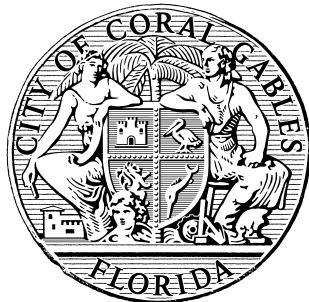


# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, November 18, 2008**

**9:00 AM**

**City Hall, Commission Chambers**

### **City Commission**

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

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

**ROLLCALL**

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

**INVOCATION****PLEDGE OF ALLEGIANCE**

[Note for the Record: Tobias Kammerer, President of the Student Council for George Washington Carver Middle School, delivered the Pledge Allegiance to the Flag].

**THE STAR-SPANGLED BANNER**

[Note for the Record: Dana Hersey, a student at the University of Miami, School of Music, from Minneapolis, Minnesota who is pursuing her Doctorate Degree, delivered the Star Spangled Banner; whereupon Mayor Slesnick presented her with a Key to the City; further stating that he has seen her sing at some of the Chamber of Commerce events; further stating that the City is proud of its university, as well as being equally proud of its students; further pointing out that there is a possibility that maybe the UM will represent its Atlantic Coast Conference in the Orange Bowl Game, and that the University of Florida may represent the Southeastern Conference and our state in the National Championship Game].

**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. 2008-28); (b) Resolution(s) adopted (Resolution No. 2008-181 through Resolution No. 2008-204); (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. 08-0720** Presentation of a Proclamation declaring November 18, 2008 as Merrick Educational Center Day in Coral Gables

[Note for the Record: **Mayor Slesnick** introduced Disability Board Chairperson Debbie Swain, along with Linda Scarcell, Deborah Wehking (principal from the Merrick Educational Center, who also requested of her leadership team to join her on the dais; further introducing the following members of said team: Tom Coyle (Teleclass Department Chair); Ray Martinez (ATC Director); Steve Quinn, Department Chair, School Based Program; Maria Corbin (Program Specialist); and Nelly Martinez (Assistant Principal), who also represents the itinerant teachers.

**Mayor Slesnick** further noted that the Merrick Educational Center is an amazing school, that is located in one of our historic buildings; further viewing a video presentation regarding the educational center which emphasized the theme for this years Disability Awareness Month as being: "America's People; America's Talent and America's Strength;" further noting that the faculty comprising said center has focused on the unique needs of the children; further thanking said facility for providing the best educational services to a very specialized student population, ranging from grades kindergarten to 12th grade, whereupon Commissioner Anderson read a proclamation declaring the date of November 18th as "Merrick Educational Center Day" here in Coral Gables.

**Mayor Slesnick** shared with his colleagues an e-mail statistic from Ms. Deborah C. Wehking, the Principal of the Merrick Educational Center, which stated that 17 of its ill students died this past year; further thanking the Disability Affairs Board for its hard work in our community].

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

City Clerk Item No. 1

A.-2. [08-0777](#)

Presentation of a Proclamation declaring November 21, 2008 as George Washington Middle School Day in Coral Gables

[Note for the Record: **Mayor Slesnick** acknowledged Ms. Libia Gonzalez, Principal, George Washington Carver Middle School; Tobias Kammerer, Student Council President; Janine Llewellyn, Art Teacher, George Washington Carver Middle School. Ms. Gonzalez praised the Mayor, stating that she has never seen a Mayor who has been such an advocate for education. Mayor Slesnick noted that George Washington Carver Middle School, the Foreign Language Magnet School, just may be the greatest school in our state; further acknowledging that for the second year in a row, they were recognized as being the top middle school in the state of Florida, and that they were equally recognized for being the top scoring middle school in achievement on the FCAT for the past three years; further thanking the faculty and staff for all that they do in furtherance of the students and our community].

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

City Clerk Item No. 2

A.-3. [08-0756](#)

Presentation of 25 years service pin to J.B. Patterson, Public Works Department

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

[Note for the Record: **Interim City Manager Maria Jimenez**, in recognizing **J.B. Patterson, Public Works Department**, on receiving his 25 year pin, stated that he began his career with the City in November of 1983, as a laborer in the Public Works Department; further recognizing his quality performance; later being promoted to Laborer II (1985); Maintenance Worker II (1987); and Equipment Operator I (1990); further stating that Mr. Patterson has continued to expand his knowledge base, by attending seminars and classes; further noting his spirit of volunteerism, getting involved with such greater community events such as the Junior Orange Bowl Parade; further acknowledging those residents who have included in his personnel file letters of commendation in further recognition of the courtesy and assistance shown by him in dealing with the public.

In accepting this accolade, Mr. Patterson stated that he would just like to thank God first and foremost; further stating that in his opinion, he is bright and quick thinking; having maintained a marriage for 15 years; and is appreciative of being in a situation where he has found himself today; also further stating that he appreciates the opportunity that he has received from the City; further thanking the City for this occasion].

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

City Clerk Item No. 3

**A.-4. 08-0755**

Congratulations to Antonio Silio, Building and Zoning Department, recipient of the City of Coral Gables Employee of the Month Award, for the month of December 2008

Attachments: [Cover Memo EOM December 2008](#)  
[Ltr.To-EOM Dec](#)

[Note for the Record: **Human Resources Director Marj Adler** in recognizing **Antonio Silio** as the December 2008 Employee of the Month, noted that even if she hadn't known him, he still would have received recognition, based on the inordinate number of commendations he has received from our community for his customer service; further stating that Mr. Silio is the embodiment of what an employee does in going the extra mile.

**Building and Zoning Department Director Ed Weller** further noted that he began his career (1986) in the City in the Public Works Department as a Mason; later being promoted (1996) to Code Enforcement Inspector, before becoming a Plans Processor (2006); further pointing out that Mr. Silio is always willing to give a helping hand whenever there is a need for same; further recognizing that he has been the recipient of the Employee of the Month Award once before, once in March of 2003, and again in December of 2008.

**Commissioner Withers** in a lighthearted moment after being informed that Mr. Silio finds it very difficult to say no, offered him a chance to say no, following his presenting him with a check as part of the employee benefit commensurate with this recognition, whereupon Mr. Silio confirmed that he should present said check to his superior; further stating his desire to accept the plaque in further recognition of his achievement.

In accepting this honor, Mr. Silio stated that it has been a pleasure to work with our residents; further stating that he could not have accomplished this feat without the help of his many colleagues; further stating that this is one of the reasons why he performs his job, and that he also appreciates his job].

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

City Clerk Item No. 4

**B. APPROVAL OF MINUTES**

**B.-1. 08-0765** Regular City Commission Meeting of October 28, 2008

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

[CCMtg October 28 2008 Agenda Item D-1 - Village of Merrick Park Status Report.pdf](#)

[CCMtg October 28 2008 Agenda Item E-1 - Board of Adjustment Appeal.pdf](#)

[CCMtg October 28 2008 Agenda Item I-1 - Resolution Amending City Charter to d](#)

[CCMtg October 28 2008 Agenda Item I-2 - Resoultion Amending Section 54 of the](#)

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

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

City Clerk Item No. 5

**B.-2. 08-0766** Special City Commission Meeting of November 6, 2008

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

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

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

City Clerk Item No. 6

**C. CONSENT AGENDA**

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

**Passed the Consent Agenda**

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

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

**RESOLUTION NO. 2008-181****C.-1. 08-0721**

A Resolution appointing Alexandra Morales (Nominated by Commissioner Cabrera) to serve as a member of the Parks and Recreation Youth Advisory Board, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

**Attachments:** [Youth Advisory Board Alexandra Morales- Action Req.pdf](#)  
[R-2008- Resolution - Alexandra Morales-Draft.pdf](#)  
[Signed Resolution 2008-181.pdf](#)

A RESOLUTION APPOINTING ALEXANDRA MORALES (NOMINATED BY COMMISSIONER CABRERA), TO SERVE AS A MEMBER OF THE PARKS AND RECREATION YOUTH ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

**This Matter was adopted by Resolution Number 2008-181 on the Consent Agenda.**

City Clerk Item No. 7

**RESOLUTION NO. 2008-182****C.-2. 08-0722**

A Resolution appointing Juan Carlos Diaz Padron (Nominated by Commissioner Cabrera) to serve as a member of the Insurance Advisory Committee, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

**Attachments:** [R-2008- Resolution - Juan Carlos Diaz Padron-Draft.pdf](#)  
[Insurance Advisory Board Juan Carlos Diaz Padron- Action Req.pdf](#)  
[Signed Resolution 2008-182.pdf](#)

A RESOLUTION APPOINTING JUAN CARLOS DIAZ PARDON (NOMINATED BY COMMISSIONER CABRERA), TO SERVE AS A MEMBER OF THE INSURANCE ADVISORY BOARD, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

**This Matter was adopted by Resolution Number 2008-182 on the Consent Agenda.**

City Clerk Item No. 8

**RESOLUTION NO. 2008-183****C.-3. 08-0723**

A Resolution appointing Peggy A. Rolando (Nominated by Vice Mayor Kerdyk) 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 3, 2009.

**Attachments:** [Historic Preservation Committee-Peggy Rolando- Action Req.pdf](#)  
[R-2008- Resolution - Peggy. A Rolando-Draft.pdf](#)  
[Signed Resolution 2008-183.pdf](#)

A RESOLUTION APPOINTING PEGGY A. ROLANDO (NOMINATED BY VICE MAYOR KERDYK), 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.

**This Matter was adopted by Resolution Number 2008-183 on the Consent Agenda.**

City Clerk Item No. 9

**RESOLUTION NO. 2008-184****C.-4. [08-0761](#)**

A Resolution authorizing Fritz and Franz Bierhaus to sell alcoholic beverages at the plaza located at 60 Merrick Way from Friday, November 21, 2008, through Sunday, November 23, 2008; from 11:00 am-11:00 pm on Friday and Saturday and from 11:00 am-8:00 pm on Sunday, during the BLUESFEST event, subject to Florida Department of Professional Regulation requirements.

**Attachments:** [Bluesfest cover sheet and resolution](#)  
[Signed Resolution 2008-184.pdf](#)

A RESOLUTION AUTHORIZING FRITZ AND FRANZ BIERHAUS TO SELL ALCOHOLIC BEVERAGES AT THE PLAZA, LOCATED AT 60 MERRICK WAY FROM FRIDAY, NOVEMBER 21, 2008 THROUGH SUNDAY, NOVEMBER 23, 2008 DURING THE BLUESFEST EVENT, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

**This Matter was adopted by Resolution Number 2008-184 on the Consent Agenda.**

City Clerk Item No. 10

**RESOLUTION NO. 2008-185****C.-5. [08-0762](#)**

A Resolution authorizing the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Coral Gables Police Department and the School Board of Miami-Dade County.

**Attachments:** [COVER MEMO - MOU - SCHOOL BOARD](#)  
[RESOLUTION - MOU SCHOOL BOARD](#)  
[Signed Resolution 2008-185.pdf](#)

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION AUTHORIZING THE IMPLEMENTATION OF A MUTUAL AID AGREEMENT BETWEEN THE CITY OF CORAL GABLES POLICE DEPARTMENT AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY.

**This Matter was adopted by Resolution Number 2008-185 on the Consent Agenda.**

City Clerk Item No. 11

**RESOLUTION NO. 2008-186****C.-6. [08-0741](#)**

A Resolution of the City Commission of Coral Gables authorizing the City Manager to execute the Joint Participation Agreement between Miami-Dade County and the City of Coral Gables for disbursement of road impact fee funds to the City, for the construction of a roundabout at the intersection of Segovia Street and Biltmore Way, in the City of Coral Gables, Florida.

**Attachments:** [JPA scanned](#)  
[Scanned cover Segovia](#)  
[JPA Reso](#)  
[Signed Resolution 2008-186.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES FOR DISBURSEMENT OF ROAD IMPACT FEE FUNDS TO THE CITY FOR THE CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF SEGOVIA STREET AND BILTMORE WAY, IN THE CITY OF CORAL GABLES, FLORIDA.

**This Matter was adopted by Resolution Number 2008-186 on the Consent Agenda.**

City Clerk Item No. 12

**RESOLUTION NO. 2008-187****C.-7. [08-0772](#)**

A Resolution authorizing the implementation of a Combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement between the City of Coral Gables Police Department and the City of Miami Police Department

**Attachments:** [COVER MEMO - CITY OF MIAMI - MOU](#)  
[RESOLUTION - MOU - CITY OF MIAMI](#)  
[Signed Resolution 2008-187.pdf](#)

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE CITY OF CORAL GABLES POLICE DEPARTMENT AND THE CITY OF MIAMI POLICE DEPARTMENT.

**This Matter was adopted by Resolution Number 2008-187 on the Consent Agenda.**

City Clerk Item No. 13

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

C.-8. [08-0717](#) City of Coral Gables/University of Miami Community Relations Committee Meeting of October 6, 2008

**Attachments:** [Commission Agenda Cover Nov 18, 08](#)  
[C.R.C. minutes Oct 6, 08](#)

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

City Clerk Item No. 14

C.-9. [08-0724](#) Retirement Board Meeting September 11, 2008

**Attachments:** [CC.11-18-08.September](#)  
[Minutes.09-11-08](#)

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

City Clerk Item No. 15

C.-10. [08-0726](#) Retirement Board Meeting of October 30, 2008

**Attachments:** [CC.11-18-08.October](#)  
[Minutes.10-30-08](#)

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

City Clerk Item No. 16

C.-11. [08-0732](#) Cultural Development Board Meeting of October 6, 2008

**Attachments:** [CDB Final Reports Meeting-October 6 2008](#)  
[Commission cover no action 11-18-08](#)

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

City Clerk Item No. 17

C.-12. [08-0743](#) Property Advisory Board Meeting of October 22, 2008

**Attachments:** [PAB no action](#)  
[PAB Minutes](#)

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

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City Clerk Item No. 18

C.-13. [08-0744](#) Landscape Beautification Advisory Board Meeting of November 6, 2008

Attachments: [BC Cover Sheet 11-6-08 na](#)  
[Minutes BC 11-6-08](#)

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

City Clerk Item No. 19

C.-14. [08-0759](#) Senior Citizens Advisory Board Meeting of October 6, 2008

Attachments: [Senior Citizens Minutes Cover 10-6-08](#)  
[Senior Citizens Minutes 10-06-2008](#)

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

City Clerk Item No. 20

C.-15. [08-0760](#) Parks and Recreation Advisory Board Meeting of October 24, 2008

Attachments: [Parks and Recreation Minutes Cover 10-24-08](#)  
[Parks and Recreation Minutes 10-24-08](#)

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

City Clerk Item No. 21

C.-16. [08-0773](#) Insurance Advisory Committee Meeting of October 27, 2008

Attachments: [CoverMemo\\_IACMtq\\_111808](#)  
[IAC DraftMinutes 102708 Legistar](#)

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

City Clerk Item No. 22

C.-17. [08-0748](#) Coral Gables Merrick House Governing Board Meeting of October 20, 2008

Attachments: [CGMNoAction-10.20.08Minutes](#)  
[CGMH-Oct 20,2008](#)

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

City Clerk Item No. 23

C.-18. 08-0775 Cultural Development Board Meeting of October 29, 2008

**Attachments:** [CDB Grants Review Meeting-October 29 2008](#)  
[Cultural Development Oct 29 Minutes Cover](#)

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

City Clerk Item No. 24

**C.-19. [08-0770](#)**

Economic Development Board and Parking Advisory Board Joint Meeting of October, 16, 2008

**Attachments:** [EDB. & PAB 10.16.08 Minutes.pdf](#)  
[PAB & EDB. 11.18.08 Cover Sheet.pdf](#)

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

City Clerk Item No. 25

**RESOLUTION NO. 2008-188**

**C.-20. [08-0780](#)**

A Resolution of the City Commission of Coral Gables authorizing the City Manager to approve the Procurement Regulations to conform to the changes made to the Procurement Code on second reading on October 28, 2008.

**Attachments:** [Second Reading - Proc Code Agenda Item 102808.pdf](#)  
[Coral Gables Code-Regulations - Final Draft 110308.pdf](#)  
[Draft Resolution to Approve Procurement Regulations](#)  
[Procurement Regulations Cover Memo](#)  
[Signed Resolution 2008-188.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES AUTHORIZING THE CITY MANAGER TO APPROVE THE PROCUREMENT REGULATIONS TO CONFORM TO THE CHANGES MADE TO THE PROCUREMENT CODE ON SECOND READING ON OCTOBER 28, 2008.

**This Matter was adopted by Resolution Number 2008-188 on the Consent Agenda.**

City Clerk Item No. 26

**RESOLUTION NO. 2008-189**

**C.-21. [08-0749](#)**

A Resolution of the City Commission of Coral Gables authorizing the City Manager to accept a grant valued at \$5,875.00 from the Heritage Program of the Fireman's Fund Insurance Company.

**Attachments:** [NOTIFICATION LETTER.pdf](#)  
[Grant Compliance Agreement 2007\(updated\).pdf](#)  
[Cover Memo - Resolution - Fireman's Fund Grant.pdf](#)  
[RESOLUTION - FIREMAN'S FUND GRANT.pdf](#)  
[Signed Resolution 2008-189.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT VALUED AT \$5,875.00 FROM THE FIREMAN'S FUND INSURANCE COMPANY HERITAGE PROGRAM.

**This Matter was adopted by Resolution Number 2008-189 on the Consent Agenda.**

City Clerk Item No. 27

**Items C.-22. and D.-3. are related****RESOLUTION NO. 2008-190****C.-22. [08-0784](#)**

A Resolution authorizing the City Manager to extend the required time outline in the contract with ArcoArt Plus, d/b/a Trolinet, for the On-board Trolley and Print Advertisement Project from thirty (30) days to ninety (90) days in order to begin payment to the City from the sales proceeds.

**Attachments:** [Extension cover](#)  
[Extend Resol](#)  
[Signed Resolution 2008-190.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE REQUIRED TIME OUTLINED IN THE CONTRACT WITH ARCOART PLUS D/B/A TROLINET, FOR THE ON-BOARD TROLLEY AND PRINT ADVERTISEMENT PROJECT FROM THIRTY (30) DAYS TO NINETY (90) DAYS, IN ORDER TO BEGIN PAYMENT TO THE CITY FROM THE SALES PROCEEDS.

**This Matter was adopted by Resolution Number 2008-190 on the Consent Agenda.**

City Clerk Item No. 28

**RESOLUTION NO. 2008-191****C.-23. [08-0786](#)**

A Resolution of the City Commission of Coral Gables authorizing the City Manager to execute the Towing Contract effective December 1, 2008 for a period of two (2) years.

**Attachments:** [Resolution R-2008-113 2008-113\(2\).pdf](#)  
[Towing Contract Effective Date Cover Memo](#)  
[Resolution Authorizing Towing Contract Eff. 12-1-08](#)  
[Signed Resolution 2008-191.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES AUTHORIZING THE CITY MANAGER TO EXECUTE THE TOWING CONTRACT EFFECTIVE DECEMBER 1, 2008, FOR A PERIOD OF TWO (2) YEARS.

**This Matter was adopted by Resolution Number 2008-191 on the Consent Agenda.**

City Clerk Item No. 29

**D. PERSONAL APPEARANCES**

**Time Certain: 10:00 a.m.**

**Items D-1 and and G-2 are related**

**D.-1. [08-0750](#)**

Mari Molina, Executive Director of the Business Improvement District of Coral Gables, to present the Miracle Mile & Giralda Restaurant Row Design Program.

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

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 31

**D.-2. 08-0747**

Carolyn Lewis, Director of Education for the Center for Teaching and Learning at Fairchild Tropical Garden, to present the program The Fairchild Challenge.

[Note for the Record: **Mayor Slesnick** introduced Ms. Carolyn Lewis, Director of Education, and Scott Sasich, Communications Manager for the Fairchild Challenge; whereupon Ms. Lewis enlightened the City Commission regarding a local program, namely the Fairchild Challenge (founded in 2002), a multidisciplinary environmental outreach program, which has received an endorsement from the Conservation Fund, thus becoming one of the 30 recipients selected out of a total of 560 to receive this national special recognition, thus being rolled out as a national role model for other school districts to emulate, in furtherance of the ideals of stewardship, leadership and scholarship; further noting that said program also has received international recognition, as far away as Singapore, South Africa and Costa Rica. The Fairchild staff has trained numerous individuals and institutions; stating that during today's meeting that each City Commissioners has been provided with a folder, along with a booklet in connection with the Fairchild Challenge Program, plus information on said program; further dispelling the notion that teenagers are disinterested in same, by establishing such initiatives to engage students, whether it is ranging from debates to art, building a school garden, planting trees, preparing green cuisine; performing a skit, song, or dance regarding the Everglades; further stating that each middle school that earns 600 points or more and each high school that earns 800 points or more receives the Fairchild Challenge Award; further noting that those top-scoring schools receive cash prizes of \$500- \$1000; further noting the evolution of the program since Calendar Year 2002, wherein there were 1,400 participants (Grades 9-12), 40,000 teens and 1,800 teachers; further stating that the following year, middle students (Grades 6-8) were also included, thereby creating parallel programs for children in the middle school grades; further pointing out that now in the 6th year of existence for said program, there are 102 high schools and middle schools that are jointly participating in the Fairchild Program; further acknowledging that the Fairchild Challenge initiative is not dependent upon public funding sources; further noting that it relies on those donations from local foundations, banks and individuals; further giving kudos to Vice Mayor Bill Kerdyk for providing this venue for a presentation to articulate the value of having a program that fosters interest in the environment, and connects kids to nature in a very meaningful way; further being reminded of the quote by an eleventh grader, who so aptly noted, "that by participating in the Fairchild Challenge Program, that I feel important and needed in my community]."

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 30

**Items D.-3. and C.-22. are related**

D.-3. [08-0771](#) Carlos Hidalgo, Marketing Director, ArcoArt Plus to make a presentation on the Coral Gables Trolley Advertisement Program.

**Attachments:** [Reso 2008-128](#)  
[Trolley cover Hidalgo](#)

[Note for the Record: **Mayor Slesnick** introduced Carlos Hidalgo, Marketing Director Arco Art Plus, who appeared before the City Commission in connection with the bid award for the interior Coral Gables Trolley Advertising Program; further acknowledging the fact that his company has 25 years of commercial experience; further enunciating certain advertising advantages in usage of the trolley, specifically that said venue provides for a captive audience, and that the LCD Screens (either four or three screens, depending on the size of said trolley vehicle), provides for 70 percent advertisements and 30 percent exposure to happenings around the City; further pointing out that the floor map placements are also used for advertisement purposes; further noting that there will also be usage of Spanish Post Stops, wherein the name of the streets, number of the streets will be given, along with a business locator, for location of local businesses in our area; further stating that there will be a trolley guide, including a trolley map (i.e. advertising in said map of all the businesses in the area; commercials: further mentioning that each commercial has a specific trolley spot; further noting that trolley commercials can provide an information and advertising venue; further stating that in cases of an emergency, said system can also revert to an emergency system.

**Questions/Comments and Concerns of the City Commission:** **Mayor Slesnick** inquired as to whether the advertisements were all silent ads?-whereupon **Mr. Hidalgo** responded that the ads were silent, high impact ads, along with graphic videos.

**Vice Mayor Kerdyk: Community Outreach--** inquired as to whether or not his company had initiated any outreach regarding discussions with the community?-whereupon Mr. Hidalgo stated that his company had just begun selling the project approximately one week and-a-half ago, whereby; further noting that two trolleys currently have installed the logos on the inside.

**Vice Mayor Kerdyk: Initial Revenue Projections--** further inquired as to the initial revenue projects, whereupon Mr. Hidalgo stated that certain projections were made during May of 2008; the contract with the City was signed approximately one month and-a-half ago; further stating that impacts on the peak season, which includes November and December). Vice Mayor Kerdyk added that said program is aesthetically pleasing, and he would like to see a positive response to same.

**Mayor Slesnick: PSAs for Non-Profits--** further inquired regarding whether the

aforementioned reference to 30 percent exposure to those happenings around the City will offer slots to our non-profit organizations, and their ability to obtain Public Service Announcements?

**Commissioner Withers: Commercialization of Trolley Stops--** inquired of Mr. Hidalgo whether his company would consider commercializing trolley stops, as far as pricing is concerned?-and whether what we would ask for?-whereupon Mr. Hidalgo responded yes; however, currently the advertising system is very basic, and once the City begins to move toward wi-fi, it will initiate more innovative technological designs.

**Commissioner Cabrera: Half Penny Sales Tax--** suggested to the administration that it needs to catch up with Miami-Dade County regarding the half-cent sales tax; further reiterating his concern for any potential removal of funding for our trolley program, as well as those strategies aimed at challenging our justification for same; further stating that if there is some kind of way that our City can begin some dialogue with the County regarding same; further stating that our City is one of those few municipalities who have used monies received from the half-cent sales tax for its intended purpose.

**Mayor Slesnick: Promotion for Private Sector Partner**-Mayor Slesnick stated that as a general rule, our City does not publicly advocate support for any private sector entity, however, as it exist in this particular instance, since a company is supporting out trolley system, due consideration should be given toward supporting said company.

**Ed Cox: Alternative Transportation Day**-Mayor Slesnick inquired of **Trolley Manager Ed Cox**, regarding the success of the Alternative Transportation Day Event, whereupon Mr. Cox stated that the responses went well; further adding that said event further enhanced the thinking of the participants that it is beneficial to use an alternative mode of transportation versus using their own vehicles.

**Public Affairs Manager Maria Higgins Fallon** further added that the event was successful, stating that the City partnered with South Florida Commuter Services; received sponsorship for breakfast from Whole Foods; travelled to the Metrorail Station with Green bags; further received donations from Christy's, Café Abbracci, and other businesses supportive of the "Green Initiative;" conducted a Mini Expo, thereby urging the public to help us with alternative transportation and ride the trolley.

**Commissioner Cabrera: Green Bags**-Commissioner Cabrera inquired of Mrs. Higgins-Fallon as to the purpose of the green bags, whereupon Mrs. Higgins Fallon stated they were recyclable supermarkets bags for the purpose of helping us "green" Coral Gables.

**Mayor Slesnick** thanked Dr. Al Smith who initially wrote the City urging the public to take alternative forms of transportation during the "Alternative Transportation Day" observance; further adding that this Commission is working hard to help "green" our City and become more environmentally friendly].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 31

**D.-4. 08-0764**

Jorge L. Freeland, President, Hammock Lakes I & II Homeowners Association, Inc., requesting removal of certain condition on Resolution No. 2008-54 (as amended), passed and adopted by the City Commission on April 29, 2008.

**Attachments:** [Hammock Lakes cover](#)  
[Freeland Res](#)  
[Hammocks backups](#)  
[Courtesy letter](#)

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

**This Resolution was Discussed and Filed**

City Clerk Item No. 36

**E. PUBLIC HEARINGS**

**APPEALS**

**RESOLUTION NO. 2008-194**

**E.-1. 08-0751**

Board of Architects Appeal

Kara Kautz, Historic Preservation Officer, Applicant, has filed an appeal to the Coral Gables City Commission, from a decision of the Board of Architects at its regular meeting of October 16, 2008, wherein the Board approved Application AB 08-07-1473, in connection with the installation of a standing seam copper roof painted white on the residence located at 1045 Castile Avenue, Coral Gables, Florida.

**Attachments:** [castile appeal COVER](#)  
[Appeal Application](#)  
[Appeal - Public Notice - 1045 Castile Avenue](#)  
[ORIGINAL permit set of drawings](#)  
[REVISED permit set of drawings](#)  
[Signed Resolution 2008-194.pdf](#)

A RESOLUTION DEFERRING AN APPEAL FILED BY KARA KAUTZ, HISTORIC PRESERVATION OFFICER (APPLICANT), FROM A DECISION OF THE BOARD OF ARCHITECTS (FILE NO. AB 081473), FROM ITS MEETING OF OCTOBER 16, 2008 (SUBJECT MATTER: INSTALLATION OF A STANDING SEAM COPPER ROOF PAINTED WHITE ON THE RESIDENCE LOCATED AT 1045 CASTILE AVENUE, CORAL GABLES, FLORIDA); FURTHER STIPULATING THAT SAID ITEM BE REMANDED TO THE HISTORIC

PRESERVATION BOARD, TO ALLOW MR. LUIS REVUELTA (PROPERTY OWNER) AN OPPORTUNITY TO APPEAR BEFORE SAID BOARD, THEREBY PROVIDING FOR THE INCLUSION OF THE ENTIRE RECORD AND TESTIMONY OF BOTH THE HISTORIC PRESERVATION OFFICER, AS WELL AS MR. REVUELTA'S TESTIMONY REGARDING SAME; FURTHER BRINGING THE AFOREMENTIONED MATTER BEFORE THE CITY COMMISSION AT A LATER DATE.

[Note for the Record: Following the reading of the title to Agenda Item E-1 into the public record, **Mayor Slesnick** invited Historic Preservation Officer to the dais, who conveyed to the City Commission that this item is an appeal from a decision of the Board of Architects at its regular meeting of October 16th, 2008, wherein the Board approved an application in connection with a standing seam copper roof painted white on the residence located at 1045 Castile Avenue, Coral Gables, Florida; further informing the Commission that the basis of the appeal is the enforceability of the Castile Avenue Historic District; further stating that the Board of Architects voted against the recommendation of the City Architect, thereby approving the installation of the copper roof painted white; further pointing out that in order to preserve the historic integrity of the district, City staff has consistently maintained that standing seam metal roofs not be allowed in either the North Gables area and/or in local historic districts, or areas with a high concentration of historic structures.; further stating that staff is of the opinion that said application is in appropriate for the integrity of the historic district and would establish a dangerous precedent for the introduction of this type of roofing material in other historic districts or areas that contain a concentration of historic structures.

Mr. Luis Revuelta informed the City Commission that had previously submitted (four times) applications for revisions for a standing seam copper roof painted white; further noting that he had received two approvals for same; further inquiring as to whether said appeal was properly before the Board, since it is based on the record of the hearing before the board, and shall not be a "de novo" hearing, with no new additional testimony being taken.

**Questions, Comments/Concerns by the Commission:** Mayor Slesnick stated that said appeal has to be based on the record, further adding that if there is no record, then the Commission will base it on the decision itself and the notations surrounding the decision; further reiterating that the basis of the appeal is on the enforceability of the Historic District, and that is all.

**Mr. Revuelta** further requested of the City Commission to defer consideration of the appeal until such time that he has had the opportunity to appear before the Historic Preservation Board, then the City Commission will have benefit of the decisions of the Historic Preservation Board, as well as the Board of Architects. Mayor Slesnick inquired of the City Attorney, that since Mr. Revuelta has to appear anyway, regarding his house restoration project before the Historic Preservation Board, wouldn't it be

appropriate to have the file, including testimony of both the Historic Preservation Officer before the HEP Board, as well as that testimony proffered by Mr. Revuelta before the HEP Board regarding this matter?-wherein **City Attorney Hernandez** stated that it would be appropriate to defer consideration of the issue, pending said time wherein will have the entire file at the same time; further stating that both the testimony of the Historic Preservation Officer and Mr. Revuelta's will be made part of the entire record before the Historic Preservation Board.

**Mayor Slesnick** added that he believed that the Historic Preservation Officer erred in her statement that the HEP Board can consider the nature of the roof, whether it is allowed or not and whether or not it fits within the character of the neighborhood.

**Vice Mayor Kerdyk:** Inquired of **Historic Preservation Officer Kara Kautz**, as to whether she had a problem with the issue of the standing seam metal roof?-or just the color?-whereupon Ms. Kautz stated she is appealing not the texture, but the color of the metal roof, a seam copper roof painted white, whereby the metal roof losses its characteristics, because you are hiding the color of the metal].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be deferred by Resolution Number 2008-194. The motion passed unanimously.**

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

City Clerk Item No. 37

**E.-2. 08-0753 Historic Preservation Board Appeal**

Case File LHD 2007-04

F. W. Zeke Guilford, Applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Historic Preservation Board at its regular meeting of May 22, 2008.

The Historic Preservation Board, at its regular meeting held on May 22, 2008, made a motion to approve the historic designation of the property at 111 Salamanca Avenue, legally described as Lots 10 and 11 and east 30 feet Lot 12, Block 29, of Coral Gables Douglas Section. (Motion unanimously approved 7-0). The applicant is appealing the decision of the Historic Preservation Board to bifurcate the historic designation from the undue economic hardship determination.

**Attachments:** [111SalamancaRecap](#)  
[HPB May 22, 2008](#)  
[HPB Meeting March 15 2007 \(2\)](#)  
[111 Salamanca Report-May](#)  
[HPBMeetingSept20.2007](#)  
[HPB-05-22-2008PP-111Salamanca](#)  
[0033\\_001](#)  
[0033\\_032](#)  
[AppealCCmtg-UndueEconomicHardship-Salamanca111](#)  
[Signed Resolution 2008-195.pdf](#)

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION, DENYING THE APPEAL FILED BY F.W. ZEKE GUILFORD, ESQ., CASE FILE LHD 2007-04, ON BEHALF OF THE APPLICANT, MS. MARIA FERNANDEZ FOR THE PROPERTY LOCATED AT 111 SALAMANCA AVENUE; FURTHER UPHOLDING THE DECISION OF THE HISTORIC PRESERVATION BOARD TO BIFURCATE THE HISTORIC DESIGNATION FROM THE UNDUE ECONOMIC HARDSHIP DETERMINATION.

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

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be denied by Resolution Number 2008-195. The motion passed by the following vote:**

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

**Nay**s : 1 - Commissioner Anderson

City Clerk Item No. 38

**ORDINANCES ON SECOND READING****ORDINANCE NO. 2008-28****E.-3. 08-0630**

An Ordinance of the City Commission of Coral Gables amending the text of Chapter 74 of the City Code, entitled, "Traffic and Vehicles", by amending Section 74-356 entitled "Six-Month Notice; Introductory Period", to change the courtesy notice provision from six months to ninety-days; providing a repealer provision; a savings clause; a severability clause, and providing for an effective date. (Passed on First Reading September 23, 2008. Vote 4-0)

**Attachments:** [Traffic and Vehicles Ordinance Cover](#)  
[Traffic and Vehicles Ordinance](#)  
[Signed Ordinance 2008-28.pdf](#)

[Note for the Record: Following the reading of the title to Agenda Item E-3 into the public record by the City Attorney, there being no public testimony given by any member of the public, nor there being any deliberation on said matter by any member of the City Commission, the Mayor instructed the City Clerk to call the roll on said matter].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2008-28. The motion passed by the following vote:**

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

City Clerk Item No. 39

**ORDINANCES ON FIRST READING****E.-4. 08-0768**

An Ordinance of the City Commission of Coral Gables, Florida, amending in part and restating in its entirety Chapter 2, Article IX of the Coral Gables City Code ("City Code"), the City of Coral Gables Development Impact Fee Ordinance; providing for amendments to clarify terms and procedures and correct codification errors; providing for impact fees applicable to certain types of new development on the University of Miami Campus; providing for liberal construction; providing for severability; providing for codification; and providing for an effective date. (Passed on First Reading November 18, 2008 - Vote 5-0)

**Attachments:** [111808-Coral Gables Impact Fee UM Amend ORDINANCE 1st reading2.pdf](#)  
[111808-Coral Gables Presentation-FINAL Slides.pdf](#)  
[111808-Memo CC-UM Impact Fees.pdf](#)

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

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

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

City Clerk Item No. 40

**RESOLUTIONS****RESOLUTION NO. 2008-196****E.-5. 08-0407**

A Resolution of the City Commission of Coral Gables amending previously approved Resolution No. 2005-231 which granted approval of the following for properties referenced as 2701 LeJeune Road, Coral Gables, Florida: 1) Special Locational Site Plan Review pursuant to Zoning Code Section 28-6, for properties adjacent to R and D use districts, to allow Mediterranean architectural bonuses for properties referenced as Parcel 1 (Crafts Section, Block 16, Lots 1-11 and Lots 39-48) and Parcel 2 (Crafts Section, Block 17, Lots 1-5 and west 24 feet of Lot 6 and Lots 43-48); and, 2) Conditional Use Review pursuant to Zoning Code Section 6-3, for a proposed drive-thru bank teller facility for Parcel 2 (Crafts Section, Block 17, Lots 1-5 and west 24 feet of Lot 6 and Lots 43-48), Coral Gables, Florida; whereas City National Bank desires to amend the condition requiring the installation and operation of security gates at both entrance and exit of the drive-thru bank facility; and the approval and all other conditions of approval contained in Resolution No. 2005-231 shall remain in effect; and providing for an effective date. (PZB Vote: 5-0)

**Attachments:** [06 26 08 CC Cover Memo re: City National Bank amendment](#)  
[06 26 08 Exhibit A: Resolution - City National Bank drive thru gates](#)  
[06 26 08 Exhibit B: 05.28.08 PZB Staff report w attachments](#)  
[06 26 08 Exhibit C: 05 28 08 Excerpts of PZB Meeting](#)  
[06 26 08 Exhibit D: Public Comments - City National Bank thru gates](#)  
[11 18 08 CC Cover Memo re: City National Bank amendment.pdf](#)  
[11 18 08 Exhibit A: Resolution - City National Bank drive thru gates.pdf](#)  
[Signed Resolution 2008-196.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES AMENDING PREVIOUSLY APPROVED RESOLUTION NO. 2005-231 WHICH GRANTED APPROVAL OF THE FOLLOWING FOR PROPERTIES REFERENCED AS 2701 LEJEUNE ROAD, CORAL GABLES, FLORIDA: 1) SPECIAL LOCATIONAL SITE PLAN REVIEW PURSUANT TO ZONING CODE SECTION 28-6, FOR PROPERTIES ADJACENT TO R AND D USE DISTRICTS, TO ALLOW MEDITERRANEAN ARCHITECTURAL BONUSES FOR PROPERTIES REFERENCED AS PARCEL 1 (CRAFTS SECTION, BLOCK 16, LOTS 1-11 AND LOTS 39-48) AND PARCEL 2 (CRAFTS SECTION, BLOCK 17, LOTS 1-5 AND WEST 24 FEET OF LOT 6 AND LOTS 43-48); AND, 2) CONDITIONAL USE REVIEW PURSUANT TO ZONING CODE SECTION 6-3, FOR A PROPOSED DRIVE-THRU BANK TELLER FACILITY FOR PARCEL 2 (CRAFTS SECTION, BLOCK 17, LOTS 1-5 AND WEST 24 FEET OF LOT 6 AND LOTS 43-48), CORAL GABLES, FLORIDA; WHEREAS CITY NATIONAL BANK DESIRES TO AMEND THE CONDITION REQUIRING THE INSTALLATION AND OPERATION OF SECURITY GATES AT BOTH ENTRANCE AND EXIT OF THE DRIVE-THRU BANK FACILITY; AND THE APPROVAL AND ALL OTHER CONDITIONS OF APPROVAL CONTAINED IN RESOLUTION NO. 2005-231 SHALL REMAIN IN EFFECT; AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following Interim City Manager Jimenez' reading of the title of Agenda Item E-5 into the public record, Walter Carlson, Assistant Director, Planning Department, presented said item, stating that this matter had been deferred by the City Commission during its meeting of June 2008; further stating that City National Bank has requested an amendment to the conditions of approval which would remove the condition requiring the installation and operation of security gates at both the entrance and exit of the drive-through facility; further recommending by staff that all other originally required conditions of approval would remain in effect.

**Questions, Concerns/Inquiries by the City Commission:** Commissioner Cabrera inquired as to whether all of the traffic calming projects were fulfilled by the developer? - whereby **Jose Gonzalez**, representing the Flagler Developer Group stated that said matter is on-going; further pointing out that the circles on Hernando were completed; the Segovia Median funding had been approved by Miami-Dade County, and that the Public Works Director is currently seeking those impact fee dollars in furtherance of said improvements, all as part of Phase One of said project; further stating that Phase Two, consisting of lighting on Sevilla, was approved by the State of Florida Department of Transportation; further noting that six months later, another study will be done; further stating that they have met with the City's Traffic Advisory Board regarding lighting on Sevilla and Almeria; further reiterating the fact that this is an on-going process, and they had met with the residents of the area last month, regarding lighting.

**Commissioner Cabrera** further clarified to the developer, that inasmuch as this is the last opportunity to hold the developer accountable, since following completion of same would make it a moot issue; further expressing his approval that the developer was preceding well with the Segovia Median project].

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-196. The motion passed by the following vote:**

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

**Absent:** 1 - Mayor Slesnick II

City Clerk Item No. 41

## F. CITY COMMISSION ITEMS

F.-1. Agenda Item F.-1. was placed on the Agenda in error and therefore was not discussed.

F.-2. 08-0774 Discussion of the addition of a City Finance Officer to the ranks of appointed positions, reporting directly to the City Commission.

Commissioner Maria Anderson

[Note for the Record: **Commissioner Anderson** informed her colleagues that she was bringing forth an agenda item which proposes the establishment of a Chief Financial Officer that would assume reporting responsibilities to the City Commission; further recalling that in September of 2001, that she had proposed the creation of an Independent Auditor, whose reporting responsibility would be to the City Commission; further stating that our **External Auditors, namely Ernst and Young and Arthur Anderson** had recommended that the Internal Auditor's reporting responsibility be either to the City Commission or to the Budget/Audit Advisory Board, which in her opinion is OK; further stating that with the advent of City Manager Brown's retirement and some of the recent occurrences, that maybe the portals in the universe are giving us an opportunity to rethink how we conduct our processes; further reiterating her proposal for the creation of a Chief Financial Officer title, said title serving as just a placeholder in describing the proposed appointed officer, which would report directly to the City Commission; further stating that said creation would require a change to our Charter, thus establishing a fourth appointed officer, each of said appointed officials which would have separate, but equal functions; further stating that said initiative would demonstrate that our City is trying to demonstrate accountability; further stating that there are certain stresses in our budget (i.e. shrinking municipal budget; loss of income; the demand for tax relief; the responsibility for our employee retirement system, necessitating the need for an individual with strong financial abilities and innovative initiative), thereby requiring an official with a strong financial background to address same.

**Questions, Comments/Inquiries by the City Commission:** Vice Mayor Kerdyk inquired of **Commissioner Anderson** whether it is her recommendation to have the **Chief Financial Officer** report directly to the Commission directly?-or have an Internal Auditor reporting to the City Commission?-thus leaving the structure for said current position "as is"? -whereupon Commissioner Anderson stated that if the proper checks and balances can be achieved; further pointing out the separate functional responsibilities commensurate with both positions, noting that the City Manager has responsibility for preparation of the budget, wherein the City Commission would have an independent analysis performed of the budget; those administrative issues, including union negotiations; further reiterating the point that having someone with strong administrative credentials would be her focal point.

Vice Mayor Kerdyk further added that he is not supportive of having another layer of appointed officials; further urging that we study other models from other cities; further stating that he is supportive of the checks and balances portion of Commissioner Anderson's proposal, and those initiatives aimed at the overall improvement of government.

**Commissioner Withers** stated that the matter of having an **External Auditor** reporting to the City Commission protects those tenets of the **Sarbanes Oxley Act**; further pointing out that said initiative would support non-profit organizations; further stating that Commissioner Anderson's proposal could take the Finance Director's position and merge it into a new **Chief Financial Officer's position**; further stating that he would maintain the functional autonomy of the City Manager's position as the Chief Executive of our organization; further stating that he failed to remember whether it was Former Mayor Dorothy Thompson, or another member of the City Commission who initiated the idea of an External Auditor versus reporting responsibility from the outside, necessitates a certain professionalism; further stating that the financial aspects of the City's transactions, putting together the entire protocol, each financial reporting system to the City is needed.

**Commissioner Cabrera** in initially proffering his micro view stated that he would look for a citywide audit to be performed on an independent basis; further encouraging said audit report; further stating that there should be a dialogue between the City Commission and said outside entity to "test the waters" without committing to the process of having a fulltime position; further stating that on the macro perspective, that he is supportive of the idea of having an **Inspector General** report to the Commission, because it will create certain checks and balances; however, he is not supportive of creating a new job which would encompass salary and benefits in excess of \$200,000; further stating that instead, he would prefer to reassign staff and reassign the accompanying resources; further stating that he is not opposed to having a fourth appointed official reporting directly to the Commission; further stating that he is supportive of the implementation of "baby steps," thereby beginning a process of having an independent audit person come in and conduct an audit report gives the City Commission a review of the process.

**Mayor Slesnick** stated that the City has an annual audit, and that the City Commission can have direct access to the External Auditor; whereupon City Commissioner Cabrera responded that currently, the City Commission does not have direct access to the External Auditor. Mayor Slesnick responded that the City Commission can have direct access to the **External Auditor**. Commissioner Cabrera further responded that the Commission not only needs to receive a briefing, but also needs to convey to said External Auditor that individually, each City Commissioner has his respective set of priorities; whereupon, Mayor Slesnick queried through

**Interim City Manager Jimenez** to **Mr. Nelson**, as to whether the City's Management Team had a problem with having the **External Auditing Firm** providing not only a briefing, but listening to the concerns of the members of the City Commissioners?

Finance Director Don Nelson informed the City Commission that in accordance with the Florida Statutes, that state law requires that an Annual Audit be prepared; said audit is delivered to the City Commission and also addressed to the City Commission; further adding that a Financial Report is prepared, along with a Management Letter, this latter document addresses all issues that the External Auditing Team has seen, any improvements to be accomplished; all of the above referenced documents which are sent to the City Manager and to the members of the City Commission; further stating that the External Auditing Firm is required to meet with the City Manager, City Attorney, Finance Director and the Mayor; further recommending that said firm also meet with the remaining members of the City Commission, for the purposes of allowing the Commission members to provide input and voice their concerns; further bringing back said information gathered during a public forum.

Commissioner Anderson stated that said design was still under the purview of the City Manager; further stressing the need to establish the appropriate checks and balances, however one may seek to achieve same.

Commissioner Withers stated that he realized that the Executive Committee meets with the External Auditors regarding the Quarterly Budget Report, however, further inquiring as to whether it is permissible for the Commissioners to request of staff to excuse themselves, in order for the City Commission to meet with said auditors?-further inquiring as to whether the Commissioners may meet with the auditors outside of the "Government In the Sunshine Law," to discuss an individual staff report?-whereupon **City Attorney Hernandez** responded, no.

Commissioner Withers suggested that maybe the City Administration may want to consider rotating the auditing firm every three years, or changing auditors, or even putting a new lead auditor "ahead of the parade."

Finance Director Nelson stated that the staff within the auditing firm rotates, however the auditing firm has remained the same. Mayor Slesnick added that the City Commission hires the auditors, and that they will be required to meet with each member of the City Commission; further adding that regarding Commissioner Cabrera's macro perspective, that our City organization already has an Internal Auditor; further suggesting that one may consider redesigning said position to that of an Inspector General position; further inquiring of Commissioner Cabrera as to whether there were other issues germane to a discussion of this matter he may also want to consider (i.e. forensic analysis of the budget, etc.)/--whereupon Commissioner

Cabrera added that the area of Information Technology could withstand a review; further pointing out that he had previously suggested a review of this area, however, the Administration did not pursue same].

**City Attorney Hernandez** suggested she would be willing to bring back a file to ascertain what has been established by other municipalities with comparable classifications (i.e. such as Miami, etc.), whereby Commissioner Anderson added that the City Attorney should get together with staff and provide for an analysis regarding said models that are to be brought back.

**Vice Mayor Kerdyk** suggested that the firm of McGladrey & Pullen, LLP can provide a survey in connection with those municipalities with models, depicting comparable Chief Financial Officer and/or Independent Auditor General classifications, with a reportability process directly to the City Commission; further reiterating the significance of checks and balances, accountability and direct reporting.

**Commissioner Cabrera** stated that he believes that the Commissioners may meet individually with the External Auditors; further offering interactions in dealing with the External Auditors].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 42

**RESOLUTION NO. 2008-197****F-3. 08-0729**

A Resolution of the City Commission of Coral Gables directing the City Attorney to prepare an Ordinance amending Section 8 of the City Charter entitled, "Creation, composition, election, terms, vacancies, qualifications.", to change the Mayor's term from four (4) years to two (2) years; and further authorizing the holding of a special municipal referendum election on the issue at the general biennial election to be held on April 14, 2009, for the submission to the qualified electors of the City of Coral Gables.

Commissioner Rafael "Ralph" Cabrera, Jr.

**Attachments:**[comm\\_charter 8\\_mayorterm](#)[Directing CA to prepare ordinance \(4yrmayorterm\) 11 18 08](#)[Signed Resolution 2008-197.pdf](#)

A RESOLUTION INSTRUCTING THE CITY ATTORNEY TO PREPARE AN ORDINANCE AMENDING SECTION 8 OF THE CITY CHARTER ENTITLED "CREATION, COMPOSITION, ELECTION, TERMS, VACANCIES, QUALIFICATIONS.", TO CHANGE THE MAYOR'S TERM FROM FOUR YEARS TO TWO YEARS; AND FURTHER AUTHORIZING THE HOLDING OF A SPECIAL MUNICIPAL REFERENDUM ELECTION ON THE ISSUE AT THE GENERAL BIENNIAL ELECTION TO BE HELD ON APRIL 14, 2009, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF CORAL GABLES.

[Note for the Record: A copy of the verbatim transcript of Agenda Item F-3, 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 Withers, that this motion be adopted by Resolution Number 2008-197. The motion passed by the following vote:**

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

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

City Clerk Item No. 43

**RESOLUTION NO. 2008-198**

F.-4. [08-0783](#) Discussion regarding the compensation of the interim city manager.  
Commissioner Rafael "Ralph" Cabrera, Jr.

**Attachments:** [Signed Resolution 2008-198.pdf](#)

[Note for the Record: **Commissioner Cabrera** informed his colleagues that this issue resulted from an email he had received from the City Attorney regarding a prior policy which would give the Interim City Manager a five percent salary increase for the duration of her assignment as Interim City Manager; further stating that he has a problem with said policy, thereby providing four reasons as justification for same:

- (1) The short time frame (between approximately 60 and 120 days) for the duration of the Interim City Manager Jimenez' assignment; and
- (2) Interim City Manager Jimenez has agreed that she will not apply for the permanent position; and
- (3) Said salary increase will only be applicable during her assignment as Interim City Manager; and
- (4) Said increase will not affect her pension plan because she is already in the DROP Program.

Commissioner Cabrera stated that **former City Manager David Brown's** annual salary was \$185,753, and that Interim City Manager Maria Jimenez' salary is \$162,699; further noting that a five percent salary increase only raises her salary to an additional \$678 monthly; a 10 percent salary increase raises her salary to an additional \$1,356 monthly; and a 15 percent salary increase raises said salary to an additional \$2,034 monthly; further conveying to his colleagues that it would be his preference to show her that the City appreciates her efforts while serving in the capacity of Interim City Manager; whereby, following the discussion by the Commission, **Commissioner Cabrera** made a motion to increase the salary of **Interim City Manager Maria Jimenez** by 10 percent, or an additional \$1,356 monthly; further stating that said increase shall become retroactive back to November 6, 2008, the date of the Special City Commission Meeting, held to discuss the City Manager position, designation of an Interim City Manager, and any issues related to same, which was also the date of her appointment and swearing in].

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-198. The motion passed by the following vote:**

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

City Clerk Item No. 44

**RESOLUTION NO. 2008-199****F.-5. 08-0785**

Discussion concerning the selection of a firm to conduct executive search services for the position of city manager.

(City Commission As-A-Whole)

**Attachments:** [Signed Resolution 2008-199.pdf](#)

A RESOLUTION, WITH ATTACHMENTS, ACCEPTING THE BID OF COLIN BAENZIGER & ASSOCIATES, AS BEING THE LOWEST RESPONSIVE, RESPONSIBLE BID IN THE AMOUNT OF \$19,250, FOR EXECUTIVE SEARCH SERVICES FOR THE POSITION OF CITY MANAGER, CORAL GABLES, FLORIDA; FURTHER AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH COLIN BAENZIGER IN FURTHERANCE OF SAID EXECUTIVE SEARCH SERVICES.

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

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-199. The motion passed by the following vote:**

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

City Clerk Item No. 45

**G. BOARDS/COMMITTEES ITEMS****RESOLUTION NO. 2008-193****G.-1. 08-0727**

A Resolution accepting the recommendations of the Cultural Development Board for FY 2008-2009 Cultural Grants in the total amount of \$166,250 (consistent with the 2008/2009 annual budget).

**Attachments:** [Attachment A - FY 2008-09 Cultural Grants](#)  
[CDB Grants Review Meeting-October 29 2008](#)  
[Commission cover signed 11-18-08](#)  
[Grants resolution](#)  
[Signed Resolution 2008-193.pdf](#)

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE CULTURAL DEVELOPMENT BOARD FOR FY 2008-2009 CULTURAL GRANTS IN THE TOTAL AMOUNT OF \$166,250.00 (CONSISTENT WITH THE 2008/2009 ANNUAL BUDGET) AS IT PERTAINS TO THOSE APPLICANTS MORE SPECIFICALLY LISTED IN ATTACHMENT A: FY 2008/09 CULTURAL GRANTS ALLOCATION RECOMMENDATIONS.

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-193. The motion passed by the following vote:

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

City Clerk Item No. 35

**Items G.-2., G.-3. and D.-1 are related****RESOLUTION NO. 2008-192****G.-2. [08-0731](#)**

A Resolution accepting the Economic Development Board's support of the redevelopment of Miracle Mile and Giralda Avenue, and endorsement of the Business Improvement District's Miracle Mile & Giralda Restaurant Row Design Program, subject to financing and staging details.

**Attachments:**[EDB. 10.16.08 Minutes.pdf](#)[EDB. 11.18.08 Res. on Downtown Streetscapes.pdf](#)[EDB. 11.18.08 Resolution Cover Sheet.pdf](#)[Signed Resolution 2008-192.pdf](#)

A RESOLUTION ACCEPTING THE ECONOMIC DEVELOPMENT BOARD'S SUPPORT FOR THE REDEVELOPMENT OF THE MIRACLE MILE AND GIRALDA AVENUE STREETSCAPES; FURTHER ENDORSING, IN CONCEPT, THE RECOMMENDATION OF THE BUSINESS IMPROVEMENT DISTRICT'S BOARD OF DIRECTORS FOR THE PROPOSED DOWNTOWN STREETSCAPES PLAN MIRACLE MILE & GIRALDA RESTAURANT ROW DESIGN PROGRAM, AS PRESENTED TO THE ECONOMIC DEVELOPMENT DEPARTMENT BOARD ON OCTOBER 16, 2008, SUBJECT TO FINANCING AND STAGING DETAILS.

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-192. The motion passed unanimously.

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

City Clerk Item No. 33

**RESOLUTION NO. 2008-192.1****G.-3. [08-0778](#)**

A Resolution accepting the Parking Advisory Board's support of the conceptual redevelopment design of the Miracle Mile and Giralda Avenue right-of-way.

**Attachments:**[resolution redevelopment right of way](#)[pab minutes 10-16-08](#)[cover pab 10-16-08 action](#)[Signed Resolution 2008-192.1.pdf](#)

A RESOLUTION ACCEPTING THE PARKING ADVISORY BOARD'S SUPPORT OF THE CONCEPTUAL REDEVELOPMENT DESIGN OF THE MIRACLE MILE AND GIRALDA AVENUE RIGHT-OF-WAY AS RECOMMENDED BY THE BUSINESS IMPROVEMENT DISTRICT ON OCTOBER 16, 2008, SUBJECT TO FINANCING, STAGING, CONVERSION OF USE AND RETENTION OF PARKING SPACES' CONDITIONS.

[Note for the Record: Following **Mayor Slesnick's** introduction of Agenda Item G-1, Commission Withers made a motion to approve same, which was seconded by

Commissioner Anderson. Mayor Slesnick through **Interim City Manager Maria Jimenez**, requested of Acting Assistant City Manager **Cathy Swanson Rivenback**, to inform the public briefly regarding said matter, whereupon Ms. Swanson Rivenback informed the public that the **Cultural Development Advisory Board** is proud of the City Commission for identifying in the form of cultural grants during a tight budget year; further explaining that five cultural development grants are being proposed for award; 18 festival grants are being proposed for award; 7 community grants are being proposed for award; further stating that there were 0 disqualifications, since there is a requirement of 75 points or higher for cultural excellence; further explaining that said cultural grant process, which totaled \$166,250 for Fiscal Year 2008-2009, is a very rigorous process; that the Board takes this process very seriously; and that she has requested a favorable consideration on said matter that is before the governing body.

**Questions, Comments, Inquiries, and Concerns by the City Commission:** Vice **Mayor Kerdyk** stated that the best thing that the Commission has ever done was to create the Cultural Advisory Board, said creation which has resulted in the Board taking this entire process and disseminating same back to the Board, thus making the job of the City Commission a lot easier.

**Mayor Slesnick** added that the City is proud of its cultural and arts community; further pointing out that the arts does not strive without some governmental support; further reiterating that said initiative dates back to ancient times; further stating that governmental support translates into support from the people].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-192.1. The motion passed unanimously.**

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

City Clerk Item No. 34

**RESOLUTION NO. 2008-200****G.-4. 08-0742**

Presentation of excerpts of the Property Advisory Board meeting of October 22, 2008, recommending the following action:

That the City Commission approve the recommendation of the Board Members to renew the Granada Snack Shop (Burger Bob's) lease for an additional year under the same terms and conditions.

**Attachments:**[Excerpt](#)[PAB Action Cover](#)[Signed Resolution 2008-200.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE GRANADA SNACK SHOPS'S (BURGER BOB'S) LEASE FOR AN ADDITIONAL YEAR UNDER THE SAME TERMS AND CONDITIONS; FURTHER STIPULATING THAT THE LEASE WILL BE REVIEWED ON A YEARLY BASIS.

[Note for the Record: Following **Mayor Slesnick's** brief acknowledgement that said item represents a recommendation from the Property Advisory Board to extend the lease of the Granada Snack Shop (Burger Bob's) by an additional year, further inquiring as to whether it is the policy of the City to do same; there being no further discussion of said matter by any member of the City Commission, Mayor Slesnick entertained a motion on said item, which was moved by Commissioner Cabrera and seconded by Commissioner Anderson].

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-200. The motion passed by the following vote:**

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

City Clerk Item No. 46

**H. CITY MANAGER ITEMS****RESOLUTION NO. 2008-201 (As Amended)****H.-1. 08-0605**

A Resolution of the City Commission of Coral Gables amending Resolution 2007-245 which established fees for various licenses, permits, services, and penalties by the City of Coral Gables, providing for severability, repealer, codification and an effective date. (Denied at the October 14, 2008 Meeting)

**Attachments:**

[Fees Resolution Cover Sheet 2008 \(2\)](#)  
[FeeResolution2008CleanCopy.pdf](#)  
[FeeResolution2008DraftMarkedUp.pdf](#)  
[FeeResolution2008CleanCopy\\_2](#)  
[FeeResolution2008DraftMarkedUp](#)  
[Fees Resolution Cover Sheet 2008](#)  
[PlanningFeeComparisonTable 2008](#)  
[Public Works Fee Increases](#)  
[BuildingAndZoningFeeIncreases](#)  
[BuildingAndZoningFeeIncreases](#)  
[FeeResolution2008CleanCopyNov18](#)  
[Fees Resolution Cover Sheet November 2008](#)  
[Public Works Fee Increases](#)  
[Signed Resolution 2008-201.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES AMENDING RESOLUTION 2007-245 WHICH ESTABLISHED FEES FOR VARIOUS LICENSES, PERMITS, SERVICES, AND PENALTIES BY THE CITY OF CORAL GABLES, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

[Note for the Record: Following Interim City Manager Jimenez reading of the title to Agenda Item H-1 into the public record, she requested of **Assistant City Manager Dona Lubin** to approach the dais, whereupon Ms. Lubin informed the City Commission that what was before them was an amended version of Resolution No. 2007-187, as more particularly summarized herein below:

- (1). There are no proposed increases to the Planning Application Fee; and
- (2) The Pre-Application Zoning Review Fee is proposed for \$1,000; and
- (3) Building Site Request Application Fee is proposed for \$500; further noting that the Courtesy Notice Fee of \$2 has been omitted; and
- (4) Zoning Clarification Fee has been proposed for a reduction of \$150, to be \$200; further stating that the remaining fees stated in the proposed resolution remain "as is" from Resolution No. 2007-187, which was passed and adopted by the City Commission on October 10, 2007.

**Questions, Answers/Comments by the City Commission:** Commissioner **Withers** stated that the proposed resolution represented very few increases in

comparison to increases by other municipalities.

**Vice Mayor Kerdyk** informed his colleagues that there were still a few fees that still bothered him, and because of the economic hardship, that he would prefer to reserve the right to revisit same at a future date, more specifically listed as follows:

- (1) Page 63, Forty Year Recertification Fee (request to revert back from \$300 to \$250, since it represents roughly a 40 percent fee increase);
- (2) Page 65, Fee to be Paid for the Disclosure Report, said proposed increase represents an approximate 40 percent increase);
- (3) Page 66, Fee to be Paid for the Disclosure Report, which proposed increase, represent an approximate 20 percent and 40 percent increase, respectively].

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted as amended by Resolution Number 2008-201. The motion passed by the following vote:**

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

**Nay**s : 1 - Commissioner Cabrera, Jr.

**Absent** : 1 - Mayor Slesnick II

City Clerk Item No. 47

#### **RESOLUTION NO. 2008-202**

**H.-2. 08-0738**

A Resolution of the City Commission of Coral Gables authorizing the City Manager to execute a Funding Agreement between the City and Miami-Dade County for construction of the proposed General Obligation Bond (GOB) project entitled "Country Club Prado Restoration" in the amount of \$750,000.00; authorizing the City Manager to contract with Miami-Dade County and third party contractors to complete said project by fiscal year 2009-10; authorizing the transfer of GOB designated funds in the amount of \$750,000.00 from the category "Enhancements-Expansion of Parks and Public Plazas, Venetian Pool, Project No. 88-72237" to the aforesaid proposed GOB project; and allocating the amount of \$750,000.00 from the Capital Improvement Fund to the Venetian Pool Project to restore funding to complete improvements at said facility.

**Attachments:** [Scanned GPB cover](#)  
[Restoration Res](#)  
[Signed Resolution 2008-202.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR CONSTRUCTION OF THE PROPOSED GENERAL OBLIGATION BOND (GOB) PROJECT ENTITLED "COUNTRY CLUB PRADO RESTORATION" IN THE AMOUNT OF \$750,000.00; AUTHORIZING THE CITY MANAGER TO CONTRACT WITH MIAMI-DADE COUNTY AND THIRD PARTY CONTRACTORS TO COMPLETE SAID PROJECT BY FISCAL YEAR 2009-10; FURTHER AUTHORIZING THE TRANSFER OF GOB DESIGNATED FUNDS IN THE AMOUNT OF \$750,000.00 FROM THE CATEGORY

"ENHANCEMENTS-EXPANSION OF PARKS AND PUBLIC PLAZAS, VENETIAN POOL, PROJECT NO. 88-72237" TO THE AFORESAID PROPOSED GOB PROJECT; AND ALLOCATING THE AMOUNT OF \$750,000.00 FROM THE CAPITAL IMPROVEMENT FUND TO THE VENETIAN POOL PROJECT TO RESTORE FUNDING TO COMPLETE IMPROVEMENTS AT SAID FACILITY.

[Note for the Record: Following the reading of the title to Agenda Item H-2 into the public record, Interim City Manager Jimenez stated that the proposed resolution is simply to transfer and exchange funding sources in the amount of \$750,000 from the General Obligation Fund (from the category entitled "Enhancements-Expansion of Parks and Public Plazas, Venetian Pool, to a proposed GOB project entitled "Country Club Prado Restoration" in an attempt to ameliorate the matter of different rate charges as stipulated in Section 17 of said funding agreement with Miami-Dade County, as part of the Building Better Communities General Obligation Bond Program, for the design and construction of the Venetian Pool Project; further allocating an amount of \$750,000 from the Capital Improvement Fund to the Venetian Pool Project to restore said funding to complete improvements at the Venetian Pool facility].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-202. The motion passed by the following vote:**

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

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

City Clerk Item No. 48

**H.-3. 08-0752**

A Resolution of the City Commission of Coral Gables authorizing the City Manager to set forth a public hearing to consider the request from area residents to change the municipal boundaries of the City by annexing two incorporated areas in Miami-Dade county, known as Little Gables and High Pines.

**Attachments:** [111808-Memo CC-LGables-HPines Annexs.pdf](#)  
[111808-DRAFT RESOLUTION -High Pines-Little Gables Annexs.pdf](#)

[Note for the Record: Prior to the discussion of Agenda Item H-3, **Interim City Manager Maria Jimenez** announced that Javier Betancourt, Principal Planner, in the City's Planning Department would be resigning his post to assume the position of Manager of Urban Design and Transportation with the Miami Downtown Development Authority.

The Commission discussed the matter of authorizing the City Manager to schedule two public hearings (during the evening hours) to consider requests from area residents to change the municipal boundaries of the City of Coral Gables by annexing two unincorporated areas in Miami-Dade County, more particularly known as Little Gables and High Pines.

**Questions, Inquiries/Concerns by the Commissioners: Mayor Slesnick**

suggested that notwithstanding the fact that the County has requested our City consider the matter of the public hearing regarding the proposed annexations of Little Gables and High Pines together, that the City may still bifurcate said annexation issues; further stating that the proposed evening meetings shall be held one in the south (i.e. Fairchild Tropical Gardens), and another one should be held in the northern section of the City; further acknowledging that the City Commission had previously passed a Resolution (i.e. R-2003-48) approving the proposed annexation of Ponce-Davis; further acknowledging Miami-Dade County's requirement to have comprehensive guidelines and policies in place in connection with any annexation requests; further pointing out that the issues of having the given municipality pay a mitigation fee for those non-revenue neutral areas (i.e. Davis-Ponce), along with the impact of said annexed areas on County departmental services (i.e. Fire services) must also be addressed; further noting that the projections in connection with said matter are critical; further stating the evolution of his thought processes regarding the case of Little Gables, wherein he has historically stated that the City should never incorporate Little Gables; however, said area is critical regarding those matter of control, and how it is going to look; how it is going to be developed; how it feels, etc; further stating that if the City does not assume control of same, then the City leaves said decisions regarding development, height, etc., in the hands of other people (i.e. large development being undertaken by Miami-Dade County); further addressing the matter of Pines Bay Estates, specifically citing this area as a prime example of a specific area with a specific problem; further noting that Pines Bay Estates provides the City with good tax revenues, has its own highway patrol officer; however, the City has been unable to resolve the matter of its roads, therefore said residents are unhappy; further informing his colleagues that he has inquired about said matter with our Public Works Department, and was informed that Pines Bay Estates is not in the City's rotation of roads resurfacing, etc.

**Commissioner Cabrera**, in stating that since Davis-Ponce and High Pines were donor communities, and that Little Gables would necessitate certain infrastructure improvements, inquired of his colleagues as to what were their positions regarding the complete package for annexation (i.e. comprehensive guidelines and policies etc.); whereupon Commissioner Anderson acknowledged that five years ago, she was very supportive of annexation; further stating that since then, a lot has changed-particularly the City's shrinking tax revenue base; further pondering as to the challenge involving how does the City support what it has now?-further informing her colleagues that she would have to review the numbers regarding same.

**Commissioner Cabrera** also noted that consideration of the proposed annexation areas may offer an opportunity to consider the matter of Affordable Housing projects.

**Vice Mayor Kerdyk** inquired as to the proposed boundaries in connection with the annexation areas to be considered; further querying whether said geographical area

includes everything south of 8th Street and east of 57th Avenue?

**Commissioner Withers** stated that since he had previously met with the residents of the Little Gables and informed them that said proposed area had to be revenue positive; further noting that said residents had understood his concerns, and stated that they may have been willing to accept an assessment during the interim while said improvements were being done; further inquiring of the City Attorney as to whether said suggestion was legally permissible; whereupon City Attorney Hernandez stated that it would be difficult to overcome a challenge on the issue of whether or not said assessment was in fact a tax.

**Commissioner Withers** further inquired whether or not an assessment in connection with certain infrastructure improvements were permissible; whereupon City Attorney Hernandez stated that Public Works Director Delgado can provide the Commission with instances wherein the City has established certain improvement districts which have resulted from petitioners of the homeowners; but cautioned Commissioner Withers that said matter represents a delicate balance].

**This Resolution was Discussed and Filed**

City Clerk Item No. 50

**RESOLUTION NO. 2008-203**

H.-4. [08-0757](#)

An Amended Resolution of the City Commission of Coral Gables, with attachments, authorizing the City Manager to execute an Interlocal Agreement between the City of Coral Gables and the City of Miami to allow the combined properties which make up Publix Supermarket, Inc., which is located in both Coral Gables and Miami at 114 Ponce de Leon Blvd., (Coral Gables) and 3690 West Flager Street (Miami), to be developed as one integrated development over the municipal boundaries of both cities.

**Attachments:** [agendacover interlocal coralgables miami](#)  
[memo to cc interlocal with city of miami - ponce medical plaza \(11 05 08\)](#)  
[resolution coral gables and miami interlocal 11 18 08](#)  
[Signed Resolution 2008-203.pdf](#)

AN AMENDED RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, WITH ATTACHMENTS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND THE CITY OF MIAMI TO ALLOW THE COMBINED PROPERTIES WHICH MAKE UP PUBLIX SUPERMARKET, INC., LOCATED IN BOTH CORAL GABLES AND MIAMI AT 114 PONCE DE LEON BOULEVARD (CORAL GABLES), AND 3690 WEST FLAGLER STREET (MIAMI), TO BE DEVELOPED AS ONE INTEGRATED DEVELOPMENT OVER THE MUNICIPAL BOUNDARIES OF BOTH CITIES.

[Note for the Record: Following the Interim City Manager reading of the title to Agenda Item H-4 into the public record, Interim City Manager Maria Jimenez

confirmed that the proposed resolution which authorizes the City Manager to execute an interlocal agreement between the City of Miami and our City, which allow the combined properties which make up Publix Supermarket, Inc. (located in both Coral Gables and Miami, at 114 Ponce de Leon Blvd. and 3690 West Flagler Street,) to be developed as one integrated development over the municipal boundaries of both cities. Mayor Slesnick further informed Interim City Manager Jimenez that our City should use this opportunity to express our concern regarding the three billboards, that are located on a used parking lot on Douglas Road (in the middle of a residential area, which borders Miami on the east, Coral Gables on the west, as well as a church, to the north, also in Coral Gables); further stating that in his opinion that it is a most inappropriate place to locate billboards; further stating that every time he has inquired of Miami Officials about said matter, the response has been that no one knows how said billboard location evolved there; further urging Ms. Jimenez to push a little in resolving said matter, if we as a City are resolved to improve the aforementioned area].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-203. 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. 49

## **I. CITY ATTORNEY ITEMS**

### **I.-1. Agenda Item I.-1. was placed on the Agenda in error and therefore was not discussed.**

### **I.-2. 08-0725 Pending Litigation Report**

**Attachments:** [PENLIT.11\\_18\\_08](#)

[Note for the Record: **American Legion Case--City Attorney Elizabeth Hernandez** informed the City Commission that the Judge in the American Legion Case did enter a summary judgment in the American Legion Case; further stating that she has not received a final judgment against the City; further stating that she is currently reviewing all of the potential options, and will be reporting back to advise the City Commission regarding those recommendations she may have regarding same.

**Kuvin v. City of Coral Gables:** **City Attorney Hernandez** stated that the Third District Court of Appeals has not issued a final ruling on the Kuvin case. The City has filed with the Third District Court of Appeal a Motion for Rehearing en Banc and

Motion for Certification to the Florida Supreme Court as a matter of great public importance.

**Kearns et al v City of Coral Gables:** City Attorney Hernandez informed the City Commission that regarding the proposed class action lawsuit that the City has gone to mediation; further stating that she has forwarded to the City Commission, two versions of the proposed changes to Ordinance No. (pick up truck ordinance); further reminding the City Commission that there were several items associated with said legislation (Pick Up Truck Ordinance of the City), which required further in-depth study (i.e. political signage, the Truck Ordinance, etc.); further informing the City Commission that she has discussed with counsel for the plaintiff in said case, as to whether going through a public hearing process (with the above referenced legislative versions provided) would settle the case; whereupon it was stated by opposing counsel that proceeding through the Planning and Zoning process would be a favorable step toward settlement; further requesting authorization to report back to the City Commission, following a subsequent mediation, provided that the City proceeds through the public hearing process with the Planning and Zoning Board.

Mayor Slesnick stated that he has previously talked to the City Attorney regarding said matter; further requesting of our City Attorney to inform the City Commission of any proposals she may have regarding same].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 52

**RESOLUTION NO. 2008-204**

**NA.I-1.1 08-0813**

A Resolution of the City Commission of Coral Gables, authorizing and directing the City Attorney to proceed with a scheduled public hearing process before our City's Planning and Zoning Board, in connection with two legislative versions of those proposed amendments proffered by the City Attorney, relating to our city's "pick-up truck Ordinance" (ordinance no. 2536).

**Attachments:** [Signed Resolution 2008-204.pdf](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO PROCEED WITH A SCHEDULED PUBLIC HEARING PROCESS BEFORE OUR CITY'S PLANNING AND ZONING BOARD, IN CONNECTION WITH TWO LEGISLATIVE VERSIONS (IN ORDINANCE FORM) OF THOSE PROPOSED AMENDMENTS PROFFERED BY THE CITY ATTORNEY, RELATING TO OUR CITY'S "PICK-UP TRUCK ORDINANCE" (ORDINANCE NO. 2536).

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-204. The motion passed unanimously.**

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

City Clerk Item No. 51

**J. CITY CLERK ITEMS**

City Clerk Item No. 53

**None**

**K. DISCUSSION ITEMS**

Mayor Slesnick: If the Commission does not object, we are going to let Mr. Withers go first because I know he is trying to make a plane.

Mr. Withers: No, I have nothing to say.

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: I just wanted to congratulate you on your first meeting. You did really well. I also wanted to congratulate you on something I told you; it was a letter you wrote on November 13th to the City, exactly that one; it was a very appropriate thing to send to begin a new era and a healing process for our City. So I just wanted to congratulate you.

Interim City Manager Jimenez: Thank you.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Ms. Anderson really said it best and that's the reason I had the letter here that you wrote to all the employees on November 13th; and with your permission, I would like to ask that you publish this letter on ENEWS and let the citizens know how you stand on these issues, because I think that you are to be commended for taking the initiative that you took to write this letter, and to express your thoughts, and to express your direction as to where you want to see the City go, regardless of the fact you are doing it on an interim basis, I think that's admirable and highly commendable.

Interim City Manager Jimenez: Thank you sir.

Mayor Slesnick: Is that letter on the City website as far as the internal website to all the employees; I know you sent it to the employees, but...

Interim City Manager Jimenez: No, but we'll make it available; we'll put it on, thank you.

Mayor Slesnick: You can put it on the regular website too.

Commissioner Cabrera: I'm going to give this copy to the Herald, so they can actually take it with them. Anyway, the other items I have this afternoon is that I want to make sure to congratulate, and I say "we" because Commissioner Withers, Commissioner Kerdyk and I, had the honor and the privilege to attend the senior's art show this past Friday, and I wanted to publicly thank not only all those seniors that participated with great works of art, but I want to thank the Senior Advisory Board for continuing to make this a phenomenal event. Its grown, and it has become even bigger than it was last year; and I think last year was its first time ever that we had lots of prize winners, and we had lots of people that showed up, and I also want to be sure to thank the folks that are responsible for the Palace for sponsoring the event, Mr. and Mrs. Shaham, they were there as well, and they were recognized by the Chairperson of the Senior Advisory Board; I said a few words on behalf of the entire City Commission so I wanted you all to know, Ms. Anderson and Mr. Slesnick that we were there on your behalf as well. The other thing that I wanted to touch on is, I attended the meeting at Matheson Hammock, and I don't know if we really got any updates; did any of you get the updates regarding the Matheson Hammock Park? Fred was there, Fred Couceyro was there along with a member of the Public Works staff; and I have to tell you that there are a lot of folks that live in that area that don't want to see any renovation/redevelopment of the park; and then there are people that are active users of the park that don't necessarily live in the area. So there is a lot to be done, and I think staff is going to stay vigilant on this one, and perhaps we can get some sort of an update; Commissioner Gimenez was there as well and his staff; and last but not least, in the interest of continually making mistakes, I want you all to know that now that we've made a decision on the professional recruitment firm, and I support it, and I showed you by my vote, I think that it is imperative, and I mean this sincerely, its imperative for the five of us to develop a process and not rely upon the recruitment firm to develop the process for us. Sure - can they make recommendations?- can they tell us what they think the process should look like?- I think they should, but I believe that we as the hiring managers are the ones that need to be close to the process, continually in dialogue with that firm; and I think we should all give the firm how we think the process should be followed, because I can tell you right now, I have already a process in mind, and I'll take another thirty seconds to tell you what that process is, and this will give you an opportunity to think about it, and if you want to adopt something different, by all means, because I think we are all going to have to come together to agree on something. I believe that this firm that we've hired needs to go out there and find twelve (12) to fifteen (15) great candidates; I think that the five of us has already been contacted by some people. I know I've had three or four people that have contacted me, and have expressed a desire to be considered, and I'm going to let them now know that we've hired a firm. I think that once that firm identifies the ten, twelve, fifteen candidates, they should do the background checking, they should check with their governments that these people work for, they should watch a City Commission meeting, you know, today more than ever you can watch City Commission meetings on the web, and we should take that same opportunity. Once

the ten to twelve candidates have been identified, this is the tough part; I really think that if it gets widdled down to six or eight, I think that each and everyone of us should meet with them individually and privately. I don't believe that we should have a public hearing for six, eight, ten candidates; I think we should meet with them privately, and come back as a group, as a collegial body, and agree on four, five or six to interview in a public hearing, and I think that's what the process should unfold; and if some of you feel differently about it, I'm wide open to whatever recommendations you have, but I just want to stay close and not distance myself from the process, and I assure you as much as I regret what I did with the professional recruitment firm process, I'm going to stay vigilant on this one and not allow it to get away from me.

Mayor Slesnick: Well, I don't have any problem with the kinds of things you said, I just think that we should before making final judgment, listen to the firm who we just hired for twenty thousand dollars to come in and suggest to us what's good, what's bad, and what works, let's listen to them and they may have some...I mean, they are professionals and they do it all the time. So what you've said is fine with me, we could have done that without the firm, except for the private collection of the resumes, and that is the reason why I voted in the end for a firm.

Commissioner Cabrera: And background checks.

Mayor Slesnick: Well, we could have done that.

Commissioner Cabrera: And knowledge of the industry, and knowledge of the recruitment process.

Mayor Slesnick: Well, there are reasons I have, I just mentioned...

Commissioner Cabrera: Well, I'm for listening; everyday that I listen to people like the firm that we hired I learned something new. You know, I was a hiring manager for nearly twenty four (24) years, and so I can tell you my fear is that I don't want somebody telling me how the process is going to be when ultimately we are the ones that is going to be stuck with the decision, and as I said before and I said it about twenty minutes ago, I think, at least for me this is going to be the most important decision I make as a City Commissioner, so I want to make sure that I exercise each and everyone of my responsibilities to the fullest, and that includes staying close to the process. So having said that, I want to wish everyone a happy Thanksgiving.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: A few things Mayor. 111 Salamanca was a very interesting case study today that we discussed, and I think it is imperative Ms. City Manager that we go ahead and move that historic preservation ordinance that deals with real estate

taxes forward, and if you could get that prepared and bring that to us in January, I'd certainly appreciate it. Second thing I'd like to bring to your attention is, you know this, I had a situation and I wanted to discuss it with you a little bit, or at least tell you the situation I had and see if you have any thoughts on it. The Board of Adjustment when they make a decision, there is a ten (10) day appeal process. A lot of times we don't find out exactly what they had made the decision on; so if we have any anxe to it whatsoever, the appeal process runs out if staff does not take the position to appeal the Board of Adjustment's decision. I had one in particular that I was concerned about that I ultimately decided not to appeal, and it had to do with 396 Alhambra Circle, where staff had recommended that we not allow lifts to be put in there. Now, this is a very long story, and I'll try to make it as short as possible; the story is they have been in the process for a long time, and we adjusted the ordinance while they were in the process, and sort of changed it on them. But I was very close to asking for an appeal there; and I just happen to stumble across it, somebody came up to me and told me, did you know they were putting lifts in 396 Alhambra Circle?- substantial lifts?- and I did not...but what I'm trying to get at is I think the Commission needs to be able to be informed when the Board of Adjustment makes a decision that we automatically gets the minutes, or the decision on it, so that if we want to go to the appeal rights, we can go do that within the ten days, or inform staff that we want to see this appealed to the City Commission. At that point everybody has the right to make the decisions up here, but there are a lot of times that it goes to the Board of Adjustment that we don't see these projects, and they might be appealable in our minds. So, I'd like you to try to set up a mechanism where you can inform the Commission every time the Board of Adjustment meets, so that we see these decisions within that ten day appeal.

Interim City Manager Jimenez: Absolutely sir.

City Attorney Hernandez: You have a policy...I'm sorry; I'm sorry Maria.

Interim City Manager Jimenez: I was just going to mention that we can do that as a summary, what action took place in the meeting, and then you can decide how you want us to proceed.

City Attorney Hernandez: But you also have a policy, I believe, that when the Board rules against staff's recommendations, I thought the Commission had adopted a policy that staff was to file an appeal.

Vice Mayor Kerdyk: Well, they didn't file an appeal in this particular one.

City Attorney Hernandez: My understanding was that was a long standing policy, when staff makes a negative recommendation and the Board rules against their recommendation, that the Commission wants to see it; that's old.

Interim City Manager Jimenez: I'm not aware of that policy, but I'll look into it.

Vice Mayor Kerdyk: Would you please look into it and give us a memo in our box, because it's something that's important to all of us, I think.

Interim City Manager Jimenez: Absolutely.

Vice Mayor Kerdyk: Another thing is that just for staff to look at. I'm sure many of you have seen this e-mail that Rip Holmes sent us, but I happen to see it by CBS-4, where they are talking about General Growth; you guys read this General Growth? General Growth is...there is a possibility due to the market conditions they might file bankruptcy, which is affecting what project?- the Rouse project, the Village of Merrick Park. Now...

City Attorney Hernandez: Is that something he said?-or is it...

Vice Mayor Kerdyk: No, no, it's right here; and let me just say, "Grim economy endangers five South Florida malls. General Growth Property's owner of five major shopping centers in South Florida saw its shares plummet Tuesday after mall owner warned it faces insolvency troubles and maybe forced into bankruptcy if it cannot refinance or extend nearly one billion dollars (\$1B) in debt by next month". Let me just tell you, being in the market, that's going to be a tough thing, no matter who they are.

Commissioner Cabrera: Are you suggesting that we may want to go into dialogue with them to ensure that we can work together rather than get a notice?-or get the keys from the Village of Merrick Park on the front door here one Monday morning.

Vice Mayor Kerdyk: You know, I'm not sure what I'm recommending. I'm just saying look what's going on, maybe staff needs to come back to us and come up with some suggestions on what to do.

Commissioner Cabrera: Making a phone call to our tenant.

Interim City Manager Jimenez: We can do that. Let us come back and provide some suggestions, or at least give you the situation at hand.

Vice Mayor Kerdyk: And the final thing is that since we do have a new City Manager, maybe and to make sure the Commission is all on the same page, maybe its time that we have a Shade meeting just to find out where we are right now with our labor issues, and make sure that we are all on the same page as far as how the negotiations are coming along, and make sure the City Manager sees things exactly like we see things. Is that OK with you all?

Interim City Manager Jimenez: If that's the will of the Commission.

Commissioner Anderson: Very good.

Vice Mayor Kerdyk: Thank you very much.

Mayor Slesnick: I'd like to invite everyone to come down to my shoe sale (laughter), at Nordstrom as I take over on behalf of the City (laughter).

Commissioner Cabrera: Mayor's shoe sale now at Nordstrom.

Mayor Slesnick: We'll each divvy the place up and be managers of the store. Well, let's hope and pray that this does not come to pass and that our shopping center is good to go for the future. But I would like to add to that discussion that we should not only talk to them, but we should find out what is the central company's economic woes mean to the operation of the actual center itself, and whether they are distinguishable between the two or not. I just wanted to, as Ralph did, wish everybody a happy Thanksgiving, and mention several things that are happening. We have an Inter-Denominational Thanksgiving service as we do each year; it will be at Temple Judea and participating in it will be Ministers, Reverends, Rabbis from around, our houses of worship in this City, and it's a good time to go out and thank God that we live in Coral Gables, that we live in the United States of America, a wonderful place, and that we have all the blessings; and even though it's a challenge this year, as I look around Coral Gables, we certainly still have a lot of blessings to be thankful for to be happy about. We have our Annual Tree Lighting and Holiday Ceremony here at City Hall on the 5th, so let's see the first one. The Thanksgiving service is on Wednesday the 26th, whatever Wednesday before Thanksgiving, the 26th, then December 5th, Friday night will be the Tree Lighting, and major holiday parties for families particularly children-friendly; and I think we have an open house at Merrick House, but I'm not sure what Sunday that is. I think the Merrick House, I guess we don't know; what the ENEWS for the Merrick House. Everyone have a wonderful, safe Thanksgiving time; and we will be back the third Tuesday in December; this Commission meets the third Tuesday in December. We adjourn.

City Clerk Item No. 54

## **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 03:00 pm on November 18, 2008. The next regular meeting of the City Commission has been scheduled for December 16, 2008, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK