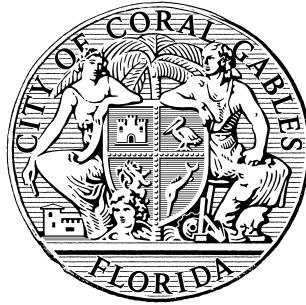


City of Coral Gables

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



Meeting Minutes

Tuesday, March 10, 2009

9:00 AM

City Hall, Commission Chambers

City Commission

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

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

ROLLCALL

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

INVOCATION

The Invocation was given by Rabbi Baruch Plotkin from the University of Miami Hillel.

PLEDGE OF ALLEGIANCE

Commissioner Maria Anderson led the Pledge of Allegiance.

LEGISLATIVE SUMMARY

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Ordinance(s) adopted (Ordinance No. 2009-22); (b) Resolution(s) adopted (Resolution No. 2009-50 through Resolution No. 2009-66); (c) Video; (d) Audio Recording; (d) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

A. PRESENTATIONS AND PROCLAMATIONS

A.-1. 09-0133 Presentation of a Proclamation declaring March 10, 2009 as Robert D. Zahner Day in Coral Gables

[Note for the Record: Mayor Slesnick informed the public that Agenda Item A-1 will be tabled until 5 p.m. in connection with the ceremonial honoring of the late Robert D. Zahner, and the renaming and dedication of the City's Legal Department in honor of Mr. Zahner, more particularly renaming the Legal Office in the name of Robert D. Zahner].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 1

B. APPROVAL OF MINUTES

B.-1. 09-0165 Regular City Commission Meeting of February 24, 2009

Attachments: [Verbatim Transcript - Agenda Item I - M. Pass Settlement Agreement](#)
[Verbatim Transcript - Agenda Item D-1 and H-4 are related - Parking Garage 245](#)
[Verbatim Transcript - Agenda Item E-1 - Board of Architects Appeal - Steinway Park](#)
[Meeting Minutes](#)

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:

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

City Clerk Item No. 5

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 Withers, seconded by Vice Mayor Kerdyk, Jr., to Adopt the Consent Agenda. The motion carried by the following vote:

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

RESOLUTION NO. 2009-50

C.-1. 09-0136 A Resolution of the City of Coral Gables supporting the Miami Dade County Public Schools 2009 State and Legislative Programs.

Attachments: [Carvalho Letter](#)
[CoverMDCountySchools031009](#)
[ResoDadeCoSchoolsSupport](#)

A RESOLUTION OF THE CITY OF CORAL GABLES SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS' 2009 STATE AND LEGISLATIVE PROGRAMS.

This Matter was adopted by Resolution Number 2009-50 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2009-51**C.-2. 09-0139**

A Resolution of the City of Coral Gables confirming the appointment of Anna Rodriguez to serve as a member of the School and Community Relations Board for a term beginning March 10, 2009 through May 31, 2009.

Attachments: [Anna's Letter \(2\)](#)
[RODRIGUEZ RESOLUTION](#)
[Anna Rodriguez Resume](#)
[Anna Rodriguez Cover Sheet](#)
[Anna Rodriguez Cover Sheet](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF ANNA RODRIGUEZ TO SERVE AS A MEMBER OF THE SCHOOL AND COMMUNITY RELATIONS 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 2009-51 on the Consent Agenda.

City Clerk Item No. 7

RESOLUTION NO. 2009-52**C.-3. 09-0142**

A Resolution of the City of Coral Gables confirming the appointment of Dr. Nestor Diaz to serve as a member of the School and Community Relations Board for a term beginning March 10, 2009 through May 31, 2009.

Attachments: [nestor diaz letter](#)
[nestor resolution](#)
[nestor cover sheet](#)
[Nestor Diaz Resume](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF NESTOR DIAZ TO SERVE AS A MEMBER OF THE SCHOOL AND COMMUNITY RELATIONS 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 2009-52 on the Consent Agenda.

City Clerk Item No. 8

RESOLUTION NO. 2009-53

- C.-4. 09-0145** A Resolution of the City of Coral Gables authorizing the Interim City Manager to apply for a matching grant application to the Miami-Dade County Department of Cultural Affairs FY2009-2010 Capital Development Grants Program Application for the wheel chair lift at the Art Cinema using monies previously received from the Coral Gables Community Foundation (Perrin Fund) as the cash match.

Attachments: [Perrin Fund Matching Grant](#)
[Perrin Fund Grant Match Reso](#)

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A MATCHING GRANT APPLICATION TO THE MIAMI-DADE COUNTY DEPARTMENT OF CULTURAL AFFAIRS FY2009-2010 CAPITAL DEVELOPMENT GRANTS PROGRAM FOR ADA IMPROVEMENTS AT THE ART CINEMA LOCATED AT 260 ARAGON AVE. INCLUDING A WHEELCHAIR LIFT, ADA SIGNAGE, ASSISTIVE LISTENING DEVICES AND PORTABLE STAGE, USING MONIES PREVIOUSLY RECEIVED FROM THE CORAL GABLES COMMUNITY FOUNDATION (PERRIN FUND) AS THE CASH MATCH.

This Matter was adopted by Resolution Number 2009-53 on the Consent Agenda.

City Clerk Item No. 9

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

- C.-7. 09-0122** Code Enforcement Board Meeting of February 18, 2009

Attachments: [memo cover feb 09](#)
[ROLLCALL feb 09](#)
[feb 09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 10

- C.-8. 09-0126** Communications Committee Meeting of February 19, 2009

Attachments: [Communications Minutes Agenda March09.pdf](#)
[Minutes February 2009.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 11

- C.-9. 09-0129** Traffic Advisory Board Meeting of January 20, 2009

Attachments: [Traffic Advisory Board Minutes Cover](#)
[Traffic Advisory Board Minutes](#)
[Traffic Advisory Board List](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

- C.-10. 09-0134** Pinewood Cemetery Advisory Board Meeting of February 9, 2009.

Attachments: [Pinewood Minutes February 9, 2009](#)
[NoAction02.09.09CCMtgNoAction03.10.09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

- C.-11. 09-0146** Economic Development Board Meeting of February 4, 2009

Attachments: [EDB. 2.4.09 Minutes.pdf](#)
[EDB. 3.10.09 Commission cover - no action.pdf](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

- C.-12. 09-0153** Cultural Development Meeting of February 2, 2009

Attachments: [02 CDB Minutes FEBRUARY 2 2009](#)
[02b Commission cover no action 03-10-09](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 15

- C.-14. 09-0158** Parking Advisory Board Meeting of January 22, 2009

Attachments: [Parking Advisory Board Cover 01-22-09](#)
[Parking Advisory Board Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 16

C.-15. 09-0167 Budget Audit Advisory Board Meeting of February 4, 2009

Attachments: [Budget Audit Advisory Board February 4](#)
[Budget Audit Advisory Board Cover](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 17

Pulled from Consent Agenda

RESOLUTION NO. 2009-54

C.-5. 09-0151 A Resolution of the City of Coral Gables confirming the appointment of Venny Torre (nominated by Commissioner Cabrera) to serve as a member of the Historic Preservation Board, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Historic-Venny Torre- Action Req.pdf](#)
[R-2009- Resolution - Venny Torre-Draft.pdf](#)
[Personal Bio for Mr Venny Torre 11-22-08.pdf](#)

A RESOLUTION APPOINTING VENNY TORRE (NOMINATED BY COMMISSIONER CABRERA), TO SERVE AS A MEMBER OF THE HISTORIC PRESERVATION BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

[Note for the Record Agenda Item: Commissioner Cabrera brought to the attention of his colleagues the fact that he had forgotten to put forth the resume of his nomination to the Historic Preservation Board, namely Mr. Venny Torre; further stating that he wanted the members of the City Commission to have a copy of same, for the purpose of addressing any questions or concerns they may have regarding said appointment].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-54. The motion passed by the following vote:

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

City Clerk Item No. 18

RESOLUTION NO. 2009-55**C.-6. 09-0166**

A Resolution of the City of Coral Gables authorizing the revised and final proposed language of the Special Municipal Referendum Election Guide to be printed and distributed in order to inform and educate the voters of the City of Coral Gables on the Charter Amendment issues to appear on the upcoming Special Municipal Referendum Election of April 14, 2009.

Attachments: [Microsoft Word - ConsentResElectionGuide09Revised.pdf](#)
[Microsoft Word - Draft Reso Revised Voters Guide R-2009-0x .pdf](#)
[Microsoft Word - Voter's Guide 2009 v12.pdf](#)

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AUTHORIZING THE REVISED AND FINAL PROPOSED LANGUAGE OF THE SPECIAL MUNICIPAL REFERENDUM ELECTION GUIDE TO BE PRINTED AND DISTRIBUTED IN ORDER TO INFORM AND EDUCATE THE VOTES OF THE CITY OF CORAL GABLES ON THE CHARTER AMENDMENT ISSUES TO APPEAR ON THE UPCOMING SPECIAL MUNICIPAL REFERENDUM ELECTION OF APRIL 14, 2009.

[Note for the Record: **Assistant City Manager Cathy Swanson Rivenbark** requested that the City Commission approve the entire proposal in connection with the Special Municipal Referendum Voters Guide; further requesting authorization to proceed forward with said matter; further informing the City Commission that each household would get a copy of said Voting Guide; further providing a response to Commissioner Withers regarding the explanation given in said Voters Guide (“more particularly,...resulting in certain municipal elections having two Commission seats up for consideration and alternate elections having three Commission Seats up for consideration.”) for Charter Amendment Ballot Question No. 2 (Mayor’s Term), whereby Ms. Swanson Rivenbark explained that some seats are up every two years, and alternatively, three seats are up every four years; further stating that the proposed language was crafted in order that our citizenry would know that during certain election periods, our electorate will have the ability to shift the power of the City Commission, thereby possibly changing the quorum.

Questions, Comments, Inquiries and Concerns by the City Commission: **Commissioner Cabrera** suggested to Mrs. Swanson Rivenbark that the removal of the word **certain** from the aforementioned explanation regarding Charter Amendment Ballot Question Number 2, be considered; further querying whether the usage of the word **certain**, is attributable to how the vote turns out?-whereupon Mrs. Swanson Rivenbark responded that its usage is for the purpose of distinguishing between those instances wherein we have two positions running for re-election, as compared to those instances wherein we have three positions that are up for re-election.

Commissioner Cabrera further added that the greatest criticism received from our citizenry thus far is that our ballot question is not *worded in plain English*.

Commissioner Withers further inquired of Mrs. Swanson Rivenbark, as to whether she thinks that the average voter understands the shifting of power every four years?-whereupon Mrs. Swanson Rivenbark stated that said explanation was intended to inform and educate our electorate that some election periods are for two years, and that some election periods are for four years; Commissioner Cabrera further stated to his colleagues that we will let it go; Commissioner Cabrera further pointed out to his colleagues that here again, we flubbed another one.

Commissioner Anderson stated that it would be helpful in our explanatory language if our City administration could distinguish between Mayoral and non-Mayoral Terms running as part of said explanatory language.

Mrs. Swanson Rivenbark informed our City Commission that they Commissioner Withers suggested that maybe our City Attorney could help to clarify the language usage matter, whereupon Mrs. Swanson Rivenbark stated that our City used the certified translator that is also retained by Miami-Dade County Elections Department; City Attorney Hernandez further pointed out that there are certain statutory restrictions with the number of words to be used and the way that the Charter Amendments are worded (i.e. 75 word limit/single subject rule).

Commissioner Cabrera thanked Mrs. Swanson Rivenbark for her diligence, noting that she had worked hard to fix the problem].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-55. The motion passed by the following vote:

Yeas : 3 - Commissioner Anderson, Vice Mayor Kerdyk, Jr. and Mayor Slesnick II

Nays : 2 - Commissioner Cabrera, Jr. and Commissioner Withers

City Clerk Item No. 20

C.-13. 09-0157 Budget/Audit Advisory Board Meeting of February 12, 2009

Attachments: [Minutes 021209.pdf](#)
[Cover Memo 031009.pdf](#)

[Note for the Record: Commissioner Cabrera stated that he has been concerned about the attendance record of some members on certain boards, and that this board in particular, has caught his attention, since there has been a significant number of absences; further urging our City staff to take the appropriate measures, and follow the appropriate protocol in those instances where there has been excessive absenteeism, to address said matter].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be approved. 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. 19

D. PERSONAL APPEARANCES

D.-1. 09-0103 Brendaly Rodriguez, University of Miami Recruitment and Outreach Manager, to present the Hispanic Community Health Study. (Deferred from the February 24, 2009 City Commission Meeting)

Attachments: [UM Health Study Presentation](#)
[UM Request for Personal Appearance](#)

[Note for the Record: **Mayor Slesnick** introduced Ms. **Brendaly Rodriguez, Recruitment and Outreach Manager, Miami Field Manager, University of Miami**, who addressed the City Commission regarding the Hispanic Community Health Study; further stating that said initiative was part of a nationwide study that is being done in four major cities (which also includes Miami, Bronx, New York, Chicago and San Diego), which will recruit a total of 16,000 people (4,000 per site) ages 18-74 years of age for the next three years.

Questions, Comments, Inquiries and Concerns by the City Commission:

Mayor Slesnick requested of Ms. Rodriguez to inform our City Commission that it is a requirement to inform our residents of our City regarding said study, whereupon Ms. Rodriguez stated that as Recruitment and Outreach Manager, that she wanted to inform the community that said initiative is actually happening; further stating that prospective participants will receive a letter of invitation from randomly selected households in the study territory, to determine eligibility, and ascertain whether they are interested in participating; further noting that the area around the Biltmore and on Miracle Mile represents one third of the entire study territory; further explaining that it is important to inform the constituents to let them know that said study does not

represent any health scam; further pointing out to the designated households the merits of the study in order to ascertain whether there is any interest in participating in same; further stating that if someone receives a call in connection with same, they may be better enabled to contact the Recruitment and Outreach Manager (Miami Field Center) to confirm same; further stating that in addition to a letter of invitation, residents will also receive a household visit to determine eligibility status; they will also be invited to the Research Center (University of Miami) for one full day of exams, whereby the results from said exam(s), will be made available to them; further stating that they will also monitor the slated; also will provide some equipment for said participants to monitor their physical activity; provide a nutritional assessment; conduct some tracking/follow-up to ascertain how a participant is doing two to three years from now, in terms of diseases, etc.; further noting that there exist a Community Advisory Committee that incorporates various representatives from business, social service organizations; further noting that the Recruitment and Outreach Manager is planning community educational sessions to inform people regarding the health status of their community; further stating that transportation by her staff is provided as part of the recruitment.

Commissioner Withers asked Ms. Rodriguez why is she doing this initiative?-whereupon Ms. Rodriguez stated that the federal government is taking health status of different groups; now, there is one full study within the similarity of ethnic groups that focuses on Hispanics and Hispanic sub-groups exclusively, and not forming part of another ethnic related health study. Commissioner Withers further inquired as to what kind of diseases will the study be focusing on?-whereupon Ms. Rodriguez stated that they will try to conduct extensive clinical exams and assessments (i.e. cardiovascular disease).

Commissioner Withers inquired as to whether there would be any genetic applications to this at all?-or will the focus be only on the environment?-whereby Ms. Rodriguez stated that the focus will be only on the environment. Commissioner Withers further inquired of Ms. Rodriguez if she could provide him with a list of the diseases, wherein she responded, not by diseases, but by the examinations and protocol.

Commissioner Withers stated that Florida is launching an initiative entitled "Smoking Cessation," and the state will allocate \$11 million for programs similar to the Hispanic Community Health Study; further suggesting to Ms. Rodriguez that she needs to get the state epidemiologist to sign off on the survey that she is using. Ms. Rodriguez stated that this information will inform... programs because if there is an identification trait with a specific group (i.e. age group); further stating that they are not actively screening, nor are we looking for a disease (Note: However, in the case of those participants whom are screened for Hepatitis B, since there is a state mandate for the medical community to report same, they will ensure compliance); further stating that they have included a nutritional component, as well as a tracking program, wherein the

Recruitment and Outreach Manager and staff can ascertain how said participants are doing two to three years from now, in terms of the disease; further stating that there also exists a Community Advisory Committee that incorporates various representatives from the business, social service organizations, past participants; further indicating that they are planning educational sessions to inform people regarding the health status of their community; further stating that through the staff, that transportation is also provided, as part of the recruitment term.

Commissioner Anderson stated that it is important that we let our citizenry know of the letters of invitation, which will provide credibility that this program is not a scam. Mayor Slesnick stated that he would like Ms. Rodriguez to stay in touch with the City; whereupon Ms. Rodriguez stated that she has been working with Belkys Perez from the Office of Public Affairs Office. Interim City Manager Maria Jimenez stated that she will ensure that Ms. Higgins Fallon, through her office works with Ms. Rodriguez regarding said program initiative].

This Agenda Item was Discussed and Filed

City Clerk Item No. 21

RESOLUTION NO. 2009-56**D.-2. 09-0148**

Iris V. Escarra, Esq. from Greenberg Traurig, on behalf of Palace Management Group, LLC, requesting encroachments consisting of a porte cochere overhanging above the entryway encroaching approximately 16'-8", at an elevation of approximately 16'0" above the right-of-way of Andalusia Avenue, a balcony overhanging approximately 4', at an elevation of approximately 14'0" above the alley, moldings, lighting and decorative features on the exterior encroaching 1' over the abutting right-of-way and landscaping and decorative pavers, lighting, benches and other features adjacent to the Gables Palace project at 83 Andalusia Avenue, Coral Gables.

Attachments: [83 Andalusia cover](#)
[83 andalusiaRES](#)
[Greenberg Traurig Letter](#)
[The Palace Drawings](#)

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION AUTHORIZING THE CITY MANAGER TO GRANT REQUEST FOR ENCROACHMENT FILED BY IRIS V. ESCARA, ESQUIRE (GREENBERG TRAUIG LAW FIRM) ON BEHALF OF HER CLIENT PALACE MANAGEMENT GROUP, LLC, REQUESTING A PORTE COCHERE OVERHANGING ABOVE THE ENTRYWAY ENCROACHING APPROXIMATELY 16' 8", AT AN ELEVATION OF APPROXIMATELY 16' 0" ABOVE THE RIGHT-OF-WAY OF ANDALUSIA, A BALCONY OVERHANGING APPROXIMATELY 4', AT AN ELEVATION OF APPROXIMATELY 14' 0" ABOVE THE ALLEY, MOLDINGS, LIGHTING AND DECORATIVE FEATURES ON THE EXTERIOR ENCROACHING 1' OVER THE ABUTTING RIGHT-OF-WAY AND LANDSCAPING AND DECORATIVE PAVERS, LIGHTING BENCHES AND OTHER FEATURES ADJACENT TO THE GABLES PALACE PROJECT AT 83 ANDALUSIA AVENUE, CORAL GABLES.

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

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-56. The motion passed by the following vote:

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

City Clerk Item No. 23

E. PUBLIC HEARINGS**ORDINANCES ON SECOND READING****ORDINANCE NO. 2009-22 (As Amended)****E.-1. 09-0110**

An Ordinance of the City of Coral Gables amending Zoning Code Article 5, Division 19, entitled "Signs", Section 5-1909, "Campaign", by providing for the allowance of campaign and political signs within specified zoning districts, providing the size of campaign and political signs within specified zoning districts, providing for the length of time campaign and political signs are allowed in the City of Coral Gables following elections and other miscellaneous provisions; and, Article 8, "Definitions", by providing for definitions; and providing for severability, repealer, codification, and an effective date. (CC approved on First Reading with a 5-0 vote on February 24, 2009)

Attachments: [02 24 2009 CC Exhibit A re political signs ordinance](#)
[02 24 09 CC Exhibit B 02 11 09 PZB staff report](#)
[02 24 09 CC Exhibit C 02 11 09 Verbatim Excerpts of PZB Meeting Minutes](#)
[02 24 2009 CC Cover Memo re: political signs 1st reading](#)
[Microsoft Word - 03 10 2009 2nd reading CC political signs ordinance final](#)
[03 10 2009 CC memo political signs 2nd reading \(2\)](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ZONING CODE ARTICLE 5, DIVISION 19, ENTITLED "SIGNS", SECTION 5-1909, "CAMPAIGN", BY PROVIDING FOR THE ALLOWANCE OF CAMPAIGN AND POLITICAL SIGNS WITHIN SPECIFIED ZONING DISTRICTS, PROVIDING THE SIZE OF CAMPAIGN AND POLITICAL SIGNS WITHIN SPECIFIED ZONING DISTRICTS, PROVIDING FOR THE LENGTH OF TIME CAMPAIGN AND POLITICAL SIGNS ARE ALLOWED IN THE CITY OF CORAL GABLES FOLLOWING ELECTIONS AND OTHER MISCELLANEOUS PROVISIONS; AND, ARTICLE 8, "DEFINITIONS", BY PROVIDING FOR DEFINITIONS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title to Agenda Item E-1 into the public record by the Interim City Attorney, Commissioner Anderson indicated that she was opposed to said legislation; whereby Mayor Slesnick stated that said legislation, as it stands, provides for one sign per candidate. City Attorney Hernandez added that it provides one sign per candidate and one sign per issue.

Questions, Comments, Inquiries and Concerns by the City Commission: Mayor Slesnick further inquired about political signs being placed on walls, stating that he finds such actions as troubling; further noting that once one opens the door, it would establish a very irreversible precedent; further stating that he would find said action very difficult to explain to realtors and everyone else.

Commissioner Withers further inquired of his colleagues as to whether hanging political signs on the landscape above the wall an acceptable option?-further inquiring

as to whether a candidate may have a sign that is not attached to the wall, but secured right in front of the wall, an activity that is permissible?--whereby the Mayor responded that it would be acceptable; Mayor Slesnick further explained that he recalls wherein some people have hung signs on walls and that the City has failed to enforce the removal of same; however, if one proceeds to legislate said matter, that is a different kind of challenge as compared to the day to day administration of same. Commissioner Withers also added that regarding federal and state issue related campaigns, there may also be signage; further reiterating the inquiry regarding political signage?--whereby **City Attorney Hernandez** reiterated that legal rule is one sign per issue, one sign per candidate.

Commissioner Cabrera inquired of Interim City Manager Jimenez regarding our City's current Code Enforcement policy, as it pertains to the removal of signs, noting that political signs are removed and placed on the front porch of the home maintaining said signage, along with the business card of the Code Enforcement Officer, along with a first warning to the violator that said signs have been improperly placed. Interim City Manager Jimenez confirmed that this is the current policy in effect].

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

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

City Clerk Item No. 26

RESOLUTION NO. 2009-57

**NA.E. 09-0210
-1.1.**

A Resolution amending the proposed Second Reading Ordinance of the City of Coral Gables.

A RESOLUTION PROFFERING AN AMENDMENT TO THE PROPOSED ORDINANCE OF THE CITY OF CORAL GABLES ON SECOND READING (AMEND ZONING CODE ARTICLE 5, DIVISION 19, ENTITLED "SIGNS", SECTION 5-1909, "CAMPAIGN", BY PROVIDING FOR THE ALLOWANCE OF CAMPAIGN AND POLITICAL SIGNS WITHIN SPECIFIED ZONING DISTRICTS, ETC); BY MORE PARTICULARLY DELETING SECTION 5-1909(3)(E) ENTITLED "CAMPAIGN AND POLITICAL SIGNS", BY REMOVING THE FOLLOWING LANGUAGE CONTAINED HEREIN: IN CASES WHERE THERE EXISTS A WALL, FENCE OR HEDGE LESS THAN 5' FROM THE PROPERTY LINE, THE SIGN MAY BE SECURELY PLACED ON OR UPON THE WALL FENCE OR HEDGE; FURTHER DELETING SECTION 5-1909 (F)(1) IN PART, ENTITLED PENALTIES, THEREBY REMOVING THE FOLLOWING LANGUAGE AS IT PERTAINS TO POLITICAL SIGNS ON PUBLIC RIGHT-OF-WAY:... AND ADDING CERTAIN LANGUAGE IN SAID SECTION TO READ AS FOLLOWS: ... FAILURE TO COMPLY WITH ALL OF THE PROVISIONS CONTAINED WITHIN THIS SECTION SHALL CAUSE THE SIGN TO BE REMOVED.

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-57. 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. 27

ORDINANCES ON FIRST READING**Items E.-2., E.-3. and H.-6. are related**

- E.-2. 09-0141** An Ordinance of the City of Coral Gables for a change of land use from "Commercial Use, Mid-Rise Density" to "Commercial Use, High-Rise Density" on Lots 35-47 and Tract B, Block 4, and Lots 10-20, Block 5, Crafts Section (83 Andalusia Avenue), Coral Gables, Florida; the change of land use is a pre-requisite for Planned Area Development (PAD) site plan review; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (PZB recommended approval with conditions, 6-0 vote.)

Attachments: [03 10 09 CC Cover Memo re: The Palace change of land use and PAD site plan 1](#)
[03 10 09 Exhibit A: Ordinance re - The Palace change of land use 1st reading](#)
[03 10 09 Exhibit B: Ordinance - The Palace PAD site plan 1st reading](#)
[03 10 09 Exhibit C 02 11 09 Staff report with attachments](#)
[03 10 09 Exhibit D 02 11 09 Verbatim Excerpts of PZB Meeting Minutes](#)
[03 10 09 Exhibit E The Palace at Coral Gables - PowerPoint Presentation](#)
[03 10 09 Exhibit C Attachment D](#)
[03 10 09 Planning and Zoning Board - PAD and Comp Plan Amendment](#)

[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 Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be approved as an Ordinance on First Reading. The motion passed by the following vote:

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

City Clerk Item No. 24

E.-3. 09-0143

An Ordinance of the City of Coral Gables approving the Planned Area Development (PAD) site plan referred to as "The Palace at Coral Gables" on Lots 35-47 and Tract B, Block 4, and Lots 10-20, Block 5, Crafts Section (83 Andalusia Avenue), 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. (PZB recommended approval with conditions, 6-0 vote.)

Attachments: [03 10 09 CC Cover Memo re: The Palace change of land use and PAD site plan 1](#)
[03 10 09 Exhibit A: Ordinance - The Palace change of land use 1st reading](#)
[03 10 09 Exhibit B: Ordinance - The Palace PAD site plan 1st reading](#)
[03 10 09 Exhibit C 02 11 09 Staff report with attachments](#)
[03 10 09 Exhibit D 02 11 09 Verbatim Excerpts of PZB Meeting Minutes](#)
[03 10 09 Exhibit E The Palace at Coral Gables - PowerPoint Presentation](#)

[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. 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. 25

F. CITY COMMISSION ITEMS**RESOLUTION NO. 2009-58**

- F.-1. 09-0135** Appointment of a member to the Trial Board by the City Commission.
Commission-As-a-Whole

A RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD DEWITT (BOARD AS-A-WHOLE APPOINTMENT, REPLACING JAVIER ALBERTO SOTO, WHO DECLINED TO SERVE) THE UNEXPIRED TERM (WHICH BEGAN DECEMBER 1, 2007 THROUGH MAY 31, 2010), AS A MEMBER OF THE CITY OF CORAL GABLES TRIAL BOARD.

[Note for the Record: Commissioner Cabrera informed his colleagues that he had reached out to Mr. Hector Lombana as a possible appointee, however, he did not receive a response; further stating that he had also seen an individual (no name stated), who had originally applied to become a member of the Trial Board, a retired police officer, however, it was discovered that he had certain time constraints that may conflict with the meeting schedule; further stating that he was unsure as to when the Trial Board will meet.

Mayor Slesnick stated that he had asked Richard DeWitt to consider giving up his position as Chairman of the Economic Development Board to serve, adding that said individual would be termed out effective May 31, 2009; further mentioning that Mr. DeWitt has not sought to serve as a member on the Trial Board. Commissioner Cabrera acknowledged that Mr. DeWitt is a professional mediator. Commissioner Anderson also noted that he is a very fair person].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-58. The motion passed by the following vote:

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

City Clerk Item No. 28

- F.-2. 09-0164** Discussion pertaining to service issues related to our residential area north of S.W. Eighth Street.
Commissioner Maria Anderson

[Note for the Record: A copy of the verbatim transcript of Agenda Item F-2 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. 29

G. BOARDS/COMMITTEES ITEMS

- G.-1. 09-0152** Presentation of excerpts from the Cultural Development Board Meeting of February 2, 2009, requesting the following action:

That the City Commission accept the recommendation of the Cultural Development Board and approve committing Fiscal Year 2009-2010 Cultural Grants funds at a minimum of \$166,250.00.

Attachments: [02 CDB Minutes Excerpts FEBRUARY 2 2009](#)
[03 FY2009.10 Cultural Grants funding](#)
[Cultural Development Grant Funding Cover Memo](#)

This Resolution was Deferred

City Clerk Item No. 30

H. CITY MANAGER ITEMS**RESOLUTION NO. 2009-59**

- H.-1. 09-0140** A Resolution of the City of Coral Gables authorizing the award of the Rotary Park Centennial Renovation to BMA Construction Inc. pursuant to Section 2-828 of the Procurement Code, in the amount of \$100,562.00 (One Hundred Thousand Five Hundred Sixty Two). (Project to be funded by the Miami-Dade General Obligation Bond Fund.)

Attachments: [BMA Response to IFB](#)
[Bid Tabulations 1 of 3](#)
[2009 03 10 Rotary Centennial Park Renovation Draft Agenda Cover](#)
[2009 03 10 Rotary Centennial Park Draft Reso](#)
[Addendum # 1](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES AUTHORIZING THE CITY MANAGER TO AWARD THE ROTARY PARK CENTENNIAL RENOVATION TO BMA CONSTRUCTION, INC., PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE, IN THE AMOUNT OF \$100,562.00 (ONE HUNDRED THOUSAND FIVE HUNDRED SIXTY TWO DOLLARS). PROJECT TO BE FUNDED BY THE MIAMI-DADE GENERAL OBLIGATION BOND FUND.

[Note for the Record: Following Interim City Manager Maria Jimenez reading of the title to Agenda Item H-1 into the public record, Interim City Manager Maria Jimenez requested of Finance Director Don Nelson to address said matter before the City Commission, whereby Mr. Nelson stated that the legislation that is before the Commission is to authorize the award of the Rotary Park Centennial Project (located at 512 Ponce de Leon Boulevard) renovation to BMA Construction Inc., in accordance with Section 2-828 of the Procurement Code, in the amount of \$100,562; further stating that said project is to be funded by the Miami-Dade County General Obligation Bond Fund Program; further stating that the City received 15 responsive bids; further stating that the highest bid amount received for said project was in the

amount of \$160,936.

Questions, Comments, Inquiries and Concerns by the City Commission: Vice Mayor Kerdyk stated that given the number of bidders that responded, confirms the need for doing construction here in Coral Gables; further stating that said responses were unbelievable, and that people are dying for work.

Commissioner Withers informed his colleagues that Vice Mayor Kerdyk's comments had been duly recorded, and that they may be played back during our Budget hearings, as it pertains to our Capital Improvement Program (laughter).

Mayor Slesnick inquired of the Interim City Manager, as to what is the status regarding the Rotarian Club's pledge to work with the City of Coral Gables on an annual basis in furtherance of the maintenance for said facility? further adding that if the City so chooses to discontinue with the obligation to pledge maintenance support, which was incurred by the Rotarians, then it may choose to find another Club willing to put its name on the park facility, in lieu of a similar commitment to provide maintenance support; further stating that it is not his intent to become critical of said Club, however there must be a willingness to live up to our obligations

Public Works Director Alberto Delgado stated that there was an initial contribution given by the Rotary Club; further noting that once the City breaks ground for the Rotary Park Centennial renovation, then the City will proceed to make said club aware of the impending matter and what the City is doing].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-59. 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. 31

H.-2. 09-0144

A Resolution of the City of Coral Gables authorizing the award of Security Guard Services to PM Security Service, Inc. pursuant to Section 2-828 of the Procurement Code for Security Guard Services Invitation to Bid (IFB) 2008-12-19 in the amount of \$11.80 per hour, per guard not to exceed \$224,200 (Two Hundred Twenty Four Thousand Two Hundred Dollars) per year which includes standard shifts, holidays and special assignments. Further authorizing the City Manager to execute a two (2) year contract with an option to renew for three (3) additional (1) year periods. (Funded by the Public Facilities Fund.)

Attachments: [PM Security Response to IFB](#)
[Proposed Fee Schedule](#)
[Bid Tabulation](#)
[2009 03 11 Security Guard Services Draft Agenda Cover \(5\)](#)
[2009 03 11 Security Guard Services Draft Reso](#)

This Resolution was Deferred

City Clerk Item No. 2

RESOLUTION NO. 2009-60**H.-3. 09-0149**

A Resolution of the City of Coral Gables authorizing the City Manager to purchase a Dealer Demonstrator Isuzu Emergency Rescue Truck from Custom Trucks & Body Works, Inc., the Sole Source Vendor, in the amount of \$80,000.00 pursuant to Procurement Code, section 2-770 "Sole Source Procurement". This vehicle is a replacement air truck to refill the breathing air cylinders for the Coral Gables Fire Department. (Funded by the Automotive Fund.)

Attachments: [2009 Emergency Rescue Truck](#)
[2009 03 12 Emergency Rescue Truck Draft Agenda Cover](#)
[2009 03 12 Emergency Rescue Truck Draft Reso](#)

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION AUTHORIZING THE CITY MANAGER TO PURCHASE A DEALER DEMONSTRATOR ISUZU EMERGENCY RESCUE TRUCK FROM CUSTOM TRUCKS & BODY WORKS, INC., THE SOLE SOURCE VENDOR, IN THE AMOUNT OF \$80,000.00 PURSUANT TO PROCUREMENT CODE, SECTION 2-770 "SOLE SOURCE PROCUREMENT". THIS VEHICLE IS A REPLACEMENT AIR TRUCK TO REFILL THE BREATHING AIR CYLINDERS FOR THE CORAL GABLES FIRE DEPARTMENT.

[Note for the Record: Following Interim City Manager Maria Jimenez' reading of the title to Agenda Item H-3 into the public record, Interim City Manager Jimenez requested of Finance Director Don Nelson to address said matter before the City Commission, whereby Mr. Nelson informed the City Commission that the aforementioned Agenda Item is a sole source because it is a Dealer Demonstrator Isuzu from Emergency Rescue Trucks and Body Works, Inc., the sole source vendor,, which will become a replacement air truck needed to refill the breathing air cylinders (i.e. higher cylinders, higher pressure to the firefighters in the field) for the firefighters; further stating that the cost savings for same represents in excess of \$200,000, for a

total price of \$80,000.

Questions, Comments, Inquiries and Concerns by the City Commission:

Mayor Slesnick requested of the Fire Chief to provide our residents with a justification of purchase of said sole source vehicle, whereby Fire Chief Walter Reed stated that the Fire Department was in need of a replacement air truck vehicle to replace an existing 1992 vehicle that had amassed over 100,000 miles, with a staffing of four individuals, to be redeployed to other units within the department; further stating that the proposed new vehicle will be maintained by one staff person; further stating that said vehicle is needed to respond to calls to fill air bottles, and to respond to emergencies. Mr. Nelson also added that the compressor on the current truck is incapable of filling the air bottles, and that said equipment on the proposed Demonstrator Isuzu Rescue Truck is equipped with the highest capabilities to fill their air tanks.

Commissioner Anderson acknowledged that said intended purchase by the Fire Department, has been a need that has been pushed aside for years. Mayor Slesnick asked if there was any salvageable value that the old truck may have, other than refilling the breathing air cylinders for the firefighters?-since in the past the City has given some of the retired vehicles to its Sister Cities Program. Fire Chief Reed responded that said vehicle can still maintain air bottles that require a light volume; further stating that we can still use same].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-60. 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. 32

RESOLUTION NO. 2009-61**H.-4. 09-0161**

Resolution of the City of Coral Gables authorizing the City Manager to execute a contract with Ashbritt Environmental and Ceres Environmental as prime contractors and JB Coxwell Disaster Recovery Services as the backup contractor for the Debris Management Services project. Said contract shall be for a period of three (3) years with the option to renew for two (2) three (3) year periods. (Funded by the Hurricane Fund).

Attachments: [R-2008-97 2008-97.pdf](#)
[2008 06 19A Debris Management Services Draft Reso \(2\) \(3\) \(4\) \(2\).pdf](#)
[2008 06 19A Debris Management Services Draft Agenda Cover Sheet \(3\) \(2\).pdf](#)
[Comparison Sheet - all vendors.pdf](#)

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ASHBRIIT ENVIRONMENTAL AND CERES ENVIRONMENTAL AS PRIME CONTRACTORS FOR DEBRIS MANAGEMENT SERVICES AND JB COXWELL DISASTER RECOVERY SERVICES AS THE BACKUP CONTRACTOR; FURTHER STIPULATING THAT SAID CONTRACT SHALL BE FOR A PERIOD OF THREE (3) YEARS WITH THE OPTION TO RENEW FOR AN ADDITIONAL TWO (2) THREE (3) YEAR PERIODS.

[Note for the Record: Following Interim City Manager Maria Jimenez' reading of the title to Agenda Item H-4 into the public record, she called Finance Director Don Nelson to the podium to address said Agenda Item, who stated that the proposed legislation will give the authority to the City Manager to execute a contract with Ashbritt Environmental and Ceres Environmental as prime contractors for debris management services, and JB Coxwell Disaster Recovery Services as the backup contractor for the debris management services; further stating that when responses were received (6/12/08), they were later followed by the Selection Committee completion of their evaluation whereby Ash Inc. Ceres Environmental and JB Coxwell Disaster Recovery as the three highest proposers; further pointing out that at the City Commission Meeting of June 26th, 2009, the City Commission authorized the City Manager to negotiate a standard pricing structure with the three highest proposers; further noting that since attempts to negotiate a standard pricing structure failed, it has now been recommended that the City Commission now authorize the Interim City Manager to execute contracts with the three highest proposers based on the bidders original proposal based on their original proposals submitted on June 12, 2008.

Questions, Comments, Inquiries and Concerns by the City Commission: Mayor Slesnick inquired through Interim City Manager Jimenez of Mr. Nelson, what is the benefit of having the second and third contractors as backup contractors?-whereby Mr. Nelson stated that the City would have three under contract; further noting that we are aware of the pricing structure, and would have them available to go in the City the next day; further noting that the City has worked with Ashbritt in the past.

Commissioner Withers further clarified Mayor Slesnick's line of questioning, asking what will keep the second and third ranked contactors, as secondary contractors, from going elsewhere?-whereby **Public Services Director Dan Keys** stated that the City has the ability through the RFP to task one or both contractors at the point of the storm; having three contractors that are approved by FEMA, and ready if needed is a benefit; further stating that the City wants to secure the fact that Ashbritt is the primary contractor; further stating that there is nothing that would prevent them from going elsewhere, other than the contractual arrangement from serving as the backup contractors].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-61. The motion passed by the following vote:

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

Absent : 1 - Commissioner Anderson

City Clerk Item No. 33

H.-5. 09-0115

A Resolution of the City of Coral Gables authorizing the award of Parking Cashier Services to Impark, pursuant to Section 2-828 of the Procurement Code for Parking Cashier Services Request for Proposal (RFP) 2008-12-01 in the amount \$297,286 (Two Hundred Ninety Seven Thousand Two Hundred Eighty Six Dollars) per year. Further authorizing the City Manager to execute a three (3) year contract with an option to renew for two (2) additional one (1) year periods. (Deferred from the February 24, 2009 and from the March 10, 2009 City Commission Meetings) (Funded by the Parking Fund)

Attachments: [Tabulations](#)
[Selection Committee Evaluation](#)
[Proposed Fee Schedule](#)
[Draft Resolution](#)
[Impark Response](#)
[References](#)
[2009 02 03 Parking Cashier Services Draft Agenda Cover](#)
[Draft Agenda Cover \(1\)](#)
[Draft Reso \(1\)](#)

This Resolution was Deferred

City Clerk Item No. 3

Items H.-6., E.-2 and E.-3 are related

H.-6. 09-0147 Update on The Palace Development schedule.

Attachments: [23FlrCopier2-Exchange-03042009-185209.pdf](#)
[Exhibit G - Developer's Schedule.pdf](#)
[Palace Update Cover Memo](#)

[Note for the Record: A copy of the verbatim transcripts of Agenda Item H-6 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. 22

H.-7. 09-0168 Update on Police Department Area Patrol Deployment. (Deferred from the March 10, 2009 Meeting)

Attachments: [Police Department Report on Area Patrol Update on Police Patrol](#)

This Agenda Item was Deferred

City Clerk Item No. 4

H.-8. 09-0169 Discussion concerning scheduling of future City Commission Meetings.

Attachments: [April - August 2009 Calendars](#)

[Note for the Record: Following consideration of the proposed scheduling of future City Commission Meeting dates, the City Commission agreed to the following dates as proposed: **April (City Commission Meeting of April 28th, 2009); May (City Commission Meeting of May 12, 2009 and May 26, 2009, respectively), and August (City Commission Meeting of August 25, 2009);** May Slesnick further stipulated to his colleagues that the proposed scheduling of the City Commission Meetings for the months of June and July be held in abeyance until each Commissioner has reviewed his/her calendar and identified those dates that are problematic].

This Agenda Item was Discussed and Filed

City Clerk Item No. 34

I. CITY ATTORNEY ITEMS**RESOLUTION NO. 2009-62****I.-1. 09-0163**

A Resolution of the Commission of the City of Coral Gables opposing Senate Bill 1654, House Bill 923, or similar legislation, that would preempt local regulation of cranes; urging the Florida Legislature not to pass such legislation.

Attachments: [comm cranebill memo](#)
[draft opposing crane bills_09](#)
[HB923](#)
[SB1654](#)
[agendacover CRANE Resolution](#)

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, OPPOSING SENATE BILL 1654; HOUSE BILL 923 OR SIMILAR LEGISLATION THAT WOULD PREEMPT LOCAL REGULATION OF CRANES; URGING THE FLORIDA LEGISLATURE NOT TO PASS SUCH LEGISLATION.

[Note for the Record: City Attorney Elizabeth Hernandez stated that Building and Zoning Department Director and Building Engineer Peter Iglesias, along with Miami-Dade County officials are against any efforts that would preempt local regulation of cranes; further requesting of the City Commission to adopt legislation opposing Senate Bill 1654, House Bill 923, or any similar legislation that would preempt local regulation of cranes.

Mayor Slesnick further acknowledged the presence of Peter Iglesias, and thanked him for his professionalism on behalf of the City].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-62. The motion passed unanimously.

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

City Clerk Item No. 35

RESOLUTION NO. 2009-63

NA.I. 09-0212
-1.1.

A Resolution of the City Commission of Coral Gables, supporting Senate Bill 1386, which would amend Florida Statute 286.011.

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, SUPPORTING SENATE BILL 1386 WHICH WOULD AMEND FLORIDA STATUTE 286.011 RELATED TO ATTORNEY-CLIENT MEETINGS DISCUSSING PENDING LITIGATION TO INCLUDE, AS THOSE AUTHORIZED TO ATTEND, THE RISK MANAGER AND CERTAIN DIVISION HEADS, AUTHORIZING THE REQUIRED PUBLIC ANNOUNCEMENT OF AN ATTORNEY-CLIENT SESSION TO BE MADE IMMEDIATELY BEFORE THE SESSION; FURTHER PROHIBITING AN ADVERSE PARTY FROM ATTENDING AN ATTORNEY-CLIENT SESSION, AND PROHIBITING A PERSON WHO ATTENDS AN ATTORNEY-CLIENT SESSION FROM DISCLOSING ANY PART OF THE DISCUSSION UNTIL CONCLUSION OF THE LITIGATION, UNLESS ORDERED BY THE COURT; AND URGING THE FLORIDA LEGISLATURE TO PASS SUCH LEGISLATION.

[Note for the Record: City Attorney Liz Hernandez stated that regarding Executive Sessions and Attorney-Client Meetings, that the Florida League of Cities is seeking to amend the statutory provisions, in matters involving a discussion of pending litigation to include those authorized to attend, the Risk Manager and certain Division Heads that would allow greater flexibility to municipal governments as to who can attend those sessions].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-63. The motion passed unanimously.

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

City Clerk Item No. 36

J. CITY CLERK ITEMS

[Note for the Record: City Clerk Walter Foeman reminded the City Commission that on Thursday, March 12, 2009, beginning 1 p.m., that there will be a Special Meeting of the Trial Board].

City Clerk Item No. 37

K. DISCUSSION ITEMS

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: Alrighty - mine might have a discussion, but anyway, I'll start out with something. I think I felt strongly about a while back. I don't agree with Tallahassee on a whole lot of stuff, but I do agree with Tallahassee that, and I'm pleased that they were able to put a ten percent cap on commercial properties, on non-Homesteaded properties. What I was hoping is that we might encourage our local State Delegation to support additional relief for these commercial property owners in terms of a tax increase cap, I don't have a number, I know there is a proposal to bring it from ten to five. I would just like the general resolution of support sent to our local State Delegation to try to accomplish that. I don't know how you all feel about that.

Vice Mayor Kerdyk: I'm a hundred percent for it.

Mayor Slesnick: I am really opposed to us asking Tallahassee to do that; we've asked Tallahassee to stay out of our business; we of course could come up with a specific proposal...

Commissioner Anderson: We could, I mean.....

Mayor Slesnick:...but just to tell them that we are for them screwing around again with the tax...that's not the only thing on the table up there as you know.

Commissioner Anderson: Listen, I totally agree with you, I'm just making a generic thoughtful process like that. I didn't agree with how they carried out the so-called reform, but nevertheless we are carrying out at the will of the people, but I do think there has always been and before they went through the reform mode, I always felt that there was, I mean, people are getting hit really hard on these commercial increases.

Vice Mayor Kerdyk: But it gyrates down to the candidates too.

Commissioner Anderson: But if you want to go ahead and do that; I don't have a number, I just thought I'd bring it up as a thought. Can we craft something and then bring it back and try to see, you can all input; I would want to do that at a future Commission meeting. One of our residents asked us to remind through our communication vehicles about water restrictions to make sure that the water restrictions that still exist, that there are still people who are violating it. So we might just want to remind people through our E-NEWS or through our channel.

Vice Mayor Kerdyk: Could I just add on to that because that's a very, very good

point. If you could communicate by E-NEWS of exactly what dates affect what locations, because people are getting tickets, and I don't think its so much from them just watering their houses at all times, it's the fact that they just don't know which dates are applicable to their residents.

Commissioner Cabrera: Dates and times.

Vice Mayor Kerdyk: Dates and times, I think that's important.

Mayor Slesnick: It would be really nice if we could ask the Neighbors, Elaine, no sincerely, maybe a box or something in the Neighbors where it puts forth, because that's a real concern to the community, it would be a real nice public service if there was a box that says, these are your dates and times and so forth, because people do get awfully confused and we hate to give tickets, but there is a water crisis and if you take a look around at the color of our grass you'll know it exist.

Commissioner Anderson: The next item is, I had a gentleman who lives on Galiano Street toward Eighth Street side and Alhambra side, who one day last December was hit by a pick up truck as it crossed-ran a stop sign; some of those streets are really fast, going really fast; this is a homeowner, actually a property owner who lives there and tried to get into his home. Are there any plans for, I mean, maybe something we can discuss, any plans for any traffic calming in that area?- just a brief answer.

Mr. Delgado: Look at the intersection of Galiano south of Eighth Street in that area, I don't know...[inaudible]...

Commissioner Anderson: I'm going to give you this so that you can contact this property owner to maybe meet with if, and if I could have a copy just to do that, I think he just wants to know if there is something going on. He actually owns the building and has renovated it, and he was feeling concerned. I'll pass it along too. Mr. Delgado, the issue of El Rado, I'm sorry to bring you back, exercise time; you are handling the issue of El Rado as well?

Commissioner Cabrera: That issue, not only is he handling it, I met with the City Manager and the City Attorney yesterday about El Rado and corresponded with several residents this morning and last night...

Commissioner Anderson: I have too, so I just wanted to make sure.

Commissioner Cabrera: Staff is trying real hard to address the matter.

Mr. Delgado: Unfortunately it has created, I call it, a division in the neighborhood because of that; because usually when you submit versions the neighborhood gets

divided and we didn't want to do that, divide the neighborhood, but right now people are taking it very personal.

Commissioner Anderson: Very personally.

Commissioner Cabrera: Can I just add something?

Commissioner Anderson: Sure, absolutely.

Commissioner Cabrera: No, Mr. Delgado, the one thing that the City Manager and the City Attorney and I discussed yesterday has to do with the voting; and the problem that I continue to have is, when someone does not vote in a particular household, we count it as a no vote. Now, the City Manager and I went to Miami-Dade County Government about a year ago and met with the Public Works Director and an aide of Commissioner Gimenez, as well as an Assistant County Manager; and I was under the impression that the County has made a decision not to count someone who doesn't vote as a no vote on traffic calming issues, and I don't know, I expected that to be the case on all public works issues, is that not your impression?

Mr. Delgado: Yeah, but they have never confirmed that, I remember that; they never sent us like a confirmation, the only change that they made was for the traffic circles, remember that they lowered to fifty-one percent or fifty percent plus one, and then they said no only the four...

Commissioner Cabrera: Four intersections - but what happens is this that if you want to do a project like he is working with the El Rado residents, and the residents all get together and they have a public meeting as they did at the Youth Center, and then they have a vote, if someone on that street doesn't vote, we automatically count it as a no vote, and there is just something wrong with that, it goes against every kind of voting that I've been associated with. So that's got to get changed, it's just simply not fair to have people that want to see some improvements on their streets and other; you know this goes back to the old analogy or commentary that I make about the people in the parade, those that are watching the parade, and those that don't know a parade is going on. So the one's that don't know a parade is going on, they are not there or they are simply not responding, they throw their ballot in the garbage, that counts as a no vote, and here are other people that are trying to beautify and improve their street, and they are trying to get the vote out and for whatever reason they are unsuccessful, and they may have the majority of the citizens interested, but because all these folks that decided to ignore it, they don't move the project forward, and there is just something simply wrong with that process.

Interim City Manager Jimenez: I remember that conversation with the County, and I haven't had an opportunity to speak to Albert, but if its just a confirmation that we

need from them, because they verbalized it to you and I, so we'll get that and maybe we can work on El Rado as...

Mr. Delgado: And with El Rado we are doing a third approach; once we finish the [inaudible] we are going to the second round right now, if that happens its only the people that voted, we will make a determination; we will sit down really and we'll go and do a fair approach. Right now we are still in the process, I think there has been a good turn out of people sending the ballots, you know, we are going to the second poll; seven people are missing right now on voting, I understand that they are going to be voting probably this week, they have been contacted. Once we got the proper number then we will sit down and decide if the situation is that, that there are people who didn't vote we will then....

Vice Mayor Kerdyk: You know the problem with that methodology is that if you don't tell the people up front what the deal is, everybody thinks you're changing the deal as it goes on, and that's the problem. If you tell them, hey, this is what we are going to do, and if it doesn't accomplish this, we are going to this one, and then we are going to go here, that's OK, but if you go from here to the third step then people are going to say, wait, wait, they are trying to fix the deal, the City really wants to go this way. I really suggest you're very cautious on this issue or any other ones that you move forward with, and have some strict guidelines set forward, so everybody knows the playing field.

Interim City Manager Jimenez: It's been my experience that the more options you give sometimes, the worse off you are.

Vice Mayor Kerdyk: Tell them this is the way it's going to be.

Commissioner Cabrera: The bottom line here is that, and I'm sorry to be taking away from your item...

Commissioner Anderson: I just have one more, but go ahead.

Commissioner Cabrera: The bottom line is that these folks have been trying for years and years to improve their street, and I think we need to be responsive, that's really the bottom line.

Commissioner Anderson: Totally with you on that - ditto times three. The last item; I never ever step into anything that's legal in nature, and I'm just going to make a very general statement because I don't want to go into anything that's substantive, because I don't know it, nor do I want to do it; the whole issue of the American Legion, it would be my strong, it is my strong belief that we should try to resolve it, and try to resolve it with a very simple agreement and be done with it; we've spent a lot of time

and created a lot of ill-will. I know that we were trying to get somewhere, but I don't think pursuing it, and this is my opinion, will go anywhere. Any thoughts or...?

Vice Mayor Kerdyk: I'm not so sure where we're exactly at, at this point in time.

Commissioner Anderson: Maybe its time to be briefed and to bring it back; I can support continuing to spend money.

Commissioner Cabrera: I concur; I agree.

Mayor Slesnick: We are attempting right now to work out a resolution.

Commissioner Anderson: That's great; do we have a timeline for it?

City Attorney Hernandez: Well, what we've been trying to do is meet with the attorneys for the American Legion, and work out what was generally what they had outlined what they would be comfortable with; unfortunately, its become a moving target, and so we are hopeful that we are going to be able to resolve it, but we are not going to bring something back that we have not mutually agreed to. At that point when we feel we no longer can negotiate with them, because we are just on totally different pages, we will bring back their proposal and our proposal, and then the Commission will decide whether its time to walk away from this litigation, or its time to continue with the appeal, but we're not there yet. Right now we drafted a document based on discussions that they had had with us, we sent it to them, they marked it up, and sent it back to us.

Commissioner Anderson: Well, if it gets here while I am still here, I will not be supporting to continue that appeal. I think enough is enough, and I think we can figure out a way to resolve it, and I realize....I'm just speaking to the philosophical.

Mayor Slesnick: Ms. Anderson OK, if you wish to, let's have an executive session, it's a lawsuit, and talk about it...

Commissioner Anderson: OK, that's fine, I'll like that.

Mayor Slesnick:...because there is a lot to be said about why we are in the position we are in right now, and to who brought us to that position.

Commissioner Anderson: OK, alright, that's fine

City Attorney Hernandez: Well, what we could do then, I need to announce today that I would request an executive session of the City Commission immediately following the next City Commission meeting in order to discuss the settlement discussions between

the parties, and to obtain settlement strategy from the Commission, and I'm respectfully requesting that the Commission schedule that to follow the next Commission meeting, which I believe is March 24th.

Commissioner Anderson: There is Retirement Board workshop scheduled right after, isn't there?

Interim City Manager Jimenez: Yes.

Commissioner Withers: That's OK, we can work with Liz first.

City Attorney Hernandez: Say this again.

Mayor Slesnick: No, we can do it right after the Retirement Board.

City Attorney Hernandez: We can do it immediately following the Retirement Board meeting, and in that way we can bring it to a head.

Commissioner Cabrera: What we can do is, we can have this meeting, we can have the Retirement Board meeting, and then we can bring the Board of Architects in for a workshop, and then we can have real quick wrap up on metal roofs. (Laughter) What do you think? No?

Commissioner Withers: Are we opening up that discussion again.

Mayor Slesnick: But Maria, I'm delighted if I have an opportunity to again, I think I've done this once, but again inform you of all that we've been through on this and why.

Commissioner Anderson: And I look forward to the executive session, and I'm just speaking in the philosophical.

Mayor Slesnick: No, no, listen, as a veteran and as a member of veteran organizations, I have a great concern and care for veterans of this nation; I also care about veterans who care about their nation even after they serve on military duty, and this was an opportunity to do some good things for the City of Coral Gables as well as the American Legion, and I'm sorry that its come to this impasse, but we will fully brief you on anything I know, and Liz, anything she knows.

Commissioner Anderson: And that's fine if we have an executive session, I just wanted to share my philosophical views. Thank you, that's it.

City Attorney Hernandez: I just need a motion of the City Commission to schedule.

Commissioner Withers: I'll move that we set up an executive session.

Commissioner Anderson: Second.

Mayor Slesnick: Ms. Anderson seconds, and all those in favor.

All: Aye.

Mayor Slesnick: Opposed like sign. Good. Mr. Cabrera.

Commissioner Cabrera: I had some conversations with the Manager's office about our parks in the Downtown area, and the fact that many Downtown residents are using the park to walk their dogs, and I was hoping that we could look at possibly installing the clean up stands for that purpose. I don't know how the rest of you all feel, but whether it's a dog park or not a dog park, there is just so many places that they can take their dogs in the Downtown area, and two parks that come to mind is Pittman Park which is directly across the street, its between Alhambra and Merrick Way, triangular park; and there is another park near the Chateau Bleu Inn that has a beautiful fountain, I don't know the name of that particular park, but I would just ask us to consider any and all Downtown parks to have those clean up bags available, and I don't know what the cost is...

Commissioner Anderson: The stands, one of the stands.

Commissioner Cabrera: Yeah, it's just becoming an everyday occurrence, just ask the Manager to look at that.

Mayor Slesnick: I'll support that.

Commissioner Cabrera: Oh good, good.

Mayor Slesnick: Somebody add the Downtown parks to our list of dog parks.

Commissioner Cabrera: You know, it's a reality of life, they are just becoming more and more prevalent, the dogs that is, as people move into our Downtown area, so I just believe...

Mayor Slesnick: If you went to our Carnival on the Mile, you would have seen the collection of people and many dogs.

Commissioner Cabrera: And they had a station for dogs, here on LeJeune Road, I saw that.

Mayor Slesnick: Yeah. Do you mind if I ask one question?

Commissioner Cabrera: Absolutely not.

Mayor Slesnick: Is there any concern that we should be making on the size of dogs that are allowed in public places and festivals?- I know its all problematic, and I know we can't where in the world and control, but I got to tell you something, someone brought a dog that was the size of a horse, and it was really very scary; mothers were rushing children away; it just seems to me that in a public place there should be some consideration for what's safe and not safe, I mean, this was a Great Dane that was a Great Dane, and people were kind of fearful of it just from the size of it. I don't know, I just throw that out as a thought, and by the way, who is it that enforces having animals in restaurants?- we do not - we have never amended our Code to allow dogs in our outside restaurants, and without that they are illegal, and some people have been complaining to me about people bringing their dogs and putting them on the tables, and putting them on chairs and things like that.

Interim City Manager Jimenez: The outside area?

Mayor Slesnick: Yeah.

Commissioner Withers: So you don't have an issue with them being there, you just have an issue with them sitting at the table?

Mayor Slesnick: Yeah - they should use forks and knives.

Commissioner Withers: OK.

Mayor Slesnick: Well, it's a health issue, and the only people I know that experimented with that was Coconut Grove, and I don't know what the outcome of their experiment was.

Commissioner Withers: South Miami does also. If we are going to be competitive with the Grove and South Miami outdoor dining, I think that's an issue, I'm just saying, I'm not advocating...

Mayor Slesnick: Well, you're right, but I also think it depends on, for instance, do we legislate on what La Palma lets into their interior courtyard?-because its outside, that would be a very touchy issue. So anyways, for another day, I'm sorry.

Commissioner Cabrera: That's alright. I received an update from staff regarding a number of historic preservation projects, and I was just wondering if staff would be comfortable sharing that with the rest of the Commission, because you all did a real

good job of showing past, present and future projects, funding mechanisms, timetables; and I did it to reacquaint myself with what we've been doing, when you get a chance to see it I think you all would be very, very pleased with some of the things that we are doing, and it will also give you a real understanding of some of the needs that we will have going forward especially on funding some of these projects; and that brings us Venetian Pool. Madam City Manager, that document stipulates that Venetian Pool will be ready for operations as of June, is that still the case?

Interim City Manager Jimenez: Albert?

Commissioner Cabrera: And the reason I ask this, we are going to have a real big problem if we don't have this pool ready to go come June.

Mr. Delgado: Actually we are looking for May.

Commissioner Cabrera: Awesome.

Mr. Delgado: May would be...

Commissioner Cabrera: 2009.

Mr. Delgado: Exactly - and then

[Laughter]

Commissioner Cabrera: No, no, no, he went to the Don Nelson school of answers, give them just enough.

Mr. Delgado: And I bring to your attention that we are going to be closing the pool again in November...

Commissioner Cabrera: Right, that's OK.

Mr. Delgado:...for three months to do the actual sealing of the surface of the pool over there, so that would be done November, December, January up to February.

Commissioner Cabrera: Thank you, thank you sir; May 2009. Alright good stuff. We talked about El Rado, so I won't bring up El Rado again, but I wanted to bring to all of you, if you recall the last Commission meeting we were all together, we had a resident that complained to us about rodents in the neighborhood, and that resident happened to be a close neighbor because they just live one block north of my street; and I told you all I would try to respond on behalf of the City Commission; well not only did we respond the best we could, Public Service responded, the Manager's

office responded, the State, the Florida Department of Health responded, and they conducted an inspection of the area and then identified a series of problems; and what I guess what I'm trying to do now is, I'm trying to get ahead of the curve not only with this particular issue, but with any and all issues we may be facing in the months to come and the years to come with rodents in our neighborhoods; and I'm just wondering if staff could look at the findings from the State, and based upon the State's findings, which by the way, the State did a phenomenal job, they included photographs of neighborhoods, and they were very descriptive as to some of the things that were occurring to bring rodents to the area; and what I'm hoping that we can do from that information is develop some sort of outreach informative program to our citizens, so that they understand the things that they need to stay ahead of, so that they don't run into this problem, because I got to tell you, since I've been a little boy I recalled rodents, rats running along the power lines at night; and it was like a highway in the evenings, and that was late sixties, early seventies; and that problem persist today, and it was a real awakening with this study that was done by the State Department, and I'm just hoping that we can kind of stay ahead of the curve. Yes sir.

Commissioner Withers: Those are just squirrels without tails, Ralph. (Laughter). No one ever told you though.

Commissioner Cabrera: They are so cute though, the squirrels are so cute. Our stupid dog wants to eat a squirrel so badly; I'd like to see him in a fight with a squirrel, anyway. That's just something that I'd like staff to pay some close attention to because the State Department really did a fine job; and I commend the citizen for bringing this to our attention, and she is going to remain vigilant on this process, and I'm going to try to stay vigilant as well, but anything we can do as an outreach, I think Dan had a lot of good comments, and Code Enforcement could get involved in this process as well, because there are a lot of things having to do with trash, a lot of things having to do with clean up with plant material; and I just thought while it seems like a minor issue, it could become a real problem in our community. So I would appreciate some sort of follow up and feedback on that. That is it for me.

Mayor Slesnick: Bill.

Vice Mayor Kerdyk: Just two quick items, Ms. City Manager, would you please bring back that park issue that we talked about two months ago where you were going to show us where we need the park in the City of Coral Gables; and also maybe if we could have Don Nelson update us on the Sunshine Bond Fund, and if they are loaning right now, what are the possibilities for the City of Coral Gables to get some money from the Sunshine Bond Fund to do some of the projects that you are talking about Commissioner Cabrera, and some other projects in the City of Coral Gables, when we come up to this new budget cycle. You want to come up and answer that now, or you can either do that or give us an update....go ahead and come up real quick since we

are before twelve o'clock.

Mr. Nelson: The Sunshine State Bond, which is called the Sunshine State Governmental Financing Commission, currently I am the Chairman of that Commission, and...

Vice Mayor Kerdyk: Do we get a rate discount?

Mr. Nelson: We get an incredible discount; actually to give you an idea, we have sixty-three million dollars of outstanding debt, roughly half of that is fixed and half is variable. Our commercial paper which is the variable rate trades at about one half of one percent, it is so secure that the City of Coral Gables, we created our own program through the Sunshine State, named the City of Coral Gables commercial paper; it trades on it every seven days, it sells to money market funds, the money market funds are looking for security, the most secure investments out there, and because our City is such a highly rated City, financially they are buying this commercial paper and there was one time we were paying point two six (.26%) percent, right now its averaging half to point six zero percent, under one percent commercial paper; its incredibly low, our fixed rate debt averages between four and a half to five percent. We fixed that four years ago when the market was extremely low. I know there are concerns that should we fix our variable rate right now and put into, but we are riding the curve down on the variable rate, and we are capturing such incredible premiums, because we budgeted at four percent and we are only paying under one percent for half of our debt. So that goes into a debt reserve fund, and it's reserved in the event it goes above four. So to answer your question, we are able to borrow for capital improvements needed and that will be addressed in the budget session coming this July when we present our budget estimate for the 2009-2010, we will include our capital improvement request and how we will fund those through the Sunshine State program; and it would be recommended that we would add on and borrow that through our variable rate, which is easy to borrow, and that could be actually smaller amounts as opposed to a large fixed portion, which cost a significant amount of money to fund a fixed rate bond issues. I would add a small Capital Improvement Program, depending on what you mean by small, but we have been fortunate to ladder our capital projects over time where we have every four to six years something coming and rolling off, so we have a very conservative debt program. As you know, we are very extremely low, we are below five percent of our operating expenses paid for debt, we have no voted debt service, everything is paid from our operating fund, and is very well managed and we have been able to do our capital improvements conservatively over time, but we've been able to build very great capital improvements in the City. So yes, we are able to fund.

Vice Mayor Kerdyk: So what you are telling us is we are saving close to a million dollars based on where the rates are right now; you are telling us that if we want to

fund any new projects we can fund it at extremely low rates on a variable rate basis, and maybe this is the year to really push and look at some of those projects.

Mr. Nelson: The capital projects.

Commissioner Anderson: That's a wise suggestion.

Mr. Nelson: Good thing for our great financial credit rating, because City's that are below our rating cannot get any insurance in order to do a program they need backing by insurance, we do not, because of our high rating we do not need backing of an insurance company.

Vice Mayor Kerdyk: This is such an ideal spot, I mean, you've got lower construction costs, lower financing, lower land cost, and this is like...they say in the private sector, if you've got cash you're king, and if we can go ahead and finance that we can really do well.

Mr. Nelson: Right timing to get construction projects, buy land, buy property, preserve for the future, this is an ideal time.

Vice Mayor Kerdyk: Alright, thank you very much.

Mr. Nelson: Thank you all.

Commissioner Withers: Before you head back I have....

Commissioner Cabrera: No, you go Chip.

Commissioner Withers: No, if it's pertaining to this go ahead.

Commissioner Cabrera: How many cities are participating in the Sunshine State Fund?

Mr. Nelson: There are fourteen.

Commissioner Cabrera: Fourteen.

Mr. Nelson: Fourteen - there are fourteen cities and three counties...

Commissioner Cabrera: And this is a private fund; I don't want people to misunderstand, this is not a State run fund, it's a private fund.

Mr. Nelson: It is; it's a commission that was created under the State Statutes that are for "A" rated cities or better.

Commissioner Cabrera: It's fascinating; the purpose of this fund was to by-pass Charter questions and GO Bonds, I'm telling you, that's how I feel; politically that's how I feel.

Mr. Nelson: But as long as we are able to pay from our General Fund...

Commissioner Cabrera: Yeah, it's a good thing, it's a good thing.

Mr. Nelson: It's a good thing, and the same thing as if we were going to, instead of going through the Sunshine, I would recommend going through a bank qualified loan, which banks right now are giving extremely low tax exempt financing because they want good credit, good quality investments, and the City of Coral Gables is no better place to invest.

Commissioner Cabrera: Is one of the ideas is to possibly use this loan to purchase land? I've got land for you.

Mr. Nelson: Its an incredible rate program; we've been financing since 1986 all of our capital improvements with the Sunshine State Program, as you know we don't have one issue out there, referendum, we have not, we finance very conservatively over time, and we have out-performed the fixed rate financing to variable rate, meaning variable rate has out-performed the fixed rate over the history.

Mayor Slesnick: Can I ask Don a question while you are up here, off that subject, but we haven't heard a report on this recently; tell us about Funds "A" and "B".

Mr. Nelson: Funds "A" and "B" - this is the State of Florida the investment pool fund that all public entities, County, State, School Boards that were invested a year ago, if you remember, actually a year ago November, when they froze that fund the City at that time had thirty-four million dollars in that fund, I'm pleased to say we have roughly right now one million dollars left in that fund, it is in Fund "B" and they are still, a hundred percent of that one million, actually its less than one million, we had one point four and then they just liquidated more out of Fund "B", which was the, we'll call it the "Bad" fund, there was Fund "A" and Fund "B", they actually put a freeze...

Commissioner Anderson: They were starting to release them but they had to cap it.

Mr. Nelson: That's correct - they were releasing and Fund "B" which was considered the "Bad" fund in the State pool is now being...the maturities and the quality is coming back to that, and as they do we are getting distributions from that fund; there has been no loss of principal in either Fund "A" or "B"; and so over the past year and a quarter, we've been able to withdraw all of our funds except for less than one million dollars at

this time in Fund “B”; and we anticipate that will be collected over time, it’s a waiting period which we agreed as long as they don’t take any principal, a loss of principal. We will wait to get our share of those funds. In the meantime those funds have been invested in a very secure federated government backed one hundred percent money market fund.

Commissioner Withers: Before you leave, I’m sorry we lost Ralph and Bill, but maybe we can chime in; we are having a workshop for the Pension?

Mr. Nelson: Yes.

Commissioner Withers: OK, in the past our workshops have been somewhat more of a presentation from the City’s perspective without really a lot of open dialogue. So I didn’t know what our intention was as a Commission to get out of the workshop with the Pension Board, and if we could maybe give you some direction as to what questions we wanted to see responded to, because if not, its just going to be another presentation from the City to us.

Mr. Nelson: Right, you’re correct.

Commissioner Withers: I mean, do you see...

Mayor Slesnick: I’d like to see an open dialogue.

Commissioner Withers: And what are the issues?- maybe we can vent some of the issues to Don so that he can be prepared, and I’ll start off, for instance. I sent everybody a letter...

Mayor Slesnick: Before we do that, can I just do one thing to wrap what he said before we lose that.

Commissioner Withers: Sure - absolutely.

Mayor Slesnick: Because there was comment in certain news media a year or so ago about this Commission blowing thirty-four million dollars...

Commissioner Withers: Oh yeah, oh yeah, OK.

Mayor Slesnick: I just would like to wrap up that report by saying that was all bulls**t (expletive detective). Thank you.

Mr. Nelson: Yes sir.

Commissioner Withers: It was. I don't know where they came up with that number, but it was

Mayor Slesnick: Thank you, that's all I wanted to say; now back to the Pension Board.

Commissioner Withers: One of the issues I thought was maybe continuing education requirement, like we have for the Historic Preservation Board and how we have the Landscape Architectural Board or whatever, we have certain requirements that have to be met; and my appointee Les Space, is actually taking it very seriously and he's gone all over the State getting accredited and going to seminars, I think at some point if that's a requirement that we want to lay on the Board maybe we discuss that with them, I'd like to see if that could be woven into the session, because I think the better educated they are...

Commissioner Anderson: The better decisions to be made.

Commissioner Withers: So that would be one of my recommendations.

Mr. Nelson: No, it's a great comment; our Board members and they are very concerned, one is about the eight year requirement to roll off, that's another one because they do invest a lot of time in going to these seminars and educational formats, and they do get certified and by the time they have such a great history and knowledge...

Commissioner Withers: They're off the Board.

Mr. Nelson: They're off the Board, and so that's an issue.

Commissioner Anderson: Yeah, actually my Board member spoke to me, I'd forgotten to bring that up, that's great.

Mr. Nelson: That's a very important one, because they are great Board members; they can always be removed but I would like them to stay on because of their knowledge and their history...

Commissioner Withers: So that would be a discussion topic.

Commissioner Anderson: Provide continuity.

Mr. Nelson: That one - the educational component and it will be a setting that won't be like this, its going to be at the Youth Center, its going to again on March 24th, Tuesday at 2:00 p.m. after the Commission meeting, and we'll have it in a setting, it will be a round table type area, it'll be more informal. Of course you'll have the Actuary

there, you will have our investment consultants there, we are going to talk heavily on the actuarial issues, we are going to talk about investment issues, we are going to talk about the Board tenure, the educational components; and again, if there are any questions specifically...

Commissioner Withers: I would encourage the Commission to get to you over the next week if there is anything specific they want to...

Mr. Nelson: And it's not going to be presentation, its going to be open.

Mayor Slesnick: I want to know why we aren't looking for a new pension attorney, and putting that out to bid?-and I misstated that; why we are not rebidding that position and rebidding the actuarial position, and we've asked, and we've asked, and we've asked and nothing happens, so I'd like to know that.

Mr. Nelson: I'll take that back to the Board and that will be another item of discussion.

Mayor Slesnick: Can I mention too that I would like if we could Madam City Manager, my appointee to the Board who many of you know, Steve Naclerio, lost his wife, she died a week ago, and I think if the City could send its condolences to Steve.

Commissioner Withers: And the only other issue I have is AT&T moves to our community with their new fiber-optic, I don't know if there is a public access channel for our City cable...

Interim City Manager Jimenez: We'll look into that.

Commissioner Withers:...maybe reach out to AT&T and ask them if they...

Commissioner Anderson: We hate to have them drop off, another group drop off.

Commissioner Withers: I'm sorry.

Commissioner Anderson: Yeah, that's great idea because there would be a whole group that would drop off our cable system.

Commissioner Withers: Yeah. Thank you.

Interim City Manager Jimenez: Mr. Mayor I had one item, if I may. I'd like to introduce our new Chief Procurement Officer, Michael Pounds, Michael if you'd like to come up. Michael started in the field of Procurement as an Assistant to the City Manager and six years later was appointed as a City Administrator for the City of Glendale, Missouri, where he managed the City until 2008, and now he has relocated

to Miami, Florida, and he has an undergraduate degree in Political Science, a Masters in Public Administration, and is presently teaching Public Administration at Barry University.

Mayor Slesnick: Welcome.

Mr. Pounds: Thank you, nice to be here.

Commissioner Withers: Missouri huh?- Missouri Tiger?

Mr. Pounds: Yes, I was a student there at one time, didn't graduate there, but I went there at one time; yes, I'm a Tiger fan.

Commissioner Withers: There you go.

Mr. Pounds: Glad to be here. I've enjoyed working with the staff, they've been very helpful in my transition as the Chief Procurement Officer, and I think we are going to have a good team.

Commissioner Anderson: Glad you're here, best of luck.

Mayor Slesnick: Good to have you and we welcome you, because of my position with my marriage I always welcome Missouri, I'm married to one, so. Anything else? I'll just report to you all; I hope you got the packages that I brought back from Tallahassee, I sent you each a package. I attended the first get together, the League of Mayors of Florida, with the State Legislature a week ago, went up a day and-a-half with other Mayors from around the State, was able to I hope comprehend some of the things that are going on, interact with some of our Delegation, interact with some of our lobbyists, and take part in some sessions with legislators, and with the Mayors; and I brought everyone back a package of materials to include the most important thing, the new booklet of how to get in touch with the legislators. It's going to be a very challenging session, although we hope that the Senate will be conservative as they have been in the past about affecting cities and Home Rule, and that we'll find some support in the Senate to not be too adversely affected by some of the things that they are talking about doing in the House. We'll see how it goes along, and I know that Chip and Bill had gone up to Tallahassee, I've been up, and I'm hoping that during the session everybody on the Commission will have a chance to get there to see our legislators eye-ball to eye-ball, and talk to them. A note of interest, you may know that Erik Fresen, a brand new House Member representing this district that we are sitting in right now is running for Speaker of the House, so we'll what happens.

Commissioner Cabrera: He's on the Marco Rubio fast track.

Vice Mayor Kerdyk: You got to be, it's an eight year term.

Mayor Slesnick: One of the results of term limits is that people in the Legislature, and this is no reflection on Eric's ability, he's a nice person and a good person, and he was elected, but people now become selected first Speaker or for President and the first year of their tenure without ever having cast a vote or made a speech, or done anything, and they serve as Speaker or President within their term limits, which means there are really no long term experienced people to go around. Now that has been avoided in some cases by the transition from no term limits to term limits, and from House to Senate and so forth, by having some of the more experienced people come up, but that's fading away; and now the leadership of our Legislature will be in the first few terms of their existence, because it's the only term they'll have, it's a shame, that's term limits.

City Clerk Item No. 38

RESOLUTION NO. 2009-64

NA.K. 09-0215
-1.1.

A Resolution of the Coral Gables City Commission scheduling a special meeting for purposes of discussing settlement negotiations and strategy in the case of the City of Coral Gables VS Coral Gables Post No. 98, American Legion, Inc.

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION SCHEDULING A SPECIAL MEETING FOR TUESDAY, MARCH 24, 2009, BEGINNING 4:00 P.M., IN THE CITY OF CORAL GABLES COMMISSION CHAMBERS, LOCATED AT 405 BILTMORE WAY, 2ND FLOOR, CORAL GABLES, FLORIDA, IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES [2008]; FURTHER ANNOUNCING THAT UPON THE COMMENCEMENT OF SAID MEETING THAT THE CHAIRPERSON OF THE CITY COMMISSION WILL IMMEDIATELY ANNOUNCE THE COMMENCEMENT OF AN ATTORNEY-CLIENT SESSION, CLOSED TO THE PUBLIC FOR PURPOSES OF DISCUSSING SETTLEMENT NEGOTIATIONS AND STRATEGY IN THE CASE OF THE CITY OF CORAL GABLES VS CORAL GABLES POST NO. 98, AMERICAN LEGION, INC., MIAMI-DADE COUNTY CIRCUIT COURT CASE NO. 05-15674 CA 06.

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-64. The motion passed unanimously.

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 39

[Note for the Record - City Manager Selection: Concerning the selection of a new City Manager, Mayor Slesnick entertained three rounds of voting for said position; following the first round of voting, two Commissioners voted for Joe Rasco (Mayor Slesnick and Vice Mayor Kerdyk, two Commissioner voted for Pat Salerno (Commissioner Withers and Commissioner Anderson, and one Commissioner did not vote for any candidate (Commissioner Cabrera).

Questions, Answers, Inquiries and Concerns by the City Commission: Vice Mayor Kerdyk stated that initially there were 91 applicants for the position of City Manager; further conveying his initial skepticism regarding the City Manager selection process; further informing colleagues that following the one-one-one interviews with the five candidates, that he developed more of an affinity for said individuals; further stating that following the interview session with the remaining three candidates that he developed more of an affinity for said individuals; further stating that of the two remaining individuals he can work with either Joe Rasco or Pat Salerno; however, he explained that he initially voted for Mr. Rasco because of his deep seated roots in our community and his integrity, but reiterated that he can work with either individual.

Commissioner Anderson stated that she knows the Rasco's personally, further stating that he has integrity and deep seated roots in our community; however, she felt that Pat Salerno possesses the complete skill set to best serve in the position of City Manager, after reviewing all of the information available; further adding that Larry Spring is a rising star, a great spirit, will make a fine City Manager, but not right now.

Commissioner Cabrera inquired of his colleagues, what is the rush for the selection of the City Manager, if the City has competent staff during the interim stated that Larry Spring is a rising star, and will continue to be a rising star, regardless of where he chooses to go; further explaining that although he did not vote for a candidate in the first round of voting, that if he were to vote, he would vote for Mr. Rasco; further expressing his displeasure in the selection process; further conveying to his colleagues that he has received criticism regarding the timeliness of the process; further stating that if he does not have a comfort level regarding a particular candidate to be considered for selection, he will not proceed with making that selection; further stating that he does not see Salerno as a fit for the City of Coral Gables; further adding that the selection of a City Manager is the most important decision that he will make as a City Commissioner.

Mayor Slesnick stated that he was comfortable with the selection process, and with the three candidates that were being considered.

Commissioner Withers further inquired of Commissioner Cabrera that if the Commission has before them two viable candidates, is it fair to disenfranchise them because one does not like the process. Commissioner Cabrera stated that he does not

want to settle yet.

Immediately following the aforementioned discussion, the City Commission engaged in a second round of voting whereby the following votes were tabulated: three votes for Pat Salerno (Commissioner Withers, Vice Mayor Kerdyk and Commissioner Anderson), two votes for Joe Rasco (Mayor Slesnick and Commissioner Cabrera), before a final vote was taken, following a motion being made by Commissioner Withers, seconded by Anderson, selecting Pat Salerno to the position of City Manager (Commissioner Cabrera casting the sole dissenting vote)].

RESOLUTION NO. 2009-65

**NA.K. 09-0216
-1.2.**

A Resolution selecting Patrick G. Salerno, as City Manager, subject to both parties coming to an agreement with the terms and conditions of employment.

A RESOLUTION SELECTING PATRICK G. SALERNO, AS CITY MANAGER, SUBJECT TO BOTH PARTIES COMING TO AN AGREEMENT WITH THE TERMS AND CONDITIONS OF EMPLOYMENT.

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-65. 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

RESOLUTION NO. 2009-66

**NA.K. 09-0217
-1.3.**

A Resolution of the Coral Gables City Commission designating Mayor Donald D. Slesnick, II to serve as the City's negotiator, for the purpose of negotiating the salary and benefits package in connection with the City Manager's term of employment.

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION DESIGNATING MAYOR DONALD D. SLESNICK II, TO SERVE AS THE CITY'S NEGOTIATOR, FOR THE PURPOSE OF NEGOTIATING THE SALARY AND BENEFITS PACKAGE IN CONNECTION WITH THE CITY MANAGER'S TERM OF EMPLOYMENT; FURTHER STIPULATING THAT UPON COMPLETION OF SAID NEGOTIATIONS, THAT MAYOR SLESNICK IS HEREBY REQUESTED TO BRING SAID MATTER BACK (INCLUDING ANY PROPOSED DRAFTS) TO THE CITY COMMISSION FOR ITS CONSIDERATION, REVIEW AND APPROVAL OF SAME.

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-66. 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. 41

ADJOURNMENT

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 12:41 pm on March 10, 2009. The next regular meeting of the City Commission has been scheduled for March 24, 2009, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK