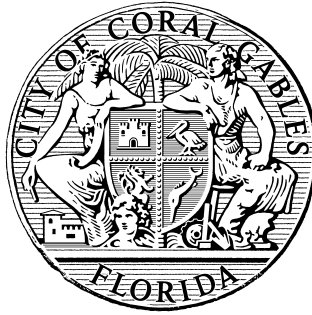


City of Coral Gables

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



Agenda

Tuesday, January 13, 2009

9:00 AM

City Hall, Commission Chambers

City Commission

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

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

INVOCATION

The Reverend Kathryn H. Carroll, St. James Lutheran Church

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

- A.-1. [08-0860](#) Presentation of a Proclamation declaring January 13, 2009 as Coral Gables Garden Club Day in Coral Gables.

B. APPROVAL OF MINUTES

- B.-1. [08-0872](#) Regular City Commission Meeting of December 16, 2008

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.

- C.-1. [08-0847](#) A Resolution authorizing expenditures in the amount of \$12,900.00 from previously encumbered State Forfeited Asset Funds to acquire the Crime Analysis Plus software module from SUNGARD HTE Open Software Solutions Inc.(OSSI).
- C.-2. [08-0859](#) A Resolution appointing Jorge A. Mora (nominated by Mayor Slesnick) to serve as a member of the Board of Adjustment, for the unexpired balance of a two (2) year term, which began on June 1, 2007 through May 31, 2009.
- C.-3. [08-0864](#) A Resolution amending Resolution No. R2008-94 to include repairs and new installations for an amount not to exceed \$150,000.00 per year by Weathertrol Maintenance Corporation as the provider of citywide heating, ventilation, air conditioning services and maintenance.

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

- C.-4. [08-0844](#) Communications Committee Meeting of December 18, 2008
- C.-5. [08-0848](#) Board of Adjustment Meeting of December 1, 2008
- C.-6. [08-0861](#) Youth Advisory Board Meeting of December 2, 2008
- C.-7. [08-0862](#) Youth Advisory Board Meeting of December 16, 2008
- C.-8. [08-0866](#) Economic Development Board Meeting of December 3, 2008
- C.-9. [08-0878](#) Budget/Audit Advisory Board Meeting of December 11, 2008
- C.-10. [08-0876](#) Coral Gables Merrick House Governing Board Meeting of December 1, 2008

D. PERSONAL APPEARANCES

- D.-1. [08-0875](#) Colin Baensiger, from Colin Baensiger and Associates, to provide a status report on the City Manager search.

E. PUBLIC HEARINGS

All Individuals desiring to give testimony shall be sworn in.

E.-1. [08-0863](#)

Board of Architects Appeal - Application No. AB 08-12-0828

Sixto Gonzalez and wife Elvira Gonzalez, Applicants, have filed an appeal to the Coral Gables City Commission, from a decision of the Board of Architects at its regular meeting of December 18, 2008, wherein the Board denied Application AB 08-12-0828, in connection with the installation of accordion shutters on the principal facade of their residence on 43 Marabella Avenue, Coral Gables, Florida. This property is legally described as Coral Gables Flagler St. Sec. PB 10-12 West 1/2 of Lot 46 and all Lots 47 & 48 and East 1/2 of Lot 49 Block 11. Folio Number 03-4105-050-0890.

Summary of Appeal:

The Board of Architects denied a request for installation of accordion shutters on the principal (front) facade of the residence located at 43 Marabella Avenue, Coral Gables, Florida. The applicant is appealing the denial of the following:

Denial of the installation of accordion shutters on the front facade of the residence pursuant to Article 5, Division 6, Section 5.601, 5.602 and Section 5.603 of the Coral Gables Zoning Code.

ORDINANCES ON SECOND READING

Time Certain: 10:00 a.m.

E.-2. [08-0768](#)

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

E.-3. [08-0795](#)

An Ordinance of the City Commission of Coral Gables, Florida, amending Chapter 54, "Solid Waste," Article II, "Litter", Division 2, "Handbills" by providing for the prohibition of throwing, discarding, placing or depositing handbills or flyers as litter in public places; providing for definitions; creating criteria for rebuttable presumptions concerning littering with commercial handbills or flyers; by providing for seizure of handbills or flyers for use as evidence; providing for enforcement; providing for appeals, payment of fines and foreclosure; providing for fines and penalties; and providing for severability, repealer, codification, and an effective date. (Passed on First Reading December 16, 2008 - Vote 5-0)

E.-4. [08-0728](#)

An Ordinance of the City Commission of Coral Gables, Florida, calling for the holding of a special municipal referendum election of the City of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an ordinance dealing with the proposed amendment to the Charter of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. ____: Shall the City of Coral Gables Charter, Section 54, be amended by increasing the threshold for formal public bid and award from Twenty-Five Thousand (\$25,000.00) Dollars to One Hundred Thousand Dollars (\$100,000.00) on public works projects and shall this Section be transferred to the City Code for further amendments by the City Commission?; including, but not limited to, amending certain Sections, stating the form of the question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further, directing the City Clerk to cause a certified copy of the herein ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty days prior to the date of such special municipal referendum election; further directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2008), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty days' notice of the election or referendum in a newspaper of general circulation in the City of Coral Gables, at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing an effective date for this Ordinance. (Passed on First Reading December 16, 2008 - Vote 4-1)

E.-5. [08-0736](#)

An Ordinance of the City Commission of Coral Gables, Florida, calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, for the submission to the qualified electors of said City, not less than sixty (60) days nor more than one hundred twenty (120) days after the draft is submitted, an Ordinance in connection with the proposed amendment to the Code of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. ____: Shall the Charter of the City of Coral Gables be amended to delete Sec. 22 entitled, "Authority over officers and employees; removal, suspension, reduction; requests for cause and hearing; trial board."?, which calls for a special trial board to investigate and render a decision as to the propriety of the City Manager's removal, suspension, lay-off or reduction in grade of any officer or employee; stating the form of the question to be voted upon; providing the form of the ballot question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further directing the City Clerk to cause a certified copy of the herein Ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty (60) days prior to the date of such special municipal referendum election; directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2008), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty (30) days' notice of the election or referendum by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this Ordinance; repealing all ordinances or parts of Ordinances in conflict herewith; providing an effective date for this Ordinance. (Passed on First Reading December 16, 2008 - Vote 4-1)

E.-6. [08-0830](#)

An Ordinance of the City Commission of Coral Gables, Florida, calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an ordinance in connection with the proposed amendment to the Charter of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. __: Shall the Charter of the City of Coral Gables be amended to provide for the Mayor to be elected to serve a two (2) year term commencing the second Tuesday in April, 2011?; including, but not limited to, amending certain sections, stating the form of the question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further directing the City Clerk to cause a certified copy of the herein ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty days prior to the date of such special municipal referendum election; directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2008), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty days' notice of the election or referendum by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing an effective date for this Ordinance. (Passed on First Reading December 16, 2008 - Vote 4-1)

ORDINANCES ON FIRST READING**Items E-7, E-8 and E-16 are related****E.-7. [08-0846](#)**

An Ordinance of the City Commission of Coral Gables, Florida, approving the exchange of property located at the southwest corner of the intersection of Greco and Granello Avenues, Coral Gables, Florida, the legal description of which is set forth as follows: a portion of Tract "B" and Tract "C", replat of a portion of Block 16 of the revised plat of Coral Gables Industrial Section, according to the plat thereof, recorded in Plat Book 43, page 50, of the public records of Miami-Dade County, Florida, more fully described as follows: commencing at the southwest corner of said Tract "C"; thence north 50°19'17" east, on the southerly line of said Tract "C" and north right-of-way line of said Granello Avenue, a distance of 87.91 feet to the point of beginning; thence north 39°40'43" west, a distance of 136.86 feet; thence north 83°21'37" east, on the northerly line of said Tract "B" and Tract "C" and south right-of-way line of said Greco Avenue, a distance of 183.59 feet to a point of curvature of a tangent curve concave to the southeast; thence southeasterly along said curve, to the right, having a central angle of 146°57'40" and a radius of 20.00 feet for an arc distance of 51.30 feet to a point of tangency; thence south 50°19'17" west, on the east line of said Tract "C", a distance of 143.00 feet to the point of beginning; said land containing approximately 13,564 square feet; in exchange for the conveyance of City of Coral Gables Parking Lot 31 located at the southeast corner of Lejeune Road and Greco Avenue, Coral Gables, Florida, the legal description and folio number of which are set forth as follows: folio no. 03-4120-017-2240. Lots 8, 9, 10, 11, and 12, Block 16 of revised plat of Coral Gables Industrial Section, according to the plat thereof, as recorded in Plat Book 28, at page 22 of the public records of Miami-Dade County, Florida; said land containing approximately 13,551 square feet; further providing for a waiver of certain provisions of Article VIII of the Coral Gables City Code by a 4/5 vote in accordance with City Code Section 2-2011 including the requirement of an advertised public bidding process; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date.

E.-8. [08-0850](#)

An Ordinance of the City Commission of Coral Gables, Florida, approving the vacation of a public alleyway pursuant to Zoning Code Article 3, Division 12, "Abandonments and Vacations", for the proposed mixed use project referred to as "DYL Merrick MXD", on the property legally described as all of Block 16, Industrial Section (4601 LeJeune Road) Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date. (PZB provided no recommendation with a 3-3 vote.)

Items E.-9. through E.-15. are Zoning Code Text Amendments

- E.-9. [08-0852](#) An Ordinance of the City Commission of Coral Gables, Florida, amending the text of the Official Zoning Code, Appendix A, Site Specific Zoning Regulations providing for changes to the allowable townhouse building height for specific properties from 35 to 45 feet pursuant to a City of Coral Gables City Commission Settlement Agreement; providing for repeal, providing severability, providing for codification thereof, and providing for an effective date. (PZB recommended approval with a 4-1 vote.)
- E.-10. [08-0853](#) An Ordinance of the City Commission of Coral Gables, Florida, amending the text of the Official Zoning Code, Article 5, Division 16, providing for clarification of the permitted roofing material of copper roofs, and Article 8, providing for a definition of "copper," providing for repeal, providing severability, providing for codification thereof, and providing for an effective date. (PZB recommended approval with a 4-0 vote.)
- E.-11. [08-0854](#) An Ordinance of the City Commission of Coral Gables, Florida, amending the Zoning Code, Article 2, "Decision Making and Administrative Bodies", Section 2-702, entitled "City Attorney", to provide the proper procedures to follow to review rulings of the City Attorney; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval with a 4-0 vote.)
- E.-12. [08-0855](#) An Ordinance of the City Commission of Coral Gables, Florida, amending the Zoning Code, Article 8, entitled "Definitions" to amend the definition of "Family" to reflect the appropriate constitutional requirements; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval with a 4-0 vote.)
- E.-13. [08-0856](#) An Ordinance of the City Commission of Coral Gables, Florida, amending Zoning Code Article 5, Division 19, entitled "Signs", Section 5-1909, "Campaign", by providing for the allowance of campaign or political signs in residential districts, providing the size of campaign and political signs in residential districts, providing for the length of time campaign or political signs are allowed in the City of Coral Gables following elections; and, Article 8, "Definitions", by adding a definition for "Political Signs" and "Campaign Signs"; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval with a 4-0 vote.)
- E.-14. [08-0857](#) An Ordinance of the City Commission of Coral Gables, Florida, amending the Zoning Code, Article 2, Division 5, "Historic Preservation Board", Section 2-502, entitled "Membership; Terms; Vacancies; Removal", to amend the current membership to require two architects on the Historic Preservation Board; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval with a 4-0 vote.)
- E.-15. [08-0858](#) An Ordinance of the City Commission of Coral Gables, Florida, amending the Zoning Code, Article 5, Division 8, Section 5-805, entitled "Davits, watercraft lifts and floating watercraft lifts", to amend the number of davits permitted on a property; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval with a 4-0 vote.)

E.-16. [08-0883](#)

An Ordinance calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an ordinance in connection with the proposed amendment to the Charter of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No. __: Shall the Charter of the City of Coral Gables be amended to provide for two (2) term limits for a total of eight (8) years for the Mayor?: Ballot Question No. __: Shall the Charter of the City of Coral Gables be amended to provide for three (3) term limits for a total of twelve (12) years for City Commissioner, with the incumbents in Groups Four (IV) and Five (V) allowed to run an additional term in the general biennial election of 2011?; and Ballot Question No. __: Shall the Charter of the City of Coral Gables be amended to provide that the time served in fulfilling the unexpired term resulting from a vacancy on the City Commission not be counted in applying these term limits?; including, but not limited to, amending certain sections, stating the form of the question to be voted upon; providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further directing the City Clerk to cause a certified copy of the herein ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty (60) days prior to the date of such special municipal referendum election; directing the City Clerk of the City of Coral Gables to publish notice of such election pursuant to Section 100.342, Florida Statutes (2008), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty (30) days' notice of the election or referendum by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing an effective date for this ordinance.

RESOLUTIONS**Item E.-17., E.-7. and E.-8. are related**

- E.-17. [08-0851](#) (For discussion purposes only. Adoption of Resolution will occur at Second Reading of related Ordinance)
A Resolution of the City Commission of Coral Gables approving a mixed use (MXD) site plan for the proposed mixed use project referred to as "DYL Merrick MXD", located on property legally described as all of Block 16, Industrial Section (4601 LeJeune Road), Coral Gables, Florida; as set forth in Application No. 06-08-070-P; subject to certain conditions. (PZB provided no recommendation with a 3-3 vote.)

F. CITY COMMISSION ITEMS

None

G. BOARDS/COMMITTEES ITEMS

None

H. CITY MANAGER ITEMS

- H.-1. [08-0884](#) Resolution authorizing the expenditure of funds in an amount not to exceed \$100,000.00 from Miami-Dade County General Obligation Bond Project No. 156-70661, Miracle Mile Streetscape Improvements, for the development of a Master Plan for right-of-way improvements consistent with the conceptual plans developed by the Street Design Committee established by the Business Improvement District for Miracle Mile and Giralda Avenue, Coral Gables, Florida.
- H.-2. [08-0879](#) A Resolution of the Commission of the City of Coral Gables, Florida, approving and appropriating an expenditure of up to \$10,000.00 for the public purpose of explaining the proposed Charter Amendment and informing and educating the voters of the City of Coral Gables on the question of whether to delete Section 22 pertaining to the Trial Board from the City Charter to be placed on the April 14, 2009 Special Municipal Referendum Election Ballot, in order, to achieve a more informed electorate vote.
- H.-3. [08-0880](#) A Resolution of the Commission of the City of Coral Gables, Florida, approving and appropriating an expenditure of up to \$10,000.00 for the public purpose of explaining the proposed Charter Amendment and informing and educating the voters of the City of Coral Gables on the question of whether to amend the City Charter, Section 8, to change the Mayor's term to two years, to be placed on the April 14, 2009 Special Municipal Referendum Election Ballot, in order to achieve a more informed electorate vote.

- H.-4. [08-0881](#) A Resolution of the Commission of the City of Coral Gables, Florida, approving and appropriating an expenditure of up to \$10,000.00 for the public purpose of explaining the proposed Charter Amendment and informing and educating the voters of the City of Coral Gables on the question of whether to amend the City Charter, Section 54, to increase the amount of contracts on public works or improvement which require public bid and award to be placed on the April 14, 2009 Special Municipal Referendum Election Ballot, in order, to achieve a more informed electorate vote.

I. CITY ATTORNEY ITEMS

None

J. CITY CLERK ITEMS

- J.-1. [08-0870](#) A Resolution appointing certain members of Canvassing Board (board) for the upcoming General Biennial Election of Tuesday, April 14, 2009, namely, Commissioner Wayne "Chip" Withers and Vice-Mayor William H. Kerdyk, Jr., for the purpose of canvassing absentee ballots and precinct returns; further authorizing said Board to certify the results of said election.
- J.-2. [08-0871](#) A Resolution, with attachment, granting permission to the City Clerk to proceed with preparation of The Municipal Election Order Form in conjunction with Miami-Dade County Elections Department for services, materials and support to be rendered, in connection with the Coral Gables General Biennial Election of April 14, 2009, to procure the necessary ballots and other forms, to arrange for the use of voting machines, provide appropriate absentee ballot request policy (in those instances wherein Miami-Dade County manages the distribution of absentee ballots) and canvass of returns from our designated precincts within the City of Coral Gables of The City Commission.
- J.-3. [08-0882](#) A Resolution of the City Commission, with attachment, making provisions for holding a General Biennial Election on April 14, 2009, for the election of candidates for the offices(s) of two Commissioners; further designating and appointing the City Clerk as the official representative of the City Commission with respect to the supervision of said General Biennial Election; further directing the City Clerk to give notice by publication of the adoption of this resolution and the provisions hereof.

K. DISCUSSION ITEMS

This time is for informal discussion among the City Commissioners, the City Manager and the City Attorney

ADJOURNMENT**NOTE**

Any person who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, must register with the City Clerk, prior to engaging in lobbying activities before city staff, boards, committees and/or the City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall.

Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Interested persons should, therefore, take the necessary steps to ensure that a verbatim record of the proceedings is made which contains the testimony and evidence upon which the appeal is based.

Any person making impertinent or slanderous remarks or who become boisterous while addressing the Commission, shall be barred from further audience before the Commission by the Chair, unless permission to continue or again address the Commission is granted by the majority vote of the Commission Members present. Clapping, applauding, heckling or verbal outbursts or any remarks in support or opposition to a speaker shall be prohibited. Signs or placards shall not be permitted in Commission Chambers.

Any person requiring special accommodations for participation in the meeting should contact R. Alberto Delgado, Public Works Director, at 305-460-5001, with requests for auxiliary aids or services at least one business day before the meeting.

**Maria Alberro Jimenez
Interim City Manager**