

City of Coral Gables City Commission Meeting
Agenda Item E-4
August 25, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Finance Director, Diana Gomez

Public Speaker(s)

Agenda Item E-4 [2:13:18 p.m.]

A Resolution of the City of Coral Gables, Florida relating to the collection and disposal of solid waste in the City of Coral Gables, Florida; establishing the rate of assessment for certain residential property located within the City; imposing solid waste service assessments against residential property located with the City for the fiscal year beginning October 1, 2015; approving the solid waste assessment roll; confirming the initial assessment resolution; and providing for an effective date.

Mayor Cason: OK. Let's move to E-4.

City Attorney Leen: Mr. Mayor, Item E-4 is a Resolution of the City of Coral Gables, Florida relating to the collection and disposal of solid waste in the City of Coral Gables, Florida; establishing the rate of assessment for certain residential property located within the City;

imposing solid waste service assessments against residential property located with the City for the fiscal year beginning October 1, 2015; approving the solid waste assessment roll; confirming the initial assessment resolution; and providing for an effective date. This is a public hearing item.

Mayor Cason: Diana.

Finance Director Gomez: This public hearing, as Craig mentioned, is the final step for the position of special assessment, of solid waste special assessment. The assessment includes residential properties with delinquent solid waste collection fees in excess of \$850 that they have not paid. Any balance in excess of \$850 will be collected pursuant to the uniform method of collection that is the County Property Tax Bill. Delinquent property owners have the ability to pay fees in full on or before August 28, 2015 and be removed from the assessment roll. The City has taken many collection efforts in order to try to have properties pay past due amounts over the years. I'm going to list here the collection efforts that had been over the past several years on these accounts to show what we've done in notifying the individuals prior to getting to this point where we want to put it on the Tax Bill. So, some waste collection bills are billed quarterly and each quarter each property will receive a bill and that includes any past due amounts that are owed. In May 2010, we sent out certified past due notices through the City Attorney's office and offering them abilities to come in and pay making sure that they are aware that these balances existed. I believe that the balance that we used is about \$1,000, anything over \$1,000 we sent them out. Again, in December of 2012, we did the same certified letters from the City Attorney's office and sent those out to all the properties that had a balance due of over \$1,000.

Mayor Cason: And at the peak I think we had somewhere about 803 homes was it?

Finance Director Gomez: Correct. That's when we started in 2014 and I'll get to that in a second. In August of 2013, we did place a lien on the properties that had past due amounts of over \$1,000. In June, I mean in May of 2014 is when we began discussing it a little more here at the City Commission and at that point there was about 830 properties that had past due amounts over

either, I believe it was \$850, which represents about one year past due amounts, and that totaled about \$3.2- \$3.3 million. In June of 2015, we sent a past due notice to each property as well as the mailing address on file, the property address on file and any other mailing address we may have had from the County's records, as well, to let them know that they either had a past due amount and that we would be placing that amount on the Tax Bill for November 2015. In July of 2015, we sent a second notice letting them know that we would be placing it on the Tax Bill, if it doesn't get paid. In early August, we sent out the notice of this public hearing so that everybody was aware that we are moving forward with this and the balance that was past due was put on there as well; and then the TRIM notices which went out this weekend or yesterday will also include the special assessment on there. So, the City has taken many steps in trying to notify these individuals, these property owners that the solid waste bills are past due and need to be paid. Since we started discussing it and sending out these notices and more recent notices, we have received some payment, a number of individual properties that were put on the TRIM Notice, which means the ones that represent over the \$850, is about 550 properties for a total of about \$2.5 million, we've collected about a million dollars.

Mayor Cason: We've had about 300 delinquent of people who have paid...

Finance Director Gomez: People who have paid.

Mayor Cason:....people who have paid and they've paid how much?

Finance Director Gomez: About a million dollars.

Mayor Cason: So what's still left is about \$2-point....?

Finance Director Gomez: \$2.5 (million).

Mayor Cason: Some of those are up to almost \$15,000.

Finance Director Gomez: The largest one that I show is about \$11,000, \$12,000.

Mayor Cason: So that's roughly more than 12 years of receiving services and not paying for them.

Finance Director Gomez: That is correct.

City Attorney Leen: Mr. Mayor, could I add in conjunction with the Finance Department, my office and the Finance Department have done 38 payment plans, I think we are working on a 39th. This needs to be paid by Friday, is my understanding, or else it's going to go on the Tax Bill for anyone listening. We have followed the Commission's direction, which was to work with people, if they came to us and showed an indication they wanted to pay. We've waived interest, we've waived penalties, and we've entered into payment plans. So the remaining people just simply do not want to pay and at that point there is nothing else really we can do.

Commissioner Lago: Let me just say one thing. First off, I wanted to commend the Mayor; you know he brought this to the forefront a few years ago. How long has it been already?- three years ago, we weren't even on the Commission back then. So that million dollars you've been leading the charge, but the reason why you see that collection efforts today is because when I was sitting down with the Manager and staff, I asked staff to really give a timeline, because I imagine when people in the near future see their Tax Bill and they say, Oh! Wow! I have a \$5,000 or a \$6,000 bill on my Tax Bill, they are probably going to give a bunch of us a call, and say, how did this happen? So, I want to make sure that each one of us has the ability to tell these individuals, listen, we've been working over the last three years and you've been notified on a multitude of occasions and the easiest way to resolve this is either a payment plan, which is being offered currently or pay up-to-date.

Mayor Cason: Put it on your credit card, it's better than having your house taken, so you can always pay your credit card bill. We have roughly 50,000 residents, the vast majority of people

pay their bills, but you always have a group of people that either don't want to, some that can't and I think we've made provision for those that can't...

Commissioner Lago: We've helped a lot of people who obviously have financial hardship; especially elderly individuals who are on a fixed income, and that's something that I want to make sure that everybody who is listening today understands that. The City has taken that into account and this Commission has made sure that we tell staff, Diana, City Manager, City Attorney to really work with these individuals. We are not here to take away your home, but at the end of the day we are offering a service and we need to have the necessary funds to continue to run that service.

Mayor Cason: And we've never cut off, I don't think we can, garbage collection. So basically, this has been a subsidy, in some cases, for 12-15 years to people who've said, well I don't care if there is a lien on the house because my descendants will pay for it, but I'm not paying for it.

Commissioner Lago: You made a good comment right now. They've taken advantage of the fact that we can't discontinue the service. So they say, you know what, it doesn't matter, I won't pay for it.

Mayor Cason: So, I think we had three people who wanted to speak. I'd be happy to listen, maximum three minutes. Eduardo Del Valle come on up. Are you Westli?- that's fine; you were next anyway go ahead.

Mr. Wesli Riyaves: First of all, good afternoon to you Your Honor and the members of the Commission, both men and women. For the last 20 years I have been a resident of Coral Gables. I bought property here 20 years ago, and I have a lot of respect for Coral Gables and its Municipal Codes. My issue is not compliance with the Code, but so many years ago I had a profession that was in demand, which is no longer in demand, I've been phased out by technology, and presently I'm living on a veteran's pension. I do not receive Social Security; I do not pay Income Tax. I have documents stating that non-filing that I'm allowed not to pay Income

Tax. I have no issue with compliance, but my request and I beg your indulgence, is for an amount that is in my budget. You are asking \$200, to me that's a lot of money, you are asking over \$200 a month, and to me that's quite a bit of money.

Commissioner Lago: First of all, thank you for being here. Have you spoken to our City Attorney?- have you spoken to staff?

Mr. Riyaves: I have not. I received a letter, asking me to come to this hearing and that's the first feedback that I've gotten from it.

Mayor Cason: I would suggest you talk with him because you are kind of a case where we've been contemplating various plans that can be worked out. I think that it's worth meeting with him because he has the discretion to, on some of these cases, to....

City Attorney Leen: Can you state on the record that you are willing to pay this over time, in a time that you are able to afford.

Mr. Riyaves: That is correct. Something in my budget that I can afford – over \$200 is incredible.

City Attorney Leen: I would recommend that you take him off the roll, based on his representation to you and have us work it out with him. If we are unable to work it out, we can always come back and do it again or do a special assessment.

Commissioner Lago: As long as what he stated the truth, it would be a pleasure to help you, in my opinion. You are a veteran and you served this country and you are on a fixed income, we have to help you.

Mayor Cason: So meet with the Attorney and we'll see what we can work out.

Mr. Riyaves: With whom?

City Attorney Leen: Would you meet with Ms. Ramos. Go meet with her right now.

Commissioner Lago: Would you like to say anything else?

Mr. Riyaves: No sir. Thank you.

City Attorney Leen: Could you give us your address again?

Mr. Riyaves: I'm sorry.

City Attorney Leen: Your address. You have the address?

Mayor Cason: It's on the speaker card.

Mr. Riyaves: 4706 Booker Street, Coral Gables, FL.

City Attorney Leen: OK. Perfect.

Commissioner Keon: Finance has it also.

Commissioner Lago: Thank you very much sir.

Mayor Cason: And Eduardo del Valle – OK, so that ends that. Alright, do we have a motion on E-4?

Commissioner Lago: I'll make a motion.

Mayor Cason: Commissioner Lago makes the motion. Commissioner Quesada seconds.

City Attorney Leen: Mr. Mayor, I would recommend as part of the motion that you take that property off the roll, without prejudice thus being able to do it in the future or do a special assessment lien, which we can do separately...

Commissioner Lago: But I want to make sure that everything checks out, that he lives at the property, it's not a rental property.

City Manager Swanson-Rivenbark: Would you give us the authority that if it does.

City Attorney Leen: How about that? Would you give us the authority to do it, if we find out by Friday?

Mayor Cason: Yes, of course.

City Attorney Leen: Thank you.

Mayor Cason: OK.

Finance Director Gomez: There still maybe some that are in the works for payments that we've received, so the roll will change from now until the time that it goes to the County, but we need to have the payments received or payment plans set up by Friday so that we can organize the roll and send the final product to the County.

City Attorney Leen: And just to clarify for him, based on what he's testified to here, you are going to give us broader authority to work out a settlement with him than we otherwise have.

Mayor Cason: Yes.

City Attorney Leen: OK.

Mayor Cason: City Clerk.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

[End: 2:26:09 p.m.]