

City of Coral Gables

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



Meeting Minutes

Tuesday, September 9, 2008

9:00 AM

City Hall, Commission Chambers

City Commission

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

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

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

INVOCATION

Reverend Worth Carson of Granada Presbyterian Church gave the invocation.

PLEDGE OF ALLEGIANCE

City Clerk Walter J. Foeman led the pledge of allegiance.

LEGISLATIVE SUMMARY

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Ordinance(s) adopted (Ordinance No. 2008-18 through Ordinance No. 2008-20); (b) Resolution(s) adopted (Resolution No. 2008-131 through Resolution No. 2008-142); (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. 08-0592** Presentation of 2008/2009 Donald R. Hopkins Scholarship awards to Latifha T. Williams, Monica White and Stephanie Glover

Attachments: [Donald Hopkins Scholarships](#)

This Presentation/Protocol Document was Recognized

City Clerk Item No. 1

RESOLUTION NO. 2008-131**A.-1.1. 08-0602**

A Resolution of the City Commission renaming the Donald R. Hopkins Scholarship to Donal R. Hopkins/Bill Cooper Scholarship.

A RESOLUTION RENAMING THE PRESTIGIOUS DONALD R. HOPKINS SCHOLARSHIP AWARDS PROGRAM, WHICH IS GIVEN ANNUALLY TO A BLACK GRADUATE STUDENT WHO IS A RESIDENT OF THE CITY OF CORAL GABLES, THUS CHANGING SAID TITLE TO BECOME THE DONALD R. HOPKINS -WILLIAM "BILL" COOPER SCHOLARSHIP PROGRAM, IN FURTHER RECOGNITION OF MR. COOPER'S MEMORY, AND FOR HIS DEDICATED SELFLESS EFFORTS AIMED AT IMPROVING THE LIVES OF PEOPLE AND HIS COMMUNITY.

[Note for the Record: Commissioner Cabrera introduced former Coral Gables Commissioner Jim Barker, whom he described as one of the driving forces behind the Donald R. Hopkins Scholarship Program in the City of Coral Gables, said program which is in its 19th year of existence; further acknowledging said committee members, namely Leona Cooper, Leona Cooper Baker, Gail Payne (not present), Dan Finora, and Ms. Elvira Prime, Committee Member and Chairperson of the McFarlane Homeowners Association; further acknowledging that the recipients for the scholarship program this year are Monica White (who graduated from Miami-Dade Community College), Latifha Williams, Stephanie Glover (currently attending Miami-Dade Community College); further noting that the 2004 graduate, represents the fifteenth scholarship recipient to successfully graduate from a college or university is Adrienne Johnson, who graduated from Barry University majoring in Nursing, with a minor in Psychology; said individual is currently employed at South Miami Hospital.

Former Commissioner Barker reminded the public that he was saddened by the passing of Bill Cooper, a loss to our community; further recommending to the City Commission that his name be added to the scholarship program, changing said title to the Donald R. Hopkins- William "Bill" Cooper Scholarship Program, in his memory. For his dedicated selfless efforts aimed at improving the lives of people and his community.

Mrs. Leona Cooper reflected on her husband's life, stating that he was born at the 201 Washington Drive, and passed at 200 Washington Drive; further noting that he was a student at George Washington Carver from kindergarten through high school; further pointing out that while attending college at St. Augustine College in Raleigh, North Carolina, he was nicknamed "Coop, the Kid from the Gables;" further thanking the City Commission for the tremendous support rendered during his bereavement period; especially acknowledging the Police escort rendered by the City. Mayor Slesnick acknowledged the fine order (i.e. including the spiritual hymnals sang) and conduct of the funeral services; further adding that her family is indeed special].

This Resolution was adopted by Resolution Number 2008-131

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

City Clerk Item No. 1A

B. APPROVAL OF MINUTES

B.-1. 08-0585 Regular City Commission Meeting of August 26, 2008

Attachments: [Meeting Minutes.pdf](#)
[Verbatim Transcript Agenda Item F-2 - Discussion regarding ad valorem tax exem](#)
[Verbatim Transcript Agenda Item E-1 - Text Amendment to Parking Provisions an](#)
[Verbatim Transcript Agenda Item E-2 - Parking Loading and Driveway Requireme](#)
[Verbatim Transcript Agenda Item H-5.pdf](#)

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

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

City Clerk Item No. 3

C. CONSENT AGENDA

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

Passed the Consent Agenda

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

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

RESOLUTION NO. 2008-132**C.-1. 08-0579**

A Resolution authorizing the City Manager to execute a "Special Conditions of the Contract Required by Historic Preservation Grant Award Agreement" as requested by the State of Florida Division of Historical Resources for Grant No. SC530 - Restoration of the Old Police and Fire Station.

Attachments: [State Grant Exhibit Cover Memo 09-09-08.pdf](#)
[Draft Resolution Grant Exhibit 09-09-08CC.pdf](#)
[Grant SC530 Special Conditions of Contract.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A "SPECIAL CONDITIONS OF THE CONTRACT REQUIRED BY HISTORIC PRESERVATION GRANT AWARD AGREEMENT" AS REQUESTED BY THE STATE OF FLORIDA DIVISION OF HISTORICAL RESOURCES FOR GRANT NO. SC530 - RESTORATION OF THE OLD POLICE AND FIRE STATION.

This Matter was adopted by Resolution Number 2008-132 on the Consent Agenda.

City Clerk Item No. 5

RESOLUTION NO. 2008-133**C.-2. 08-0581**

A Resolution granting a one-day permit to John Martin's Restaurant to sell alcoholic beverages from 7:00 p.m. until 12:00 midnight on Friday, October 31, 2008, on Salzedo Street from Aragon Avenue to Miracle Mile, one half block of Aragon Avenue, as part of the Halloween Party to benefit the Young Rotarian Charity, subject to Florida Department of Professional Regulation requirements.

Attachments: [John Martins Halloween Event Resolution](#)
[John Martins Halloween Event](#)

A RESOLUTION GRANTING A ONE-DAY PERMIT TO JOHN MARTIN'S RESTAURANT TO SELL ALCOHOLIC BEVERAGES FROM 7:00 P.M. UNTIL 12:00 MIDNIGHT ON FRIDAY, OCTOBER 31, 2008, ON SALZEDO STREET FROM ARAGON AVENUE TO MIRACLE MILE, AND ONE HALF BLOCK OF ARAGON AVENUE, AS PART OF THE HALLOWEEN PARTY TO BENEFIT THE YOUNG ROTARIAN CHARITY, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2008-133 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2008-134**C.-4. 08-0591**

A Resolution authorizing the Kiwanis Club of Little Havana to sell alcoholic beverages as a part of the Art in the Park event at Ponce Circle Park on the following Fridays in 2008: October 3, November 7, December 5; and the following Fridays in 2009: January 2, February 6, March 6, and April 3. Hours are from 6:00 p.m. until midnight on each of the dates listed.

Attachments: [Kiwanis Club of Little Havana- Art in the Park Resolution](#)
[Kiwanis-Art in the Park Special Events Application](#)

A RESOLUTION AUTHORIZING THE KIWANIS CLUB OF LITTLE HAVANA TO SELL ALCOHOLIC BEVERAGES AS A PART OF THE ART THE PARK EVENT AT PONCE CIRCLE PARK ON FRIDAY, OCTOBER 3, 2008, NOVEMBER 9, 2008, DECEMBER 5, 2008, JANUARY 2, 2009, FEBRUARY 6, 2009, MARCH 6, 2009 AND APRIL 3, 2009, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

This Matter was adopted by Resolution Number 2008-134 on the Consent Agenda.

City Clerk Item No. 7

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

C.-5. 08-0561 Public Safety Committee Meeting of July 8, 2008

Attachments: [PSC summary 07-08-08](#)
[psc minutes 07-08-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 8

C.-6. 08-0562 Property Advisory Board Meeting of July 9, 2008

Attachments: [PAB 7 09 08 No Action](#)
[PBA 7-09-08 Meeting Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 9

C.-7. 08-0565 Insurance Advisory Committee Meeting of August 21, 2008

Attachments: [CM IAC DraftMin.](#)
[IAC DraftMinutes 082108](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 10

C.-8. 08-0567 Retirement Board Meeting of August 7, 2008

Attachments: [CC.09-09-08.August](#)
[Minutes.08-07-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 11

C.-9. 08-0568 Board of Adjustment Meeting of August 4, 2008

Attachments: [Cover Memo - 9-09-08](#)
[Notice for 8-4-08 Mtg](#)
[BOADJ Meeting Minutes 8-4-08](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 12

- C.-10. 08-0571** Property Advisory Board Meeting of August 20, 2008

Attachments: [PAB 8 20 08 No Action](#)
[PBA 8-20-08 Draft Meeting Minutes](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 13

- C.-11. 08-0583** Historic Preservation Board Special Meeting of July 31, 2008

Attachments: [NoAction07.31.08MinutesforCC09.09.08](#)
[HPB Special Meeting July 31 2008](#)

This Matter was approved on the Consent Agenda.

City Clerk Item No. 14

- C.-12. 08-0601** A Resolution authorizing the City Manager to compensate exempt employees at time and one half the regular rate of pay for duty in excess of forty hours per week under local, state, or federal declared or non-declared emergencies. (Deferred from the September 9, 2008 Meeting)

Attachments: [FEMAOvertimeReso](#)
[FEMA Overtime Cover](#)

This Resolution was Deferred

City Clerk Item No. 4

PULLED FROM CONSENT AGENDA**RESOLUTION NO. 2008-135****C.-3. 08-0582**

A Resolution authorizing Fritz and Franz Bierhaus to sell alcoholic beverages at the plaza located at 60 Merrick Way from Tuesday, October 2, 2008, through Monday, October 13, 2008, weekdays from 11:00 a.m. until midnight and weekends from 11:00 a.m. until 2:00 a.m., during the OKTOBERFEST event, subject to Florida Department of Professional Regulation requirements.

Attachments: [Fritz and Franz Oktoberfest Special Events Application](#)
[Fritz and Franz Oktoberfest Resolution](#)

A RESOLUTION AUTHORIZING FRITZ AND FRANZ BIERHAUS TO SELL ALCOHOLIC BEVERAGES AT THE PLAZA LOCATED AT 60 MERRICK WAY FROM TUESDAY, OCTOBER 2, 2008, THROUGH MONDAY, OCTOBER 13, 2008, DURING THE OKTOBERFEST EVENT, SUBJECT TO FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

[Note for the Record: **Commissioner Cabrera** prefaced his remarks by distinguishing the passage of Agenda Items C-2 and C-4 from Agenda Item C-3, further pointing out that both Agenda Items C-2 and C-4 capped the selling of alcoholic beverages for their respective events at midnight, as distinguishable from Agenda Item C-3, which allows for the sale of alcoholic beverages for its event between 11 a.m. and 2 a.m. during weekends, and until midnight during weekdays; further stating that he feels uncomfortable with the sale of alcoholic beverages until 2 a.m. because of the sound of noise and music which reverberates through the entire area within the vicinity of 60 Merrick Way; further stating that said matter represents a public nuisance and that nothing has been done to control said situation; further proffering a modification that would change the sale of alcoholic beverages on weekends from 11 a.m. until midnight; further pointing out that the reality is that said public nuisance incidents are occurring more frequently.

Mayor Slesnick stated that he has received numerous emails regarding complaints of noise by people living in the aforementioned area; further pointing out that the City is permitting usage of public property for 11 straight days, and that he is against usage of said property that is leased out by the City to Fritz and Franz Bierhaus in furtherance of its OKTOBERFEST Event; further stating that the City has laws; we are leasing out public property, and are contributing to a potential problem if we do not address said matter.

Commissioner Anderson requested of the Administration to inform the Code Enforcement Officers to ensure that the doors to said establishment remain closed.

City Manager Brown stated that the City has added a police officer and a Code Enforcement Officer; further stating that all outside activity will cease at 10 p.m.

Commissioner Withers clarified that the issue was not just to restricting the noise level through congregating outside, but also to restrict the usage of the park.

Parks and Recreation Department Director Fred Couceyro stated that although the OKTOBERFEST Event, as advertised, goes until 2 a.m., the activity would be the normal activity inside, which goes inside the establishment at 10 p.m. until 2 a.m. (weekends) and until midnight (weekdays).; further stating that when said matter came before the Special Events Committee, said committee was made aware of the noise issue; further stating that the music stops at 8 p.m. on Sundays, consistent with their application request; whereby following discussion by the Commission a motion was made by **Commissioner Anderson**, seconded by **Commissioner Withers** to modify said legislation in connection with said matter to authorize Fritz and Franz to sell alcoholic beverages at the plaza located at 60 Merrick Way from Tuesday, October 2, 2008 through Monday October 13, 2008, weekdays from 11:00 a.m. until 11 p.m. and weekends from 11:00 a.m. until midnight, during the OKTOBERFEST Event].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-135. The motion passed by the following vote:

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

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 15

D. PERSONAL APPEARANCES**Items D-1 and H-4 are related**

- D.-1. 08-0587** Mr. Alex Trujillo, President of GOVXU, Inc., to present Green Power, Inc., waste-to-fuel solution plant to the City of Coral Gables

Attachments: [Numbers for 500 Gallon system](#)
[Business Blueprint](#)
[GOVXU Green Solutions Sept 9 Coral Gables Presentation](#)

[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. 16

- D.-2. 08-0584** Ms. Harriet Stiger Liles, Author of "Pinewood Cemetery, Coral Gables, Florida - A History with Pioneer Biographies"

[Note for the Record: Mayor Slesnick acknowledged Ms. Harriet Stiger Liles for the publication of her book entitled, Pinewood Cemetery , Coral Gables, Florida: A History with Pioneer Biographies. Ms. Stiger Liles stated that she is a resident of 1451 Valencia Avenue, and has lived at the same address for 52 years; further informing the City Commission that it has been 25 years since she has appeared before a City Commission body; further presenting to the City Commission and the three City Officials copies of said book that she has been researching for over 15 years; further thanking both the past and current chairpersons of the Pinewood Cemetery Board, namely Michael (TIM) Crowther and Luan Zagarino; further acknowledging Larry Wiggins for his photographic input in furtherance of said book publication. Mr. Wiggins added that Ms. Stiger Liles, was initially unfamiliar with computers, but after three days of training, she spent an estimated thirty hours weekly on the computer. Ms. Stiger Liles to the delight of the public informed the Commission that she had inquired from the publisher whether she might win the "86 Year Old Author of the Year Award;" wherein said publishing company informed her that it did not have any 86 Year Old authors; further introducing those board members whom were present for her acknowledgement, namely Sandra Cummings; Tom Lodge; Tim Crowther; Luan Zagarino and Christine Rupp; further informing the City Commission that Father Sean O'Sullivan (board member) was unable to be in attendance].

This Presentation/Protocol Document was Presented and Filed

City Clerk Item No. 2

E. PUBLIC HEARINGS**BOARD OF ADJUSTMENT APPEAL****E.-1. 08-0540 Board of Adjustment Appeal - Application No. 8675-Z**

Laura L. Russo, Esq., Applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its Regular Meeting of August 4, 2008, wherein it denied an application for variance pursuant to Ordinance No. 1525, as amended and known as the "Zoning Code." (Board of Adjustment Vote 4-0).

SUMMARY OF APPEAL:

The Applicant is appealing the Board of Adjustment decision in regards to the proposed signage for the existing commercial building located at 2901-11 LeJeune Road, as outlined more fully under the Applicant's Proposal as follows:

Consideration of an appeal from a decision made by City Staff in connection with a variance to allow the location of the proposed sign for the tenant "Sunstate Bank" to be placed at the rear of the building abutting an alley versus only one (1) tenant sign per street level, per street right-of-way frontage, as required by Section 5-1904 of the Coral Gables Zoning Code.

Attachments: [Notice of Appeal](#)
[Public Notice](#)
[Cover memo - 2901-11 Le Jeune Rd RVSD.](#)

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION, REVERSING THE DECISION OF THE BOARD OF ADJUSTMENT THEREBY GRANTING THE APPEAL FOR VARIANCE BY THE APPLICANT LAURA L. RUSSO, ESQ., (APPLICATION NO. 8675), AND THEREBY REVERSING THE DECISION OF THE ZONING DIVISION AND OF THE BOARD OF ADJUSTMENT AS TO THE DETERMINATION THAT APPLICANT FAILED TO DEMONSTRATE A HARDSHIP CASE IN THEIR APPLICATION FOR A VARIANCE PURSUANT TO PROVISIONS OF THE "ZONING CODE", FOR SUBJECT PROPERTY LOCATED AT 2901-11 LE JEUNE ROAD.

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

A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-138. The motion passed by the following vote:

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

City Clerk Item No. 21

ORDINANCES ON SECOND READING

Items E-2 and H-2 are related

ORDINANCE NO. 2008-18**E.-2. 08-0473**

An Ordinance of the City Commission of Coral Gables amending Article IV of Chapter 78 of the Code of the City of Coral Gables entitled "Stormwater Management Utility" for the purpose of redefining developed property, dwelling, impervious area, nonresidential developed property, and residential developed property; and providing a definition and utility fee computation for mixed-use developed property, reserving the City's right to commence in-house billing, increasing the City's discretion to not file notices of lien for amounts less than \$100.00, providing an effective date, and repealing all Ordinances inconsistent herewith. (Passed on First Reading July 15, 2008)

Attachments: [O-2006-649 3032\(2\)](#)
[Stormwater Article 4](#)
[Ordinance Stormwater](#)
[Second reading cover](#)
[Stormwater signed cover](#)

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 78 OF THE CODE OF THE CITY OF CORAL GABLES TITLED "STORMWATER MANAGEMENT UTILITY" FOR THE PURPOSE OF REDEFINING DEVELOPED PROPERTY, DWELLING, IMPERVIOUS AREA, NONRESIDENTIAL DEVELOPED PROPERTY, AND RESIDENTIAL DEVELOPED PROPERTY; AND PROVIDING A DEFINITION AND UTILITY FEE COMPUTATION FOR MIXED-USE DEVELOPED PROPERTY, RESERVING THE CITY'S RIGHT TO COMMENCE IN-HOUSE BILLING, INCREASING THE CITY'S DISCRETION TO NOT FILE NOTICES OF LIEN FOR AMOUNTS LESS THAN \$100.00, PROVIDING AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

[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 Withers, seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2008-18. The motion passed by the following vote:

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

City Clerk Item No. 22

ORDINANCE NO. 2008-19**E.-3. 08-0539**

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

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

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE TEXT OF THE OFFICIAL ZONING CODE, ARTICLE 5., "DEVELOPMENT STANDARDS", DIVISION 14, "PARKING, LOADING AND DRIVEWAY REQUIREMENTS", SECTION 5-1410., "MISCELLANEOUS PARKING STANDARDS"; AND ARTICLE 8., "DEFINITIONS"; PROVIDING FOR UPDATED AUTOMATED PARKING STORAGE PROVISIONS AND DEFINITIONS; PROVIDING FOR REPEAL, PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES INCONSISTENT HERewith.

[Note for the Record: Following the reading of the title to Agenda Item E-3 into the Public Record by the City Attorney, **Planning Department Director Eric Riel** addressed the Commission regarding further research as it pertains to limitations regarding the maximum number of vertical parking lifts, as provided for in the Zoning Code, that was requested by the City Commission following the passage on First Reading; further providing for amended legislation and clarification as it pertains to how the percentages were granted; that supplemental parking not be subject to any limitations and percentages; further explaining as the size of the project increases, the spaces allotted decreases in terms of the tier system percentages; further explaining that vertical parking lifts may utilize the following percentages to satisfy required parking spaces, as more particularly calculated to be two (2) parking spaces per lift, within a building:

- (a) Twenty percent (20%) of the first fifty (50) parking spaces; and
- (b) Ten percent (10%) from fifty-one (51) spaces to two hundred (200) parking spaces; and
- (c) Five percent (5%) thereafter.

Questions/Comments by the City Commission: Vice Mayor Kerdyk queried the Administration as to whether there were any other projects in the pipeline (i.e. 396 Alhambra Circle) to be using the vertical parking lifts?-whereupon **Parking Director**

Kevin Kinney informed the City Commission that he had reviewed the plans, and found that there were no notation of any lifts.

Mayor Slesnick inquired about a certain project on Ponce; further inquiring if said project was currently under construction, citing that the numbers were astounding; further stating that if there were ever a situation wherein said project lapses, or the permit expires, if there is a possibility that the City Commission may revisit said matter, if appropriate, he would be interested in doing so. **Vice Mayor Kerdyk** stated that he was of the opinion that said project has 145 total spaces (more than 50%); further pointing out that he had previously voted for said project, but there was no criteria established; further stating that it is difficult to explain to someone that there is no criteria; further querying of **Zoning Administrator Martha Salazar Blanco**, if there is any similar project to 4311 Ponce de Leon that is in the pipeline that maybe has vested rights before the Zoning Code Ordinance (Development Standards) was ever enacted?-whereupon Mrs. Salazar Blanco in responding in the affirmative referenced 396 Alhambra Circle. Vice Mayor Kerdyk instructed the City Administration to prepare a memorandum to the City Commission regarding the project at 396 Alhambra Circle, outlining the proposal that exist and whether there are any vested rights in connection with same; further requesting of the City Administration to provide also provide an update of the construction process regarding the 4311 Ponce de Leon Project.

During public testimony **Mario Garcia-Serra, Esq.** stated that said proposed ordinance on Second Reading represented a considerable improvement between first and second reading, particularly the provision that removes the restrictions on supplemental parking; further pointing out that said legislation is tailor made to help those old existing buildings, which will try to provide some parking now and try to use the technology in furtherance of same].

A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Ordinance Number 2008-19. The motion passed by the following vote:

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

City Clerk Item No. 24

ORDINANCE NO. 2008-20**E.-4. 08-0498**

An Ordinance of the City Commission of Coral Gables amending Chapter 2 of the City Code entitled "Administration" establishing a policy for the use of the City Seal, and providing penalties for misuse of the City Seal. (Passed on First Reading July 15, 2008)

Attachments: [2007_228_cityseal](#)
[agendacover_CitySeal](#)
[comm_ord_cityseal](#)
[citysealordinance](#)
[2007_228_cityseal](#)
[R-2004-226seal](#)
[comm_ord_cityseal.doc](#)
[agendacover_cityseal](#)

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION" ESTABLISHING A POLICY FOR THE USE OF THE CITY SEAL; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title to said Second Reading Ordinance into the public record, **City Attorney Hernandez** stated that said legislation passed on First Reading on July 15, 2008; further explaining to the City Commission that said legislation represents an on-going staff initiative to protect our trademark, the City's seal, logos, etc; further pointing out that said provision would be necessary in the event that some individual uses our City seal, whereby our City would then refer said matter to the State Attorney for prosecution of the alleged guilty party.

Questions/Concerns by the City Commission: **Commissioner Cabrera** inquired of the City Attorney as to the status of the individual involved in usage of our City Seal on T-Shirts, whereby Ms. Hernandez stated that under the threat of prosecution, that said individual has agreed to refrain from using the City's seal and remove same from his website].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2008-20. The motion passed by the following vote:

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

City Clerk Item No. 25

ORDINANCES ON FIRST READING**Items E-5 and E-6 are related**

- E.-5. 08-0575** An Ordinance of the City Commission of Coral Gables for a change of land use from "Residential Use (Single-Family) Low Density" to "Parks and Recreational Use" for the following: Maggiore Park on Lots 1-3, Block 99, Riviera Section #2; Rotary Centennial Park on Lots 5-6, Block 17, Flagler Street Section; and, San Sebastian Park on Lots 5-6, Block 44, Crafts Section, Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (PZB recommended approval, Vote: 6-0)

Attachments: [09 09 08 CC Cover Memo re: Parks Map Amendments 1st reading](#)
[09 09 08 Exhibit A: Ordinance re: Parks map amendments change of land use 1s](#)
[09 09 08 Exhibit B: Ordinance re: Parks map amendments change of zoning 1st f](#)
[09 09 08 Exhibit C: PZB 08 13 08 Staff report w attachments](#)
[09 09 08 Exhibit D: PZB 08 13 08 Meeting Minutes with Attachments](#)
[09 09 08 Exhibit E: PowerPoint Presentation re: Parks & Recreation map amendr](#)
[09 09 08 Exhibit F: Updated Synopsis of Public Comments](#)

[Note for the Record: Following the reading of the title to Agenda Item No. E-5, by the City Attorney into the public record, **City Planner Scott Boylard** made a presentation before the City Commission, stating that the proposed legislation provided for a change in land use (from Residential Use /Single-Family, Low Density to "Parks and Recreational Use for **Maggiore Park**; **San Sebastian Park** and **Rotary Centennial Park**"; as well as a change in Zoning (from Single Family Residential to Special Use, for Maggiore Park; Rotary Centennial Park and San Sebastian Park); further explaining to the City Commission that the recommendation of the Planning Department is for approval of the proposed changes, which will bring land use and zoning designations of said properties into conformance with their current and future intended uses as City parks, subject to the condition that the City's Parks and Recreation Department finish its neighborhood meetings with affected property owners to present and provide public input for future development plans for both Maggiore and San Sebastin Parks.

Following the presentation by Mr. Boylard of the Planning Department, there being no public testimony proffered by any member of the public, nor any deliberation by the City Commission, **Commissioner Cabrera** made a motion to move and **Vice Mayor Kerdyk** seconded said item, for approval of same].

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

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

City Clerk Item No. 26

E.-6. 08-0576

An Ordinance of the City Commission of Coral Gables for a change of zoning from "SFR", Single Family Residential to "S", Special Use for the following: Maggiore Park on Lots 1-3, Block 99, Riviera Section #2; Rotary Centennial Park on Lots 5-8, Block 17, Flagler Street Section; and, San Sebastian Park on Lots 5-6, Block 44, Crafts Section, Coral Gables, Florida, and including required conditions; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date. (PZB recommended approval, Vote: 6-0)

Attachments: [09 09 08 CC Cover Memo: Parks Map Amendments 1st reading](#)
[09 09 08 Exhibit A: Ordinance re: Parks map amendments change of land use 1s](#)
[09 09 08 Exhibit B: Ordinance re: Parks map amendments change of zoning 1st f](#)
[09 09 08 Exhibit C: PZB 08 13 08 Staff report w attachments](#)
[09 09 08 Exhibit D: PZB 08 13 08 Meeting Minutes with Attachments](#)
[09 09 08 Exhibit E: PowerPoint Presentation re: Parks & Recreation map amendr](#)
[09 09 08 Exhibit F: Updated Synopsis of Public Comments](#)

[Note for the Record: Following the reading of the title by the City Manager of the title to Agenda Item E-6 into the public record, there being no public testimony proffered by any members of the public, nor any deliberation by members of the City Commission, a motion was made by **Commissioner Cabrera**, which was seconded by **Vice Mayor Kerdyk** to approve said item].

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

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

City Clerk Item No. 27

E.-7. 08-0593

An Ordinance of the City Commission of Coral Gables amending the City Code, Chapter 34, entitled "Nuisances", Division 2 entitled "Vehicles", Section 34-77 by adding a definition for junk motor vehicles and dilapidated motor vehicles and Section 34-78 by adding dilapidated motor vehicles to the Prohibitions Section; providing for severability, repealer, codification, and an effective date. (Passed on First Reading September 9, 2008)

Attachments: [dilapidatedvehicles](#)
[comm.dilapidatedvehicles](#)
[agendacover_dilapidatedvehicles](#)
[agendacover_nuisances](#)
[memo to cc -dilapidatedvehicles](#)

[Note for the Record: Following the reading of the title, to Agenda Item E-7 by the City Attorney into the Public Record, **City Attorney Hernandez** explained to the Commission that said legislation is intended to incorporate the provisions that are used to maintain our swale areas in an orderly fashion; further pointing out that there has been a steady progression in the number of vehicles that are parked in swale areas displaying "for sale signs," improper maintenance, as well as serving as an attraction for the infestation of rodents, etc., and are never moved; further stating that this initiative emphasizes the City's attempt to update our City Code to ensure that the swale areas are maintained free and clear.

Questions/Inquiries by the City Commission: Commissioner Withers inquired of the City Attorney as to whether trailers were included in the definitional category/-whereupon Ms. Hernandez stated that since it is a vehicle, and if it is on the swale, it would be within the scope of said definitional category; however there are no provisions for cargo trailers.

Mayor Slesnick added that several neighborhoods talked about the inability of the Code Enforcement Division of the city's Building and Zoning Department to take any action if said vehicles are left in the swale area. Commissioner Withers further inquired as to whether cargo trailers are also included?-Further requesting of City Attorney Hernandez to include as a restrictive item those cargo trailers that are in front of the house, or on the side of the house. City Attorney Hernandez stated that there is no provision for same, but would follow up on Commissioner Withers' concerns.

Mayor Slesnick through the City Manager referenced an email that was forwarded to **Zoning Administrator Martha Salazar-Blanco**, regarding two commercial vehicles, non passenger vehicles/panel trucks, that were painted over, that were parked in front of a residence; further instructing the City Attorney to add the aforementioned reference to her list of prospective restrictive items].

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

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

City Clerk Item No. 28

Items E-8 through E-10 are related

RESOLUTION NO. 2008-137

E.-8. 08-0577

An Ordinance of the City Commission of Coral Gables approving a change of land use from "Commercial, Low-Rise Intensity" to "Commercial, High-Rise Intensity" for the proposed project referred to as the "2600 LeJeune Office Building", on the property legally described as Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (PZB provided no recommendation with a 3-2 Vote)

Attachments: [09 09 08 CC Cover Memo re: 2600 LeJeune Office Building - 1st reading](#)
[09 09 08 Exhibit A: Ordinance - Change of Land Use 1st Reading](#)
[09 09 08 Exhibit B: Ordinance - Change of Zoning 1st reading](#)
[09 09 08 Exhibit C: Resolution - site plan review](#)
[09 09 08 Exhibit D: PZB 08 13 08 Staff report w attachments](#)
[09 09 08 Exhibit F: PowerPoint Presentation re: 2600 LeJeune Office Building](#)
[09 09 08 Exhibit E: PZB Excerpt of 08 13 08 Meeting Minutes with attachments](#)

A RESOLUTION DENYING (SUBJECT MATTER: APPROVE A CHANGE OF LAND USE FROM "COMMERCIAL, LOW-RISE INTENSITY" FOR THE PROPOSED PROJECT REFERRED TO AS THE "2600 LE JEUNE OFFICE BUILDING", ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 25-32, BLOCK 6, BILTMORE SECTION (2524 LE JEUNE ROAD), CORAL GABLES, FLORIDA), ETC.

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

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be denied by Resolution Number 2008-137. The motion passed by the following vote:

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

City Clerk Item No. 18

E.-9. 08-0578

An Ordinance of the City Commission of Coral Gables approving the change of zoning from "MFSA", Multi Family Special Area to "C", Commercial for the proposed project referred to as the "2600 LeJeune Office Building", on the property legally described as Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (PZB recommended approval, Vote: 4-1)

Attachments: [09 09 08 CC Cover Memo re: 2600 LeJeune Office Building 1st reading](#)
[09 09 08 Exhibit B: Change of Zoning 1st reading](#)

[Note for the Record: A copy of the Verbatim Transcript of Agenda Item E-9 is available for public inspection in the City Clerk's Office and in Legistar].

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

The motion passed by the following vote:

Yeas : 3 - Commissioner Cabrera, Jr., Vice Mayor Kerdyk, Jr. and Commissioner Withers

Nays : 2 - Commissioner Anderson and Mayor Slesnick II

City Clerk Item No. 19

RESOLUTIONS**E.-10. 08-0580**

(For discussion purposes only. Adoption of Resolution will occur at Second Reading of related ordinances.) A Resolution of the City Commission of Coral Gables granting site plan approval for the proposed commercial project referred to as the "2600 LeJeune Office Building", and legally described as Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida; as set forth in Application No. 02-07-455-P; subject to certain conditions, and providing an effective date. (PZB provided no recommendation with a 3-2 Vote)

Attachments: [09 09 08 CC Cover Memo re: 2600 LeJeune Office Building 1st reading](#)
[09 09 08 Exhibit C: site plan review resolution](#)

This Resolution was Discussed and Continued

City Clerk Item No. 20

F. CITY COMMISSION ITEMS

None

City Clerk Item No. 29

G. BOARDS/COMMITTEES ITEMS**G.-1. 08-0574**

Presentation of excerpts of the Property Advisory Board Meeting of August 20, 2008, recommending the following action:

- To proceed with a new lease with the State of Florida, Department of Highway Safety and Motor Vehicles, for the Driver's License office located at 4520 Ponce de Leon Boulevard.

Attachments: [Driver's License cover](#)
[Excerpt on Driver's License](#)

[Note for the Record: Following the reading of the title into the public record, **City Manager Brown** stated that he has been in negotiations with representatives from the State of Florida, Department of Highway Safety and Motor Vehicles regarding the Driver's License Office located at 4520 Ponce de Leon Blvd.; further stating that he will be bringing back to the City Commission a proposed resolution for its consideration, review and possible approval. **Mayor Slesnick** informed the City Commission that the issue of an annual rental increase, based upon the Consumer Price Index, which came up during the debriefing session with the City Manager, should be shared by the City Manager with the entire Commission since there is a willingness by the State of Florida to give the City of Coral Gables a guaranteed five percent rental increase. City Manager Brown stated that the contractual negotiations have moved forward about 180 degrees regarding negotiating rental price increases, and that he would recommend the five percent increase, which is a healthy CPI (Consumer Price Index). **Commissioner Withers** noted that at certain times a month, there is an inordinate number of people congregating at the Drivers' License facility; further suggesting to the administration that said crowd should be redirected to a covered area where people may wait or stand].

This Resolution was Discussed and Filed

City Clerk Item No. 30

H. CITY MANAGER ITEMS**RESOLUTION NO. 2008-140****H.-1. 08-0560**

A Resolution accepting the bid of Megawattage LLC, 9820 S.W. 168 Street, Miami, Florida 33157, the lowest and most responsive bid for the construction of the Pump Station A Generator Upgrade, in the City of Coral Gables, Florida, for an amount not to exceed \$149,000.00, the project to be charged to Sanitary Sewer Fund account No. 410-1540-535-6300.

Attachments: [BidTabPumpStaAGeneratorUpgrade](#)
[Pump Station A Upgrade cover \(Mega\)](#)
[Pump Station A Upgrade Reso \(3\)](#)

A RESOLUTION ACCEPTING THE BID OF MEGAWATTAGE LLC FOR THE CONSTRUCTION OF PUMP STATION A GENERATOR UPGRADE IN THE CITY OF CORAL GABLES, FLORIDA, IN AN AMOUNT NOT TO EXCEED \$149,000.00, THE PROJECT TO BE CHARGED TO SANITARY SEWER FUND ACCOUNT NO. 410-1540-535-6300.

[Note for the Record: Following the reading of the title to the Resolution for Agenda Item H-1 into the Public Record, Commissioner Withers queried **Public Works Director Alberto Delgado** through **City Manager Brown**, whether one of the bidders (R & D Electric, Inc. which was deemed non-responsive, was attributable due to the failure to meet certain licensing requirements?--whereupon Mr. Delgado stated that said bidder was not a general contractor, and did not have a general contractor's license, therefore it became necessary to review the information provided by the second lowest bidder, namely **Megawattage LLC**, said bidder which has a valid State of Florida Electrical Contractors License, as well as a General Contractors License].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-140. The motion passed by the following vote:

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

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

City Clerk Item No. 31

Items H-2 and E-2 are related**RESOLUTION NO. 2008-139****H.-2. 08-0570**

A Resolution redefining the average impervious area of all residential developed property per dwelling unit located within the City to be 2,346 square feet, and increasing the rate for the Stormwater Services provided in connection with the Coral Gables Stormwater Management Utility, which Utility was created pursuant to Ordinance No. 3032 and codified as Article IV of Chapter 78 of the Code of the City of Coral Gables, from \$4.50 to \$5.00 per month for Residential Service and \$5.00 per ERU (Equivalent Residential Unit of 2,346 square feet) per month for Non-residential Service; repealing all resolutions inconsistent herewith and providing for an effective date of January 1, 2009.

Attachments: [Stormwater Rate Resolution](#)
[Rate back ups](#)
[First page and Res. 30316](#)
[Stormwater Resolution cover](#)

A RESOLUTION REDEFINING THE AVERAGE IMPERVIOUS AREA OF ALL RESIDENTIAL DEVELOPED PROPERTY PER DWELLING UNIT LOCATED WITHIN THE CITY AS 2,346 SQUARE FEET AND INCREASING THE RATE FOR THE STORMWATER SERVICES PROVIDED IN CONNECTION WITH THE CORAL GABLES STORMWATER MANAGEMENT UTILITY, WHICH WAS CREATED PURSUANT TO ORDINANCE NO. 3032 AND CODIFIED AS ARTICLE IV OF CHAPTER 78 OF THE CODE OF THE CITY OF CORAL GABLES, FROM \$4.50 TO \$5.00 PER MONTH FOR RESIDENTIAL SERVICE AND \$5.00 PER ERU (EQUIVALENT RESIDENTIAL UNIT OF 2,346 SQUARE FEET) PER MONTH FOR NON-RESIDENTIAL SERVICE; REPEALING ALL RESOLUTIONS INCONSISTENT HEREWITH AND PROVIDING AN EFFECTIVE DATE OF JANUARY 1, 2009.

[Note for the Record: A copy of the Verbatim Transcript of Agenda Item E-9 is available for public inspection in the City Clerk's Office and in Legistar].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-139. The motion passed by the following vote:

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 23

RESOLUTION NO. 2008-141**H.-3. 08-0573**

A Resolution accepting the bid of Gavarrete, Inc., in the sum of \$84,500.00, as the lowest and most responsive bid for the City Hall Ramp and Accessibility Improvements Project adding new accessible parking, a new ramp and stairs at Coral Gables City Hall to comply with ADA requirements, PWD #A-08-001.

Attachments: [City Hall Ramp cover](#)
[City Hall Ramp Resolution](#)
[Bid Proposal Tabulation Sheet Ramp](#)

A RESOLUTION ACCEPTING THE BID OF GAVARRETE, INC., AS BEING THE LOWEST RESPONSIVE BID, IN THE SUM OF \$84,500.00, FOR THE CITY HALL RAMP AND ACCESSIBILITY IMPROVEMENTS PROJECT TO COMPLY WITH ADA REQUIREMENTS, PWD #A-08-001.

[Note for the Record: Following the reading of the title to the Resolution for Agenda Item H-1 into the Public Record, **Commissioner Cabrera** inquired of **Public Works Director Alberto Delgado** through the City Manager, how long did he expect said project to last?-whereupon Mr. Delgado responded, an estimated two months; further informing the City Commission that the courtyard entrance to City Hall will be the official accessible entrance to City Hall, notwithstanding the fact that the legal official entrance is the 405 Biltmore Way Entrance, but said entrance is not ADA compliant. Commissioner Cabrera stated that he always was thought that the Courtyard Entrance was the Official Entrance since he believed there was signage above the archway.

Mayor Slesnick further inquired of Public Works Director Delgado regarding the impact of the construction, as it relates to the courtyard?-whereupon Mr. Delgado explained that a landing will be made, bringing the stairs down; said stairs will protrude allowing the width of the ramp (31/2 ft.), plus the width of the wall (4 ft.), that will be protruding to the courtyard; further explaining to the Commission that a handicapped person will be able to enter the gate entrance to the courtyard, and have the option of going through the courtyard, or going through the ramp (which will run parallel to the wall, to the parking lot) to a landing point.]

A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-141. The motion passed by the following vote:

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

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

City Clerk Item No. 32

Items H-4 and D-1 are related**RESOLUTION NO. 2008-136****H.-4. 08-0588**

A Resolution authorizing the City Manager to develop a non-binding Letter of Intent with Green Power, Inc., a Washington based corporation, setting forth all terms and conditions for the installation of Green Power, Inc. Waste-To-Fuel Solution Plants to be operated by the City.

Attachments: [Green Power Cover](#)
[Green Power Resolution](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO DEVELOP A NON-BINDING LETTER OF INTENT WITH GREEN POWER, INC., A WASHINGTON BASED CORPORATION, SETTING FORTH ALL TERMS AND CONDITIONS FOR THE INSTALLATION OF GREEN POWER, INC. WASTE-TO-FUEL SOLUTION PLANTS TO BE OPERATED BY THE CITY.

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-136. The motion passed by the following vote:

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

City Clerk Item No. 17

I. CITY ATTORNEY ITEMS**RESOLUTION NO. 2008-142****I.-1. 08-0589**

A Resolution authorizing the City Attorney to file suit against Quantum Leap Network, Inc., a Florida corporation, and Robert Burr, individually, for failure to comply with the terms of the agreement to transfer the domain name, www.venetianpool.com, to the City as agreed.

Attachments: [licenseagreement](#)
[comm_domainname.doc](#)
[agendacover_domainname](#)
[quantumleap.suit](#)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE SUIT AGAINST QUANTUM LEAP NETWORK, INC., A FLORIDA CORPORATION, AND ROBERT BURR, INDIVIDUALLY, FOR FAILURE TO COMPLY WITH THE TERMS OF THE AGREEMENT TO TRANSFER THE DOMAIN NAME, WWW.VENETIANPOOL.COM, TO THE CITY AS AGREED.

[Note for the Record: **City Attorney Hernandez** addressed the Commission regarding the request for authorization to file a lawsuit against **Quantum Leap Network , Inc.** and Robert Burr, for failure to transfer the domain name to the City; further pointing out that in Calendar Year 2004, the City had entered into an agreement for use of the domain name; further agreeing that following the conclusion of the City's agreement with **Mr. Burr**, he would transfer the domain name back to the City; further mentioning that since May of this year, there has been an attempt to resolve, but there has been a refusal to transfer the domain name without remuneration; further pointing out that there has been a waiver of fees at the Venetian Pool; use of the City's seal, and that the City has exhausted all means to resolve said matter amicably.

Commissioner Cabrera stated that he has been in conversation with Mr. Burr, who in return has read the City's memo as outlined, in response to our demand; further reiterating that he does not want to transfer said domain name for free; further pointing out that there is no where indicated in said agreement that there will be any exchange of monies. City Attorney Hernandez stated that there was never a requirement for any monies; that he has used the City's seal, its name, certain links, as well as the Venetian Pool. City Manager said the monetary value for usage of the Venetian Pool translates into \$1,700 per event.

Commissioner Withers in querying City Manager Brown wondered whether Mr. Burr in discussion said matter addressed the issue of transferring back the domain name to the City?-which Mr. Brown pointed out that **Mr. David Rogero** (the city's engaged contractor for trademarks, etc.) during his forty minute conference call, after twenty minutes became repetitious. Mr. Burr indicated that he wanted to return to the original contract to ensure that he would be allowed to have his annual party at the

Venetian Pool. Commissioner Withers stated that he has a problem with going after a resident in this manner, and that it is a little disconcerting since there is no middle ground. City Attorney Hernandez stated that she understands the consternation the City has in suing a resident, and some one that is known very well; however, the fact remains that the above referenced individual is using his personal relationship to prevent the City from enforcing the rights of 44,000 residents, as it pertains to his breach of contract. **Mayor Slesnick** added that said individual is flaunting in our face the fact that he will not comply with said contract. The City Attorney further stated that it is customary for her to allow a 30-day period before proceeding with legal action, in a last ditch effort, because once the City proceeds with litigation, it will need to recoup its fees. Commission Cabrera further pointed out that this party is using said venue as a link to promote his private business, and he is not furthering the interest of the City from the goodness of his heart.

Following discussion regarding said matter, Mayor Slesnick called upon the Commission to entertain a motion to authorize the City Attorney to move forward; further stating that she would make one last attempt to inform Mr. Burr that the City Commission has approved our City Attorney to proceed with same].

A motion was made by Commissioner Withers, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2008-142. The motion passed by the following vote:

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

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

City Clerk Item No. 33

J. CITY CLERK ITEMS

None

City Clerk Item No. 35

K. DISCUSSION ITEMS

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: It's that time.

Mayor Slesnick: Ms. Anderson, did you have any...

Commissioner Anderson: A few months ago I asked the City Attorney to get back with me on...to get back with us on issues of foreclosed properties and how we're doing Code Enforcement, and...

City Attorney Hernandez: Status?

Commissioner Anderson: Yes, just give me a status.

City Attorney Hernandez: I met with our Code Enforcement Division, and we met with the City Manager's office and Ms. Jimenez, and one of the things that we're putting...what we did was it was started as a smaller project which was just our foreclosure procedures, and what we wanted to do was bring back in October a presentation to the City Commission on our Code Enforcement; how we work with the residents in order to bring about compliance. We believe that our program is successful in preventing lawsuits. In the time that I've been City Attorney, I think we've filed less than half a dozen against our residents; and I think it's because of our good work of our Code Enforcement Officers; and so what we want to do is put a small presentation in October so you can see what we do with the Code Enforcement Board, our settlement and stipulation forms, and how we try to avoid foreclosure at all cost, and how we bring about compliance; and hopefully it will be an eye-opener for you, and you may come back with some suggestions on how we can further strengthen our process.

Mayor Slesnick: I'm just a little lost. You are talking about foreclosure based on the citizens owing us money, and we are foreclosing.

City Attorney Hernandez: Foreclosure based on non-compliance, based on lien foreclosures, based on mortgage foreclosure of banks, and how we continue to monitor and bring about compliance.

Mayor Slesnick: If I may, I just think in following up on this that as you drive around our City, we have some real sore spots because of whatever reason, but I would assume that some of them the banks have foreclosed. I just think that we need, I mean, our Code Enforcement Department has its hands tied behind its back of deviating from the timelines, which have been set by ordinance, but I think under some emergency

circumstances we are going to have to take a look at how to upkeep some of these properties; I mean, I don't care if we fine them or anything else, but for the good of the whole, and for the good of the citizens of that neighborhood there are some properties out there where there are rodents and I just think that we need to somehow...

Commissioner Withers: There is the landscaping component and there is the general look, they can be treated in two different manners.

City Attorney Hernandez: Yes, and we look at those issues...

Mayor Slesnick: We have machines that cut the grass.

Commissioner Withers: That's what I'm saying, it's not like we are going to put new roofs on or painting houses, so I think we can deal with it in two totally different ways to correct the issue.

City Attorney Hernandez: We can, and we can brief you on some of the tools at our disposal; there are of course some of we're prevented by Federal Law and trespass statutes on some of it, but on most of it we are able to work to bring about compliance. I will tell you that when the Code Enforcement Officials believe that they are being used as a tool of harassment in private citizens disputes, they will come to our office and there will be times when we present to the Board a concern that the City may be used as a tool; and at that time what we do is tell complaining parties that they need to file private nuisance actions. So that's also in the formula.

Mayor Slesnick: Let's forget about complaining parties, let's talk about the Manager taking a windshield tour of our City and picking out properties to send them the grass cutting crews.

City Attorney Hernandez: Absolutely...

Mayor Slesnick: Well, tell our guys to go out and cut the grass.

City Attorney Hernandez: We are happy to include that as part of the presentation.

Mayor Slesnick: If there is no one living in the house, but why wait, I don't want to wait until October to cut grass.

City Attorney Hernandez: Well, Mr. Mayor we are not waiting until October, give me an address.

Mayor Slesnick: I gave the Manager, wait a minute...I'm not talking to you Liz, because I never call you about grass; I called the Manager and I get the same feedback and I'm not saying that the Manager is not being courteous, but he says, well

we have to go out and ticket, and then we have to wait thirty days, and we do this; and you know at our house we cut the grass during the summer every week to keep up with it, so by the time we get to it the grass could be twenty-seven feet high and look like a jungle...

City Attorney Hernandez: And there are...

Mayor Slesnick:...I'm asking that we do something, maybe nothing out of the ordinary, cut some grass.

City Manager Brown: Maybe the answer is, and I don't know all of the legalities of it, that we have to reduce the times between the actions.

City Attorney Hernandez: Sometimes you're bound by Florida Statute.

City Manager Brown: OK.

Mayor Slesnick: If there is nobody in the house who is going to complain if we cut the grass.

City Attorney Hernandez: Well they are going to complain when they receive a lien, because we are going to lien the property, but anyway we will look at it...

Mayor Slesnick: How about this Liz, let's don't lien anybody, let's give it at least a free grass cutting on courtesy of the neighborhood, I'm serious; if the property is empty and the neighborhood is being destroyed by this property, let's go in and give a present and cut the grass one time. I called you about the property on Country Club Prado; I couldn't believe it, it was the worse...it was up in the north end, forget it. Maria, I'm sorry.

Commissioner Anderson: No, it's OK, not a problem. Just want to get that in October with all the "bells and whistles".

City Attorney Hernandez: OK.

Commissioner Anderson: On the 26th of August, I had asked for a review of the Segovia median and the round-about, if I could have that at the next meeting please.

City Manager Brown: That will be there.

Commissioner Anderson: And then I'd also asked for the issue of the senior programming, and I don't know when that's coming.

City Manager Brown: The 23rd.

Commissioner Anderson: OK. Thank you. That's it for me.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: OK, very good.

Mayor Slesnick: You'll appreciate this. Mr. Kerdyk and I have decided that we are going to gather the Commission as a grassing-cutting crew.

City Attorney Hernandez: Well there you go.

Commissioner Cabrera: I'll do the edging, I'll do the edging.

City Attorney Hernandez: You won't have to go to the gym next month.

[Laughter]

Commissioner Cabrera: I'm a good edger. Anyway...no, the weed-eater, I want the weed-eater, then you can just create all kinds of reckless abandon.

Mayor Slesnick: Thank you Liz for bringing that up, that was...

City Attorney Hernandez: Thank you Liz for briefing us; you're welcome Mr. Mayor.

Commissioner Cabrera: Now Mr. Cabrera. Oh, thank you, yes.

[Laughter]

Commissioner Cabrera: Couple of things. Mr. Manager.

City Manager Brown: Yes sir.

Commissioner Cabrera: We have Budget tonight, can you bring back a quick review of the Fire Explorer Program, and funding for it, because I had an opportunity to meet with one of our young Fire Explorers recently in a casual setting, and I learned that the program is lacking funding, and I tried to engage him in conversation to try to find out how much funding it required, and he didn't know, but its my...I guess from what I know the Police Department has funding, and a lot of that comes from the forfeiture...

City Manager Brown: Right, that's comes from the fifteen percent.

Commissioner Cabrera: Yeah, I was just wondering if in fact there was a problem with funding the Fire Explorer Program; if we could do something with fire inspection fees, because fire inspection fees go back to the Department, isn't that correct?

City Manager Brown: Well, it goes to the General Fund, but yes; if fire inspection fees were to put the Department over, I mean, exceed their budget and revenue, yes it would go there.

Commissioner Cabrera: I always thought that the fire inspection fee, because it was being done by our Fire Department, a large amount would go back to them.

City Manager Brown: No, it goes back into the General Fund, but...

Commissioner Cabrera: I'm just curious.

City Manager Brown: You make a point about...I never thought about the ability to have, and...[inaudible]...but I'm not sure whether the LETF could fund the Fire Explorers too.

Commissioner Cabrera: Yeah, I don't know, but I wasn't looking for that, but I was simply looking to find out (a) What is the cost of the Fire Explorer Program?- and (b) Is there a way to bring funding to it through either fire inspection fees, and you bring up the Law Enforcement either the Trust Fund or the forfeitures funding?- I don't know; I just know that this young man was very quick to tell me that the program is going down the tubes because there is no funding for it.

City Manager Brown: I'll be prepared tonight.

Mayor Slesnick: I donated the money for their new pants, which are very expensive, about a year ago or so.

Commissioner Cabrera: I did that two years ago.

Mayor Slesnick: I agree, it's a wonderful program, it's a limited cost.

City Manager Brown: I agree; let me see if I can speak with the Chief before tonight and be prepared to answer those questions.

Commissioner Cabrera: Mayor Slesnick donated from his campaign fund; I donated from mine several years ago; it really and truly is a great program for young people.

City Manager Brown: I don't disagree Commissioner, let me see what I can do.

Mayor Slesnick: It needs to be publicized among our youth when the opportunities are there to make sure.

Commissioner Cabrera: You know, the time I went there with a check, I was really surprised they were meeting at Fire Station 2; and I think there were probably fifty young people in the room - forty to fifty young people in the room; and that's great that you also donated to their program. Great, I look forward to getting your feedback on that. Secondly, I want to talk to all of you about power outages; and we've been blessed by the fact that we have, you know, we can breathe a sigh of relief with "Ike" on this one; but more and more power outages are occurring in Coral Gables; and I have come to the conclusion based upon my relationship with Florida Power and Light, and what I know from City staff, that the majority of these power outages are occurring because of poor vegetation management. Let me give you an example of how bad things are. You know, here's what's going to happen to our City; we are going to go through this hurricane cycle this season, that we are right in the middle of it; and we are going to get hit, we are going to get a "Cat" 1 or 2 or God forbid a "Cat" 3 or above, and we are going to have power outages throughout the entire City; and we are going to be without power anywhere between three and four weeks. Don Slesnick's going to have power within two days, everyone knows that, but the rest of us will have to wait a long time...[laughter]...The point here is the power outage is vegetation management, and I bring you to an area that is south of Alhambra, west of Granada, north of Coral Way; and I guess east of Fifty-Seventh Avenue, that quadrant heavily residential area, in the last couple years, five hundred and thirty-one citizens have refused to allow the FPL crews or their subcontractors to go into their backyards to trim the vegetation management; and we'll assemble another committee to fight with Tallahassee and to fight with FPL, but the bottom line is, I know the enemy and the enemy is us; so I don't know when we are going to take a stronger stance on this issue, but at some point in time we are going to have to bring FPL in here, and have a very serious conversation about creating legislation so that these people can do their jobs, and I'm talking about the FPL crews; and there's got to be some middle ground. Hey, listen; I love the vegetation in my backyard. We used to have like ten fish tail palms, and I removed them when I learned how they could damage the entire lateral in my backyard and the transformer. We cut this gorgeous Presidential Palm down because it was abutting a transformer; and I understand the implications of having clear lines, but you know what, all of that effort, and all the money that I lost in that exercise yielded nothing; because the bottom line is the neighbors to my left and my neighbors to my right still have all kinds of vegetation growing on those power lines. So at some point in time we are going to have to take a really strong position on this issue; and I'd rather do it sooner than see it happen later, and through what we went through with Katrina and Wilma, where we got practically death threats from residents who did not get their power back; and I'm telling you that now is the time to try to react to this, and now is the time to negotiate or develop a partnership with FPL. You know, this neighborhood here that I'm talking to you about, there are residents that are quite

upset over these issues, but at the same time our hands are tied; we can't make five hundred and thirty-one people comply with FPL's requirements of vegetation management. So at some point in time we are going to have to take a much stronger position; and I'd like to see it happen before the end of this hurricane season.

City Manager Brown: I will...right after this meeting, I'm going to set up a meeting with Ramon Ferrer and City Attorney and probably Dan Keys, to talk about vegetation management and probably also Ed Weller as far as Code Enforcement, because we have been utilizing, or been trying to utilize the franchise agreement of which they do have the right to enter easements to cut the trees, but they are afraid to, Commissioner, because they don't want to get sued, and we've got to figure out how to break that.

City Attorney Hernandez: They want the City to indemnify them.

City Manager Brown: And we have to figure out how to break that deadlock, and you're correct.

City Attorney Hernandez: What we can do is ask Mr. Ferrer in the meantime to provide to us copies of any programs that have met with success in other communities.

Commissioner Cabrera: You know, he gave me a copy, and I don't know whether its Pinecrest or Palmetto Bay where they have an agreement set up...

Unknown Speaker: Pinecrest.

Commissioner Cabrera: OK, its Pinecrest; I have furnished City staff with a copy of that, maybe that's a starting point for us, and would you include me in that meeting, Mr. Manager?

City Manager Brown: Yes sir.

Commissioner Cabrera: I really would appreciate it. Madam City Attorney, I guess it was two or three Commission meetings ago, Commissioner Withers brought up a question regarding a section of the Charter that I was quoted in a newspaper editorial. Did you ever have the opportunity?

City Attorney Hernandez: We are finalizing the research and that had to do with the issue of Mr. Bermello's presentation.

Commissioner Cabrera: Well, Mr. Withers comment had to do with Mr. Bermello's; my editorial had to do with the Coral Gables Country Club.

City Attorney Hernandez: Right.

Commissioner Cabrera: And I'd like to get some sort of closure.

City Attorney Hernandez: OK, I'll get this to you by Friday.

Commissioner Cabrera: Well, OK, or maybe by the next Commission meeting.

City Attorney Hernandez: Alright.

Commissioner Cabrera: OK. Great, because I don't want that to go by the wayside.

City Attorney Hernandez: OK.

Mayor Slesnick: Maybe you can come back when the vegetation control.

Commissioner Cabrera: Yeah.

Mayor Slesnick: David, I think that we ought to step up...I mean, I know this may be minimally affected, but at least in the interim step up some of the things we do on Channel 77 and on E-News about vegetation control.

City Manager Brown: OK.

Mayor Slesnick: So at least we'll offer the education to the citizens.

City Manager Brown: Yes.

Commissioner Cabrera: Good idea, very good. Madam City Attorney, the only reason I brought this up publicly is because it also affected Commissioner Withers request, and I wanted him to know...

City Attorney Hernandez: OK, that's fine. I appreciate your...priorities change everyday depending on fire service litigation or not.

Commissioner Cabrera: Yes that's true; you did an exceptional job with that.

City Attorney Hernandez: A little back burner there for a few minutes.

Commissioner Cabrera: You did an exceptional job with that, you really did.

City Attorney Hernandez: Thank you, we appreciate it.

Commissioner Cabrera: And that brings me up to that issue of fire services and the

consolidation. I want to thank publicly our City Attorney for taking a very active role. I also want to thank Commissioner Gimenez for meeting with us on a Saturday morning, and being very proactive toward the City of Coral Gables, as well as Commissioner Sosa; I want to make sure that she knows how much we appreciate her efforts. I'd like to also ask that, at some point in time before the Holidays, I'd like to invite the BID to come before us; not to give us a, gee, this is the wrong phrase, but I'll use it anyway, not to give us a "song and dance" about the BID, but to tell us what's going on with vacancies on Miracle Mile, if they can shed any light on all the vacancies that we are seeing on the Mile.

City Manager Brown: Alright.

Commissioner Cabrera: And the Central Business District; I would welcome any input from them as well as our Development Department, because I see more and more of these vacancies each day and I'm just wondering what's going on - we all know what's going on with the economy, but I was just wondering what steps and what efforts are being made to bring more people, more commercial business to this area; and I certainly welcome their input.

City Manager Brown: In the Budget presentation tonight, you'll see that our business licenses are down because of that very thing.

Commissioner Cabrera: Yeah. And last, but certainly not least, I wanted to bring to my colleagues attention to the fact that I'm working on an issue that's somewhat sensitive; and I want to make sure you all know about it way before it starts to develop a life of its own; but Riviera Day School, which has been around since 1950 has for its history never been allowed to use the park next to it, for any kind of organized activities; and I make no bones about this; and I will publicly state it for the record, my children attend Riviera Day School; so if anyone wants to come after me because I'm doing something for my kids, that's perfectly OK, I'm just fine with it. But I also happen to be a parent at that school, that sees other children and other parents; and I have to tell you I'm going to try to work with the RNA, the Riviera Neighborhood Association, to present them with a conceptual proposal on the school using the field during school hours for selective days, selective hours for organized activities; and I know that some of the neighbors at the Riviera Neighborhood Association are very strongly opposed to that, but I know of no school in this country that has limited or prohibited access from a public park next to it, and I think a school is a core element of any neighborhood; and I just think its important that I work on this issue before the end of my term in office; and I wanted you all to know that I'm going to take a strong position, but I'm not going to do anything without first contacting the Riviera Neighborhood Association, their leadership, their Board; and presenting them with a proposal that's conceptual in nature, allows them to talk to the school, allow our Parks and Recreation Director to be involved, and of course through our City Manager's office; I have contemplated a

few things like having the school help the City with the upkeep of the field, or the section of the field that they would be using, ensure that only a certain part of the field is used by the school, so it doesn't affect the quality of the neighborhood; all kinds of variables that I'm going to introduce to hopefully get the Riviera Neighborhood Association to support this; and once they do, then I'm going to come to all of you for support. Ironically, we have no legislation in place in our City that prohibits the use of that park by the school except for a permit process, that's the only element that legislatively we have in place. But I do want everyone here to know that I would never move forward with a project like this, if I did not have the support of the Riviera Neighborhood Association. So I'm seeking their support first; and if I don't get it, then I'm going to abandon the project, but I will not abandon the project if I get their support and there's a few people that don't want this simply because they don't want to see the park being used; and incidentally and lastly, in all the days that I take my kids to school, I have never seen any activity at that park; in all the days that I go to Publix on Manza, I never see a living soul at that park with the exception of a casual walker, walking around the sidewalk around the park. That's my comment, and if I offended any of you, I apologize, its not my intent to offend you; if you all have a real serious problem with what I'm going to try to do, please say so, and I'll be sensitive to your concerns; and I'll try to keep you in the loop through the Manager's office.

Mayor Slesnick: I wish you luck. I tried two years to talk about the use of the park by the school and got shot up kind of badly, so good luck, God bless.

Commissioner Cabrera: Yeah well, OK well, this is not the best job we're ever going to have. So what's the worse they can do?- fire me. We are going to take a whack at it and see where it takes us. I'm going to really work hard on this and Fred's been really helpful; and the Manager's been supportive; and a couple of members of the RNA have given me the opportunity to put together my thoughts; so I'm going to try to present them in a methodical, organized manner; and hopefully we'll be able to get through this one. But I will tell you, if its one or two people, I'm ready to go. I'm not going to let one or two people ruin it for these kids. You know what the weirdest thing of all is?- these kids go to the Chip Withers neighborhood park for their activities, because that park has no limitations, or no restrictions. So they bus them from Riviera two and-a-half - three miles to, what's the name of that park Chip?

Commissioner Withers: JC.

Commissioner Cabrera: JC Park...and they've

Mayor Slesnick: Chip loves kids.

Commissioner Cabrera: I know he does. He's "do-da."

Commissioner Withers: I sell lemonade to them.

Commissioner Cabrera: That's it for me. Thank you very much.

Mayor Slesnick: Bill.

Vice Mayor Kerdyk: Just very quickly; speaking of park usage, both Commissioner Cabrera and I had an interesting Sunday afternoon at Venetian Pool with about two hundred and fifty other dogs and people, it was very well done; and the usage of Venetian Pool with all sorts of dogs, all sizes, all shades, everything, it was quite an experience.

Commissioner Cabrera: I saw you push your dog into the pool.

Vice Mayor Kerdyk: He just couldn't get over that lift.

Commissioner Cabrera: Kerdyk's dog did not want any part of that water.

[Laughter]

Commissioner Cabrera: And the worse part was the whole place smelled like "wet dog"; you just wanted to leave that place.

Vice Mayor Kerdyk: But it was very interesting; and I know that we are going under substantial renovation of Venetian Pool; and it was the ideal time to do it; and I can tell you some foreign visitors to our City was just stopping in the middle of the road and just watching this parade of dogs come in and out of Venetian Pool in amazement. So it was a good experience, and Fred, I'd like to congratulate you for putting on such a show. The other thing is that Harriet Liles did a very nice job with the Pinewood Cemetery today. I brought it up before and I think we should visit it. I think there should be some type of memorial for public officials in the City of Coral Gables that have passed on, maybe a bench with names or whatever they come up with, but something that really pays a little tribute to people who have served the City of Coral Gables well; this is our City Cemetery, its just a nice way to offer a little bit of gesture to it...even a rock.

City Attorney Hernandez: Even a little walkway, you know, in between the stones dedicated to a name.

Vice Mayor Kerdyk: So I think that's very good; I think something like this, Mr. City Manager, would you please come back with something that you can present to the City Commission. Thank you Mayor.

City Manager Brown: Alright.

Mayor Slesnick: Chip.

Commissioner Withers: Two things real quick. Dave, some time ago we put together a program on defibrillators in restaurants and public areas...

City Manager Brown: Yes.

Commissioner Withers: I'd like to see some statistics on that, if it's been successful, if we've used them, feedback.

City Manager Brown: OK. I'll have a memo.

Commissioner Withers: And second, to follow up on Ralph's comment about our fire services, I do compliment all the same individuals and personally again apologize to Rebecca Sosa, if I misrepresented her position. But I really feel that we left the job half done.

City Attorney Hernandez: Right.

Commissioner Withers: I feel that we really abandoned our fellow cities; I feel that we just really threw them under the bus, and its very disappointing that now the five communities have survived and selling their birthright for a bowl of porridge, and its really disappointing that again we let the County mandate to us what we have as I feel an inalienable right. I don't know what this does to the futures of High Pines, the futures of Ponce Davis, other areas that we want to annex; I don't know how that affects our long term master plan on our growth on our boundaries, but I would really encourage this City to move forward with changing of the Home Rule Charter. At the Legislature...at the State level is one issue and then also...I know the ramifications because Dade and Broward, if I remember, actually are two constitutionally formed counties, unlike the other sixty-six in our State, so I just think we should aggressively...this thing is not going away, I think we should push our position forward; I think we should reach out to the other thirty-five or how many communities in our area, and resolve this issue once and for all, because I just feel that we just really sold our brethren short on this. I don't know how the rest of you feel.

City Attorney Hernandez: And Commissioner Withers, from my perspective its not over; I'm in the process of setting with the Manager's office, one and one meetings with each of you and our Special Counsel, Mr. James Sterns, in my office. I can tell you that until we have a legally binding opinion from the County Attorney's Office that this will not impact future annexations; it is my position that the way this is worded leaves it up in the air; and if we were to annex a High Pines or Little Gables, and the County takes a position that they are going to continue to provide services or attempt

to charge us for the transfer of those services, it could potentially affect our accreditation and our Class I standing; and we have to be and continue to be vigilant and concerned about it. So I don't believe from the City's perspective its over; and I still feel that we have to finish our, at least general individual discussions with you, as to where each of you feel we should go, so then I can put forth a presentation that I feel will answer many of your questions; and I can seek additional direction from you.

Commissioner Withers: Liz, it's even beyond that. You know, one of the reasons that I thought one of the real benefits and why I pushed so strongly on the providing of fire services to Pinecrest, was that I kind of felt it build a little bit of a coalition between our two communities. There are issues now that we are looking for the assistance of Pinecrest; our relationship with them is, I think they very rightly so can look to us and say, where were you in our hour of need?- and we were absolutely nowhere; we threw them under the bus, and we did that to several communities that were looking to us for leadership; and I'm just so disappointed that we folded under the pressure and didn't stand up to it. I don't know how the rest of you feel; but I mean, I was happy, yes that our issue was resolved, but I really think we did not take a stronger position in support...

City Attorney Hernandez: I absolutely think that the issue needs to be further discussed by the City Commission, because we as your appointed officials need direct, you know...

Commissioner Withers: David knew how I felt; going into the meeting he knew exactly how I felt.

City Attorney Hernandez: Absolutely, I knew exactly where you were coming from on that and the League of Cities is always advising us that they feel that one of the reasons that the League is not as strong as it is, is because we are a very fractured group of cities because we don't join in one for all and all for one; sometimes its one city, sometimes its another, I personally feel very proud of our City because many times we are at the forefront fighting battles that is going to impact all the Cities, but in this situation I do think that we need further discussion as to where we want to go with this.

City Manager Brown: Let me add...when we sat down with Mr. Sterns first-off and this issue was starting to raise its ugly head, he said that the long term solution was exactly what you said, Home Rule Charter, but in front of us immediately was, at least the preservation of our department, and I don't think this is over by any shape or form.

Mayor Slesnick: Well, before we beat ourselves too much here, number one, is that a lot of the cities our brother and sister cities that you are concerned about did not step up to the plate while we were trying to save our Fire Department; and I was in one of those meetings with several Cities that have County service and their concern was at a

very low level for our situation because it meant lower taxes for them. So I'm afraid that there are just our self interests that you just can't over come; and of course our obligation is first to our citizens and secondarily, I guess, the citizens of other cities. I'd also say to you in response, and of course I'm the person, I guess, that you could point the finger at that said caved in the face of pressure in the Pinecrest issue; but even the Pinecrest City Commission at that time was split on that issue, it was not a unanimous vote; it was close by one vote to ask us to provide services, and the Mayor at the time who is a personal friend, and who I disappointed in my vote by the way, and he and I have certainly had a conversation about that, is retiring and a person...either one of two people are going to become Mayor; one who was not on the Commission, or the one who voted against asking the City of Coral Gables. I mean, I really think that there is future out there; I don't think that there any communities that are saying that Coral Gables have let them down; I think actually from the League of Cities feels that Coral Gables has been through Liz and others, a leader in these battles. I don't disagree with anything you've said, because you say a lot of your own opinion, and I actually as you know, I have a great deal of appreciation and respect for your opinion, and I'm not arguing, I'm just putting forth that they are...

Commissioner Withers: I know you're not, I know you're not, but the perspective of the other communities out there, I guarantee you, now are these five communities got their way, and I think the animosity toward us for basically getting our way has even caused more issues than there were before.

Vice Mayor Kerdyk: But where were they during our process...

Commissioner Withers: We never reached out to them.

Vice Mayor Kerdyk: There were a lot of people reaching out to them, yes.

Mayor Slesnick: Well, let me say this, I am more than happy, that doesn't argue the issue of what they are, I just think that I am more than happy and I don't know of anyone on this Commission that isn't willing to do what it can take to reach out and rebuild relationships if we have to, or just strengthen relationships if that's the better word for it.

Commissioner Withers: Again Don, that was me venting on my disappointment...

Mayor Slesnick: Well, do you understand how disappointing I was personally in myself when I had to sit and listen to the County Manager at the meeting that Rebecca Sosa had, and I sat there and told them in front of four other Mayors, I said you know, George you came, you leaned on us, you looked me in the eye, you said we were partners, and you said you got to do this because this is the way a partner acts, and I did it and then I got stabbed.

Commissioner Withers: Right, right.

Mayor Slesnick: I mean, I personally felt...

Commissioner Withers: And his response was?

Mayor Slesnick: He didn't see it that way.

Commissioner Withers: That's the whole point, Don.

Mayor Slesnick: I know. I understand.

Commissioner Withers: That's what I'm saying, I mean, its not...

Mayor Slesnick: But I'm not carrying that; I'd like...well what can I say?

Commissioner Withers: There; I'm done.

City Manager Brown: One item. I don't know that any of you noticed, but about two weeks ago a large, large branch on the Brazilian leafy tree out on Merrick Park fell off, and it's the western most tree that points to the little triangle where the wild flowers are planted, and it's a huge, huge chunk of that tree. I'm going to pass down a report because we've asked an outside horticulturist to take a look at that tree; this wasn't a little branch this was a huge, huge section of the tree, and Dan is now reviewing the report from the arborist and horticulturist, but the report is going to tell you that they think the tree is not going to survive and that we may have to remove it. Now, no decision has been made on that, but that tree is fifty feet tall, seventy feet at the crown, its one of the huge, huge trees in the park; certainly if removal is required its going to change the character of the park. I just wanted you to know that we are looking at that; I don't want there to be any surprises, but its kind of one of your friends out there got hurt pretty bad; and so Dan doesn't want to loose a tree and doesn't want to loose any tree, but we certainly are looking at this. I just wanted to bring that to your attention. Dan, do you want to add anything.

Mr. Keys: This is a consultant we use from time to time...[inaudible - off mike]...we have our own opinion about the tree and we have this very high, highly qualified and respected person in Dade County, deals with many, many tree issues; and he's come forward with a recommendation to take the tree out. The problem with this tree is two-fold remaining; there is large co-dominant stems that are on the tree and there is a hollow section in the main section of the tree, and when you are trying to make the decision as to whether or not to take out a tree, you take a look at three circumstances; the potential for the tree to fail, an environment that's conducive to the tree failing, and a potential target. We certainly know in that park there are potential

targets, meaning individuals, automobiles, park furnishings, etc. that make the decision a very important one, and in South Florida as evidenced by a recent brush with the hurricane. We know we have an environment that can cause additional stress on trees, and additionally the potential to fail is very high. We already had a failure in this tree, and we have conditions that are conducive to that happening in the future. Any questions, I'll be happy to answer.

Mayor Slesnick: Martha, Martha, don't leave. If we had to remove the tree, what is the larger size tree that we can put there?- I understand what you normally want to put, and you normally say is good for the tree, but what is the largest size tree that could be put? I mean, both horticulturally speaking and technically speaking.

Mr. Keys: Reasonably something that is ten inches in diameter, so we could probably get down the street from some nursery, or some location in the City where we transplant it from.

Mayor Slesnick: How big a tree is that?

City Manager Brown: Dan, ten inches in diameter translates to how many feet tall?

Mr. Keys: Twenty-five to thirty feet, fifteen foot-twenty foot ground, that's quite an undertaking Mayor, and my concern because of what this park is, and the people that are in this park and a number of people that utilize it, would be to try to find the most structurally sound tree that we could possibly put in that location, and sometimes we'd have to look for one to transplant to fit those requirements.

Commissioner Anderson: Are you going to slide it in? [Laughter].

Mr. Keys: Public Works Department is the one that slides trees.

Commissioner Cabrera: OK Dan, be honest with us; OK who backed into the tree? [Laughter].

Mr. Keys: Happened in the middle of the night, so I don't know.

City Attorney Hernandez: Did somebody back into it?

Commissioner Anderson: If this is imminent, I think we should make sure this is fairly publicized so people understand where the rationale came from and for safety.

Mayor Slesnick: Did the Miami Herald get a copy of this?

City Attorney Hernandez: Yes, they have a copy.

Mayor Slesnick: OK...

City Attorney Hernandez:....immediately handed a public records request.

Mayor Slesnick: Well you know, I don't know if I speak for the Commission, but we've got to do what we've got to do, and lives are...trees are critical but lives are also critical. Following up on the tone of Ms. Anderson's comments about the sign of the times, foreclosures, and the issues of the neighborhoods, and then Commissioner Cabrera's question about the businesses on Miracle Mile, I just want to see if there is some way we can't help facilitate new businesses in their signage. I'm not suggesting not giving them the appropriate...I mean, I'm not suggesting letting them have something not appropriate or outside the Code, but I am suggesting a facilitation; it is so hard for businesses to make it these days that any extra burden we put on them by making them wait...David?

City Manager Brown: I'm thinking about it. Let me ask this question, while we are talking about this, are you talking about something like, maybe this is the wrong word, canvass sign up right away until their sign goes up.

City Attorney Hernandez: Less tracking, the process.

City Manager Brown: Less tracking that we can do.

Mayor Slesnick: No, I'm not talking about canvass signs, although that may be something to do, I'm not really speaking about that at all; I just know that there are businesses that are going months without signs, and they can't make it; especially the little businesses, they are the ones that we need to give a helping hand. Actually Martha, I don't know that I needed you back, because your Code enforces oppose to approve, but I thought about you and signs.

Vice Mayor Kerdyk: I'm not so sure it's just for signs; it might be the permit process for some of the smaller businesses trying to do renovations or improvements to their property.

Mayor Slesnick: Is this your area?

Ms. Salazar Blanco: Yes, signage yes, it is also. As far as signage on Miracle Mile, sometimes the reason why it takes a little bit longer is because of the signed contractor, by the time we go back and forth telling them what they need and what they are allowed to do, it takes some time, and...

Mayor Slesnick: But there have been extended periods on some people's efforts, and they have really been hurt.

Ms. Salazar Blanco: We'll work better on that.

Mayor Slesnick: I'm not sure if I'm right or wrong, you may have solved this already, but for instance the new little chocolate store over on Aragon.

Ms. Salazar Blanco: That's been resolved.

Mayor Slesnick: That's been resolved.

City Attorney Hernandez: There's a new chocolate store on Aragon?

Mayor Slesnick: Yes.

City Attorney Hernandez: You've got to get those signs approved quickly [Laughter].

Mayor Slesnick: What we can do to help businesses in their time of need without breaking the law is, you know...

Ms. Salazar Blanco: We'll work better on that.

Mayor Slesnick: Thank you Martha, appreciate it. That's all I have, and I think we are going to be back here at 5:01 p.m. for our Budget Hearing. Thank you all.

ADJOURNMENT

[Note for the Record: There being no further business on the Regular City Commission Meeting Agenda. The Commission of the City of Coral Gables adjourned its meeting at 1:21 pm on September 9, 2008. The next regular meeting of the City Commission has been scheduled for September 23, 2008, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK