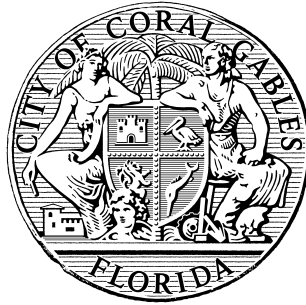


# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, August 26, 2008**

**9:00 AM**

**City Hall, Commission Chambers**

### **City Commission**

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

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

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

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City Attorney Elizabeth Hernandez.

### **LEGISLATIVE SUMMARY**

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Resolution(s) adopted (Resolution No. 2008-116 through Resolution No. 2008-130); (b) Video; (c) Audio Recording; (e) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

[Note for the Record: Mayor Slesnick requested of the public to take a moment of silence to remember the soul of former Police Chief Michael Hammerschmidt, whom he cited as a man who loved his family, his country, and his City].

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

- A.-1.**     [08-0515](#)     Presentation of a Proclamation declaring the month of September 2008 as Firefighter Appreciation Month in Coral Gables

[Note for the Record: City of Coral Gables Fire Chief Walter Reed stated that he really wanted to thank the Mayor and City Commission for taking the time out to recognize the Muscular Dystrophy Association; further introducing Charles Brannock, Chairperson for the Muscular Dystrophy Association.

Mr. Brannock added that if any staff from Coral Gables witness the firefighters out collecting, then do not hesitate to donate to the Muscular Dystrophy cause; further pointing out that one of our family members has been stricken with Muscular Dystrophy; thereby, bringing the Muscular Dystrophy affliction closer to home].

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

City Clerk Item No. 2

**A.-2. [08-0558](#)**

Recognition of "Outstanding Historic Preservation Award - City of Coral Gables City Hall" presented by the Coral Gables Chamber of Commerce

[Note for the Record: Coral Gables Chamber of Commerce President and C.E.O., Mark Trowbridge, whom Mayor Slesnick noted recently had a special ceremony this past Thursday, August 21, 2008, at its "Good Morning Coral Gables Breakfast Meeting," addressed the Commission stating that this organization honored those outstanding commercial properties in Coral Gables, with a flair for design, thus making our City a great place to work and play; further noting that today, he was in attendance to present the City of Coral Gables "2008 City Beautiful Award for Historic Preservation", which was being awarded to Coral Gables City Hall; further noting that Coral Gables City Hall is an excellent example of Spanish Renaissance Architecture, built between 1928-1929, and is on the National Historic Registry; finally, extending his condolences, on behalf of the Coral Gables Chamber of Commerce to the family of former Police Chief Michael Hammerschmidt, as well as to the City of Coral Gables, on his untimely passing].

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

City Clerk Item No. 1

**A.-3. [08-0524](#)**

Presentation of 25 year service pin to Donald Griffiths, Fire Department

**Attachments:** [CM Griffiths](#)

**This Presentation/Protocol Document was Withdrawn**

City Clerk Item No. 6

- A.-4. [08-0525](#) Presentation of 25 year service pin to Franklin Ogden, Fire Department

**Attachments:** [CM\\_Ogden](#)

[Note for the Record: City Manager noted that Franklin Ogden joined the Fire Department as a firefighter in August of 1983; further stating that he completed his paramedic certification and was riding rescue during August of 1985; Franklin was later promoted to Lieutenant in November of 1989, only to assume the position of Captain in September of 1993; further describing his work related habits as demonstrating good judgment and maturity in varying situations; consistently performing good work, regardless of the work assignment; further distinguishing himself as a fair, consistent supervisor, whom has accepted challenges while serving in the capacity of Battalion Captain, ensuring that details and work are carried out in a timely fashion and responsible being characterized as a very hard working and professional firefighter; demonstrating great pride in the job performed, while exhibiting loyalty and dedication during his tenure with the City.

In accepting said accolade, Franklin said "Thank You"; further noting that he has loved every minute of it; further stating that he has put a lot of passion into what he is doing, and that he looks forward to another eight years with the City].

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

City Clerk Item No. 3

- A.-5. [08-0526](#) Presentation of 25 year service pin to Marc Stolzenberg, Fire Department

**Attachments:** [CM\\_MStolzenberg](#)

[Note for the Record: City Manager Brown noted that Marc Stolzenberg began his career with the City in August of 1983; further stating that he received his paramedic certification in July of 1985, later being assigned to the Rescue Division; subsequently, he was assigned as a Rescue Lieutenant in 1992; he was promoted to the rank of Staff Captain in March of 1995, and Fire Captain in 1997; Fire Division Chief in 2000, only to assume the position of Deputy Fire Chief, a position he maintains until this day; further being characterized as an employee who has consistently demonstrated an ability to balance his schedule and job requirements effectively, an excellent attitude, as well as being one whom has built a good working relationship between staff and battalion personnel; further acknowledging his training as a fire inspector, managing and supervising the City's AED/CPR Accreditation Program.

In accepting this accolade, Deputy Fire Chief Stolzenberg thanked the City Commission for taking time out to recognize firefighters; further noting that one of his initial goals while joining the City was to serve for 25 years; further recognizing the Bakers Dozen; further stating that this City has taught him the true meaning of loyalty; further pointing out that what the City has taken from me, that I have so graciously given back].

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

City Clerk Item No. 4

- A.-6. [08-0527](#) Presentation of 25 year service pin to Michael Weaver, Fire Department

**Attachments:** [CM\\_Weaver](#)

[Note for the Record: City Manager Brown acknowledged that Michael Weaver began his tenure with the City in August of 1983, becoming a Certified Paramedic in 1985, being assigned to Rescue in August of 1985, later assuming the position of Driver/Engineer, before taking on additional responsibilities in September of 1998, assuming his Air Technician status.

Mike Weaver has been characterized as being thorough and efficient, possessing an outgoing personality, calm demeanor and displaying concern for safety while serving in the capacity of Driver/Engineer.

In accepting said accolade, Mike Weaver thanked the City Commission for presenting said recognition to certain individuals in his class; further stating that he appreciated it; further acknowledging that 25 years is a long time to have served the City; further stating that he has about six more years to go; further thanking every one in attendance].

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

City Clerk Item No. 5

- A.-7. [08-0528](#) Presentation of 25 year service pin to Gregg Webber, Fire Department

**Attachments:** [CM\\_Webber](#)

**This Presentation/Protocol Document was Withdrawn**

City Clerk Item No. 7

**A.-8. [08-0529](#)**

Congratulations to Carmen Rosa O'Donnell, Police Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of September 2008

**Attachments:** [Cover Memo CarmenRositaODonnell EOM September2008 EOM, September 08](#)

[Note for the Record: In acknowledging Carmen Rosita O'Donnell, Police Department, as the recipient of the Employee of the Month Award for September, 2008, she pointed out that accountability, competency, dedication, responsiveness, are some of the core values that describe her.

Lieutenant Rene Tastet, Police Department, Ms. O'Donnell's Supervisor, further noted that she has served as the department's Payroll Clerk since June of 1998, a classification she describes as a two person job; further noting that Ms. O'Donnell has performed said task flawlessly, assuming payroll responsibility for 265 employees; further assuming responsibility for the conversion from the Wintergrate Payroll System to our enterprise wide Eden application; further acknowledging certain personable characteristics in furtherance of her duties to include honesty, a strong moral character, being extremely organized, displaying tremendous energy and enthusiasm; producing quality work which demonstrates the highest of professional standards; possessing good problem solving ability.

Commissioner Withers informed Ms. O'Donnell that said occasion represented history in the making, since she becomes the initial recipient of the newly designed, brand new Employee of the Month plaque. In accepting said accolade, Ms. O'Donnell thanked Lieutenant Tastet, for nominating her, as well as all of the supervisors she has worked with over the past 10 years; her co-workers, whom have always stood ready and willing to help her; further reiterating the fact that she really appreciates the help that her co-workers have given her over the past 10 years; further stating that she has really enjoyed her job].

**This Presentation/Protocol Document was Recognized**

City Clerk Item No. 8

[Note for the Record: Mayor Slesnick acknowledged the presence of Celeste Abell and Sternlieb Finley, from the Cystic Fibrosis Foundation; Ms. Abell stated that she was delighted to be back before the City Commission; further recalling that she had been here some months ago, in connection with the "Great Strides Walk", which had taken place during the month of April; further stating that she was pleased and proud of the support provided by the City of Coral Gables, including the people in the Coral Gables Chamber of Commerce, and wanted to express her gratitude on behalf of the Cystic Fibrosis Foundation; further stating that through their collaborative efforts, they have raised a total of \$27,000 for its Great Strides Walk" Event, and \$600,000 throughout Miami-Dade County; further stating that said money raised from its Coral Gables Event will be used for care and research related activities; further presenting each member of the Commission with a plaque, as further demonstration of its appreciation for the City's initiative during this campaign; further thanking the City Manager, Public Service Director Dan Keys, Dan Thornhill, Fire Department; Major Scott Masington, Police Department; also thanking our Parks Department, Code Enforcement Division, Building and Zoning, etc., for their involvement with the overall success of said event].

## **B. APPROVAL OF MINUTES**

B.-1. [08-0542](#) Regular City Commission Meeting of July 15, 2008

**Attachments:** [Verbatim Transcript - Agenda Item H-2 - Resolution - Downtown Towing.pdf](#)  
[July 15, 2008 Meeting Minutes.pdf](#)  
[Verbatim Transcript - Agenda Item D-1 - David Lawrence, Early Childhood Initiati](#)  
[Verbatim Transcript - Agenda Item D-3 - Gene Prescott, Biltmore Hotel Proposed](#)  
[Verbatim Transcript - Agenda Item E-2 - Ord. Amending Article IV - Stormwater M](#)

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

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

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

City Clerk Item No. 10

B.-2. [08-0543](#) Special Budget Workshop of July 16, 2008

**Attachments:** [Budget Workshop Meeting Minutes.pdf](#)

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

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

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

City Clerk Item No. 11

**C. CONSENT AGENDA**

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

**Passed the Consent Agenda**

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, to Adopt the Consent Agenda. The motion carried by the following vote:**

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

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

**RESOLUTION NO. 2008-116****C.-1. 08-0502**

A Resolution of the City Commission authorizing the City Manager to execute a Joint Project Agreement between the Florida Department of Transportation and the City of Coral Gables, Florida (Contract Number AP 783 - Financial Number 2523117801), for one (1) year and an additional two (2) one (1) year annual renewals, for maintenance of US Highway #1, Bird Road and Red Road within Coral Gables, Florida.

**Attachments:** [Comm Cover Sheet FDOT Turf 7-08](#)  
[FDOT Res 7-08](#)

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT PROJECT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF CORAL GABLES, FLORIDA (CONTRACT NUMBER AP 783 - FINANCIAL NUMBER 2523117801), FOR ONE (1) YEAR AND AN ADDITIONAL TWO (2) ONE (1) YEAR ANNUAL RENEWALS, FOR MAINTENANCE OF US HIGHWAY #1, BIRD ROAD AND RED ROAD WITHIN CORAL GABLES, FLORIDA.

**This Matter was adopted by Resolution Number 2008-116 on the Consent Agenda.**

City Clerk Item No. 12

**RESOLUTION NO. 2008-117****C.-2. [08-0508](#)**

A Resolution appointing Esther Castiglia (nominated by Commissioner Anderson) to serve as a member of the Senior Citizens Advisory Board, for a term ending May 31, 2009.

**Attachments:** [Esther Castiglia Resolution Cover](#)  
[Esther Castiglia Appointment Resolution](#)

A RESOLUTION APPOINTING ESTHER CASTIGLIA (NOMINATED BY COMMISSIONER ANDERSON) TO SERVE AS A MEMBER OF THE SENIOR CITIZENS ADVISORY BOARD FOR A TERM ENDING MAY 31, 2009.

**This Matter was adopted by Resolution Number 2008-117 on the Consent Agenda.**

City Clerk Item No. 13

**RESOLUTION NO. 2008-118****C.-3. [08-0530](#)**

A Resolution authorizing the City Manager to execute a lease with Custom Built Designs, Inc., a Florida Corporation, d/b/a Stanleigh's, for approximately 801 gross square feet of floor space at 290 Miracle Mile for \$70,200.00 throughout the term of the lease which ends July 31, 2011.

**Attachments:** [StanleighLeaseCover](#)  
[StanleighLeaseDraftReso](#)  
[Stanleighs1](#)  
[Stanleigh'sLease](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH CUSTOM BUILT DESIGNS, INC. A FLORIDA CORPORATION, D/B/A STANLEIGH'S, FOR APPROXIMATELY 801 GROSS SQUARE FEET OR FLOOR SPACE AT 290 MIRACLE MILE FOR \$70,200.00 THROUGH THE TERM OF THE LEASE WHICH ENDS JULY 31, 2011.

**This Matter was adopted by Resolution Number 2008-118 on the Consent Agenda.**

City Clerk Item No. 14

**RESOLUTION NO. 2008-119**

- C.-4. [08-0556](#) A Resolution appointing Hernando Chong (nominated by Mayor Slesnick) to serve as a member of the Emergency Management Division, for the term ending May 31, 2009.

**Attachments:** [Hernando Chong Cover](#)  
[Hernando Chong Resolution](#)

A RESOLUTION APPOINTING HERNANDO CHONG (NOMINATED BY MAYOR SLESNICK), TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION FOR A TERM ENDING MAY 31, 2009.

**This Matter was adopted by Resolution Number 2008-119 on the Consent Agenda.**

City Clerk Item No. 15

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

- C.-5. [08-0504](#) Code Enforcement Board Meeting of July 23, 2008

**Attachments:** [memo coverjuly 08](#)  
[ROLLCALL july 08](#)  
[july 08](#)

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

City Clerk Item No. 16

C.-6. [08-0505](#) Senior Citizens Advisory Board Meeting of July 7, 2008

**Attachments:** [Cover Memo 07-07-08 Summary](#)  
[Min 07-07-2008 Draft](#)

[Note for the Record: Commissioner Anderson instructed the City Manager to direct the Parks Director to provide the City Commission with a report/update on the Senior Program, including an explanation regarding those attendees at our new Baptist Church facility, photographs and/or videos of what activities have transpired at said facility, as well as what is envisioned for the future at said location.

Mayor Slesnick further queried of Public Works Director Delgado, through the City Manager, regarding matters of accountability and ineffective directional signage at the location for the Segovia/Coral Way Circle; further pointing out that if said signage were on the east side of LeJeune Road and says "Go West," then it would be an appropriate placement, instead of saying "Use An Appropriate Route;" further suggesting that Miami-Dade County might consider erecting a sign at Red Road and Coral Way; further responding to Mayor Slesnick's inquiry as to whether said area will be closed for four months, Mr. Delgado informed the City Commission that there will be construction, which will take place between now and the end of the year; whereupon Mayor Slesnick indicated to the Administration that he is mostly concerned about residents knowing what is taking place around their homes.

Commissioner Cabrera queried Mr. Delgado, through the City Manager, on matters involving pedestrians, construction and temporary signage, in an attempt to ascertain whether or not Miami-Dade County was changing from its traditional red colored signage, to a neon green color; whereupon, Public Works Director Delgado confirmed same; further instructing the City Manager to review signage along Ponce de Leon Boulevard in front of Ponce de Leon Elementary School, citing that said location is an on-going speedway, according to a communication further validated by him with one of the security guards at said location; further noting that in his opinion said neon color is incompatible with the landscape-in such a high traffic dangerous area; further pointing out that many people are unaware that there is an elementary school at said location].

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

City Clerk Item No. 17

- C.-7. [08-0512](#) Historic Preservation Board Meeting of July 17, 2008

**Attachments:** [NoAction07.17.08MinutesforCC08.26.08.pdf](#)  
[HPB July 17 2008.pdf](#)

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

City Clerk Item No. 18

- C.-8. [08-0517](#) Coral Gables Merrick House Governing Board Meeting of June 2, 2008

**Attachments:** [MerrickHouseBoardMinutes-June 2,2008.pdf](#)  
[CGMHNoAction06.02.08Minutes.pdf](#)

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

City Clerk Item No. 19

- C.-9. [08-0519](#) Traffic Advisory Board Regular Meeting and Annual Meeting of July 15, 2008

**Attachments:** [July TAB cover](#)  
[TAB July 15, 08 Minutes](#)

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

City Clerk Item No. 20

- C.-10. [08-0520](#) Traffic Advisory Board Meeting of June 17, 2008

**Attachments:** [TAB 6-17 cover](#)  
[June 17, 08 minutes](#)

[Note for the Record: Following passage of the Consent Agenda, Commissioner Anderson proffered the following comments in connection with Agenda Item C-10; further instructing the City Manager to direct Public Works Director Alberto Delgado to speak about the Segovia Median and the upcoming circle at Coral Way and Segovia, for the upcoming City Commission Meeting of September 9th, 2008; further requesting of the City Manager to provide timetables to the City Commission for both projects during said meeting].

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

City Clerk Item No. 21

- C.-11. [08-0522](#) Library Advisory Board Meeting of August 13, 2008

**Attachments:** [LB Cover Sheet 8-13-08na](#)  
[Library Minutes 8-13-08](#)

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

City Clerk Item No. 22

- C.-12. [08-0532](#) Economic Development Board Meeting of July 2, 2008

**Attachments:** [Minutes 7-2-08](#)  
[Commission cover no action 8-26-08](#)

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

City Clerk Item No. 23

- C.-13. [08-0533](#) Cultural Development Board Meeting of July 14, 2008

**Attachments:** [Commission cover no action 8-26-08](#)  
[CDB Minutes - Workshop July 14 2008](#)

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

City Clerk Item No. 24

- C.-14. [08-0536](#) Parking Advisory Board Meeting of June 25, 2008

**Attachments:** [cover pab 06-25-08](#)  
[pab minutes 06-25-08](#)

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

City Clerk Item No. 25

- C.-15. [08-0538](#) Cultural Development Board Meeting of June 8, 2008

**Attachments:** [Commission cover no action 8-26-08 - 6-8 minutes](#)  
[CDB Minutes June 8 2008](#)

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

City Clerk Item No. 26

- C.-16. [08-0545](#) Historic Preservation Board Special Informational Meeting of August 14, 2008

**Attachments:** [NoAction08.14.08SPECIALMinutesforCC08.26.08.pdf](#)  
[HPB.SpecialMtg.Aug14.08.pdf](#)

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

City Clerk Item No. 27

- C.-17. [08-0547](#) Retirement Board Meeting of June 23, 2008

**Attachments:** [CC.08-26-08.June](#)  
[Minutes.06-23-08](#)

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

City Clerk Item No. 28

- C.-18. [08-0555](#) Budget/Audit Advisory Board Meeting of August 7, 2008

**Attachments:** [Cover Memo 080708.pdf](#)  
[Minutes 080708.pdf](#)

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

City Clerk Item No. 29

**D. PERSONAL APPEARANCES****D.-1. [08-0523](#)**

Mia Cavaco, Executive Director of The Coral Gables Community Foundation, to present the project "Greening of the Gables"

[Note for the Record: Mayor Slesnick acknowledged the presence of Jerry Santeiro (Chairman Elect); Mia Cavaco (new Executive Director), and Sue Medina, Director of Development (formerly of the Miami Herald and WPLG Channel 10), from the Coral Gables Community Foundation. Chairman Elect Centro informed the public that there are a number of new and exciting programs, along with new board members that the Foundation will be introducing to the City and its residents in the near future; further noting that on September 5, 2008, there will be an Open House Event, which will coincide with Gallery Night, wherein members only will have the opportunity to visit the Coral Gables Community Foundation at its new building location (3001 Ponce de Leon Boulevard), said new space which was donated by Developer Ralph Sanchez; further updating the City Commission on the "Greening of the Gables Project," citing the purpose for said initiative under former Chairman Howard Glickman, was to enhance and expand urban and neighborhood green space, enhance quality of life, increase property values and support the environment; further stating its intention to expand the program, thus adding 27 more trees in the 200-300 block of Alhambra Circle; further stating that the Third Annual Greening of the Gables Event," will be held on Friday, January 20, 2009; finally, thanking the Mayor and members of the City Commission for working with the Coral Gables Foundation on this matter, and for supporting its on-going efforts to beautify the City].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 9

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

None

**ORDINANCES ON FIRST READING****RESOLUTION NO. 2008-120****E.-1. 08-0537**

An Ordinance providing for text amendments to the Code of the City of Coral Gables, Chapter 74, Article III, Division 1, 2, 3, and 4 entitled "Stopping, Standing and Parking" providing for updates to the parking provisions and procedures, changes to valet parking provisions, enactment of a new Division 5, to provide for a "Parking Replacement Assessment".

**Attachments:** [cover sheet ordinance chapter 74](#)  
[draft ordinance clean copy](#)  
[Parking Replacement Assessment Ord. Marked Up Copy](#)

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

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-120. The motion passed unanimously.**

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

City Clerk Item No. 30

**ORDINANCE NO. 2008-19 (As Amended)****E.-2. 08-0539**

An Ordinance of the City Commission of Coral Gables amending the text of the Official Zoning Code, Article 5., "Development Standards", Division 14, "Parking, Loading and Driveway Requirements", Section 5-1410., "Miscellaneous Parking Standards"; and Article 8., "Definitions"; providing for updated automated parking storage provisions and definitions; providing for repeal, providing severability, providing for codification thereof, an effective date, and repealing all Ordinances inconsistent herewith. (Passed on First Reading August 26, 2008)

**Attachments:** [08 26 08 CC Cover Memo re: ZC Text Amendment Parking Lifts 1st reading](#)  
[08 26 08 Exhibit A: Ordinance re: parking lift 1st reading](#)  
[08 26 08 Exhibit B: 08 13 08 staff report w attachment](#)  
[08 26 08 Exhibit C: 08 13 08 PZB Verbatim Minutes](#)  
[09 09 08 CC Cover Memo re: ZC Text Amendment Parking Lifts 2nd reading](#)  
[09 09 08 Exhibit A: Ordinance re: Parking Lift 2nd Reading](#)  
[09 09 08 Exhibit B: PZB 08 14 08 Staff Report](#)

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

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

**Absent :** 1 - Commissioner Anderson

City Clerk Item No. 31

**RESOLUTION NO. 2008-121**

**NA.E. [08-0598](#)  
-2.1.**

A Resolution of the City Commission referring Agenda Item E-2 with comments and concerns to the Planning and Zoning Board, for consideration, review and recommendation regarding same.

A RESOLUTION OF THE CITY COMMISSION TO REFER CONSIDERATION OF AGENDA ITEM NUMBER E-2 (SUBJECT MATTER: PROVIDE FOR TEXT AMENDMENTS CHAPTER 74, ARTICLE III, DIVISION 1, 2, 3 AND 4 ENTITLED "STOPPING, STANDING AND PARKING," PROVIDING FOR UPDATES TO THE PARKING PROVISIONS AND PROCEDURES, CHANGES TO VALET PARKING PROVISIONS, ENACTMENT OF A NEW DIVISION 5 TO PROVIDE FOR A "PARKING REPLACEMENT ASSESSMENT; AND AGENDA ITEM NUMBER E-2 (SUBJECT MATTER: AMEND THE TEXT OF THE OFFICIAL ZONING CODE, ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 14, "PARKING, LOADING AND DRIVEWAY REQUIREMENTS", SECTION 5-1410, "MISCELLANEOUS PARKING STANDARDS", AND ARTICLE 8, "DEFINITIONS"; PROVIDING FOR UPDATED AUTOMATED PARKING STORAGE PROVISIONS AND DEFINITIONS; ETC.), THEREBY REFERRING SAID ISSUE ALONG WITH COMMENTS AND CONCERNS PROFFERED BY THE CITY COMMISSION ON THIS SAME DATE, BACK TO THE PLANNING AND ZONING BOARD, FOR SAID BOARD'S CONSIDERATION, REVIEW AND RECOMMENDATION REGARDING SAME.

[Note for the Record: A copy of the verbatim transcript for Agenda Item NA.E-2.1, is available for public inspection in the City Clerk's office and in Legistar].

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-121. The motion passed unanimously.**

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

City Clerk Item No. 31.1

**RESOLUTION NO. 2008-122**

**NA.E. [08-0599](#)  
-2.2.**

A Resolution reconsidering Resolution No. 2008-121, which referred Agenda Item E-2 to the Planning and Zoning Board for its consideration.

A RESOLUTION TO RECONSIDER VOTE PREVIOUSLY TAKEN IN CONNECTION WITH RESOLUTION NO. 2008-121, WHICH REFERRED AGENDA ITEM NUMBER E-2 (SUBJECT MATTER: PROVIDE FOR TEXT AMENDMENTS TO CHAPTER 74, ARTICLE III, DIVISION 1, 2, 3 AND 4 ENTITLED "STOPPING, STANDING AND PARKING," PROVIDE FOR UPDATES TO THE PARKING PROVISIONS AND PROCEDURES, CHANGES TO VALET PARKING PROVISIONS, ENACTMENT OF A NEW DIVISION 5 TO PROVIDE FOR A "PARKING REPLACEMENT ASSESSMENT, ETC., AND AGENDA ITEM NUMBER E-2 (SUBJECT MATTER: AMEND THE TEXT OF THE OFFICIAL ZONING CODE, ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 14, "PARKING, LOADING AND DRIVEWAY REQUIREMENTS", SECTION 5-1410, "MISCELLANEOUS PARKING STANDARDS"; AND ARTICLE 8, "DEFINITIONS"; PROVIDE FOR UPDATED AUTOMATED PARKING STORAGE PROVISIONS AND DEFINITIONS; ALONG WITH THE COMMENTS AND CONCERNS, PROFFERED BY THE CITY COMMISSION ON THIS SAME DATE, BACK TO THE CITY'S PLANNING AND ZONING BOARD FOR ITS CONSIDERATION, REVIEW AND RECOMMENDATION REGARDING SAME.

[Note for the Record: A copy of the verbatim transcript for Agenda Item NA.E-2.2, is available for public inspection in the City Clerk's office and in Legistar].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-122. The motion passed unanimously.**

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

City Clerk Item No. 31.2

**RESOLUTION NO. 2008-123**

**NA.E. [08-0600](#)  
-2.3.**

A Resolution of the City Commission Rescinding its action taken in connection with Resolution No. 2008-121 which referred Agenda Item Number E-2 to the Planning and Zoning Board for recommendation.

A RESOLUTION OF THE CITY COMMISSION RESCINDING ITS ACTION TAKEN IN CONNECTION WITH RESOLUTION NO. 2008-121, (WHICH REFERRED AGENDA ITEM NUMBER E-2, (SUBJECT MATTER: AMEND THE TEXT OF THE OFFICIAL ZONING CODE, ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 14, "PARKING, LOADING AND DRIVEWAY REQUIREMENTS", SECTION 5-1410, "MISCELLANEOUS PARKING STANDARDS"; AND ARTICLE 8, "DEFINITIONS"; PROVIDE FOR UPDATED AUTOMATED PARKING STORAGE PROVISIONS AND DEFINITIONS; ALONG WITH THE CONCERNS AND COMMENTS PROFFERED BY THE CITY COMMISSION ON THIS SAME DATE, BACK TO THE CITY'S PLANNING AND ZONING BOARD FOR ITS CONSIDERATION, REVIEW AND RECOMMENDATION REGARDING SAME).

[Note for the Record: A copy of the verbatim transcript for Agenda Item NA.E-2.3, is available for public inspection in the City Clerk's office and in Legistar].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-123. The motion passed unanimously.**

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

City Clerk Item No. 31.3

**E.-3. [08-0551](#)**

An Ordinance of the City of Coral Gables, Florida amending the City Code, Chapter 2, entitled "Administration", Article VIII, entitled "Procurement Code" by correcting scrivener errors; amending the definitions to conform with language requirements of the City Code, Miami-Dade County Code and Florida Statutes; amending the language for the purchase, sale or lease of city-owned property to provide more stringent analysis for such actions; update the City's insurance section to conform with new City requirements; adding sections providing for a contract manager system for all City contracts; providing for severability, repealer, codification, and an effective date.

**Attachments:** [agendacover Procurement Code](#)  
[FINAL DRAFT - procurement code - 08 21 08blackline](#)  
[comm\\_procurementfinalmemo](#)

[Note for the Record: Following the City Manager's reading of the Procurement Code Ordinance on First Reading into the public record, he further proceeded to characterize it as being a fluid document, tracing the legislative history, noting that it initially passed in calendar year 2003, and was amended in 2004-2005; further stating that the Administration at the instruction of Commissioner Cabrera is now bringing another set of amendments, which include such issues as Contract Management, Best Practices, etc; further noting the three primary sections of the Code that are addressed, namely Section 2-834 (Contract Administration: which sets up a procedure to manage contracts better, provide more fluid information to the organization); Section 2-1005 (Performance Bonds: clarified what will and what will not be required for performance bonds by the Department of Public Works); and 2-2015 (Sale, Lease of City-Owned Property); further explaining to the Commission that since the set of questions answered by the three boards, which may not apply to the Boards, the Administration has gone through the board process and asked of each board to determine the questions they would ask regarding sale/lease of public property over 10 years.

Commission Discussion: Commissioner Withers inquired of the City Attorney that once the City has accepted a bid, and instructed the City Manager to negotiate better terms, are we still under the Cone of Silence?- further asking of the City Attorney whether there is a requirement for negotiations to extend our Cone of Silence?- whereupon City Manager Brown responded that the Procurement Code provides that if the City Manager needs to negotiate further, then the Code provides for same. Commissioner Withers stated that he was of the opinion that the bid process was still in progress. City Attorney Hernandez explained that the Cone of Silence is intended to prevent Commissioners, lobbyists, and any third parties from discussing the process and selection of a final vendor during the process; further stating that once the City has selected a vendor, then the Cone of Silence ceases to exist. Commissioner Withers continued by distinguishing the Request for Qualifications from the Request for Proposal, stating that when the City is still awaiting the final numbers as a given bid, it appears that the bid is still in process; therefore; further querying as to whether the City wants to be approached by vendors, when in fact they are still hammering out numbers? City Attorney Hernandez suggested that the City might want to provide certain amendatory language which she proffered as follows: "If the City Commission

refers a matter back to the City Manager, the Cone of Silence will be reincorporated until such time that the City Manager provides a new written recommendation”].

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

**Yeas :** 3 - Commissioner Anderson, Commissioner Withers and Mayor Slesnick II

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

City Clerk Item No. 32

## **F. CITY COMMISSION ITEMS**

### **RESOLUTION NO. 2008-124**

**F.-1. 08-0553**

A Resolution of the Coral Gables City Commission directing City Manager to prepare a report and recommendation on the adoption of a living wage ordinance for the City of Coral Gables.

Mayor Donald D. Slesnick, II

**Attachments:** [comm\\_livingwagesigned](#)  
[Living Wage Cover](#)  
[Living Wage Resolution](#)

[Note for the Record: Mayor Slesnick prefaced his remarks by reminding his colleagues that he had requested of the City Manager and City Attorney to draft legislation that reflected that the City Commission is in support of a living wage ordinance for the City of Coral Gables. Commissioner Anderson noted that all City employees except for temporary employees make the minimum wage. Commissioner Withers queried of the City Attorney whether we are stating that the entire company shall assume responsibility for payment of the minimum wage, or just the employee(s) under contract with the City?

Cabrera: Commissioner Cabrera stated that he has two clients that are major employer's of Miami International Airport; further stating that the living wage ordinance for Miami International Airport has put a major burden on the contractor; further resulting in those contractors having to isolate said employees; further noting that it has put a tremendous administrative burden on said companies. Commissioner Withers queried of the Administration as to whether our organization can achieve what it seeks to achieve in our contracts by giving out bonus points if said contractors comply with a living wage ordinance. Commissioner Cabrera, citing the Miami International Airport example, stated that one could establish a target number; the agency would have to apply said number, that is presented to the employee(s), whereby all of the factors of the payroll are broken down (i.e. including benefits, insurance, etc.); further stating that in his personal experience, he has found that the primary issues involved dealt with the client, and with the insurance company. Commissioner Cabrera concluded his

remarks by informing his colleagues that he cannot support governmental interference with the private sector, with regards to said matter, and therefore would not be supporting same. Mayor Slesnick responded that the City is not trying to control local wages, except those people whom are doing business with the City; further stating that by paying people anything less than that, then you may provide incentive for other governmental subsidies. Commissioner Withers stated that he did not have a problem with it; however, he would like to see what the City requires. Commissioner Cabrera instructed the City Manager to bring back a report showing how the City will monitor the proposed living wage provision and support it. Mayor Slesnick requested of the City Manager to include those other cities that have living wage ordinance legislation].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-124. The motion passed by the following vote:**

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

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

City Clerk Item No. 33

**F.-2. [08-0546](#)**

Discussion regarding ad valorem tax exemption for historically designated commercial properties.

Vice Mayor William H. Kerdyk, Jr.

[Note for the Record: A copy of the verbatim transcript for 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. 34

**G. BOARDS/COMMITTEES ITEMS**

None

City Clerk Item No. 35

**H. CITY MANAGER ITEMS****RESOLUTION NO. 2008-125 (As Amended)****H.-1. 08-0441**

A Resolution establishing a Guaranteed Maximum Price (GMP) of \$5,894,727, submitted by DooleyMack Constructors of South Florida, LLC, Construction Manager, for proposed construction of the Coral Gables Museum, located at 285 Aragon Avenue, Coral Gables, Florida, pursuant to terms and conditions of negotiated fee Guaranteed Maximum Price Construction Management Contract (Construction Manager-at-Risk Contract) between the City of Coral Gables and DooleyMack Constructors of South Florida, LLC.

**Attachments:** [Draft Resolution GMP 08-26-08CC](#)  
[GMP Attachments from DooleyMack](#)  
[GMP Estimate spreadsheet](#)  
[Resolution2006-206](#)  
[EXHIBIT 1 TO CNSTMANAGER AT RISK AGREEMENT- ORIGINAL TO CC](#)  
[Cover Memo-REV](#)

[Note for the Record: Historic Preservation Officer Kara Kautz, informed the City Commission that they were very excited about presenting this project; further providing certain background and history regarding same, noting that in November of 2006 a Resolution passed and was passed and adopted, authorizing the Manager to negotiate and execute a negotiated fee guaranteed maximum price construction management contract with Dooley Mack Contractors; and in March of 2007, the City entered into a contract with Dooley Mack for Construction Management-At-Risk Services for construction of the Coral Gables Museum. George Hernandez, Architect, gave a historical overview of the project, stating that he personally became involved with same approximately four years ago; however, said project precedes him by many years, and has received the endorsement from the greater community; further adding that there has been a lot of involvement with the Museum Board from the design point of view; further stating that he is very excited about moving forward with the Coral Gables Museum Project and realizing this dream; further noting that Renzo Rodriguez, Project Manager, Dooley Mack Constructors, stated that the guaranteed maximum price process is completed, which represented a very stressfull process and that this project has over 75 qualified subcontractors, that are very familiar with the plans; further pointing out that there are over three subcontractors in each of the divisions; further stating that there are some divisions that have seven or eight subcontractors; further noting that the excitement on the project has been great.

Christine Rupp, representing the Coral Gables Museum Board, stated that it has been

a privilege to work on the Coral Gables Museum Board, with its expanded mission statement focusing on areas such as architecture, urban planning, sustainability and historic and environmental preservation; further noting that the museum will be one of three museums in our nation with this focus; further noting that said initiative has generated attention amongst the educational community, as well; further stating that it will become one of 15 nationally historic designated properties that have attained LEED Certification (Leadership in Energy and Environmental Design); further explaining that it represents a great experience to have a facility with flexible usage community room, much needed space for City facilities; ideal for transportation and usability; further noting that sponsors from over 500 families, businesses and organizations that have made contributions on behalf of the Coral Gables Museum, including the Coral Gables Chamber of Commerce; Greater of Miami Convention and Visitors Bureau, Fewell donation, etc.; further stating that articles have appeared in all local publications, as well as national publications (i.e. Architecture Magazine and National Historic Trust Board, etc.).

**Questions, Comments, by the Commission: Cabrera: Commissioner Cabrera** inquired of the City Manager regarding certain financial information, initially noting that the City is giving one of its buildings for the museum; further noting that \$661,000 has been allocated from City of Coral Gables Capital Improvement Funds previously allocated during FY 2004-2005; further noting that \$331,000 will be requested by the Administration from the FY 2008 Budget, to go toward this fund, instead of being put into End of the Year Budget Reserves; further pointing out that during the Fiscal Year 2008-2009 Budget Workshop that said matter was not addressed, and that the Manager was clear in terms of the dollars that would be put into the Budget Reserves; whereupon the City Manager stated that he also stated that the possibility existed that he would ask the Commission for monies to repair the roof and the air conditioner of the Country Club, said monies that he was targeting for Budget Reserves; further emphasizing that regarding the \$414, 155 Construction Contingency, there will be lots of interesting matters to be done to a building that was built in 1939, therefore, he cannot support the Coral Gables Museum Project, since it will not provide him with a comfort level.

**Kerdyk: Vice Mayor Kerdyk** stated that his focus was on certain financial information, namely, capital improvement and operating expenses; firstly, concerning the Fewell donation of \$2 million, he wanted reassurances that the City would not have to come up with said amount, in the event that the Fewell donation to the Coral Gables Museum fails to occur, whereupon Ms. Rupp stated that the City would not be financially obligated; Secondly, regarding the seven million dollars to be received for naming rights, Kerdyk inquired as to when does the Coral Gables Museum take those monies?-What will the Coral Gables Museum Corporation apply those monies to?-and finally what is the total cost to run the Coral Gables Museum on an annual basis?-whereupon Ms. Rupp stated that the budget has been completed, and that

\$750,000 of said contributions will go toward the build out of the City's portion of the Community Room (1st floor as well as those City offices, etc.); further noting that an endowment will be established for exhibitions educational programming and for operations; further stating that said operational expenses will require between approximately \$500,000 to \$1,000,000 annually; further stating that a substantial amount of dollars will also be made in rentals, public and private schools; further noting that there are a wealth of grants (Jorge Hernandez)-once said project is up and running, the potential exist to receive grants from such agencies as the Florida Humanities Council, etc.

Finally, Vice Mayor Kerdyk wanted reassurances that there will be no further need to revisit City Capital Expenditures by the Coral Gables Museum Board; further inquiring as to whether said organizational will be able to meet its financial obligation without asking the City to participate. City Manager David Brown pointed out that in the contract, that there is language that says the Coral Gables Museum Corporation has the ability to request-whereupon Ms. Rupp provided Vice Mayor Kerdyk that her organization has the ability to raise money necessary to meet its financial obligation.

Mayor Slesnick inquired about having certain offices go back to the Coral Gables Museum, as well as usage by our City Boards of the Meeting Room; whereupon City Manager Brown stated that the Historic and Environmental Preservation Board will be moving back; further noting that City Boards also will have the right to conduct meetings in said facility.

Ms. Rupp noted that September 15th, 2008 is the target date for construction to begin on said project. George Hernandez referenced the Zoning Code change (Miami 21) being undertaken by the City of Miami, particularly noting the issue of Transfer Development Rights for Historic Property; further singling out Coral Gables for blazing a trail in the area of creative thinking regarding Historic Preservation].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted as amended by Resolution Number 2008-125. 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. 36

**RESOLUTION NO. 2008-126 (As Amended)****H.-2. 08-0506**

A Resolution authorizing the City Manager to execute a ten (10) year lease agreement, plus three additional five (5) year options with Verizon Wireless Personal Communications LP d/b/a Verizon Wireless for a portion of the tower at the 118' level, ground space for condensing units, cabling space, and approximately 257.25 feet of building space at the Fire Station located at 11911 Old Cutler Road for \$40,000.00 per year with a 3% annual increase.

**Attachments:** [Verizon Generator Letter](#)  
[Verizon Lease Agreement](#)  
[Verizon Lease Cover](#)  
[Verizon Memorandum of Lease Agreement](#)  
[Verizon Lease Draft Resolution](#)

[Note for the Record: Following the reading of the title to the Resolution of Agenda Item H-2 into the public record, Chief Information Officer, namely Gee Ming Chow, addressed the City Commission in connection, inquiring of said body if there were any questions regarding the proposed ten (10) year lease agreement (plus three five (5) -year options) with Verizon Wireless, for tower, ground space for condensing units, cabling, and 257.25 feet of building space at the Fire Station located at 11911 Old Cutler Road,; whereupon Mayor Slesnick inquired about the shared generator issue, whereupon Mr. Chow stated that Verizon Wireless has agreed to language that would request of each wireless carrier tying into the Shared Generator will contribute a pro-rata share to cover the cost thereof; further stating that other participating carriers are as follows:

T-Mobile

Sprint

AT & T

Mr. Chow further articulated that each carrier has separate contractual agreements (T-Mobile, which expires in 2010; Sprint, which expires in 2012, and AT&T, which expires in 2013, respectively) with the City.

**Consumer Price Index (CPI):** Vice Mayor Kerdyk inquired of Finance Director Don Nelson, through the City Manager, as to the current CPI rate, whereupon Mr. Nelson replied 5.2%; further stating that for our telecommunication carriers that the annual increase is fixed at a certain percentage, and followed what has been established for the other carriers. Vice Mayor Kerdyk stated that the City should establish an annual increase based on the CPI, for all carriers. Mark Baesch, representative for Verizon Wireless, stated that said CPI language is something that Verizon Wireless will add into the agreement; further pointing out that past three (3) percent increases was done in accordance with the Federal Communications Act.

Mayor Slesnick stated that he prefers if said language would migrate to all of the other telecommunications carriers and incorporate similar language; further suggesting that

the aforementioned language in connection with the Shared Generator Cost, placement of the Tower and Building at 1911 Old Cutler Road, along with using the CPI rate for calculation of annual increases, be made a part of the agreement document].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted as amended by Resolution Number 2008-126. The motion passed by the following vote:**

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

**Absent :** 1 - Commissioner Anderson

City Clerk Item No. 37

### **RESOLUTION NO. 2008-127**

**H.-3. 08-0535**

A Resolution authorizing the Finance Director to transfer current balances plus accrued interest from the State Attorney Forfeiture Account, for which the City of Coral Gables is authorized to act as depository, to the Miami-Dade Office of the State Attorney. Further, that pursuant to the legislative authority granted to the Miami-Dade Office of the State Attorney under FSS 27.3451 and FSS 932.704, the City of Coral Gables will no longer need to act as depository for the State Attorney Forfeiture Account. Any future forfeited asset equitable shares designated for the Miami-Dade Office of the State Attorney from the South Florida Money Laundering Strike Force (SFMLSF) will be distributed directly to the "State Attorney's Forfeiture and Investigative Support Trust Fund".

**Attachments:** [COMMISSION COVER MEMO - transfer Funds to SAO 08-26-08.pdf](#)  
[Copy of FSS 27 3451.pdf](#)  
[Copy of letter from SAO to Finance ref Transfer of Funds.pdf](#)  
[Resolution -Transfer Funds to SAO-08-26-08.pdf](#)

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CURRENT BALANCES PLUS ACCRUED INTEREST FROM THE STATE ATTORNEY FORFEITURE ACCOUNT, FOR WHICH THE CITY OF CORAL GABLES IS AUTHORIZED TO ACT AS DEPOSITORY, TO THE MIAMI-DADE OFFICE OF THE STATE ATTORNEY. FURTHER, THAT PURSUANT TO THE LEGISLATIVE AUTHORITY GRANTED TO THE MIAMI-DADE OFFICE OF THE STATE ATTORNEY FUNDER FSS 27.3451 AND FSS 932.704, THE CITY OF CORAL GABLES WILL NO LONGER NEED TO ACT AS DEPOSITORY FOR THE STATE ATTORNEY FORFEITURE ACCOUNT. ANY FUTURE FORFEITED ASSET EQUITABLE SHARES DESIGNATED FOR DISTRIBUTION TO THE MIAMI-DADE OFFICE OF THE STATE ATTORNEY FROM THE SOUTH FLORIDA MONEY LAUNDERING STRIKE FORCE WILL BE DISTRIBUTED DIRECTLY TO THE "STATE ATTORNEY'S FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND."

[Note for the Record: Following the City Manager's reading of the title to the resolution for Agenda Item H-3 into the public record, Finance Director Don Nelson addressed the Commission regarding State Attorney Kathy Rundle's request to instruct the City Manager to direct the Finance Director to transfer the current balances with interest from the State Attorney's Forfeiture Account, to the

Miami-Dade Office of the State Attorney; further stating that the City of Coral Gables has been the depository for said funds; further stating that because of certain actions by the State Legislature, the City of Coral Gables will no longer serve in the capacity of depository for said Forfeiture Account, thereby allowing the distribution of monies from the South Florida Laundering Strike Force to go directly to the State Attorney's Forfeiture and Investigative Support Trust Fund; further responding to Commissioner Withers' inquiry that the City has been receiving, and will continue to receive \$250,000 in guaranteed income, as part of the accounting that goes into the management of all monies that goes into said fund].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-127. 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. 38

#### **RESOLUTION NO. 2008-128**

**H.-4. [08-0534](#)**

A Resolution authorizing the award of the On-Board Trolley and Print Advertisement Project to Arcoart Plus, pursuant to Section 2-828(e) of the Procurement Code, for On-Board Trolley and Print Advertisement RFP 2008.07.17. Further authorizing the City Manager to execute a two (2) year contract with an option to renew for (3) additional one (1) year periods.

**Attachments:** [2008.07.17 Agenda Cover On-Board Trolley & Print Ad](#)  
[2008.07.17 On-Board Trolley Draft Resolution](#)  
[2008.07.17 RFP On-Board Trolley and Print Advertising RFP 2008.07.17](#)  
[2008.07.17 Trolley Addendum No. 1 with attachments](#)  
[2008.07.17 Tabulation On-Board Trolley](#)

[Note for the Record: Following the City Manager's reading of the title to the resolution in connection with Agenda Item H-5 into the public record, Commissioner Cabrera inquired of Finance Director Don Nelson through the City Manager, how long has it been that the City has been trying to initiate the trolley and print advertisement project, recalling that the City has gone out to bid twice in connection with same?-further noting that it has been approximately five years since the trolleys were approved; whereby Mr. Nelson explained that on July 17, 2008, the Procurement Division of Finance went out with an R.F.P. regarding same; further stating that on August 7th, 2008, five responses were received, namely from EConsulting, Arcoart Plus, 21st Century Graphic, 28 Sparks Inc., and Spiral Media Corporation; further noting that the focus was on two types of work (on board advertisement and print/map advertisement).

Mayor Slesnick invited Mr. Ed Cox, Trolley Manager up to the dais to receive a vintage photograph of the first trolley in the City of Coral Gables].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-128. 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. 39

### **RESOLUTION NO. 2008-129**

**H.-5. [08-0521](#)**

A Resolution authorizing the award of Medical Director Services to Dr. Marc M. Grossman, Jackson Memorial Hospital, pursuant to Section 2-828(e) of the Procurement Code for Medical Director RFP 2008.06.19. Further authorizing the City Manager to execute a three (3) year contract with an option to renew for (1) additional two (2) year period and to expend the aforesaid funds from the Coral Gables Fire Department.

**Attachments:** [2008.06.19 MD Tabulations and Minimum Requirements](#)  
[2008.06.19 Medical Director RFP](#)  
[2008.06.19 Addendum No. 1 with attachment](#)  
[2008.06.19 Medical Director Draft Reso](#)  
[Medical Director Draft Agenda Cover Sheet](#)  
[Protest Letter](#)

A RESOLUTION AUTHORIZING THE AWARD OF MEDICAL DIRECTOR SERVICES TO DR. MARC M. GROSSMAN, JACKSON MEMORIAL HOSPITAL PURSUANT TO SECTION 2-828(E) OF THE PROCUREMENT CODE FOR MEDICAL DIRECTOR RFP 2008.06.19. FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE (3) YEAR CONTRACT WITH AN OPTION TO RENEW FOR (1) ADDITIONAL TWO (2) YEAR PERIODS.

[Note for the Record: A copy of the verbatim transcript for Agenda Item H-5, is available for public inspection in the City Clerk's Office and in Legistar].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-129. The motion passed by the following vote:

**Yeas :** 3 - Commissioner Anderson, Commissioner Cabrera, Jr. and Mayor Slesnick II

**Nays :** 2 - Vice Mayor Kerdyk, Jr. and Commissioner Withers

City Clerk Item No. 40

**I. CITY ATTORNEY ITEMS**

- I.-1. [08-0548](#) Pending Litigation Report

**Attachments:** [PENLIT.8 26 08](#)

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 41

**RESOLUTION NO. 2008-130**

- NA.I. [08-0590](#) A Resolution of the City of Coral Gables opposing the Miami-Dade County proposed action in approving tentative millage rates and proposed budget for fiscal year 2008-2009.

-1.1.

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION, OPPOSING MIAMI-DADE COUNTY PROPOSED ACTION IN APPROVING TENTATIVE MILLAGE RATES AND PROPOSED BUDGET FOR FISCAL YEAR 2008-2009, AND DIRECTING CITY MANAGER AND CITY ATTORNEY TO TAKE APPROPRIATE ACTION IN OPPOSING SAID MEASURES AND ACTION OF THE MIAMI-DADE COUNTY COMMISSION.

**A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-130. The motion passed by the following vote:**

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

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

City Clerk Item No. 42

**J. CITY CLERK ITEMS**

**None**

City Clerk Item No. 43

**K. DISCUSSION ITEMS**

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Thank you. Mr. Manager I have on my screen an e-mail from you dated yesterday not dated today, I beg your pardon, you were in the office early this morning at 7:43 a.m.

City Manager Brown: I was.

Commissioner Cabrera: Giving us an update on the Country Club RFP; I very much appreciate the update. I think in the interest of keeping everyone aware of what's going on, I'm going to take the liberty to very briefly highlight the e-mail, if I may?- and you go on to say in your e-mail, or you start your e-mail by letting us know that the Country Club of Coral Gables RFP Evaluation Committee will convene on Wednesday, September 17th at 2:30 p.m. in the afternoon in the Commission Chambers of City Hall, and the meeting will be taped and it will be opened to the public to observe, but not participate; and then you go on to tell us that you will have representatives from many Boards, and I'm not going to read all the Boards. At that time you say that, as noted in the RFP the Evaluation Committee will review the proposal based on stipulated criteria, and then you go through the five criteria's, and then lastly, I beg your pardon this is Ms. Swanson's e-mail...

City Manager Brown: I just forwarded it.

Commissioner Cabrera: Thank you. It will be the Evaluation's Committee responsibility to recommend to the City Commission whether or not the City should commence negotiations with the proposer. Two issues: number one, it's really great that you are keeping us up to date on this, number two, I want to make sure that the role of this committee is to evaluate this proposer, not to make a decision whether...here's what I'm worried about, if somehow, somehow this committee thinks that their role is to determine whether this proposer comes to us for consideration, I hope that's not their thinking. At the end of the process, I would like this Commission body to decide whether this proposer is appropriate enough to be appointed the bid. I would like to see this proposer be evaluated based upon the criteria set forth, but the decision whether it comes to us or not, I just don't believe its that committee's responsibility, I'm sorry, and one of the reasons I don't agree with it is, at the end of the day we're the ones that is supposed to make that decision, they can make a recommendation certainly, but knowing what I know about the process, and knowing that we only have one bidder, and knowing that the Club is still closed, and knowing that we are keeping the air conditioning going, and all those things going, and knowing about the leaks, and knowing about the termites, and knowing about the pool, I really want to see if we can move forward on this process. So I just want you to know my concerns, and those are that we continue to move the process quickly. Good afternoon.

Ms. Swanson: I'm sorry...good afternoon Commissioner, I'm sorry if I miss-worded it, clearly it is the Commission's decision whether or not you want to move forward and negotiate; it's the Evaluation Committee's charge to provide you some recommendation, but they will not be decider.

Commissioner Cabrera: I did not...if I insinuated that you miss-worded this memo, I

apologize, that was not my intent, it was just really just to send a message back...

Ms. Swanson: And I'll make sure they get that.

Commissioner Cabrera: That's all. You know, knowing that we had a bunch of folks that came to the pre-bid conference, and then we only had one proposer at the end of the day, I'm concerned, but I'm optimistic that this proposer may in fact do a really fine job for our City, and I don't want to see them thrown out early in the game when we know that we may not have a lot to choose from if in fact we do that, does that make sense?

Ms. Swanson: You've been confronted with one bidder before, the Palace being a good example.

Commissioner Cabrera: Exactly.

Ms. Swanson: They go through probably a harder test, because they are the only one, but it doesn't mean that they are at a disadvantage.

Commissioner Cabrera: Well, I appreciate the memorandum, and I appreciate the Manager forwarding it to us, but I in no way shape or form did I insinuate...did I mean to insinuate that you had miss-written this.

Ms. Swanson: Your comments come at a perfect time because the Evaluation Committee has not met...

Commissioner Cabrera: Right.

Ms. Swanson:...and so when they do meet, we'll make sure that they understand what they're charge is.

Commissioner Cabrera: Can we include their meeting dates and all that in E-News, and somehow publicize that to the public at large?

City Manager Brown: Sure.

Commissioner Cabrera: And I would not be...I would tell you that I would support the former social organization known as the Coral Gables Country Club to become aware of all of this, I would like...

Ms. Swanson: This would be a public meeting posted with the Clerk's office and widely distributed.

Commissioner Cabrera: So thank you both. The other comments that I have - Mr. Manager, on August 20th I received from your office a memorandum regarding the revenue proposals, and departmental streamlining...

City Manager Brown: Yes.

Commissioner Cabrera: I would like somehow, someday, I don't want to read this memo, but I'd like to have some sort of formal presentation from your office on it...

City Manager Brown: OK.

Commissioner Cabrera:...because I think the citizens would benefit greatly from knowing some of the things that are being done, and it would also give me an opportunity to question some of these.

City Manager Brown: Got it.

Commissioner Cabrera: And on another memo item, you gave us a Parks and Recreation update, and it's really a summary of the work that's being done on the playgrounds and parks throughout the City...

City Manager Brown: Correct.

Commissioner Cabrera:...this is another opportunity for us to let the citizenry know what is going on with some of our parks. I sincerely appreciate the information, because it educates me and when I'm at Granada Pro Shop, I can talk about the ADA to the bathrooms. By the way, that's a sore subject with me; is this every going to get completed?- this project ever going to; do we have a completion date sometime in 2008?

City Manager Brown: Albert, do you have an update on...

Commissioner Cabrera: I mean, nobody works there; I'm sorry y'all; I go to Burger Bob's enough to go there that there's just never anybody working there.

Mr. Delgado: They have a completion date for October 15th, that's when they are supposed to finish the contract, if not, they will...[inaudible]...they are actually calling for inspections and moving along; we will make sure, you know, that if they don't complete that at that time, that they will be assessed damages.

Commissioner Cabrera: Hey, let me try to find a silver lining in this one. Let me congratulate whoever put up the signs on Burger Bob's the second time around, the sign seems to be working, OK, oh, government. Let's see - last commentary that I

have has to do with Mike Hammerschmidt. I had the honor to attend his memorial last week, and I was certainly moved by all the people that were there, and the Police Departments, all the agencies that participated, and I very much enjoyed my relationship with Chief Hammerschmidt. There were times that we disagreed on issues, but I always had tremendous respect for his professionalism, and his care for his craft, and so I certainly wish the family well, and I had an opportunity to give my condolences. What I would like to ask you at this time though is, have you made a decision on the interim Police Chief?

City Manager Brown: I'll be concluding my evaluations by the end of this week.

Commissioner Cabrera: OK. And when do you anticipate making an announcement?

City Manager Brown: By the end of the week.

Commissioner Cabrera: I would certainly hope that you will inform the Commission before the newspapers hear it, or someone else hear it.

City Manager Brown: You will hear it the second.

Commissioner Cabrera: OK. That's it for me.

Mayor Slesnick: Thank you. Mr. Kerdyk.

Vice Mayor Kerdyk: Just one question. Seems to always come up during the political season. Seems like we've been inundated with signs throughout the City of Coral Gables supporting different candidates, and you've updated me before, and freedom of speech; is there size requirements?

City Attorney Hernandez: Yes.

Vice Mayor Kerdyk: Do we have Code Enforcement going out there and making sure that those signs...

City Attorney Hernandez: Yes. Our process is as follows: if it's on the right-of-way, we pick it up and we site.

Vice Mayor Kerdyk: Just take it away.

City Attorney Hernandez: Take it away; we are not going to give people time and opportunity to come and remove it themselves.

Commissioner Withers: You had yours picked up also. (Laughter)

Vice Mayor Kerdyk: My real estate signs too, that's the problem. I'm just kidding.  
(Laughter)

City Attorney Hernandez: Private property, we allow one sign per issue or candidate...

Vice Mayor Kerdyk: Right.

City Attorney Hernandez:...and basically what we do, we site if they are in violation, and that's the position we take on it. The size limitations are the same size limitations that the County has, we are consistent throughout, so its not...

Vice Mayor Kerdyk: Right, and the amount of signs on any one property is another limitation, I'm sure.

City Attorney Hernandez: No, we have one sign per issue or candidate.

Vice Mayor Kerdyk: On one piece of property.

City Attorney Hernandez: Yes.

Vice Mayor Kerdyk: So you could have a multitude of signs there if there are multitudes of candidates.

Commissioner Cabrera: Different races.

Vice Mayor Kerdyk: Different races.

City Attorney Hernandez: Different races...and we do have a requirement that within seven days after the election they must remove all signs.

Vice Mayor Kerdyk: I see some with the same candidates, just, you know, in different parts of the yard, all the way down.

City Attorney Hernandez: Well, they should be sited.

Commissioner Cabrera: You know what I see a lot of?- I see a lot of signs on the public right-of-way, that's where I see them all the time.

Vice Mayor Kerdyk: Yeah. And a lot on fences.

Commissioner Cabrera: Public right-of-ways is what bothers me the most.

Vice Mayor Kerdyk: We take such special care to have such quality of life here with regards to our signage ordinance, and then to have this come in a couple times a year is a problem, but I guess we can't moderate it, but at least we can enforce it; we can't moderate it maybe, but we can enforce it.

Commissioner Cabrera: I've told a couple of judges that are running...

Vice Mayor Kerdyk: Supporting them...?

Commissioner Cabrera: No, no, just talking with them, I've said, you know, by the way, Judge, or you know...

City Attorney Hernandez: You are violating the rule.

Commissioner Cabrera: Well, no, I've said basically, I've said that on this street you've got a sign on the public right-of-way, you might want to talk to that citizen and ask them to move it on their property.

Vice Mayor Kerdyk: That's good. That's the only thing.

Mayor Slesnick: To answer your question, I followed the Code Enforcement people down LeJeune Road yesterday to U.S.-1 and back again, I was going down that way, they were going one way and then back the other way, they were ripping out signs.

Vice Mayor Kerdyk: Alright, very good. Thank you very much, that's all I have.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: No sir, Mr. Mayor, I do not.

Mayor Slesnick: David.

City Manager Brown: Yes, one item. I'd like you to just jot down what I would propose to be a calendar of meetings for the fall and winter. Here are my suggestions: in September of course they'll be the 9th and 23rd; in October they'll be the 14th and the 28th...

Commissioner Withers: Back up again.

Commissioner Cabrera: Will you send us that in writing?

City Manager Brown: Yes, I will, I will; 9th and 23rd; October 14th and 28th; in

November the 18th; and in December the 16th; and if I find there is enough business between the 18th of November, we would have a spare Commission meeting on, or ready to activate on December 2nd.

Commissioner Withers: What about Budget Hearings?

City Manager Brown: The Budget Hearings are at 5:01 p.m. on the September meetings of 9 and 23, and I will send this all around by e-mail to everybody.

Mayor Slesnick: In our summer recess I was able to do a couple of things that are of interest to the Commission and to the City. I, one, went to the League of Cities, the Florida League of Cities meeting in Tampa, and attended a number of workshops, a four hour session on “greening” and sustainability; information which I brought back to put into our system as we go forward in those issues; sat in on the Resolutions Committee and the Advocacy Committee about next year’s adventures in Tallahassee, our challenges that are coming up, which there will be numerous challenges coming up for cities and municipalities in our next legislation session; and in the International Committee, and listened to and shared with other cities their outreach; and as I sit there, I see and I’m so encouraged by how many cities in Florida have realized that international outreach is important in this State, but I always come back to thinking how much more important it is to us than some of those cities, because of our geographical location, because of our business community composition. I also was able this year, for the first time finally after six or seven invitations to accept an invitation by the government of Taiwan to visit Taiwan, and to visit with their government officials and their government agencies; I actually got a lot of very practical visitations as far as learning about things how they work; the Port of Gaachung; the metro system of Taipei; I learned a lot more above my pay grade than I otherwise might have done, but I found it to be a very interesting and exciting trip. As you know we have been the home to the office here of Taiwan, of Taipei for the last twenty years in Coral Gables; they are one of our strongest economic outreach offices from another nation; and I was delighted to be able to do that, and to carry forth with me the greetings from Coral Gables to all these different companies that are reaching out. Something that I didn’t know before I left, and then found out with my schedule is that Enterprise Florida has a Taipei office; and so I was able to visit with the Enterprise Florida people in Taipei that are getting business for Florida and getting business for South Florida, and obviously, was able to push the idea that Coral Gables was certainly a good target for clean and good service oriented business. The lady that actually runs that office would be in Coral Gables next month to visit with the Enterprise Florida people; so she is looking forward to meeting more of you, and our City staff that deals with economic development and so forth. Having said that, since we are all waiting for Commissioner Kerdyk to produce his Japanese tokens...

Commissioner Withers: You’re going to be waiting a long time on that, man.

Vice Mayor Kerdyk: My [inaudible] are coming in the mail.

(Laughter)

Mayor Slesnick: I brought back for each of you a...you know, in some countries you have worry beads and beads that people will...well in the orient they have these attractive crystal globes that sit on a base, but then for you to palm, and to worry, and to think, and to calm you and meditate, and so...

Commissioner Cabrera: You have a case of those for me. (Laughter)

Vice Mayor Kerdyk: Give mine to Ralph.

Mayor Slesnick: I have one for each of you including our public officials, the three public officials, but you can get a choice; there are a few different colors, so if you see a color you particularly want you can...I bring back a little bit of Taiwan for you all, and I have to tell you I thought it was an exciting trip, and Coral Gables is now better recognized in the orient than it was before Commissioner Kerdyk and I took over. So anyway, please enjoy that, meditate, and calm yourselves, and I think that's it, and enjoy your new League of Cities things.

## 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 1:56 pm on August 26, 2008. The next regular meeting of the City Commission has been scheduled for September 9, 2008, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK