

City of Coral Gables

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



Meeting Minutes

Tuesday, December 11, 2007

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*

INVOCATION

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

[Note for the Record: The invocation was given by Police Chaplin, and St. Mark's Lutheran Church Reverend Arnold Perry].

PLEDGE OF ALLEGIANCE

University of Miami, President of Student Government Danny Carvajal led the Pledge of Allegiance.

[Note for the Record: Mayor Slesnick requested of the Student Government President for the University of Miami an update regarding activities occurring around the campus of the University of Miami, whereupon Mr. Carvajal stated that the University of Miami has an active student body engaged in many student activities and projects, among those is a Bike Sharing program called "free wheeling, which allows for the installation of kiosks around campus, and the rental of bikes to reduce car usage around campus and further promote a green sustainable environment, etc.

Note for the Record: Commissioner Withers stated that he had received a letter from the Student Government Association from the University of Miami, relating to the untimely loss of Ashley Kelly, her death, resulting from a pedestrian motor vehicle fatality on US 1, in connection with the proposed renaming of the pedestrian overpass in recognition of her passing; further stating that at the appropriate time, the City will move forward with same].

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. 2007-258 through Resolution No. 2007-278); (b) Ordinance(s) adopted on Second Reading (Ordinance No. 2007-37 and Ordinance No. 2007-38); (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

A.-1. Welcome to General Victor E. "Gene" Renuart, Jr., Commander of the North American Aerospace Defense Command and United States Northern Command

Recognized

[Note for the Record: Combatant and Four Star Air Force General Gene Renuart was back for a homecoming to be inducted into the Columbus High School Hall of Fame, appearing before the Commission with his wife Jill. General Renuart stated that it was nice to be home; he commended the Mayor and Commission on a superb job of leadership, noting that the City of Coral Gables looks spectacular; further summarizing those responsibilities assumed by the United States Northern Command: responsibility for defense of our homeland-the Continental United States, Puerto Rico, Alaska, and the Virgin Islands; assuming responsibility for hurricane response and assistance, to encompass the Bahamas, along with Turks and Caicos, in responding to certain disasters occurring outside of our borders; responsibility for our air defense--air sovereignty of the air space around the U.S., involving such impact issues as the migration of people from the Caribbean Islands, as well as the flow of illicit traffic into the U.S. from the south, which includes a team located in Key West to address same, and concomitantly, there is a similar team in the Southwest border to address similar problems along the Southwest border; a primary focus on counterterrorism working with our border to curtail the flow of drug trafficking; ballistic missile defense-involved in maritime domain, making sure that we build a strong protective area defense; working with Canada and Mexico regarding border security; involvement with the maritime domain to ensure that the flow of goods into the country are safe and secure; responsibility for missile defense as evidenced by interceptors located in Alaska and in Vandenberg. The internal mission is to provide support to those needed areas when disaster strikes; further acknowledging the state of Florida as having one of the best areas in the nation for hurricane preparation; further stating that whenever an occurrence exceeds the capacity of the city, county, etc. the state department is routinely brought in (i.e. wildfires in California wherein modular airborne firefighting aircraft was brought in); further partnering with localities and counties to provide assistance when disaster strikes, etc.]

[Note for the Record: Mayor Slesnick also acknowledged the presence of former State Legislator Arenhilda Badia].

City Clerk Item No. 1

A.-2.

Congratulations to the Miami Chapter of the American Institute of Architects, recipient of the 2007 Governmental Leadership Award

Recognized

[Note for the Record: Ms. Navidad Soto addressed the Commission regarding the Miami Chapter of the American Institute of Architects (AIA), stating that one of the purposes of said organization was to promote excellence in community design and community activism and to focus on a future that gives us a green vision and a sustainable green environment. On accepting the Governmental Leadership Award for 2007, in recognition of leadership and notable advancement in furtherance of the AIA. Mayor Slesnick stated, that he was humbled by any recognition that he did try to do for the right reasons; further noting that Founding Father George Merrick founded this City with a view that architects should create; further urging those interested parties to watch the architecture that the city has built in furtherance of George Merrick's vision-looking at more green projects, more green buildings. Mayor Slesnick further added that he once considered becoming an architect].

City Clerk Item No. 3

A.-3.

Presentation of "Member of the Year" Award to Dallas Brown, Facilities Division Superintendent, by the South Florida Branch of the American Public Works Association

Recognized

[Note for the Record: Both Carl Miller and Maria Porrate, representing the South Florida Branch of the American Public Works Association were on hand for the presentation of the Member of the Year Award to Dallas Brown, which is the most meritorious accolade that said organization can bestow upon an individual; further acknowledging Dallas' long tenure with the City; further noting that Dallas was selected from amongst participating nominees over three Chapters from Broward, Dade and Palm Beach counties, respectively. Commissioner Maria Anderson recalled the congeniality and concern that Dallas had shown for an employee whom he had once called into work.

Dallas Brown stated that he was honored to have received this award by this group; further acknowledging the great strides made by his association. Mayor Slesnick further thanked all of the city employees (i.e. Public Service, Public Works, etc.) who have made starting our holiday season so wonderful; further noticing certain events such as the opening of the Merrick House, Junior Orange Bowl, etc.)]

City Clerk Item No. 4

A.-4. Presentation of 25-year service pin to Richard Ridley, Public Works Department

Attachments: R. Ridley - Cover Memo.DOC

Recognized

[Note for the Record: Richard Ridley thanked everyone for his recognition on the occasion of his 25 years of service; especially thanking the maintenance guys within his unit for giving their support; specifically acknowledging one person (unnamed) in particular, whom he credited for encouraging him to continue his public service in the department, and that he would make it; further noting that although he may be no longer present, it is his hope that said individual (unnamed) is witnessing this event].

City Clerk Item No. 5

A.-5. Congratulations to Jason Swift, Police Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of January 2008

Attachments: Jason Swift_EOM_Jan2008-Cover Memo.DOC
EOM NotificationLetter_JasonSwift.pdf

Recognized

[Note for the Record: Commissioner Anderson stated that the Employee of the Month recognition gives one a chance to find out not only about those good people who do work in the City, but also what they do, the quality of work that one does here; further acknowledging certain descript adjectives that describe what Jason Swift does, such as passion and pride; Swift accepted said accolade by thanking Dallas Batch Elder, his supervisor; further thanking his Radio Shop colleagues, namely Matthew Ginn, Steve Bennett and Hector Avelino, along with the Employee of the Month Committee; further noting that it is always a pleasure to serve].

City Clerk Item No. 6

B. APPROVAL OF MINUTES**B.-1. Regular City Commission Meeting of November 13, 2007**

Attachments: CCMtg November 13 2007 - agenda item E-2 - Ordinance-Acquisition of the Palace of the Legion of Honor.doc
CCMtg November 13 2007 - agenda item F-2 - Term Limits Discussion.doc
CCMtg November 13 2007 - agenda item H-1 - Property Taxes by Fausto Gomez.doc
CCMtg November 13 2007 - agenda item K - Discussion Items.doc

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

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

[Note for the Record: Commissioner Anderson instructed the City Clerk to correct a typographical error, appearing on Page 20 of said minutes with reference to the correct spelling of Gratian Avenue].

City Clerk Item No. 7

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

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

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

RESOLUTION NO. 2007-258

C.-1. Resolution appointing Ricardo R. Perez (nominated by Commissioner Cabrera) to serve as a member of the Emergency Management Division, for a two (2) year term, beginning June 1, 2007 through May 31, 2009.

Attachments: DRAFT - RICARDO R. PEREZ- Emergency Mgmt Division - 2007--.doc
EMD - Ricardo Perez Cover Memorandum - Bd Minutes - Action Req.DOC

This Matter was adopted by Resolution Number 2007-258 on the Consent Agenda.

A RESOLUTION APPOINTING RICARDO R. PEREZ (NOMINATED BY COMMISSIONER CABRERA) TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2007 THROUGH MAY 31, 2009.

City Clerk Item No. 8

RESOLUTION NO. 2007-259

C.-2. Resolution confirming the appointment of Carolina Valdes-Lora (Board-As-A-Whole) to serve as a member of the Parks and Recreation Youth Advisory Board, for a two (2) year term, beginning June 1, 2007 through May 31, 2009.

Attachments: Cover Memo Carolina Valdes-Lora as Board-As-Whole Mbr.pdf
Reso Carolina Valdes-Lora as Board as a Whole Mbr (3).doc

This Matter was adopted by Resolution Number 2007-259 on the Consent Agenda.

A RESOLUTION CONFIRMING THE APPOINTMENT OF CAROLINA VALDES-LORA (BOARD-AS-A-WHOLE) TO SERVE AS A MEMBER OF THE PARKS AND RECREATION YOUTH ADVISORY BOARD, FOR A TWO (2) YEAR TERM, BEGINNING JUNE 1, 2007 THROUGH MAY 31, 2009.

City Clerk Item No. 9

RESOLUTION NO. 2007-260

C.-3. Resolution of the City of Coral Gables Commission confirming the reelection of Sergeant Agustin Diaz as a Police Officer Representative (Unopposed); said individual to serve as a Participant Retirement Board Member for a two (2) year term beginning January 1, 2008 through December 31, 2009.

Attachments: DRAFT - Agustin Diaz Retirement Board- 2007--.doc
Agustin Diaz (re election) 12-1107.DOC

This Matter was adopted by Resolution Number 2007-260 on the Consent Agenda.

A RESOLUTION OF THE CITY OF CORAL GABLES COMMISSION CONFIRMING THE REELECTION OF SERGEANT AGUSTIN DIAZ AS THE POLICE OFFICER REPRESENTATIVE (UNOPPOSED); SAID INDIVIDUAL TO SERVE AS A PARTICIPANT RETIREMENT BOARD MEMBER FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2008 THROUGH DECEMBER 31, 2009.

City Clerk Item No. 10

RESOLUTION NO. 2007-261

C.-4. Resolution authorizing the sale of decommissioned canine "Troll" to Officer Alex Castello for the amount of One Thousand Five Hundred Dollars (\$1,500.00).

Attachments: cm_caninetroll_sale.doc
castello_caninetroll_sale.DOC
agreement.pdf
agendacoversheet_saleofcaninetroll.DOC

This Matter was adopted by Resolution Number 2007-261 on the Consent Agenda.

A RESOLUTION AUTHORIZING THE SALE OF DECOMMISSIONED CANINE "TROLL" TO OFFICER ALEX CASTELLO FOR THE AMOUNT OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00).

City Clerk Item No. 11

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

C.-5. Board of Adjustment Meeting of November 5, 2007

Attachments: Agenda Cover Page Comm 11. 05. 07.doc
Recap 2 November 2007.pdf
Notice Daily Bus Review.pdf

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

C.-6. Budget/Audit Advisory Board Meeting of October 11, 2007

Attachments: 121107-Cover Memo CC Minutes 101107.doc
101107-Minutes.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

C.-7. Communications Committee Meeting of November 15, 2007

Attachments: minutes november 2007.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

C.-8. Coral Gables Advisory Board on Disability Affairs Meeting of October 10, 2007

Attachments: Dis cover.DOC
07Oct.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

C.-9. Coral Gables Merrick House Governing Board Meeting of August 22, 2007

Attachments: Merrick House Board Minutes - August 22 2007.pdf
CGMHNoAction-08.22.07Minutes.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-10. Coral Gables Merrick House Governing Board Meeting of September 24, 2007

Attachments: Merrick House Minutes-Sept 24, 2007.pdf
CGMHNoAction-09.24.07Minutes.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

C.-11. Coral Gables Merrick House Governing Board Meeting of October 1, 2007

Attachments: Merrick House Board Minutes - October 1,2007 final.pdf
CGMHNoAction-10.01.07Minutes.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 18

C.-12. Coral Gables Merrick House Governing Board Meeting of November 5, 2007

Attachments: Merrick House Board Minutes-November 5,2007.pdf
Merrick House Board Minutes-November 5,2007 - Curator attachment.pdf
CGMHNoAction-11.5.07Minutes.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 19

C.-13. Cultural Development Board Meeting of October 25, 2007

Attachments: Comm cov 12-11-07no act 11-25-07.DOC
CDB Minutes 10-25-07(2).pdf

This Matter was approved on the Consent Agenda.

City Clerk Item No. 20

C.-14. Economic Development Board Meeting of October 3, 2007

Attachments: EDB cover 12-11-07 no action.doc
Minutes 10-3-07.pdf

This Matter was approved on the Consent Agenda.

City Clerk Item No. 21

C.-15. Historic Preservation Board Meeting of October 18, 2007

Attachments: HPB Meeting - October 18 2007.doc
HPBNoAction-10.18.07Minutes.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 22

C.-16. Historic Preservation Board Meeting of November 15, 2007

Attachments: HPB Meeting Nov 15 2007.doc
HPBNoAction-11.15.07Minutes.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 23

C.-17. Parking Advisory Board Meeting of September 27, 2007

Attachments: cover pab 09-27-07.doc
pab minutes 09-27-07.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 24

C.-18. Parks and Recreation Advisory Board Meeting of November 16, 2007

Attachments: Min 11-16-2007.doc
Parks Rec Cover memo Dec 11.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 25

C.-19. Pinewood Cemetery Advisory Board meeting of September 11, 2007

Attachments: 09.11.07NoAction.doc
Pinewood minutes September 11, 2007.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 26

C.-20. Pinewood Cemetery Advisory Board Special Informational Meeting of October 2, 2007

Attachments: 10.02.07NoAction.doc
PinewoodOctober2.2007-special.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 27

C.-21. School and Community Relations Committee Meeting of October 23, 2007

Attachments: october 23.doc
oct 23 cover.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 28

C.-22. Senior Citizens Advisory Board Meeting of October 1, 2007

Attachments: Cover Memo 10-01-07 Summary.doc
Min 10-01-2007 Draft (3).doc
Attach SB min 10-1-07 re ltr Mark Lesher to Joe Abel.pdf

This Matter was approved on the Consent Agenda.

City Clerk Item No. 29

C.-23. Senior Citizens Advisory Board Meeting of November 5, 2007

Attachments: Cover Memo 11-05-07 Summary.doc
Min 11-05-2007 Draft (3).doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 30

C.-24. Traffic Advisory Board Meeting of October 19, 2007

Attachments: Morrison's October 07.doc
TAB cover.doc

This Matter was approved on the Consent Agenda.

City Clerk Item No. 31

Non-Agenda Items**RESOLUTION NO. 2007-262**

**N.A.C.
-25.** Resolution Appointing Jeffrey Devin to the Emergency Management Division by Vice Mayor Kerdyk.

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2007-262. The motion carried by the following vote:

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

RESOLUTION APPOINTING JEFFREY DEVIN (NOMINATED BY VICE MAYOR KERDYK) TO SERVER AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION. FOR A TWI (2) YEAR TERM, BEGINNING JUNE 1, 2007 THROUGH MAY 31, 2009.

City Clerk Item No. 32

RESOLUTION NO. 2007-262.1

**N.A.C.
-25.1** Resolution Appointing Lonnie Hayes to the Emergency Management Division by Commissioner Cabrera.

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2007-262.1. The motion carried by the following vote:

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

RESOLUTION APPOINTING LONNIE HAYEZ (NOMINATED BY COMMISSIONER CABRERA) TO SERVER AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION. FOR A TWI (2) YEAR TERM, BEGINNING JUNE 1, 2007 THROUGH MAY 31, 2009.

City Clerk Item No. 32.1

D. PERSONAL APPEARANCES**RESOLUTION NO. 2007-263**

D.-1. William D. Wright, Jr., Treasurer, FAAI, on behalf of the Florida Alpha Association, Inc. for permission for an outside sewer connection to the City's pressure system to serve the Sigma Alpha Epsilon (SAE) Fraternity House, located at 1520 Liguria Avenue, Coral Gables, Florida.

Attachments: SAE frternity sewer cover.DOC
sae fraternity house sewer.doc

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this matter be adopted by Resolution Number 2007-263. The motion carried by the following vote:

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

A RESOLUTION AUTHORIZING AN OUTSIDE SEWER CONNECTION TO THE CITY'S PRESSURE SYSTEM TO SERVE THE SIGMA ALPHA EPSILON (SAE) FRATERNITY HOUSE LOCATED AT 1520 LIGURIA AVENUE, CORAL GABLES, FLORIDA, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT, AS PROVIDED IN RESOLUTION NOS. 24481 AND 27941, AND PROVIDED THAT THE EXECUTED AGREEMENT BE MADE PART OF THIS RESOLUTION.

[Note for the Record: Mr. Wright, representing the Florida Alpha Association Inc., appeared before the Commission; further stating for the record that said project was in limbo for a period of time, noting that certain differences which existed between the owners and the University of Miami had to be resolved, said matter which carried over a period of two years. Mr. Wright further added that his group is currently awaiting approval for a permit.

Direction to the City Manager: by Vice Mayor Kerdyk (which was also reiterated by Commissioner Cabrera) to provide assistance to the Florida Alpha Association Inc., in order that they may move through the building permit process].

City Clerk Item No. 33

D.-2.

Janet Gavarrete, Associate Vice-President of Campus Planning and Development, University of Miami, presentation of the Advancement of Traffic-Related Improvements pursuant to the 2006 University of Miami Campus Area Development (UMCAD) approval.

Attachments: Dec 1 2007 traffic update letter to City Manager.pdf

Presented and Filed

[Note for the Record: Mrs. Gavarrete explained that during the time that the Commission approved the 2006 Amendment, that the University has worked with the City's consultants, our traffic consultant, traffic engineers, Florida Department of Transportation, both City and County Public Works Departments in developing plans for street improvements and around the University of Miami's campus area; further stating that she was pleased to announce that the project is on time, with certain plans having been submitted, others scheduled for submission later this month; further adding that she is pleased to have worked closely and very positively with the City of Coral Gables on this matter.

Community Relations Committee: Commissioner Cabrera queried of Mrs. Gavarrete whether the University had worked alongside of the City's Community Relations Board during this process, whereupon Mrs. Gavarrete informed him that the Board had not yet received this specific report and detail; further stating that meetings of said Board are held quarterly; further adding that the University will update said Board, once their meetings are held.

Mayor Slesnick suggested to Mrs. Gavarrete to avoid worrying about quarterly meetings, since one may also call a special meeting. City Manager Brown added that the project is on target, a little ahead in some areas, making progress with each step of the way.

Commissioner Cabrera informed Ms. Gavarrete that his former wife, who now resides in Portland, Oregon, was involved with the establishment of the homeowners association with the University of Miami; further suggesting that she may want to contact her regarding said issue].

City Clerk Item No. 34

RESOLUTION NO. 2007-264**D.-3.**

Joe Folino, Associate Vice-President of Facilities and Design Construction, University of Miami, for permission for an outside sewer connection to the City's pressure system to serve the University of Miami Robert and Judi Prokop Alumni Center located at 6200 San Amaro Drive, Coral Gables, Florida.

Attachments: Robert&JudiAlmnisewercover.DOC
Robert and Judi Prokopsewerres.doc

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2007-264. The motion carried by the following vote:

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

A RESOLUTION AUTHORIZING AN OUTSIDE SEWER CONNECTION TO THE CITY'S PRESSURE SYSTEM TO SERVE THE UNIVERSITY OF MIAMI ROBERT AND JUDI PROKOP ALUMNI CENTER, LOCATED AT 6200 SAN AMARO DRIVE, CORAL GABLES, FLORIDA, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT, AS PROVIDED IN RESOLUTION NOS. 24481 AND 27941, AND PROVIDED THAT THE EXECUTED AGREEMENT BE MADE PART OF THIS RESOLUTION.

[Note for the Record: Zeke Guilford, Esquire, of Guilford and Associates, appeared before the Commission, representing the University of Miami, in connection with said request for an outside sewer connection to the City's pressure system to serve the U of M Robert and Judi Prokop the Alumni Center; said matter which was recommended for approval by the City Manager with comments and conditions; further stating that he was in agreement with same].

City Clerk Item No. 35

RESOLUTION NO. NO NUMBER ASSIGNED**D.-4.**

Dr. Claudius A. Carnegie, on behalf of the Miami-Dade County Public Schools, for permission for an outside sewer connection to the City's pressure system to serve West Laboratory Elementary School, 5300 Carillo Street, Coral Gables, Florida.

Attachments: Tom's West Agree.doc
west lab cover.doc
west lab resolution.doc

Deferred

City Clerk Item No. 2

RESOLUTION NO. 2007-265

D-5. Laura L. Russo, Esquire, from Russo & Baker, P.A., on behalf of the Coral Gables Congregational Church, Owner, for permission for an outside sewer connection to the City's pressure system to serve the Coral Gables Congregational Church, located at 3010 De Soto Boulevard, Coral Gables, Florida.

Attachments: 3010desotoblvd.DOC
CHURCH3010DESOTOBLVDRESOLUTION.doc

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2007-265. The motion carried by the following vote:

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

Absent: 1 - Commissioner Cabrera, Jr.

A RESOLUTION AUTHORIZING AN OUTSIDE SEWER CONNECTION TO THE CITY'S PRESSURE SYSTEM TO SERVE THE CORAL GABLES CONGREGATIONAL CHURCH, LOCATED AT 3010 DE SOTO BOULEVARD, CORAL GABLES, FLORIDA, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT, AS PROVIDED IN RESOLUTION NOS. 24481 AND 27941, AND PROVIDED THAT THE EXECUTED AGREEMENT BE MADE PART OF THIS RESOLUTION.

[Note for the Record: Laura Russo, Esquire, of Russo and Baker, P.A., appeared before the City Commission on behalf of Coral Gables Congregational Church, indicating that she had read the staff report and conditions of the ordinance; further stating that she was in agreement with same].

City Clerk Item No. 36

RESOLUTION NO. 2007-266

D-6. David Potts, Jr., from A1A Electric Signs & Neon, Inc., on behalf of Miami-Dade County Parks and Recreation Department for permission to encroach into the right-of-way with a double-sided, sandblasted, non-illuminated, free standing sign at the entrance of Matheson Hammock Park, located at 9610 Old Cutler Road, Coral Gables, Florida.

Attachments: Matheson Hammock cover.DOC
MathesonHammocksRes.doc

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2007-266. The motion carried by the following vote:

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

Absent: 1 - Commissioner Cabrera, Jr.

A RESOLUTION AUTHORIZING INSTALLATION OF A DOUBLE-SIDED, SANDBLASTED, NON-ILLUMINATED FREE-STANDING SIGN AT THE ENTRANCE OF MATHESON HAMMOCK PARK, 9610 OLD CUTLER ROAD, CORAL GABLES, FLORIDA; SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

[Note for the Record: Mayor Slesnick indicated that the Commission has received the package; that the Commission also has the information; further stating that there is a preference for nice illuminated signs, that the City likes its public parks from Miami-Dade County, namely Matheson Hammock Park].

City Clerk Item No. 37

D.-7. Eugenio Duarte, Esq. on behalf of B.E.N. Development Corp., requesting releases of two Restrictive Covenants of Unity of Title for two-unit duplexes located at 404 Zamora Avenue and 301 Santander Avenue, in order to facilitate the sale of the individual duplex units to different owners.

Deferred

[Note for the Record: Mayor Slesnick requested a deferral of this issue, since there was no staff recommendation regarding same; further stating to Mr. Duarte that he wanted to receive the best staff recommendation, and for said recommendation to take into consideration a number of factors.

Commissioner Cabrera stated that he would like to know the position that the remaining members of the Commission have on said matter; further stating that said matter had been stalemated since May of 2007.

City Manager David Brown stated that since said issue has the potential to expand citywide, it is best to allow him the opportunity to get a staff review of same by going through the Planning Department; further stating that contingent upon when said matter may be advertised, will determine the timely placement of said issue before said Board, and ultimately the scheduling of same back before the Commission.

Mr. Duarte added that when said issue was first presented to the City Attorney in April of 2007, and subsequently sent to the Planning Department, that there was no objection to approval of the sale of land under a duplex, as long as there was some form of condominium agreement binding the land; further stating that the City has previously approved the sale of units within a duplex, under a condominium type of ownership; further explaining that the reason for submittal of a declaration of covenant was because it was felt that said course of action was user friendly, and that it was easier for the title examiner to make a determination of marketability on said property, because something would happen in condominium forms of ownership when one has two duplexes; further stating that quite often said matter falls apart and that rules are often times not followed.

Mr. Duarte further stated that he would withdraw his request for release of a unity of title in exchange for the Commission granting approval to him to proceed under a condominium form of ownership; further noting that following a review by title examiners of lots, and that since said lots cannot be separated, that there needs to be a request for adoption of new language that says: notwithstanding unity of title, that the owner can propose said units as a condominium form of ownership and sale said units.

Whereupon City Manager Brown stated that he would meet with Assistant City Attorney Lourdes Alfonsin and review said language to see if said matter can be resolved administratively, rather than going before the Planning and Zoning Board].

City Clerk Item No. 40

E. PUBLIC HEARINGS**ORDINANCE NO. 2007-37**

E.-1. Ordinance on Second Reading. An Ordinance of the City of Coral Gables Zoning Code creating a new Division within Article 3, Development Review, Division 20, entitled "Art in Public Places"; providing definitions; establishing policy, establishing an art fund to be used for public art purposes; providing procedures and administration criteria; providing exemptions and waivers; providing for ownership and maintenance; and providing for enforcement for an art in public places program; providing for repeal, providing severability, providing for codification thereof, an effective date, and repealing all Ordinances inconsistent herewith. (Passed on First Reading October 23, 2007)

Attachments: BrownAPP Ord 10-23-07 memo.rtf
CityAtty memo Comm 10-23-07.doc
ArtInPublicPlaces-draft Guidelines-final-10-23-07.doc
CommCov10-23-07ArtPubPIOrd.DOC
ArtPubPlaces ord Commission 10 23 07.doc
12 11 2007 City Commission 2nd Reading Public Art.pdf
12 11 07 Exhibit A: Art in Public Places 2nd Reading clean version.doc
12 11 07 Exhibit B: Art in Public Places 2nd Reading with strikout and underline.p
12 11 07 Exhibit C: PZB Meeting Minutes of 11 14 07 PZB Verbatim Minutes.pdf
12 11 07 Exhibit D: City Commission Minutes of 10 23 07
12 11 07 Exhibit E: PZB Staff Report re art in public places of 11 14 07
12 11 07 Exhibit F: Examples of Art inPublic Places.pdf

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this matter be adopted as amended by Ordinance Number 2007-37. The motion carried by the following vote:

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

AN ORDINANCE OF THE CITY OF CORAL GABLES ZONING CODE CREATING A NEW DIVISION WITHIN ARTICLE 3, DEVELOPMENT REVIEW, DIVISION 20, ENTITLED "ART IN PUBLIC PLACES"; PROVIDING DEFINITIONS; ESTABLISHING POLICY, ESTABLISHING AN ART FUND TO BE USED FOR PUBLIC ART PURPOSES; PROVIDING PROCEDURES AND ADMINISTRATION CRITERIA; PROVIDING EXEMPTIONS AND WAIVERS; PROVIDING FOR OWNERSHIP & MAINTENANCE; AND PROVIDING FOR ENFORCEMENT FOR AN ART IN PUBLIC PLACES PROGRAM; PROVIDING FOR REPEAL, PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

[Note for the Record: A copy of the verbatim transcript for Agenda Item E-1 will be made available for public inspection, in the Office of the City Clerk and in Legistar, upon its completion].

City Clerk Item No. 41

RESOLUTION NO. 2007-268

NA.E.
-1.1. A Resolution to amend proposed Art in Public Places Ordinance on Second Reading which was presented to the Commission on this same date, thereby amending said Ordinance on Second Reading to allow for an exemption for College/University that maintains at its campus a publicly accessible permanent collection of art of at least thirty (30) sculptures and/or other public art in accordance with a master art plan which shall be reviewed and confirmed by the City Commission and a report of changes to the master art plan shall be presented to the City Commission every three (3) years.

Attachments: AiPP - amended exemption language 12 31 07.doc

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this matter be adopted by Resolution Number 2007-268. The motion carried by the following vote:

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

A RESOLUTION TO AMEND PROPOSED ART IN PUBLIC PLACES ORDINANCE ON SECOND READING WHICH WAS PRESENTED TO THE COMMISSION ON THIS SAME DATE, THEREBY AMENDING SAID ORDINANCE ON SECOND READING TO ALLOW FOR AN EXEMPTION FOR COLLEGE/UNIVERSITY THAT MAINTAINS AT ITS CAMPUS A PUBLICLY ACCESSIBLE PERMANENT COLLECTION OF ART OF AT LEAST THIRTY (30) SCULPTURES AND/OR OTHER PUBLIC ART IN ACCORDANCE WITH A MASTER ART PLAN WHICH SHALL BE REVIEWED AND CONFIRMED BY THE CITY COMMISSION AND A REPORT OF CHANGES TO THE MASTER ART PLAN SHALL BE PRESENTED TO THE CITY COMMISSION EVERY THREE (3) YEARS.

City Clerk Item No. 41.1

RESOLUTION NO. 2007-269

NA.E. A Resolution to amend proposed Art in Public Places Ordinance on Second Reading which was presented to the Commission on this same date, thereby amending said Ordinance on Second Reading to permit non-municipal project developers to donate art in lieu of payment of a fee or place art within the project.

Attachments: AiPP - amended gift language 12 31 07.doc

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2007-269. The motion carried by the following vote:

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

A RESOLUTION TO AMEND PROPOSED ART IN PUBLIC PLACES ORDINANCE ON SECOND READING WHICH WAS PRESENTED TO THE COMMISSION ON THIS SAME DATE, THEREBY AMENDING SAID ORDINANCE ON SECOND READING TO PERMIT NON-MUNICIPAL PROJECT DEVELOPERS TO DONATE ART IN LIEU OF PAYMENT OF A FEE OR PLACE ART WITHIN THE PROJECT.

City Clerk Item No. 41.2

ORDINANCE NO. 2007-38**E.-2.**

Ordinance on Second Reading. An Ordinance of the City Commission of Coral Gables approving an amendment to a previously approved abandonment and vacation of alleys for the previously approved mixed use planned area development (PAD) known as "Old Spanish Village", located on property legally described as all of Block 20, Block 23 less a portion of Lot 11 and Lot 12, all of Block 24 and 30, and Lot 45, Block 31 and Lots 12-13, Block 33, and adjacent public Rights-Of-Ways (ROW), Crafts Section, Tract A,B, and C, Catamal Corner, Coral Gables, Florida; and including required conditions; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (Passed on First Reading November 13, 2007)

Attachments: Old Spanish-Ordinance Alley Vacation.doc
Cover Memo Ordinance Old Spanish alley vacation.doc

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Ordinance Number 2007-38. The motion carried by the following vote:

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

Absent: 1 - Commissioner Cabrera, Jr.

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING AN AMENDMENT TO A PREVIOUSLY APPROVED ABANDONMENT AND VACATION OF ALLEYS FOR THE PREVIOUSLY APPROVED MIXED USE PLANNED AREA DEVELOPMENT (PAD) KNOWN AS "OLD SPANISH VILLAGE", LOCATED ON PROPERTY LEGALLY DESCRIBED AS ALL OF BLOCK 20, BLOCK 23 LESS A PORTION OF LOT 11 AND LOT 12, ALL OF BLOCK 24 AND 30, AND LOT 45, BLOCK 31 AND LOTS 12-13, BLOCK 33, AND ADJACENT PUBLIC RIGHTS-OF-WAYS (ROW), CRAFTS SECTION, TRACT A,B, AND C, CATAMAL CORNER, CORAL GABLES, FLORIDA; AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title of the ordinance into the Record, Assistant City Attorney Lourdes Alfonsin stated that said ordinance had passed on First Reading in November of 2007; whereupon, there was no public discussion regarding said matter].

City Clerk Item No. 43

RESOLUTION NO. 2007-271**E.-3.**

Ordinance on First Reading. An Ordinance of the City Commission of the City 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.

Attachments: 121107-MEMO-Graffiti Ordinance-1st Reading (FINAL).doc

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this matter be deferred by Resolution Number 2007-271. The motion carried unanimously.

[Note for the Record: Following the reading of the title of the ordinance into the Public Record, Assistant City Manager Maria Jimenez gave a brief synopsis of said legislation; further stating that said ordinance is being presented for consideration as a result of escalating costs relating to graffiti removal. She further stated that a similar ordinance was introduced during Calendar Year 1998, wherein the City decided to handle removal of graffiti for commercial and noncommercial properties; further noting that the City has contracted with a vendor for the purpose of removal of said matter (ie. paint, stickers, etc.) within a certain prescribed period of time; further noting that property owners are not being cited, but instead are being noticed.

The Graffiti Abatement Program calls for immediate removal of graffiti, as well as requirement of notice to property owners. Furthermore, there has been shown to be a correlation between the timeliness of graffiti removal and the continuous nature of the offense. Removal of time ranges from 48 hours for commercial property up to 72 hours for non commercial property owners.

QUESTIONS/CONCERNS BY THE COMMISSION: Commissioner Withers questioned whether or not the proposed timeframe set for removal was realistic, citing examples of companies such as Dynamic Cablevision, Florida Power and Light, etc.; further questioning the reasonableness of responding within a forty-eight hour time frame noting that by the time that they receive a work order, get their crews out on location, etc. it is difficult to fall within compliance of said deadline.

Signage: Commissioner Withers citing graffiti on utility poles, terra card readings, stickers, yard sale signs, etc., suggested why not have commercial property owners contribute \$10,000 toward the City's Utility Fund while the City continues doing the work. Commissioner Cabrera added that if they balk at said recommended contribution, why not allow the City to invoice the cost to outside contractors who do the work, and then turn around and invoice the commercial property owner. Assistant City Manager Maria Jimenez stated that only one percent of all graffiti removal was

non-commercial (i.e. residential).

Extend contact information regarding the City's graffiti vendor to private commercial property owners: Vice Mayor Kerdyk proffered that the City should extend the courtesy of providing commercial property owners with the contact information regarding the city's graffiti removal vendor.

Commissioner Anderson: Commissioner Anderson proffered that the City should do the work, and bill it back to the commercial or non-commercial owner; further adding that the length of time that graffiti stays on a public-right-of-way barring any removal of same, increases the likelihood that such violation will occur again.

Commissioner Cabrera: Informed the Commission that he saw a U.S. Postal Service truck painting a mailbox; however, he was not sure if he would be willing to allow them to manage their own commercial graffiti removal; further stating that he would be more comfortable if the City could obtain the revenue and continue to handle the administration of same ourselves; further inquiring of the public if there is anyone who may be an expert in Dalva, to please contact him.

Assistant City Manager Maria Jimenez stated that she would continue to work with said utility company (i.e. FPL, etc.) to see if it would be amenable to reimbursement of continuing the Graffiti Abatement Program.

Mayor Slesnick stated during a time of increased expenditures and decreasing revenues, the City finds itself with the challenge of the worst of both worlds namely, less money and more demand; further stating that if we are to have the City beautiful, we need to have it graffiti free; further suggesting that the City show the utility company over the past year how said program has performed (i.e. Commissioner Withers...show work orders of what the City did). Whereupon, a motion was made by Commissioner Anderson and seconded by Commissioner Cabrera to send back said item to the Administration for further review; further directing the City Manager to bring said issue back before the Commission for placement on the January/February 2008 City Commission agenda].

City Clerk Item No. 44

ORDINANCE NO. NO NUMBER ASSIGNED**E.-4.**

Ordinance on First Reading. An Ordinance of the City of Coral Gables, Florida, amending Article 3, Division 5, entitled Planned Area Development of the City of Coral Gables Zoning Code by providing for revised standards and criteria and exemptions for adult living facilities and affordable housing facilities; providing for severability, repealer, codification, and an effective date.

Attachments: 12 11 2007 CC 1st Reading PAD amend.pdf
12 11 07 Exhibit A: Ordinance - PAD text amend first reading.doc
12 11 07 Exhibit B: PAD PZB staff report.pdf
12 11 07 Exhibit C: Excerpts of 11 14 07 PZB Verbatim Minutes.pdf
01 08 08 Cover Memo CC 2nd Reading PAD amend.pdf
01 08 08 Exhibit A: PAD text amend second reading.doc

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

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

[Note for the Record: Following the reading of the title of the proposed ordinance into the Record on First Reading, Planning Director Eric Riel stated that there were some minor changes to same: changes involving minimum lot depth, from 200 feet to 100 feet; and making certain provisions for changes if they satisfied five criteria, pursuant to our City's Zoning Code. Whereupon, a motion was made by Commissioner Cabrera and seconded by Vice Mayor Kerdyk, said issue, as described by Mayor Slesnick involving the public-private partnership between the seniors and the Palace passed unanimously].

City Clerk Item No. 45

Items E-5, E-6 and E-7 are related

ORDINANCE NO. NO NUMBER ASSIGNED

E-5.

Ordinance on First Reading. An Ordinance of the City of Coral Gables, Florida, amending the City of Coral Gables Comprehensive Land Use Plan, providing for a new "Educational Element" and associated text amendments to the Intergovernmental Coordination Element and Capital Improvements Element necessary to meet state-mandated public school concurrency requirements; authorizing transmittal of these amendments to the South Florida Regional Planning Council, Florida Department of Community Affairs, and other applicable agencies for review and comment as required by Florida Statutes; requesting that the Florida Department of Community Affairs waive the Objections, Recommendations and Comments (ORC) Report; providing for a repealer provision, a savings clause, a severability clause, and codification; and providing for an effective date.

Attachments: 12 11 07 School Concurrency amendments 1st reading.pdf
12 11 07 Exhibit A: School concurrency CLUP amendment - 1st reading.pdf
12 11 07 Exhibit B: School concurrency city code amendment - 1st Reading.pdf
12 11 07 Exhibit C: School concurrency Proposed Resolution to interlocal agreement
12 11 07 Exhibit D: PZB Staff Report of 11 14 07 school concurrency
12 11 07 Exhibit E: Excerpts of PZB Meeting Minutes of 11 14 07
12 11 07 Exhibit F: City Commission Cover Memo of 11 13 07 re School Concurrency
12 11 07 Exhibit G: Memo to City Clerk request for ad

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this matter be approved as an Ordinance on First Reading. The motion carried by the following vote:

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

[Note for the Record: Following the reading of the title of the proposed ordinance into the Record on First Reading, Mayor Slesnick requested of the City Manager to go ahead and also read the titles for Ordinance on First Reading for Agenda Items E-6, and the Resolution for E-7, respectively. Planner Javier Betancourt gave a presentation and overview of the three proposed amendments, namely the Comprehensive Plan; City Code; and Interlocal Agreement for Public School Facility Planning.

Mr. Betancourt further pointed out that Exhibit A, included the Proposed Comprehensive Plan Amendments, providing for a new educational element and a revised intergovernmental coordination and capital improvement element; Exhibit B included an amendment to the City Code, repealing Chapter 101 Article V entitled, "Concurrency Management Program" and providing for the removal from the Code of concurrency regulations that are duplicitous of identical regulations in the Zoning Code; further stating that it is intended to return to the Planning and Zoning Board and City Commission with proposed amendments to the Zoning Code's Concurrency Review Regulations, said amendments which require a more thorough rewrite; and Exhibit C, which included an amendment to the existing Interlocal Agreement between

the School Board and all local governments in Miami-Dade County, said agreement which has to be approved in its entirety in the same identical form; further stating that Exhibits D and E regarding the Planning and Zoning Minutes of November 14, 2007 are also included.

Mr. Betancourt emphasized that failure to adopt said concurrency requirements by January 1, 2008, will immediately freeze the city's ability to amend its Comprehensive Land Use Plan.

Vivian Villaamil, Director of Facility Planning for Miami-Dade County Public Schools, urged the Commission to adopt said legislation, putting forth a good faith effort in meeting the concurrency requirements of January 1, 2008].

City Clerk Item No. 46

ORDINANCE NO. NO NUMBER ASSIGNED

E.-6.

Ordinance on First Reading. An Ordinance of the City of Coral Gables, Florida, repealing Chapter 101, Article V of the Coral Gables City Code, entitled "Concurrency Management Program," providing for the removal of duplicitous and outdated regulations; providing for a repealer provision, a savings clause, a severability clause, and codification; and providing for an effective date.

Attachments: 12 11 07 City Commission Cover Memo re: School Concurrency amendments 1st
01 08 08 Cover Memo re City Code amendment 2nd reading.pdf
01 08 08 Exhibit A - Ordinance re City Code amendment - 2nd Reading.doc
01 08 08 Exhibit B: 11 14 07 Staff report re: school concurrency staff report.pdf
01 08 08 Exhibit C: Excerpts of 11 14 07 PZB Verbatim Minutes.pdf

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this matter be approved as an Ordinance on First Reading. The motion carried by the following vote:

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

[Note for the Record: Regarding the Concurrency Management Program, Mayor Slesnick stated that he had personally participated in one of the Concurrency Workshops. Following said brief comment, a motion was made by Commissioner Cabrera and seconded by Commissioner Anderson to approved the item as presented].

City Clerk Item No. 47

RESOLUTION NO. 2007-272

E-7. Resolution. (For discussion purposes only.) Resolution of the City of Coral Gables, Florida, amending and updating the City of Coral Gables and Miami-Dade County School Board Interlocal Agreement for Public School Facility Planning for the purpose of addressing state-mandated public school concurrency requirements; authorizing transmittal of this agreement to the South Florida Regional Planning Council, Florida Department of Community Affairs, and other applicable agencies for review and comment as required by Florida Statutes; and providing for an effective date.

Attachments: 12 11 07 City Commission Cover Memo re: School Concurrency amendments 1st

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2007-272. The motion carried by the following vote:

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

[Note for the Record: **Discussion by the Commission:** Commissioner Withers gave public comment articulating his disbelief that there can be allowance for neighboring areas to be counted into their concurrency, however students within the area that is being developed do not have the right to go into those other areas; further reiterating the issue of how can the School Board allow developers to get concurrency credits for development of schools outside a designated boundary to an adjacent school, yet students within that school district are not allowed to attend where that additional cap is being built. In response to Commissioner Withers description of said policy as being shortsighted, Miami-Dade County's School Board's Director of Facility Planning.

Vivian Villaamil simply stated that "shifting" is a policy that is statutory, and there is nothing that we can do about it; further stating that schools are guaranteed to be at 100 percent level of service by Calendar Year 2013.

Mayor Slesnick noted that Commissioner Withers comments reflect the continuing frustration with some of the attendance boundaries issues presently existing in Coral Gables; further urging Ms. Villamil to take said comments back to Miami-Dade County Public Schools.

Commissioner Kerdyk suggested why not have the School Board improve those school's within ones own school district.

Following the aforementioned discussion, a motion was made by Commissioner Cabrera, seconded by Commissioner Anderson to approve said item as presented].

City Clerk Item No. 48

RESOLUTION NO. 2007-270

E.-8. Ordinance on First Reading. An Ordinance amending the City Code Section 86-59 of Chapter 86, entitled "Waterways", Division 2, entitled "Anchoring, Mooring etc."; providing for prohibitions on the length of boat or craft; providing for placement of boat or craft within minimum side setbacks for main structure; providing for placement of boat or craft parallel to the abutting property; amending Section 86-60 by adding a section specifying when to allow the mooring of boat or craft to other boats; adding Section 86-62, entitled "Definitions" to define "Boat Mooring Space"; amending Section 86-86 by adding a section making it unlawful to obstruct passage to the waterway due to hurricanes; providing for severability, repealer, codification, and an effective date.

Attachments: anchoring of boats 12 03 07 (2).doc
waterway ordinance amendments - memo to cc (2) 12 03 07.doc
cm_waterwayordinance.doc
agendacoversheet_waterway.DOC

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this matter be deferred by Resolution Number 2007-270. The motion carried by the following vote:

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

[Note for the Record: A copy of the verbatim transcript for Agenda Item E-8 is available for public inspection in the Office of the City Clerk and in Legistar].

City Clerk Item No. 42

F. CITY COMMISSION ITEMS

None

City Clerk Item No. 49

G. BOARDS/COMMITTEES ITEMS

None

City Clerk Item No. 50

H. CITY MANAGER ITEMS

H.-1. Presentation by Dr. Murat Erkoc, Ph.D., Associate Professor, School of Industrial Engineering, University of Miami, to present the results of the study conducted on transportation service provided by the Coral Gables Trolley system.

Presented and Filed

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

City Clerk Item No. 52

RESOLUTION NO. 2007-273

H.-2. Resolution of the Coral Gables City Commission, with attachments, authorizing City Manager to execute an Interlocal Agreement between the City of Coral Gables and the City of Miami to allow the combined properties which make up Ponce Medical Plaza, LLC, which is located in both City of Coral Gables at 114 Ponce de Leon Blvd and the City of Miami at 3690 West Flagler Street, to be developed as one integrated development over the municipal boundaries of both cities. (Deferred from the November 13, 2007 City Commission Meeting)

Attachments: [agendacoversheet_interlocal_miami.DOC](#)
[cm_interlocalagreementmiami.doc](#)
[coral gables and miami interlocal 110707.doc](#)
[agreement 12 03 07BLACKLINE.DOC](#)
[memo to cc interlocal with city of miami - ponce medical plaza \(11 07 07\).doc](#)
[114PONCE_CORALGABLES_MIAMI_INTERLOCAL.doc](#)
[cm_interlocalagreementmiami.doc](#)
[agendacoversheet_interlocal_miami.DOC](#)

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2007-273. The motion carried by the following vote:

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

Absent: 1 - Commissioner Cabrera, Jr.

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION, WITH ATTACHMENTS, AUTHORIZING CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND THE CITY OF MIAMI TO ALLOW THE COMBINED PROPERTIES WHICH MAKE UP PONCE MEDICAL PLAZA, LLC, WHICH IS LOCATED IN BOTH CORAL GABLES AND MIAMI, TO BE DEVELOPED AS ONE INTEGRATED DEVELOPMENT OVER THE MUNICIPAL BOUNDARIES OF BOTH CITIES.

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

City Clerk Item No. 51

RESOLUTION NO. 2007-274

H.-3. Resolution accepting the bid of Florida Construction & Engineering Inc., in the amount of \$175,792.21, for the construction of ADA compliant Granada Pro-Shop Restrooms.

Attachments: [Granada Pro-Shop Restrooms cover.doc](#)
[Granada Pro-Shop Restrooms resolution.doc](#)

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this matter be adopted by Resolution Number 2007-274. The motion carried by the following vote:

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

A RESOLUTION ACCEPTING THE BID OF FLORIDA CONSTRUCTION & ENGINEERING, INC., IN THE AMOUNT OF \$175,792.21, FOR THE CONSTRUCTION OF THE GRANADA PRO-SHOP RESTROOMS TO COMPLY WITH ALL ADA ACCESSIBLE REQUIREMENTS, IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND THE DEPARTMENT OF JUSTICE.

City Clerk Item No. 53

RESOLUTION NO. 2007-275

H.-4. Resolution of the City of Coral Gables, Florida, amending and updating operations policy for the Coral Gables War Memorial Youth Center facilities effective December 11th, 2007.

Attachments: [Cover Memo re Youth Center Resolution.pdf](#)
[Youth Center Resolution 2007.doc](#)
[Min 11-16-2007.doc](#)

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2007-275. The motion carried by the following vote:

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

Absent: 1 - Commissioner Cabrera, Jr.

A RESOLUTION AMENDING AND UPDATING OPERATIONS POLICY FOR THE CORAL GABLES WAR MEMORIAL YOUTH CENTER FACILITIES EFFECTIVE DECEMBER 11TH, 2007, AND RESCINDING RESOLUTION NO. 29841.

[Note for the Record: Parks and Recreation Department Director Fred Couceyro stated for the record that the proposed resolution was a product of an effort in response to the usage of the Youth Center field and the maintenance of same; further proffering certain athletic field guidelines, as more particularly listed herein below:

- No outside recreational use of the field during program hours;
- No organized activity during non program hours;
- No more than twelve (12) participants in a game or match;
- Use of officiating (officials);
- Prohibiting the use of commercial ventures on the field;
- Discretion by the Parks and Recreational Department staff, as it pertains to a parent and his child to play catch on the side field, when there is another activity occurring concomitantly with same;
- Additional Athletic Policies into said Resolution: Eliminate any fees that are in the Youth Center resolution

Questions by the Commission: (Commissioner Cabrera)- In response to Commissioner Cabrera's inquiry regarding how the department was going to enforce the use of the facility on the weekends, Mr. Couceyro stated that the department would start using a field monitor on Saturdays and Sundays.

Withers: In response to Commissioner Wither's inquiry as to how the Parks and Recreational Board feels about same, Mr. Couceyro stated that said Board had taken an action passing said measures; however, the Board was dismayed that we had to use a monitor.

Numerical limit on usage of Jaycee Park for events: In response to the numerical limitation placed on usage of said park facility, Commissioner Withers stated that he lives approximately one-quarter of a mile from Jaycees Park; further stating that there has never been a birthday party with less than 15 people; further stating that this weekend a birthday party, wherein between 75 to 100 people were in attendance, had left debris all over the place; further acknowledging the need for a realistic policy; proffering a number of thirty to be more realistic .

Regular Soccer games at the Youth Center on Saturdays and Sundays (Cabrera): Commissioner Cabrera inquired of Mr. Couceyro, as to whether or not to usage of the field for regular soccer games on Saturdays and Sundays would be prohibited with the passage of the new resolution, whereupon Mr. Couceyro responded, yes.

Withers: Commissioner Withers stated the need to proceed with putting a competition committee in place within the organization to address the number of hours that a kid has to play; further stating that he can provide four or five examples of leagues in the area that have worked very well; further noting that in his opinion, it is crazy to have a designated number of kids on a basketball team and also have four or five kids not playing. Parks and Recreation Director Couceyro stated that he was in favor of this as long as this becomes a component of the War Memorial Association].

City Clerk Item No. 54

RESOLUTION NO. 2007-276

H.-5. Resolution of the City Commission of Coral Gables authorizing the City Manager to execute a Concurrent Use Agreement with the City of Orlando for the use of "The City Beautiful" by both cities.

Attachments: [CityBeautifulConcurrentUseAgreementOrlandoCover.doc](#)
[Concurrent use agreement signed by Orlando 120307.txt](#)
[Concurrent use agreement signed by Orlando 120307.txt](#)

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2007-276. The motion carried by the following vote:

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

Absent: 1 - Commissioner Cabrera, Jr.

**RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONCURRENT USE
AGREEMENT WITH THE CITY OF ORLANDO PROVIDING FOR THE USE
OF THE CITY BEAUTIFUL BY BOTH CITIES.**

[Note for the Record: Mayor stated for the record that this item was in furtherance of the vote that was taken which authorized the City to proceed with the negotiations with the City of Orlando regarding the concurrent use agreement for use of the "City Beautiful" trademark; further stating that he had forwarded to the City Manager certain positive articles which had been received from around the state, which stated that it was wonderful that the two cities were working together on said initiative].

City Clerk Item No. 55

Time Certain: 10:00 A.M.

RESOLUTION NO. 2007-267

H-6. Resolution accepting the recommendations of the Cultural Development Board for FY2007-2008 Cultural Grants in the total amount of \$166,250 (consistent with the 2007/2008 annual budget).

Attachments: Res approving funds.rtf
CDB 11-29-07 Minutes.pdf
CDB Minutes 10-25-07.pdf
Attachment A - FY07-08 Grants.xls
Comm Cov12-11-07Res07-08GrantAwards.doc
grant cover.pdf

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this matter be adopted by Resolution Number 2007-267. The motion carried by the following vote:

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

Absent: 1 - Vice Mayor Kerdyk, Jr.

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE CULTURAL DEVELOPMENT BOARD FOR FY2007-2008 CULTURAL GRANTS IN THE TOTAL AMOUNT OF \$166,250.00 (CONSISTENT WITH THE 2007/2008 ANNUAL BUDGET) AS THEY PERTAIN TO THOSE APPLICANTS MORE SPECIFICALLY LISTED IN ATTACHMENT A: FY 2007/08 CULTURAL GRANTS / ALLOCATION RECOMMENDATIONS

[Note for the Record: Dr. Carol Damian, Chairperson of the Cultural Development Advisory Board addressed the Commission regarding the 2007-2008 Cultural Grant process, stating that 42 applications were received for a total request amount of \$373,000; further stating that there was only an available grant amount of \$166,250; further acknowledging the breakdown into the various grant categories as follows: (6) grants were awarded for cultural development (\$15,000 each; (20) were awarded for Festivals/Special Events, totaling \$10,000 each; (9) were awarded in the category of community development (\$5,000 each); (6) were disqualified as being non-responsive, and 13 received low scores.]

City Clerk Item No. 38

RESOLUTION NO. 2007-277

H.-7. Resolution approving the recommendation of the Cultural Development Board for the placement of three Jean Ward Sculptures in Ingraham Park. (Deferred from the December 11, 2007 City Commission Meeting)

Attachments: CDB 11-29-07 Minutes.pdf

Res JeanWard sculp1-8-08.rtf

CommCover-Jean Ward sculptures.pdf

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this matter be deferred by Resolution Number 2007-277. The motion carried by the following vote:

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

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

This Item was initially heard as City Clerk Item No. 39, it was tabled and later brought back as City Clerk Item No. 56

I. CITY ATTORNEY ITEMS

I.-1. Pending Litigation Report

Attachments: PENLIT.12_11_07.doc

Discussed/No Action Taken

[Note for the Record: **Crane Ordinance:** City Attorney Hernandez reminded the Commission that they had the Litigation Report before them; further reporting to the Commission that previously, our governing body had passed and adopted a resolution opposing the County's proposed ordinance; further stating that although the County's legislation represented a good start, it did not go far enough in protecting our citizens, as well as the community; further stating that she has worked with Mr. Edmondson, and the County, in adopting said ordinance with our full support.

Rapid Transit: City Attorney stated for the record that our city had previously opposed said County legislation; further stated that certain zoning exemptions for municipalities were crafted while working with the County's Planning staff.

Charter Review Committee: The City Attorney stated for the record that the work with the Charter Review Committee ends on January 29th, 2008, and she will be quite pleased regarding the finality of same].

City Clerk Item No. 57

J. CITY CLERK ITEMS**RESOLUTION NO. 2007-278**

J.-1. Resolution accepting the City Clerk's Certification and Declaration of Results from the Coral Gables Retirement Board Election.

Attachments: Comm Cov12-11-07 - Reso confirming the election of individual - Ret Board Memt DRAFT - CERTIFICATION AND DECLARATION.doc

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this matter be adopted by Resolution Number 2007-278. The motion carried by the following vote:

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

[Note for the Record: City Clerk Walter Foeman stated for the record that what the members of the Commission had before them was the Clerk's Certificate and Declaration of Results from the Retirement Board Election which yielded the following results:

Thomas Carrigan---172 votes (32.76%)
Troy Easley-----174 votes (33.14%)
Donald Rusty Hill---130 votes (24.76%)
Ray Vorsteg-----37 votes (7.05%)
Invalid-----12 votes (2.29%)

City Clerk Foeman further requested that the Commission pass the proposed resolution accepting said certification and declaration of results from the election. Mayor Slesnick acknowledged the work of the Clerk's staff, which he pointed out, had worked until 11 p.m., the night of December 7th, during the time that certain City holiday related events were also occurring around the same time. City Clerk Foeman also acknowledged the efforts of the Canvassing Board].

City Clerk Item No. 58

K. DISCUSSION ITEMS

[Note for the Record: **Commissioner Cabrera** publicly wished Commissioner Withers a happy birthday, and **City Manager David Brown** a happy belated birthday.

Coral Gables Retirement Board Firefighters Pension Trust Fund/Board of Trustees; Coral Gables Police Officers Retirement Trust Fund/Board of Trustees Related Issues: Commissioner Cabrera instructed City Manager David Brown, that between now and the upcoming City Commission meeting of January 8, 2007, if he would prepare some sort of an update on the 175/185 Board issues; further acknowledging that the Commission had received correspondence from the state regarding said matter; further informing his colleagues that he had recently communicated (approximately 15 minutes by phone) with Mrs. Shoemaker, not in any formal capacity on behalf of the Commission, but as an interested party in furtherance of coming to a resolution regarding same, and in gaining a better understanding of the position taken by the State of Florida; further noting that he found her to be quite engaging, extremely professional, knowledgeable and very strong in her position, and interested in meeting with the City's delegation to ascertain how we can resolve the issue; further urging the Manager to develop some dialog with Mrs. Shoemaker.

Mayor Slesnick stated that the Commission had previously asked that a delegation from the City visit with Mrs. Shoemaker, talk out the issues, gain an understanding regarding how she was in her position, etc. (approximately two months ago); further stating his opinion that notwithstanding what our litigation strategy is, that the City should meet with Mrs. Shoemaker on a monthly or quarterly basis; further stating that he has worked with Mrs. Shoemaker for twenty-five years.

City Attorney Liz Hernandez informed the Commission that upon the advice of special counsel, namely Mr. Lynn who is an expert in these areas, recommended that once the City has prepared its responsive petition to the point of entry letter, then the City is in a better position to appropriately meet with her, and with her supervisors; further suggesting that the City cancel for now any impending meetings until Mrs. Shoemaker has had time to digest the city's position

Christmas Lighting along Miracle Mile: Commissioner Cabrera noted that due to budget cuts, that the Christmas lighting along Miracle Mile had been discontinued; further acknowledging that since the total cost of said lighting along the right-of-way, and because some merchants had felt short changed, that the City Manager should look at a decoration strategy program for next year and find a way to incorporate the merchants into same; further suggesting to the administration to consider other things that possibly we can trade (i.e. the cost elements of decorating the park across the street from City Hall, which this year totaled \$62,000); further encouraging the administration to review and assess what we are doing and make certain determinations to ensure that we balance same with support to the merchants.

Mayor Slesnick queried of the **City Manager** as to the feasibility of partnering with the BID, whereupon the Manager informed him that said suggestion was flatly turned down by Executive Director Mari Molina.

Commissioner Anderson acknowledged her and **Commissioner Cabrera's** attendance at the **Senior Art Show**; further acknowledging the wealth of talent existing in our senior community and tremendous work involved regarding same; further instructing the Manager to have for next year's show some kind of commemorative plaque, since it is a City of Coral Gables Senior Citizens Art Show; further commanding the Senior Citizens Advisory Board, especially Dr. Schiff for his leadership regarding said event; further stating that during a meeting with officials at the University of Miami, they had expressed a willingness to have a program for seniors in the area of sculpture, a guided tour, etc.

State of Florida Board of Administration Local Government Investment Pool: At the request of Commissioner Anderson, Finance Director Don Nelson provided the Commission with the following update regarding the decline in said Investment Pool:

Mr. Nelson: "Good afternoon, what I've provided you is a five page summary of the City's investment in the State of Florida State Board of Administration Local Government Investment Pool. This is an investment that the City has made since it was started in its inception in 1982. It's a money market fund managed by the State of Florida; it's highly the most secure, liquid money market, in and out fund that public entities can invest in, in the State of Florida. However, the investments that the State of Florida made on our behalf were in assets that went down in quality; these were commercial paper, these were money market funds that they had invested in that were also - those money markets were invested in mortgage back securities. The money market fund; and they were in variable rate; they were incorporate variable rate notes; they were in money market variable rate commercial paper; and these various investments fell in their credit quality. The State of Florida Fund has - and I'm going to go through the amount of monies that the funds has, which is on page two. There is fourteen billion dollars (\$14B) in the State that is managed by the State of Florida; there are seven hundred and sixty-nine (769) participants in the various local governments; there is a hundred and ninety-nine (199) cities; there is seventy-nine (79) counties, school boards, special districts, transit ports, utilities, county tax, sheriffs offices, citizens insurance, water management, community colleges, and supervisors of elections. It involves fourteen billion dollars (\$14B). The City's investment in this fund, which is again a daily money market, we go in, we take our proceeds, we invest with the State; they invest on our behalf. The amount of money, which is on page one, at November 28, 2007, was thirty two million dollars (\$32M); that's how much the City invested; this is our operating funds; this is not to do with any of the City's retirement funds at all, its only our daily liquidity, the proceeds we get from our revenues, the collection of our taxes, and all of the various revenues go into this money market account. The City has two accounts; we have one with the State of Florida; we also have a separate account, not with the State of Florida, which is in federated money market account, which we presently have nine million with; that is not part of the thirty two million. The thirty two million which is with the State, the State put a hold and they suspended all withdrawals from the account on November 29th; no fund, no fourteen billion dollars, no seven hundred and sixty-nine participants could withdraw as of November 29th. On December 4, 2007 the State Board, which is made up of the Governor, the Attorney General, and the Chief Financial Officer, they manage this Board, they are the over-sight Board that manages this fund; they declared on

December 4th that they would reopen the fund on December 6th, however, before they reopen they divided the assets in the fund into two categories - Fund "A" and Fund "B". Fund "A" was eighty-six percent (86%) of the total assets of the fourteen billion dollars they divided the assets eighty-six percent in Fund "A" and fourteen percent in Fund "B". Fund "A" in the State, those investments are in high quality, triple a rated, tradable liquid assets. The assets in Fund "B", however, are at this time not marketable, it will take time for those maturities to come around, and those assets will be on hold for six months to a year by the State. The City's investment then was divided as all other investments throughout the City or throughout the State, all the other participants were divided into two categories - Fund "A" and Fund "B" by the State of Florida. Fund "A" we had twenty seven million four hundred thousand; Fund "B" we had four point six million dollars, again thirty two million dollar investment in the State program. The Board on December 4th opened up the fund for withdrawals on December 6th - Thursday, December 6th, but you could only withdraw out of Fund "A", which is the amount of funds the City has, which is twenty seven million, and they limited the withdrawals to four million dollars, which is what we took out because it was fifteen percent maximum or two million dollars; we took out our maximum and we took a withdrawal when they opened up the program again for four million dollars, which brought our fund down from thirty two million to twenty eight million. There still is a restriction on Fund "B", actually there is a restriction on Fund "A" and "B"; Fund "A" which is the high quality investments the State Board has not open again another window to withdraw funds; they believe that those withdrawals will be monthly; they will allow so that there is not a great run on the bank, so that they are opening this up gradually, so that all the participants can withdraw their funds out over time; the next withdrawal has not been declared yet for Fund "A". Fund "B" which is four point six million dollars of City investments, the first likelihood of liquidity will be six months or the end of March, for that Fund "B". They also predicted it may take up to a year before those become liquid in the market place. The City will hold those funds there; all participants have to hold their funds there, they cannot withdraw them. Going back to Fund "A", the high quality, the City does have an option to withdraw out an early withdrawal of those funds, if the cities choose. If you go for an early withdrawal of those funds you have a two percent redemption fee, and if we were to withdraw all twenty seven million it would cost the City five hundred and forty thousand (\$540,000), and that's not recommended at this time; these are very good high quality investments; it will take time for the maturities of those investments by the State to come due, but every month those monies will come due, and we will withdraw our share out to provide liquidity and keeping the City operating. The good thing about - if there was any time in the year that this happened, this is probably the best time because this is when the City receives the tax proceeds from the County. Miami-Dade County starts providing the funding to all municipalities in Dade County, none of the funding from the tax proceeds went to the State. We have a separate money market account, which is Federated; those funds are being provided into that fund, which is now nine million dollars. That will grow because we have a sixty three point five million dollar revenue source from property tax proceeds, not counting our other revenues that we received of seventy million, making a hundred and forty million dollar budget. So we have sufficient revenues and sufficient liquidity during the year that will provide all the revenues and funds and money to support our on-going operations of payroll, meeting our bond payment, meeting all of our expenses. We on average keep twenty five to thirty five million, depending on the time of the year, at the State all the

time during the year. So this - these funds are placed there year round so the liquidity would not be a matter of consequences that we would need to withdraw these funds out quickly. It is the recommendation to keep the funds in, draw out under the schedule that the State is advising without redemption fees and taking any penalty; we are working with the State to provide advisory; I have been appointed as one of sixteen members in the State of Florida to help work out this crisis; we have conference call with the State Board that's going on, started at noon today to make recommendations of a 3:30 meeting with the Governor today to ensure that the funds, which is in Fund "B" be one hundred percent (100%) return back to the participants, which are the ones in question, and that this State Board of Administration Program restore its confidence and that the Governor ensure the participants, the seven hundred and sixty nine (769) governments in Florida, that they would not lose any capital investment in the program. So that is - what I've also provided you is a history of events leading up to the decline in the State Pool; I've also provided you a history of what we did and our actions to mitigate the issue."

Questions from the Commission: **Mayor Slesnick** inquired of **Finance Director Nelson** the following questions: the primary persons responsible for the fund are the governor, chief financial officer for the state and the attorney general; why would the City continue to withdraw money from Fund "A" if one really believes in it?-rather than continue to use Fund "A"; if one continues to put money into Fund "A", is there a requirement to put money into Fund "B" as well? Where would we put our money to do better? Why didn't the City know what the investment policy is and the funds that we are participating in, and if we did know, why didn't we see this coming?

Mr. Nelson responded by stating that the City can actually make deposits into Fund "A"; Fund A is a very liquid, very secure, triple "A" rated fund; we can also withdraw our funds, our proportionate funds if we chose to add additional funds at this time; further stating that the City has put its money into another money market to do better, which is federated; further stating that what the state had to do was to strip away the entire fund and put same into two categories, one that is a highly good fund, which is Fund "A", and strip away the "B", which are non-tradable at this point; further noting that its going to take time to mature and there is no liquidity at this time.

Concerning the issue as to why this crisis was not foreseen, Mr. Nelson stated that the City relied on the correspondence from the State Board of Administration-as evidenced in its newsletter of October 31st and again in its newsletter of November 9th, stating that said State Pool continues to provide stable returns for participants with emphasis on safety and liquidity of principal; further reiterating in the latter newsletter, that the SBA is well positioned to maintain a disciplined long term focus during periods of heightened financial market volatility, and uncertainty, meaning their fund is well secured.

Vice Mayor Kerdyk reiterated the query to Finance Director Nelson whether in his professional opinion the City is better off reframing from withdrawal and payment of the two percent fee to get the money out; whereupon Mr. Nelson responded that is correct.

Commissioner Withers instructed the City Attorney to look at said agreement for

purposes of ascertaining whether the state was allowed to split the fund (Fund "A" and Fund "B") into the two separate categories like they did; further inquiring through the City Manager of Mr. Nelson as to whether anyone has challenged the state regarding same?-further inquiring as to the legality of the state's action in changing the rules half way through an investment process, thus whether splitting of the fund is permissible; further questioning the administration whether the City had reviewed what was signed; what agreement the City had entered into, etc. **City Attorney Hernandez** stated that they would pull the agreements, look through them, meet with Mr. Nelson and review same.

Time Walk Lights at Intersections: **Commissioner Withers** inquired of the City Manager whether we are beyond the time frame for installation of time walk lights at intersections; whereupon City Manager Brown stated that he would have to contact the County regarding same.

Round-a-bouts: **Commissioner Withers** commended the Public Works staff on the phenomenal job regarding said installation--specifically the curbing, landscaping, etc.; further suggesting that the administration take a look at removal of the less aesthetically appealing proliferation of signage located fifteen feet above the ground.

In response to Mayor Slesnick's reference to the proliferation of signage along Granada and Valencia, and a promise to lower said signage, Public Work's Director Delgado stated that the City had requested of the County to remove same; further stating that if there is a lack of response to same, then the City will proceed to take said signage out. Mayor Slesnick further suggested that a good crew in the City would take approximately fifteen minutes to lower said signage, and that we should proceed to do same; further stating that he doubts whether the County would blame the City for lower said sign in order to permit those drivers to read it.

Vice Mayor Kerdyk encouraged the administration to address the issue of the two exact signs located on Riviera Drive as one approaches Bird Road heading north, said signs that are within approximately ten feet of one another.

Trolley Advertising/Cancellation of Retirement Board Workshop: City Manager Brown reminded the Commission that the City is scheduled to receive bid proposals back regarding trolley advertising and the opening of same on January 24, 2008; further confirming that the Retirement Board Workshop has been cancelled.

International Outreach/Sister Cities Effort: Mayor Slesnick acknowledged that on pages two and four respectively of one magazine was the Guatemalan Art Exhibit (page two) from La Antigua; and then on the bottom half of page four of said publication was a presentation by the same artist and certain designated companies from Guatemala at the Coral Gables Country Club; further concluding said meeting by wishing everyone in attendance, as well as those who were viewing the telecast a Happy Holiday Season, Merry Christmas, Happy Birthday to Commissioner Withers and City Manager Brown, as he looks forward to another great year in Calendar Year 2008].

City Clerk Item No. 59

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 1:53 p.m. on December 11, 2007. The next regular meeting of the City Commission has been scheduled for January 8, 2008, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

NOTE