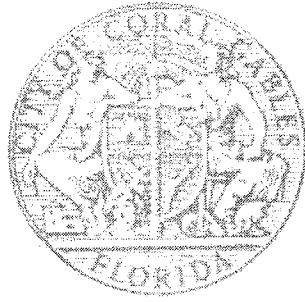


# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, January 8, 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***

**DESOTO FOUNTAIN RESTORATION CELEBRATION - 6:00 P.M.**

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

**INVOCATION****PLEDGE OF ALLEGIANCE****A. PRESENTATIONS AND PROCLAMATIONS**

A.-1. Recognition of Ryan Eastham for his donation of Teddy Bears to the Coral Gables Police Department

Attachments: COMMISSION COVER MEMO RE TEDDY BEARS.doc

**Recognized**

[Note for the Record: Ryan Eastham, in response to an inquiry made by the Commission regarding his donation of teddy bears to the Coral Gables Police Department project, explained that he reached out to his teachers, along with his mother, who assisted him in obtaining teddy bears, which resulted in over 200 students donating money toward said initiative over an approximate two month period; further noting that said teddy bears were stored in his living room. Whereupon, Mayor Slesnick requested of Ryan and his family to join him and the members of the City Commission in a photo session on the dais].

*City Clerk Item No. 1*

Item A-2 and Item C-1 are related

**A.-2.** Recognition of the Tenet Health Care Foundation for donating \$10,000.00 to the Coral Gables Police Department Automatic External Defibrillators Upgrade Project

**Recognized**

[Note for the Record: City Manager David Brown acknowledged the Tenet Health Care Foundation for its \$10,000 donation in furtherance of the Coral Gables Police Department's Automatic External Defibrillators Upgrade Project; further noting that Major McNichol in representing Chief Hammerschmidt, stated that his department was contacted out of the blue by said organization, regarding whether or not the Police Department had any type of program in place that would qualify for its grant program; whereupon the Police Department applied for same and received a \$10,000 grant, in order to help purchase the updated mobile AD Units.

Mayor Slesnick requested through the City Manager to the Police Department, that if someone would prepare a letter in connection said matter to the sponsoring organization providing the grant award, then he on behalf of the Commission would ensure that the prepared letter would go out to the Tenet Health Care Foundation].

*City Clerk Item No. 2*

**A.-3.** Presentation of 20-year service pin to Gregory L. Talton, Public Service Department

**Attachments:** Gregory Talton - CoverMemo.DOC

**Recognized**

[Note for the Record: Gregory Talton who began his tenure with the City on January 3, 1988, initially as a Sanitation Worker in the Public Service Department, and later moved through the ranks while serving as a Sanitation Operator ('94); Sanitation Operator II ('96); Crane Operator (February '97), and currently serves as an Equipment Operator III; said individual who has distinguished himself as one with excellent work habits; leading by example, following all rules and regulations, while imparting his problem solving skills effectively with residents, was presented with his twenty-year service pin. He thanked his director (Dan Keys), his Superintendent, Solid Waste Division (Certy Moreno), as well as the City for giving him the opportunity to serve, as well as the Mayor and members of the Commission, all of whom had seen him along his route; further wishing that his mother, who was ill, could have been in attendance].

*City Clerk Item No. 3*

**A.-4.** Presentation of 20-year service pin to Lt. Michael H. Frevola, Police Department

**Attachments:** Michael H. Frevola - CoverMemo.DOC

**Recognized**

[Note for the Record: City Manager David Brown presented Lieutenant Michael Frevola with his twenty- year pin, noting that he began his career with the City on January 8, 1988, serving as a Police Recruit, later becoming a Police Officer in May of the same year; further stating that through hard work, talent and skills, he was promoted to Sergeant, later serving in the Uniformed Patrol Division, Criminal Investigations and Community Affairs Division, being appropriately labeled as the “Voice of the City” for three years, before assuming his current title of lieutenant; presently serving in the Technical Services Division, where he has assumed responsibility for managing the reconfiguration of our 911 Center.

City Manager Browns recalled having met Mike during hurricane preparations at our Emergency Operating Center, whom he appropriately dubbed the “church mouse,” for his assistance with the hurricane preparatory setup.

Lieutenant Frevola thanked the Commission, stating that he has appreciated his years with the City; further noting that he intends to serve several more years more before *retirement*].

*City Clerk Item No. 4*

A.-5. Presentation of 20-year service pin to Officer Alex B. Castello, Police Department

**Attachments:** Alex B. Castello - CoverMemo.DOC

**Recognized**

[Note for the Record: City Manager Brown in giving Officer Alex Castello his twenty year pin, noted that he appreciated the effort demonstrated by him in being present, considering he was under the weather; further pointing out that Officer Castello began his career with the City on January 8, 2008, as a Police Recruit, later becoming a Certified Police Officer in May of the same year; further noting that he is a well respected member of the Motorcycle Unit, Special Enforcement Division, as well as the SWAT Team; further stating that Officer Castello is acknowledged for his professional attitude, high degree of conscientiousness, flexibility and talents, serving as a member of the Rescue Reconnaissance Team; further citing that he has been the recipient of several accolades, having received the Officer of the Month Recognition four times (during Calendar Years '89, '92, '94, and '03, respectively), as well as having received honorable mention for Officer of the Month, four times as well. In accepting his pin, Lt. Castello, stated that he is not much of a public speaker, however, he thanked the City and is happy to have served the City for the past twenty years].

*City Clerk Item No. 5*

**B. APPROVAL OF MINUTES**

B.-1. Regular City Commission Meeting of December 11, 2007

**Attachments:** CCMtg December 11 2007 agenda item H-1 - Presentation of Trolley System Study.doc, CCMtg December 11 2007 agenda item H-2 - Interlocal Agreement.doc, December 11, 2007 - Meeting Minutes.pdf, CCMtg December 11 2007 agenda item E-8 - Ord entitled Waterways.doc, CCMtg December 11 2007 agenda item E-1 - Art in Public Places.doc, CCMtg December 11 2007 agenda item H-7 - Reso for three Jean Ward Sculptures.doc

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

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

*City Clerk Item No. 6*

**C. CONSENT AGENDA**

Item C-1 and Item A-2 are related

**Passed The Consent Agenda**

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

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

**RESOLUTION NO. 2008-01**

**C.-1.** Resolution accepting a grant award from the Tenet Health Care Foundation Grant Program in the amount of \$10,000.00 for the Coral Gables Police Department Automatic External Defibrillators Upgrade Project.

**Attachments:** Tenet Health Care Resolution.doc, Tenet Health Care Resolution Cover Memo.doc

**This Matter was adopted by Resolution Number 2008-01 on the Consent Agenda.**

**A RESOLUTION ACCEPTING A GRANT AWARD IN THE AMOUNT OF \$10,000.00 FROM THE TENET HEALTH CARE FOUNDATION GRANT PROGRAM FOR THE CORAL GABLES POLICE DEPARTMENT AUTOMATIC EXTERNAL DEFIBRILLATORS UPGRADE PROJECT.**

*City Clerk Item No. 7*

**RESOLUTION NO. 2008-02**

C.-2. Resolution authorizing expenditure in the amount of \$10,000.00 from the encumbered Coral Gables Police State Forfeited Asset Fund (F.A.F.) monies to provide for a donation to the capital fundraising campaign entitled A Matter of Honor: The Campaign for the National Law Enforcement Museum.

**Attachments:** Resolution Draft - \$10000- National Museum Donation-Jan 2008.doc, Resolution Cover Memo-Jan 8 2008-Police Memorial Museum Donation.doc

**This Matter was adopted by Resolution Number 2008-02 on the Consent Agenda.**

A RESOLUTION AUTHORIZING EXPENDITURE IN THE AMOUNT OF \$10,000.00 FROM THE ENCUMBERED CORAL GABLES POLICE STATE FORFEITED ASSET FUND (FAF) MONIES TO PROVIDE FOR A DONATION TO THE CAPITAL FUNDRAISING CAMPAIGN ENTITLED "A MATTER OF HONOR: THE CAMPAIGN FOR THE NATIONAL LAW ENFORCEMENT MUSEUM". THIS DONATION TO BE SUBMITTED VIA THE MIAMI DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE.

*City Clerk Item No. 8*

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

C.-3. Board of Adjustment Meeting of December 3, 2007

**Attachments:** COVERSHEET RECAP 12 03 2007.doc, DEC 2007 NEWSPAPER AD.tif, Recap December 2007 (2).txt

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

*City Clerk Item No. 9*

C.-4. Budget/Audit Advisory Board Meeting of November 8, 2007

**Attachments:** 010808-Cover Memo CC Minutes 110807.doc, 110807-Minutes.doc

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

*City Clerk Item No. 10*

C.-5. Coral Gables Merrick House Governing Board Meeting of December 3, 2007

Attachments: Merrick House Board Minutes-December 3, 2007.pdf, CGMHNoAction-12.3.07Minutes.doc, DECEMBER CURATOR REPORT.pdf

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

*City Clerk Item No. 11*

C.-6. Landscape Beautification Advisory Board Meeting of December 14, 2007

Attachments: BC Cover Sheet 12-14-07 na.DOC, Landscape Advisory Board Minutes 12-14-07

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

*City Clerk Item No. 12*

C.-7. Library Advisory Board Meeting of December 12, 2007

Attachments: Accomplishments 2002-07.doc, LB Cover Sheet 12-12-07na.DOC, Library Minutes 12-12-07.doc, Library Report 12-07.jpg

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

*City Clerk Item No. 13*

C.-8. Parking Advisory Board Meeting of November 29, 2007

Attachments: cover pab 11-29-07.doc, pab minutes 11-29-07.doc

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

*City Clerk Item No. 14*

C.-9. Parks and Recreation Advisory Board Meeting of December 14, 2007

Attachments: Cover Memo 12-14-07 Summary.doc, Min 12-14-2007.doc

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

*City Clerk Item No. 15*

C.-10. Pinewood Cemetery Advisory Board Meeting of November 13, 2007

**Attachments:** Pinewood minutes November 13 2007.pdf, 11.13.07NoAction.doc

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

*City Clerk Item No. 16*

C.-11. Senior Citizens Advisory Board Meeting of December 3, 2007

**Attachments:** Cover Memo 12-03-07 Summary.doc, Min 12-03-07 Draft (3).doc

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

*City Clerk Item No. 17*

### **RESOLUTION NO. 2008-03**

C.-12. Resolution granting a one-day permit to O/E Arts and Culture to sell alcoholic beverages from 6:00 p.m. until 11:00 p.m. on Saturday, January 26, 2008, at the Fred B. Hartnett/Ponce Circle Park as part of the Coronation of the Colombian Queen and Inauguration, subject to Florida Department of Professional Regulation requirements.

**Attachments:** Colombian Special Events Cover Memo.doc, Colombian Special Events Application.htm

**This Matter was adopted by Resolution Number 2008-03 on the Consent Agenda.**

A RESOLUTION GRANTING PERMISSION TO O/E ARTS AND CULTURE TO SELL ALCOHOLIC BEVERAGES FROM 6:00 PM. UNTIL 11:00 P.M., ON SATURDAY, JANUARY 26, 2008, IN FRED B. HARTNETT/PONCE CIRCLE PARK AS PART OF THE CORONATION OF THE COLOMBIAN QUEEN AND INAUGURATION EVENT, SUBJECT TO THE FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION REQUIREMENTS.

*City Clerk Item No. 18*

**D. PERSONAL APPEARANCES****RESOLUTION NO. 2008-04**

D.-1. Laura Russo, Esq., representing DYL Merrick Park Development, LLC., requesting the City Commission to pass a resolution authorizing the City Manager to negotiate with DYL Merrick Park Development, LLC for the exchange of the City owned parking lot located at the southeast corner of LeJeune Road and Greco Avenue for an equivalent portion of the property located west of the intersection of Greco Avenue and Granello Avenue and to take all actions consistent with the Procurement Code.

**Attachments:** DYL Cover.doc, DYL Resolution.doc

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2008-04. The motion carried by the following vote:**

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH DYL MERRICK PARK DEVELOPMENT, LLC FOR THE EXCHANGE OF THE CITY OWNED PARKING LOT LOCATED AT THE SOUTHEAST CORNER OF LEJEUNE ROAD AND GRECO AVENUE FOR AN EQUIVALENT PORTION OF THE PROPERTY LOCATED WEST OF THE INTERSECTION OF GRECO AVENUE AND GRANELLO AVENUE AND TO TAKE ALL ACTIONS CONSISTENT WITH THE PROCUREMENT CODE.

[Note for the Record: Laura Russo, Esquire representing DYL Merrick Park Development LLC, requested of the Coral Gables Commission to authorize the City Manager to work together with she and her client to put together a proposal that would go through the City's procurement process for a land swap-- the exchange of the City owned parking lot at the southeast corner of Le Jeune Road and Greco Avenue for an equivalent portion of the property located west of the intersection of Greco Avenue and Granello Avenue, the latter being a piece of property that is owned by Mrs. Russo's client in the interior.

Issues raised by the Commission: The following issues were raised by the Commission:

Public Notice: Commissioner Cabrera inquired as to why said matter had not been publicly noticed: whereupon City Manager Brown informed him that because it was too early into the process. Commissioner Cabrera stated that following his being contacted by a merchant in the area, he became aware of

same, and that he wants to ensure that the entire area becomes aware of what is happening: further requesting of Mrs. Russo to have said developer reach out to the restaurant proprietor, namely Art Collins, to explain to him how the proposed parking lot will impact his business.

**Outreach Program:** Commissioner Cabrera stated that if he were to provide Mrs. Russo and her client a performance review with respect to said project, he would have suggested inclusion of an outreach program regarding those people who are affected by said parking lot, including, but not limited to the restaurant owners, but also the gymnasium, the businesses behind it, as well as the residential area, along with the law firm across the street from said project area.

**Monitoring of On-Street Parking:** Commissioner Cabrera stated that the administration should report back to the Commission, if the City anticipates losing on-street parking in the affected development area.

**Value of the Property:** Vice Mayor Kerdyk noted that the property located on Le Jeune Road is worth more than the interior piece of property, and as a consequence thereof, we should be compensated accordingly.

**Park should look like a park:** Vice Mayor Kerdyk also commented that if a proposed park is something that the developer should build on this piece of land, then said park should look like a park; further stating that said venue should be something that the people from the surrounding area would be comfortable with using.

**Compensation for the parking lot:** Vice Mayor Kerdyk queried as to how the City was going to be compensated for the parking lot; further noting that if the proposed land swap is effectuated, then the developer in attempting to close the alleyway will gain additional square footage; therefore, some compensation for same should go to the City.

**Tie site plan to the land swap:** Commissioner Withers stated that the site plan should be tied to the land swap, wherein if the development does not go through, then it reverts back to the City; further reiterating that one should not just trade properties just to land bank same; further urging the creation of a whole development district.

**Proposed redesign of street:** Commissioner Withers noted that the intersection of Greco Avenue and Granello Avenue should be redesigned through encroachment of the public right-of-way to incorporate more of the park area].

*City Clerk Item No. 19*

**E. PUBLIC HEARINGS****ORDINANCE NO. 2008-01****E.-1.**

Ordinance on Second Reading. An Ordinance of the City of Coral Gables, Florida, amending Article 3, Division 5, entitled Planned Area Development of the City of Coral Gables Zoning Code by providing for revised standards and criteria and exemptions for adult living facilities and affordable housing facilities; providing for severability, repealer, codification, and an effective date. (Passed on First Reading December 11, 2007)

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

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Ordinance Number 2008-01. The motion carried by the following vote:**

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

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

**AN ORDINANCE AMENDING ARTICLE 3, DIVISION 5, ENTITLED PLANNED AREA DEVELOPMENT OF THE CITY OF CORAL GABLES ZONING CODE BY PROVIDING FOR REVISED STANDARDS AND CRITERIA AND EXEMPTIONS FOR ADULT LIVING FACILITIES AND AFFORDABLE HOUSING FACILITIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.**

[Note for the Record: Following City Manager Brown reading of said ordinance into the public record, there being no request for public input registered, nor any comments or questions proffered by the Commission, a motion was made to approve the item as presented].

*City Clerk Item No. 20*

**ORDINANCE NO. 2008-02****E.-2.**

Ordinance on Second Reading. An Ordinance of the City of Coral Gables, Florida, repealing Chapter 101, Article V of the Coral Gables City Code, entitled "Concurrency Management Program," providing for the removal of duplicitous and outdated regulations; providing for a repealer provision, a savings clause, a severability clause, and codification; and providing for an effective date. (Passed on First Reading December 11, 2007)

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

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this matter be adopted by Ordinance Number 2008-02. The motion carried by the following vote:**

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

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

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

[Note for the Record: Following the reading of the title by the City Manager Brown into the public record, City Attorney Hernandez stated that when the City did the republication of the City Code, the Concurrency Rewrite was left in said document therefore, said document needs to be removed from our City Code and remain in the Zoning Code because it is inconsistent with the current regulations].

*City Clerk Item No. 21*

**ORDINANCE NO. NO NUMBER ASSIGNED****E.-3.**

Ordinance on First Reading. An Ordinance of the City of Coral Gables, Florida, amending Ordinance No. 2007-04 which approved a change of land use from "Commercial, Low-Rise Intensity" to "Commercial, Mid-Rise Intensity", and mixed-use site plan review pursuant to Zoning Code Section 3-5 for the proposed mixed-use project referred to as "Giralda Complex", on the property legally described as Lots 25-48, Block 28, Section "K" (2222 Ponce de Leon Boulevard), Coral Gables, Florida, and included required conditions; providing for a repealer provision, a savings clause and severability clause, and providing an effective date.

**Attachments:** 01 08 08 Exhibit B - 12 03 07 Letter re cost estimate for proposed improvements.pdf, 01 08 08 Exhibit C - 09 11 06 Letter from applicant to BZD re proffer.pdf, 01 08 08 Exhibit D (Part 1 of 2) 11 15 06 City Commission Minutes Agenda Item E 6.pdf, 01 08 08 Exhibit D (Part 2) 01 23 07 City Commission Minutes Agenda Item E 1.pdf, 01 08 08 Cover Memo re: Giralda Complex condition of approval amendment - 1st Reading.pdf, 01 08 08 Exhibit A: Ordinance re Giralda Complex condition of approval amendment 1st reading.doc, 01 22 08 Cover Memo: Giralda Complex condition of approval amendment - 2nd Reading.pdf, 01 22 08 Exhibit A: Giralda Complex condition of approval amendment 2nd reading.pdf

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

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

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

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

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ORDINANCE NO. 2007-04 WHICH APPROVED A CHANGE OF LAND USE FROM "COMMERCIAL, LOW-RISE INTENSITY" TO "COMMERCIAL, MID-RISE INTENSITY", AND MIXED-USE SITE PLAN REVIEW PURSUANT TO ZONING CODE SECTION 3-5 FOR THE PROPOSED MIXED-USE PROJECT REFERRED TO AS "GIRALDA COMPLEX", ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 25-48, BLOCK 28, SECTION "K" (2222 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA, AND INCLUDED REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title by the City Manager Brown into the public record, City Attorney Hernandez stated that said legislation was merely a technical modification to the previously approved ordinance of the City Commission; further stating that there are no new conditions of approval added; further pointing out that said legislation represents a clarification of the paragraph which required all site improvements and

landscaping in the Urban Plaza (said site, which is located on the west side of the future museum fronting onto Salzedo; further noting that the City Administration has met with the developer and has reviewed the appropriate plans, and that the requisite language is now being submitted for the Commission's consideration, review and approval.

Commissioner Cabrera informed the Commission that he would be voting against said matter; further clarifying that he had voted against this measure initially in connection with the change of zoning.

Commissioner Anderson requested clarification that said issue stipulates the amount (\$486,743) that the developer will pay toward the development of the park and museum].

*City Clerk Item No. 22*

## **F. CITY COMMISSION ITEMS**

### **F.-1. Discussion regarding The State Investment Fund**

**Mayor Donald D. Slesnick II**

**Presented and Filed**

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

*City Clerk Item No. 23*

## G. BOARDS/COMMITTEES ITEMS

Item G-1 and Item H-4 are related

G.-1. Presentation of the recommendation made by the Budget/Audit Advisory Board at the November 8, 2007 meeting:

The Budget/Audit Advisory Board urges the City Commission to propose a change to the Road Impact Fee Ordinance and seek the support of other Miami-Dade County municipalities so the disbursement process is changed in cities through a local option to receive funds directly instead of negotiating with the County the funding and scope of municipal projects.

**Presented and Filed**

[Note for the Record: A copy of the verbatim transcript of Agenda Item G-1 and H-4 is available for public inspection in the City Clerk's Office and in Legistar].

*City Clerk Item No. 25*

## H. CITY MANAGER ITEMS

H.-1. "Progress Report" on the installation of standing seam metal roofs pursuant to the City Commission approved 90-day time period (07.17.2007 - 10.17.2007).

**Attachments:** 01 08 08 Cover Memo re: metal roofs update.pdf, 01 08 08 Exhibit A: Proposed CC metal roofs ordinance.doc

**Presented and Filed**

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

*City Clerk Item No. 27*

**RESOLUTION NO. 2008-07****H.-2.**

Resolution establishing minimum requirements for liability insurance; requiring workers compensation insurance where applicable; requiring automobile liability insurance where applicable; providing for review of insurance requirements by the Human Resources Director; and rescinding Resolution No. 25786.

**Attachments:** ReplacementofResolution No.25786\_Cover Memo\_12-28-07.tif, R - 25786\_ Resolution12-2007 Final Ver.doc, R- 25786, Min Ins Req, Contracts, Leases & Agreements.pdf, Supporting Resolutions for Liability Insurance.txt

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2008-07. The motion carried by the following vote:**

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

A Resolution establishing minimum requirements for liability insurance; requiring workers compensation insurance where applicable; requiring automobile liability insurance where applicable; providing for review of insurance requirements by the Human Resources Director; and rescinding Resolution No. 25786.

[Note for the Record: Following City Manager Brown's reading of the title to said ordinance into the public record, there being no request for public input registered, nor any comments or questions proffered by the Commission, a motion was made to approve Agenda Item H-2 as presented].

*City Clerk Item No. 29*

**H.-3.**

Status of Village of Pinecrest request for fire services from the City of Coral Gables

**Presented and Filed**

[Note for the Record: A copy of the verbatim transcript of Agenda Item H-3 will be available for public inspection in the City Clerk's Office and in Legistar upon completion of the transcription of same].

*City Clerk Item No. 28*

Item H-4 and Item G-1 are related

**RESOLUTION NO. 2008-06**

**H-4.** Resolution of the City Commission of Coral Gables authorizing the City Manager to seek the support of the Miami-Dade League of Cities to propose a change to the County Road Impact Fee Ordinance to provide a local option to receive funds directly instead of negotiating with the County the funding and scope of municipal projects.

**Attachments:** Road Impact Fee Resolution Cover.doc, Road Impact Fee Resolution.doc

**A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted as amended by Resolution Number 2008-06. The motion carried by the following vote:**

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

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES SUPPORTING THE EFFORTS OF THE BUDGET/AUDIT ADVISORY BOARD IN FURTHERANCE OF A PROPOSED CHANGE TO THE COUNTY ROAD IMPACT FEE ORDINANCE; FURTHER SEEKING SUPPORT FROM OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO CHANGE THE DISBURSEMENT PROCESS, THUS PROVIDING A LOCAL OPTION TO RECEIVE FUNDS DIRECTLY INSTEAD OF NEGOTIATING WITH THE COUNTY THE FUNDING AND SCOPE OF MUNICIPAL PROJECTS; FURTHER AUTHORIZING THE CITY MANAGER TO PROCEED WITH TALKS WITH MIAMI-DADE COUNTY MANAGER, GEORGE BURGESS REGARDING THE BACKGROUND PARAMETERS IN CONNECTION THEREWITH; FURTHER ALSO DESIGNATING COMMISSIONER RAFAEL "RALPH" CABRERA TO REPRESENT OUR COMMISSION REGARDING COMMUNICATION WITH MIAMI-DADE MEMBERS OF THE COUNTY COMMISSION (INCLUDING, BUT NOT LIMITED TO THOSE COUNTY COMMISSIONERS, WHO REPRESENT OUR DISTRICT, NAMELY, CARLOS GIMENEZ, AND REBECCA SOSA) ALONG WITH MIAMI-DADE COUNTY MAYOR CARLOS ALVAREZ IN ARTICULATING THE CITY'S POSITION REGARDING SAID MATTER; FURTHER REQUESTING THAT UPON CONCLUSION OF SAID COMMUNICATIONS BETWEEN THE CITY AND THE ABOVE REFERENCED COUNTY OFFICIALS, THAT THE AFOREMENTIONED CITY OFFICIALS SHALL REPORT BACK TO OUR CITY COMMISSION FOR FURTHER CONSIDERATION AND REVIEW OF SAID MATTER.

[Note for the Record: A copy of the verbatim transcript of Agenda Item G-1 and H-4 is available for public inspection in the City Clerk's Office and in Legistar].

*City Clerk Item No. 26*

**RESOLUTION NO. 2008-05****H.-5.**

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

**Attachments:** CDB 11-29-07 Minutes.pdf, CommCover-Jean Ward sculptures.pdf, Res JeanWard sculp1-8-08.rtf

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this matter be adopted by Resolution Number 2008-05. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Withers

[Note for the Record: Following **City Manager Brown's** reading of the title to said resolution into the public record, Mr. Brown gave a brief legislative history of said matter, stating that the item had been deferred from the December 11th, 2007 Commission Meeting, said item having been recommended by the Cultural Development Board for placement of the three Jean Ward sculptures in Ingraham Park; further requesting of **Department of Development Director Cathy Swanson-Rivenback** to further articulate on said matter, whereupon Madam Director informed the Commission that on January 29th, 2007, the Cultural Development Board concluded that they wanted to keep the Jean Ward Sculptures in public space; in sort of a cluster to be located at Ingraham Park (a passive park on Le June Road and Ingraham Highway; further informing the Commission that the Cultural Development Board had requested that she on behalf of the administration represent the Board's recommendation for the City Commission's consideration, review and approval.

Appearing in support of said recommendation by the board, **Parker Thompson, Esquire**, who prefaced his remarks on behalf of the board's chairperson, namely Dr. Carol Damian, stating that she was unable to be in attendance because of the conflicting class sessions at Florida International University, provided a synopsis of said issue to the Commission, noting that he had spoken to the Cultural Advisory Board on November of 29th, 2007; further stating that he was responsible for said sculptures having been donated to the City; further acknowledging his inadvertence in failing to realize that said art had not been placed in an appropriate location yet; further pointing out a potential dilemma facing the Cultural Advisory Board as to whether or not said sculptures should be placed somewhere else, the Board responded reiterating that said sculptures were in the right place, and the main issue being one of getting them sited; further realizing that he might still have to assume responsibility associated with the cost for placement of same on pedestals.

**Commissioner Cabrera** reiterating the issue of not only placement, but the need to accommodate said sculptures on a pedestal, to support some sort of a base in which the art can sit on; further commenting that said art that he has seen covered with mulch.

**City Manager Brown** stated that said sculptures would sit on a concrete base; whereupon Commissioner Cabrera acknowledged that notwithstanding the fact that said sculptures may sit on a level base, that said art would be covered with mulch; further adding that he would hate to see Mr. Thompson have to raise private donations to financially support pedestals for same.

**City Manager Brown** stated that in furtherance of the Cultural Development Advisory Board's recommendation to site the sculptures as they should be sited, it is the intent of the City Administration to place said sculptures in an appropriate way.

**Vice Mayor Kerdyk** informed his colleagues that he was in favor of placement of the three sculptures in Ingraham Park in a cluster, so there is sufficient play area at said park venue; further suggesting that once said placement in a designated area is done, that said matter be forwarded to the Beautification Committee for its input regarding said matter.

**Commissioner Withers** informed his colleagues that he would be voting against the proposed resolution, despite his respect for the commitment, time and effort, along with the recommendation for approval being requested by the Cultural Development Board; further stating that in his estimation, he does not think it would be fair to the artist, nor to the sculptured pieces; further pointing out that the City has not demonstrated a track record over the years for installation, maintenance and care of public art; further stating that never said matter been an organizational priority, as evidenced by the three pieces that are currently in the Park for the past twelve to fifteen years; further noting that Ingraham Park is located in a wayward area, which opens itself up to vandalism, graffiti, etc; further stating that in his opinion, the University of Miami would be an excellent venue because said art pieces would be preserved and protected; further recognizing that said sculptures are in need of some restoration, having been driven around by forklifts, etc; further acknowledging the financial impact to the City in view of our difficult budgetary constraints.

**Mayor Slesnick** acknowledged his respect for each of the points of contention raised by Commissioner Withers, particularly the security issue affecting the donated sculptures; further pointing out the City's recent adoption of the Arts in Public Places Ordinance; further noting that there is a time factor in determining whether or not the City can take care of public art or not; further acknowledging that graffiti is an incessant problem that is insidious in our society.

**Commissioner Cabrera:** Commissioner Cabrera queried of Commissioner Withers as to what would be an appropriate course of action-including but not limited to the possibility of reconnecting to the University of Miami for the purpose of working out a suitable venue within the Campus for same, etc.

**Parker Thompson, Esquire:** Acknowledged that the issues raised by Commissioner Withers were good points that should be reflected upon; further pointing out that public art, as evidenced by the Performing Arts Center, has been integrated into the building design; further suggesting that maybe the City might consider same for the future].

*City Clerk Item No. 24*

**RESOLUTION NO. 2008-08****H.-6.**

Resolution accepting the response to Request for Proposal No. 2007-10-04, Trolley Program Maintenance Services, from First Vehicle Services, Inc. (FVS), the sole respondent to said Request for Proposal; authorizing the City Manager to negotiate a new contract with FVS; and further authorizing the City Manager to extend the current contract with FVS on a month-to-month basis at the current rate until an acceptable contract is negotiated.

**Attachments:** FVS cover.doc, FVS - Mirtha.doc

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this matter be adopted by Resolution Number 2008-08. The motion carried by the following vote:**

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

A RESOLUTION ACCEPTING THE RESPONSE TO REQUEST FOR PROPOSAL NO. 2007-10-04, TROLLEY PROGRAM MAINTENANCE SERVICES, FROM FIRST VEHICLE SERVICES, INC. (FVS), THE SOLE RESPONDENT TO SAID REQUEST FOR PROPOSAL; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A NEW CONTRACT WITH FVS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXTEND THE CURRENT CONTRACT WITH FVS ON A MONTH-TO-MONTH BASIS AT THE CURRENT RATE UNTIL AN ACCEPTABLE CONTRACT IS NEGOTIATED.

[Note for the Record: Following City Manager Brown's reading of the title to said resolution into the public record, Mr. Brown stated that there was only a sole respondent, that is why he is asking permission to negotiate; further stating that said agreement will be brought back for the Commission's consideration, review and approval; further stating that during the interim, said contract will be handled on a month-to-month basis, while concomitantly conducting said negotiations].

*City Clerk Item No. 30*

## I. CITY ATTORNEY ITEMS

[Note for the Record: **Settlement Agreement**: City Attorney Hernandez stated that the only item that she was bringing forth at this time was a briefing on the settlement that the insurance company entered into in connection with the Lizama vs City of Coral Gables Case; further stating that she had previously briefed the Commission regarding said matter; further clarifying that settlement agreements entered into by any municipality is a public record; also pointing out in response to Mayor Slesnick's cautioning, that there is also included a disparagement and confidentiality portion, as well; further pointing out that the purpose of her report was to exclusively update the Commission regarding the insurance company on said matter, and what the latter believes is a fair and equitable resolution of a case.

**Preparation of a press release and responsible reporting regarding lawsuit:** **Commissioner Withers** suggested that the City should be very proactive in forwarding all of the right information (i.e. regarding the source of the settlement) to the right sources, in order that said story is correctly reported; further explaining that the public will view a large settlement and express concern whether the source of said amount represents the insurance money or the City's money

In response to Commissioner Withers' concerns, the City Attorney further explained that one cannot control individual reporters who put out misrepresentation of facts; further stating that the public is generally aware that there are ethical reporters out there that report facts appropriately, and those are the columns that people read; further stating that by and large, Coral Gables has an educated populace.

Mayor Slesnick added that it is his hope that in every lawsuit that the City involves itself in, that there are lessons learned; further hoping that the City moves forward in handling similar situations in different and better ways in the future].

*City Clerk Item No. 31*

**J. CITY CLERK ITEMS**

None

*City Clerk Item No. 32*

**K. DISCUSSION ITEMS**

[Note for the Record: The following issues were presented for input, discussion and/or general comment:

**Re-inauguration of Desota Fountain:** Commissioner Anderson, stated that she is really thrilled about today's re-inauguration of the Desota Fountain, and noted as a lifelong resident of Coral Gables, that said fountain has maintained a twenty (20) year track record of working and not working; further noting that one legacy of this Commission will be having turned the water back on; further acknowledging the Cuppola and Merrick House as being amongst our most notable historical landmarks.

**Leasing Agreement for Garbage Trucks:** Commissioner Anderson stated that she was glad that the City could negotiate a good leasing agreement for our garbage trucks, as well as provide a more safe mode of transportation.

**Conversations in Coral Gables (Development Series):** Commissioner Anderson stated that in May of 2007, there was talk regarding a development series in the City; whereupon she met with designated administrative staff, and due to the formal and complicated nature of said initiative, it was decided to relax said formalities; following her collaboration with Development Director Cathy Swanson-Rivenback, resulted in the incorporation into our Farmers Market Agenda of a workshop series entitled "Conversations in Coral Gables," which will include the following workshop sessions:

Wokshop Session One: A Conversation with Coral Gables Architect, Carlos Mindreau (February 2, 2008, beginning 9:30 a.m.)

Wokshop Session Two: A Conversation with Chuck Bohl PhD: Director of the Knight Program in Community Building at the University of Miami's School of Architecture (February 9, 2008, beginning 9:30 a.m.)

Workshop Session Three: A Conversation with Arva Parks, to talk about the cast of characters that make up Coral Gables (February 16, 2008, beginning 9:30 a.m.)

Workshop Session Four: A Conversation about "Living Green," regarding a more sustainable environment (February 23, 2008, beginning 9:30 a.m.)

**Age of Housing Stock in Coral Gables:** Commissioner Anderson instructed the City Manager to provide her with a report by decade of the houses built in Coral Gables, in order to add to our reservoir of information.

**Update of the Coral Gables Retirement Board Firefighters Pension Trust Fund/Board of Trustees (175 Board); Coral Gables Police Officers Retirement Trust Fund /Board of Trustees (185 Board) Issues:** **Human Resources Director Marje Adler**, in response to Commissioner Cabrera's request for an update regarding 175/187 Board Related Issues, stated that there are three main issues: firstly, the deficiency in funding issue (the \$3 million), which dates from the reduction in the assumption rate from 9% to 7 ¾%, and the City's decision not to increase our contribution on an annual basis, which Mrs. Adler stated she believes has been resolved; secondly, there is a need to change the ordinance to eliminate the alleged discrimination that the state believes exists relative to police and fire management; finally, regarding the collective bargaining issue, in connection with balancing an employee contribution versus receipt of a greater benefit; further stating that if both the union and the city agree that they have received a greater benefit, then that settles said matter; however, Mrs. Adler noted that the state sees said benefit on a dollar for dollar ratio.

**Commissioner Cabrera** added that the Police Union had not said that they agreed to a greater benefit; whereupon Mayor Slesnick noted that the police personnel have already received their money. Mrs. Adler stated that said matter is now a non issue.

**City Manager Brown** informed the Commission that two of the aforementioned issues will be coming before the Commission for its consideration, review and proposed approval on January 22, 2008; further adding that the third issue is the one that the City is petitioning to the state.

**Update on Capital Improvement (CIP) Program:** In response to Commissioner Cabrera's inquiry regarding an update of the CIP, the City Manager stated that at the upcoming Commission Meeting of January 22, 2008, the Commission will receive said update as a by-product of a request to move an amount of \$75,000 from one capital project to another.

**Farmer's Market:** Commissioner Cabrera stated that the Farmer's Market will open on January 19th through March 29th, 2008; further stating that his son has voluntarily pledged to work pro bono during this period.

**Renovation of City Commission Chambers-- Usage of said Venue by City Boards:** Commissioner Cabrera stated that realizing the attempt by our City to reduce the wear and tear to our Chambers, he nevertheless feels that our

quasi-judicial boards, specifically the Planning and Zoning Board, Historic Preservation Board, Board of Adjustment and Code Enforcement Board should be afforded the opportunity to have their meetings in the Chambers.

Mayor Slesnick added that the Cultural Advisory Board (regarding its annual public hearings in connection with its grant application process) as well as the Youth Advisory Board should be afforded to meet at said location, once, annually. Commissioner Cabrera acknowledged the need for special meeting justification, as well as any justification for advisory board meetings, as stipulated by the City Administration.

**Graffiti on Utility Poles:** Vice Mayor Kerdyk acknowledging the City Commission's recognition of graffiti appearing on telephone poles, as well as the need to improve the aesthetics in the City of Coral Gables, questioned his colleagues as to when was the last time the City had placement of newsracks, which he recognized as being another problematic issue; further stressing that concomitant with the upgrade of streetscape that we also address the upgrade (ie. some are old; others have graffiti, etc.) of the newsracks and report back to him regarding same.

**Junior Orange Bowl Event (Golf Tournament):** Vice Mayor Kerdyk shared with his fellow Commissioners the comments he had received from quite a few people who were astounded as to how well our Biltmore Golf Course looks; further acknowledging that over 50 countries were represented at the golf tournament event.

Concerning the Junior Orange Bowl Event, Commissioner Withers added that unless the City can come up with a way to move the pageantry forward by improving the parade, then he feels that the City may lose attendance for future events; further pointing out the need to address the median along Ponce de Leon Boulevard, and how said median breaks up the parade and causes it to lose some of its fluidity; or considering another parade route venue.

Commissioner Cabrera suggested the possibility of moving the crowd of spectators to the south side of Miracle Mile; whereupon the City Manager stated that when the City has 20-30-50,000 people, they are inclined to go to whatever side is convenient to find a seat.

**Re-inauguration/Dedication of the Desota Fountain:** City Manager Brown stated that he is proud of the re-opening of the Desota Fountain, which is scheduled for 6 p.m. on this same date; further noting the funding history of said project beginning with the process of submitting an application for a grant in the amount of \$40,000 to assess the condition of the fountain; then following said assessment, hiring a vendor; proceeding to apply and later receive a matching grant in the amount of \$242,000; finding the only vendor to do the work, etc.;

further stating that it has been at least 15 years since said fountain has worked, continuously.

**Change in Commission Meeting date for second regular meeting of April:** City Manager Brown requested of the City Commission to reschedule the meeting of April 22, 2008 to take place on April 29, 2008; further asking the Commission to confirm their calendars regarding same; further informing the Commission that he provide them with a follow-up memoranda regarding same.

**Housing Opportunity for Commander-U.S. Coast Guard's Seventh District:** Mayor Slesnick reminded each Commissioner that he had forwarded to them a memoranda, asking for their support to authorize the City Manager to proceed with some basic discussions and strategy determinations (ie. talking to the Coast Guard, Finance Director, Don Nelson, etc.) for the purpose of returning back to the Commission with a proposal to be considered regarding said matter.

**Commissioner Withers** stated that he would prefer said proposal to be a win-win for the City, further stating that said proposed real estate investment would have to be a good return on our investment. Commissioner Kerdyk stated that it represents a noble intent and supported having the City Manager pursue said matter; further stating that when said matter was previously considered, that said initiative was not just for the City of Coral Gables, but to help the County as well, in having the U.S. Southern Command located here; further noting that Enterprise Florida had donated \$150,000 toward said acquisition; further querying that since the City would not be getting real estate taxes in such a transaction, then what kind of return would the City be getting; further stating that he would prefer seeing the City finance the entire transaction. Commissioner Anderson stated that unless there is something that is overriding in the report, in light of our budgetary woes, she will not be supporting this initiative; however, she does not have any problem with the City Manager investigating said matter. Mayor Slesnick proffered maybe this would be a good time for the City to consider having an appraisal done for the South Com House.

**Farmer's Market/Workshop Sessions (Continued):** Mayor Slesnick stated that in addition to the workshop segments which were mentioned by Commissioner Anderson, Cathy Swanson Rivenback will also include the following: "Helping Your Garden Survive New Water Restrictions; "Rain Barrel-Collecting Water from Gutters (February 9, 2008, beginning 9:00 a.m.);" "Recycling Station for Using Battery Drop-offs"; "Changing from Styroform Cups to Potato Starch," and "New Bike Racks to be Installed (March 8, 2008, beginning 11:00 a.m.)."

**Pro Bono Award to be given to the Cuban American Bar Association (Miami-Dade County):** On January 31st. the Cuban American Bar Association will receive the Pro Bono Award, to be presented by Fred Lewis.

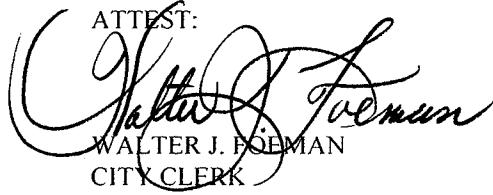
Chief Justice of the Florida Supreme Court; further noting that our City Attorney Elizabeth Hernandez is the president of said organization].

*City Clerk Item No. 33*

**ADJOURNMENT**

[Note for the Record: There being no further business on the Regular Commission Meeting agenda, the Commission of the City of Coral Gables adjourned its meeting at 1:34 p.m. on January 8, 2008. The next regular meeting of the City Commission has been scheduled for January 22, 2008, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:  
  
WALTER J. POELMAN  
CITY CLERK

**NOTE**