

# **City of Coral Gables**

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



## **Meeting Minutes**

**Tuesday, 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*

**ROLLCALL**

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

**INVOCATION**

Reverend Kathryn H. Carroll of St. James Lutheran Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Maria Anderson led the Pledge of Allegiance.

**LEGISLATIVE SUMMARY**

The following minutes summary includes all presentations made, and actions taken which information is supplemented by the following exhibits on file in the Office of the City Clerk, and which are by reference made a part of the record herein: (a) Ordinance(s) adopted (Ordinance No. 2009-01 through Ordinance No. 2009-05); (b) Resolution(s) adopted (Resolution No. 2009-01 through Resolution No. 2009-11); (c) Video; (d) Audio Recording; (d) Minutes Folder with Agenda and background information, including items which were submitted at the meeting.

[Note for the Record: Mayor Slesnick offered his congratulations to the University of Florida Football Team in winning the collegiate football championship].

[Note for the Record: Mayor Slesnick offered on the eve of the Presidential Inauguration Event, best wishes and Godspeed, to President-Elect Barack Obama, as he assumes the many challenges of his office].

## **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.

[Note for the Record: Mayor Slesnick prefaced his remarks regarding the Coral Gables Garden Club, by reminding our public that of an appropriate beginning of the New Year, by celebrating our first meeting of Calendar Year 2009 with recognition of the Coral Gables Garden Club; further stating that the Coral Gables Garden Club has been one of our greatest and longest lasting partnerships here in the City; further acknowledging such notable projects as the statute of George Merrick, installation of beautiful entrances throughout the City, which have added to our history and character, along with many other projects during its 78 years of civic initiatives; further proclamation this date of January 13th, 2009 as “Coral Gables Garden Club Day.”

Chairperson Dona Box thanked the City Commission for its kind words of acknowledgement; further stating that her Club would not have been able to accomplish its many initiatives, without the stamina and dedication of its membership in collaboration with City staff; further acknowledging the tireless energy of both Larry and Betsy Adams.

Betsy Adams acknowledged having worked along with the City as partners in all of the projects that the Club has done, especially the daunting challenges of the George Merrick statute; also including but not limited to the challenge of the base of said statute and the fences. Mayor Slesnick acknowledged that there have been so many dedicated members of the Garden Club who have timelessly done so much to help our City; further thanking them for their cooperation and support].

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

City Clerk Item No. 1

**B. APPROVAL OF MINUTES**

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

**Attachments:** [CCMtg December 16 2008 Agenda Item E-2 - Ordinance re Mayor to serve a two](#)  
[CCMtg December 16 2008 Agenda Item E-3 - Ordinance Special Municipal Electio](#)  
[CCMtg December 16 2008 Agenda Item H-1 - Consideration of Letter of Intent re](#)  
[CCMtg December 16 2008 Agenda Item H-3 - Presentation Financial Trend Analy](#)  
[December 16, 2008 - Meeting Minutes.pdf](#)  
[CCMtg December 16 2008 Agenda Item D-1 - Discussion with Fausto Gomez - C](#)  
[CCMtg December 16 2008 Agenda Item D-3 - Goodwill Industries Trailer on Parki](#)

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

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

City Clerk Item No. 2

**C. CONSENT AGENDA**

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

**Passed the Consent Agenda**

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

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

**RESOLUTION NO. 2009-01****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).

**Attachments:** [RESOLUTION - \\$12,900 00 Crime Analysis Plus Software 2](#)  
[COMMISSION COVER MEMO - \\$12,900 Crime Analysis Plus Software](#)  
[Signed Resolution 2009-01](#)

A RESOLUTION AUTHORIZING EXPENDITURES IN THE AMOUNT OF \$12,900.00 FROM PREVIOUSLY ENCUMBERED STATE FORFEITED ASSET FUND (FAF) MONIES TO ACQUIRE THE CRIME ANALYSIS PLUS SOFTWARE MODULE FROM SUNGARD THE OPEN SOFTWARE SOLUTIONS INC (OSSI).

**This Matter was adopted by Resolution Number 2009-01 on the Consent Agenda.**

City Clerk Item No. 3

**RESOLUTION NO. 2009-02****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.

**Attachments:** [Tabulation Sheet - Price Comparison.pdf](#)  
[2009 01 13 HVAC Services Draft Agenda Cover](#)  
[2009 01 13 HVAC Services Draft Reso](#)  
[Signed Resolution 2009-02](#)

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.

**This Matter was adopted by Resolution Number 2009-02 on the Consent Agenda.**

City Clerk Item No. 4

**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

**Attachments:** [Microsoft Word - communicationsminutesagendadecember08.pdf](#)  
[Microsoft Word - minutes december 2008.pdf](#)

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

City Clerk Item No. 5

- C.-5. [08-0848](#) Board of Adjustment Meeting of December 1, 2008

**Attachments:** [Cover Memo 1-13-09](#)  
[Notice BOADJ 12-01-08](#)  
[BOADJ Minutes 12-01-08](#)

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

City Clerk Item No. 6

- C.-6. [08-0861](#) Youth Advisory Board Meeting of December 2, 2008

**Attachments:** [Cover Memo YAB 12-02-08.pdf](#)  
[Min 12-02-2008.pdf](#)

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

City Clerk Item No. 7

- C.-7. [08-0862](#) Youth Advisory Board Meeting of December 16, 2008

**Attachments:** [Cover Memo YAB 12-16-08.pdf](#)  
[Min 12-16-2008.pdf](#)

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

City Clerk Item No. 8

- C.-8. [08-0866](#) Economic Development Board Meeting of December 3, 2008

**Attachments:** [EDB 12.3.08.pdf](#)  
[EDB. 1.13.09 Commission cover - no action.pdf](#)

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

City Clerk Item No. 9

- C.-9. [08-0878](#) Budget/Audit Advisory Board Meeting of December 11, 2008

**Attachments:** [Cover Memo 121108.pdf](#)  
[Minutes 121108.pdf](#)

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

City Clerk Item No. 10

- C.-10. [08-0876](#) Coral Gables Merrick House Governing Board Meeting of December 1, 2008

**Attachments:** [Merrick House Minutes-Dec 1 2008](#)  
[CGMNoAction-12.01.08MinutesforCC01.13.09](#)

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

City Clerk Item No. 11

**Pulled from Consent Agenda****RESOLUTION NO. 2009-03****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.

**Attachments:** [Board of Adjustment - JOrge Mora- Action Req.pdf](#)  
[R-2009- Resolution - Jorge Mora- Board of Adjustment-Draft.pdf](#)  
[Signed Resolution 2009-03](#)

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.

[Note for the Record: Commissioner Cabrera prefaced his remarks by acknowledging that his public commentary is an uncomfortable request; however, something had occurred to him, having served on a number of boards; further noting the impact that certain boards have throughout the City, namely our Planning and Zoning Board; Board of Adjustment; Code Enforcement Board and our Historic Preservation Board; further informing Mayor Slesnick that he respects his decision regarding who he wants to appoint to the Board of Adjustment; nevertheless, he finds it very difficult for himself, to appoint someone that he knows nothing about.

Mayor Slesnick stated that he had previously turned his resume over to the City Clerk's Office, and that said resume should have formed part of the support documentation in connection with said item; further pointing out that many people whom we vote for as a collegial body, we know nothing about, out of respect for the judgment of our colleagues, further stating that certain people that have been appointed, he personally did not like; however, out of respect for his colleagues, he has supported their appointment to a City Board.

Commissioner Cabrera, requested that in the future, anytime a prospective Board appointee appears on the City Commission Agenda, that a resume regarding said individual is included in the packet].

**A motion was made by Commissioner Withers, seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-03. The motion passed by the following vote:**

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

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

City Clerk Item No. 12



**D. PERSONAL APPEARANCES****Items D.-1. and F.-1. are related**

- D.-1. [08-0875](#) Colin Baenziger, from Colin Baenziger and Associates, to provide a status report on the City Manager search.
- [Note for the Record: A copy of the verbatim transcript of Agenda Item D-1 is available for public inspection in the City Clerk's Office and in Legistar].

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 13

**E. PUBLIC HEARINGS**

- 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.

**Attachments:** [Appeal 007 - Submittal Documents](#)  
[BOA Appeal Cover Sheet](#)  
[BOA Appeal Notice](#)  
[BOA Appeal Zoning Code Section](#)

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES CONDITIONALLY APPROVING THE UPHOLDING OF THE APPEAL WHICH WAS FILED BY APPLICANTS SIXTO GONZALEZ AND WIFE ELVIRA GONZALEZ, TO INSTALL ACCORDION SHUTTERS ON THE PRINCIPAL (FRONT) FAÇADE OF THEIR RESIDENCE LOCATED AT 43 MARABELLA AVENUE, CORAL GABLES, THEREBY REVERSING THE DECISION OF THE BOARD OF ARCHITECTS; FURTHER REFERRING SAID MATTER TO OUR CITY ARCHITECT CARLOS MINDREAU, FOR THE PURPOSE OF CONDUCTING A SURVEY OF THE NEIGHBORHOOD TO DETERMINE IF THE REQUESTED APPLICATION IS CONSISTENT WITH PREVIOUS APPLICANTS IN THE NEIGHBORHOOD WHO HAVE BEEN GRANTED PERMITS; FURTHER

STIPULATING IF FIFTY (50) PERCENT OF THE HOUSES IN SAID NEIGHBORHOOD HAVE HAD SHUTTERS INSTALLED, THAT ARE ENCASED IN DESIGNATED COVERS (DECORATIVE SHUTTERS), THEN THE CITY SHALL PROCEED TO ISSUE A PERMIT TO THE APPLICANT FOR SAME; FURTHER STATING THAT IF LESS THAN FIFTY (50) PERCENT OF THE HOUSES IN SAID NEIGHBORHOOD HAVE SHUTTERS THAT ARE NOT ENCASED IN THE AFOREMENTIONED DESIGNATED COVERS, THEN THE CITY COMMISSION SHALL DENY THE APPEAL, THEREBY REVERSING THE DECISION OF THE BOARD OF ARCHITECTS.

[Note for the Record: City Architect Carlos Mindreau addressed the City Commission regarding Mr. Sixto Gonzalez and wife Elvira Gonzalez is request to install accordion shutters on the principal (front) façade of their residence located at 43 Marabella Avenue; further noting that in the past, the City (through the Building and Zoning Department) had administratively approved accordion shutters to be installed, under former employee Dennis Smith.

Commissioner Anderson informed her colleagues that she brought up said matter approximately three years ago, resulting from her concern for those residents whom had brought said matter up. Mayor Slesnick added that our City Architect, along with our Board of Architects has suggested an appropriate way to approach said matter aesthetically (i.e. placement of decorative Colonial molding, on each side of the windows, to make it a little more tolerable, in terms of the aesthetics of the streetscape) Commissioner Anderson stated that the City's process regarding said matter lacks humanity; further suggesting that it requires a balancing act involving the situation at hand, the neighborhood and the street; further suggesting making allowances for special extenuating circumstances (i.e. people move, etc.); further reiterating that from a procedural and humanitarian standpoint that it seems wrong.

Mayor Slesnick further inquired as to whether any of the other residents in the neighborhood have permits?-whereby Mr. Mindreau responded that he can conduct an architectural survey to determine same.

Commissioner Cabrera recalled that approximately two to three Commission meetings ago, the Commission had approved the installation of these awnings; further noting that he did not approve of said request, since he believed the shutters did not belong on said residence, was out of content, and had believed that an elderly person was resident there (Note: Mayor Slesnick pointed out that there was no elderly individual living there, whereby Commissioner Cabrera acknowledged that he had made the correct decision on said issue); further pointing out that this particular application involves certain life safety issues; further calling upon City Architect Mindreau, through Interim City Manager Jimenez, that if his audit shows that it is a standard practice to have been granted a permit, that it is consistent with the current applicants' application, then the Commission will make a decision to approve or not to approve the appeal,

rather than having said matter brought back to the Commission at a future date. Mayor Slesnick reiterated that based on Commissioner Cabrera's suggestion, that said application needs to be sent back to our City Architect, to have him determine if the requested application is consistent with other applications in the neighborhood who have been granted permits.

When queried by Commissioner Cabrera, if he was in agreement with same, Mr. Mindreau responded that installation of accordion shutters on the front façade of their residence will alter the architecture of their house.

Vice Mayor Kerdyk stated that Mr. and Mrs. Gonzalez can have the accordion shutters, however, they must encase them in these covers (i.e. decorative shutters), which will please the Board of Architects.

Finally, Mayor Slesnick synthesized the essence of a motion, stating that the Commission conditionally approve upholding the appeal; further referring said matter to our City Architect to conduct a survey of the neighborhood; and if 50 percent or more of the houses in said neighborhood have accordion shutters installed that are encased in designated covers (i.e. decorative shutters), then the City shall proceed to issue a permit for same; further stating that if less than 50 percent of the houses in the neighborhood have shutters that are not encased in designated covers (i.e. decorative shutters), then the City Commission shall uphold the decision of the Board of Architects, thereby denying said appeal].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-04. 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. 16

**ORDINANCES ON SECOND READING****ORDINANCE NO. 2009-01****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)

**Attachments:** [111808-Coral Gables Impact Fee UM Amend ORDINANCE 1st reading2.pdf](#)  
[111808-Coral Gables Presentation-FINAL Slides.pdf](#)  
[111808-Memo CC-UM Impact Fees.pdf](#)  
[Signed Ordinance 2009-01](#)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY 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.

[Note for the Record: Following City Attorney Hernandez reading of the title to Agenda Item E-2 into the public record, City Consultant Susan Schoettle Gumm provided certain points of clarification resulting from an article which appeared in the Miami Herald, during latter part of November, more particularly pointing out the following: implicating the University of Miami for nonpayment of impact fees since the ordinance was adopted two years ago; further stating that the Road Impact Fee reference which appeared in said article, was also incorrect].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-01. The motion passed by the following vote:**

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

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

City Clerk Item No. 15

**ORDINANCE NO. 2009-02****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)

**Attachments:** [comm\\_handbillordinance\\_mem](#)  
[agendacover\\_handbillordinance](#)  
[handbills and flyers 06 22 07 09](#)  
[Signed Ordinance 2009-02](#)

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 REMOVAL OF HANDBILLS AT VIOLATOR'S EXPENSE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR APPEALS, PAYMENT OF FINES AND FORECLOSURE; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

[Note for the Record: Following City Attorney Elizabeth Hernandez reading of the title to Agenda Item E-3 into the public record, there being no public testimony proffered by any member of the public, nor there being any deliberation by any member(s) of the City Commission, said matter passed unanimously].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Ordinance Number 2009-02. 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. 17

**ORDINANCE NO. 2009-03****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)

**Attachments:** [agendacover chartersection54\\_publicworks](#)  
[comm charter 54\\_pw\\_biddingcontracts](#)  
[O-2008- - Chtr Amd - Public Wks. Improv.11.18.08\\_1](#)  
[Signed Ordinance 2009-03](#)

AN ORDINANCE 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) TO ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS 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; 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; 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 (30) 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 AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

[Note for the Record: Following City Attorney Hernandez reading of the title to Agenda Item E-4 into the public record, there was one member of the public, namely George Volsky, who proffered public testimony; further stating that he was against said proposal being placed on the agenda, stating that it was a great mistake; further noting that it was an error to grant the former City Manager the authority to increase the threshold for formal bid and award from \$25,000 to \$100,000 on Public Works Projects; further stating that in his opinion, all the City received from said initiative was one contract calling for a review of the Building and Zoning Department; further noting that our nation is embroiled in great economic troubles worldwide; further acknowledging that accountability is very important, and to give someone the discretion to spend \$100,000 is unwise; further characterizing said proposed action as an example of something that has been misguided; pointing out that said measure was defeated one year ago; further stating that the City should "tighten its belt" and tighten its seat belt, and move toward the lean years; further stating that potentially, a sexual harassment suit is looming on the horizon and will have an economic impact; finally requesting of the City Commission to take out the proposed Charter Amendment Issue in connection with increasing the threshold amount for formal bid and award from \$25,000 to \$100,00, as well as the elimination of the Trial Board.

Resident Roxcy Bolton added that she is also against increasing said threshold amount for Public Works Project; further noting that our Water Tower is falling down. Commissioner Anderson noted that these are expenditures for budgeted items; further pointing out that said initiative is for facilitating the process once we have gone through

a budgetary process].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2009-03. The motion passed by the following vote:**

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

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

City Clerk Item No. 18

**RESOLUTION NO. 2009-05**

**NA.E. [09-0004](#)  
-5.1.**

A Resolution of the City Commission of Coral Gables to amend the proposed ballot language, to eliminate the Trial Board.

**Attachments:** [Signed Resolution 2009-05](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES PROFFERING AMENDATORY LANGUAGE IN CONNECTION WITH THE CHARTER AMENDMENT REFERENDUM BALLOT QUESTION TO APPEAR ON OUR UPCOMING APRIL 14TH, 2009 SPECIAL MUNICIPAL REFERENDUM BALLOT ELECTION("... TO DELETE SECTION 22 ENTITLED, "AUTHORITY OVER OFFICERS AND EMPLOYEES; REMOVAL, SUSPENSION, REDUCTION; REQUESTS FOR CAUSE AND HEARING; TRIAL BOARD") TO READ: "SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO ELIMINATE THE TRIAL BOARD?"

**A motion was made by Commissioner Withers, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-05. The motion passed unanimously.**

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

City Clerk Item No. 19



**ORDINANCE NO. 2009-04 (As Amended)****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)

**Attachments:** [charterreferendumquestion TRIAL BOARD 11 18 08 1](#)  
[comm charter 22 trialboard](#)  
[agendacover chartersection22 trialboard](#)  
[Signed Ordinance 2009-04](#)

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 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; ELIMINATE THE 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 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.

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

**A motion was made by Commissioner Anderson, seconded by Commissioner Withers, that this motion be adopted as amended by Ordinance Number 2009-04. The motion passed by the following vote:**

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

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

City Clerk Item No. 20

**ORDINANCE NO. 2009-05****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)

**Attachments:** [agendacover\\_Mayor 2 year term\\_1](#)  
[comm\\_charter 8\\_mayorsterm](#)  
[O-2008- Chtr Amd - Mayor 2 Yr Term 11 18 08](#)  
[Signed Ordinance 2009-05](#)

AN ORDINANCE 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 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 QUESTION; 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; 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 (30) 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 AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

[Note for the Record: Following City Attorney Hernandez reading of the title to Agenda Item E-6 into the public record, one member of the public, namely Jim Hartnett, proffered public testimony; further inquiring of the City Commission the following: whether the proposed Charter Amendment Issue places term limits on both the positions of Mayor and City Commissioner?-whereupon Mayor Slesnick responded that the proposed Charter Amendment Issue makes the term of Mayor for two years, as opposed to the four year term that currently exist. Commissioner Cabrera clarified to Mr. Hartnett that the proposed Charter Amendment Issue is not for term limits, but just a term of Mayor. Commissioner Anderson added that there is another Charter Amendment Issue (namely Agenda Item E-16) that also deals with the matter of term limits].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be adopted by Ordinance Number 2009-05. The motion passed by the following vote:**

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

**Nays :** 1 - Mayor Slesnick II

City Clerk Item No. 21

**ORDINANCES ON FIRST READING**

**Items E-7, E-8 and E-17 are related**

**RESOLUTION NO. 2009-06**

**NA.E. 09-0005**  
**-7.1.**

A Resolution of the City Commission of Coral Gables continuing items E-7, E-8, and E-17 until the January 27, 2009 City Commission Meeting.

**Attachments:** [Signed Resolution 2009-06](#)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES CONTINUING CONSIDERATION OF AGENDA ITEMS E-7 (SUBJECT MATTER: A PROPOSED ORDINANCE TO APPROVE THE EXCHANGE OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GRECO AND GRANELLO AVENUES, CORAL GABLES, FLORIDA, ETC.); E-8 (SUBJECT MATTER: A PROPOSED ORDINANCE TO APPROVE 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", ETC.; AND E-17 (SUBJECT MATTER: A PROPOSED RESOLUTION APPROVING A MIXED USE PROJECT REFERRED TO AS "DYL MERRICK MXD", ETC., UNTIL THE CITY COMMISSION MEETING PRESENTLY SCHEDULED FOR JANUARY 27, 2009.

**A motion was made by Commissioner Cabrera, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-06. The motion passed unanimously.**

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

City Clerk Item No. 23

**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.

**Attachments:**

[DYL Draft Ordinance](#)

[DYL Letter from Laura Russo dated January 5, 2009](#)

[DYL Cover Revised 2.pdf](#)

[P & P Realty, Inc. Appraisal Report](#)

[Traffic Impact Study](#)

[Resolution No. 2008-04](#)

[Budget Audit Advisory Board Minutes of August 7, 2009](#)

[Memorandum dated August 21, 2008 to the Budget Audit Advisory Board](#)

[Budget Audit Advisory Board Minutes of September 11, 2008](#)

[Property Advisory Board Minutes of August 20, 2008](#)

[Economic Development Board Minutes of July 2, 2008](#)

[Economic Development Board Minutes of September 3, 2008](#)

[Parks and Recreation Advisory Board Minutes of August 22, 2008](#)

[Parking Advisory Board Minutes of August 28, 2008](#)

[Parking Advisory Board Minutes of July 24, 2008](#)

[Memo dated January 6, 2009 from Donald Nelson, Finance Director](#)

[Memo dated September 4, 2008 from Parking Advisory Board and Kevin Kinney, I](#)

[Memo dated January 6, 2009 from Alberto Delgado, Public Works Director](#)

[Memo dated July 8, 2008 from Eric Riel, Planning Director](#)

[Memo dated July 17, 2008 from Kara Kautz, Historic Preservation Director](#)

[Memo dated January 6, 2009 from Fred Couceyro, Parks & Recreation Director](#)

[Memo dated January 7, 2009 from Cathy Swanson Rivenbark, Economic Develop](#)

[Letter dated July 30, 2008 from Andrew Dolkard, President, Miami Economic Assc](#)

[DYL Project Presentation.pdf](#)

[DYL Quinlivan Appraisal](#)

[Note for the Record: Pending still, is the verbatim transcript to be provided by Rick Levy, Network Reporting Services, due to the power outages that occurred, at 2:26 p.m. and then again at approximately, 2:30 p.m., said power which came back on at approximately 4:12 p.m.].

**This Ordinance was Continued**

City Clerk Item No. 24

**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.)

**Attachments:**   [01 13 09 Exhibit A Ordinance - Vacation of alleyway](#)  
[01 13 09 Exhibit B Resolution - MXD site plan review](#)  
[01 13 09 Exhibit C 10 08 08 Planning Dept Staff Report with attachments](#)  
[01 13 09 Exhibit D 10 08 08 PZB Verbatim Meeting Minutes with attachments](#)  
[01 13 09 Exhibit E 11 12 08 PZB Verbatim Meeting Minutes with attachments](#)  
[01 13 09 Exhibit F 12 10 08 PZB Verbatim Meeting Minutes with attachments](#)  
[01 13 09 Exhibit G Staff's CC PowerPoint Presentation](#)  
[01 13 09 Exhibit H Applicant's 01 13 09 CC PowerPoint Presentation](#)  
[01 13 09 Exhibit I Applicant's Revised Plans](#)  
[01 13 09 CC Cover Memo re: DYL Merrick MXD](#)

[Note for the Record: Pending still, is the verbatim transcript to be provided by Rick Levy, Network Reporting Services, due to the power outages that occurred, at 2:26 p.m. and then again at approximately, 2:30 p.m., said power which came back on at approximately 4:12 p.m.].

**This Ordinance was Continued**

City Clerk Item No. 25

**Items E.-9. through E.-15. are Zoning Code Text Amendments****ORDINANCE NO. 2009-06 (As Amended)****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.

**Attachments:** [01 13 09 Exhibit A Draft Ordinance with Claimants proposed ZC language](#)  
[01 13 09 Exhibit B Claimant proposed ZC language](#)  
[01 13 09 Exhibit C 10 08 08 PZB Verbatim Minutes with Attachment C](#)  
[01 13 09 Exhibit D 11 12 08 PZB Staff Report with all Attachments A thru J](#)  
[01 13 09 Exhibit E 12 10 08 PZB Verbatim Minutes with Attachments I thru M](#)  
  
[01 13 09 CC Cover Memo re: Meneyo 1st Reading site specific](#)  
[01 27 09 CC Cover Memo Meneyo 2nd Reading](#)  
[01 27 09 Exhibit B Ordinance with claimants proposed zc language - 2nd Reading](#)  
[01 27 09 Exhibit A Claimant proposed ZC language](#)  
[01 27 09 Exhibit C Public Comments received](#)  
[Presentation Handout](#)

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

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading as Amended. 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. 33



**ORDINANCE NO. 2009-07****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.

**Attachments:** [01 13 09 CC Cover Memo re: roofing materials ZC text amendment 1st reading](#)  
[01 13 09 Exhibit A Ordinance - ZC Text Amend](#)  
[01 13 09 Exhibit B 12 10 08 Planning Dept. Staff Report and Attachments](#)  
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)  
[01 27 09 CC Cover Memo re: roofing materials ZC text amendment 2nd reading](#)  
[01 27 09 Exhibit A Ordinance - copper roofs 2nd Reading](#)

[Note for the Record: Following the Interim City Manager Jimenez' reading of the title for Agenda Item E-10 into the public record, Planning Director Eric Riel stated that the City Commission had instructed the City Manager to prepare an update to our Zoning Code regulations to allow copper as a permitted roofing material, to clarify that copper roofs shall only be allowed as a roofing material in its natural state; further providing for a Definitions Section for copper (Copper, as a roofing material, is intended to mean copper in its natural state and allowed to oxidize and patina).

**Questions, Concerns, Comments by the City Commission:** Commissioner Withers inquired as to whether the discussion was focusing on seam roofs, shingles or tiles; further stating that it doesn't matter if it is tile; that it could be copper metal.

Commissioner Cabrera stated that copper tile is expensive, but it is available. Planning Director Riel responded that said text amendment talks about copper only; further stating that types of copper roofs was not addressed; whereupon the Planning Department recommended approval of the proposed text amendment].

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

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

City Clerk Item No. 34

**ORDINANCE NO. 2009-08****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.

**Attachments:**   [01 13 09 CC Cover Memo re: administrative decision makers ZC text amendment](#)  
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)  
[01 13 09 Exhibit B 12 10 08 Planning Dept. Staff Report and Attachments](#)  
[01 13 09 Exhibit C Verbatim Excerpts of PZB Meeting Minutes](#)  
[01 27 09 CC Cover Memo re: administrative decision makers ZC text amendment](#)  
[01 27 09 Exhibit A Ordinance re appeals of City Attorney decisions 2nd Reading](#)

[Note for the Record: Following the reading of the title to Agenda Item E-11 into the public record by Interim City Manager Jimenez, City Attorney Hernandez stated that she is the final authority with regard to legal issues involving interpretation and implementation of Zoning regulations; further stating that regarding rulings on technical issues from her office, if there is an action to review any decision by the City Attorney, it may be done by any person(s), jointly or separately aggrieved by such decision, by filing with the Circuit Court; further noting that one developer had previously appealed a decision by her via the Board of Architects].

**This Ordinance was approved as an Ordinance on First Reading**

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

City Clerk Item No. 35

**ORDINANCE NO. 2009-09****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.

**Attachments:** [01 13 09 CC Cover Memo re: family definition ZC text amendment 1st reading](#)  
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)  
[01 13 09 Exhibit B 12 10 08 Planning Dept. Staff Report and Attachments](#)  
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)  
[01 27 09 CC Cover Memo re: family definition ZC text amendment 2nd reading](#)  
[01 27 09 Exhibit A Ordinance family text amendment 2nd Reading](#)

[Note for the Record: Following the reading of the title to Agenda Item E-12 into the public record by Interim City Manager Jimenez, there being no public testimony proffered by any member of the public, nor there being any further deliberations by any member of the City Commission, Mayor Slesnick instructed the City Clerk Foeman to call the roll on said item].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be approved as an Ordinance on First Reading. 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. 36

**RESOLUTION NO. 2009-08**

**NA.E. [09-0007](#)  
-13.1**

A Resolution of the City Commission of Coral Gables to amend the proposed ordinance regarding political signs / campaign signs to three (3) months instead of six (6) months.

A RESOLUTION AMENDING (SUBJECT MATTER: 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.); IN PARTICULAR, SECTION 5-1909(B) OF SAID ORDINANCE ENTITLED "DURATION" BY AMENDING CAMPAIGN OR POLITICAL SIGNS FROM SIX (6) MONTHS PRIOR TO THE TO (3) MONTHS PRIOR TO THE DATE OF ELECTION.

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be adopted by Resolution Number 2009-08. The motion passed unanimously.**

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

City Clerk Item No. 37

**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.)

**Attachments:** [01 13 09 CC Cover Memo re: campaign signs ZC text amendment 1st reading](#)  
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)  
[01 13 09 Exhibit B 12 10 08 Planning Dept Staff Report and Attachments](#)  
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)

[Note for the Record: Following the reading of the title to Agenda Item E-13 into the public record by Interim City Manager Jimenez, Vice Mayor Kerdyk proffered an amendment, changing the length of time that campaign and political signs are allowed in the City of Coral Gables following elections, from six months to three months.

City Attorney Hernandez stated that case law has sustained 6 months; further stating that the focus of her office was not just on City Elections, but on National Elections as well; further noting that the time of six months represents the period of time that she can defend said matter in Circuit Court. Vice Mayor Kerdyk stated that he would welcome the opportunity to go to court on this issue.

Commissioner Withers acknowledged that the political sign shall be a minimum of five feet from the public right-of-way. City Attorney Hernandez stated that five (5) feet from a public right of way does not allow for hanging of a political sign on a hedge or a wall; that she has merged those pertinent County regulations and made said applicable language much clearer.

City Hernandez stated that the issue involving placement of political signs on exterior walls and fences needs to be clarified. Mayor Slesnick called upon City Attorney Hernandez that if she is bothered by the discussion regarding political signs, then she can bring back before the City Commission the issue of political signs on exterior walls and fences; further adding that if one makes distinctions, then one has to address the issue of size; further stating that people with walls, like banners; further pointing out that he has a three foot wall from the 1920s, and that he has put same five feet inside of his property].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Anderson, that this motion be approved as an Ordinance on First Reading as Amended. 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. 38

**ORDINANCE NO. 2009-10 (As Amended)****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.

**Attachments:** [01 13 09 CC Cover Memo re: Historic Preservation Board ZC text amendment 1st](#)  
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)  
[01 13 09 Exhibit B 12 10 08 Planning Dept Staff Report and Attachments](#)  
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)  
[01 27 09 CC Cover Memo re: Historic Preservation Board ZC text amendment 2nd](#)  
[01 27 09 Exhibit A Ordinance Historic Preservation Board 2nd Reading](#)

[Note for the Record: Following Interim City Manager Jimenez' reading of the title to Agenda Item E-14 into the public record, Commissioner Cabrera inquired as to whether or not there is a City requirement to have architects on the Historic Preservation Board?-whereby City Architect Carlos Mindreau responded that there is a requirement for one architect. Commissioner Cabrera acknowledged the difficulty in finding architects to serve on City Boards; further stating that he would be amenable to waiving the requirement of residency. City Architect Mindreau stated that the requirement is either City residency or that the business shall be in the City. Mayor Slesnick stated that he had made a previous pledge that he would provide breakfast to said board members. Commissioner Anderson, as maker of the motion stated that she would accept an amendment to proposed legislation that those six individuals whom are appointed to the Historic Preservation Board shall include one architect, and that the Board shall appoint one member as an architect].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be approved as an Ordinance on First Reading as Amended. 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. 39

**ORDINANCE NO. 2009-11****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.

**Attachments:** [01 13 09 CC Cover Memo re: Davits ZC text amendment 1st reading](#)  
[01 13 09 Exhibit A Ordinance ZC Text Amend](#)  
[01 13 09 Exhibit B 12 10 08 Planning Dept Staff Report and Attachments](#)  
[01 13 09 Exhibit C 12 10 08 Verbatim Excerpts of PZB Meeting Minutes](#)  
[01 27 09 CC Cover Memo re: Davits ZC text amendment 2nd reading](#)  
[01 27 09 Exhibit A Ordinance re: Davits - 2nd Reading](#)

[Note for the Record: Following Interim City Manager Jimenez, reading of the title to Agenda Item E-15 into the public record, Scot Bolyard, Planning Department, briefly addressed the amendment of the Zoning Code, Article 5, Division 8, Section 5-805, to amend the number of davits permitted on a property; further stating that in regards to the number of davits, watercraft lift or floating watercraft lift, one (1) set of davits, watercraft lift or floating watercraft lift may be permitted for each single-family dwelling or duplex; on properties with two hundred feet or more of waterfront lot width, one (1) additional set of davits may be permitted for each single family dwelling or duplex. Commissioner Cabrera added that on properties with two hundred (200) feet or more of waterfront lot, one additional set of davits may be permitted for each single family dwelling or duplex, except in instances wherein said properties are site specific, i.e. Gables Estates].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, 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. 40

**ORDINANCE NO. 2009-12 (As Amended)****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 and twenty (120) days after the draft is submitted, an ordinance in connection with the proposed amendments 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 questions, to be known as Charter Amendment Ballot Question No. \_\_\_\_: Shall the Charter of the City of Coral Gables be amended to provide for 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 term limits for a total of twelve (12) years for a City Commissioner, with the incumbent Mayor in Group One (I) and the incumbent Commissioners in Group Four (IV) and Group Five (V) allowed to run for 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 shall 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.

**Attachments:** [comm charter 9 term limits](#)  
[termlimits\\_1 \(2\)FINAL](#)  
[agendacover termlimits](#)  
[Signed Ordinance 2009-12](#)

[Note for the Record: A copy of the verbatim transcript of Agenda Item E-16 is available for public inspection in the City Clerk's Office and in Legistar].

**A motion was made by Vice Mayor Kerdyk, Jr., seconded by Commissioner Withers, that this motion be approved as an Ordinance on First Reading as Amended. 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. 22



**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.)

**Attachments:** [01 13 09 Exhibit A Ordinance - Vacation of alleyway](#)  
[01 13 09 Exhibit B Resolution - MXD site plan review](#)  
[01 13 09 Exhibit C 10 08 08 Planning Dept Staff Report with attachments](#)  
[01 13 09 Exhibit D 10 08 08 PZB Verbatim Meeting Minutes with attachments](#)  
[01 13 09 Exhibit E 11 12 08 PZB Verbatim Meeting Minutes with attachments](#)  
[01 13 09 Exhibit F 12 10 08 PZB Verbatim Meeting Minutes with attachments](#)  
[01 13 09 Exhibit G Staff's CC PowerPoint Presentation](#)  
[01 13 09 Exhibit H Applicant's 01 13 09 CC PowerPoint Presentation](#)  
[01 13 09 Exhibit I Applicant's Revised Plans](#)  
[01 13 09 CC Cover Memo re: DYL Merrick MXD](#)

[Note for the Record: Pending still, is the verbatim transcript to be provided by Rick Levy, Network Reporting Services, due to the power outages that occurred, at 2:26 p.m. and then again at approximately, 2:30 p.m., said power which came back on at approximately 4:12 p.m.].

**This Resolution was Continued**

City Clerk Item No. 26

**F. CITY COMMISSION ITEMS****Items F.-1. and D.-1. are related****F.-1. [09-0001](#)**

Discussion regarding a potential employment contract with the next City Manager.

Commissioner Rafael "Ralph" Cabrera, Jr.

**Attachments:** [Employment Contracts with City Managers Memo](#)

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

**This Agenda Item was Discussed and Filed**

City Clerk Item No. 14

**G. BOARDS/COMMITTEES ITEMS**

None

City Clerk Item No. 27

**H. CITY MANAGER ITEMS**

**Item H.-1. is deferred**

**RESOLUTION NO. 2009-27**

H.-1. [08-0884](#)

A Resolution of the City Commission of Coral Gables authorizing the expenditure of funds in an amount not to exceed \$200,000.00 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. (Deferred from the January 13, 2009 City Commission Meeting)

**Attachments:** [0759\\_001](#)  
[Exhibit A](#)  
[011309-RESOLUTION-Streetscape Miracle Mile](#)  
[Miracle Mile PDF cover](#)  
[011309-RESOLUTION-Streetscape Miracle Mile](#)  
[Cover Miracle Mile](#)

**This Resolution was Deferred**

City Clerk Item No. 28

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.

**Attachments:** [comm\\_charter\\_22\\_trialboard\\_expenditure](#)  
[ballotexpenditure\\_trialboard\\_2009](#)  
[agendacover\\_Trial Board expenditureresolution](#)  
[Public Education-Election 2009](#)

**This Resolution was Discussed and Filed**

City Clerk Item No. 29

**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.

**Attachments:** [ballotexpenditure mayorsterm 2009](#)  
[comm charter 8 mayor term expenditure](#)  
[agendacover Mayor'sTerm expenditure Resolution](#)  
[Public Education-Election 2009](#)

**This Resolution was Discussed and Filed**

City Clerk Item No. 30

**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.

**Attachments:** [comm charter 54 PW biddingcontracts expenditure](#)  
[ballotexpenditure publicworks bids 2009](#)  
[agendacover Public Works expenditure Resolution](#)  
[Public Education-Election 2009](#)

**This Resolution was Discussed and Filed**

City Clerk Item No. 31

**Non Agenda Item****RESOLUTION NO. 2009-07**

**NA.H. [09-0006](#)**  
**-4.1.**

A Resolution of the City Commission of Coral Gables to approve and appropriate an expenditure up to allocating \$40,000 to inform and educate the public on the upcoming election.

**Attachments:** [Signed Resolution 2009-07](#)

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE AND APPROPRIATE AN EXPENDITURE OF UP TO \$40,000 DOLLARS TO INFORM AND EDUCATE THE VOTERS OF THE CITY OF CORAL GABLES ON THE CHARTER AMENDMENT ISSUES TO APPEAR ON THE UPCOMING SPECIAL MUNICIPAL REFERENDUM ELECTION BALLOT ON APRIL 14, 2009; INCLUDING IN SAID AMOUNT IS AN ALLOCATION AND EXPENDITURE FOR THE PROPOSED CHARTER AMENDMENT ISSUE IN CONNECTION WITH TERM LIMITS WHICH PASSED ON FIRST READING AND IS SCHEDULED FOR SECOND READING ON JANUARY 27, 2009 (SUBJECT TO PASSAGE OF SAME) ; SAID AMOUNT TO BE APPROPRIATED AND EXPENDED IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE.

[Note for the Record: Mayor Slesnick accepted a motion from Commissioner Anderson, which was seconded by Vice Mayor Kerdyk authorizing the City Manager to approve and appropriate an expenditure of an amount up to \$40,000, to inform and educate the voters of the City of Coral Gables on the three Charter Amendment Questions which were passed by the City Commission to appear on the upcoming Special Municipal Referendum Ballot of April 14, 2009, including a fourth proposed Charter Amendment Issue ("term limits"), which is scheduled for consideration, review and approval by City Commission at its meeting of January 27th, 2009, said amount to be appropriated and expended, in order to achieve a more informed electorate].

**A motion was made by Commissioner Anderson, seconded by Vice Mayor Kerdyk, Jr., that this motion be adopted by Resolution Number 2009-07. 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. 32

**I. CITY ATTORNEY ITEMS**

**None**

City Clerk Item No. 41

**J. CITY CLERK ITEMS****RESOLUTION NO. 2009-11****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.

**Attachments:** [Cover Memo.pdf](#)  
[R-2009 - Draft - Canvassing Board.pdf](#)  
[Signed Resolution 2009-11](#)

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.

[Note for the Record: City Clerk Foeman stated that in accordance with our City Code, said proposed legislation provides for the appointment of certain members to the Canvassing Board for our upcoming General Biennial Election].

**This Resolution was adopted by Resolution Number 2009-11**

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

City Clerk Item No. 44

**RESOLUTION NO. 2009-10**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.

**Attachments:** [Cover Memo.pdf](#)  
[R-2009- Draft - Granting Permission - Elections - 2009.pdf](#)  
[Signed Resolution 2009-10](#)

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.

[Note for the Record: City Clerk Walter Foeman stated that the proposed legislation allows the City Clerk to proceed with the preparation of an Election Order Form, in furtherance of those materials, services and supplies in connection with our upcoming General Biennial Election].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-10. 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. 43

**RESOLUTION NO. 2009-09****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.

**Attachments:**   [R-2009- Draft - Election of Candidates to Offices  
agendacover calling for the holding of the election  
comm calling for the holding of the election  
R Draft calling for election of candidates to offices ex1  
Signed Resolution 2009-09](#)

A RESOLUTION OF THE CITY COMMISSION, WITH ATTACHMENT MAKING PROVISION FOR HOLDING A GENERAL BIENNIAL ELECTION ON APRIL 14, 2009, FOR THE ELECTION OF CANDIDATES FOR THE OFFICE(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.

[Note for the Record: City Clerk Foeman informed the City Commission that the proposed legislation calls for making provisions to conduct our General Biennial Election of April 14, 2009; further appointing the City Clerk as Election Representative, and providing for the appropriate advertising/notification of same].

**A motion was made by Commissioner Anderson, seconded by Commissioner Cabrera, Jr., that this motion be adopted by Resolution Number 2009-09. 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. 42

**K.     DISCUSSION ITEMS**

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: I'm done.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: I'm done too. I wanted to take this opportunity to thank the City Manager for giving us so many updates on so many various major projects going on, you know, from traffic calming installations to green power updates, to the

Hammock Lakes situation; I very much appreciate the level of communication that's going on...

Interim City Manager Jimenez: Thank you.

Commissioner Cabrera:...And I wanted to take this opportunity not only to compliment you, but Dona, and Cathy, and the staff downstairs, Lillian and Pilar for all their hard work...

Interim Cathy Manager Jimenez: It's a great team. Thank you.

Commissioner Cabrera:...and everybody is working very hard; and I also wanted to take this opportunity to thank the Directors for really working, what I consider to be, very effectively with your team, and so I want you to keep that going, as Bill said earlier today, if we don't hire a Manager by, whatever the timeline is, I think we are in great hands.

Interim City Manager Jimenez: Thank you so much. I appreciate it.

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

Mayor Slesnick: Can I add to that?

Commissioner Cabrera: Oh, absolutely sir.

Mayor Slesnick: The thing that I get approached, as you all do, at functions and someone says has City Hall calmed down yet?- and I say, City Hall was never un-calm, there is a lot of noise around us, but the fact of the matter is Maria has provided a completely unnoticeable transition in the good order of things, and our City hasn't missed a beat, and Maria, to you and your staff, I join Mr. Cabrera and telling you that I'm proud to be in public and say that because its true.

Interim City Manager Jimenez: Thank you so much; appreciate it; it's a great team and I'm very happy to be part of it.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes, just a few brief things. The first thing is at some point can you have staff update us on this Retirement Fund, and where that sits with the economic downturn; I'd like to have a detailed analysis of exactly where that fund is at this point, and where we have our money, what management funds we have our money into. The second thing I'd like to talk about, now that there is an administration change, everybody has read that President Obama will be looking at spending significant



dollars in improvements, and one of the aspects that he is looking at is “shovel-ready” projects; and I think staff, I think you probably already have that, but its time that we disseminate that list out to the Commission, so that we can see which ones we might want to push should that come forward. We do not want to miss any possible opportunities that might present itself. This might be the opportunity that the City is looking for to take care of a couple of these projects that we haven’t been able to fund ourselves. So I think it’s a very, very important item that you bring forward soon.

Interim City Manager Jimenez: We’ll bring it up at the next meeting.

Vice Mayor Kerdyk: Very soon; and then the final thing, this is one that the Mayor has brought up on numerous occasions, and you couldn’t get the former City Manager to deal with, but some of these little cement signs are loose, they are turning from white to brown...

Commissioner Cabrera: The corner signs?

Vice Mayor Kerdyk: Yes, the corner signs; I don’t know why we can’t get a program to paint a few.

Commissioner Cabrera: Some have actually been moved because of accidents or just kids being kids.

Vice Mayor Kerdyk: We need to go around, I guess, and take a look at those and fix them up, and paint them; they are just destroyed.

Interim City Manager Jimenez: I’ll suggest to Kevin we do a survey, section by section.

Vice Mayor Kerdyk: And come up with a plan of how we address that on a systematic basis.

Commissioner Cabrera: Can I just ask a question about that? Did you have a thought at one point in time at changing our corner signs?

Mayor Slesnick: No, I suggested that we might paint the letters in reflective paint so you can see them at night, without making them look...for instance, if you go across into another City west of us, they use the corner signs like we do, but they put like a full reflective panel, like a street sign down there.

Commissioner Cabrera: You are talking about West Miami?

Mayor Slesnick: Yes.

Commissioner Cabrera: Maybe we should just investigate what it looks like.

Mayor Slesnick: It doesn't look that good. I thought we could make ours look better, but more useful by just making the name of the street reflective so it stands out; also there are some, let's just take an example, if you drive down Anderson going south, and there is only one street sign on the corner, and its over here to your right, so you could never see it till you past it, so we need another one across the street.

Commissioner Cabrera: I don't know if staff remembers this, but a couple years ago, you experimented with various types of paints that were reflective, and you did this is the Craft Section of Coral Gables; and the reason I remember is, we had a resident in that area complain about it, because the trial period was over and the sign remained in that color. So you might want to revisit that; I don't know what the outcome was, but I think the Mayor's got a good point.

Interim City Manager Jimenez: OK.

Mayor Slesnick: And my point had always been, if we love our street signs and want to keep them that way, we've got to make them useful, or else the pressure will mount to change them to something we may not want.

Interim City Manager Jimenez: OK.

Vice Mayor Kerdyk: That's it.

Commissioner Withers: Just two quick things. When we talked about, or I had asked about looking at allowing the Collection to park in the unused parking spots, I don't know whatever happened with that; and then also, I don't know how you all feel, but I continually get residents that ask me that we should try to put together a little more informational program on how to use our round-about in the City.

Commissioner Anderson: I had the same request.

Commissioner Cabrera: We have video.

Commissioner Withers: I know, but what are we doing with it?

Commissioner Cabrera: Well, listen, I got the video from the Pacific Northwest, and at that time Joe was still with us, and I handed it to him, it was a phenomenal video that showed exactly how to use a round-about, I mean, I don't want to get anybody in trouble, but we need to show internal City staff how to use it too, because I had a Police cruiser the other day stop smack in the middle of Hardee round-about bridge,

and let like three cars go through and then proceeded along South Alhambra Circle. If a motorist sees a Police Officer doing that, they are going to think that, that's the way you are supposed to engage the round-about.

Commissioner Withers: But whether we do a print campaign, whether we do, a video is a great idea, its not...

Commissioner Anderson: I suggested we do that we do from our staff, is maybe just actually as while we film it, ask people to come out and look at it, do a demonstration, just for a fun Saturday morning - Segovia...

Mayor Slesnick: Once you are in the round-about keep moving. People over here, I've noticed that over here.

Commissioner Withers: Fly through it, even though you are in it some people just fly through it.

Mayor Slesnick: People over here will stop to let people in and it's like...

Commissioner Cabrera: They are being courteous.

Mayor Slesnick: Yes, they are being courteous.

Commissioner Cabrera: But they are destroying, there are stacking problems.

Mayor Slesnick: The thing that I found out is going to happen next Monday night, our First United Methodist Church next door to City Hall, will be doing an interfaith pre-inauguration service at 7:00 p.m., trying to give the citizens of Coral Gables an opportunity to pray for the nation in an interfaith service.

Commissioner Withers: You got a nice award didn't you, not too long ago; weren't you like Mayor of the year or something? What was that all about?

Mayor Slesnick: Well, a local magazine without my knowledge...

Commissioner Withers: You don't have a copy?

Mayor Slesnick: No, I don't have a copy of it.

Commissioner Cabrera: Its framed; every City department's main office

[Laughter]

Mayor Slesnick: You know, I was going to bring it in today, but Chip couldn't get the truck in time.

[Laughter]

Mayor Slesnick: But to go back to Bill's point very briefly, the League of Cities, the National League of Cities, and the U.S. Conference of Mayors are really working hard to get cities involved in the bailout plan; the trouble is again, the size of cities, and I spoke to Manny Diaz the other day who is the President of the U.S. Conference of Mayors, and who is in Washington almost all the time, and I said to him, look, if it's a problem to have specific numbers to put toward specific cities, at least put a pot of money aside for small cities to compete over for those "shovel-ready" projects, and so we'll see what happens.

Commissioner Cabrera: You know how I heard seriously about your award, and I want to compliment the City; I was on hold the other day calling a department and I listed to the message, it was very nice; it was a nice way to broadcast it.

Mayor Slesnick: Thank you. I appreciate that and I appreciate the City's concern. We have come to the ninth hour and I think, I almost don't want to leave...is there anything else?

Commissioner Cabrera: I have some more questions about the DYL project.

[Laughter]

Commissioner Cabrera: No seriously, I'm not goofing, I'm being very serious.

Mayor Slesnick: No, well I should have made...I'll tell you the truth, we did make one mistake, I made one mistake, we probably should have gone ahead and voted to waive the provisions of the Code, the Procurement Code and gotten that out of the way, so that when we come back we don't have to do that.

City Attorney Hernandez: Well, I think we deferred everything, so...

Mayor Slesnick: No, no, it's continued.

City Attorney Hernandez: Yes, continued.

Commissioner Cabrera: I want to go over more of those facts or fiction, and I'd like Mr. Damian and Mr. Schulman to please present...

[Laughter]

Mayor Slesnick: We would like to adjourn this meeting. We would be back in two weeks.

City Clerk Item No. 45

## **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 05:58 pm on January 13, 2009. The next regular meeting of the City Commission has been scheduled for January 27, 2009, beginning 9 a.m.]

DONALD D. SLESNICK  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK