

City of Coral Gables City Commission
September 23, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Patricia Keon
Commissioner Vince Lago
Commissioner Frank Quesada

City Staff

Acting Interim City Manager, Cynthia Birdsill
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Public Works Director, Glenn Kephart

F.-1.

Mayor Cason: All right, let's move on to F-1. I think that's the next, if I haven't missed anything here.

Commissioner Keon: I asked to have this put on only to -- only as a review, because I know that we have had considerable discussion here on the dais, and I know it's part of the renaissance program, and I know with -- you know, with each of us, in speaking with neighborhoods and talking to residents in the City, there has been a lot of discussion about the replacement of sidewalks and how we're going to replace sidewalks and that we're going to replace sidewalks and whatever else. I asked that -- we have an ordinance in place that addresses the issue of the replacement of sidewalks and how it's done and what the City responsibility is and what the homeowner responsibility is, and everything is in place. And a lot of

times the discussion seems to vary from the -- what the actual ordinance is, and sometimes I'm not sure if the -- you know, if the practice also varies from what the governing instrument is or not. And I think it's also -- as we talk about this, it gives some more clear direction to the management and to Public Works as to how we move forward in the process of repairing or replacing the sidewalks that exist in the City, because I know some of us have talked about the replacement of sidewalks. I know in -- you know, you talking to residents, you go to homeowners' meetings, and whatever else, that we talk about the sidewalk replacement. I remember -- and I know -- as a resident -- you know, when I -- I lived on Andalusia, I remember how my sidewalks were repaired. I know -- I remember that. You know, if it was determined that it was a city tree, or whatever, that had affected the sidewalk and caused it either to lift it or to break, you know, the City came out and, you know, did the repair. You notified the City; they came out -- the -- they came out; they, you know, trimmed the roots, they repaired -- or replaced those sections of the sidewalk. If you had an additional square on sidewalk in your frontage that was cracked, they would take care of that at the same time and they would bill you whatever the cost was for that one particular square that was unrelated to a tree or whatever action by the City that caused that to be done. Now, I also know that we have some streets and neighborhoods in our city that no one has seem to have really surveyed the condition of the sidewalks and some of the sidewalks that are in really terrible repair, and it's been for so -- it's been going on for so long that -- I don't know who it's attributable to, and I don't think probably the homeowner knows who it's a attributable to, and it's -- you know, there's not a tree there, so it's clearly not attributable to a tree, you know. And I know when each of us campaigned -- (UNINTELLIGIBLE) stands out in my mind, you know. All of the City -- all the streets that I walked on, those particular sidewalks would be in such bad conditions and, you know, a lot of people, you know, were -- they maybe bought their home in the last couple of years. When they bought it, they didn't know that they were responsible for the sidewalks, whatever. But we do have an ordinance that does govern the replacement of these sidewalks. And so I wanted us to discuss and maybe give some direction to City

staff as to, you know, what we're talking about. Because the amount of money that is in the current budget to repair sidewalks certainly will not -- you know, it may go toward repairing the sidewalks that -- or the sidewalk that is then -- that's in need of repair because of city trees or whatever, but it certainly will never cover the cost of all of the sidewalks that are broken in our city, so it's more how do we do that? And what are we going to talk about?

Mayor Cason: Yeah. And let's ask the City Attorney to talk about the -- what's the legality, the sovereignty, so we -- the audience knows what's in this ordinance right now before we go.

Craig Leen (City Attorney): So before you hear from staff and the City Manager regarding how this has been applied, what the current state of the law is is that the City -- whoever has jurisdiction over sidewalks, we do have a duty to maintain the sidewalks. If someone trips and we don't maintain the sidewalk, we could be liable in court. Now, we have adopted an ordinance, which we're allowed to do -- there's a Third District case that says you can do it -- which imposes on the adjacent property owner the duty to maintain the sidewalk. What that means is that the adjacent property owner also has a duty to maintain the sidewalk. It doesn't remove our duty, but it does allow us to impose a duty on the adjacent property owner to maintain the sidewalk as well. And in fact, our ordinance allows us to give a notice to that property owner when there's a defect in the sidewalk, and if the property owner doesn't fix it, we can go and fix -- pardon me -- we can go and fix it, and it basically constitutes a special assessment, and so we can -- we're entitled to the money back from the property owner. One other thing that happens is if someone trips on a sidewalk that hasn't been fixed, there's a private right of action, and what that basically says is that usually the person will sue the City, but we can also bring in the adjacent property owner under the theory that there's a mutual duty to the person who fell to maintain the sidewalk. Now, to just give you a little additional background. The way that this has been applied legally -- and then I'll turn it over so they can say "as a matter of policy" -- but, legally, we have

generally taken the position that -- and it's not true in every case. It depends on the circumstances. But that if the adjacent property owner is commercial, and so they are basically operating a business, making money for having assess or invitees come into their property so that they can run their business, we have imposed that duty, and we will bring them into a lawsuit if we're sued. For residents, we have not generally done that. So -- and that's -- unless I hear otherwise from the Commission, that's the way I plan to proceed. However, one other thing is -- and I would defer to the Manager. All I can tell you is about the last time this came up under the prior Manager, we raised the issue of whether we should be doing these notices; and at that time, the prior Manager said "no," at least as to residential areas. I'm not sure what happened to commercial areas. One other thing, there is an issue. Whenever you do a certain amount of work -- which I'm sure Glenn's going to talk about -- there is a duty in the Code to repair the sidewalk, and that is -- my understanding, is enforced. So that's just a general background of the law in this area, and I would turn over to City Manager.

Cindy Birdsill: Well, and I'll turn it over to Glen Kephart, our director of Public Works.

Glen Kephart: Okay, thank you. And this is an issue that's been looked at for a numbers of years, and as you have mentioned, there is money set aside in this year's budget, \$2 million, for the repair of broken, cracked, deteriorated sidewalks. That two million was arrived at by a -- what we tried to do as a statistical survey of the City to determine how many sidewalks do we need to replace. And in that survey, we surveyed a little over three miles of sidewalk, including in the sidewalks in the north, sidewalks in the central, and sidewalks in the south.

Mayor Cason: How many miles?

Mr. Kephart: About three miles --

Mayor Cason: Three miles.

Mr. Kephart: -- of a sample survey. And that --

Mayor Cason: Of blocks. Equivalent --

Mr. Kephart: Yeah, we did random areas to say let's count the amount of sidewalks that we would replace in this area; and out of that three miles, we came up with percentages, which, interestingly, very consistent in the north, central, and south of about 5 percent that are damaged due to City trees; another two and a half percent that are damaged due to residents' trees, and most of those being in the north -- I mean, in the central, not the north, and a very small percentage that are damaged for other reasons, maybe heavy equipment, just deteriorated; maybe it was bad concrete to begin with, whatever. And so we projected that forward and did come up with the number of 250,000 feet citywide or --

Commissioner Keon: But is that in linear miles?

Mr. Kephart: -- and 10 to 11 miles. Sidewalks are four feet to five feet wide in residential neighborhoods; new ones we would build would be five feet for ADA (Americans with Disabilities Act); most of the ones in north Gables are four feet. So when you do the math on that, it's somewhere around 10, 11 miles of sidewalks (UNINTELLIGIBLE).

Mayor Cason: How many miles do you think we have in the whole City? I've never gotten that figure.

Mr. Kephart: Based on the math that I have here -- and I used to know this, but I would like to verify it -- it should be around 150 miles of sidewalks total.

Mayor Cason: Okay.

Mr. Kephart: So we would be -- if this project --

Mayor Cason: That's five percent?

Mr. Kephart: Yeah. This project would replace about seven and a half, eight percent of those sidewalks.

Mayor Cason: How much of the broken, cracked you think the \$2 million would cover?

Mr. Kephart: We -- the \$2 million is set up to -- based on a 2012 estimate -- I do want to clarify -- based on the 2012 estimate, it was estimated that the \$2 million would replace all the broken and deteriorated sidewalk.

Mayor Cason: OK.

Mr. Kephart: Now, there's a couple things with that. We established criteria of how do we determine when we replace a sidewalk? And if it's displaced, still looking at should it be a half inch or an inch. If it's broken in three or more places, if it's deteriorated -- and when we bring this item forward to you, we would bring actually pictures as part of it, saying, here's a sample of the different types of things that we would be replacing. So based on those criteria, we felt that the \$2 million was appropriate. Now, in two years' time, some of those that were a quarter inch are now three quarters an inch or an inch. I mean, the things have been moving and probably not in a good direction, so when we bring this forward, we need to do some reassessment of that. We will never be 100 percent sure when we bring it to you, unless we determine ahead of time all the sidewalk that we're going to replace. What we've done now is statistical sample that we would then bid out. We had our continuing services contractor for this type of work that we have unit prices for, and then we would recommend also bidding out for a second

contract, so we'd really have two contractors to work with, because it gives us a lot more flexibility to respond and cover things. But we would have unit prices, and then we would begin placing the -- replace the sidewalks.

Mayor Cason: Do you have a strategy in mind that sort of where to start and --? Do you know the ones that are the worst, do you start with that? Or you're going to do it block by block and whatever's required?

Mr. Kephart: Certainly, we need to do it in a way that's sufficient for the contractor. I mean, I -- we would look for areas where they can have -- be bringing concrete trucks in and use a full truck, and their people are working. So the specific strategy of where we would start, how that would work out, I'd like to start in (UNINTELLIGIBLE) locations in the City, but we need to talk to our contractor, and that's not fully vetted at this point.

Mayor Cason: One of the obvious things we'd have to do is -- I think it's \$15,000 - - if you do work on your house, over 15,000. Automatically, to get the last document to close is you've got to fix all your sidewalks. So if we -- so, somehow, that has -- that happened to me when I bought a house, City trees did it. It was more than \$15,000 to fence, and I end up having to replace five or six sidewalks that were broken by the City, so that's --

Mr. Kephart: (UNINTELLIGIBLE) very confusing.

Mayor Cason: And I had --

Commissioner Keon: See, that's why I'm asking, because that shouldn't happen.

Commissioner Lago: No, but -- by the way, just so you know, I just did that.

Commissioner Keon: Yeah. It --

Commissioner Lago: I just did that --

Commissioner Keon: But they are caused by a City tree.

Commissioner Lago: -- probably about three or four months ago, and it was caused by a City tree that had been changed like seven flags that were --

Commissioner Keon: But the City should do that.

Mayor Cason: Yeah. So one of the things we'd have to look at, as we look on a policy on this is --

Commissioner Keon: Right.

Mayor Cason: -- what to do with (UNINTELLIGIBLE) --

Commissioner Lago: You can't close a permit.

Mayor Cason: (UNINTELLIGIBLE) that.

Commissioner Keon: Right.

Mayor Cason: And then the other thing, too, is depending on -- lots of ways we could go is -- at the very least, we ought to piggyback on this contract -- these two contracts so that if a neighbor -- was definitely broken by their tree or they parked a heavy truck on it -- and I've seen a lot of those cases where they break the sidewalk because trucks -- that we could fix a flag in a way that is very cheap for them by piggybacking onto a contract. Because when I replaced mine, I had to buy the whole cement truck, pink cement, which was very -- I had to give it all away.

Commissioner Keon: Right.

Mayor Cason: So I can see an advantage -- however we decide to do this, that at the very least, you could sign up for "X" amount per flag, and the truck would come either -- if there was some left over on that particular, you know, block you're doing or just to go and follow and fix the neighbor's flags at a very low price, a unit price -- piggyback.

Commissioner Lago: The key issue there -- and I will tell you, the issue is mobilization, you know. That's what cost --

Mayor Cason: Yeah.

Commissioner Lago: -- a lot of money in regards to construction projects is the commencement, stop, commencement, stop, start again, you know, and that's just what kills projects. So, you know, once a project starts, the contractor on site wants to keep moving very diligently in getting the process done. Let me ask a quick question. I think I may have asked this to you before, but I want to make sure and -- that we emphasis this, because we're going to spend all this great money on fixing all these sidewalks -- and this has to do with the neighborhood renaissance project. (UNINTELLIGIBLE) project that (UNINTELLIGIBLE) Commissioners before Keon and myself, you know, they implemented this project. It's a great idea. You know, residents have been clamoring for it. We need to make sure that we implement and we do the latest technologies in regards to stopping the roots from re-infiltrating underneath the sidewalks. There is a barrier that we use for some of our clients that you dig a trench and it goes down, you know, four or five, six, seven feet down, and it's a barrier which basically when the roots start growing towards the sidewalk, the barrier is a -- like a plastic, a mesh, and it pushes the roots down so they get away from the sidewalks. So then five years, you don't have the cracked sidewalks again and the millions of dollars of tax payer money are wasted. Just look into it.

Mr. Kephart: No. And we --

Commissioner Lago: Because I think it's worth investing in that money -- even if we cannot -- let's say we can't do -- let's say we lose 20 percent of the possible sidewalks so we could do on the job, we're going to do 80 percent of the sidewalks because we have to buy -- it's very expensive, by the way; the materials very expensive --

Mr. Kephart: Right.

Commissioner Lago: -- not only to buy, but also to install. It's worth it. It is worth it.

Mr. Kephart: You're absolutely right, Commissioner. It's a must part of the project. I wouldn't bring it to you as a temporary replacement. And if we don't address the roots in the future --

Mayor Cason: We're going to have (UNINTELLIGIBLE).

Mr. Kephart: It'd be a temporary replacement --

Commissioner Keon: Right.

Mr. Kephart: -- because the trees are going to continue to grow and the roots are going to continue to move. We would include in this project root cutting, working with our arborist to make sure that we're maintaining the integrity of the tree, and then prevention majors, and you mentioned the root barrier, which is what I'm familiar with, to prevent that --

Commissioner Lago: (UNINTELLIGIBLE).

Mr. Kephart: Yeah.

Mayor Cason: I think the policy thing we have to look at is do we want to just use this money to fix broken sidewalks, regardless of who did what to whom, or -- in other words, just fix it, and then afterwards say that if they're broken in the next couple years definitely because somebody parked their car, I guess, or truck, you got to fix it. Or do we try to determine who did what to whom?

Commissioner Lago: Yeah, but (UNINTELLIGIBLE). If I could just interject one second in regards in regards to that issue of the parking, because that's a major problem. But that responsibility lies with the City, and let me tell you why it lies with the City. Because the City for many, many years has ground down these sidewalks, you know, to (UNINTELLIGIBLE).

Commissioner Keon: But those are the sidewalks. The sidewalks that have been ground down are the sidewalks that have been lifted by trees.

Mayor Cason: By the trees, yeah.

Commissioner Keon: But they are additional sidewalks that are cracked and broken on a number of streets that -- you know, it's just the age and over time. It happened --

Commissioner Lago: I'll give you a --

Commissioner Keon: -- and they haven't been addressed.

Commissioner Lago: The issue --

Commissioner Keon: That hasn't been addressed.

Commissioner Lago: -- (UNINTELLIGIBLE). Look, when you see a sidewalk that's been ground down, it's paper thin. You know, it's going to break. I mean, a prime example is, I had dinner for my brother-in-law's birthday this past week. (UNINTELLIGIBLE), the street that separate them between the back street and 7-Eleven -- I forgot the name of that street now that leads into Merrick Park, eventually. The sidewalk there, the tree has gone onto the sidewalk, has gone onto the street --

Commissioner Keon: Yes.

Commissioner Lago: -- and it's uncorrected. I think we may have to, at some point, remove that tree because you can't fix it.

Commissioner Keon: Right, no. But that's in a commercial area, and it's sort of -- is a little bit different.

Commissioner Lago: But that's an ADA nightmare.

Commissioner Keon: Yeah.

Commissioner Lago: Anybody using that sidewalk right now --

Commissioner Keon: It's a problem.

Mayor Cason: Yeah.

Commissioner Lago: -- is -- they have to get off the sidewalk, go onto the street and get back onto the sidewalk.

Commissioner Keon: Yeah. But I --

Mayor Cason: It's illegal to park on the sidewalks, so obviously, Code Enforcement --

Commissioner Keon: Yeah.

Mayor Cason: -- have to go after those people --

Commissioner Keon: Right.

Mayor Cason: -- regardless of --

Commissioner Keon: So, I guess what I'm asking for is some -- is some clarity for Public Works so they can really start this project. Is if -- you know, do we -- do we start by identifying those sidewalks that have been lifted and now present a danger because of a city tree that they would go in; and when they go on that block, they would assess the entire block that they're working on, and you know, the City would pay for the -- that portion of the sidewalk that is broken or is lifted because of the City trees and any other, you know, squares along the street that are broken and deemed to be dangerous. So if you use set of criteria, if it's three cracks, two cracks -- I don't -- whatever the crack is -- you know, do we go ahead, notify the homeowner, you know, assess the homeowner? If it becomes an issue, then may -- you know, the City Attorney has a right to, you know, waive that fee or whatever else just to expand the amount of money that we have to go through and do as much as we possibly can. I mean, I think that there are some -- there are some states where the entire -- where all the sidewalks on the entire street is going to need to be replaced because it just -- nobody has paid attention to it for a long time. And I think those are the issues that can come, you know, before the attorney or we can -- you know, you can bill people (UNINTELLIGIBLE) to pay it. If they don't pay it and want to appeal it, we can -- you have a process to appeal it and you can go ahead and do it. It just give us that (UNINTELLIGIBLE) in order

to do that.

Mayor Cason: How able are you to determine who's culpable for the state of "X" sidewalk?

Mr. Kephart: Thanks, Mayor. Sometimes very clearly. Sometimes it's very gray. Certainly, in -- as you talk through this -- and I'm glad we're having this discussion, because this is an important issue, and it'll help us frame this the way that it should be framed, the way that you want to move forward to (UNINTELLIGIBLE). To help you on that, based on our preliminary assessment, about two-thirds of the areas are City trees, so one-third not City trees. Rough numbers. The -- to your question of how easily can we tell. Sometimes it's real easy. It's -- you can tell that it's been crushed from heavy trucks or it's -- there's no trees in the area and there was no tree issue. It's just -- maybe it was bad concrete to begin with; it never held up over time. Various reason. Other areas, maybe there was a tree there in the past. Maybe the neighbor's roots are getting there a little bit and, administratively -- and I think that the thing to discuss is, certainly, it will cost more if we just go in and do all the sidewalks, and I do have some concern as to whether the \$2 million estimate that was done in 2012 is going to hold up in 2014/'15. I know that the sidewalks have gotten worse, so we have more. If we just do the portion of the City trees administratively, it's a lot more difficult for City staff, because now we can't just identify a block we're going to go in and replace. We first have to -- and we want to do that block all at once, but there needs to be a delay, because we need to notify the homeowners. I think there's a 10-day process for that, and then they have an opportunity to respond before we come in. And some homeowners may say, we'll do it on our own. Now we've got two contractors in there. So administratively, it becomes a little more complex, although it would give us a capacity to do a lot more sidewalk with the \$2 million. That's kind of the --

Commissioner Keon: Right. I mean, I would think while you're working on one

area, you can be assessing another area, you know, for that, so there shouldn't really be great time delays. I mean, maybe for the first area. It may be, you know, couple of weeks to do that, but you know --

Mr. Kephart: We could start the assessment (UNINTELLIGIBLE).

Commissioner Keon: -- the work itself can be ongoing while the assessment on the next blocks can be done. But I think you can -- you know, it -- and it was always my experience as a resident -- and the neighborhoods always -- the City could do it for a lot less than you could bring in somebody to do it. You were required because of the color of the concrete; that it had to be a certain color, whatever else. If you were doing it yourself, you had to go get a permit. You know, it is much easier through the City to go in and actually do the work, and I don't have a problem with assessing or telling the homeowner you have -- you know, we're going to -- there's 10 squares here need to be replaced, six of them, you know, are ours. At the same time, we could like to replace the ones that, you know, are not related to the City. It would be at a cost of so and so to you. I generally don't see people objecting to it. That doesn't mean that someone might not. Someone may. If there's a problem, the City Attorney has the ability to deal with that issue, along with Public Works, and I think it maybe will allow us to do more than what we do. The dollars that are set aside for the renaissance program are not to build new sidewalks. It's not even to put --

Mr. Leen: No.

Commissioner Keon: -- you know, fill in gaps in sidewalks or anything else, because the sidewalks were put in at the request of the homeowner.

Mayor Cason: Actually, this wasn't even in the neighborhood renaissance program. This was a separate --

Commissioner Keon: Yeah.

Vice Mayor Kerdyk: Correct.

Mayor Cason: -- it's separate program that --

Commissioner Keon: OK.

Mayor Cason: So I guess -- I mean --

Commissioner Keon: So how do we move forward?

Mayor Cason: One way (UNINTELLIGIBLE) is we move forward (UNINTELLIGIBLE). You say two-thirds are City trees that cause it.

Mr. Kephart: That's based on our --

Mayor Cason: (UNINTELLIGIBLE).

Mr. Kephart: That's our initial analysis.

Mayor Cason: And we start that, and then we go ahead and tell the neighbors where it's either definitely they did it or we're not in -- we don't know. Say we're going to fix them because there's no way you can do it cheaper. I mean, I think that's a fact.

Commissioner Keon: Yes.

Mayor Cason: And then you go ahead and do the whole block and send them a bill. Does that --

Commissioner Keon: Well, I mean, for the ones --

Mayor Cason: That's one way to do it.

Commissioner Keon: -- that are clearly -- I mean, when you could -- if you can determine that either the concrete was bad, it didn't hold up, or whatever else, the likelihood is we're the ones that put in most of the sidewalks anyway; we would go ahead and repair them. I mean, I think it's when you can clearly identify that it's because, you know, either, you know, a septic -- those septic tank trucks go backed up into the yard or whatever. I mean, something that caused it to crack. You go ahead and notify the homeowner that they will be assessed for two tiles and this is what the cost is going to be.

Mayor Cason: How much do you think --

Commissioner Keon: And that's the end of the (UNINTELLIGIBLE).

Mayor Cason: -- it would be if you piggyback -- you got an idea -- a ballpark figure. I mean, what would you think a piggyback contract would be for a square? I mean, what -- I don't know what it cost right now.

Mr. Kephart: It's about 6, 5.50 a square foot. So a square is four times five, twenty -- \$150, \$200 a square.

Mayor Cason: And if you get it on your own, it wouldn't -- if you did it on your own --

Commissioner Lago: It doesn't -- it doesn't make sense, and I'll tell you why. I mean, just really quickly. The magnitude of the project and the amounts of sidewalks that are going to be corrected, the contractor takes that into account, you know, and they can fluctuate in regards to what they're going to be, their

construction manager fee or the general conditions. You know, that plays a big role into it. The larger the project, the less they'll charge in regards to their fees, number one. Number two, they'll be doing the projects on multiple different stages. They have the ability to demolish. They have the ability to form. They have the ability to lay the concrete. They get the concrete in a cheap -- much cheaper. Instead of paying \$100 a yard, they may pay \$90 a yard, because they have contracts that are multi-year contracts with these concrete companies. Two things that we may take into account when you consider being able to find out if it was -- whether it was the responsibility of the homeowner or of the City: driveways obviously. If it's cracked on the driveway, we can possibly, you know, acknowledge that it has -- due to the stress or the weight of the car, the load; and number two, trees that are on private property. You know, if you planted an Oak tree, you know, 20 years ago, or you didn't -- maybe you bought the house with an Oak tree 20 years and the roots have gone onto the sidewalk, you know, that's the homeowner's responsibility.

Commissioner Keon: But they can clearly identify. And I think they --

Commissioner Lago: Yeah, it's not that difficult.

Commissioner Keon: -- can clearly identify, in most instances, who's responsible -
- who was responsible for it, the damage done to the sidewalk. So I think when they determine that the damage was, you know, done to the sidewalk by the City or a failed concrete or whatever else, we certainly should cover that cost if you can feel you can comfortably identify that it was, you know, the homeowner's issue, for whatever reason, you can assess those. If there's a problem with the assessment --

Mayor Cason: So you have three --

Commissioner Keon: -- the City Attorney can deal with it.

Mayor Cason: So you have three categories. I think what you're saying is interesting because --

Commissioner Keon: (UNINTELLIGIBLE) can do it.

Mayor Cason: -- it could lower -- it would actually even lower, perhaps, our portion by having -- doing the others, and it could be better for them because in no way --

Mr. Leen: They're never going to --

Mayor Cason: (UNINTELLIGIBLE).

Commissioner Lago: (UNINTELLIGIBLE) because you said it correctly. When you -- I don't -- I hate to bog you down on, you know, these issues, but when you buy concrete from a concrete truck, you -- they give you a short-load fee.

Mayor Cason: Yeah.

Commissioner Lago: So if you only buy, let's say, two or three or four yards of concrete, they're going to charge you for a short-load fee because a concrete truck carries 10 yards, and they want to sell you the 10 yards. Because to -- because it cost the same amount to run the truck from the plant to your home to deliver the concrete and the rental of the pump -- there's a whole formula that goes into it.

Commissioner Keon: Okay.

Commissioner Lago: But it just makes sense that --

Commissioner Keon: So the direction going forward --

Mayor Cason: It sounds like a good deal for the City to --

Commissioner Lago: The City gets a better price.

Mayor Cason: To move forward, to assess who's responsible, but we do it. We get a cheaper price for everybody and we lower our unit costs and we can do more sidewalks in total. I agree.

Commissioner Keon: Right. And we take care of the ones that are City-related or there's failure or whatever else, and we assess the homeowner for the ones that we believe to be theirs, so could we do that going forward --

Mayor Cason: Yeah.

Commissioner Keon: -- so they can get started?

Mayor Cason: Everybody -- anybody have a problem with it?

Commissioner Quesada: It's not a problem.

Mayor Cason: Let's do it.

Mr. Kephart: OK. Can I ask the City Attorney a question, perhaps -- because normally when people need to replace their sidewalks, there's a provision in the Code where we notify them and they have an opportunity to respond before we do it, and I'm wondering if we could do citywide notification that we're moving forward with this program, and the City will be replacing a sidewalk; they can even put the estimated cost per square foot or per flag and give them the -- if somebody wanted to do it themselves, maybe they're a contractor living in the house and they're going to pour their own concrete on their permit -- that we notified

citywide that we're going to do this and assess them if we determine that the cause of this sidewalk was not a City tree. Could we do that?

Mr. Leen: Well, yes, you could do that. Although, I would still send the specific notice, because a special assessment requires strict compliance with the Code provision that we're doing it by. And we can always use our other special assessment procedures, which Heather Espinosa put together for us, which is -- so -- and we could do an actual assessment. We could do a roll or something like that. But if you want to do it more by -- individually by street or by property, we need to strictly follow this procedure, but you could include, as part of that, a more general notice to people that this is what we're doing, and then I would just have form letters sent out, which just follow this exact form. We could always amend the form, if you're thinking that. If you wanted to make it a little easier, if the form has too much information or it's too difficult to create in a more general way, we could amend it.

Commissioner Keon: Right. The people need --

Mr. Leen: Maybe we should meet and talk about it.

Commissioner Keon: Right. The people need to understand that they can't just pour a sidewalk with any concrete either.

Mr. Kephart: Absolutely.

Commissioner Keon: That the concrete has to be a certain color and a certain everything else. And if they do it themselves, they -- it inquires a permit.

Mr. Kephart: It requires a permit, yes.

Commissioner Keon: So there is a lot of additional costs between the homeowner

to do it themselves.

Commissioner Lago: The color is more expensive.

Mayor Cason: We do that way in advance of starting our program. That way, if they --

Commissioner Keon: They need to start it.

Mayor Cason: -- want to do it, it's done for (UNINTELLIGIBLE).

Mr. Leen: And for example, you know, one thing you could do is we could put out the notice and people are interested, we could just enter into agreements with them that would take them out of the group. It could be very simple. And there's not -- it's done by agreement, not by special assessment.

Mr. Kephart: I think we understand the direction to separate this out.

Mayor Cason: OK.

Commissioner Keon: OK.

Mr. Kephart: And we'll work it out with the City Attorney's Office, City Manager's Office and put it --

Mayor Cason: Yeah. Thank you.

Commissioner Keon: But it would give us the opportunity to move this program forward.

Mayor Cason: Yes.

Mr. Leen: Yes. It would be our intention --

Commissioner Keon: OK?

Mr. Leen: -- to bring it bring it back for action probably the second week in October.

Mayor Cason: Great.

Commissioner Keon: OK.

Mr. Leen: The second meeting in October.

Commissioner Keon: So we can get it started.

Mayor Cason: Yes.

Commissioner Keon: Because I know the Mayor, in particular, has talked about it a lot and would like to see this project moved.

Mr. Kephart: Thank you --

Mayor Cason: Thank you very much.

Mr. Kephart: -- for the clarification.

Commissioner Keon: Thank you.

Mayor Cason: Speaking of trees, let's go to F-2. You want a break? You want to -
-

Unidentified Speaker: I'm hungry.

Commissioner Keon: You're hungry? Okay.

Mayor Cason: Let's --

Commissioner Keon: We could do whatever you want.

Mayor Cason: -- do F-2 and then we'll head -- and we'll take a break.