

City of Coral Gables City Commission Meeting
Agenda Item E-1 and H-3
August 25, 2009
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 Clerk, Billy Urquia

Public Speaker(s)

Camille Tharpe, Consultant, Government Services Group (GSG)
Charles Girtman, Coral Gables Resident
Roxcy Bolton, Coral Gables Resident
Richard Namon, Coral Gables Resident
Aaron Glasser, Coral Gables Resident
Vincent Damian, Coral Gables Resident
Christopher Zoller, Coral Gables Resident
Dan Thornhill, Coral Gables Resident

E-1 [Start: 10:14:51 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida; relating to the provision of fire protection services, facilities, and programs throughout the incorporated areas of Coral Gables, Florida; authorizing the imposition and collection of fire protection assessments against property; providing certain definitions including a definition for the term “fire protection assessment”; establishing a procedure for imposing fire protection assessments; providing that fire protection assessments constitute a lien on assessed property upon adoption of assessment roll; providing that the lien for a fire protection assessment collected pursuant to sections 197.3632 and 197.3635, Florida Statutes, upon perfection shall attach to the property on the prior January 1, the lien date for ad valorem taxes; providing that a perfected lien shall be equal in rank and dignity with the liens of all state, county, district, or municipal taxes and assessments and superior in dignity to all other prior liens, mortgages, titles, and claims; authorizing the imposition of interim assessments; providing authorization for exemptions and hardship assistance; providing a procedure for the collection of fire protection

assessments; providing a mechanism for the imposition of assessments on government property; providing for severability; and providing an effective date. (Passed on First Reading July 29, 2009).

Mayor Slesnick: Mr. Manager, we are not at E-1 and Madam City Attorney ordinance on second reading.

City Attorney Hernandez: [Note: The City Attorney read the above title into the record].

Mayor Slesnick: Mr. Manager.

City Attorney Salerno: Thank you Mayor. This is the second reading of the enabling ordinance that would allow the City at any time in the future and hopefully later today to adopt a fire assessment fee. We have a presentation that is associated with the actual resolution, which is on later in the agenda, this is simply the second reading that would enable the City at some point in the future to enact the fee; it has no other purpose. That would be my intent to have Camille Tharpe of GSG make a presentation on the resolution, and she is prepared to do so.

Vice Mayor Kerdyk: So what you are asking is that we go ahead and enable us right now to assess it and adopt it on a resolution, which is H-3, is that correct?- and discuss it at that point?

City Manager Salerno: Yes.

Vice Mayor Kerdyk: That's fine; because I have some discussion items.

Mayor Slesnick: It seems to me though somewhat confusing, why don't we just go ahead and discuss it now...

Commissioner Cabrera: Yes, let's do that.

Mayor Slesnick:...and it seems to me that we should go ahead and combine the items to make the presentation, and discuss it, and then vote on the two items together.

City Manager Salerno: You can do it.

Mayor Slesnick: So why don't we go ahead and have the presentation. We are going to be considering E-1 and H-3 sequentially. H-3 is a resolution relating to the provision of fire protection services, facilities and programs in the City of Coral Gables, Florida; describing the method of assessing fire protection assessed costs against assessed property located within the City of Coral Gables; directing the fire preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof; and providing an effective date. That would go along with what the City Attorney has just read in E-1, which is the enabling. So just to explain one more time, we have an underlying ordinance, and that underlying ordinance is what we passed on first reading,

City Commission Meeting

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Agenda Item E-1 – Ordinance Relating to Fire Protection Services (Fees)

H-3 – Resolution Relating to the Provision of Fire Protection Services

we are considering on second reading today, if we should adopt the underlying ordinance it does not adopt an assessment, it only adopts the framework which is there, it could stay there on the books forever, but it would take an additional resolution for the Commission to then adopt the actual assessment. Is that a correct characterization?

Ms. Tharpe: And actually the resolution you are considering today is only the preliminary estimate assessment resolution, we would send out notices and you would have another public hearing at the end of September where you would actually impose the assessments.

Commissioner Cabrera: A public hearing would be done simultaneously with the Budget Hearing.

Ms. Tharpe: Yes.

Mayor Slesnick: With the Commission Hearing; the Commission Hearing...

City Manager Salerno: September 22nd.

Commissioner Cabrera: The City Commission meeting of that day, not the Budget Hearing.

Mayor Slesnick: Right – the City Commission meeting.

Ms. Tharpe: My name is Camille Tharpe, I'm with Government Services Group (GSG) out of Tallahassee, Florida, with me I have Jason Buckholtz and Heather Encinosa from Nabors, Giblin and Nickerson; so if you have any issues related to the legal part of the ordinance or the resolution this morning Heather would be up here. This is a brief summary of where we are on the fire assessment program. As you know you had the first reading of the ordinance on July 29th and we've also had a workshop on July 8th. I'm going to talk about the proposed assessment rates, proposed exemptions, particularly the senior hardship exemption, the impact of those exemptions on the revenue that you would receive from the assessment program, and implementation schedule. These are the proposed assessment rates, and they actually go on pages 3, 4, and 5 of this presentation. These proposed assessment rates provide an estimated gross revenue of about one point nine (\$1.9) million dollars, or about ten percent (10%) of what you can legally assess through a fire assessment, funding only the fire protection part of the services, and I do want to point out that based on your discussion last time all of the information in the legal documents now says fire protection, and not fire rescue because that was something that you all requested. These assessment rates, like I said, fund about ten percent of what you can legally fund through the assessment program, and produce a residential dwelling unit of fifty dollars (\$50.00). So if you are a single family residential property in the City, you would pay \$50.00 per year; if you are a duplex you would pay \$100.00; and if you are a multi family property you would pay however many dwelling units are within your parcel times the \$50.00 rate.

Vice Mayor Kerdyk: Do you know how many single family houses that you have as far as that goes?

Ms. Tharpe: We have about 18,000 dwelling units total, single family and multi family, 18,000; that would be condominiums, apartments and single family.

Commissioner Cabrera: That's what I thought, higher than that.

Ms. Tharpe: I'm going to ask Jason to get me the single family number. These then show you for the non residential rates, these then show the rates for the non residential properties, and these rates are based on the building size and square foot ranges. So if you are a commercial building and you are within 100 to 1,999 square feet, you would pay \$59.00; if you were a like-size industrial/warehouse building you would pay \$9.00; if you were a like-size institutional building you would pay \$54.00; and if you were a like-size educational building you would pay \$22.00. Remember this is all driven by the number of calls based on historical basis to these five property categories.

Vice Mayor Kerdyk: Let me clarify – number of fire calls.

Ms. Tharpe: Fire calls.

Vice Mayor Kerdyk: Fire calls, not EMS.

Ms. Tharpe: Fire calls, not EMS calls, anything that is not EMS...

Vice Mayor Kerdyk: Just curious, how many fire calls have we had in the past year?

Ms. Tharpe: It's not just structure fires, it is any calls for service that are not EMS related, and I would get you that number, one second...

Vice Mayor Kerdyk: And clarify what that means; the cat's in the tree counts.

Ms. Tharpe: And the time period that we looked at, which is calendar year 2008, there was 6,213 total fire rescue incidents, fire rescue total...

Vice Mayor Kerdyk: Fire rescue, right.

Ms. Tharpe:....of those 2,220 were non EMS or fire related, and 3,993 were EMS.

Vice Mayor Kerdyk: Alright so 2,000, I'm sorry...

Ms. Tharpe: 2,220 were fire.

Vice Mayor Kerdyk: And so fire – you just pointed out it doesn't necessarily have to be fire, just give me another example of what it would be.

Ms. Tharpe: Smoke scare, someone cancelled in route would have been, and matter of fact in both the report, the assessment memorandum that you all have, and as an appendix to the resolution that you all are considering, we actually identified what calls we've classified as fire, and what calls we have classified as EMS, but I will give you some other examples, it would be, and again this is based on an incident reporting system that is used nationwide; we have building fires, cooking fires, forest fires, then we have hazardous conditions, flammable gas or liquid condition, gas leaks, anshortage, electrical equipment, we have smoke or order removal, defected elevator, unauthorized burning, good intent call, and again those are all documented within the assessment memorandum, and within the resolution.

Vice Mayor Kerdyk: Thank you.

Commissioner Cabrera: So the \$1.8 million is calculated based upon the dwellings as well as the commercial properties affected by this?

Ms. Tharpe: The \$1.8 million is not based on that; the rates are based on that, but the \$1.8 million dollars is the ten percent of the assessable revenue that you can generate through the assessment program. Now you can choose twenty percent, you could choose fifty percent, you could choose one hundred percent, but based on our workshop and what we have been discussing previously, we are presenting to you the ten percent of what you can legally charge for of your budget.

Commissioner Cabrera: OK. How does that equate to a millage increase?- can someone answer that?

Vice Mayor Kerdyk: I can tell you its sixty cents a square foot on commercial properties.

Commissioner Cabrera: Overall?- overall Bill, as an average?

Vice Mayor Kerdyk: Yes – yes, average.

City Manager Salerno: It would be about one point – point one-six (.16) mills.

Commissioner Cabrera: One point one six?

City Manager Salerno: Point one-six (.16).

Commissioner Cabrera: Point one-six (.16).

Ms. Tharpe: Back to the presentation then. The proposed assessments rates on pages 3, 4, and 5, and they are rates per category and per size of building except for the residential category; and as I said they provide a gross revenue of \$1,931,351. Next I'm going to talk about exemptions. As you all know, this is a Home Rule revenue source, it is within your ability to provide for certain exemptions as long as those exemptions are not paid for by any of the other assessment payers, and the exemptions are funded through other legally

available revenue sources within the City, and the expenditure of those other available revenue sources have to provide some valid public purpose. The three types of proposed exemptions that we have talked about before is the institutional tax exempt exemption, and that's the non governmental part of that; that would be your churches, your not-for-profits, so it would be things like your Boys Club, your Girls Club, your Kiwanis Club. Your governmental exemption which we've talked about the fact that you have government property we've included in the assessment program, we've calculated the rate; you could send government property a bill, but you can't lien their property, you can't force them to pay. So our recommendation is to exempt them and not try to chase that money; and then the senior hardship exemption, which is something you all specifically asked for. I want to talk to you about that...

Commissioner Cabrera: I'm sorry, I apologize, it's completely my fault; can you go back to that whole statement about liening property...

Ms. Tharpe: On government property.

Commissioner Cabrera:...on government – that was strictly for government?

Ms. Tharpe: Correct.

Commissioner Cabrera: OK – OK, not residential, not commercial?

Ms. Tharpe: No – government property.

Commissioner Cabrera: Sorry, I apologize.

Ms. Tharpe: As far as the senior hardship exemption, this is something that is already available to your property owners within your City; it's available to assist low income residential property owners who receive the additional senior's exemption pursuant to Section 196.074, Florida Statutes on their Homestead property; and what you had asked us to look into is whether or not we could do this and piggyback on something that already exist, and we believe you can. The City would pay for the assessment for these properties from other legally available funding sources, and based on last year's tax rolls and the property owners who qualify to the Property Appraiser, there are approximately 430 properties in the City that have already qualified for the additional senior's exemption; and what we are proposing is, if they already qualify, we will then not – we will provide them with a notice, but then when the actual bills go out should you decide to go forward, we would not bill those property owners; we would not make them go through another application process because they have already satisfied the Property Appraiser that they meet the requirements of the additional senior's exemption, and we would not send them a bill this year; and then if you proceed to move it to the tax bill in future years, they will not receive an assessment amount on their tax bill as long as they still qualified for this additional senior's exemption for ad valorem taxes. So it's about 430 properties.

Commissioner Anderson: Let me ask a quick question just to clarify, I think I know the answer. The exemption that they have already qualified for is that the kind of form you get in your Homesteaded property and then say if you are a widower or if you are a veteran, or if you are disabled, that's the kind of things we are talking about here?- that would be checked off...

Ms. Tharpe: I think you have to provide some additional information about low income.

Commissioner Anderson: Oh, provide additional documentation. OK – Alright. Thank you.

Ms. Tharpe: But I think you only have to provide it – I don't know if you have to provide it annually or once, I'm not sure about that whether you do it annually or not.

Commissioner Anderson: No, I was just curious as to...

Ms. Tharpe: But it's a program that's already managed by the Property Appraiser so that is nothing that you all would have to do, and it would be no other requirement for that property owner to come into the City and qualify again. OK. So based on those three exemptions that we just talked about, remember I said the ten percent, and those breaks that we showed on those previous tables, you would gross about \$1,931,351; we've estimated that government properties exemption is about \$38,662; the institutional tax exempt properties buy down is about \$30,544; and the senior hardship exempt properties, those 430 properties times the \$50.00 is \$21,500. So your net assessment revenue is \$1,829,560. Any questions so far?

Commissioner Cabrera: Yes, let's do some real life situations. We impose this fire fee and we have "X" number of public schools here in Coral Gables, Miami-Dade County Public Schools, what's the likelihood that Miami-Dade County Public Schools is going to pay?

Ms. Tharpe: We are assuming they would not pay, and we are assuming that you would not even pursue that, and they actually represent \$11,500 of the government property.

Commissioner Cabrera: And the University of Miami is considered what?

Ms. Tharpe: They are considered educational so they would pay.

Commissioner Cabrera: They know about this already?

Ms. Tharpe: Oh yes.

City Manager Salerno: I personally had a conversation with Joe Natoli, and sent him their detailed listing of properties throughout their entire campus. As I recall he sent it back and actually added that they should be charged a little more. So they pointed out that our

list was slightly off, just slightly in their favor and they sent it back and adjusted it for the increase.

Commissioner Cabrera: What's that number?- do you know?

City Manager Salerno: \$109,000 Commissioner.

Vice Mayor Kerdyk: Vacant property is not assessed because...vacant property...

Ms. Tharpe: Vacant property is not assessed and the reason is in an urbanized area like this, first of all the calls to service to vacant are not significant, and second of all when you are fighting a fire on vacant property you are really benefiting the improved property around it, you don't want it to spread to that improved property.

Commissioner Withers: So I just want to confirm the last time – it's going with the underlying land use and not with their permitted use of the property, is that correct?

Ms. Tharpe: It piggybacks the Property Appraiser's designation of highest and best use for purposes of taxes. So we are using exactly what the Property Appraiser is using to determine what their tax should be for property taxes. OK. Finally, the implementation schedule today, if you move forward with the ordinance you would be asked to consider the initial assessment resolution, which is not the final say, but do remember that whatever rates you adopt in the initial assessment resolution we cannot exceed this year without another notice. So just like millage once you set this, this year that will be the rates or something less than that. Mail notices and published notices by September 1st and required by law at least twenty (20) days later to hold a public hearing and adopt a final assessment resolution on September 22nd; and that final assessment resolution basically ratifies whatever you have done in the initial assessment resolution, and sometimes some issues may come up that you may, we may need to fine tune in the initial assessment resolution and that is the purpose of the final testament resolution. We send separate bills out in the October to November timeframe, we give everyone an opportunity to pay, and any delinquent amounts from this year would then be rolled over onto the tax bill next year. So if you were a property owner who didn't pay this year, your \$50.00, next year you would pay the \$50.00 plus next year's \$50.00, but it would appear on your tax bill. With that I'm available for questions and so is Heather.

Commissioner Withers: I have two questions. What exactly can the money be used for and what can it not be used for.

Ms. Tharpe: It absolutely has to be used for fire services and facilities; it cannot be used for any other purpose, it cannot be transferred for water, it can't be transferred for garbage, it can't be transferred for anything else but fire services, and if in fact there was any excess revenue in any budget year, that revenue would have to be rolled over into the next year and only be expended on fire services; but it can be used for services, it can be used for salaries, it can be used for buying a new truck, it can be used for new stations, as long as it's the fire part of the services that its funding.

Commissioner Withers: And can future collections be borrowed against?

Ms. Tharpe: Absolutely without referendum.

Commissioner Withers: So you could want to build a \$5,000,000 station today, and use future funds for this?

Ms. Tharpe: Yes – and it's a very good pledge, well it used to be before the economic downturn, there are not many that pledges these days, but it was one of the best pledges for repayment of debt because of the fact once you put it on the tax bill you have the same collection rate as you do taxes.

Vice Mayor Kerdyk: I have some questions later on, but let's go through the public hearing first, and then I'll ask you questions later on.

Ms. Tharpe: OK.

Mayor Slesnick: You have another presentation?

Ms. Tharpe: That's it, we're all done.

Mayor Slesnick: Any other questions though before we go to public comment, I'm going to remind anyone that is here to speak that they need to fill out a form, if they do not fill out a form they will not be called on. So it's all we ask in this, everyone has the right to speak, but they have to fill out and turn in a form. Mr. Charles Girtman.

Mr. Girtman: I'd just like to address initially one thing that you just asked Chip, and this is when you wanted to build the building back here, the annex, you asked for an opinion from the Florida Attorney General, can we use the money that we collect from fees to build a building; he said absolutely not. I'm not a lawyer, but that's the legal opinion of the fees, absolutely not. I gave it to you all; I've done it year after year.

Commissioner Withers: Those were building fees.

Mr. Girtman: I'm not a lawyer; I can't get into the semantics of the thing. Let me ask you this; everybody read today's paper headline, "Legal picture fuzzy on red light cameras." Good lawyers on both sides of this issue argued that they could put it up there and the cities have adopted, many cities have adopted the red light cameras, we've spoken about it; both sides of lawyers assured their clients that they would win. They will win, they being the lawyers; the lawyers are going to get paid no matter what. We don't know what the red light cameras are going to do because it hasn't been to the Supreme Court yet, nobody can tell you what's going to happen until it goes to the Supreme Court. There are many good schools of engineering in this country indeed in this world, they all have one thing in common, they do not teach semantics. Two plus two equals four in engineering; you can't look at a bridge and say well, if you look at it this way it might fall down, but if

you walk across the street and look at it, it will stay up. We are going to talk a lot about, and you are going to hear people use words semantics today, words like defray, and fungible. The Statute of Florida uses the word defray in terms of fees, what fees can be collected and what they can defray; two plus two equals four, but in the world of politics and government you can put it any way you want to do it. The word fungible, this lady here____, I believe her name was just spoke said, if we collect the money here, we can't use it here. That comes under the term of fungible – semantics – we all know the famous line, it depends on your definition of “is”; what is the definition of “is”, does anybody remember who said that?- Bill Clinton in relation to Monica Lewinsky. Fungible – collecting a fire fee and paying for a City museum, as she said, would not be allowed, but to me if you ask me for \$1,000 or \$50 or \$100, I'd give you the money, I'd give you all the money; what you do with it is up to you. If we didn't have to pay \$2,000,000 for this new municipal building we are building, we wouldn't need to collect the fire fee, does that sound logical to anybody – two plus two equals four? If we didn't have to pay for the new municipal building we would not have to collect the \$2,000,000 for the fire fee. Now, I'm going to suggest two courses of action here and that will wind it up; GSG and their associated attorneys have stood up here and said this is legal, it's going to work, and they've told you what you can do with the money. I would suggest that we require them to post a \$5,000,000 default bond because that's what it's going to take to repay these monies and pay the lawyers when we lose this case; nobody's taking it to the Supreme Court, the only one that I know of is the City of Miami. So I don't think it's unreasonable for somebody to stand up here and say, I guarantee you we can do this, OK, put a bond up. The other one addresses the other side of the problem, and it may bring a little humor, but I certainly do not say it with any intent of ill will at all; and that the new municipal building which will house the Withers Museum, I use both terms Don, you can put whichever one...my suggestion is let's give it to Chip today for a dollar, give it to him; let him finish it, let him use it as an office building, let him put a museum in it, and pay us whatever the taxes are on it, that would end this; we would not need the fire fee, and Chip would put the building up there, he would do a nice job on it and says Withers Building, Withers Museum...

Commissioner Withers: I'll accept that Charlie.

Mr. Girtman:...and you know sometime you got to cut your losses; remember the annex in the back here; we cut our losses on that thing, we are still paying for it, but we cut our losses; we wouldn't have to pay \$300,000 a year if we gave you the building, you'd finish it, it would be a nice building, have a museum in it, have some offices in it, you can rent space to the City if you needed.

Mayor Slesnick: Charlie, you made your point.

Mr. Girtman: I urge you not to do this. Thank you very much.

Mayor Slesnick: However, if you've read 1984 recently you'll know that sometimes two plus two equals five.

Mr. Girtman: Not in the school of engineering.

Mayor Slesnick: Ms. Roxcy Bolton.

Ms. Bolton: Good morning gentle persons, my name is Roxcy Bolton, I live at 124 Cadima Avenue. When Charlie talks about a municipal building, I'm puzzled, where is that building?- what...Mr. Mayor, Mr. Girtman is an astute Vanderbilt graduate that has a lot of knowledge, tell me where that building is sir.

Mayor Slesnick: I assume he is referring to the old Police and Fire Station.

Ms. Bolton: But cut to the chase, you mean the museum.

Mayor Slesnick: The projected museum, yes, the new museum.

Ms. Bolton: Chip, we all love the thought of the museum, I love that old building, the WPA workers built that; families were starving, no bread and milk on the table, it was a blessing, but that wonderful museum thought, Chip, I think you've been used a little, by most people's standards it would be hard to use Chip Withers. At first everybody was talking about the museum and now I'm seeing or hearing that you are switching gear and switching to a municipal building to make...

Mayor Slesnick: Mr. Girtman's words.

Ms. Bolton: But you didn't substantiate one way or the other what the municipal building is, you hedged on it.

Mayor Slesnick: I didn't, you asked me what the building was, Ms. Bolton, I told you...

Ms. Bolton: Where is that building?- it's now been identified and I think under the ordinance wasn't it identified as, when we took it over as a museum?

Mayor Slesnick: Ms. Bolton, Ms. Bolton, I appreciate Mr. Girtman's equating the monies the one to the other, but could we stick, you've asked to speak on the fire fee, that's what we are here to talk about.

Ms. Bolton: Yes, but he brought up a very interesting point.

Mayor Slesnick: And Mr. Withers is not responsible for the museum; this Commission is responsible for the museum, so we don't need to highlight Mr. Withers for any of this.

Ms. Bolton: But he was the "bird dog".

Mayor Slesnick: This Commission is proceeding on a path that it has adopted and that's where we are headed; we're here to talk about the fire fee. So please Ms. Bolton, I'm just asking you to give us the courtesy of speaking to the issue at hand.

Ms. Bolton: Sir, I think we need to know a lot more about the fire fee and where it's headed and what we are going to use it for, if there is some doubt about litigation down the road, I think we can call...sir?

Mayor Slesnick: Mr. Girtman made that point very well.

Ms. Bolton: We could go, Ms. Hernandez could go to Tallahassee and meet with the Attorney General and see if this is kosher or not, you know, it may cost us just as it did for the City of Miami a lot of money, and before we jump into this I think we need to know a little bit more about what the responsibility will be. Does anyone want to add anything? I still think you were misused Chip.

Mayor Slesnick: It was a good point that you made.

Ms. Bolton: Thank you Mr. Mayor.

Mayor Slesnick: We appreciate it Ms. Bolton. Mr. Richard Namon.

Mr. Namon: Richard Namon, 5555 Oakwood Lane. Mr. Mayor, Vice Mayor and Commissioners, fire protection assessment against property, what is it?- it's a regressive property tax that will hurt our poorest residents most. Approval would be an abdication of your responsibilities to Coral Gables residents. I urge you not to pass this resolution. Thank you.

Mayor Slesnick: Thank you. Mr. Aaron Glasser.

Mr. Glasser: Mr. Mayor, Commissioners, Aaron Glasser, 90 Edgewater Drive. I was here earlier today and I did cover up my white shirt so we have no animosity up here, and now speaking in favor of the fire fee. From what I've read and listened to this lady, your consultant, the fire fee, you'll correct me if I'm wrong, will cost \$50.00 a year approximately a unit, that's \$4 and change a month or fifteen cents a day. The fire fee versus the millage, it's my understanding that if you have the fire fee everyone will pay including the University of Miami, that now doesn't pay and maybe some religious organizations that now don't pay, so it will be fair for everybody. I also for my understanding that check this, other cities in Broward County 26 of the 30 have fire fees, and I believe they are all in place now, and I don't think any of them have gone before the Supreme Court or any other court, and no one like to pay anything that we don't have to. I'm a retired citizen too, just like the majority of a lot of people in Coral Gables, but we need money and it's not going to get any better, and these people sitting behind me go out and give (110%) everyday, we want to have the best equipment, we want to have the best training, the best incentives for these people to go out and do their job. So I always say if you want to play you got to pay. So let's play and let's pay and get on with this.

Mayor Slesnick: Thank you.

Vice Mayor Kerdyk: Can I have some clarification, he mentioned religious institutions, and they are not paying.

City Manager Salerno: They are not paying.

Vice Mayor Kerdyk: They are not paying; just want to make sure, that's clarified.

Mayor Slesnick: Don't get us in a religious war Aaron. Ms. Danielle Blake. Good morning Danielle.

Ms. Blake: With the Realtor Association in Greater Miami and the Beaches. Obviously I spoke last time, so I'm not going to go into a long speech, but we are still opposed to this ordinance on the fact that we don't believe this is the right time in this market to impose any increased fees on this. I do have one question Mayor for clarification, in the first reading of this ordinance, I believe it was the City Manager that said if we did not implement this ordinance it was going to be a point zero two (.02) difference, you would have to increase the mills by .02, and today in the question he said point one six (.16), what would be the difference.

Mayor Slesnick: I think he said 0.2 – 0.16 is right about the same thing.

Ms. Blake: OK – thank you.

Mayor Slesnick: I think you said .2 last time, now you are saying .16, right?

City Manager Salerno: The Commissioner asked me to do it off the top of my head, I did it to the best of that time, I've subsequently checked and that's the closer number.

Ms. Blake: OK, and my second question is the PowerPoint presentation...

Mayor Slesnick: So a fifth of a mill, let's just say a fifth of a mill.

Ms. Blake: A fifth of a mill. The PowerPoint presentation that was provided by the consultant, is there a way to get a copy of that?

Mayor Slesnick: Absolutely.

Ms. Blake: Thank you so much.

Mayor Slesnick: You want two? Thank you Danielle. Mr. Vincent Damian.

Mr. Damian: Good morning, I'm Vincent Damian, I live at 1115 North Greenway Drive, I'm also President of the Coral Gables Citizens Political Action Committee. I heard with interest Mr. Girtman's remarks – fungibility...

Mayor Slesnick: Mr. Damian, if you pull the mike back you will get on TV better.

Mr. Damian: OK, thank you for the advice. Basically what he said and what I was prepared to say, and what I'm going to say is, a tax is a tax, and that's what everybody kept saying, the expert kept repeating over again, how we are going to put this on the tax bill it's a lien against your house, how the tax is going to be this year, it's going to be next year, how we can pledge it, and we know we have the source of income; this is a tax; and it's a dishonest tax. This is a tax that is being proposed so that you don't have to raise the millage rate by that amount, so that allows you to raise the millage rate so you stay within the constitutional guidelines of what this Commission can do with a three-fifths, four-fifths or five-fifth vote, and what the citizens will perceive as to be a raise in their millage rate. That's what this is, and it's dishonest. I've spoken to or corresponded with various City officials and various City Commissioners about this rate and what we are imposing, and the transparency of it. I do read a lot of newspapers, watch television, go online read all the publications of the City of Coral Gables, particularly when they make references to me or my organization. We have the E-NEWS comes out, not one word about this in E-NEWS, then we had straight from the shoulder, let's correct misconceptions about the budgets, not one word about this. This is something that has been going on for years in the City of Miami, identify a rescue fee discussed and turned down, because the citizens don't want a fee. So the transparency here is nobody knows about this, except the Firefighters who are here, and the persons who are regularly here before the Commission; I'm not here regularly before the Commission, I'm here because I see this as being an underhand action. This is an attempt to pull something over on the citizens of Coral Gables, and this is an improper time to do it, and it should not be done here. We have a \$150,000,000 budget, by the way that is almost doubled what the budget was when you guys got into office, the majority of this Commission got into office; there has been some reckless spending and we'll get into that when we get into the budget talks in September, but this is part of it, and this is a way to assuage that; this is a way to start chipping away at that budget and that over-bloated budget that we have right now. We are raising a fire fee; is this going to go to the Fire Department, my family of Firefighters, my father was a New York City Firefighter; I don't want anything taken away from firemen; this money is not going to the Fire Department. As Charlie said, money is fungible. When we take this \$2,000,000 and stick it in the pot, they don't have to foot \$2,000,000 that we already have of Firefighters in that pot, they can take that out, and you know that because that's exactly what happened with the Florida Lotto, that money didn't go to education; money that comes from the Lotto goes to education, but what happened was when the Legislature failed to fund education the way they were supposed to. There is no guarantee that this money will go to Firefighters, and Charlie it's not \$2,000,000 that we are spending for the Withers Museum that is now the municipal building; the \$3.65 million dollars being borrowed from the Sunshine Fund, that has not been told to the citizens. So what am I here for now? I'm here and I came because there is a little trickery going on; we are not going to impost that fee today, what we are going to do is implement it, give us a manner of doing it, give us a way to do it. I know government, and you know government, once that fee is implemented, once the power to put it in is there it will be done. The reckless spending that has gone on for the last eight years will continue, and this will be part of it. So if you put this mechanism into effect today you have then imposed and you will impose that fee upon the citizens of Coral

Gables, and it's a dishonest fee. Put it into the millage rate, stand up and be honest and say, I'm a Commissioner of the City of Coral Gables, I spent your money, I raised your budget from \$85,000,000 to \$150,000,000 in the last seven years, and I will raise your millage rate, and I'll stand before you and be responsible for it. Don't do something that's not transparent, don't do something underhanded. If the citizens of Coral Gables knew what was going on in this Chambers today, it would be packed, not just with Firefighters, but with the citizens of Coral Gables, obviously they don't know because they are not here; and I ask you now be honest people, make this a part of the general budget discussion that's coming up in September. If at that time you determine that this \$50 is needed because you can't raise the millage enough to get the votes on this Commission, or you can't raise the millage enough to be within constitutional restraints, then say to the citizens of Coral Gables, yeah, we've overspent; we can't tax the heck out of you enough with millage, we want to hit you with another \$50 bucks; do that at the proper time, and do it at the same time; don't get implementation and then hit the fire fee.

Mayor Slesnick: Thank you, thank you very much.

Mr. Damian: I see you nodding your head Mr. Mayor...

Mayor Slesnick: Mr. Damian you are over your time.

Mr. Damian: I don't know what my time is.

Mayor Slesnick: Well its three minutes, I gave you about eight.

Mr. Damian: We are spending more time with you and I having this discussion right now, than what I have to say, and if we had another hundred citizens here talking we'll be using up three hundred more minutes; we don't have those hundred citizens here talking, I'm talking on their behalf...

Mayor Slesnick: Mr. Damian, I doubt that, I doubt that, and your time is over.

Mr. Damian: And I ask you again to be honest, and I'm looking at each one of you, and I know which ones of you will be honest, and your faces will be out there when this vote takes place. So turn this down now and be honest politicians and when the budget hearings are heard you stand up then and say, I have been reckless with your money, and I'm going to hit you with another \$50, and this is not part of the millage rate.

Commissioner Withers: Who have you been talking with?- you haven't been talking with me, which of us...

Mr. Damian: I have been corresponding with you, just a second; you asked me a question let me finish...

Commissioner Withers: I haven't finished the question sir, let me finish the question.

Mr. Damian: You asked me who I have been corresponding with...

Commissioner Withers:...regarding the fire fee, we haven't spoken about this; who have you spoken with regarding the fire fee?- you haven't spoken with me about it.

Mr. Damian: I've spoken with the City Manager...

Commissioner Withers: You said the City Commission, now who have you spoken with?

Mr. Damian: I sent copies to everybody, I sent it to the City Manager, and I talked about transparency.

Commissioner Withers: Let's be honest; you made a statement...

Mr. Damian: Yes.

Commissioner Withers:...that you had conversations and communications...

Mr. Damian: No, I said correspondence.

Commissioner Withers:...correspondence with City Commissioners; you never had it with me on this item, I'm just asking you – have you had it with Bill?

Mr. Damian: Just a second – I don't recall I said I had correspondence or communication with you regarding the subject...

Commissioner Withers: You said the Commission...

Mr. Damian: I said I was asking for information regarding the Historic Museum and you put me off to somebody else and never gave me an answer, now if you want to get into that, Chip, let's get into it, let's get into it, Chip. Where's the \$2 ½ million dollars that were collected from private donors? You're raising this question, I'm sorry he raised it; where's the \$2 ½ million from private donors?-

Commissioner Withers: Will you please answer my question.

Mr. Damian: You don't want to answer the question?

Commissioner Withers: I will answer that as soon as you answer my question.

Mr. Damian: I corresponded with Mr. Salerno on the transparency of this.

Commissioner Withers: So you never corresponded with me about the fire fee.

Mr. Damian: I never knew about the fire fee until last week, the answer is no I have not.

Commissioner Withers: And how about Bill?

Mr. Damian: I'm not going to answer who I had correspondence with, that would be a violation of the Sunshine Law.

Commissioner Anderson: That's not a violation of the Sunshine Law.

Commissioner Withers: That's not a violation of the Sunshine Law.

Commissioner Anderson: I don't think it's a violation in a public meeting.

Mr. Damian: I do. It's a violation when you speak to somebody else and you know you do, but I want to get back to you...

Commissioner Withers: Did you speak with Maria about it?

Mr. Damian: Excuse me, didn't I just make a statement, I said I spoke to Salerno, City Manager, that's what I said.

Commissioner Withers: So you didn't speak with any Commissioner then.

Mr. Damian: About the fire fee?- no, because I didn't know about it; no, I did not.

Commissioner Withers: Then I'm sorry, I misunderstood you; I thought you said earlier that you had communication with all of us about this.

Mr. Damian: How many times are we going to go through this?- how much time are we going to spend on this? I'll answer you again, I spoke to City Manager Salerno about this being on this agenda, and it not being transparent; those are my exact words with the City Manager. Now with you, I want to know where the \$2 ½ million dollars of private donations went?- why is the City now having to put up \$3.65 million dollars? That's the question I asked to you, and you have not answered it. I asked that to you several days ago and you put me with somebody from the museum who says he doesn't have the answers. Let me have the answer please.

Commissioner Withers: There is over \$3 million...

Mr. Damian: OK, what happened?

Commissioner Withers: \$2 million has been pledged by Mr. Robert Fewell, the first installment has already been made, I believe the City already has the check...

Mr. Damian: \$2.1M from Mr. Fewell.

Commissioner Withers: I don't know the exact number Vince...

Mr. Damian: Who does?

Commissioner Withers: I would assume the museum does.

Mr. Damian: They don't or they are not giving it – go ahead.

Commissioner Withers: What is your next question; I'm sorry Commission for this if you want to take the time, go ahead, what's the next question?

Mr. Damian: Where is the \$3 ½ million dollars, how much has been collected?

Commissioner Withers: I don't know how much is in the bank account of the Museum, I suggest you may want to ask the Museum how much they have in their bank account.

Mr. Damian: I did, I don't get an answer.

Commissioner Withers: Well maybe they don't want to give you an answer.

Mr. Damian: You are in charge of this.

Commissioner Withers: I'm not in charge of this; I'm not on the Board; I'm not part of the Board...

Mr. Damian: Who appointed the Board?

Commissioner Withers: I have no idea who appointed the Board; I didn't appoint the Board, they appoint themselves Vince.

Mr. Damian: The Board appointed themselves, very interesting, this is like creation, come on; give me a break; who appointed the Board Chip?

Commissioner Withers: I'm telling you, ask the Board, they elect their own members, I have no idea...

Mr. Damian: There has to be somebody to begin a Board.

Commissioner Withers: I have no idea; I have no idea who appointed the Board.

Mr. Damian: Yes, Mr. Mayor, Mr. Withers did digress; this question though does relate directly to the funding...

Commissioner Withers: No, no, no, let's keep going, you asked me about the money, so keep going; so what's your other question?

Mr. Damian: I want to know where the \$3.5 million went to.

Commissioner Withers: I just told you.

Mr. Damian: You didn't tell me.

Commissioner Withers: It's not \$3 million in the bank, it's \$2 million in pledges of which...

Mr. Damian: \$3.8 million in pledges.

Commissioner Withers: I didn't say \$3.8 million.

Mr. Damian: How much did you say?

Commissioner Withers: I said around \$3 million dollars in pledges.

Mr. Damian: You said more than \$3 million. OK. How much has been collected Chip?

Commissioner Withers: I don't know how much has been collected.

Mr. Damian: How much has been spent?

Commissioner Withers: I can tell you about how much have been collected.

Mr. Damian: About how much has been collected.

Commissioner Withers: I would estimate probably about six-seven hundred thousand dollars have been collected; I don't know exactly, but I'm guessing...

Mr. Damian: Over \$3 million dollars only six hundred thousand have been collected.

Commissioner Withers: \$2 million of that is one pledge, pardon me?

Mr. Damian: But it hasn't come in yet.

Commissioner Withers: No, a pledge hasn't come in yet; you know that, your wife does this.

Mr. Damian: Yes, but she collects it before we start building.

Commissioner Withers: I doubt that very seriously.

Mr. Damian: Oh yeah, she collects before they build it.

Commissioner Withers: [Inaudible]

Mr. Damian: Excuse me, you asked a question about my wife, I'm going to answer you, I'm going to answer it, she is not fool-hardy; they built a \$25 million dollar museum on the campus of FIU, every single dime was in the bank before they started building; they don't do fool-hardy things like start a project for five-six million dollars without the money, that's what was done here.

Commissioner Withers: What's your last question Mr. Damian?

Mr. Damian: You are still answering where the \$3.2 million dollars is, we don't have it. You tell me only \$700,000 has been collected, how much has been spent?

Mayor Slesnick: Wait, wait, wait, we really.... I'm going to ask Mr. Withers and you...

Mr. Damian: Excuse me, Mr. Withers brought this up.

Mayor Slesnick: OK, you can take this...

Mr. Damian:...Once he brought it up, I think we are entitled to....

Mayor Slesnick: No, we are going to finish it right here, that's it.

Mr. Damian: Go ahead.

Commissioner Withers: I will get you a full accounting of what monies have been received, what money has been spent, and what money is yet to be received.

Mr. Damian: Including the money that is now pledged by the City of Coral Gables and when that was done?

Commissioner Withers: That money was passed in a budget maybe two or three years ago...

Mr. Damian: \$3.6 million dollars.

Commissioner Withers: No, it was not.

Mr. Damian: Excuse me?

Commissioner Withers: It was not. It was \$680,000 was...let me finish, and again if you want to go through this, I'll go through this with you, and I apologize to the Commission.

Mr. Damian: I do want to go through this.

Commissioner Withers: \$680,000 was the original estimate that was passed in a budget two or three years ago; there is a \$150,000 grant from Allen Morris Company, OK; the City agreed to pay architectural services; we received \$500,000 from the Dade County

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Bond Fund, which is not City money; we received \$300,000 from the State of Florida; we received \$250,000 from Kirk Landon; we received \$50,000 from Stiefel Laboratories; we received \$2 million dollars from Robert Fewell...

Mr. Damian: Excuse me...

Commissioner Withers: Would you please let me finish...we probably received another \$80 to \$100,000 and \$5,000 legacy gifts and \$1,000 gifts of which I believe you contributed, which I thank you very much for; and then there is probably another \$500,000 from a developer across the street that has contributed to the museum. So all in all very roughly, if you do the math very quickly with Mr. Fewell, we are probably somewhere around \$4.2 to \$4.5 million dollars that has either been collected, pledged, granted to this museum, of which the City of Coral Gables is in it for \$680,000. The \$3.5 million dollars that you are referring to is gap financing to complete the building, which by the way of the existing building, the City is going to occupy about forty-five percent (45%); cable TV company is going to be there, IT is going to be there, the Department of Historical Resources is going to be there. So of that City building, that municipal building, the City is going to occupy about forty-five to fifty percent (45%-50%). The Museum Board is going to give a \$2 million dollar brand new free gift to the City of a new gallery to use for travelling exhibits coming to the City, which will now belong to the taxpayers. So this \$5 million or \$4 ½ million dollar that you and Charlie, and Roxcy have collaborated to attack me on, I just want to let you know, I just want to let you know, \$680,000 plus architectural fees is the only thing that the City of Coral Gables is committed to at this point; excuse me, they did agree to pay \$363,000 for improvements to the second floor and public areas of offices which they will occupy. So go ahead what's your question?

Mr. Damian: Well, let's just talk about definition of words, excuse me, I want to answer that....I want to answer that...

Mayor Slesnick: Mr. Damian, Mr. Damian, he answered your question, no answer necessary.

Mr. Damian: \$600,000 was authorized by the City of Coral Gables, if you look in the budget, we are now borrowing \$3 ½ million dollars from the Sunshine Fund...when was that authorized?- is that the overrun in the budget? Mr. Withers would you answer the question; answer the question Mr. Withers....why is the City spending \$3 ½ million dollars?

Mayor Slesnick: We are adjourned for five minutes, please turn the TV off. We have a five minute break.

Commissioner Withers: I'm not going to put on a public charade.

Mr. Damian: Of course not. Be dishonest and vote for this \$50 which is going to go to that museum which was underfunded.

BREAK

Mayor Slesnick: I just want to apologize Commissioner Withers for that entire episode; it was uncalled for, and if it had anything to do with my ability to run the meeting then I apologize personally, but we hope that from now on we have more civility, more points made to the issues not the personalities. Mr. Christopher Zoller.

Mr. Zoller: Good morning Mr. Mayor, Commissioners, Mr. Manager, ladies and gentlemen, Christopher Zoller, 900 Bayamo Avenue. I apologize for being late; I hope whatever comments I have to make have not already been said, if they are excuse the repetition. I am extremely proud and happy to live in this City; it is without a doubt the finest City in the State of Florida, perhaps even in the whole southeast. I am very, very proud of the people who work for this City, whether they do so in a voluntary or elected position, or much more importantly if they are the fine people from our services. I am hundred percent behind supporting in everything they need the Firefighters and the Policemen and women of this community. What I really want to say to you all here today is that I would hope that you can find the funding that they need to continue the fine services we have from some other places within the budget and within places when this City that we have found money to be spent, when they used to say throwing good money after bad. Ladies and gentlemen, I don't know if this is the repetition part, but starting late last week you were able to go on line at miamidade.gov to find out what your proposed millage rate is going to be when its combined with what the County is going to impose on us, and also if you own property in the City of Coral Gables you can find out what your proposed 2009 assessment was; I didn't look at every single piece of property, but I did look at the millage rate that is being proposed. When you combine the City of Coral Gables millage rate with the proposed County's millage rate our millage rate is going up ten and-a-half percent (10 ½ %); when you look at Homesteaded property you will see, because the nature of Homestead and the allowance on the Save Our Homes amendment, we passed Amendment 10 many years ago, most every Homesteaded property that I had a chance to look at is going up from a minimum of one to a maximum of three percent (1%-3%). The combination for those citizens who have lived in this community long enough to have substantially good Homestead exemptions on their homes will be quite a serious impact on their taxes, they will go up. I understand that commercial properties will drop, some of them I've seen across the board just a flat twenty percent (20%) for some condominiums in this market place, those that are not Homesteaded, but there's been a lot of other monies spent around this community on things, that when times are good and we are in a go-go mood, and we need an IT Department or we need a Public Relations Department, that's all well and good, but we need to take a harder look at those more or less frivolous items before we spend "willy-nilly" start a cap or impose a brand new fee that does not have anything to do with ad valorem value onto the citizens. I agree with most of my fellow realtors, this is a difficult time for them to take that on top of the 10 ½ minimum millage increase, not to mention whatever increase Homesteaded properties have reached. The part of this provision that has me a little more alarmed than anything is, not just the fact that you are looking for permission to impose this fee, but you are really looking for an opportunity to get very,

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very tough legally for those people who do not pay it; I'm looking at this paragraph and three-quarters of it deals with your ability to lien on the properties that have not been able to pay the \$50. So I would urge you to seriously consider taking the opportunity to find the money these fine men and women need to continue giving us the best service we have of any community in the State, please find it somewhere else. Thank you.

Mayor Slesnick: Thank you. Mr. Dan Thornhill.

Mr. Thornhill: Good afternoon Mr. Mayor, Vice Mayor, remaining Commissioners, City Attorney and Mr. Manager. Kind of a hard act to follow some of the comments that were made earlier, and outside one individual I spoke, I respect and appreciate everybody's comments. However, I think Mr. Girtman had a pretty good analogy when he was saying two plus two equals four, and as dramatic as it may sound if you don't fund the Fire Department people die, people suffer, property is lost; that's real, that's not being dramatic, that's the reality of it. I'm a veteran of this Fire Department of almost 23 years, the men and women behind me highly decorated, trained people that walk the talk every single day; not one other person in here except wearing a red shirt is a Firefighter. They don't understand the internal workings; we all pay taxes, we appreciate that; if you look at the fact – does anyone know what our backup apparatus is for our front line fire suppression capabilities when one of our units is down for maintenance, the age of that unit?– you don't, and I don't blame you, because most people don't know that – 1988; a 1988 fire truck responding to your home in today's time is wrong. If we have a fire fee in place we can project and anticipate when we need to get some of these equipment issues addressed. Our training budget – we sat with Chief Reed through some painful, painful hours of trying to get a budget together to present to the City Manager, and the City Manager was tough; he said is this, this, or this guys, make it happen. To credit Chief Reed and his staff, they did a heck of a job, and they did what they could to run bare minimum, but you are talking about the Fire Department, you are talking about the Fire Department; we are talking about – yesterday in Buffalo New York, two Buffalo City Firefighters died in a basic one story fire in a deli, OK, people don't talk about that; did they have the proper equipment?– did they have the proper training?– did they have the proper response time to get there and mitigate, I don't know the answer to that, that will come out in the investigation, but what a tragedy if they didn't, because not only did they die, but what about the property that was lost?– what about the owners that maybe were inside that were killed?– what about the domino effect of all that, the families that are devastated; some things cost money; we gave you back our money; we gave you our pay raise; we gave you up our overtime; we changed our merit steps to say, hey we all want to help, times are hard, like some said here today; we are all taxpayers, we are all in the same house as everybody else, but we are also Firefighters, and I'm damn proud when I look back and I see these people, I want to make sure that they go home at the end of their shift as well, they are entitled to that. If you want to close the Fire Department at certain hours of the day, or on holidays, or during hurricanes, obviously we can't do that, but that's a result, or we can get creative and come up with whatever funding mechanisms we need to make sure we stay open seven days a week, OK. Like I said there are a lot of exemptions in here, we talked about the elderly people, obviously if they can't do it, but they are the ones that need us the most, they are the ones we go on the majority

of our calls on. So give us the tools, give us the resources, keep us open seven days a week, and let this fire fee be in place, it's subject to a yearly renewal; it's a cap, it's not a percentage, you can control it, that's the Manager's job, if you are not happy with that then you tell the Manager and then he'll remedy that if that's a problem, but put it in place. I'm telling you again as one who has been in the front seat of these fire trucks and these rescue trucks, and looks and works with these men and women back here, you have to give us the tools. I'm not bluffing when I say people will suffer, people will die, property will go down; you have to fund your Fire Department. I urge you to support this fire fee.

Vice Mayor Kerdyk: Dan, can I ask you a question? I mean, are we giving you the tools right now?

Mr. Thornhill: I'll be blunt; we are doing it with bare minimums. Our training budget has been slashed, our equipment purchases have been slashed, our apparatus purchases have been slashed, so to answer you, can we go do what we have to do?- yes; can we do it better and safer and have a better end result for everybody in this room?- yes, and the fire fee will enable us to do that. That's as honest as we can be.

Mayor Slesnick: But Dan let me also for the clarity of this discussion, and I appreciate your appearance and your support of the fire fee, and I appreciate the comments that you made, on the other hand I would like the citizens to understand of our budget \$25 million approximately goes to our Fire Department. So I wouldn't want anyone to think that we are slacking on the Fire Department. I know that times are tough and the Firefighters have contributed greatly, and again let me mention to clarify something you said, if people weren't watching last time around, we need to understand that the Fire Union is the first union to sign a contract with us which has contributed to the welfare of the City by taking pay freezes and by taking reduced pay steps, and by continuing their contribution to the Pension Fund which they have done for several years. So all that being said, I do want the public to understand that a sizable portion of their budget of their tax dollars, \$25 million give or take, goes to our Fire Department now. So I think we are all in this together; we are all challenged, but we are trying to give as much as we can to the public safety services and certainly Police and Fire account for the lion share of our budget in any single element, and it should be that way.

Mr. Thornhill: And I appreciate those comments Mr. Mayor, and in emergency services we can't put off next month, or next quarter, or next fiscal year, we are open today, tonight, tomorrow morning, and anybody in this room could need our services at any moment; it could be driving home and have somebody run a red light, it could be a medical emergency, it could be a fire; we are saying that we need things in place so that when tomorrow comes we are ready for it and that...and you are right, the City has done a wonderful job funding their Fire Department. I think we produce a heck of a product for that, and we are appreciative of that, and we are just simply here to say, let us keep doing that and only get better not worse, and like I said the end result is people and property will suffer, that's the facts. Thank you.

Mayor Slesnick: Thank you. We are closing the public hearing, and Commission like to have you, any questions or comments?

Vice Mayor Kerdyk: Yes, I have a couple comments, if that's OK.

Mayor Slesnick: Sure.

Commissioner Anderson: I do too.

Vice Mayor Kerdyk: First of all, I have been reviewing this document since you mentioned to me where things are as far as the commercial goes, and one of the issues that I have with this is it seems that the commercial properties have taken a tremendous brunt of this fire fee, and I mentioned that from the standpoint that right now the commercial properties, and I have to differ a little bit from Mr. Zoller, after looking at what the assessments have been over this past couple days, I've noticed that the commercial properties have not decreased in value significantly and basically they are still about absorbing forty-five percent (45%) of our revenues that we received in the City of Coral Gables come from the commercial areas here; and here again in this particular assessment, it is the commercial properties that are being assessed sixty cents a square foot per property, as far as the office buildings go. So my feeling is that we keep on relying on the commercial areas whether it's the tax revenue, whether it's the business license, or whether it's now the sixty cents a square foot that we have to put towards this fire fee, and there is only so much that these commercial property owners can absorb, and it's not so much the commercial property owners, it's more the tenants that get the pass throughs, because it's not the commercial property owners that's ultimately going to absorb this whatsoever, it's going to be the tenant that's going to have to take this absorption, and right now everybody is hurting; let me tell you, things out there – I've never seen things like this before; I deal with it on a daily basis and it is a problem to implement any type of fees, and I certainly understand, I've always been very supportive of the Fire Department, very, very supportive of everything you have done, but I have some concerns about where this money is coming from, and it's easy to sit up here and say oh yeah, well maybe it's not so easy let me back track, but the commercial areas always seem like they are one that we look at to continue to donate or continue to pay for the improvements of our City, and in this particular case it's giving me some heartache regarding the way this is being assessed.

Mayor Slesnick: Bill, can I ask you something?- and I'm not really putting you on the spot, but I'm going to put them on the spot, but it's in response to your question, aren't the actual amount of the fees, and I'm not say you still wouldn't have heartache, but the actual amount of the sixty cents, isn't that based on calls on service?- what is it based on?- oh its not sixty cents, well whatever...

Ms. Tharpe: I did want to clarify, Camille Tharpe, Government Services Group, the amount that commercial properties are paying under this scenario is six cents a square foot.

Vice Mayor Kerdyk: Six cents.

Ms. Tharpe: Yes sir, you are off by one decimal point; six cents a square foot.

Mayor Slesnick: Six cents a square foot.

Ms. Tharpe: Yes sir.

Mayor Slesnick: OK – is the amount based on, the formula that you used the base amounts are based on past history of service calls.

Ms. Tharpe: Correct.

Mayor Slesnick: OK – so if I were looking a commercial owner in the eye, I'd be able to say that the fee, if we impose it, is based on the amount of service that our commercial district demands from the Fire Department.

Ms. Tharpe: Yes sir, for the very first time you can say that if you use the fee, because it is not based on value, it is based on their demand for service.

Commissioner Withers: And the \$1.8 million, what percentage is supported by the resident fee, and what is supported by the commercial fee?- how does that breakdown?

Ms. Tharpe: Based on the historical demand for service fire calls, forty-six point five percent (46.5%) is the residential category, forty-three point zero six percent (43.06%) is the commercial category.

Commissioner Withers: So commercial is about equal to residential then there is institutional or whatever, governmental...

Ms. Tharpe: And there is industrial/warehouses is point five-five percent (.55%); institutional four point one-one percent (4.11%); educational five point seven-seven percent (5.77%).

Mayor Slesnick: While she is here any other questions?

Commissioner Anderson: I'm good.

Ms. Bolton: What category is restaurant?

Vice Mayor Kerdyk: Commercial.

Ms. Bolton: We have restaurants that are going out...I think we need to be mindful of...[inaudible – off mike]...Coral Gables is a restaurant community and if we hit them hard they will close up.

Mayor Slesnick: Thank you Ms. Bolton. Ms. Bolton was kind enough to remind me in the break of my last visit of a restaurant in town.

Ms. Bolton: You photograph well.

Mayor Slesnick: Thank you Ms. Bolton. I had some comments to make, I'm not sure they are definitive comments, but just in response to some of the things that were said mostly by one speaker. Number one, let me say that if anyone wants to focus their disgruntlement or dislike about our new museum, which I believe is going to be one of the catalyst for the rebirth and revitalization of the downtown as we come out of the economic recession and help local stores and help local restaurants the museum is one of those things; let me also make it clear that the mischaracterization that there was some kind of game playing by calling it a municipal building as well as a museum as Mr. Withers has noticed and everyone that listened, that there will be City offices in the building, there will be City space in the building, and the museum building, the old Police and Fire Station is City property, and will remain the property of the citizens of the City as will the new wing that is being built by private donations, that becomes City property and emolument to the citizens of this City; and it is institutions like that, that define a City, that make a City what it is, and even though I know that people like Ms. Bolton are disturbed by financing issues with the museum, she as well as anyone appreciates our history and the need to save it. Right now our archives are shoved into, and I think are properly cared for best they can, the little house behind the Merrick House, and this is going to be the home for our archives, our artifacts, honoring the WPA workers, honoring the City's legacy, honoring everyone involved, and I think if anyone wants to focus any disgruntlement about that, I'll certainly sign up for you to use me as a punching bag as well as anybody else up here; and I also pledge to people that it is not my intent to, if a vote for such a fee, to use the fee to offset the idea that we can then free up the same amount of money some place else to focus on the museum; and I have to tell you that the number of people who have given and said that they pledge their support, and their support of such a thing far out-weighs the number of critics that we've had. I think that certainly it's easy to throw around words like reckless spending and dishonest taxes; this Commission has openly conducted business for the last eight years, the five of us together, eight and-a-half years, and openly discussed, debated, and argued, we don't all agree, we have had some disagreements; some Commissioners up here would disagree with how we have spent some money, some Commissioners would support how we spent some money, but we've come to consensus decisions, we've come to majority decisions, we've come to decisions that we've openly come to, and everything that we have done has been what we have considered to be in the best interest of the City, and the best interest of our citizens, we hope we got it right; and everything we have done affects us as much as anyone else; we all own homes, we all live here, and when I vote for any kind of tax or fee it affects myself, my son, my daughter-in-law, my mother. The hateful words that have been spread around the last couple months are distressing to me that this is, you know, people start talking about books like 1984 and Animal Farm; well the fact of the matter is that those kinds of books and what they represent and the Fascist regimes they represent, those regimes are based on misinformation, lies and unfounded statements, and that has been a campaign conducted, not by this government, but by

City Commission Meeting

August 25, 2009

Agenda Item E-1 – Ordinance Relating to Fire Protection Services (Fees)

H-3 – Resolution Relating to the Provision of Fire Protection Services

critics of this government. This meeting has been noticed properly, for people to say that they haven't heard about the tax or the fee, it's been in the now defunct local paper, and in the Miami Herald in news articles as well as the notices required, been on television; people talk to me about it on the street all the time, they may not be here, but I can assure they didn't authorize the person who stood here who said they authorized him to speak for them to come here and speak for them, nor would they. I had a conversation with another citizen during the break, and I said if it is in fact my vote to vote for this fee, that I can assure you that, I will, in my consideration of the tax rate, the millage rate, in my own mind, this is just me talking, this isn't anybody else, but my own mind, I will certainly offset at least as much as the City Manager has mentioned, if not somewhat more, against what I vote for in the final millage rate for what I am raising – for what we may be raising in the fire fee assessment, because I believe it's a part of the overall package; and the other thing is that this Commission did one thing that I was so proud of and of course the critics have tried to use it to crucify us, they haven't gotten us to the cross yet, and that is we took the bold step of noticing the public of the extremes to which we might go to answer the call of bad economic times, so we published the highest millage rate that we might go to; we published the fees which we might impose; and the fact of the matter is we gave ourselves and the citizens some wiggle room to talk, and to have these conversations about where should we be?– what should we be doing? So I urge that anyone that looks at what's being published or what's being on the web as far as what the maximum millage rates that we announced – yes we did announce a pretty severe jump in the millage, and we did announce a bunch of fees, but the fact is that gives us room to talk and to converse, so when we end up on October 1st for this City to be in a position of knowing where it's going in the future financially, of knowing what its about, and hopefully having a consensus between the majority of our citizens and ourselves on how we are going to finance our essential services. Those are my thoughts.

City Manager Salerno: Mayor?

Mayor Slesnick: Yes, Mr. Salerno.

City Manager Salerno: Thank you Mayor; just briefly, I'd like to take this opportunity again to thank the professional Firefighters, men and women of the Coral Gables Fire Department for stepping up recently, when you didn't have to, to take a pay cut that's appreciated I know by everybody up here, it's not only appreciated it is the exception; I don't know of another entity in South Florida and perhaps the State yet that has taken such an action to go and vote, I'm not talking about an expired contract and negotiating something, I'm saying that had a binding contract took the step to reduce their compensation in a substantial way. I thank the group that was here on the first reading of the ordinance, some of you look different, some of the faces look different so I wanted to take this opportunity to personally thank each of you for that vote to do so. We anticipated based upon that vote those savings in the proposed budget; we are counting on those, and thank you for stepping forward. Likewise the proposed budget includes one and-a-half million dollars (\$1.5M) approximately based upon this fire assessment fee and hopefully the Commission will support that, without that it will put further burden on our abilities to meet the needs in the upcoming fiscal year, and as we saw earlier today we

had the men and women of our Police service here, asking for help. The ability for the City to help in any fashion is going to be impacted by whether or not it has these funds available in the upcoming budget. I would add that certainly in these times that are difficult we want to hold any fee increases to a minimum. I would offer the Commission just one piece of additional information; the \$50 for our residents, if you did a simple approximation using one point one six mills approximately, the break even point on that is about three hundred thousand (\$300,000). So a home with a taxable value of about \$300,000 would actually pay less with...any home value that is more than \$300,000 will pay more than the \$50.00 if this was a property tax; let me repeat that again, a home valued with a taxable value of approximately \$300,000 or greater, if this was a property tax would generate the same amount of money as Camille Tharpe talked about today, would pay more than the \$50.00, and fifty-five cents out of every dollar out of the General Operating Fund of the City goes towards public safety today, that's been the priority of the City Commission, that's the priority of the City, and we certainly need to work to spend those dollars more wisely, that's not an effort that will ever stop, but I would just conclude that I sought from the Budget and Audit Advisory Committee most recently for the last few days, I sought their support and received a motion urging the City Commission, excuse me, let me change the subject, different matter. That's all I'd add to the discussion so far Mayor; these dollars that you have here are already included in the proposed budget, and would have to be made up by further cuts, other increases in fees, or increases in taxes in order to have a balanced budget, and as you all know again, we had men and women of our Police Force here today urging that we consider their plight in this matter as well. So without those dollars that are before you today, we would have a greater hole to climb out of. That's all I have.

Mayor Slesnick: Thank you. Anything further? If not can I have a motion on E-1.

Commissioner Anderson: I'll move it.

Mayor Slesnick: It's been moved by Ms. Anderson, is there a second?

Commissioner Withers: I'll second.

Mayor Slesnick: Seconded by Mr. Withers; is there further discussion?

Commissioner Withers: Is this E-1?

Mayor Slesnick: This is E-1; this is an ordinance on second reading, which is the underlying infrastructure ordinance being able to then take the further step of voting yea or nay on moving forward on the fee itself, and as it was reminded me even on the second vote we are not voting for the fee, we are voting for moving forward to an advertised public discussion of it again; any other comments? Mr. Clerk on E-1.

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

City Commission Meeting

August 25, 2009

Agenda Item E-1 – Ordinance Relating to Fire Protection Services (Fees)

H-3 – Resolution Relating to the Provision of Fire Protection Services

Vice Mayor Kerdyk: Yes
Mayor Slesnick: Yes
(Vote: 5-0)

Mayor Slesnick: Now on H-3; this is the resolution, and I'd read it again it's been so long; this is relating to the provision of the protection services facilities and programs of the City of Coral Gables, Florida; describing the method of assessing fire protection assessed costs against assessed property located within the City of Coral Gables; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof; and providing an effective date. Do I have a motion?

Commissioner Anderson: I'll move it.

Mayor Slesnick: Do I have a second.

Commissioner Withers: I'll second it.

Mayor Slesnick: Mr. Withers seconds; any further discussion?

Mr. Clerk

Commissioner Anderson: Yes
Commissioner Cabrera: Yes
Vice Mayor Kerdyk: Yes
Commissioner Withers: Yes
Mayor Slesnick: Yes
(Vote: 5-0)

Mayor Slesnick: Now, we will go from here, this Mr. Manager I assume will be part of our second City Commission meeting in September?

City Manager Salerno: Yes Mayor.

Mayor Slesnick: And in response to another comment, it falls at sort of a perfect time; we would have had our first Budget Hearing on the 8th, and then we will have this in the second Budget Hearing that night, so it all inter-relates, and I know that the Commission will be taking into account what they see, do, and hear at the first Commission Budget Hearing, at what they are preparing for the second one when they consider this. So with that we have concluded that order of business.

[End: 11:46:09 a.m.]