

**City of Coral Gables City Commission Meeting
Agenda Item I-8
July 13, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias (Absent)

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Development Services Director, Suramy Cabrera

Public Speaker(s)

Agenda Item I-8

Staff presentation regarding 40-year building recertifications in the city.

Mayor Lago: Can we have I-8, staff presentation regarding 40-year building recertifications.

Commissioner Anderson: Can we call back in somebody.

Mayor Lago: Yes. Can we get Vice Mayor Mena, please to come back? Let's not tell him we voted on three things. I'm embarrassed.

[Laughter]

Development Services Director Cabrera: So, good evening, Suramy Cabrera, Development Services Director and Building Official for the City of Coral Gables. Not sure if its good to be last. I don't know if it's a good thing or a bad thing, everybody is either asleep or gone. All kidding

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aside, on June 24th at Surfside at around 1:30 in the morning, we all learned or at least when we woke up that morning, about the collapse of the residential structure in Surfside. Even though we don't know the cause of it, right, there is just speculation at this point, the fact that the building had just had its 40-year recertification brought up this question, of course looking for answers, everybody wants an answer how did this happen? – how do we avoid this from happening? – and this was just the first thing that we could grab onto. I just want to make sure that everybody understands that I am not in any way saying that that was the cause for the collapse. But everybody has been asking about this 40-year recertification and our Commission asked, what is the process here in the city? We put together this presentation and I'm going to give you a little of the background on how this 40-year recertification came into existence, this ordinance. So its actually another tragedy that occurred in 1974 where, I think about six or seven people who were killed in a collapse of a building that was owned by the federal government, it was here in Dade County, and it just so happened that the President of the Miami Chapter of the Florida Engineering Society at the time was working as a consultant for the county doing basically, trying to figure out what was the cause for all the deterioration on that structure; and when this other structure collapsed he very publicly said that he was not surprised that it had happened and then he proposed that, you know, we shouldn't just give CO's and they last forever, we should put 25 years on this, and after 25 years the building would have to come back and show that the life-safety is in place, basically it was only structure at that time, in order to have a continuance of their certificate of occupancy. Eventually the Board of County Commissioners did put this on the agenda. I think they deferred it the first time around and actually its in here, they deferred it and then eventually after they got public input, they did pass a modification to the South Florida Building Code to include this, not 25-year recertification, which is what Mr. Schwartz, the engineer was doing the study on the Dade County Courthouse had proposed, but they decided on a 40-year recertification, and that went into the South Florida Building Code. Eventually the South Florida Building Code, I think it was in the year 2000, the South Florida Building Code actually – the Florida Building Code actually came into effect, so it became a statewide code. The South Florida Building Code was only Dade and Broward counties, when they went and moved to the Florida Building Code, they did take a lot, incorporate a lot of the South Florida Building Code into the Florida Building Code, but this particular section was not incorporated into the Florida Building Code. So, the Dade County Commission actually went through and passed an ordinance that all municipalities in Dade County had to do this 40-year recertification. So that's when it moved from the Building Code to become a county ordinance. Eventually, I think Broward County also passed the 40-year recertifications in 2006. So actually, the recertification of buildings is unique to Dade and Broward County, and it came as a result of that tragedy. So, in this ordinance it requires that the cities and every municipality that the building officials notify building orders when their building reaches a 40-year mark, and that the building gets recertified. The process for the recertification was put together by BORA and its very specific as to what has to be inspected. It's used to only be structural, eventually electrical was added, just a few other things have been added, but basically, it's a structural and electrical life-safety inspection. So here in the City of Coral Gables and actually all municipalities would do it this way is, we get a list from the Dade County Property Appraiser's Office, and the list is actually having a lot of information that we don't need. This is just a little sample, but its thousands and thousands of properties and we have to go through that and sort it out, figure out the 40-year, the 50-year, the 60-years and then every year we have to notify all these building owners that they are up for recertification. The list that they provide us doesn't necessarily

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include only the buildings that need to be recertified, because there are buildings that are exempt like single-family homes, duplexes, those don't require recertification. So, we actually have to filter that out of the list that we get from the county. This year, and we've been doing this, we've been keeping a list since 2013, we've been doing this since the inception of this code. However, as of 2013, we've been keeping a list of everybody that gets recertified and which ones haven't been recertified. In particular this year, we sent notices out on February 8th. For this year we had about 83 buildings that required recertifications; 48 have been recertified; 35 are still pending recertification, and all city-owed buildings have either had their 40-year recertification inspection or they've been undergoing renovation work. This here is basically a list that we have of the buildings since 2013 that had been recertified. As you can see, there are quite a few buildings, very few that are pending recertification. In 2014, we had 109, one pending, the building is vacant. So, when we have something that's been pending for this amount of time, we make sure that either its vacant or that there isn't a real life-safety issue that we should be concerned with. I think the 158-159, because we just had that pending building in 2015 recertified. I think it was like a week ago. So, because of the tragedy and everybody is asking about this, the whole recertification, the county actually put together like a committee of sorts, and it includes mostly building officials from the municipalities in Dade County and we have been discussing what can we do to strengthen this 40-year recertification. The City of Coral Gables participate, I participate in those meetings, our City Manager has participated in the meetings also. These are some of the recommendations that we have made to that committee. We are recommending that they move from 40 years to 30 years, which would be more in line with the original recommendation from Mr. Schwartz, which was 25 years, but it also makes more sense when you look at how concrete deteriorates, that 30 years is probably a better time to capture the deterioration before it gets out of control. We are also recommending that we increase the amount of time that we give buildings from the noticing. So, BORA now says that they have, I believe its 90 days from when they get the notice to get their certification. 90 days and we've all discussed it in the meetings is just not enough time. Condominiums are notorious for not spending money on maintenance and much less for having reserves for when they come with that 40-year recertification and find out that they have thousands and thousands of dollars of repairs to do. So, we will be implementing this, of giving them at least a year ahead of time, or a year ahead of time to give them an opportunity to know this is coming and get their finances in order. The third thing we are looking at, and we've actually already started doing this is, we are posting the buildings with the letters. So, the letters are supposed to sent to ownership, we are sending them to the condominium associations, however, we've felt that after seeing everything that has happened and discussions and looking at what we feel could be better, that the residents need to know. A lot of times, just like a of people in the city don't come to the Commission meetings, they don't even know what's going on in their condominium associations, so we have as of late been posting on the buildings the notices. When we get a report, a recertification report and it says that there are repairs required, we are posting a letter on the building saying, we received a recertification report, this is the engineer that did the report, this is his contact information, your building is not recertified, please contact the engineer if you have any questions. So, we actually started doing that already.

Mayor Lago: Ms. Cabrera, if I may interject.

Development Services Director Cabrera: Of course.
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Mayor Lago: Because this is a question that I'm getting, not a lot, but several of the residents who have called me. They feel helpless in the buildings, because you have certain people who have been able to manage, to control the association, so that the repairs aren't done, because they have to do a special assessment and the process is very tedious, and sometimes you are talking about special assessments that could be \$150, \$200,000 per apartment. For example, I think the Surfside one was about \$95 to \$100,000 per apartment, I remember them saying something in that realm. That takes years to coordinate. You have to find financing; most cases people don't have the money to make those repairs. What action do we have at our disposal to push, can we put a timeline, you have to answer these critical issues in your 40-year certification by three months, six months. What window can we basically – we have to have a bookend, you'll see these things could be 5, 6 years waiting for the financing, and it only exacerbates the problem. The spaulding gets worse, the issue with structural integrity gets worse. What's the county doing to try to bookend this? What legal arm can we use, or wrangling can we use to force?

Development Services Director Cabrera: So, the Building Official actually has a lot of power to bring people into compliance. If they are not in compliance, we can remove their certificate of occupancy and of course, we don't want to put people out of their homes for some spaulding of concrete that is not a major issue. However, in the event that there is a life-safety concern, we absolutely have the power to do that today, and if necessary, we would do it today, and we have declared buildings unsafe in the City of Coral Gables, perhaps not specifically about their 40-year recertification, but in my time here, I know of buildings that we have declared unsafe and we have to shut off power and have everybody leave and that's what they need to do. So, that power is there, its just do building officials take advantage of it and are they really on top of the recertifications. As you can see, we have here in the City of Coral Gables 100-150 buildings every year and not everybody is compliant, so you have to be on top of people and you have to send them the second notice, third notice. Here in the City of Coral Gables we actually eventually take them to the Construction Regulation Board. We bring them in front of that board, and we try to get compliance and if we don't get compliance and there isn't a life-safety issue then we still start daily fines. So, there is a lot that we can do and honestly, I think here in the City of Coral Gables historically the city has done a very good job at keeping up with the recertifications. I worked in other cities where I don't think I ever saw buildings recertified.

Mayor Lago: One quick request and that is, please give staff, Martha, this presentation, so I want this on the website, so people understand the 40-year certifications and we could have an area where we can point them in that direction so they see our standards and our protocols, number one; and number two, I know that my colleagues on the Commission, I've gotten maybe ten e-mails from concerned residents who they are not architects, they are not contractors, they are not engineers, they are not in my profession, they are lawyers, they are doctors, they are individuals who are not aware of what construction is. So, when they see Surfside, they become very concerned over something that could be a delamination of a stucco, which is nothing. It's a spider crack on stucco, or they see a crack on a wall, and they think to themselves, you and I talked about this, the building is structurally unsound, its not, that's an expansion joint, it's been there for years, you just haven't noticed it. And it's okay.

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Development Services Director Cabrera: And we had one like that, that you sent to us.

Mayor Lago: We had one that I sent to you. I knew what it was, but again, we took the proper protocol. We sent our inspector. Ms. Cabrera and the ACM sent inspectors to every call to make sure that we stated to that individual and to the association that there are no problems or there is a problem.

Development Services Director Cabrera: Correct. And actually because of what happened in Surfside, people have been reaching out to us a lot more and there are buildings that the amount of maintenance, I mean the lack of maintenance has really caused deterioration beyond the years that the buildings age. So, we'll have a building that's 20 years old and really has deterioration that needs to be addressed. So, if that were to go for another 20 years unchecked, it could become a life-safety issue, its not right now and that's part of this recommendation. If we were to catch these at the 30-year mark, it wouldn't even be as expensive, the repairs. Concrete repairs are not easy. Its typically not done correctly and a lot of times it actually exacerbates the deterioration.

Mayor Lago: So, if you could, I would like to see if we can, with the support of the Commission, put this presentation online with a contact, a direct contact to your office, like a hotline, so if somebody has any questions or any issues in regards to their building or their structure, please contact this number or send an e-mail so that it goes into one repository and people can understand that we are taking steps, that we are being proactive, that we are not following, we are leading in this front. And by the way, we have one of the strictest codes and we do things that no other city does, and we have very high standards.

Development Services Director Cabrera: We have a reputation for being difficult and tough, but I think the city undoubtedly has probably *the* best Building Department in the county, if not in the State of Florida.

Assistant City Manager Santamaria: Mr. Mayor, if I may add something to Suramy's response regarding what we can do to kind of mitigate these problems. There is one recommendation that we have been making which is to impose a shot-clock on repairs. So, we won't necessarily shutdown a building for parking lot illumination, which is one of the requirements of the full recertification, but you will shut them down if there is a life-safety issue, but then there is that issue which you mentioned which sometimes it takes five or six years. If there is a shot-clock on that 40-year recertification and the compliance time period of two to three years, then at that point the building official, if he hasn't done so already, can go ahead and say this building has to be vacated.

Development Services Director Cabrera: Yes – and that's been discussed at the county in the meetings with the building officials to see what is the right deadline. For me, its really on a case-by-case basis. There are buildings that perhaps, you need to have people out, you need to evacuate or at least you need to shore them, or you need to drain pools so that you remove loads. There are a lot of things that could be done. Its not always just we need to evacuate the building. And actually, I skipped through the slide, but we did have the contact information on there. So, we are asking everybody to send to Development Services at coralgables.com. I also gave everybody my cell number, which is 305-342-2062, I think everybody in this city already has my cell number, but as

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the Building Official, I would like to receive those calls directly, either myself or Manny Lopez, the Deputy Building Official, because he and I will follow through on them within 24 hours.

Commissioner Anderson: I just had one question for you. Is there any examination of the ground, the sub-straight? We are fortunate here thinking about coastal areas, lands that are filled and so forth, since you're talking to the county, is there any discussion about having that examined when it sinks, and so forth?

Development Services Director Cabrera: Currently the guidelines for the 40-year recertification ask questions as, are there signs of settlement, you know, and there are things you would look for, is there bulging, is there cracking, what's going on, but honestly, I think that it's a good ordinance, I'm just not sure that it's been applied to its full extent. Unfortunately, what I saw when I worked at the beach is that a lot of times you have 40-year recertifications performed by persons that do not have an expertise and that's actually our fourth recommendation to the county is that if you have a threshold building that you have to have a structural engineer do the building structure recertification and an electrical engineer do the recertification for the electrical. Right now, an architect could do it or a civil engineer could do it, and we get reports here where the one architect is doing the structural and the electrical, and you have to ask yourself, how much expertise do they really have, right, to do that. So that's one of our recommendations, because it really is a good ordinance, and concrete repairs can be done correctly, and the inspections can be very fruitful, but if you have almost a little checkbox that anybody just goes in there goes bam, bam, bam, bam, and they are done, and they sign and seal it, because buildings don't collapse every day, right, thank goodness, you know one collapses and you have 150 people die. Whereas if you have a doctor in his career killed five people every year in his 30-year career they wouldn't be a doctor, so there is a very big liability. Doesn't happen often, but when it does happen it has great, great impact and I think sometimes because of that we forget how important it is to have a structural engineer doing the structural work and electrical engineer doing the electrical work, because we take for granted that we walk into buildings, and they stay up.

Commissioner Menendez: Have a quick question, if you don't mind.

Commissioner Anderson: That's fine.

Commissioner Menendez: Unfortunately, the way society is, every 20-30-40 years something happens, it's a wakeup call, and it wakes up everybody from that daze and we need to do things the right way. I appreciate you, Peter, the entire team taking the lead on making sure that these changes go through. You'll have the full support of the City Commission, I'm sure. My only question is, what's the process the city has followed, is following, and will be following with regards to city-owned buildings? – because we obviously own property and a lot of the structures go back many, many decades.

Development Services Director Cabrera: So, city-owned buildings are not exempt from the ordinance. So, we notify the owners of the building, so we are an enforcement agency, Public Works is the owner of the building, so would notify Public Works and Public Works will follow through with hiring the engineers to do the recertification. I know that recently, maybe a few years

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ago, we did do, I believe the majority of our buildings or at least had a recertification report by a very, very reputable structural engineer. We did it the right way, Douglas Wood, who is a very, very good structural engineer did all that work. We reviewed all those reports. We don't have any buildings owned by the city where we feel that there is a danger to life.

Commissioner Menendez: And does that apply, since we own, as a government on different things, other types of structures that may not fall under the 40-year, but there are other structures that, if they deteriorate far enough it could be potentially a danger to the public, so would we be looking at other types of structures we owned on rights-of-way that could be almost 100 years old that if something happens, somebody is standing there, they could be hurt.

Development Services Director Cabrera: So, a building, whether its on the right-of-way or on private property is still under the jurisdiction of the Building Code and that portion of Dade County and the Building Official, so we would treat it the same way. Now if you are looking at bridges or something, then that's a whole different.

Assistant City Manager Santamaria: That's FDOT, typically does those bridge inspections.

Commissioner Menendez: Perfect. Thank you so much.

Mayor Lago: Anything else?

Development Services Director Cabrera: Yes. Actually, one last line, because I'm starving now. I was hungry before, now I'm starving. So, let me skip through this. So, we send out the notices. You can see there the City of Coral Gables really has historically done a great job. These are recommendations which already went through reducing it from 40 to 30, having the structural engineer do threshold buildings, and this is the last slide, I really want to make a point of this. The City of Coral Gables prides itself on its rigorous construction review and inspection process. We have remained steadfast in the need for certification of structural plans, such as examiners. In 2020, the city spoke on the record in opposition to proposed changes to Chapter 8 of the Miami-Dade County Code, which covers construction and codes, construction codes. And it was pretty much the City of Coral Gables who lead that fight against reducing the licensing requirements for structural plans examiners. Before Hurricane Andrew, the City of Coral Gables was probably the only city in Dade County or perhaps in the state that had a structural engineer on staff doing structural plan review. Because of what happened in Hurricane Andrew, the county, Dade County passed an ordinance that in order to be a structural plans examiner you had to be a structural engineer. Recently because we get complacent when things are going well, they were trying to reduce that and make it so that you did not have to be a structural engineer to do structural plan review, and the City of Coral Gables spoke very openly and thankfully, I believe that the county actually, we reached a nice compromise, but we will continue to do that, because we feel it's the right thing to do. Any questions?

Mayor Lago: I want to commend you and your team, and I know that you actually testified, correct?

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Development Services Director Cabrera: I've testified.

Mayor Lago: It was either you or Peter testified.

Development Services Director Cabrera: Yes, in the county. Yes. I went on Peter's behalf, because they gave us very short notice. I think they knew that we were going to speak against it, but yes, I testified on Peter's behalf at that board.

Mayor Lago: That was just what, two months before the actual Surfside incident that occurred.

Development Services Director Cabrera: It was around in January or February of this year and luckily, you know, county has a very good relationship with Peter. They reach out to Peter actually quite often when structural items come up. So, they were very receptive and luckily, we were able to work together to come up with something that I really believe is better than what we have today. I don't know where it stands now. I don't know if it's been passed or what's going on, but at least we worked hard to getting something that was even better.

Mayor Lago: So, just very quickly. Again, that's another testament to the quality that we have here in the city, the fact that we were basically advocating a few months before to increasing standards, quality control, and we had the tragedy at Surfside. Again, we are at a different level, and I think we should never compromise on that. So, I want to say thank you for putting this together. Please put this on the internet and make sure its available for all and we have this for anybody whose interested or concerned. I want to publicize it, maybe we can have Martha put something together that – I don't want to have people stir madness, but I want people who have real concerns to have an outlet to contact the city, like some of the residents who have contacted us, and we've sent inspectors over there, it's important.

Development Services Director Cabrera: Yes. And there are properties that we've had to post. So, I'm glad to hear that the residents do reach out to us. And just one more thing, we are working with Martha to put out in the newsletter how important maintenance is, you know, because we just find that that's the biggest problem, there's no maintenance. I would not know what happened in Surfside, but I do know that lack of maintenance never helps.

Mayor Lago: Thank you. Thank you so much. Moving onto to H-1.

City Clerk Urquia: Mr. Mayor before you move on, we have a member of the public who wishes to speak.

Mayor Lago: Perfect.

City Clerk Urquia: Its Maria Cruz. She's good.