

City of Coral Gables City Commission Meeting
Agenda Item D-1
October 12, 2010
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael "Ralph" Cabrera, Jr.

Commissioner Wayne "Chip" Withers

City Staff

City Manager, Patrick Salerno

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

Fausto Gomez, Legislative Representative for Coral Gables

D-1 [Start: 9:24:00 a.m.]

Mayor Slesnick: We have with us today our governmental relations person, Fausto Gomez, of Gomez Barker and he is here today to give us a legislative update on the past legislative session. Fausto, please join us.

Mr. Gomez: Mr. Mayor, Mr. Vice Mayor good morning.

Altogether: Good morning.

Commissioner Cabrera: I like the Harry Potter glasses. They look good.

Mr. Gomez: Good morning to all of you, I am always pleased to appear before my hometown Mayor, Vice Mayor and Commission and give you a brief report of what happened in Tallahassee during the last legislative session, but equally important perhaps what we can expect coming in the near future. Let me just say that we went through innumerable legislative sessions in a very difficult legislative year. You had [inaudible] difficulties; simply because of the

personalities who were running for different offices, you had a budget shortfall, a significant budget shortfall, allegations of malfeasance by some of the political parties, all of that led to a legislative environment that was dysfunctional, both in the appropriations arena as well as in the policy arena. Notwithstanding that, let me just say that I think that the City of Coral Gables had its priorities [inaudible]...first of all the Law Enforcement Trust Fund, which I know it is important for the City of Coral Gables, was reapproved and it becomes exceedingly more difficult every single year to get it approved, now we have had it...for 10 or 12 years in a row, or since I started representing you, I think it is 10 years; and every year the question is how much longer does this need to be a part of the budget? So every year what should be a relatively simple language has [inaudible] cost, and I keep telling them we are going to be part of the budget until we pay ourselves back. Secondly, there were significant appropriations for stormwater and wastewater, not the typical grants that we receive on an annual basis; you know since we have been representing Coral Gables, we get close to \$1 million per year support for wastewater and stormwater, actually \$940,000 on an annual basis. This year there was no support legislatively for individual municipal projects. Notwithstanding that, the legislature approved \$170 some odd million, \$163 million in loans. What is important about that is that for the next fiscal year the South Florida Water Management District has now sent out an e-mail to all of the cities in Dade County, saying we want to establish a funding process for grants, and that funding process that we are responding to it and therefore priorities are being identified. Thirdly the red-light camera was approved, which was important. Fourth sexual offenders and residency requirements were grandfathered in, so therefore local sexual offender's residency requirements are grandfathered in notwithstanding there is now a new statewide sexual offender residency requirement. One of the sub [inaudible] issues that I think it is important for a lot of cities particularly Coral Gables, is the issue of SOBER Homes. SOBER Homes essentially, here is what is happening in Florida, you have out of state operators purchasing residential properties in high-end communities and they do not have to meet the requirements because of ADA, American with Disabilities Act, and they are bringing in essentially individuals from out of state to have drug and alcohol rehabilitation services, within residential communities. This is a significant problem now in Boca Raton, Jupiter, Palm Beach; actually South Miami has started experiencing the problem. So, what you are looking at are high-end communities because of the real estate market, purchasing property coming in exclusive of ADA requirements, because of ADA requirements the courts have ruled that they can come in. What we attempted to do and it was actually Senator Altman through my firms representation of another City has a significant problem in Palm Beach County of this, not to cluster them put the 1,000 feet benchmark between residential homes and Sober homes. As a result of that you know have the Department of Children and Family Services waking up to the problem. They understand it is a problem in Florida, they have identified who is purchasing the homes, they have identified who are the operators who are bringing in drug and alcohol rehabilitation to resident communities in Florida, and there is going to be a whole series of regulations that will be proposed next legislative

session. So that is an issue that obviously we need to keep an eye on. We are a residential community and it could impact us. You all passed a Resolution on Property Accessed Clean Energy (PACE), that was approved, and that was a Resolution in conjunction with a number of other cities. Public Retirement Plans, Public Retirement Plans are going to be one of the key legislative issues in this coming legislative session. The Senate is conducting an interim report, that interim report is going to look at municipal pension plans and basically try to have changes to it to more align it to the private sector. That is considered one of the key issues next legislative session and then TABOR (Taxpayers Bill of Rights), as you well know we were able to defeat TABOR again, TABOR is coming back, that is going to be another significant legislative issue. On the good news front, there is a proposed budget deficit which has been cut by half, revenues are increasing to the State of Florida, the budget deficit was predicted to be \$6 billion the next legislative year, it is down to \$3.2 billion. Revenue is increasing, actually sales tax are up, as well as property sales are up with regards to the various funding [inaudible] associated with the property sales, doc stamps, obviously they are mostly foreclosures, but it has been up, so the fiscal profile, while it is still very challenging it is not as challenging as it was assumed. We have elections coming up within the next 3 weeks, you have 47 percent of the Miami-Dade delegation in change, in the House, of the 9 senators who represent Miami-Dade, there will only be two senators remaining-Larcenia Bullard, number one, and Nan Rich who has a part of Miami-Dade up north, number two. The other seven will be new faces going up to Tallahassee.

Mayor Slesnick: While you are mentioning Larcenia Bullard, I would like to send the Commissions' greetings and thoughts to Larcenia. She is not well and she is physically sick and I understand there is a chance she might not return to Tallahassee even, so please, if you interact with her office or with her personally, send her our greetings and our well wishes.

Mr. Gomez: I certainly will, particularly with her son I interact a lot, a Representative, so what you have in the Miami-Dade delegation is wholesale changes, what you have in Tallahassee is going to be wholesale changes, when you have the new governor, the new cabinet, the new DepartmentSecretaries, the new President of the Senate, the new Speaker of the House, the new chairman committees, the changes that you have in the Dade delegation are similar to the changes you are going to have Statewide and these are only the beginning because in 2012, you are going to have reapportionment. So every single seat in the legislature, all 120 seats are going to be up, and individuals are going to be running in districts that they do not currently represent because the lines are going to be...what this really means is a period of 3 to 4 years of political instability, and what it also means is that Coral Gables needs to remain active as it has in the past for you Mr. Mayor, the Commissioners and the Manager in making sure that we are up there, in making sure that the voices are heard and making sure that their priorities are recognized. And with that briefly any questions I will be glad to answer.

Vice Mayor Kerdyk: Just a brief comment, I know from my perspective I would be very interested in hearing any initiatives that have been brought up with regards to the pension plans that you referred to by either of the two parties up there. I mean that is something of keen interest for myself and I think the other members on the Dais here, so if you could keep up abreast of the situation with regards to that matter, that will be very, very important.

Mr. Gomez: There is a Senate Interim Report on municipal pensions, that was due to be published October 1st, it has not been published as of yet. That Interim Report will form the basis of legislation needs to be filed. There was legislation filed last year by Senator Bennett and Representative Zapata, that legislation frankly what they did is they knew it wasn't going to pass, they filed it to find out the type of legislative leadership to be able to determine sort of who was in the weeds on the issue and everybody came out and this year is where significant legislation is looking to pass.

Commissioner Withers: I have one question, this isn't a question, but I see your facial hair grow a little bit more than normally, is this a new look...

Mr. Gomez: [Inaudible]

[Laughter]

Commissioner Withers: Fausto, you probably followed the school issue at University Baptist Church.

Mr. Gomez: Yes.

Commissioner Withers: Has there been any movement in the legislature to take a look at that law that allows charter schools to be put into institutions in residential neighborhoods and places like that?

Mr. Gomez: Not yet.

Commissioner Withers: I don't know how the Commission feels, but I think that might something...you

Vice Mayor Kerdyk: That is a very good point.

Commissioner Withers:...want to initiate Don. I know that you had a concern about that, I know that Ralph and Maria have, I don't know where we stand on that, but it would be curious to know what the sentiment is, because if it happened to this community, it is probably going to happen to other communities.

Mayor Slesnick: Well, and it fits into a bigger picture Chip, I am glad you brought it up, because it is not just charter schools, it is again the legislature taking local control away from the citizens

of our City and dictating what will happen, we may or may not have certain positions about things like the schools, but it should be a locally decided issue.

Commissioner Withers: I don't know where that falls in, maybe it just putting your ear to the ground and seeing rather if there is a coalition of folks out there that may want to...

Mr. Gomez: Obviously I will be looking at that, and I'll inform the Manager, as well as you all to see if you can give me directions on where to go on that.

Mayor Slesnick: So let me ask you, Commissioner Cabrera, was talking about Amendment Four.

Commissioner Cabrera: I was just going to ask about it.

Mayor Slesnick: Go ahead.

Commissioner Cabrera: I was just curious on what your thoughts were in turns of what are the chances that it will pass or not pass?-I know we have been moving politically expeditiously on matters in preparation for approval of it. I was just kind of curious as to your take on the whole thing.

Mr. Gomez: Amendment Four is obviously reactive, number one, number two is the more that Tallahassee tinkers with growth management laws, as it did with Senate Bill 360 a couple of years ago, and as they are threatening to continue to do, I think the more impetus there is for Amendment Four. Obviously, 60 percent is a high standard, I really don't know, I certainly don't want to stand up here publicly and predict whether something is going to pass or not, but let me just say that recent polling shows that it is above 50 percent, but under 60 percent.

Commissioner Cabrera: I expected just to hear from you, what you are hearing out there, because your ear is closer to the pulse of things.

Mr. Gomez: Obviously, I would say almost unanimously all municipal governments, and county governments around the State have been active. You have the various interest groups that are active against it, but in this political environment I think it is unpredictable.

Commissioner Anderson: What a shame, it is a knee-jerk reaction, it is going to actually cost municipalities money to hold elections, I suspect, and we are going to delay possibilities of good development happening and put it in the hands of people who are not as knowledgeable, who have knee-jerk reactions to development without knowledge of the whole plan, but it looks like it has a good chance of potentially passing, which would be unfortunate from my perspective.

Mr. Gomez: All I can tell you is what I read in the newspapers from sample polls.

Commissioner Cabrera: You know, I always enjoy having you here and giving us an update, and I am just very thankful that we have someone with your talents representing us in Tallahassee so again, if I haven't said it lately, I very much appreciate all of your hard work and your firms hard work, and I encourage you to reach out to us, I can't say for the rest of us, but I encourage you to reach out to me anytime you feel that it is important. I think that it is critical that you and I have a direct relationship, and so I very much value your work.

Mr. Gomez: Thank you Commissioner.

Commissioner Anderson: Thank you very much.

Mayor Slesnick: Yes, thank you Fausto, we appreciate it, but before you go, I just wanted to follow up on Commissioner Anderson's thoughts and that is that certainly I will be voting no on Amendment Four. This Commission has concerned itself over, and over again with development and has tried to be as responsive and as upfront with our citizens as possible on development and I think our record shows our responsiveness, but to require that every single comprehensive plan change and zoning change go to the ballot and cost the citizens thousands, upon tens of thousands of dollars is just not good representative government. It is in fact not what the Constitution conceived when this country was founded. At the same time I just wanted to mention that I will be voting for Amendments Five and Six. You said that reapportionment is coming and it is critical to all of us, well I think those amendments are a constitutional guarantee fair reapportionment for our citizens so, thank you Fausto.

Mr. Gomez: Thank you Mayor.

Commissioner Anderson: Thank you very much Fausto.