

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2009-

**RESOLUTION AUTHORIZING THE EXECUTION OF
CONSENT ORDER NO. 08-2788 ISSUED BY THE
FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION RELATED TO INCIDENTS THAT TOOK
PLACE DURING THE MONTHS OF SEPTEMBER AND
OCTOBER 2008 INVOLVING THE OVERFLOW AND
DISCHARGE OF UNTREATED WASTEWATER IN THE
SOUTH REGION OF THE CITY RESULTING IN THE
REQUIREMENT FOR A CORRECTIVE ACTION PLAN
WITH SCHEDULES OF COMPLETION FOR SAME.**

WHEREAS, between September 11, 2008 and October 5, 2008, a series of untreated wastewater overflows occurred in the Gables-By-the-Sea neighborhood as a result of large volumes of inflow and infiltration (I/I) entering the sanitary sewer collection system; and

WHEREAS, the neighborhood's primary sanitary sewer pumping station, City Pump Station A, unable to accommodate the flows generated by these conditions, remains under absolute moratorium due to excessive pump run times (in excess of 10 hours per day) issued by Miami-Dade County; and

WHEREAS, in years prior to the above stated events but related to the I/I issue, the City's primary sanitary sewer transmission main in Old Cutler Road failed on numerous occasions resulting in untreated wastewater discharges; and

WHEREAS, since 2005 the City has spent or encumbered \$1,225,279.40 for I/I repairs in the south region of Coral Gables with over one-half of the repairs located in the Gables-By-the-Sea neighborhood; and

WHEREAS, since 2006 the City has spent or encumbered \$1,833,026.55 for the replacement of 13,000 lineal feet of sanitary sewer transmission main in Old Cutler Road with a final completion date set for March 31, 2010; and

WHEREAS, the design of repairs and upgrades at City Pump Station A is currently underway with a scheduled completion date for all related construction work of May 31, 2010 at an estimated cost of \$350,000.00; and

WHEREAS, in lieu of making a cash payment of \$40,000.00 for civil penalties, the City will implement an in-kind sanitary sewer project equivalent to one an one half times the civil penalty off set amount, or to at least \$60,000.00; and

WHEREAS, an appropriation of \$350,000.00 is hereby authorized for the Sanitary Sewer Pump Station A from the Sanitary Sewer Fund; and

WHEREAS, notwithstanding the City's efforts to correct its failed infrastructure, the above stated incidents have resulted in the issuance of Consent Order No. 08-2788 in the case of Florida Department of Environmental Protection vs. the City of Coral Gables; and

WHEREAS, to demonstrate its commitment to comply with the requirements of the Consent Order, it will be necessary for the City to execute said document.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The recitals and "Whereas" clauses contained in the preamble to this Resolution are adopted by reference and incorporated herein as if fully set forth in this Section.

SECTION 2. The execution of Consent Order No. 08-2788 issued by the Florida Department of Environmental Protection related to incidences that took place during the months of September and October 2008 involving the overflow and discharge of untreated wastewater in the south region of the City resulting in the requirement for a Corrective Action Plan with schedules of completion for same is hereby authorized.

SECTION 3. This Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS SEVENTEENTH DAY OF NOVEMBER, A.D. 2009.

APPROVED:

DONALD D. SLESNICK, II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY