

**City of Coral Gables City Commission Meeting
Agenda Item I-3
October 14, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Assistant City Attorney, Yaneris Figueroa

Public Speaker(s)

I-3: [Start: 1:51:24 p.m.]

A Resolution of the City Commission of Coral Gables amending Resolution Number 2013-89, which established fees for appeals of City Board decisions to the City Commission; providing for severability and an effective date.

Mayor Cason: Let's do I-3 since we are on it.

City Attorney Leen: Mr. Mayor briefly – I'm going to turn it over to Ms. Figueroa again, but we are proposing a fee of \$400, City Attorney's office and it's based on the Circuit Court. Can you explain how we reached the number?

Ms. Figueroa: Yes. Miami-Dade County Clerk of Court charges \$400 for any appeal from a Circuit Court decision to the District Court, so that would be the first level of review. A hundred of those dollars goes directly to the Miami-Dade County Clerk and \$300 of those dollars goes to the Court, and then in the resolution we also have it tied where if that thing were to go up our fee would also go up.

Commissioner Quesada: I'll make a motion.

Commissioner Keon: Go ahead and now can we discuss it. I wasn't sure why we would even – once we can allow for residents to be able to appeal either by paying of collecting signatures or whatever, I think these fees seem high, but I remember reading, I think it was in was in 2012 or something maybe adjusted these fees, they did a review – within the City, there was some review of the fees and found that our fees had not been adjusted in a long time and were actually much lower than most other municipalities, and they brought them into line with what other municipalities did, is that right?

Mayor Cason: That was building fees if I'm not mistaken.

Commissioner Keon: I think there were appeals fees also.

Interim City Manager Olazabal: It included the appeal fees.

Commissioner Keon: It included the appeal fees.

Mayor Cason: The business fees we've raised at 5 percent every two years, I think.

Interim City Manager Olazabal: I think we haven't done them since 2012, if I'm not mistaken. I think 2010 and 2012.

Commissioner Keon: We went to this current fee level that now you are amending.

Mayor Cason: How many appeals do we get on these categories?- you've got six of them here, Board of Adjustment, Historic Preservation, Code Enforcement.

City Attorney Leen: I've sat in every appeal for three and-a-half years, we haven't gotten very many. We have a few from Historic Preservation, a couple maybe one from the Board of Adjustment, I'm not even sure if we had one.

Interim City Manager Olazabal: Yes, we had one from the Board of Adjustment. I don't know if you were here yet, at least I was here.

City Attorney Leen: We don't have very many.

Mayor Cason: So we are not a lot of revenue on reducing it?

City Attorney Leen: No, we haven't had any staff appeals; appeals from staff to the Board of Adjustments since I've been here. Do you recall one?

Interim City Manager Olazabal: No. Board of Architects...

Mayor Cason: Do we have any reason to believe that the amount of the appeals is the reason why we haven't had many appeals, or we just don't get many appeals?—I don't know.

Commissioner Keon: I mean the price for appeals is high, so people may not appeal, and I think my concern was more with the residential population being able to appeal things that were happening within their neighborhoods, as opposed to maybe a developer appealing.

Mayor Cason: Craig, we were talking earlier about the whole question of hardship for some of our residents. You know we've got the 200 and whatever the number is of second homesteads that we approved a couple of years ago for people mainly in the North Gables that had \$26,000, something like that. That would make this easier for people like that; although you could always have a hardship waiver which we would give them zero if they have no money. I'm not sure if this does much for those people because we could just give them relief at your level or at our level.

Commissioner Keon: (Item) I-2 actually provides the relief from the fees for the residential community, which was my primary concern.

Commissioner Quesada: So what do you want to do?- leave like it is?

Mayor Cason: Do we need this?

City Attorney Leen: The Commission at the last meeting had indicated we had had a waiver provision and also lowering the fees. I think ultimately lowering the fees, it's an issue of how easy do you want to make it for people to bring matters before the Commission or before intermediary boards, because we haven't had very many appeals and part of it – a \$900 fee was not the highest fee, it tended to be on the higher side as I recall, but it was not the highest, and my understanding from staff is it was an attempt to approximate their cost. Now it sounded to me at the last meeting the Commission wanted maybe to make the price go down, the cost of appealing, but also the waiver provision that we were considering was broader because the petition provision now is stricter...

Mayor Cason: If we go to this \$400 number is that below cost?- we are subsidizing an appeal, Code Enforcement, for example, I don't like that.

Commissioner Keon: As long as we have, even if its 30 percent, even if we have the provision now that where people don't have to pay the fees, I'd rather see the fees reflect our cost.

Mayor Cason: Do these reflect cost?

Vice Mayor Kerdyk: OK, I withdraw my second. Let's go, move on.

Mayor Cason: Anybody not want to oppose this?- unanimous? OK. Unanimously rejected.

City Attorney Leen: Mr. Mayor, one issue though you had raised with me was the issue of now that we have this waiver provision for fees, you were concerned that I think with interest, for example, on somebody a solid waste issue.

Mayor Cason: I think this leads to something for a future meeting to look at what do we do for people – we do have people in Coral Gables that have low incomes, especially in the North. We recognize that through the special homestead. There was a case where somebody – we talked about garbage bills, there was one individual that plead financial hardship that wants to pay the garbage bill, but wants to pay it quarterly and doesn't want to have to pay the interest because it's really, really tight. So sort of looking at the whole question, what can we do for hardship cases in the Gables across the board, how do we handle it?- is it Commission discretion?- is it go through some layer of you and the City Manager and then it comes to us, that would be – because there are people that really – I like it when somebody says I want to pay the garbage bill, unlike the 803 that have stiffed us, maybe we can give them a break so they can pay it quarterly.

City Attorney Leen: And then one other issue that came up once is, now that we haven't changed a fee, I have given an interpretation in a pending appeal that if someone pays the appeal fee and won appeal and then wants to file a second related appeal, we haven't required them to file multiple appeal fees under the theory that they can be consolidated into one, is the Commission OK with that going forward?

Commissioner Keon: Yes.

[End: 1:58:44 p.m.]