

City of Coral Gables City Commission Meeting
Agenda Item F-1
February 23, 2010
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II (Absent)
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
Assistant City Manager, Maria Menendez

Public Speaker(s)

F – 1 [Start: 10:01:17 a.m.]

Discussion regarding the City’s minimum housing standards
Commissioner Rafael “Ralph” Cabrera, Jr.

Vice Mayor Kerdyk: Commissioner Cabrera right at 10:00 o’clock, look at that. Commissioner Cabrera discussion regarding the City’s minimum housing standards.

Commissioner Cabrera: Yes. Thank you Mr. Mayor, appreciate that. This is truly a discussion item and I don’t want any action to be taken, I really wanted the opportunity to have this commentary with you all my colleagues. I think it was last fall at the end of the Commission meeting that Commissioner Withers mentioned an article in the Neighbors, the Sunday Neighbors, and it had something to do with the need to have your roofs cleaned and to maintain them at a proper level in terms of the color and what have you; and I don’t remember the outcome, but I think we both agreed that the message seemed somewhat harsh, and in fact I think we both commented on that, and subsequently I believe what has occurred are two things: number one, we have not cited for minimum housing specifically for roofs and the maintenance of roofs since last October; and number two, we have begun to look at a pre-qualifying process of potentially qualifying contractors who have the appropriate licenses and are in good standing, so that if in fact a citizen were to call our Building and Zoning Department, anyone here at City Hall, they could be given a list of prequalified vendors, and that’s my second concern. While I really admire what I think staff tried to do, which was to try to help the citizens identify people who are of good standing and people that will do the job right the first time, I think it might put

us in a position where we could have claims against us in the City of Coral Gables, if in fact we gave a list of prequalified contractors. So I wanted to discuss this because I gave it some thought, and I said, is this operational?- or is this policy?- and if it's operational then I need to stay away from it, but if it's a policy decision I think I need to step in and discuss this with my colleagues. And so the purpose of this morning's discussion is two-fold: one is, if we've made a policy decision not to cite for the cleaning of roofs, so be it, but I'd like to know more about it, because I assure you if you ask the question and I'm willing to ask it today of staff, if you ask how many minimum housing citations we've given for dirty roofs, the answer is going to be zero for non vacant properties, and so if that's the way we want to proceed then so be it; and the second part of my concern has to do with what I just discussed, and I know I'm repeating myself, but I want everyone to be clear, are we moving in a direction where we want to prequalify contractors and potentially put ourselves in a position where claims could be filed against the city? So that's really the genesis of this discussion.

Vice Mayor Kerdyk: Mr. City Manager.

City Manager Salerno: Maria, Maria why don't you go ahead first.

Assistant City Manager Menendez: I just wanted to make a few comments and Commissioner Cabrera had brought this to my attention. We were not aware in our office that we were not citing for mildew roofs. There are many different minimum housing standards that the Code Enforcement enforces, and it goes everywhere from overgrown lots, debris removal, boarding of unsafe structures, pool draining, peeling of painting on buildings and mildew roofs; and in fact what the Commissioner has expressed is correct. It seems that when the discussion came up regarding mildew roofs there was a policy, not a policy, but an administrative directive issued for three months to cease from issuing it, or issuing those types of violations, so that we could in fact evaluate the possibility of providing such a contractors list; and there has been a collaborative effort, from what I've been told, between various departments, Building and Zoning, Public Works, I believe also the City Attorney's office has been involved, as well as Risk Management in this effort, and they have determined that the risk to the city out-weighs the benefits to the public, and we have in fact asked last week to resume the issuance warnings to our residents first in order to provide sufficient time for compliance, so that's the route that we are taking at this point. I'm here to answer any questions, as well as staff of course.

Commissioner Withers: You know look, the reality of it is probably for the past year and probably for the next year or two, with the economy the way it is and folks losing jobs or having hours cut, or whatever, we are going to see more and more signs of lack of maintenance on homes; and I know in my neighborhood when I walk the dogs there are a couple of homes that were pristine homes, and you can see that they have slowly lost some of their manicure because of the fact that folks have lost their jobs, and so I really think that we need to show some compassion moving forward on this. Maybe not in the long term, but for the short term, and the list that I was referring to was, I don't think we can recommend people, but you hear the stories about some elderly couple paying \$1,500 to have a roof pressure cleaned when it should have cost \$350, and it's an embarrassment when that happens and you feel like if you could strangle the people that took advantage of those folks you would; and my whole idea was that for some of

the simple maintenance issues that we could say, you can expect to pay \$300 to \$400 for you know, the replacement of a rotted out front door – just some ranges to give people some relief and some understanding before they get taken advantage of, that was number one; and I think number two, just like we did with the tree trimming, we had folks that wanted to do their own manicuring of trees in our parkway, and if someone is willing to do that, why should the city bear the expense if we can make sure the job is done right? So the other side of the coin was that, is there any reason why we could not list contractors that have insurance certificates with the City of Coral Gables, I don't know what risk is there, but if someone said roof cleaning and they could click on and they could see the people that have – we have the technology to do it – that have active certificates of insurance on file with the city that they are certified to work in the city, or they have a contractor's license or something like that, it wasn't a recommendation issue as much as it was an issue for the city to provide information about vendors or contractors that people could hire.

Assistant City Manager Menendez: I think the intent though, I mean, when it comes to the pricing of the cost for the service, it's hard to control that. We post the licensing of the contractors and we certainly can just list everyone that has a contractor's license in Miami-Dade County and in the city, but in reality it's just like opening the Yellow Pages, because you can't really discriminate or we would try to avoid discriminating against who do you pick and who do you not pick, and then the pricing, we can't really control the pricing.

Commissioner Withers: I'm not saying control it, but what I'm saying is if someone has a 1,900 square foot home, I'm sure the Building Department calculates how much roof area that is, and I'm sure that when these folks pressure clean roofs its either based on an hour or a per foot square basis, and I think there are averages, maybe I'm wrong, but I know when I get my warehouses pressure cleaned I get two or three quotes, and it amazing how close they are because it's almost down to a science. If we don't want to go in that direction, I'll respect it, but I just think we are going to have to help folks over the next couple of years or its going to be, you know, we are going to have Code Enforcement we are going to have issues there.

Assistant City Manager Menendez: I think our intent is to issue the warning, not necessarily a citation, and work with the residents to ensure compliance.

Commissioner Withers: And how do you do that Maria?

Commissioner Anderson: What time do we give them?- 90 – 30 days right?

Assistant City Manager Menendez: I believe its 30 days – 30 days.

Commissioner Anderson: I believe its 30 days because I've gotten one of those.

Commissioner Withers: So someone has lost their job, they don't have the \$450.00 bucks to pressure clean their roof, so we start charging them \$250.00 a day until they are in compliance.

Assistant City Manager Menendez: We warn them and if they need an extension, we provide an extension. I mean, that's what we've typically done with every other Code Enforcement case when they bring an issue to our attention where they need a little more time, whether it's to get a plan in, whether to get an architect, or just plain need a little more time, we work with them.

Commissioner Withers: Well at the end of the day the goal is not to hit them with fines, but to bring them in compliance, that's what we want to do.

Assistant City Manager Menendez: Exactly I agree. We all agree.

Commissioner Withers: I think the program should be how we help bring them into compliance. I think we should actively figure out how we help bring them – maybe we go to some roof cleaners and say, hey do you have any kind of plan for people that really need help that you'll do it for free, I don't know, but I mean. I can tell you the charity in this county helping people especially with the crisis in Haiti, I think is at an all time high, and I just think people are going to want to help other people out there. I just like to see us move forward on that.

Commissioner Cabrera: Can I respond?- because I think Commissioner Withers made some very compelling comments. Number one, I'm compassionate too; this is not about a lack of compassion about an issue, this is about a change in a policy; and if in fact that's a direction we want to take as a city, then I say let's not limit it to dirty roofs. I heard Commissioner Withers just a couple of minutes, if someone has a rotted door, if in fact someone has a rotted door and they need a carpenter, then if that's the direction we are going to go, OK, let's now pre-qualify carpenters, or if someone has tiles that are off their roof then let's go ahead and pre-qualify roofers; and I could go on, we could talk about landscape, we could talk about all kinds of other maintenance issues. My point to this is, I'm not interested in people getting fines, I'm seriously not interested in that; I concur with his argument, let's get them into compliance, but let's do so in an organized manner because what I'm hearing from my Board appointment was that there has been a policy change; whether it was a policy implemented in writing or verbally or it was done through osmosis, the point is that someone decided that we are going to stop the process of citing for this particular violation until such time that we derive with a list, and incidentally your comment was, it was a three month, let's leave the process alone, well five months have gone by, and to the best of my knowledge this all occurred in October. Once again, I'm not interested in reinstituting a process where people are harmed or asked to pay financial or create financial burdens for them and hardship, I just want to know from a policy setting standpoint how do we want to proceed with this process? We want to just let you all do it, continue to do your own stuff, hey that's fine with me if that's the will of this Commission that's perfectly OK with me, but policy is being made in this city and the policymakers are not part of that policy setting.

Vice Mayor Kerdyk: Your thoughts.

Commissioner Anderson: I don't think we should ever stop enforcing them, I think there should be some type of thought process given to educating or maybe some type of longer compliance process during certain times; but as far as not complying, I actually had a complaint from one of our residents when she saw the article saying that we were not going to cite, she said, I clean my

roof, that's what Coral Gables is all about. So I think we have to find some type of middle ground, these are really tough times and maybe people are having a hard time doing that, and we should work with them, but I don't think we should not-enforce them. Figuring out a way to help them; I'm not as comfortable with saying these are the contractors we should use, because I do think we open ourselves up to liability, because it could be an implied promise that the city is guaranteeing or told them to do it at some point, the story gets mixed up. If there is a way to figure out a way for a period of time for a longer compliance period, but to stop citing it would be a kind of "anti" what we are. We are known for our codes and I think there was probably a miscommunication, because I remember the discussion actually was from the dais about maybe some leniency, actually I didn't know we were going to stop citing or the direction was to stop citing. So I think leniency was, I think, the directive at the time, and things happen. As you mentioned there was a lot of people involved in that kind of thought process, and I think everybody was trying to do the right thing or what they thought the Commission wanted, and I think if we can move forward from this point to figure out a better way from my point of view, continue to cite, but work with people, that would be my thought process.

Commissioner Cabrera: I would certainly support that. It's interesting, if you look back on it, the way this all became an issue was through discussion by us in an informal capacity and policy was implemented, and policy has been implemented since; and I think it was a knee jerk reaction and now, I'm sorry to say this, but now we are taking another knee jerk reaction to the process, because reality is if my Board member on the Code Enforcement Board had not brought this to my attention, I would have never discussed it, I would have left it alone; and I think that I go back to what Commissioner Withers said, I want to be as compassionate as anyone else, and I'd like us to be able to work with people and getting them into compliance as Commissioner Anderson said, but I don't want to let the Code go by the wayside because I don't know where it stops.

Commissioner Anderson: Could I also get some clarification when this started?- was it in '09 or '08?

Assistant City Manager Menendez: It was in January of – actually the press release that I think initiated all this was in December of 2008, and I think it was discussed by the Commission in January of 2009. I don't believe policy was set by the Commission, I think as you've explained, Commissioner, I think there was a sincere effort to try to put together a program to assist our residents, and I think it's taken a lot longer than any of us knew, and I think we are in a position to start at least warning, work with our residents and get compliance into place, that's our goal

Vice Mayor Kerdyk: Thank you very much Commissioners. Just to say my thoughts on it and then I'd like to ask the City Manager to make some thoughts on it. My feeling is that, yes I think we have to continue to cite; we can certainly try to have some leniency as the Commissioner said, but we certainly need to cite. The issue that I have is the liability of going ahead and giving names of contractors to our residents; all sorts of things can happen when you give names of contractors. I know that the Coral Gables Foundation though has services that they provide to the elderly of our community, and they provide them names of people – handy men, possibly people that pressure clean their roofs, maybe the city can work with that organization to try to get to the

final point, which is helping out our residents as much as possible. Having said that, Mr. City Manager, do you have anything to add to the discussion?

City Manager Salerno: Mayor only have been looking at this over the last 72 hours or so, since I first became aware of it, I would agree with Commissioner Cabrera, it appears that back when this discussion came up staff took a knee jerk reaction to it, I think the policy is clear; we have an ordinance, that is the policy. I do believe where the Commission can provide some reasonable intent and philosophy to the issue is to express that we want to be compassionate in these times, reasonable, and that has been communicated by Maria to the staff that warnings will precede any citations and if there is a clear intent on the people, we will work with them to comply. It's as simple as that. I think when it comes to dealing with – it's a slippery slope dealing with prequalification, etc., beyond saying who is a licensed contractor, we can get into some questionable role in that regard. But as I said, I've only been aware of this for 72 hours, in that timeframe, direction made clear; we have an ordinance, we are going to enforce it, but we are going to do it compassionately, and work with them, that's always going to be the philosophy and the policy of staff going forward. This was good to have this discussion and that's the way we are going to proceed.

Vice Mayor Kerdyk: Very good Mr. City Manager. Commissioner Cabrera this was your item, do you have any final word on this item?

Commissioner Cabrera: I very much appreciate staff allowing me to bring the item forward, and I also appreciate making it a time certain. The reason for that was I had originally invited my appointment on the Code Enforcement Board to be here, so she could express her own personal opinions, but at the last minute I decided that it wasn't probably in her best interest to do, given the fact that she serves on a City Board, and it could be construed that she is representing the Code Enforcement Board and I don't think that's appropriate, neither did she, so she did not join me, but thank you very much for making this time certain for me this morning; I appreciate all of your good work.

Vice Mayor Kerdyk: Thank you Commissioner for bringing this up to our attention.

[End: 10:21:00 a.m.]