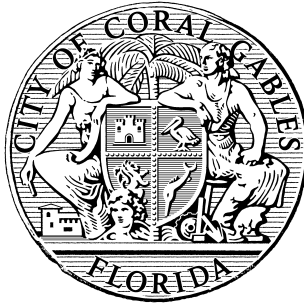


City of Coral Gables

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



Meeting Minutes

Tuesday, October 14, 2008

9:00 AM

LUNCH BREAK - NOON

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*

ROLLCALL

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

INVOCATION

[Note for the Record: Mayor Slesnick indicated to the public that the Commission was awaiting the appearance of Reverend Shportum, from the Cathedral of St. George; however, Commissioner Withers was requested to give the invocation].

THE STAR-SPANGLED BANNER

[Note for the Record: In the absence of Gary Maracheck and David Kelley, cast members from Actors' Playhouse, whose names appeared on the printed agenda, for deliverance of same, include Colleen Amaya, also from Actors' Playhouse, and who is currently appearing as Abigail Adams (wife of the third president of the United States, namely John Adams), in the play entitled "1776," sang the Star Spangled Banner.

Mayor Slesnick thanked Ms. Amaya for her rendition of the Star Spangled Banner; further thanking Barbara Stein, Executive Producing Director of the Actors' Playhouse, and all of those people at said facility who have provided the City of Coral Gables with a great artistic venue; further encouraging the public to visit said facility.

In response to Mayor Slesnick's inquiry regarding her theatrical training, Ms. Amaya responded that she received her training from the University of Miami. Executive producer Stein stated that she is very proud of her partnership with the City of Coral Gables; further stating that the next play to come to the Actors' Playhouse will be a production entitled "Guttenberg"; also adding that in March, the Actor's Playhouse will be featuring "Les Miserables"; further stating that she would encourage the public to come out and be inquisitive to ascertain more about the theatrical timeline].

PLEDGE OF ALLEGIANCE

[Note for the Record: Mayor Slesnick led the Commission and the public in the Pledge 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. 2008-24 through Ordinance No. 2008-26); (b) Resolution(s) adopted (Resolution No. 2008-155 through Resolution No. 2008-169); (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. [08-0664](#) Presentation of a Proclamation declaring October 2008 as Americans with Disabilities Month in Coral Gables

[Note for the Record : Kelly Sastre, Chair of the Advisory Board on Disability Affairs, introduced other members of the board whom were present, including Linda Scarcell, Debbie Swain, past chairperson; Zenaida Fernandez, and Bonnie Blaine, also a former chairperson.

Mayor Slesnick stated that he was proud of the work performed by the board, and thereby preceded to present a proclamation to the Disabilities Board for all that it has done in furtherance of the handicapped; further declaring the month of October 2008 as Disabilities Month in Coral Gables.

Kelly Sastre in response to the Mayor's inquiry regarding the Disabilities Board's involvement with certain educational projects stated that one of the projects that the Disabilities Board is involved with addresses mentally challenged children; further pointing out the project entitled Auburndale Achievers involves a holiday event in December, wherein elementary students whom are hearing impaired or deaf, sing Christmas songs; further stating that at the next City Commission Meeting, we will be honoring an employee of the school, whom best exemplifies the definition of our board].

City Clerk Item No. 1

B. APPROVAL OF MINUTES

- B.-1.** [08-0626](#) First Budget Hearing of September 9, 2008

Attachments: [Meeting Minutes First Budget Hearing](#)

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 2

- B.-2.** **08-0658** Regular City Commission Meeting of September 23, 2008

Attachments: [September 23 2008 Regular City Commission Meeting Minutes](#)

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 3

- B.-3.** [08-0659](#) Second Budget Hearing of September 23, 2008

Attachments: [Transcript - Second Budget Hearing.pdf](#)

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

Absent : 1 - Commissioner Cabrera, Jr.

City Clerk Item No. 4

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

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

Absent : 1 - Commissioner Cabrera, Jr.

RESOLUTION NO. 2008-155**C.-1. 08-0657**

A Resolution granting a temporary variance to the Coral Gables Firefighter's Benevolent Association to sell Christmas trees, install a temporary chain link fence, and use an inflatable Santa Claus as a display at 5501 Granada Boulevard, the Coral Gables Baptist Church property, from November 22 through December 24, 2008.

Attachments: [Certificate of Liability Insurance 7-14-08](#)
[Christmas Tree Draft Resolution 10-14-08](#)
[Christmas Trees Cover Memo 10-14-08](#)
[List of Philanthropic Activities 10-1-08](#)
[Boundary Survey](#)
[Lease Agreement](#)
[Christmas Trees Cover Memo 10-14-08](#)
[Signed Resolution 2008-155.pdf](#)

RESOLUTION GRANTING A TEMPORARY VARIANCE TO CORAL GABLES FIREFIGHTERS' BENEVOLENT ASSOCIATION TO SELL CHRISTMAS TREES, INSTALL A TEMPORARY CHAIN LINK FENCE, AND USE AN INFLATABLE SANTA CLAUS AS A DISPLAY AT 5501 GRANADA BOULEVARD, THE CORAL GABLES BAPTIST CHURCH PROPERTY, FROM NOVEMBER 22 THROUGH DECEMBER 24, 2008.

This Matter was adopted by Resolution Number 2008-155 on the Consent Agenda.

City Clerk Item No. 5

RESOLUTION NO. 2008-156**C.-2. 08-0680**

A Resolution granting a temporary variance to St. Phillips Episcopal School to sell Christmas trees, install a temporary canopy at 1142 Coral Way, the St. Phillips Episcopal School property, from November 29 through December 21, 2008.

Attachments: [Christmas Trees Resolution Saint Phillips](#)
[St. Phillips Site Plan](#)
[Saint Phillips Christmas Trees Cover Memo](#)
[St. Phillips Episcopal School - Holiday Christmas Tree Sale](#)
[Signed Resolution 2008-156.pdf](#)

RESOLUTION GRANTING A TEMPORARY VARIANCE TO SAINT PHILLIPS EPISCOPAL SCHOOL TO SELL CHRISTMAS TREES, INSTALL A TEMPORARY CANOPY AT 1142 CORAL WAY, SAINT PHILLIPS SCHOOL PROPERTY, FROM NOVEMBER 29 THROUGH DECEMBER 21, 2008.

This Matter was adopted by Resolution Number 2008-156 on the Consent Agenda.

City Clerk Item No. 6

RESOLUTION NO. 2008-157**C.-3. 08-0674**

A Resolution appointing Josie Ramirez (nominated by Commissioner Anderson) to serve as a member of the Property Advisory Board, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Josie Ramirez Resolution Cover](#)
[Josie Ramirez Resolution](#)
[Signed Resolution 2008-157.pdf](#)

A RESOLUTION APPOINTING JOSIE RAMIREZ (NOMINATED BY COMMISSIONER ANDERSON) TO THE PROPERTY ADVISORY BOARD FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

This Matter was adopted by Resolution Number 2008-157 on the Consent Agenda.

City Clerk Item No. 7

RESOLUTION NO. 2008-158**C.-4. [08-0682](#)**

A Resolution appointing Doug Austin (nominated by Vice-Mayor Kerdyk), to serve as a member of the School and Community Relations Committee, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Doug Austin Appointment - School and Community Relations Board.pdf](#)
[Signed Resolution 2008-158.pdf](#)

RESOLUTION APPOINTING DOUG AUSTIN (NOMINATED BY VICE-MAYOR KERDYK), TO SERVE AS A MEMBER OF THE SCHOOL AND COMMUNITY RELATIONS COMMITTEE, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

This Matter was adopted by Resolution Number 2008-158 on the Consent Agenda.

City Clerk Item No. 8

RESOLUTION NO. 2008-159**C.-5. [08-0684](#)**

A Resolution appointing Al Perez (nominated by Vice-Mayor Kerdyk), to serve as a member of the Emergency Management Division, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.

Attachments: [Al Perez - Employee Management Division.pdf](#)
[Signed Resolution 2008-159.pdf](#)

A RESOLUTION APPOINTING AL PEREZ (NOMINATED BY VICE-MAYOR KERDYK), TO SERVE AS A MEMBER OF THE EMERGENCY MANAGEMENT DIVISION, FOR THE UNEXPIRED BALANCE OF A TWO (2) YEAR TERM, WHICH BEGAN ON JUNE 1, 2007 THROUGH MAY 31, 2009.

This Matter was adopted by Resolution Number 2008-159 on the Consent Agenda.

City Clerk Item No. 9

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

C.-6. [08-0644](#)

Code Enforcement Board Meeting of September 17, 2008

Attachments: [memo coversept 08](#)
[ROLLCALL sept 08](#)
[sept 08](#)

City Clerk Item No. 10

- C.-7. [08-0645](#) Historic Preservation Board Meeting of August 21, 2008

Attachments: [HPB August 21.08](#)
[NoAction08.21.08MinutesforCC010.14.08](#)

City Clerk Item No. 11

- C.-8. [08-0648](#) Pinewood Cemetery Advisory Board Meeting of September 8, 2008

Attachments: [NoAction09.08.08CCMtgNoAction10.14.08](#)
[PinewoodMinutesSeptembe8.r2008](#)

City Clerk Item No. 12

- C.-9. [08-0650](#) Cultural Development Board Meeting of September 8, 2008

Attachments: [CDB Minutes Sept 8 2008](#)
[Cultural Developments Sept. 8, 2008 Cover](#)

City Clerk Item No. 13

- C.-10. [08-0651](#) Economic Development Board Meeting of September 3, 2008

Attachments: [Minutes 9-3-08](#)
[Economic Development Board Cover](#)

City Clerk Item No. 14

- C.-11. [08-0652](#) Budget/Audit Advisory Board Meeting of September 11, 2008

Attachments: [BAB Cover Memo 091108.pdf](#)
[BAB-Minutes 091108.pdf](#)

City Clerk Item No. 15

- C.-12. [08-0654](#) Landscape Beautification Advisory Board Meeting of October 2, 2008

Attachments: [BC Cover Sheet 10-2-08 NQ](#)
[Minutes BC 10-2-08](#)
[LBAB 10-2-08 signed.pdf](#)

City Clerk Item No. 16

- C.-13. [08-0655](#) Board of Adjustment Meeting of September 8, 2008

Attachments: [BOADJ Minutes Cover 10-14-08](#)
[BOADJ Minutes 9-8-08](#)
[Notice - BOADJ 9-8-08](#)

City Clerk Item No. 17

- C.-14. [08-0665](#) Parks and Recreation Youth Advisory Board Meeting of September 25, 2008

Attachments: [YAB Cover Memo 09-25.2008](#)
[Youth Advisory Board Min 9-25-2008](#)

City Clerk Item No. 18

- C.-15. [08-0667](#) Senior Citizens Advisory Board Meeting of September 8, 2008

Attachments: [Senior Citizens Adv. Bd. 09-08-2008 Cover Sheet](#)
[Senior Citizens Minutes 09082008](#)

City Clerk Item No. 19

- C.-16. [08-0681](#) Parks and Recreation Advisory Board Meeting of September 26, 2008

Attachments: [Parks and Recreation Cover Memo 9-26-08](#)
[Parks & Recreation Sept. 26, 2008 Minutes](#)

City Clerk Item No. 20

[Note for the Record: Mayor Slesnick on behalf of the City Commission extended his condolences to the Langer family, on the untimely passing of Alice Langer's daughter, namely McClain Langer (infant) and Jim Langer's granddaughter, at Miami Childrens' Hospital; further acknowledging the family's heartfelt thanks for the work performed by our City's Fire Rescue Department along with the staff from Miami Children's Hospital]; further conveying to the family members that our thoughts are with them during this period of bereavement].

D. PERSONAL APPEARANCES

RESOLUTION NO. 2008-160 (As Amended)

D.-1. [08-0653](#)

Laura L. Russo, Esq., on behalf of the Lola B. Walker Homeowners Foundation of Coral Gables, Inc., to request waiver of building site determination fees for two lots located in the MacFarlane Homestead Subdivision.

Attachments: [Letter from Laura Russo](#)
[Signed Resolution 2008-160.pdf](#)

[Note for the Record: Laura Russo, Esq., appeared before the City Commission to request a waiver of the building site determination fees (i.e. application fees, notice fees and postage) for two lots of the four owned properties (Lots 21, 22 and 3, Block 2-a and Lot 21, Block 3-A, MacFarlane Homestead Division); further clarifying that two of the aforementioned properties had previously been improved with single family homes, and as a consequence thereof are now building sites; the remaining two have never been built upon, therefore, have remained vacant and must go through the building site determination process.

Inquiry/Discussion by the City Commission: Mayor Slesnick requested of Ms. Russo to explain to the City Commission more about the LBW Homeowners' Foundation of Coral Gables, Inc. whereby **Ms. Russo** pointed out that the composition of said entity includes the McFarlane Homeowners Association, which is a 501 3-C; further stating that a portion of its focus is to embrace projects that add to the community; further pointing out that currently there are three projects that are envisioned, and that the LBW Homeowners Foundation is currently in Phase II of the above referenced project.

Commissioner Withers inquired of Ms. Russo as to whether the City has looked at these properties for the builders? -- has the City signed off on same?-will the City be getting any credit for this in order to meet its inventory of affordable housing stock in Coral Gables?-Are said projects being done in accordance with the affordable housing criteria?- as set forth by Miami-Dade County and the State of Florida?

Ms. Russo stated that the request was not to waive the building fees of the building, but only the building site determination fees; further acquiescing to Commissioner Withers conditions; whereupon Mayor Slesnick following a motion being made by Commission Anderson, and seconded by Vice Mayor Kerdyk to approve the aforementioned request, requested of the maker and seconder to include the aforementioned amendment proffered by Commissioner Withers (both the maker of the motion and seconder of the motion accepted same).

Mayor Slesnick pointed out that the MacFarlane Homestead Subdivision is an area that the City Commission has love and affection for; further mentioning that this is an area where the City's founder and former Mayor, George Merrick, recruited many of his workers to build our City].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted as amended by Resolution Number 2008-160. 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. 21

D.-2. [08-0672](#)

Mari Molina, Executive Director of the Business Improvement District, to provide a quarterly report on the activities of the BID.

Attachments: [BID PowerPoint Presentation to Commission 101408](#)

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

City Clerk Item No. 22

D.-3. [08-0689](#)

Mark A. Trowbridge, President, CEO, Coral Gables Chamber of Commerce, to present Quarterly Report.

Attachments: [Chamber of Commerce PowerPoint Presentation](#)

[Note for the Record: A copy of the verbatim transcript of Agenda Item D-3 is available for public inspection in the City Clerk's Office and in Legistar].

City Clerk Item No. 23

Items D.-4. and G.-3. are related**RESOLUTION NO. 2008-161 (As Amended)****D.-4. 08-0683**

Brian Shirley, Project Manager for Dooley Mack Constructors of South Florida, LLC, to discuss temporary use of Riviera Park for construction staging purposes.

[Note for the Record: **Mr. Brian Shirley, Project Manager for Dooley Mack Constructors of South Florida, LLC**, addressed the City Commission regarding permission to use the southwestern portion of Riviera Park for a construction staging area, for the construction site of the new nursing home, to be located at 6901 Yumuri Street; further stating that he had met with officials from the Departments of Parks and Recreation and Public Works; further stating his intent was to donate a gazebo to Riviera Park.

Inquiry/Questions from the City Commission: Vice Mayor Kerdyk inquired as to the geographical location where Dooley Mack Constructors of South Florida, LLC. plans to put the staging area?-whereupon Mr. Shirley indicated that it will be adjacent to the southeastern section of Riviera Park; further responding to Commissioner Cabrera's inquiry as to whether Mr. Shirley had met with school officials? to which he informed the Commission that he had met with the school officials last week and addressed the matter involving the proximity of the staging area to the school?-where will the extension to the area be? - limitation of access through the adjoining school?-whether staging area is only to be used as a staging area?-how will said staging area be set up?-what will be the hours for same?--whether there will be only one extension to this which will be maintained on a daily basis?-cleanup, etc.; further inquiring whether his workers intend to walk to and from the work area?-to which Mr. Shirley responded, that he was looking into having his workers walk from Sunset Place to the work site, so as to not have any parking at the area of work.

Mr. Shirley further stated that he had met with school officials last week and had received input regarding the optimal times for construction staging purposes, which are after 9 a.m., before 2 p.m. and after 5 p.m.; further stating that the aforementioned time parameters will be incorporated into the contract between the City and Dooley Mack Constructors of South Florida, LLC.

Parks and Recreation Director Fred Couceyro stated that he had a comfort level regarding those relevant issues germane to construction staging at Riviera Park have been addressed, namely, that Dooley Mack would use Yumuri Street; that they would stay away from alleyways, and also the issue of daily cleanup would be addressed.

Public Works Director Alberto Delgado stated that besides Dooley Mack's proposal, they will also be doing some traffic calming improvements. City Manager Brown stated that the Parks and Recreation Advisory Board had recommended that

said request by Dooley Mack to use the southeast portion of Riviera Park as a worksite be accepted by the City Commission, but subject to the following criteria: the use of Riviera Park by Dooley Mack must have an established a five to six month time frame without extensions; that the gazebo provided by Dooley Mack is built according to the exact specifications in the master design plan already submitted; and that Dooley Mack, following the end of the use of said site, return that portion of the park used, back to its original state.

Commissioner Cabrera in making the motion to approve said matter, further requested of his colleagues to have a halfway review of said arrangement; further stating that if the estimated time of completion is three months, then a review of same would be following one and-a-half months; further stating that he would also request a representative to come back before the Commission to ascertain what are the improvement opportunities we can embark upon to smooth out said matter; further stating that he would like to conduct a review of the work performed, to ascertain whether it has affected the neighborhood, the school, and the community businesses, to ensure that said project does not get out of control and that no one is impacted negatively.

As justification for his support for said measure, Commissioner Cabrera stated that if there is an opportunity to generate revenue for that park, without opposition, then he is supportive; further stating that he has mixed feelings regarding this matter; further pointing out that he has received very little feedback; further recognizing that if the City were to fund a gazebo, it would total approximately \$200,000, wherein now the City can save that money and fund something else; further noting that prior to the roll call on said matter, that Commissioner Cabrera had considered a withdrawal of his motion to support said measure because he believed that during his meeting on this issue last week, that the location of school traffic was in the southwest area instead of the southeast area, wherein the ingress and egress would be occurring; further stating that the southwest location was the location next to single family homes. However, at the urging of Mayor Slesnick, and also, with the reasons given by **Vice Mayor Kerdyk** that it would be closer to the businesses, were further justification for Dooley Mack changing its position regarding the location for the staging area, along with the proposed park improvements; further noting that the City will be getting a new nursing facility on 6901 Yumuri Street.

Commissioner Anderson inquired as to whether any other areas had been considered for a staging area? - Mr. Delgado informed the Commission that others areas were looked at for the staging area, for example the parking lot adjacent to the church, but because it was currently under a lease agreement, it could not be done there; further stating that no other place was close enough for the work to be done. Mr. Delgado stated that most of the improvements are in the north and southwest area. Commissioner Anderson further stated that she will not be supporting this measure,

since in her estimation, it represents a danger to the neighborhood and to the school.

Commissioner Withers inquired about electrical matters and whether the bathroom facility is intended to be screened? - Whereupon Mr. Shirley answered that yes, the bathroom would be screened; further inquiring as to whether any product will be stored? In response to same, Mr. Shirley stated that only machinery and materials used for the project will be stored on site. Vice Mayor Kerdyk inquired as to whether the gazebo had met the Public Works Departments' specifications?

Mayor Slesnick synthesized the essence of Commissioner Cabrera's motion by stating that the Commission approve the recommendation of staff for the six month temporary usage of the southeast portion of Riviera Park; including the aforementioned recommendations and restrictions as proffered by the Parks and Recreation Advisory Board; including a periodic review of the entire usage of the park; further instructing the City Manager to report back to the City Commission regarding said matter to ensure that the use of Riviera Park for construction staging purposes is going according to schedule.

Commissioner Cabrera considered to withdraw his motion because he was under the impression that it was the southwest portion of the park that was going to be used as the staging area; further stating that the southeast region is where the majority of the school traffic is. Vice Mayor Kerdyk then proposed to change the construction staging area to the southwest region of the park. The Mayor then asked if the Commission was in accord with the change, then it would be done - whereby the area was changed to the southwest region of the park].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted as amended by Resolution Number 2008-161. The motion passed by the following vote:

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

Nays : 1 - Commissioner Anderson

City Clerk Item No. 24

RESOLUTION NO. 2008-163**D.-5. 08-0690**

Jorge L. Hernandez, Architect, on behalf of the City of Coral Gables and the Coral Gables Museum Corporation, for permission to encroach into and over the right-of-way with stone pavers, four (4) columns encroaching one foot, three inches (1'-3"), one foot, seven inches (1'-7"), one foot, eight inches (1'-8") and three feet, three inches (3'-3"), supporting an open-air breezeway, and two (2) pair of wrought-iron motorized gates at the right-of-way (alley) adjacent to 285 Aragon Avenue, Coral Gables, Florida.

Attachments: [Alley Encroachment Hold Harmless & Restrictive Covenant](#)
[CC Cover](#)
[Encroachment Draft Resolution](#)
[EXHIBIT A](#)
[Encroachment Sketch](#)
[JLH Letter](#)
[Signed Resolution 2008-163.pdf](#)

A RESOLUTION APPROVING ENCROACHMENTS INTO THE RIGHT-OF-WAY CONSISTING OF PAVERS, COLUMNS, AN OPEN-AIR BREEZEWAY AND IRON GATES ADJACENT TO 285 ARAGON AVENUE, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Resolution Number 2008-163. The motion passed by the following vote:

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

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

City Clerk Item No. 27

E. PUBLIC HEARINGS**E.-1. [08-0656](#)** Board of Adjustment Appeal - Item No. 8681-Z

Thomas R. Mooney, Applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its regular meeting of September 8, 2008, wherein it denied an application for a variance pursuant to Ordinance No. 1525, as amended and known as the "Zoning Code." (Board of Adjustment Vote: 3-2)

SUMMARY OF APPEAL:

The Applicant is appealing the Board of Adjustment decision in regard to the proposed standing seam metal roof for the existing single-family residence, as outlined under the Applicant's Proposal as follows:

Consider a variance request for a standing seam metal roof for the existing single-family residence located at 601 Navarre Avenue, Coral Gables, Florida.

Attachments: [Cover memo - 601 Navarre](#)
[Notice - 601 Navarre](#)

[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].

Yeas : 2 - Commissioner Withers and Commissioner Anderson

Nays : 3 - Vice Mayor Kerdyk, Jr., Commissioner Cabrera, Jr. and Mayor Slesnick II

City Clerk Item No. 28

E.-2. [08-0661](#) Concurrence Appeal - Certificate of Use No. CU-0000015094

Robert Espinosa, Applicant, has filed an appeal to the Coral Gables City Commission due to a negative concurrence determination from the Concurrence Administrator on September 24, 2008, in connection with the operation of a tattoo parlor to be located at 5258 SW 8th Street, Coral Gables, FL 33134.

SUMMARY OF APPEAL:

The Concurrence Administrator denied an application for a Certificate of Use for the business operation of a tattoo parlor to be located at 5258 SW 8th Street, Coral Gables, FL 33134, property legally described as Coral Gables Granada Section PB 8-113, Lot 3, Block 50, Lot Size 50.000 X 109. The Applicant is appealing the denial and is requesting an interpretation of the Zoning Code definition of "problematic uses" and a determination identifying in which zoning use district this type of use may be permitted.

Attachments: [Cover Memo - Concurrence Appeal](#)
 [Zoning Code Articles - Appeal](#)
 [Certificate of Use Application-Denial](#)
 [Property Info](#)
 [Notice of Appeal - Concurrence](#)
 [Application for Appeal - Concurrence](#)
 [Signed Resolution 2008-164.pdf](#)

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

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-164. The motion passed by the following vote:

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

Nays : 1 - Commissioner Withers

City Clerk Item No. 29

ORDINANCES ON SECOND READING**Items E-3 and E-4 are related****ORDINANCE NO. 2008-24****E.-3. 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) (Passed on First Reading September 9, 2008)

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](#)
[10 14 08 CC Cover Memo re: Parks Map Amendments 2nd reading](#)
[10 14 08 Exhibit A: Ordinance re: Parks map amendments change of land use 2n](#)
[10 14 08 Exhibit B: Ordinance re: Parks map amendments change of zoning 2nd](#)
[10 14 08 Exhibit C: PZB 08 13 08 Staff report w attachments](#)
[Signed Ordinance 2008-24.pdf](#)

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 7-8, 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.

[Note for the Record: Following the reading of the title by **Mayor Slesnick** into the public record for Agenda Item E-3, there being no public testimony proffered by any member of the public, nor public discussion of said matter by any member of the City Commission, a motion was made by **Commissioner Anderson** and seconded by **Commissioner Withers** to approve said item; further stating that following the (4-1) majority vote by the City Commission, Mayor Slesnick instructed the City Clerk to discuss with the City Manager the matter of agenda preparation, more particularly the inclusion of the vote count by the City Commission, as part of the legislative history, involving items which have passed on First Reading].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2008-24. The motion passed by the following vote:

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

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

City Clerk Item No. 30

ORDINANCE NO. 2008-25**E.-4. 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) (Passed on First Reading September 9, 2008)

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](#)
[Signed Ordinance 2008-25.pdf](#)

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.

[Note for the Record: Following the reading of the title by Mayor Slesnick into the public record for Agenda Item E-4, there being no public testimony proffered by any member of the public, nor public discussion of said matter by any member of the City Commission, except for Mayor Slesnick's comment that Agenda Item E-4 is a Second Reading Ordinance (proposed change of zoning from "SFR", single Family Residential to "S", Special Use for 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, etc.) that is related to Agenda Item E-3 (change in land use from "Residential Use/Single Family to "Low Density" to "Parks and Recreational Use for Maggiore Park on Lots 1-3, Block 99, Riviera Section # 2; Rotary Centennial Park on Lots 7-8, Block 17, Flagler Street Section; and San Sebastian Park, on Lots 5-6, Block, 44, Craft Section, etc.)].

A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2008-25. The motion passed by the following vote:

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

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

City Clerk Item No. 31

ORDINANCE NO. 2008-26**E.-5. 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) (Passed on First Reading September 9, 2008)

Attachments: [09 09 08 CC Cover Memo re: 2600 LeJeune Office Building 1st reading](#)
[09 09 08 Exhibit B: Change of Zoning 1st reading](#)
[10 14 08 CC Cover Memo re: 2600 LeJeune Office Building - Change of Zoning 2](#)
[10 14 08 Exhibit A: Ordinance - Change of Zoning 2nd reading](#)
[10 14 08 Exhibit B: Summary of CC Minutes and Resolution 2008-137](#)
[10 14 08 Exhibit C: PZB 08 13 08 Staff report w attachments](#)
[10 14 08 Exhibit D: PZB Excerpt of 08 13 08 Meeting Minutes](#)
[Signed Ordinance 2008-26.pdf](#)

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 PROPERTY LEGALLY DESCRIBED AS LOTS 25-32, BLOCK 6, BILTMORE SECTION (2554 LEJEUNE ROAD), CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

[Note for the Record: Following the reading of the title by Mayor Slesnick into the public record for Agenda Item E-5, there being no public testimony proffered by any member of the public, nor public discussion of said matter by any member of the City Commission, except for Mayor Slesnick's comments that on September 9, 2008, the City Commission denied the proposed change of land use and approved the change of zoning on First Reading (Vote: 3-2), to correct the existing inconsistent multifamily residential zoning designation; further noting that the site plan review for the proposed development of the property with a ten story commercial office building was dependent upon the requested change of land use which was denied].

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2008-26. The motion passed by the following vote:

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

Nays : 1 - Commissioner Anderson

Absent : 1 - Vice Mayor Kerdyk, Jr.

City Clerk Item No. 32

ORDINANCES ON FIRST READING**ORDINANCE NO. 2008-27****E.-6 08-0677**

An Ordinance of the City of Coral Gables, Florida Amending the City Code, Chapter 2, entitled "Administration", Article VIII, entitled "Procurement Code", by correcting scrivener's errors; amending the definitions and application sections to conform with language requirements of the City Code, Florida Laws and Federal Laws and Federal Laws and Regulations; implementing a contract manager system; amending the section of the City Attorney's duties by adding a section on Appeals of City Attorney decisions; amending the section on protests of solicitations and awards to strengthen the notice requirements and contents for protests; amending the section on performance and payment bonds to reflect the mandatory requirements of bonds for all construction contracts; amending the language for the purchase, sale or lease of city-owned property to provide more stringent analysis for such actions; amending the construction manager-at-risk selection and negotiation process to conform with the requirements of Florida law; update the City's insurance section to conform with new City requirements; changing all Public Works Department's responsibilities for procurement to the Procurement Division of the Finance Department; providing for severability, repealer, codification, and an effective date. (Passed on First Reading October 14, 2008. Vote: 5-0)

Attachments: [Agenda - Procurement Code](#)
[FINAL DRAFT \(with Liz' changes\) - procurement code - 09 30 08 copy \(5\)](#)
[Signed Ordinance 2008-27.pdf](#)

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

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

City Clerk Item No. 33

F. CITY COMMISSION ITEMS

None

City Clerk Item No. 34

G. BOARDS/COMMITTEES ITEMS**RESOLUTION NO. 2008-165****G.-1. 08-0514**

Presentation of excerpts from the Historic Preservation Board meeting of July 17, 2008 requesting the following action with regard to Case File AV 2006-03.

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 1101 North Greenway Drive, a local historic landmark, legally described as Lots 13, 14, and 15, Block 15, Coral Gables Section "C", according to the Plat thereof, as recorded in Plat Book 8, Page 26, of the Public Records of Miami-Dade County, Florida. The Miami-Dade County Property Appraiser has determined the change in value of the property due to the renovations to be \$403,398.00. This corresponds to an exemption of up to approximately \$2,118.00 per year and up to approximately \$21,180.00 over ten years.

Attachments: [1101NGreenwayDriveAV2006-03.ppt](#)
[AVResolution-1101NGreenwayDriveCC07.26.08.doc](#)
[AVreport-1101NGreenway.doc](#)
[R-COASP2005-13.doc](#)
[07.17.08HPBMtgMinutesExceptAV2006-03.doc](#)
[1101NGreenwayAVAdditionalPictures2.pdf](#)
[HPBActionAdValorem1101NorthGreenwayDrCC10.14.08](#)
[NoAction09.08.08CCMtgNoAction10.14.08](#)
[Signed Resolution 2008-165.pdf](#)

A RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO 1101 NORTH GREENWAY DRIVE LEGALLY DESCRIBED AS LOTS 13, 14 AND 15, BLOCK 15, CORAL GABLES SECTION "C".

[Note for the Record: **Historic Preservation Administrator Simone Chin** addressed the City Commission in connection with the Certificate of Appropriateness for additions/alterations to the property located at 1101 North Greenway Drive; said property which was permitted in 1937 was originally owned by Ms. Jennie Jonas; further stating that on June 21, 2005, the Historic Preservation Board met and approved the issuance of a Special Certificate of Appropriateness and granted design approval for the proposed work; improvement to the property include: general restoration/renovation (replace barrel tile roof; installation of impact-resistant windows and doors; restoration of the balcony at the southeast corner original to the home; new mechanical, electrical and plumbing systems; new drywall and plaster; restoration of existing staircase and railing; restoration and/or replacement of wood flooring; and re-insulation of entire home); additions (remove addition not original to the house;

addition of two story structure at rear (north) of house; addition of second floor patio at master bedroom; exterior moldings and overhangs replicated to blend; covered walkway to existing garage; creation of new master bedroom suite; creation of new kitchen and living room; landscape improvements installation of new perimeter site wall; installation of new driveway; installation of new landscaping; and installation of new pool and pool deck).

Comments/Inquiry by the City Commission: Mayor Slesnick acknowledged the owner, Sean Murphy; further stating that he had allowed the City's Garden Club to use his house for its annual Christmas Party; further acknowledging Mr. Murphy as a neighbor of his; further citing that it is good to have someone who can do good work in the City.

Commissioner Cabrera reminded Mr. Murphy that he had stopped to talk to him one day while riding his bicycle].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-165. 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. 35

RESOLUTION NO. 2008-166

G.-2. 08-0646

Presentation of excerpts from the Historic Preservation Board meeting of August 21, 2008 requesting the following action with regard to Case File AV 2001-02.

That the City Commission adopt a Resolution authorizing Ad Valorem tax relief for the property located at 1910 Country Club Prado, a local historic landmark, legally described as Lots 3 and 4, Block 26, Coral Gables Section "E", according to the Plat thereof, as recorded in Plat Book 8, Page 86, of the Public Records of Miami-Dade County, Florida. The approximate tax exemption requested is for a \$252,840 improvement, which could correspond to approximately \$1,327.41 per year and approximately \$13,274.10 over ten years.

Attachments: [HPBActionAdValorem1910 Country Club PradoCC10.14.08](#)
[AVReport-1910 COUNTRY CLUB PRADO](#)
[AVResolution-1910CountryClubPrado.10.04.08CCMtq](#)
[COASP2001-06For10.14.08CCMtq](#)
[LHD 2000-01Report](#)
[HPB-08-21-2008-1910CountryClubPrado](#)
[Signed Resolution 2008-166.pdf](#)

A RESOLUTION GRANTING AD-VALOREM TAX EXEMPTION FOR IMPROVEMENTS TO 1910 COUNTRY CLUB PRADO LOTS 3 AND 4, BLOCK 26, CORAL GABLES SECTION "E".

[Note for the Record: **City Manager David Brown** stated that this was a request by

the Historic Preservation Board that the City Commission adopt a resolution authorizing ad valorem tax relief for the property located at 1910 Country Club Prado, a local historic landmark; further stating that the approximate tax exemption requested is for a \$252,840 improvement, which corresponds to approximately \$1,327.41 per year and to \$13,274.10 over ten years.

Historic Preservation Administrator Simone Chin addressed the City Commission stating that the original building permit (No. 607) revealed that the architect of 1910 Country Club Prado to be the architectural firm of Liehnel and Elliott In 1923, George Merrick commissioned Kiehnel and Elliott to design several buildings. A series of ten buildings were designed and permitted sequentially on Country Club Prado; further stating that this was an extensive restoration project that included, general rehabilitation (restoration of original existing wood easement windows, original existing wood French doors, original existing wood architectural features; rehabilitation and structural reinforcement of existing main structure; complete replacement of roof with installation of steel reinforcing ties; reconstruction of structural unsound existing porch and garage; complete replacement of internal/external plumbing; relocation and replacement of septic tank system; complete electrical system replacement and re-wiring; removal of window a/c units and installation of Central a/c system, etc.); additions (bedroom; walk-in-closet; sitting room; one full and one-half bathrooms; and two car garage and utility area); site improvements (replacement of single asphalt driveway with concrete pavers; refurbish front walk with new cast keystone pavers; walled and gated concrete courtyard enclosure; decorative columns with light fixtures on front lot perimeter; refurbish existing front porch with cast stone floor/step surface; installation of property perimeter hedge, etc.); and interior alterations (restoration of original cabinetry in butler's party; complete kitchen refurbishment, etc.); further stating that on August 21, 2008, the Historic Preservation Board unanimously (7-0) approved said application as presented].

A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-166. 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. 36

Items G.-3. and D.-4. are related**G.-3. [08-0685](#)**

Presentation of excerpts from the Parks and Recreation Advisory Board Meeting of September 26, 2008, recommending the following:

That the request from Dooley Mack for the use of a portion of Riviera Park for use as a work site be accepted by the City Commission with the following criteria:

-The use of the park by Dooley Mack have an established start and end date without extensions.

-The gazebo provided is built according to the exact specifications in the master design plan already submitted.

-Dooley Mack, upon the end of the use of the site, returns the portion of the park used back to its original state.

Attachments: [parks board cover memo 9-26-08 \(4\)](#)
[Parks and Recreation Excerpts](#)

City Clerk Item No. 25

H. CITY MANAGER ITEMS

Time Certain: 10:00 a.m.

RESOLUTION NO. 2008-162

H.-1. **08-0649**

Consideration of the Country Club of Coral Gables RFP Evaluation Committee's Recommendation to authorize the City Manager to commence negotiations with Liberty Events, LLC, for the long-term leasing of the Country Club of Coral Gables subject to certain terms and conditions and resulting in a draft lease agreement for City Commission consideration.

Attachments: [CCCG Hospitality Consulting Project - Adelfi](#)
[Barry Abramson email](#)
[CGCC RFP Evaluation Comm Meeting 09-17-08](#)
[Country Club RFP](#)
[Barry Abramson summary](#)
[Liberty Events LLC Proposal information](#)
[Comm Cover 10-14-08](#)
[Signed Resolution 2008-162.pdf](#)

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

A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-162. 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

RESOLUTION NO. 2008-201**H.-2. 08-0605**

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

Attachments: [Fees Resolution Cover Sheet 2008 \(2\)](#)
[FeeResolution2008CleanCopy.pdf](#)
[FeeResolution2008DraftMarkedUp.pdf](#)
[FeeResolution2008CleanCopy_2](#)
[FeeResolution2008DraftMarkedUp](#)
[Fees Resolution Cover Sheet 2008](#)
[PlanningFeeComparisonTable 2008](#)
[Public Works Fee Increases](#)
[BuildingAndZoningFeeIncreases](#)
[BuildingAndZoningFeeIncreases](#)
[FeeResolution2008CleanCopyNov18](#)
[Fees Resolution Cover Sheet November 2008](#)
[Public Works Fee Increases](#)

[Note for the Record: Following the reading of the title of the resolution for Agenda Item H-2 into the public record, the **City Manager** requested of **Assistant City Manager Dona Lubin** to address the dais, whereupon Ms. Lubin informed the City Commission that the proposed Resolution includes certain comparative charts (i.e. Comparison of Planning Department Fees with other municipalities); five year fee plan for the Parks and Recreation Department; explanation of the Building and Zoning Department fees, etc.

Questions, Comments/Inquiry by the City Commission: **Commissioner Kerdyk** in making reference to the current financial environment, stated that any increase in fees represented a substantial increase in fees; further stating that said proposed legislation represents a range of increases, wherein some are minimal (i.e. \$5 increase to \$700 increase), while others are much larger (i.e. \$2,500 to \$5,000); further noting that he will not be supporting the fee ordinance, since in his opinion the fees are too high considering what is being offered in light of our current economic climate; further inquiring of the Assistant City Manager Lubin, through the **City Manager Brown**, as to what is the basis for said increase?-whereupon Ms. Lubin responded that the cost of doing whatever the fees are for forms the basis for said increase; further noting that in the Parks and Recreation Department, said fees have increased every five years.

Mayor Slesnick queried of the Assistant City Manager as to whether the City had conducted a comparative fee analysis of our fees to other municipality's fees?-further commenting that based on the results from same, that that he has been informed by the Administration that our fee structure is somewhere in the middle; further informing the City Administration that if said measure fails, then there needs to be some further

discussion; further requesting of the City Administration to bring said matter “around the horn;” further encouraging individual meetings with members of the City Commission regarding same; further instructing the City Manager to come back with another proposal].

A motion was made by Commissioner Anderson, seconded by Mayor Slesnick II, that this motion be adopted by Resolution Number 2008-201. The motion FAILED by the following vote:

Yeas : 2 - Commissioner Anderson and Mayor Slesnick II

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

City Clerk Item No. 37

City Clerk Item No. 39

RESOLUTION NO. 2008-167**H.-3. 08-0678**

A Resolution authorizing the award of Fitness Professional Services to The Fitness Center pursuant to Section 2-828 of the Procurement Code for the Fitness Professional RFP 2008.07.14. Further authorizing the City Manager to execute a two (2) year contract with an option to renew for (3) additional one (1) year periods.

Attachments: [2008.07.14 Fitness Professional Draft Agenda Cover Sheet.pdf](#)
[2008.07.14 Fitness Professional Draft Reso.pdf](#)
[9.0 Evaluation Committee Sheet.pdf](#)
[RFP 2008.07.14 Fitness Professional.pdf](#)
[2008.07.14 Fitness Professional Addendum 1.pdf](#)

RESOLUTION AUTHORIZING THE AWARD OF FITNESS PROFESSIONAL SERVICES TO THE FITNESS CENTER PURSUANT TO SECTION 2-828 OF THE PROCUREMENT CODE FOR THE FITNESS PROFESSIONAL RFP 2008.07.14. FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO (2) YEAR CONTRACT WITH AN OPTION TO RENEW FOR (3) ADDITIONAL ONE (1) YEAR PERIODS.

[Note for the Record: Following the City Manager's reading of the title to the resolution for Agenda Item No. H-3 into the public record, he requested of Finance Director Don Nelson to address the podium, who stated that said matter is a resolution authorizing the award of Fitness Professional Services to the Fitness Center; further stating that two proposals were received on July 24th, 2008, namely the Fitness Center and Synergy Lifestyles, Inc.; further stating that on September 16th, 2008, the Selection Committee consisting of three members, namely **Luanne Santangelo, Parks and Recreation Assistant Director, Darby Plummer, Parks and Recreation Advisory Board member, and Gail Haldeman, UM School of Medicine, Director of the Wellness Medical Center**, completed their evaluation based on qualifications (i.e. degrees, licenses, and certifications); program proposal, resources and labor; business; history; references and cost of providing services; further stating that the Fitness Center is the current incumbent, and provides thirty percent of their current revenue to the City; further stating that it is recommended that the City Commission accept the recommendation of the City Manager, in accordance with Section 2-828 of the Procurement Code; further authorizing the City Manager to authorize a two-year contract with an option to renew for three additional one-year periods.

Questions, Comments/Inquiry by the City Commission: **Commissioner Cabrera** inquired through the City Manager of **Finance Director Don Nelson** as to how long as The Fitness Center been providing services to the City?- whereupon Mr. Nelson stated that said company has been providing services for the past five years.

Commissioner Cabrera further inquired same of Parks and Recreation Department Director Fred Couceyro, who further clarified Mr. Nelson's response, stating that he

felt that Mr. Nelson was referring to the last contractual cycle; further stating that said company has been providing services since the Youth Center was renovated (March 19, 1997)].

A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-167. 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. 38

RESOLUTION NO. 2008-168

H.-4. 08-0675

A Resolution authorizing the City Manager and the Chief of Police to execute a renewal of the Voluntary Cooperation Mutual Aid Agreement with the South Florida Money Laundering Task Force, for multi-jurisdictional and cross-jurisdictional delivery of police services.

Attachments: [COMMISSION COVER MEMO - SO. FLA. MONEY LAUNDERING RESOLUTION RE MUTUAL AID AGREEMENT](#)
[SFMLSF Mutual Aid Agreement](#)
[Signed Resolution 2008-168.pdf](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO EXECUTE A VOLUNTARY COOPERATION MUTUAL AID AGREEMENT WITH THE SOUTH FLORIDA MONEY LAUNDERING STRIKE FORCE (SFMLSF) FOR MULTI-JURISDICTIONAL AND CROSS-JURISDICTIONAL DELIVERY OF POLICE SERVICES.

[Note for the Record: Following the reading of the title of the resolution for Agenda Item H-4 into the public record, the **City Manager** requested of Police **Chief Richard Naue** to approach the dais; whereupon Chief Naue informed the City Commission that the Voluntary Cooperation Mutual Aid Agreement is a one-year agreement which allows municipalities to participate in a multijurisdictional (i.e. Miami-Dade County and Broward County) and cross jurisdictional delivery of police services; whereupon Chief Naue further noted that said task force has been in existence for 15 years, under the auspices of the State Attorney's Office; further pointing out that said task force has done everything that it has supposed to do, in terms of taking both criminals and product off of our streets].

A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2008-168. 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. 40

H.-5. [08-0660](#) Status of Ordinance on Automated External Defibrillators

Attachments: [Status of AED Ordinance Cover Memo.pdf](#)
[AED+Presentation.ppt](#)

City Clerk Item No. 41

H.-6. [08-0663](#) Red light Camera Program Update

Attachments: [COVER MEMO RE RED LIGHT CAMERA PROGRAM](#)
[Red Light Cameras](#)

City Clerk Item No. 42

H.-7. [08-0691](#) Presentation on Code Enforcement Procedures

Attachments: [Code Enforcement Procedures PowerPoint Presentation](#)

City Clerk Item No. 43

I. CITY ATTORNEY ITEMS

I.-1. [08-0686](#)

A Resolution authorizing settlement of the dispute between the City and Quantum Leap Network, Inc., concerning the transfer of the domain name, www.venetianpool.com, to the City of Coral Gables.

Attachments: [quantumleap settlement](#)
[agendacover settlementquantumleap](#)
[comm_quantumleapsettlement](#)

[Note for the Record: **City Attorney Hernandez** addressed the City Commission regarding a September 9th, 2008 action, wherein the Commission had authorized the initiation of legal action against Quantum Leap Network, Inc., in connection with the enforcement of an agreement regarding the website entitled [venetianpool.com](http://www.venetianpool.com); further pointing out that the City had been unsuccessful in obtaining compliance with the provision of said agreement requiring the transfer of the ownership of the domain name to the City; further stating that there was a precondition to the authorization to bring said suit, namely the extension of a thirty-day period during in which the parties could resolve the matter amicably; further stating that an agreement has been reached, subject to our City Commission approval, that the our City will agree to pay Quantum Leap Network the sum of \$2,500, in return for the immediate transfer of the domain name ([venetianpool.com](http://www.venetianpool.com)) from Quantum Leap Network to the City of Coral Gables; further noting that said proposed agreement was attributable to discussions with **Mr. David Rogero** and **Mr. Burr**, along with **City Manager David Brown**; further stating that the City had retained the services of a copyright attorney, Leslie Lott, Esq. in connection with said issue.

Questions, Comments/ Inquiry by the City Commission: **Vice Mayor Kerdyk** inquired of the City Attorney as to how much has the City spent regarding said matter?-further inquiring as to how much it is envisioned that one will spend if one goes through litigation?-whereupon **City Attorney** initially responded that we have spent an estimated couple of thousand dollars; further stating that going through litigation could add an additional \$15,000.

Commissioner Cabrera stated that in his opinion, \$2,500 is too much money; further stating that the City has a fiduciary responsibility to its citizenry; further stating that he has discussed said matter with the City Attorney and has also read the contract; the \$2,500 is a sticking point; further stating that he would have been comfortable with settling for a lesser amount (i.e. possibly between \$500---\$1,000), and he would have walked away; further stating that he would not be against the continuation of doing business with Quantum Leap network Inc.

Commissioner Withers stated that the “ball is in Mr. Burr’s Court.” He must make a decision and if he loses, then he has to pay our attorney’s fees, along with his own to absorb. Mayor Slesnick stated that Commissioner Withers is correct, that it is clear in

the contract that he owes the City the aforementioned website.

Vice Mayor Kerdyk stated that there has been a misinterpretation; further questioning of his colleagues as to why not settle?-further acknowledging a line of demarcation, wherein one may write a check for the recommended, which he so aptly characterizes as the cost of doing business].

City Clerk Item No. 44

RESOLUTION NO. 2008-169

I.-2. 08-0687

A resolution of the City of Coral Gables, providing for the participation of the Mayor and City Commissioners in the elected officers' class of the Florida Retirement System; providing for repealer; providing an effective date.

Attachments: [comm_commissioners_electedofficers_frs](#)
[R-2008-75_Fla.Ret.Systemelectedofficers](#)
[agendacover_FloridaRetirementSystem](#)
[FRS EOC Resolution 10 02 08](#)
[Signed Resolution 2008-169.pdf](#)

A RESOLUTION OF THE CITY OF CORAL GABLES, PROVIDING FOR THE PARTICIPATION OF THE MAYOR AND CITY COMMISSIONERS IN THE ELECTED OFFICERS' CLASS OF THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR A SEVERABILITY CLAUSE; A REPEALER PROVISION AND AN EFFECTIVE DATE.

[Note for the Record: **City Attorney Hernandez** addressed the City Commission regarding the participation of the Mayor and City Commissioners in the Elected Officers Class of the Florida Retirement System; further noting that during the month of August of this calendar year, that the Division of Retirement had changed its position regarding elected officials; whereby Mr. Jim Lynn, consultant to the City of Coral Gables regarding pension related matters, has recommended that the City again adopt the proposed resolution (which is similar to Resolution No. 2008-75, which was adopted in May of 2008); further reiterating the City's desire to have our Mayor and City Commissioners participate in the Elected Officers' Class of the Florida Retirement System, if any member of the City Commission so chooses to do so; further stating that following passage and adoption of said legislation, it will be forwarded to Tallahassee].

A motion was made by Commissioner Cabrera, Jr., seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2008-169. 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. 45

[Note for the Record: City Attorney Hernandez informed the members of the City

Commission that her office is in the process of preparing a summary of the ballot questions (in memorandum form) that the State Legislature and the Taxation Commission adopted for the purpose of better informing our citizenry regarding said issues; further stating that City Manager Brown has informed her that said issues will also be placed in E-News, in order that our citizenry will be better informed as to what is coming before them].

[Note for the Record: In response to Mayor Slesnick's inquiry regarding the status of the proposed Charter Amendment Issue (Term Limit Language), City Attorney Hernandez informed the City Commission that she intends to bring said draft language for the Commission's review at our next meeting of October 28th, 2008, to confirm that said language represents the intent of the City Commission].

[Note for the Record: Mayor Slesnick requested of the City Attorney to also bring back for consideration and review, documentation pertaining to the last time that the Charter Amendment Issue regarding the Trial Board was placed before our electorate, considering the fact that now that the Trial Board has had a chance to organize itself, and further mindful of the expense associated in maintaining said board.

Finally, City Attorney Hernandez informed the City Commission that as part of the review of the Procurement Code, that one of the recommendations was that the City consider raising the threshold amount (Note: which was previously raised from \$4,500 to \$25,000 the last time it was approved by our electorate), before it goes out to a competitive formal bidding process. City Attorney Hernandez further mentioned that said recommendation is consistent with those State legislative fiscal constraint initiatives that are challenging municipalities statewide].

J. CITY CLERK ITEMS

None

City Clerk Item No. 46

K. DISCUSSION ITEMS

Mayor Slesnick: Mr. Manager.

City Manager Brown: Thank you Mr. Mayor, Mr. Mayor and members of the City Commission, I would like to thank you for the confidence and the support that you have shown me as your Manager. For the last seven years, together we have met many challenges and overcome some very difficult obstacles. It has not been easy, but few things worth while ever are. Today, we can say without equivocation, that Coral Gables is a better place to live, is a better place to work, and it is a better place to play before seven years ago. Even now, in the face of the greatest economic challenges of our generation Coral Gables property taxes are strong and continue to rise. The City's finances are solid and sound. Back then in 2001, reserves were barely \$600,000, you all would recall, now they range over \$10,000,000. Over the past seven years we undertook and completed the first comprehensive rewrite of the Zoning Code. We reorganized several key departments and we have invested in much infrastructure; and we have advanced the quality-of-life measures that have enhanced the image and the brand of Coral Gables, not only locally, but internationally. These achievements did not come by accident, and I know that, they are a direct result of your careful stewardship and the implementation of policy by hundreds of dedicated professionals, administrators, and employees alike. To me, there are few callings greater than public service. Little did I know back then at the Venetian Pool, and there are certainly few if any places better to serve than this, "The City Beautiful". It is rare that anyone spends more than half their career with just one organization, and yet nearly my entire professional career has been here in service to the City of Coral Gables. When I began working for the City, nearly 28 years ago, I saw retirement as a distant and abstract concept, who wouldn't? Now, I see it as a time to enjoy the fruits of life and labors, and an opportunity to explore other pursuits of which I have given to this City and never explored before. Nevertheless, it is not without some measure of sadness that I announce to you that my intentions are to retire and separate service from the City on January 31, 2009. I am sure it will be a transition not to worry about the City 24/7. I will, of course, be at your service, if you desire, until such time as you have recruited or hired a City Manager. Please know that it has been a genuine honor and a privilege to serve this world-class City, especially as its chief executive. I believe the vast majority of the Coral Gables residents are happy with their City and the way it has

been managed; and I am proud to have served a small role in keeping the City of Coral Gables the wonderful City that it is. Thank you for all of the fond memories, and I will never forget this City, or each and everyone of you.

Mayor Slesnick: Well David, I look forward to the last part of your tour of duty to be productive as it has been, and to be supportive of the goals of this City and its citizens, as it has been. I know that there has been brimstone and fire and some elements of the press and other people about occasions, things that have occurred in the last few months; and I know it has been tough on you and it has been tough on the City, and I appreciate the fact that you have chosen to move in the direction of a positive nature; and I can tell you now finding someone that will work as hard and as effective as you; and we look forward to working with you in moving forward to the next step.

City Manager Brown: I'll be glad to help.

Mayor Slesnick: Mrs. Anderson.

Commissioner Anderson: I have been fortunate to have, when I have erred, and when I have faltered in my life, I have been lucky to have had people to raise me up and forgive me; and when David told me of the situation that started way back when in March, I knew probably that at some point we would have to begin the process of talking about separating. I understand that it became bigger, the situation became bigger than itself; and we had to move on, but not without great heartache. I have worked well with you Mr. Manager. I think we are a better City as the result of all of our work together. Ten Million dollars (\$10,000,000) for people who just measure it by dollars. When I was first Commissioner, we had no money and we managed to do great things. I have been very unhappy with how things have unfolded in the press and how it has been handled. I think there has been a tremendous amount of blood lust of one person's mistake; and granted it was not one that we could ignore, but I hope that as this Commission moves forward to pick an interim and puts a selection process in place to pick a new manager that we work together, 5-0, not 3-2; and I would hope that when we put the process together to pick a manager, we make sure that we leave it for the new Commission, whoever those people are in April, to pick the new manager. I was lucky enough to sit when we had that selection process, and I think it would be only fair for whoever is sworn-in in April to have that opportunity to work with the new person. But I thank you for your service and I thank you for putting together a really terrific staff. It hasn't been perfect, but I have been privileged to work with you, and I will be sad to see you go. Thank you.

Mayor Slesnick: Did you have any other things? This is our last round.

Commissioner Anderson: No I have said all, I just that the blood letting can stop now.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I had a meeting recently with Florida Power & Light officials and I briefly brought this to your attention recently that the tree or the vegetation management program needed to be readdressed. So we are in the middle of addressing that issue; and I have to tell you that it is a very large and contentious problem that faces; and as we continue to face hurricanes this is not going to get any better it is going to get much worse, so I am just going to warn you all that there needs to be a lot of work done to improve the program between ourselves and Florida Power & Light; and I would also like the Manager's Office to provide me with an update on the Granada Pro Shop bathrooms. I would like to know when they are going to be completed? The project now is probably on its sixth or seventh month I think; the Biltmore was built in 11 months.

City Manager Brown: Thirteen.

Mayor Slesnick: Thirteen months, OK, so we are kind of getting close to the same timeframe as the Biltmore, I would like to also get from the Manager's Office a status report on the proposed Venetian Pool renovation; and I would like to also invite the Village of Merrick Park's new General Manager to come and introduce himself to the City Commission and at the same time get a report on how well, and the status of the Village and how it is performing. I think it is important that we continue to provide oversight to this very important facility that we own, unlike other facilities that we don't necessarily or didn't necessarily do the right oversight. That is the extent of my comments for today.

Mayor Slesnick: Mr. Kerdyk.

Commissioner Kerdyk: Just two things, one is my compliments to Mr. Delgado for lighting the Ponce median. It looks super with the lights that you put in there. I know that you changed things, and it really adds a lot to the median itself; and the second is that I wanted to thank the City Manager; as you all know, that I was one of the individuals that thought we needed to go on a different direction, but I do want to acknowledge all the great things you have done for the City; and I think that you have brought this City up, again the City in my opinion needed to move in another direction, but thank you for all that you have done. Thank you.

Commissioner Withers: Before I share my thoughts with you all on Dave, a couple of issues. When we discussed the Country Club today, one thing that we all realized was that it looks like we have a pretty dynamic provider coming in with Liberty; and even the Mayor mentioned that it looks like they are going to have some nice events there. So I think we need to as a Commission decide since I don't know if it is a special use or what is the zoning on that property?-David for the Country Club.

City Manager Brown: I am sorry.

Commissioner Withers: What is the zoning on the Country Club as far as hours of operations?

City Manager Brown: That is a special use.

Commissioner Withers: I think before we get too far down the road with these folks, we need to let them know what we expect as far as, when the band stops playing at night, are they allowed to stay open until 2 am serving liquor like other clubs in downtown Coral Gables. I think it is only fair to them and I submit we do that sooner than later, they had a very aggressive income statement based on special events and liquor sales. I should say liquor sales, but just catering and I think we need to move forward with that sooner than later, so hopefully we can get that. Secondly, I just wanted to ask David to come back to us as with how, if we are in compliance, there has been a tremendous movement in the credit card industry for the housing of credit card numbers especially for people that buy your services. I guess it would be an IT issue that we probably need; Gee to look at if we are in compliance with the current.

City Manager Brown: Gee and Don Nelson also.

Commissioner Withers: Because there are some significant fines if we are not.

City Manager Brown: I have already started that research.

Commissioner Withers: In regards to David, I knew this was coming today obviously we did; and I thought about it long and hard and I prayed about it; and I talked to my wife about it who, gives me more guidance than I can possible thank her for; and at first I was very angry toward you three because I felt it was just the wrong thing to do; and then I kind of refocused because I had in essence a real desire not to do what we did, and that is to air this whole issue in the piranha press, that we have in our City, and it disappointed me, in that I asked you not too long ago please let's not get to this point; and each one of you looked at me and said, we won't, we won't, we won't; and I am not going to call out anybody individually, but to go to the press and respond in the way that some of us have responded in the press on this issue I think it is a terrible reflection on the City of Coral Gables. If I was a resident I would be embarrassed, if I was a staff member in this City or an employee I would be embarrassed. I as a Commissioner am embarrassed at the way we have taken this City's name down this path and treated an individual, and we all know that what David did was an absolutely stupid thing, he wasn't charged with an ethics violation, he wasn't charged with a criminal investigation. He said that he was sick and tired of George Volsky and this was trying to mess with George Volsky, and that is exactly

what David said. So I submit to you, and I was at that lunch, I was probably one of the causes of David writing this speech today; and at that lunch I want to tell you that we hired an economist that probably has saved this City millions of dollars as a result of that lunch; and we put together economic models and forecasts to anticipate exactly what is happening in our real estate market today; and that is what came from that lunch; and that is what came from that bottle of wine that supposedly David paid for, which he wasn't responsible for paying for. So I know there was other things moving this, and for me to say that for a stupid mistake someone with 25 or 27 years of service to the City of Coral Gables has to be treated like this is just beyond; and I am sorry if I am offending friendships here, but I am through with my soap box speech, but I am just sadden by the turn of events today. Thank you.

Mayor Slesnick: Let me conclude one thing on a note of just regular business I would like us to take a look at the item that we passed two years ago now on 10,000 square foot buildable lots.

Silvia Unzueta: Mr. Mayor can we speak?

Mayor Slesnick: No Ma'am, this is not a public comment sanction.

Roxcy Bolton: Let her speak Mr. Mayor.

Mayor Slesnick: This is 10,000 square feet of buildable lots that we approved. We said that there is a great deal of issues with it, and we have been attacking the parking issues, but we haven't attacked the issues of what it really went down to and that is probably providing for two small lots to be built too much upon and I would like to take another look at that and I just like to share with the citizens and to the employees that during the transition period coming forward we have lots of important things we are working on. You heard many of them today, about our downtown retail district you have heard about our traffic programs, you know about our dealings with the University of Miami on a development agreement and things; and these things will go forward you know that we are in negotiations with our employees and these things will go forward in a positive aspect; and we will carry on the business of this City; and we will do the best job that we can do to make sure that there is no disruption in any kind of services or City Hall operations. I know that the employees of this City are not here because of any one or two people. They are here for the citizens of Coral Gables, and that is why we are here too; and everything we do in the next few transitions months will be in that aspect. So with that, I look forward to transitioning. A new era is coming, and we will provide a productive approach to that new era. We are adjourned. Thank you.

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 2:55 pm on October 14, 2008. The next regular meeting of the City Commission has been scheduled for October 28, 2008, beginning 9 a.m.]

DONALD D. SLESNICK
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK