

City of Coral Gables City Commission Meeting
Agenda Item C-4
April 13, 2010
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

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

City Staff

City Manager, Patrick Salerno
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Public Works Project Engineer, Jim Kay

Public Speaker(s)

Dr. Carnegie, Dade County Public School System

C-4 [Start: 9:52:36 a.m.]

Resolution authorizing the execution of an agreement between the City of Coral Gables and the School Board of Miami-Dade County, Florida for a sewer connection outside the City Sanitary Sewer District to serve West Laboratory Elementary School, located at 5300 Carrillo Street, Coral Gables, Florida, subject to the requirements of the Public Works Department as provided under Chapters 62 and 78 of the City Code, Ordinance No. 2007-29 and Resolution No. 27941; and provided that the executed agreement be made part of this Resolution.

Mayor Slesnick: C-4. Who pulled C-4?

Commissioner Withers: I did.

Commissioner Cabrera: Mr. Withers did.

Commissioner Withers: And I don't know, maybe Liz remembers this; we in the past has kind of used the sewer connection to keep in check the enrollment at the different public schools, and I think it's currently 430 something at West Lab, and I didn't know if the Commission, and maybe City Manager's office can let me know, once they have this sewer connection does it allow them to add how many students seats, and how many more kids can, if they wanted to expand and

build more, can they do that?- how many more could they build?- etc. Remember Liz when we had the Gables High School and the Ponce issue, we actually used a capped enrollment.

City Attorney Hernandez: On Coral Gables Senior High, remember that was part of a pre-suit mediation process. I do believe however, in West Lab we have a certain cap; we've been doing that with schools, you know a cap on enrollment that they need to come back to increase it, they need to advise the city. We can get the numbers for you on West Lab, but I don't have them handy.

Commissioner Withers: I would like to either defer this item or see some language in there to where the sewer hook-up is based on, whatever their current enrollment is 434 I think and 43 staff, or whatever, and if they want to continue to utilize, I don't know if we can do it, but utilize the sewer system if they have to come back to this Commission at some point in time, if they want to increase the enrollment. We were able to tie enrollment numbers capped with our sewer use before. So I don't know how the rest of the Commission feels, but....

City Attorney Hernandez: A lot of that was part of a consent decree – it initiated in the '90's because of a consent decree that we had and then the issue was, you know, all this was being used, all the excess flow was being used for the schools and our homeowners need to be able to hook-up, and so that was a big concern of the City Commission, to comply with Federal consent decrees at the time. I can't tell you the number.

Commissioner Withers: Well there are two issues: one is just an unbridled growth of the school and I know we don't have a lot of control over that because the concurrency issue, we do have control over it through a sewer line I would assume, but secondly like the City Attorney said, I'd hate to suck up a lot of our capacity for the school if they did grow, and it takes it away from the residents. I don't know what we can do, but I just wanted to bring that.

Vice Mayor Kerdyk: Maybe we should defer it until you get a better understanding of what is going on there.

Mr. Kay: The current item is a response to an order from Miami-Dade County DERM for them to connect to the sewer system...

Commissioner Withers: Right.

Mr. Kay:....they are obligated to do that, they have to do that, but as far as the other numbers, how much they can...we have to get back to you on that.

Mayor Slesnick: Chip.

Commissioner Withers: Yes.

Mayor Slesnick: Chip, there is one issue that is on my mind, and I appreciate the fact that we have always expressed concern over school enrollments in our neighborhoods and so forth, and the size of schools, but I know that West Lab for some time has been working on the concept of going to 8th grade, and that provides – if that happens that provides, I'm not by the way, in that age group, my children are grown, but that does provide an incredible opportunity for many citizens to keep their children at the school through 8th grade, it actually offers another middle school choice by staying in an elementary school... Now, I don't know where that is, but I would hate to cut that off just because of the sewer connection.

Commissioner Withers: Don, listen all of my kids, four of my kids went to West Lab, I think it's an absolutely phenomenal school. I think what Pat Frost did to build that school was absolutely fantastic, I think Ms. Stevens carried along the tradition. I fully embrace West Lab's success and I fully embrace the 8th grade addition. My problem isn't with West Lab; my problem is with the Dade County School Board and the control...

Mayor Slesnick: I just meant if you add two more grades, you'd have to add a few more students that's all.

Commissioner Withers: So I don't have a problem with it, all I want to say is we might want to maintain some kind of control over the number of desks, over the capacity there, and if we have an opportunity to do it through a sewer hook-up, I just want this Commission to have the opportunity to stay involved in the campus master planning of West Lab, that's my only...

City Attorney Hernandez: So you want to be sure that we add language in there that the School Board and West Lab shall comply with the terms of the conditions of ordinance or resolution....

Commissioner Withers: I don't know how we do it, and I'd like to hear how the rest of the Commission....

City Attorney Hernandez: We can either defer it or we can add that it, it's up to you.

Commissioner Withers: Whatever – Liz, I'm bringing this up for the rest of the Commission to see how they feel about it, and again it's not trying to...Don, it's not trying to slow down the growth of West Lab the addition of the 8th grade, it's just making sure that we as a city have control over the campus master plan; and you know UM is a player in that also.

Commissioner Anderson: Sure – because of the intervening property.

Commissioner Withers: There was a talk about moving West Lab into the golf range in UM, and there was discussion about making a cul-de-sac and closing the road off, I don't know where all those plans are. I just want to stay....I just want the city to stay in the middle of that discussion, if this is the way that we can secure it, then so be it.

Commissioner Cabrera: I was actually going to pull the item, not for the reasons you pointed out, which are think are exceedingly valid, I was simply going to pull the item because I found the resolution sitting on my desk here as a revised part of the agenda, typically I study the agenda prior to the Commission meeting, so I don't know when you all got it, but I got it this morning. I don't know what the changes are and...

Commissioner Withers: I think the changes are more technical as far as the size of the main, the location of the main.

Commissioner Cabrera: I didn't want to read it during the ceremonial aspects of the Commission meeting; I wanted to do in the privacy of my office or home, wherever I study the agenda. So I found it to be kind of out of the norm to get it this late. So I was going to ask that we defer it for that reason, but I think more importantly I would support deferring it for the reasons you've cited.

Mayor Slesnick: Well, we have this suggestion but is there anything the department wants to add before we consider deferring it for a two week period.

Mr. Kay: I just think we want to probably know how this is going to be handled, either as the City Attorney suggested we defer it or make corrections to the...

City Attorney Hernandez: We can – unless there is an emergency that DERM has imposed, is there a penalty that's going to occur, we can defer it to the next meeting and we can pull the – I don't have the school ordinances on those limitations and I can't just automatically come up with those conditions.

Mayor Slesnick: Do we have anyone from the school system would like to speak on this, from the Dade County Public Schools, I think we do.

Dr. Carnegie: Yes, good morning, my name is Dr. Carnegie and I head up the Regulatory Compliance Department for the School District, and I have with my our School Board attorney representative here with me as well, and thank you for the opportunity to speak to this item. This is a DERM consent decree item, it's been going on for several years; there are penalties associated with not connecting, as a matter of fact the sewer is connected, we've done the construction work, and all we are doing is trying to button up the details right now.

Commissioner Cabrera: So this is an item that's already been done...

Dr. Carnegie: Yes...

Commissioner Cabrera:...so this is simply a formality.

Dr. Carnegie: It's a formality as far as I'm concerned; the construction is completed.

Commissioner Cabrera: Why don't we all just go home, why don't we all just go home and call it a day.

Dr. Carnegie: And speaking to the bit about capping enrollment, the reason why the school is being connected is because enrollment several years ago was 900 students, and 900 students generated so much sewage that DERM wanted it connected. We just had two or three schools taken off the consent decree because they have enrollment of 400, and they are not going to be connected, so to put a cap of 450 on the school where we've just spent a million dollars connecting sewage in my opinion is not the right way to go.

Mayor Slesnick: How many students are there now?

Dr. Carnegie: Well there is about 400 something students there now because of declining enrollment, but the sewer design was on the books when the enrollment was over 900.

Mayor Slesnick: Doctor, I've got two questions. One is either for the City Manager or his staff. I noticed that in here there is a substantial payment that at the conclusion of this it will be paid, but has that been paid already? - six hundred and something thousand?

Dr. Carnegie: I'm not quite sure what is to be paid, but if we make an obligation to pay something it will be paid.

Mayor Slesnick: Oh no, no, I wasn't questioning that, I was just questioning since the sewer has been built...

Vice Mayor Kerdyk: \$64,000.

Mayor Slesnick: ...whatever this payment was in here, somewhere in here – thanks Bill – the property owner must submit to the city a letter of agreement that the owner has to agree with all the conditions and the fees listed in said ordinance based on the city ordinance, the connection fee for the property \$64,000 give or take, this connection fee shall be paid concurrently upon signing the connection agreement. Now is the connection agreement dependent on this resolution?

Dr. Carnegie: Exactly – whatever we are obligated to pay will be paid.

Mayor Slesnick: OK, and the \$64,000 is dependent upon the execution of the agreement which is awaiting adoption of this resolution.

Dr. Carnegie: Exactly.

Commissioner Cabrera: At this time I'm going to move to defer this item. Does anyone wish to – Mr. Mayor, at this time I'm moving to defer this item.

Mayor Slesnick: OK. I would like to give him the courtesy, but it's been moved and Chip are you seconding?

Commissioner Withers: Yes.

Mayor Slesnick: OK, it's been moved and seconded, but go ahead Doctor, I don't want to cut you off.

Dr. Carnegie: Consulting with our attorney, I think it would be probably best if we defer this item for a couple of weeks and we can reconvene with Public Works and go through some of these details. If there are any other issues that you have we could perhaps properly address them.

Commissioner Withers: I think its – Dr. Carnegie, right?

Dr. Carnegie: Yes.

Commissioner Withers: OK, nice to meet you. A little history, just so you don't think this is an antagonistic shot over the bow of the School Board. Historically, what had happened was we had severe overcrowding in Gables High School; there was some "gerrymandering" of some districts in Region 4, which through more kids into the school. Our Fire Marshall had cited them for overcrowding, I mean, it was a mess. Ponce Middle School was headed down the same track, and our City Attorney and I were very much involved with this whole issue, and there was nothing we could do to get the attention of Dade County Schools, I mean, we tried everything.

City Attorney Hernandez: There were about 200 public hearings.

Commissioner Withers: And we couldn't get them to budge, and the only way we could get them to budge was hook-up to our sewer main and that's when they had portables in the parking lot, and it was a mess, cars all over the neighborhoods, and so all we were trying to do was reach out to the public school and say hey, we love having Gables High School, we love having Ponce Middle School, we love all of our public schools and schools in the city, we just want to be involved in the campus planning process and the concurrency issues, and we really received a deaf ear and a blind eye as we moved forward. So we had literally held the School Board hostage over the hook-up of the sewer system. We didn't want to honestly do that, I mean, we got more grief from parents because they couldn't hook-up the brand new science building at Ponce Middle School, it was sitting there but no students could go in, and they were sitting in portables because the science building didn't have a sewer-up, but it worked, and as a result you know, Gables High School now the districts are redrawn, it's down to a level that's a little more manageable; and all I'm saying is, I know there is a great opportunity for West Lab with UM and the partnership there and the reputation that school has. If I was Dade County Public Schools, I would say, I would focus interest on growing West Lab as an elementary school and even adding 8th grade, because it is a shining star on the hill. My point is, if that dialogue ever takes place, we as a city want to be a part of that. If we can tie a sewer use into that to secure our ability to be at the table to talk about that, that's the only reason that I bring this up. So it's not a hit on your

attorney you brought here or you or the Dade County Public Schools, as much as we just want to be a partner in this thing.

Dr. Carnegie: I don't think that the School District will have a problem with you being a partner in this process; we are always looking for partners as part of our educational process. So that being said, I think if we defer it for two weeks or until some other time...

Commissioner Withers: Excuse me, maybe you could also bring the current status on the reconfiguration of the street, what the updated campus master plan of West Lab, whatever plans because those were on again, off again, I don't know where we are with that; and if there is an intention to bring West Lab back up to 6-7-800 students, I don't know if any of us object to that...

Dr. Carnegie: That's why we have the sewer.

Commissioner Withers:...OK, then we all know the reason now don't we?

City Attorney Hernandez: So Mr. Kay and I will follow-up with you and I'm sure he has your contact information.

Dr. Carnegie: Absolutely. Thank you so much.

Mayor Slesnick: Doctor thank you, and thank you both for coming today and being with us and I have to tell you that all of us agree here that the more conversations we have with our Public School System the better it is for all the parents and students in Coral Gables. We don't get this chance often enough, so thank you, and you are looking at a bunch of Dade County Public School graduates up here. All those in favor of deferring please say aye.

All: Aye.

Mayor Slesnick: Opposed like sign; and we have deferred until the next agenda two weeks from today.

[End: 10:07:27 a.m.]