

City of Coral Gables City Commission Meeting
Agenda Item D-1
December 16, 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

Interim City Manager, Maria Alberro Jimenez
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia

Public Speaker(s)

Fausto Gomez of Gomez Barker, Legislative Representative

D-1 [Start: 9:58:25 a.m.]

Fausto Gomez of Gomez Barker, P.A. to discuss the upcoming legislative session.

Mayor Slesnick: Mr. Fausto Gomez is here to talk about what we read about in the papers this morning.

Mr. Gomez: Good morning Mr. Mayor, my name is Fausto Gomez, 1036 South Greenway Drive, Coral Gables Florida; and as I usually do every year, I come and talk to you about what Coral Gables legislative program is, and what’s going on in Tallahassee. This year in particular, we don’t have a written document because frankly, we have to be extremely flexible and fluid in our priorities and what we are going to be asking for in Tallahassee. I’ve met with most of you, indeed all of you individually, to get a feeling of where you want to take Coral Gables and with regards to priorities for our State leaders. Let me just give you a very brief overview now that I have this opportunity of where we’re at today and what we perceive. As most of you know we are going to have a special legislative session beginning January 5th, it’s going to be the 5th to the 16th. That session is focused on cutting two billion dollars out of the current State Budget, two billion dollars. Our current State Budget already suffered a six billion dollar cut, from last fiscal year to this fiscal year. So what we are facing is an eight billion dollar cut from one year to the next. So that means that our first priority beginning on January 5th through the 16th, is preserving those appropriations that we were able to secure for the City of Coral Gables during the legislative session; and that includes the infrastructure projects regarding water and regarding roads, and things of that nature, that the legislature granted the City of Coral Gables this fiscal year. So our first priority is preserving those dollars.

Moving forward now as we come to the next fiscal year, there is a projected three and-a-half billion dollars additional deficit. So as we move forward essentially, what we are talking about not only preserving what we have, which obviously is what we need to do in January, but looking for sources of revenue; and sources of revenue are going to come essentially from the Federal Government, through a stimulus package for infrastructure. The issue in Tallahassee is going to be, who distributes those dollars coming from the Federal Government for infrastructure; and we know what the Federal Government is doing; they will not earmark any appropriations, it's going to be in categories and it's going to be distributed to the States. So when the funding comes to Tallahassee for infrastructure, from our understanding, that's the first Bill that the President Elect Obama will sign when he is president, is the stimulus package for infrastructure, is who distributes those funding?- does the government do it by [inaudible]?- or does the Legislature take that...[inaudible]...appropriations process and distribute it through the normal cycle?- as they usually do. We've already seen a letter from the Governor to the President Elect essentially allocating and proposing to allocate those dollars to different categories. I believe that the Legislature is going to be jealous of its financial and appropriation responsibilities, and they are going to want to take those dollars into the appropriations process and allocate it themselves in different categories. Obviously, for our purposes we would prefer for the Legislature to do that because in that fashion the dollars would flow not only to State projects, but also for local infrastructure projects; and I want you to know that I've been working with your Interim City Manager, as well as your staff, and we've identified a series of infrastructure projects in Coral Gables that are construction ready. Construction ready means putting the shovel in the ground between 90 and 120 days. So I have sort of that list in my back pocket as I move to Tallahassee; and again that list has to be flexible based upon a number of unknowns and imponderables right now that no one can answer, as to when the funding is available?- what are the strings that are going to be attached to it that Congress attach to those dollars?- what is going to be the distribution process in Tallahassee? In addition to dollars, obviously we have some policy issues that are of importance. We need to again put in the State Budget the ability to take dollars from the Law Enforcement Trust Fund and revert back to the General Budget of the City of Coral Gables. The legislation regarding fire, the one percent surtax is back, and it will be filed in Tallahassee, and that's important for our Fire Department and for our citizens in order not to pay the one percent surtax, if we don't incorporate our Fire Department into the County's Fire Department. We were able to defeat it last year; we'll be working hard to make sure that that does not move forward again this year. In addition to that obviously, we have the whole series of issues every year that I think will be heightened this year; essentially which is taking power away from municipalities and pushing additional burdens upon municipalities, additional burdens we're talking financial burdens. For example, let's take a look at the Bill last year, that said that all construction projects, maintenance had to be bid out, that's a significant cost driver for Coral Gables because we have our own maintenance department, our own equipment, and obviously as the Mayor and I know this, we've talked about the pension issue, is obviously rather significant and we'll be keeping an eye on that. So I am sorry, as I do every year for you, a written priority list, but frankly this year its inconsequential to have a list because there are a significant number of imponderables that we don't know what the sessions would bring, and what

the stimulus package would bring; and Mr. Mayor, Mr. Vice Mayor, I'm pleased to answer any questions you may have.

Mayor Slesnick: One of the things, Fausto, I'd like to work with you; I have started extending invitations to our Dade Delegation members to come to the Commission meetings in January before they leave permanently for the session, although with the new...I understand now we have an emergency session on January 5th.

Mr. Gomez: The 5th through the 16th.

Mayor Slesnick: Fifth through the 16th; that would keep them away from our first meeting in January. So if we can get them here we would like to greet our Legislators and let them come to the City Commission to speak to us and us to them. I'd also like, if you remember one of the nicest things that this Commission did as far as reaching out to the State, was when we had Governor Jeb Bush visit City Hall; and we created a conversation pit here in the Commission Chambers; and we all met with the Governor and spoke about in a very informal way all the various issues, and maybe we can start working on Governor Crist to do the same thing with us, that would be a very positive thing. Also, we did have a legislative thing, it wasn't in Tallahassee, at least I don't think it was, it was in Dade County. I forget where it was, but it was about the cranes, and I just noticed that OSHA is going to consider adopting, or is in the process of adopting very strong regulations on crane operations. So we need to check that out to see if that helps us since we didn't win legislatively.

Mr. Gomez: Mr. Mayor we did win legislative, we lost the court.

City Attorney Hernandez: In reality we take the position that only a portion of it that dealt with private property regulations is what was stricken; there was no authority over local government over the right-of-way that was taken away.

Mayor Slesnick: Any other questions?

Commissioner Withers: Is there a way to put an item out there that allows municipalities like Coral Gables to provide municipal services to their bordering communities?

Mr. Gomez: Yes there is. It would be with significant discussion with the County and the City Attorney would have to review Home Room Charter and our Charter and things of that nature.

City Attorney Hernandez: We have ordinances in place and State law that allows, but we would have to follow a process.

Commissioner Withers: Is that something on a State level that we can begin to work on also? I mean, in times of revenue issues and if we have surplus and we have the opportunity to provide municipal services to the community surrounding us, why not take advantage of that?

Mr. Gomez: Well that strikes at the heart of the fire issue that I just briefly talked about. Last year, there was legislation which is Palm Beach essentially, it wasn't from Miami-Dade County, it was from Palm Beach. As a means to try to force incorporation of the various municipal Fire Departments the County Fire Department of Palm Beach; this year that legislation will be filed again, but the legislation would impose, if it had passed last year, is a one percent surtax on the residents of those cities that want to maintain their own Fire Departments, vies-a-vie incorporating into the County's Fire Department, that legislation is coming back again this year. Obviously, our position is absolutely not. Coral Gables as well as the other municipalities in Miami-Dade County have their own Fire Departments, should have the ability to preserve those Fire Departments that have to pay an additional fee. So on one hand we are going to be arguing that, on the other hand then we would have to argue for the ability to decentralize.

Commissioner Withers: Right, if its going to cost us a point, why not give us the ability to reach out and bring in the revenue to cover that cost. I don't know if you add that on to the Bill or that's one of the sub-paragraphs to the Bill, or something like that. I don't know how the rest of the Commission feels if we are going to have to pay a percentage, do we support that with the understanding that we have the ability to sell our Fire service or sell our Police service, or sell our trash service, or sell our zoning service, or sell our building, whatever we want to sell, to communities around us to help us protect that one percent that our residents are now having to pay. I don't know how you all feel about that, I mean we can support the one percent...

Commissioner Anderson: Well, if the one percent is going to be less, hopefully it's going to be less than the things that we can generate, and the ability for us to have some freedom in offering services that we do well; I'd love to consider that, I'd like to see what it bears out.

Mayor Slesnick: Before we...

Commissioner Anderson: I'm just talking theoretically.

Mayor Slesnick: No, no, but I mean before we figure the one percent, I mean every City in the State of Florida is going to oppose the one percent.

Commissioner Withers: Yeah, I understand that.

Mayor Slesnick: I certainly hope we are successful.

Commissioner Anderson: But in case it doesn't, I mean, can we...

Commissioner Withers: But what I'm saying Don, is be prepared if it looks like we're not going to survive that, then if we could add a rider to that Bill allowing us to do that, then kind of gives us a little bit of a leg up on future Commissions.

Mayor Slesnick: Absolutely, and I just got a package from Palm Beach; you know the reaction from Palm Beach was that they put a constitution, not a constitution, but a Charter Amendment on the ballot and it passed; and it said that the County couldn't force cities to accept County services without the vote of the citizens of that city.

Commissioner Withers: Wow!

Mayor Slesnick: They just sent me the materials, if we wanted to try to put that on the ballot down here; the trouble is, and they've analyzed it for me, is that it's easier to get a ballot issue up there on the ballot in Palm Beach than it is here; and of course the Home Rule Charter here is much more difficult to amend, it's a different kind of process; but there are different ways in which to attack this.

Commissioner Withers: And then one last thing on that relief, I'm assuming we have a list of capital improvement projects, and again I would encourage that those would be the capital improvement projects that are either enterprise zones or revenue producing areas for the City; and I'm all for streets and sidewalks, but if there is reconstruction that we can do on tennis centers, or golf centers that bring revenue in for the City, I think we should focus on those first.

Interim City Manager Jimenez: OK sir.

Mayor Slesnick: Thank you Fausto.

Mr. Gomez: Thank you.

Commissioner Anderson: Good luck.

Commissioner Withers: Good hunting.

[End: 10:11:05 a.m.]