami Tennis Center); Girls 14 and Under (Biltmore Tennis Center); Boys 12 and Under (Tropical Park Tennis Center), and Girls 12 and Under (Salvadore Park Tennis Center); further noting that the Golf Tournament (45th Anniversary) will take place on December 27th through the 30th, 2008.

Commissioner Anderson noted that many notable stars have participated in our golf tournament, including **Sergio Garcia, Tiger Woods, Christy Kerr**.

Mr. Borgmann pointed out that the greatest joy is witnessing the smiles on the faces of the multitude of kids; further recalling an incident during the Sports Ability Games, at the City of Miami Springs Pool Deck, wherein two women dressed in Middle Eastern garb, were conversing with one another; further remembering that someone requested of him to lay witness to the fact that a Palestinian and an Israeli women were talking to one another; further noting that if this is an achievable feat, then maybe there is hope for the world.

Mayor Slesnick thanked the City of Coral Gables workforce for being an integral part of all of the events (i.e. Christmas Tree Lighting; Merrick House Events that have taken place].

This Agenda Item was Discussed and Filed

City Clerk Item No. 3

RESOLUTION NO. 2008-213

D.-3. [08-0838](#)

Dennis Pastrana, President and CEO of Goodwill Industries of South Florida, Inc. (Goodwill) to request the City Commission to consider allowing the temporary placement of a Goodwill Attended Donation Trailer (ADC) on Parking Lot 43, along 5900 Ponce de Leon Boulevard, to receive donations through January 31, 2009.

Attachments: [Letter from Goodwill Industries of So. Florida](#)
[Signed Resolution 2008-213.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, ALLOWING DENNIS PASTRANA, PRESIDENT AND CEO OF GOODWILL INDUSTRIES OF SOUTH FLORIDA, INC., (GOODWILL) TO REQUEST THE CITY COMMISSION TO CONSIDER ALLOWING THE TEMPORARY PLACEMENT OF A GOODWILL ATTENDED DONATION TRAILER (ADC) ON PARKING LOT 43, ALONG 5900 PONCE DE LEON BOULEVARD, TO RECEIVE DONATIONS THROUGH JANUARY 31, 2009.

[Note for the Record: A copy of the verbatim transcript of Agenda Item D-3 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 2008-213. The motion passed by the following vote:

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

City Clerk Item No. 33

E. PUBLIC HEARINGS

ORDINANCES ON SECOND READING

None

ORDINANCES ON FIRST READING

ORDINANCE NO. 2009-02

E.-1. [**08-0795**](#)

An Ordinance of the City Commission of Coral Gables, Florida, amending Chapter 54, "Solid Waste," Article II, "Litter", Division 2, "Handbills" by providing for the prohibition of throwing, discarding, placing or depositing handbills or flyers as litter in public places; providing for definitions; creating criteria for rebuttable presumptions concerning littering with commercial handbills or flyers; by providing for seizure of handbills or flyers for use as evidence; providing for enforcement; providing for appeals, payment of fines and foreclosure; providing for fines and penalties; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading December 16, 2008 - Vote 5-0)

Attachments: [comm_handbillordinance_mem](#)
[agendacover_handbillordinance](#)
[handbills and flyers 06 22 07 09](#)
[Signed Ordinance 2009-02](#)

[Note for the Record: Following **Mayor Slesnick's** reading the title to Agenda Item E-1 into the public record, **City Attorney Hernandez** stated that said proposed legislation represents an update to our City Code provisions, as it pertains to those issues germane to handbills; further stating that in 1996, the City of Key West addressed the matter of handbills and commercial distribution, as well as the matter of pollution that was occurring in the public rights-of-way; further stating that the City of Miami Beach has also been experiencing similar issues involving handbills over the last two years; further stating that she has been monitoring those developments that have been taking place in our courts system involving said subject matter; further noting that the proposed legislation allows our City to go both against those violators, those people who are distributing the information, and if the City has sufficient evidence to determine that the actual property owner, the business has authorized the distribution in this manager, to create a rebuttable presumption, so that the hearing officer may be able to hear the case, and the property owner can establish what their position is, including that they had absolutely no knowledge that this is what is being distributed, and it would be incumbent upon them to prove their case].

Questions, Comments, and Inquiries from the City Commission: Mayor Slesnick informed his colleagues and members of the public that there was one inquiry from a property owner as to whether the proposed handbill legislation included political literature?-Whereupon, City Attorney Hernandez responded said handbill legislation included political literature, however, it affects commercial political literature.

Commissioner Cabrera: Questioned the net effect of the proposed passage of said legislation; further inquiring of the City Administration as to whether there is Code Enforcement personnel assigned to the downtown area?

Commissioner Withers inquired of the City Attorney as to whether the handing out of a menu in front of a restaurant storefront, is considered a violation under the proposed ordinance? **Commissioner Cabrera** stated that if one were to take said menu and place it an individual's windshield wiper, would said act constitute a violation?- further inquiring as to whether one is restricted to going after a company, only if said company is domiciled in Coral Gables?--whereupon **City Attorney Hernandez** stated that a violation occurs when said literature is thrown into the public-right-a-way; and that under the proposed legislation, the City may lien property throughout the County. **Mayor Slesnick** stated that if the City staff has received the literature, combined with the phone number and the name of the company, then the City can go after the company].

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

City Clerk Item No. 36

ORDINANCE NO. 2009-05**E.-2. 08-0830**

An Ordinance of the City Commission of Coral Gables, Florida, calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an ordinance in connection with the proposed amendment to the Charter of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No.____: Shall the Charter of the City of Coral Gables be amended to provide for the Mayor to be elected to serve a two (2) year term commencing the second Tuesday in April, 2011?; including, but not limited to, amending certain sections, stating the form of the question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further directing the City Clerk to cause a certified copy of the herein ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty days prior to the date of such special municipal referendum election; directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2008), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty days' notice of the election or referendum by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing an effective date for this Ordinance. (Passed on First Reading December 16, 2008 - Vote 4-1)

Attachments: [agendacover_Mayor 2 year term_1](#)
[comm_charter 8_mayorterm](#)
[O-2008- Chtr Amd - Mayor 2 Yr Term 11 18 08](#)
[Signed Ordinance 2009-05](#)

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

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

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

Nays : 1 - Mayor Slesnick II

City Clerk Item No. 37

E.-3. 08-0735

An Ordinance of the City Commission of Coral Gables, Florida, calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an Ordinance in connection with the proposed amendment to the Charter of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. ___: Shall the Charter of the City of Coral Gables be amended to provide for two (2) term limits for a total of eight (8) years for the Mayor, and Ballot Question No. ___: Shall the Charter of the City of Coral Gables be amended to provide for three (3) term limits for a total of twelve (12) years for City Commissioners, and providing for an effective date of April 20, 2009, with terms of office beginning prior to the effective date of the amendment not to be counted, including but not limited to amending certain Sections, stating the form of the question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further, directing the City Clerk to cause a certified copy of the herein Ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty (60) days prior to the date of such special municipal referendum election; further directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2008), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty (30) days' notice of the election or referendum in a newspaper of general circulation in the City of Coral Gables, at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this Ordinance; repealing all Ordinances or parts of Ordinances in conflict herewith; providing an effective date for this Ordinance.

Attachments: [termlimits 1 \(2\)](#)
[comm charter 9 term limits](#)
[agendacover term limits](#)

[Note for the Record: A copy of the verbatim transcript for Agenda Item E-3, 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 as Amended. 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. 38A

City Clerk Item No. 38D

Note For The Record: On a motion was made by Commissioner Cabrera and seconded by Commissioner Anderson, a proposed amendment to the Charter Amendment Ballot Question regarding term limits by striking the effective date language contained therein ("providing for an effective date of April 20, 2009, with terms of office beginning prior to the effective date of the amendment not to be counted"; further stating that said language would be removed and therefore prior terms of office would be counted) thereby providing for the following amendatory language:

An Ordinance of the City Commission of Coral Gables, Florida, calling for the holding of a Special Municipal Referendum Election of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an Ordinance in connection with the proposed amendment to the Charter of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. ___: Shall the Charter of the City of Coral Gables be amended to provide for two (2) term limits for a total of eight (8) years for the Mayor, and Ballot Question No. ___: Shall the Charter of the City of Coral Gables Charter be amended to provide for three (3) term limits for a total of twelve (12) years for City Commissioner with the incumbents in groups Four (IV) and Five (V) allowed to run an additional term in the General Biennial Election of 2011, ~~and providing for an effective date of April 20, 2009, with terms of office beginning prior to the effective date of the amendment not to be counted, including but not limited to amending certain sections, stating the form of the question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further directing the City Clerk to cause a certified copy of the herein Ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty (60) days prior to the date of such Special Municipal Referendum, etc.~~

Vice Mayor Kerdyk: No

Commissioner Withers: No

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Mayor Slesnick: No

City Clerk Item No. 38B

RESOLUTION NO. 2008-214

NA.E. 08-0868
-3.1.

A Resolution of the City of Coral Gables City Commission amending an Ordinance on First Reading to change the term limits to allow for Commissioner currently in office to run for one more term.

Attachments: [Signed Resolution 2008-214.pdf](#)

A RESOLUTION INSTRUCTING THE CITY ATTORNEY TO CRAFT LANGUAGE PROVIDING FOR A PROPOSED AMENDMENT TO THE CHARTER AMENDMENT BALLOT QUESTION REGARDING TERM LIMITS, FOR THE POSITIONS OF MAYOR AND COMMISSIONER, THE PURPOSE AND SPIRIT OF SAME WHICH WOULD BE TO AMEND SAID BALLOT QUESTION IN A MANNER WHICH WOULD DISCOUNT ALL PAST SERVICE AND GRANT THE RIGHT OF EACH SITTING COMMISSIONER TO RUN FOR OFFICE ONE MORE TIME; FURTHER STIPULATING THAT THE AFOREMENTIONED TERMS OF OFFICE WOULD BE EXHAUSTED IF EITHER THE MAYOR OR COMMISSIONER EXCEED THEIR AMOUNT OF TIME SERVED, AS MORE FULLY OUTLINED IN SAID PROPOSED CHARTER AMENDMENT (TERM LIMITS), BALLOT ISSUE (I.E. EITHER TWO TERM LIMITS FOR A TOTAL OF EIGHT (8) YEARS FOR MAYOR, OR THREE TERM LIMITS FOR A TOTAL OF TWELVE (12) YEARS FOR COMMISSIONER).

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-214. The motion passed by the following vote:

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

Nays : 1 - Commissioner Withers

City Clerk Item No. 38C

ORDINANCE NO. 2009-04**E-4. 08-0736**

An Ordinance of the City Commission of Coral Gables, Florida, calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, for the submission to the qualified electors of said City, not less than sixty (60) days nor more than one hundred twenty (120) days after the draft is submitted, an Ordinance in connection with the proposed amendment to the Code of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. ___: Shall the Charter of the City of Coral Gables be amended to delete Sec. 22 entitled, "Authority over officers and employees; removal, suspension, reduction; requests for cause and hearing; trial board."?, which calls for a special trial board to investigate and render a decision as to the propriety of the City Manager's removal, suspension, lay-off or reduction in grade of any officer or employee; stating the form of the question to be voted upon; providing the form of the ballot question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further directing the City Clerk to cause a certified copy of the herein Ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty (60) days prior to the date of such special municipal referendum election; directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2008), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty (30) days' notice of the election or referendum by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this Ordinance; repealing all ordinances or parts of Ordinances in conflict herewith; providing an effective date for this Ordinance. (Passed on First Reading December 16, 2008 - Vote 4-1)

Attachments: [charterreferendumquestion_TRIAL BOARD_11_18_08_1](#)
[comm_charter 22_trialboard](#)
[agendacover_chartersection22_trialboard](#)
[Signed Ordinance 2009-04](#)

[Note for the Record: Following **City Manager Maria Jimenez** reading of the title to the First Reading Ordinance into the public record, one member of the public, namely **Mr. Richard Namon**, proffered his views on said issue, stating that he felt that it is a mistake to remove Section 22 from our City's Charter, however, it would be wise to alter same; further stating that non-union employees will not have the same rights as union employees regarding questionable actions; further stating that the City's Charter was originally established to have a section for employees in the City; further pointing out that there is no reason to vote out a provision that is necessary for the employees; further stating that it is not a matter of removal of the Trial Board, but of all of the protections; further stating that it is so easy to rewrite a clear message of protection.

Questions, Comments, and Inquiries by the City Commission: **Commissioner Anderson** stated that she is not against offering certain protections for our employees; further stating that certain protections should be in place, but not in a Trial Board.

City Attorney Elizabeth Hernandez stated that certain procedures for employees are found in the Personnel Regulations (Rule 11); however, it will not have the same effect as the Charter provisions because these are personnel regulations.

Mayor Slesnick stated that in his talks with the City Attorney, that he has suggested that we should take those procedures in the Personnel Rules, put same in ordinance form, continue to provide grievance rights and determination rights to those up through middle management ranks, however, he is against providing same to those at the directorship level].

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 39

ORDINANCE NO. 2009-03 (As Amended)

E.-5. 08-0728

An Ordinance of the City Commission of Coral Gables, Florida, calling for the holding of a special municipal referendum election of the City of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an ordinance dealing with the proposed amendment to the Charter of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. ___: Shall the City of Coral Gables Charter, Section 54, be amended by increasing the threshold for formal public bid and award from Twenty-Five Thousand (\$25,000.00) Dollars to One Hundred Thousand Dollars (\$100,000.00) on public works projects and shall this Section be transferred to the City Code for further amendments by the City Commission?; including, but not limited to, amending certain Sections, stating the form of the question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further, directing the City Clerk to cause a certified copy of the herein ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty days prior to the date of such special municipal referendum election; further directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2008), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty days' notice of the election or referendum in a newspaper of general circulation in the City of Coral Gables, at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing an effective date for this Ordinance. (Passed on First Reading December 16, 2008 - Vote 4-1)

Attachments: [agendacover_chartersection54_publicworks](#)
[comm charter 54 pw biddingcontracts](#)
[O-2008- - Chtr Amd - Public Wks. Improv.11.18.08_1](#)
[Signed Ordinance 2009-03](#)

[Note for the Record: Following **City Manager Maria Jimenez** reading the title to Agenda Item H-5 into the Public Record, **Commissioner Withers** questioned City Attorney Hernandez as to whether the proposed Charter Amendment includes language that states that any items to be considered, resulting from the proposed increase in the threshold amount, are within the approved budget, that was passed and adopted by the City Commission; further stating that if said requested language is repetitious because it already exist, then avoid including same.

Mayor Slesnick requested of the **City Attorney** to include **Commissioner Withers** amendment; further stating that he would hate the public to have an opinion that was based upon a wrong perception of said issue. Commissioner Anderson stated that said amendment would clarify same in order that the public will be more knowledgeable on said matter.

City Attorney Hernandez stated that she has also requested further clarification from the City Commission, as to whether it is their intent to transfer this section of the Charter to the City Code in order to handle similar issues like this in the future, by amendment to the City Code versus putting it constantly by ordinance (placement in an ordinance format), to continue its financial responsibility to determine when said issues should be amended or not; whereupon Mayor Slesnick responded that the City Attorney had already succinctly articulated her position on said matter].

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

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

Nays : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 40

RESOLUTIONS**RESOLUTION NO. 2008-215**

Non 08-0869
Agenda

A Resolution appointing Michael Levenstein to the Parks and Recreation Youth Advisory Board by Mayor Donald D. Slesnick II.

Attachments: [Signed Resolution 2008-215.pdf](#)

A RESOLUTION APPOINTING MICHAEL LEVENSTEIN (NOMINATED BY MAYOR DONALD D. SLESNICK II), TO SERVE AS A MEMBER OF THE PARKS AND RECREATION YOUTH ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN OF JUNE 1, 2007 THROUGH MAY 31, 2009.

[Note for the Record: **Mayor Slesnick** proffered the name of Michael Levenstein, as his appointee to the City of Coral Gables Parks and Recreation Youth Advisory Board; further stating that last year, **Michael Levenstein** had served in the capacity of president of the **Coral Gables High School** Student Body; further stating that currently he is serving in the capacity of president of the **Miami Dade County Public Schools Student Government Association**; whereupon on a motion made by **Vice Mayor Kerdyk** and seconded by Commissioner Anderson Michael Levenstein was appointed as a member to said Board].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-215. The motion passed by the following vote:

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

City Clerk Item No. 41

F. CITY COMMISSION ITEMS

Time Certain: 10:00 A.M.

F.-1. **08-0832** Discussion regarding developing a vision for streetscape, landscape and on-street parking.
Commissioner Rafael "Ralph" Cabrera, Jr.

[Note for the Record: **Commissioner Cabrera** stated that he wanted to bring the matter of streetscape, landscape and the master plan the effects it brings regarding on-street parking back, because **Commissioner Withers** had previously stated that the City needs to develop some kind of a vision regarding same; further stating that he had invited two stakeholders (namely, **Dr. Joe Briggle**, dentist, with a residence on 1430 Sienna Avenue, and a business location on 368 Sevilla; along with **Mr. Luga**, restaurant owner, who was unable to be in attendance, the owner of Giardino Salads) who are both business owners, with experience regarding the effects of commercial or a residential development, in the midst of our Downtown area, whereby proceeds to implement the Streetscape/Landscape Master Plan, and as a result thereof, receives the adverse effects, as it pertains to on-street parking. **Dr. Briggle**, whose property abuts the **City National Bank/Bacardi/Burger King** Project, had previously served on the City's Board of Adjustment (2005), when the Burger King Project initially began; further acknowledging that notwithstanding the fact that the newer bigger developments are providing parking garages for their facilities; further stating that following plans coming before the City Commission, there was a loss of on street parking spaces for ingress and egress; further stating that prior to the development of the City National Bank/Bacardi/Burger King Project (which started on January 1, 2006, plans for on street parking spaces, for approval, going before the Board of Adjustment and ultimately the Commission went down further from 22 to 16 slots); further noting that following the City Commission approval of some new streetscape (i.e. bump-outs, etc.) during said project period, that parking spaces went down from 22 to 16 to 9 spaces; further noting that said reduction represents a "death sentence" for small business owners, because said group does not have on street parking; Dr. Briggle further pointed out that some of the biggest complaints received from his patients in his business area (i.e. two sides of Sevilla-south side of Sevilla and the north side of Palermo) were the traffic/lack of parking (there is a problem with the reduction of parking at the expense of putting bump-outs in said area; further reiterating the fact that he does not see how the construction of bump-outs are helpful to businesses, since the City loses a lot of revenue; further noting that said area is burdened by Le Juene Road, Douglas Road, S.W. 8th Street and University Drive; further stating that the entire aforementioned section has future plans for bump-outs; Dr. Briggle further explained that for every three parking spots, if the City has a bump-out, it loses 33% of the parking area; further adding that he is losing his clients, his customers, patients, etc; further stating that he is not opposed to the Greening of Coral Gables; however,

he does not see where putting up bump-outs is helpful to the business community, since it is very difficult to conduct business when people cannot find parking.

Commissioner Cabrera acknowledged that Dr. Briggle was “living the experience”; further informing the public that he has worked with our City staff to try and curb some of the construction of the streetscape/landscape program; further stating that the City has a serious responsibility in developing a vision regarding how to proceed with said projects; further informing Mr. Briggle that the City owes it to him and others like him, to develop the right kind of business model; further noting that dentists, doctors have a difficult time finding large buildings for their medical practices, noting that there is a presumption that they have a large patient base, that there is a volume of equipment to be picked up, etc.; further instructing the City staff through Interim City Manager Jimenez, to report back to the City Commission on the matter of On-Street Parking and the effects of Street Landscape on On-Street Parking; further requesting of City Staff to provide the City Commission with some feedback regarding same.

Commissioner Cabrera further stated that he can name two additional sites (including one wherein Dr. Morris was going to demolish, and in the vicinity of Coral Gables Elementary School-a new development, wherein there exist eight or nine bump-outs, or approximately 15-16 parking spaces), that it wasn’t until the last minute that he had realized that the City was eliminating 17 parking spaces in the former example mentioned, and approximately 15-16 parking space reduction in the latter; further questioning whether or not the City is developing the appropriate vision in the aforementioned examples, or should it be with a view toward smaller parking garages, because eventually if the City continues along the same trend, it could possibly lose its On-Street Parking capabilities; further requesting of the City Administration to incorporate the input and views from Dr. Briggle, Mr. Lugo and others, the real stakeholders, as it develops the analysis, audit, study regarding said matter.

Commissioner Anderson called for a one to two day planning workshop session, with the affected stakeholders to ascertain their views, etc. on said matter.

Interim City Manager Jimenez stated that the Administration will attempt to keep up as much as it can with the development of a vision, while maintaining some greenery and landscaping; further stating that the City Administration will also bring the directors of the **Parks, Public Works, Public Service and Planning Departments** here when said issue is brought back.

Commissioner Withers stated that in his opinion, the vision is broader than the small free standing medical building versus the building that is attached to hospitals, medical complexes, etc., with raked parking; further stating to Dr. Briggle that he believes that most of his industry is not housed in free standing building. Dr. Briggle stated that most elderly residents are opposed to parking garages; further stating said structures are

convenient; security is also an issue for the elderly group.

Commissioner Withers further queried his colleagues as to whether we as a City want to discourage Dr. Briggle's setup, thereby turning same into a professional office building, or does the City want to enhance and maintain what presently exists?-further inquiring as to whether the City is desirous of enhancing On-Street Parking?-what kind of business mix do we want to have?-what are the parking requirements?-further noting that there needs to be emphasis on developing said medical professional needs in a way that they want it to be met; further requesting of Mr. Briggle as to how much of his business is just walk in?-whereupon he responded quite a few.

Commissioner Anderson stated that our **City's Planning Director** needs to be considered in any negotiations with the development process, or provide some payment in lieu of, etc. to help some nodal garages.

Vice Mayor Kerdyk queried as to whether the City is creating a pedestrian friendly and landscaping versus a parking garage centric plan?-further pointing out that this initiative is analogous to what is going on along Miracle Mile, wherein the issue arises as to whether we are creating pedestrian friendly location and thus landscaping?-or are we driving our populace toward parking lots?; further suggesting that maybe one should look at our Central Business District, (where there is more density, and where one has the right to build more far in the Central Business District); therefore, when one gets outside of the CBO, maybe the City needs to look at exactly how it can devise a plan outside the Central Business District which differs tremendously, further stating that when one goes outside the Central Business District, maybe one needs to devise a plan which differs tremendously].

This Agenda Item was Discussed and Filed

City Clerk Item No. 35

F.-2. 08-0839

Follow-up and proposed action plan regarding direct report function to Commission based on November 18th discussion and preliminary staff input.

Commissioner Maria Anderson

[Note for the Record: **Commissioner Anderson** addressed her colleagues regarding the concept of having an **Internal Auditor** reporting directly to the City Commission (Note: further noting that the City Manager controls finances; we are still in control of what happens; further stating that on September 25, 2001, she initially presented said concept to her colleagues on the City Commission; further synthesizing the justification for said concept regarding having an Internal Auditor directly report to the City Commission, in furtherance of checks and balances; accountability, etc.; and encouraging innovation during tough economic conditions and shrinking of municipal budgets]; more particularly incorporating the viewpoints expressed by members of the City Commission (i.e. **Mayor Slesnick**-avail ourselves of our current External Auditor, give them input and provide a public forum for same; **Vice Mayor Kerdyk**-supportive of checks/balances, including improvement in government; further noting that any time the Commission meets regarding finances, represents an opportunity to delve into this matter, a little further; further adding that he is against adding another layer of bureaucracy; **Commissioner Cabrera**-Micro-view: conduct a Citywide audit, micro-view-establish an Auditor General position, without an added layer of full-time position and salary; and **Commissioner Wither**: merger of the Finance Director position with the Chief Financial Officer option]; further proffering the proposal to have a workshop session sometimes after the holidays (Note: Mayor Slesnick requested of **Interim City Manager Jimenez**, in honoring **Commissioner Anderson's request to have staff find a convenient time after the holidays** to conduct a workshop to discuss what audits, processes and analyses to be performed, with a direct report to the City Commission].

This Agenda Item was Discussed and Filed

City Clerk Item No. 42

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 43

H. CITY MANAGER ITEMS

City Clerk Item No. 44

RESOLUTION NO. 2008-217**H.-2. 08-0841**

Consideration of authorizing the City Manager to evaluate, pursuant to the City's Procurement Code, a purchase offer extended to the City of a historic building located at 2901 Ponce de Leon Blvd., Coral Gables, FL.

Attachments: [121608-Letter Developer 2901 Ponce.pdf](#)
[121608-CC Cover Memo Purchase 2901 Ponce de Leon1.pdf](#)
[121608-Procurement Code Division 12.pdf](#)
[Signed Resolution 2008-217.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EVALUATE, PURSUANT TO THE CITY'S PROCUREMENT CODE, A PURCHASE OFFER EXTENDED TO THE CITY OF A HISTORIC BUILDING LOCATED AT 2901 PONCE DE LEON BOULEVARD; IN ADDITION, THE CITY MANAGER IS FURTHER AUTHORIZED TO CONDUCT A SEPARATE EVALAUTION AS TO THE POTENTIAL PURCHASE OF UNIVERSITY BAPTIST CHURCH PROPERTY, LOCATED AT 624 ANASTASIA AVENUE, CORAL GABLES, FLORIDA.

[Note for the Record: **Interim City Manager Maria Jimenez** informed the members of the City Commission that she had received a letter from **J.C. Mas**, the developer and owner of the building commonly referred to as **the Arts and Craft Building**, located at 2901 Ponce de Leon Blvd.; further stating that in accordance with our City's Procurement Code, the following steps are necessary to further the evaluation of the purchase offer: **analysis by the Finance, Economic Development, Parking; Public Works; Planning; Historic Preservation Departments**, as well as an analysis being done by the **Parking Advisory; Property Advisory and Economic Development** Boards, including two public hearings before the City Commission to obtain public input; further requesting of the City Commission to authorize the City Manager to evaluate same, consistent with the requirements of the Procurement Code, in order to ascertain potential uses to be considered for the building.

Questions, Comments, Inquiries by the City Commission: Commissioner Cabrera inquired of his colleagues as to whether anyone had recalled any previous discussion regarding this building (Old Spanish Village Building) being considered as a donation to the City? --whereupon **Commissioner Withers** recalled that said matter was discussed with former **City Manager David Brown** who had talks with Ralph Sanchez and his representatives regarding same.

City Attorney Hernandez recalled that there had been a meeting between **Ralph Sanchez** and his representatives, along with **Mr. Brown** regarding said matter, consideration had been given to donation of the building during the time Mr. Sanchez was investing into same, however, the City Attorney noted that she was not invited to said discussions. Commissioner Cabrera surmised that said change of heart could

have ensued upon a discovery of the condition of said building and the amount of investment necessary to restore same; further noting that in terms of priorities, that the **University Baptist Church** would represent a greater priority in his view;; further querying as to whether the City Manager's analysis would included both uses; further pointing out to his colleagues that there is a certain sensitivity involved with the location of said structure, and the fact that it is right smack in a residential neighborhood area.

Commissioner Withers stated that the original intended zoning would have to be considered as opposed to put something at said location other than its intended use, namely, a single family/duplex along Segovia; further stating that a huge residential conflict may ensue if the City would attempt to put something inconsistent with the intended use.

Mayor Slesnick stated that if the City were to utilize the sanctuary as a meeting place, or utilize the classroom as a classroom, since there is a pre-school and a Senior Center there, it shouldn't generate such residential opposition; further clarifying that his comments were based on the premise that the City would run said facility and expend a designated amount of dollars on restoration and repair of same.

Commissioner Withers further queried the City Attorney, that if the City were to go in an entirely different direction and lease said facility to a third party, could they do so without going through our City Code and a public hearing discussion before the City Commission?-whereupon City Attorney Hernandez stated that the Zoning Code allows the City to establish something at said location, other than a church. Commissioner Withers stated that we had looked at said matter before, and noted that via Special Use, we could do something other than a church.

Cabrera mentioned that he made reference whether any of his colleagues remembered a possible discussion of a donation of the Arts and Crafts Building, just to gauge whether or not anyone knew about same. Mayor Slesnick further noted that the original developer of said building, representing one of the original Merrick Building properties; further stating that Mr. Sanchez is the Restorer of same; further noting that said structure represents a beautifully restored space; further stating that said building is where George Merrick's design team, led by Phineas Paist, the City's first artist; further stating that there are properties associated with the church that are multifamily buildings, said church owns the buildings, the City could have the church resale, or separate the buildings and have the church sell same, thus lowering the price.

Vice Mayor Kerdyk noted that potentially, the City could make a deal that affects the future of our City, therefore, it is important that we analyze these transactions very closely; further pointing out that the City needs to be very candid with the church, acknowledging that the church has a very limited use they can sell to, and they need to know that, and be realistic with their price tag; further noting that regarding the

Phineas location, one needs to look at said matter objectively, too.

Mayor Slesnick added, that here represents a monumental occasion to have the Kerdyk family make an important and everlasting contribution to the City of Coral Gables in purchasing and donating \$20 million for said historic building].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-217. The motion passed unanimously.

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

City Clerk Item No. 45

H.-3. [08-0837](#) Presentation of financial trend analysis of the City of Coral Gables.

Attachments: [Agenda - Presentation of Financial Trend](#)
[Presentation of Financial Trend Analysis](#)

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

This Agenda Item was Discussed and Filed

City Clerk Item No. 46

I. CITY ATTORNEY ITEMS

I.-1. [08-0794](#) Pending Litigation Report

Attachments: [PENLIT.12_16_08](#)

[Note for the Agenda (Agenda Item I): **City Attorney Elizabeth Hernandez** stated that she did not have anything new to update the City Commission on regarding her Litigation Report; further thanking the City Commission for their suggestion regarding the renaming of the City Attorney's Offices, in remembrance of the former City Attorney of Coral Gables, the late Robert Zahner; further stating that she will work with the former **City Attorney's wife, Eleanor**, to formalize said intent, and bring back same at an appropriate time; further acknowledging the City Commission's great respect for Mr. Zahner; finally, wishing **Commissioner Wither's** a Happy Birthday!].

This Agenda Item was Discussed and Filed

City Clerk Item No. 47

J. CITY CLERK ITEMS**None**

City Clerk Item No. 48

K. DISCUSSION ITEMS

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: I just wanted to thank staff for a great Boards and Committees Reception; I know that Development Department, all the Departments worked on that; it was fabulous. I think the best one in seven years since I've been here; very at ease; and I think in general and in speaking with the citizens that I was chatting with, and went around to speak with a lot of them, people are generally fairly happy and they love their City, and I wanted to commend that; and I wish everybody Happy Holidays, and healthy New Year in '09, and hopefully better times for everybody.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I had things to say, but I just realized what happened today during the Commission meeting. I want to thank everyone for allowing me to serve the City...

[Laughter]

Commissioner Cabrera:...and I just want to wish all of you, not only my colleagues on the City Commission, but all the City employees that work so hard all year round, not just during the holiday season, but all year round, my gratitude and good wishes for them, and their families; and then for the people we work for; look forward to seeing you all during the Holiday Season, out and about in 2009. So Happy Holidays to all!

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Just a very quick comment. The tree lighting ceremony was fantastic, and of course as you mentioned Commissioner, the Board Reception was also very, very good; and I'd like to thank staff for putting both of those programs on; and I think the City Manager, I'd like to just commend her for as good a job as she has done so quickly jumping into a situation that was very difficult, and you have added a lot to the City, and I think you have done a great job so far in that role.

Interim City Manager Jimenez: Thank you Commissioner.

Vice Mayor Kerdyk:...and also I appreciate these beautiful flowers in front of us...

Commissioner Cabrera: Beautiful but I got a little claustrophobic.

Vice Mayor Kerdyk: I can see that; there is one missing here.

Commissioner Cabrera: I started to “declemp” a little bit.

Vice Mayor Kerdyk: We need as much help as possible to make us look better back here, so these certainly help the situation. Again, just like the previous two Commissioners, I would like to wish each one of you a Merry Christmas, a Happy Holiday Season, and a very prosperous New Year. Thank you.

Mayor Slesnick: Thank you. Maria, I didn't ask if you had any closing comments.

Interim City Manager Jimenez: No, just also to each of you and to our staff, and to the residents of our City, the Merriest of Christmas and the Happiest of New Years. Thank you.

Mayor Slesnick: And as Tiny Tim observed, God Bless us everyone.

City Clerk Item No. 49

ADJOURNMENT

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 02:05 pm on December 16, 2008. The next regular meeting of the City Commission has been scheduled for January 13, 2009, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK