

City of Coral Gables City Commission Meeting

Agenda Item D-1

May 27, 2008

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, David Brown

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

City Clerk Staff, Billy Urquia

Public Speaker(s)

Fausto Gomez, Gomez Barker, P.A. & Legislative Representative in Tallahassee

D-1 [Start: 10:07:51 a.m.]

Legislative update by Fausto Gomez, of Gomez Barker, P.A.

Mayor Slesnick: D-1 – This is a personal appearance by the person who represents us in Tallahassee, Fausto Gomez, as our liaison with the State Legislature and State Government; Fausto welcome back.

Mr. Gomez: Thank you Mr. Mayor, Mr. Vice Mayor, Commissioners. Manny Reyes and I are pleased to appear before you this morning to provide a report detailing the accomplishments of the City of Coral Gables of 2008...

Mayor Slesnick: Can I just say too about Manny Reyes that we appreciate his e-mail updates on a regular basis of all the headlines and the news stories that are concerning the State Legislature and government.

Mr. Gomez: Thank you Mr. Mayor. As you all know this is a very difficult year. It was marked by budget reductions totally close to six billion dollars (\$6 B), as well as numerous policy initiatives that's opted to either pre-empt local authority or impose additional unfunded mandates on local governments. Concurrent with the legislative session, the Taxation and Budget Reform Commission was meeting, considering proposals that could potentially wreck havoc on local government finances. Notwithstanding that in the midst of that environment, Coral Gables did exceptionally well. I am pleased to report that we secured [inaudible] and the government still has not received the budget. One million three hundred and eighty-five thousand six hundred and ten dollars and eighty cents (1,385,610.80) in legislatively appropriated funds to the City of

Coral Gables. We also again included the language on the Law Enforcement Trust Funds, which we can reimburse ourselves, the general funds from those monies that are there, and Coral Gables was key, let me say that, key to defeating many of the most damaging policy initiatives that would negatively impact local government. Coral Gables is one of the few cities, there is only a handful of cities that are included in the State Budget this year for legislative funding, and of that Sanitary Sewer Pump Rehabilitation Two was awarded two hundred and fifty thousand dollars (\$250,000), Sanitary Sewer Pump Rehabilitation Three was awarded five hundred thousand dollars (\$500,000), Old Cutler Sanitary Sewer Force Main Replacement - five hundred thousand dollars, and enhancements to Riviera Park -- at one hundred and thirty-five thousand and some odd dollars. And I want to particularly thank Mayor Slesnick for his efforts in securing those dollars, through his lobbying and joining us in Tallahassee, as did City Manager Brown, the City Attorney, and two of your – two members of your administration, Fire Chief who went up there to Tallahassee to help us defeat a proposal to consolidate Fire Departments, as well as Peter Iglesias, one of your engineers, who was crucial to us helping defeat the tower crane ordinance, which unfortunately now went to the Circuit Court here in Miami and was reversed.

Mayor Slesnick: Let me add something at this point too, and that is, there is no secret that Speaker of the House Rubio and I have disagreed on a number of issues which you talked about on taxation and local funding and so forth, but late in the session in a very generous and kind outreach to one of his home cities, worked with us on providing some of that extra funding that you named and it came out of the Speaker's efforts, and I want to offer a personal thank you to the Speaker for that.

Mr. Gomez: Equally important to the resources obtained, and I'd say frankly even more important, were the policies issues defeated or substantially modified. These ranges from amendments to the Brick House Property Rights Act that would have provided for a waiver of sovereign immunity to local governments, two, the application of public construction contracting that are required for local governments to competitively bid maintenance activities; most of those are currently performed in-house with greater cost efficiencies and effectiveness. I believe that your package has a detailed list of legislation. One of the things that struck me, and I think will strike you, is the lack of appreciation for local government that many of these bills evidenced. Finally, let me thank again the Mayor, the Manager, the Fire Chief, the City Attorney for joining us and soldiering in the halls of Tallahassee, and suggest that Senator Alex Diaz de la Portilla, Gwen Margolis, and Lucenia Bullard who constitute the Senate Delegation for the City of Coral Gables as well as representatives Julio Rebina, Carlos Lopez Canterra and the Speaker, who are all worthy champions of the City, be invited to a future City Commission meeting and be appropriately recognized. Now Mr. Mayor, let me just focus on a couple of bills, are most egregious examples of what we were fighting in Tallahassee. House Bill 7145 would have allowed the President of the Senate and the Speaker of the House to review any political subdivision of the State, that Bill died in messages to the Senate. House Bill 991 and Senate Bill 2276 which is something that you, Mr. Mayor, and Mr. Manager, raised as a big concern would have essentially taken to Tallahassee control of your City Commission agenda, and would have established procedures for every municipality in the State as well as every County on how they could construct their agenda, that was defeated. House Bill 181 and Senate Bill 392 would require every local government in the State to post any contract with a value of five thousand dollars or more and assign one full time position to monitoring those contracts and be available,

so if any citizen would come in they would basically have access to every contract and be able to answer questions about that, that also was defeated. House Bill 683 and Senate Bill 2148, would have prevented the City from using its own employees, own equipment to provide maintenance activities within the corporate boundaries of that City, that also was defeated. Very important was House Bill 881 and Senate Bill 2298. That Bill would have imposed a one percent sales tax for emergency fire rescue services and designated the counties as the regional service provider. What that was looking for was consolidation for the Fire Departments. This actually was a proposal that came from Palm Beach County, but notwithstanding that, one of the local unions, the county union sort of focused on that proposal. We alerted the City and the Mayor and the Manager as well as others; the Fire Chief came up with us as well as the Fire Chiefs from five municipalities in Dade County who have their own local fire services, that proposal was defeated, although I will say that proposal is coming back next year.

Commissioner Anderson: That's what I was going to ask.

Mr. Gomez: That proposal is definitely coming back next year, something we need to keep an eye on. House Bill 7147 and Senate Bill 2788 would have precluded online sellers of travel, the "Expedias" of the world, from paying taxes on the retail price that they sell a hotel room for, because right now they pay taxes on the wholesale price that they buy a hotel room for. So therefore, that would have been a drain on the City's coffers. So they pay taxes on the wholesale price that they buy an excess hotel room for, and this law would have precluded them from paying prices on their retail price that they sell the hotel room for. And finally, House Bill 1107 and Senate Bill 1430, would have pre-empted local ordinances regarding the residency distance for limitation for sexual offenders. That's just a harbinger of some of the issues, the policy issues that were being discussed in Tallahassee, and that's what I'm saying, that even more important than the resources to be successfully obtained were the policy initiatives that we had to lobby against and succeeded, and obviously the Tower Crane issue which is a priority of the City of Coral Gables. Concurrent with that Taxation Budget and Reform Commission was meeting; they were considering fifty one different proposals; of those fifty one proposals seven made it onto the ballot this November. None of those affect local government finance municipality, although there is one, as you know, that will trade off required local effort, which is the money that is provided for public education...

Commissioner Anderson: For the religious institutions or education?

Mr. Gomez: That's another proposal, Commissioner, basically saying would allow religious institutions to receive public dollars for vouchers, but the proposal that had the most interest and has had the most discussion is one that would have taken the money in property taxes for required local effort as Dade County ranges from thirty to thirty-five percent depending on where you live, and supplanted with that with either an increase of sales tax, which is a one penny increase raises approximately three billion dollars, but this proposal has a nine billion dollar price tag, and the extra six billion dollars would go back to the legislature and in subsequent years for them to decide how they basically to meet the constitutional requirement and fill that nine billion dollar hole. Mr. Mayor that is our report to you and to the Vice Mayor and the Commission and to the Manager, and we are pleased to answer any questions that you may have.

Commissioner Anderson: First of all thank you for the work you do in really difficult times, you still manage to get funding for much of some of the needed projects, although they are mostly sewer, but those are very much needed. I don't know, I just want to make a comment; I'm not just amazed at what's coming out of Tallahassee that the attempts to thwart local government and the things to take money for them; the thing that is most egregious for me is the fire, the issue of the fire, regionalizing the Fire Departments, that's just wrong. I thank you for your efforts to stave that at least another year.

Mr. Gomez: Thank you Commissioner.

Commissioner Withers: Did they make a decision on cigarette tax?

Mr. Gomez: No sir. There was a proposal to raise the cigarette tax by a dollar and that proposal was not adopted.

Commissioner Withers: Do you know anything about the Courtellis matching grants programs for universities, did that withstand, did that uphold, do you know?

Mr. Gomez: That was funded – it's outside the scope of my presentation, so it's not an issue that I followed, but I believe that was funded at some level.

Commissioner Withers: And the cigarette tax is dead?

Mr. Gomez: Obviously for this past legislative session, but if the Constitutional Amendment put in by the Taxation Budget Reform Commission on the part of the local electorate, there is going to be a necessity to review every taxing, as well as service tax, as well as tax exemptions, because you need to basically fill in that nine billion dollars.

Mayor Slesnick: I don't know if all the Commissioners have heard, but the legislature, and it was also decided to prohibit cities from prohibiting the use of plastic bags.

Mr. Gomez: That's correct.

Mayor Slesnick: While some other cities, and we actually have talked about greening of the Gables, and this is one of the areas that cities have legislated in as far as the prevention of the use of non recyclable plastic bags and dry cleaners and grocery stores, that ability has been removed from us...

Mr. Gomez: Until 2010, which there will be an interim study on the use of plastic bags, that was an issue that was advocated by various interests in Tallahassee, based on legislation in the State of California that various cities have precluded the use of plastic bags, and so therefore as part of the energy bill there is a prohibition, there is a pre-emption until 2010.

Mayor Slesnick: I've asked the City Attorney to look into the idea that some cities have used about giving some type of incentives to stores and so forth, which will not use plastic bags on their own accord, but they'll get incentives, I don't know what those are yet, but at least I'm

trying to look into that. Thank you Fausto; great Manny, thank you all, great job, and remember what he said, that the Governor still will look at the budget for veto's, and so all of the money that's in there for Coral Gables is still at stake.

Mr. Gomez: Let me just add, Mr. Mayor, on the water projects the City of Coral Gables has gone through all the necessary steps. It basically is part of our City plan. It has been reviewed and approved by the South Florida Water Management District, and we have matching dollars. So all of the necessary check marks have been checked, so obviously the Governor at his discretion can do anything he wishes, but notwithstanding that, we have checked all the process and all the procedures in order not to get vetoed.

Mayor Slesnick: Very good. Thank you.

Mr. Gomez: Thank you Mr. Mayor.

[End: 10:22:19 a.m.]