

City of Coral Gables City Commission Meeting
Agenda Item I-3
April 26, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago
Vice Mayor Michael Mena
Commissioner Rhonda Anderson
Commissioner Jorge Fors
Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Public Works Director, Hermes Diaz
Finance Director, Diana Gomez

Public Speaker(s)

Anthony Escarrá
Audrey Siu
Miles Maronto
Unidentified Speaker
Gina Chevallier
Lucre Sondon
Rudy Nuñez
Koorosh Reyhani

Agenda Item I-3 [11:45 a.m.]

A Resolution of the City Commission accepting the King's Bay Gravity Sanitary Sewer System Grant from the Florida Department of Environmental Protection's

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Agenda Item I-3 - Resolution of the City Commission accepting the King's Bay Gravity Sanitary Sewer System Grant from the Florida Department of Environmental Protection's Coral Protection and Restoration Program and authorizing the City Manager to execute an agreement with FDEP for said grant; directing the City Manager to develop the estimated local improvement assessments to be imposed on all benefitting properties to fund the project cost not covered by the grant.

(FDEP) Coral Protection and Restoration Program and authorizing the City Manager to execute an agreement with FDEP for said grant; directing the City Manager to develop the estimated local improvement assessments to be imposed on all benefitting properties to fund the project cost not covered by the grant; authorizing an amendment to the Fiscal Year 2021-2022 annual budget to recognize the grant as revenue and to appropriate the funds to put toward the cost of the project; and providing for an effective date.

Mayor Lago: Welcome back. Thank you for your patience. I know we're starting a little bit late, but I think all of us had to go to the bathroom and get something to drink. So, moving on to Item I-3. I spoke to Mr. Maronto, who we had a quick conversation, and I think we've devised a plan in regards to public comment, and I leave it up to him in regards to whether he wants to move forward in that direction or not.

City Attorney Ramos: Mayor...

Mayor Lago: Before we -- yes?

City Attorney Ramos: I was just going to read it into the record.

Mayor Lago: Okay, go ahead.

City Attorney Ramos: I-3 is a resolution of the City Commission accepting the King's Bay Gravity Sanitary Sewer System Grant from the Florida Department of Environmental Protection's Coral Protection and Restoration Program and authorizing the City Manager to execute the agreement with FDEP for said grant; directing the City Manager to develop the estimated local improvement assessments to be imposed upon all benefitting properties to fund the project cost not covered by the grant; authorizing an amendment to the Fiscal Year 2021-2022 annual budget to recognize the grant as revenue and to appropriate the funds to put toward the cost of the project.

Mayor Lago: Okay, before we begin, I'd also like to put into the record the petition that was proffered by all the residents at King's Bay. I have it here. I'll hand it over to the Clerk.

City Manager Iglesias: And...

Mayor Lago: Mr. Manager.

City Manager Iglesias: Mayor, before we start, I'd just like to say that what -- how we obtained the funds. The State established a wastewater grants program, and this grants program was really -- was for areas to -- that were sensitive and to also provide reduction in nutrients, in the nutrient pollution load to basins such as the Key Biscayne basin which we are part of. The -- it also dealt with on-site sewage systems, and the projects were focused on the areas of highest vulnerability to rising groundwater adjacent to or connecting to Biscayne Bay. So, that was what the establishment of these funds were for. And so, this is where this grant money was made available to us.

Mayor Lago: Thank you, Mr. Manager. Mr. Diaz.

Public Works Director Diaz: Good morning. Hermes Diaz, Public Works Director. Billy, if I may. Thank you. So, what's going to follow is a presentation for the King's Bay Gravity Sewer - - the new gravity sewer system for King's Bay. Just a little bit of project background. This is the basin area that we're talking about. This is basically all of King's Bay will be covered by the system. As the project background, King's Bay is the last coastal community abutting Key Biscayne for the City of Coral Gables that is still on septic. There have been multiple studies, some of them going back to the early 1900s, which identify septic sewers as being a source of pollution to the bay. And they're partially to blame for nutrient enriched groundwater, which is causing algae blooms and oxygen depletion. Nutrient pollution is killing seagrass, coral, and fish kills. We looked at an 18-year study of the impact of wastewater infrastructure in Monroe County.

And there was a direct relationship between sewer infrastructure projects and reduced fecal indicator bacteria. We also did a citywide survey, which was done between September through November 2021, which showed that 96 percent of respondents in the south of the city -- that would be south of 72nd Avenue -- supported septic to sewer conversion even when knowing they'll be responsible to pay some of those costs. At the same token, I'd like to say that we had a community meeting about a week ago with the King's Bay community, and the -- I will say that the reaction -- they're not -- the meeting was cordial. It was a good conversation, but overwhelmingly against the project. So, you know, for full transparency, I'm obligated to say that. As the project description, the project consists of design and construct a gravity sewage system for all of King's Bay. It will include the service laterals all the way up to the property line. It's 149 properties and one City-owned lot. There will be a pump station and a force main, and roadway resurfacing. I'd like to have some conversation about the issues with septic and sewer system. Septic tanks that are located near low-lying areas have a higher risk of being compromised due to sea level rise, storm surge, and flooding. Approximately, half of King's Bay is under a flood zone, and all of King's Bay is located on the Miami-Dade County -- what is called a Storm Surge Planning Zone A, which is the storm surge zone that they find to be most -- at most risk of storm surge under a Category 1 hurricane. Compromised septic systems may no longer provide adequate treatment and can lead to water quality impacts. And in the event of a complete failure, septic replacement requires substantial investments. This is a sample from a Miami-Dade County -- where it goes through the vulnerability of septic systems, especially as you go down -- the elevations go lower. The topography of King's Bay, you're fairly high on 67th Avenue, and then as you get to the water, it's relatively low compared to the -- I believe it's roughly about a ten-foot drop from one side to the other. So, obviously, as the ground level goes down and the groundwater goes up, over time these septic systems will become imperiled. We've done some research since some additional information that was brought to our attention at the community meeting, and we actually learned last year Miami-Dade County passed what is called a septic tank system disclosure ordinance, 21-71. And what it does is that it requires that real estate transactions include an acknowledgement of a septic tank disclosure, and that needs to be recorded as part of the instrument of conveyance.

And this ordinance is applicable to both incorporated and Unincorporated areas. More cumbersome, adopted on first reading earlier this month, there's an on-site sewage treatment and disposal system ordinance, and this is making it through the system in Miami-Dade County. Currently, there's a tentatively scheduled public hearing scheduled for June. But in essence, if this ordinance passes, it will require the -- everybody who has a septic tank to be recorded at the County. It would require registration of all septic tank systems by January 2024 in Miami-Dade County. In addition to that, it will no longer allow for any new developments and complete replacements of your standard septic tank system. The new septic tank system that will be now allowed will require electricity, battery backup, telemetry, which will involve an antenna, and all sort of reporting requirements, including warnings and alarms. So...

Mayor Lago: So, the purpose of that is obviously to stop the failure and the leaking, correct?

Public Works Director Diaz: It requires -- it will require that -- yes, absolutely. It will indicate -- sometimes your septic tanks may not -- you may not realize that it's failing, and this will send automatic notices.

Mayor Lago: So, since you mentioned that, do we have any information in regards to what is -- in regards to the County, how many septic tanks do they believe are failing? I guess...

Public Works Director Diaz: I don't...

Mayor Lago: That's a better question for a Waterkeeper or for the County.

Public Works Director Diaz: Yes, yes, and I think they're going to follow.

City Manager Iglesias: And Mayor, Waterkeeper is here to also present with us.

Mayor Lago: Okay.

Commissioner Anderson: Yeah, and while you're on the telemetry system...

Public Works Director Diaz: Sure.

Commissioner Anderson: Do you have an idea of more or less the total cost of those types of systems?

Public Works Director Diaz: According to the County's own documentation they provided, those system will cost between 10 to \$20,000 over the standard cost of your typical septic tank system that you have in place today.

Commissioner Anderson: Okay.

Public Works Director Diaz: And I think those systems probably cost maybe 10, \$15,000, so it'll be adding another 10 to 20 on top of that. So, what are the benefits of a septic to sewer conversion? Improved water quality, reduces maintenance burden on homeowners, reduced risk of hydraulic failure during floods and storm surge events, and it also frees up land for other purposes. You have a septic tank in your patio, that eliminates some of the things that you may want to do with your property. So, those are some of the benefits of septic -- there's been some discussions about whether it also increases property values. There have been some studies about that, but I couldn't find anything conclusive, at least locally, but it's something that is brought up also regularly. Project schedule. We have a very tight schedule. Unfortunately, for this grant, the State of Florida has very tight deadlines. We don't have a lot of time. They're basically giving us about two years to build it, so it's something that I will need to get started almost immediately. Construction should last between 12 (sic) to 12 months. And you know, it's something that if this is going to move

forward, we'll need to get started as soon as possible. Project cost and funding. I'm going to hand this over to Diana so she can talk about that.

Finance Director Gomez: Good morning. Diana Gomez, Finance Director. So, the -- as -- this item also approves or accepts the grant for \$2.75 million to cover at least 50 percent -- or it's a 50-50 match with the grant, so we have to cover the other -- or the other half has to be paid for. Typically, these types of projects are covered with special assessments that the specially benefited properties pay for their pro rata share of the costs. So, this -- what we're doing is we are looking at a total of 150 properties paying. One of those properties are the -- is a City lot, so the City would pay. And the total project costs per the Public Works Department is \$6 million. And this is a current cost pricing that has some reasonable escalations in this amount, and being the tight timeframe, it has to be -- we have to be completed with the project by March 31st of 2024 in order to get the funding from the State. So, the total project cost \$6 million, the grant funding is \$2.75 million, so that leaves about \$3,250,000, added a percentage for admin and finance fee -- financing fees because we would take a loan out for -- in order to pay -- to put the money up front. It turns out that the assessment cost per property would be about \$22,750 per unit, per lot. That's before interest costs. Typically, what we would do is we would bill it every November. This November would be a physical bill that the City would send out. Starting next November, we would put it on the tax roll, so it would be paid for on the taxes. We have estimated repayment, depending on a five-year repayment or a ten-year repayment. So, a five-year repayment, it would be \$4,800 annually, and a 10-year repayment would be about \$2,700 annually.

Vice Mayor Mena: What do you estimate to be the cost associated with the footnote with respect to the homeowners being responsible for connecting and also...

Finance Director Gomez: Right,

Vice Mayor Mena: Getting rid of their existing septic?

Finance Director Gomez: So, it depends on the different types of homes and what kind of -- what are they going through, just plain grass. Are they going through pavers? Is it in the front? Is it in the back? I don't know that...

Vice Mayor Mena: Give me a...

Finance Director Gomez: We have...

Vice Mayor Mena: Give me a range.

Public Works Director Diaz: Five to fifteen thousand dollars.

Vice Mayor Mena: Okay.

Mayor Lago: Per home.

City Manager Iglesias: Vice Mayor, what we would do is, we would place the -- since this is an existing subdivision, we would place the laterals at the most advantageous location for every lot to minimize the hookup costs, but they could be anywhere from five to fifteen thousand dollars depending on where the septic kind of location is and what you have to go through.

Vice Mayor Mena: You're talking about 28 to \$38,000, accepting those numbers, per home.

Mayor Lago: And what would be --? And just to also put it into perspective on the Vice Mayor's comments, what would be, in your opinion, the cost of replacing your septic tank?

Public Works Director Diaz: So, my understanding is that your typical septic tank today probably costs between 10 to \$15,000, depending on the size and location. And if the County ordinance that's coming into place, if it does end up making it all the way through, that will add another 10 to \$20,000 on top of that for the newer systems. So...

Commissioner Fors: Would folks who were hooked up to the sewer have to remove their septic tank, or would it be disabled, cleaned, and remain?

City Manager Iglesias: You would have to abandon the septic tank, Commissioner.

Mayor Lago: You don't have to remove it though.

Commissioner Fors: You don't have to remove it.

City Manager Iglesias: You don't have to remove it. You have to abandon it.

Public Works Director Diaz: It will be flushed and filled with sand.

City Manager Iglesias: You pull the top, break the bottom, sand it.

Commissioner Fors: Got it.

Public Works Director Diaz: Right.

Commissioner Fors: Theoretically, is there a home that -- or homes that could, for instance, as a result of the work required to implement this project, end up having to make a new driveway, for instance?

Public Works Director Diaz: We -- so, as we go through this process of design, we will look -- like the Manager said -- we will look at the most advantageous location to do this, so we'll try to avoid that to the extent that we can. Every home is individual, so we have to see every location.

Mayor Lago: Certain areas you won't be able to avoid it.

Public Works Director Diaz: I'm sorry?

Mayor Lago: Certain areas you won't be able to avoid it. There'll be cases where you have no choice.

Public Works Director Diaz: It's quite possible.

Mayor Lago: Where someone's driveway will be interrupted.

Public Works Director Diaz: It is quite possible.

Commissioner Anderson: I have one more question to that. And is it possible for the hookup pipes to be bio-directionally drilled underneath those driveways?

Public Works Director Diaz: I won't say it's impossible, but generally speaking, you don't see that for sewer. They tend to be shallower, and it'll probably increase the cost significantly. We could see whether -- there may be some -- it may be feasible, but you're looking at significant costs. And usually -- you know, you don't want to come too low. And usually, when you do that, you want to have a minimum depth. So, I won't say no necessarily, but I'm not -- I wouldn't bet on it.

Commissioner Anderson: You do it with sprinkler lines.

Public Works Director Diaz: Yeah, but those are -- I have sprinkler lines under pressure. This needs to work by gravity and those slopes tend to be very mild, so it's very important that it's done at a proper slope so...

City Manager Iglesias: It would also be a four to six-inch pipe depending on the house size.

Vice Mayor Mena: I have a question about this County -- let me back up.

Public Works Director Diaz: Sure.

Vice Mayor Mena: I'm not going to support something that imposes this kind of cost on our residents, period, so I'm coming from there. But...

Applause.

Mayor Lago: If we could do -- Vice Mayor, if I may. Just one second. With all due respect, save your applause.

Vice Mayor Mena: Yeah.

Mayor Lago: We got a lot of discussion on this item.

Vice Mayor Mena: But I do think it's an important issue to talk through more broadly.

Mayor Lago: Yes.

Vice Mayor Mena: Okay, so if you were telling me there was no cost to the residents here, this would still be a challenging discussion because there would be incidental costs associated with the

driveways, et cetera, you know, and it would be a different conversation. But at that number, I can't in good conscience support it. I do have a question though because you're talking to me about the County ordinance...

Public Works Director Diaz: Correct.

Vice Mayor Mena: That's coming on new septic. I thought that the County also had existing either legislation or a program that is requiring homeowners in the County or in Unincorporated Dade to connect to sewer whenever they do a certain amount of work in their home. For example, I know somebody who recently did a pool in their home and then randomly got a letter from the County saying, "Oh, if you're doing this work at your house, you need to connect to the nearest main sewer line and get rid of your septic."

Public Works Director Diaz: Right.

Vice Mayor Mena: How does that program sort of interplay with the legislation that you're...

Public Works Director Diaz: No, it's different. The County has something called -- it's like a formula. I think it's called a feasible distance.

Vice Mayor Mena: Um-hmm.

Public Works Director Diaz: So, depending on the type of improvements of what you're building in the -- whether it's an addition or a new home, the formula basically tells you whether -- if you have a sewer within "X" number of feet of that property, then they compel you to connect.

Vice Mayor Mena: Right.

Public Works Director Diaz: And in fact, I think we have one property that is connecting -- I think it's (INAUDIBLE) -- they're building 300 feet of sewer main extension. I don't know if it's remodeling or a brand-new house. So, it's a feasible distance formula that they have. So, depending on what you're doing, you could say if you have a sewer within 300 feet, you've got to build it. If you're 400, then you're free and clear. So, this would be on top of that.

Vice Mayor Mena: But the mains that exist in the area for those homes were, you know, done by the County not -- the cost of those was not borne by the homeowners in those areas at least not directly. There may -- obviously, it's baked into whatever taxes people pay but...

Public Works Director Diaz: So, the most recent development -- at least in the City -- the sewer is built as part of development in Cocoplum and all those areas down south. I believe the sewers were part of that. I am not sure if we were able to find any information on the septic...

Vice Mayor Mena: No, but I'm just talking about in areas of Unincorporated Dade, where people are being required to connect to the main line nearby. That main line is there already and wasn't part of an assessment to those homeowners. The assessment to the homeowners is just for the connection...

City Manager Iglesias: No, but we -- I don't think you can make that claim that the County did that because the...

Vice Mayor Mena: That's what my question is.

City Manager Iglesias: The County will ask certain projects to actually incorporate those mains and then you pay as you tie in.

Mayor Lago: Yeah.

City Manager Iglesias: So, you don't...

Vice Mayor Mena: You're talking about new development projects.

City Manager Iglesias: Yes.

Vice Mayor Mena: Right.

City Manager Iglesias: Where there might -- that new development project might create a main and that main size is sufficient to connect whatever is along that path.

Vice Mayor Mena: Okay.

City Manager Iglesias: So, if you come -- if that main is there and you come back with a new house, they might ask you to connect to that main. And then there's a ten-year period in which you have to pay to -- for that connection to the -- to whoever built that main, so that's worked out into the County. But it's not necessarily...

Vice Mayor Mena: Yeah, I'm talking about -- I understand. I'm talking about -- I understand new developments. That's -- I'm talking about existing infrastructure.

City Manager Iglesias: Well, if you might do -- if you're doing an addition or some major work, they might ask you to connect...

Vice Mayor Mena: Correct.

City Manager Iglesias: Within that formula.

Vice Mayor Mena: Right.

City Manager Iglesias: Correct, if that main were there. Right, they would not ask you for that main. But -- so -- but what I'm saying is that those mains are not necessarily by Dade County. Those mains are due to -- as development moves on, those mains are constructed generally for future -- for -- as -- for development as it progresses west.

Public Works Director Diaz: And this particular development, they're actually doing a 300 feet sewer main extension...

Mayor Lago: Yep.

Public Works Director Diaz: So that they can connect so...

Vice Mayor Mena: Okay. I have more comments, but I'll reserve...

Public Works Director Diaz: Sure.

Vice Mayor Mena: Until you have an opportunity to...

Commissioner Menendez: I have a global question. On that screen, if this project -- proposed project were not in King's Bay, but let's say, another part of Coral Gables, the central -- more central part of Gables or the north part of Gables, would the numbers per property owner be more or less in the same range? Because I'm just trying to project forward. There's such a push to convert septic to sewer, but this is the first time I'm seeing actual dollar amounts per property. I'm just trying to see if this is just specifically for -- because of this area's location, or is it something we may, you know, see...

Public Works Director Diaz: So, one of the reasons that King's Bay was chosen is because of the environmental, being close to the bay. You know, you're applying for a grant. It makes it more likely for you to get that grant. But also, in a way, King's Bay is almost the long-hanging fruit when it comes down to septic to sewer in the City because of the topography and it's self-contained, and the point of connection is right there. We will need to do a basin assessment for the entire City. When you start talking, for example, some of the northern areas, topography plays a big role into how these sewer basins are going to be divided. And there are going to be some instances that the sewer flows may actually be -- need to be taken to a pump station outside of the city limits. So, anywhere else in the City, there will have to be a lot more assessment and a lot of work ahead of time before we can proceed with this design, as opposed to King's Bay, that everything is self-contained. The point of connection is actually inside the community. They already have a force main for Deering Estates that runs through 144th Street, I think it is.

City Manager Iglesias: But I would like to say that we did find some historical information. And the original sewer systems in Coral Gables were done as special assessments. They were done as special assessments. There was also the '72 plan, which was for about \$15 million that was started, about a million dollars. And it's hard to recreate everything that happened 50 years ago because it was 50 years ago. But that was started with a \$15 million kind of unusual GOB general obligation bond. And about a million dollars, maybe a million and a half dollars, was built and then stopped. And then the bond was paid back in '88. So, for some reason, it was stopped back then. I've heard a number of stories, but what we can verify looking at the old records was that the original sewer systems that were built in the '50s...

Commissioner Anderson: '60s.

City Manager Iglesias: '40s, '50s, and '60s were done through special assessments. And the '72 \$15 million was also a special assessment, except it was stopped and...

Commissioner Menendez: But my question is the price tag that we saw on that screen, if applied to central Gables, northern part of Gables, would property owners --? If we tried to -- you know, we found an area that needed to do this...

City Manager Iglesias: I...

Commissioner Menendez: Price tag would be...

Public Works Director Diaz: It may be more.

Commissioner Menendez: It might be more.

City Manager Iglesias: I think -- Commissioner, I think the answer really is we don't know because there are more lots so there are -- there is more of a way to divide it. However, the connections and everything else may be more difficult so you'd really have to do an analysis of each area and a master plan to actually determine that answer.

Vice Mayor Mena: Which, frankly, you know, we haven't done and we're not doing, as far as I know.

Public Works Director Diaz: We applied for a grant.

Vice Mayor Mena: No, no, no, no, no.

City Manager Iglesias: We may be getting the grant.

Vice Mayor Mena: No, no, the rest of the City.

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Public Works Director Diaz: Correct.

Vice Mayor Mena: I -- listen, I totally appreciate the fact that staff applied for this grant and the Commission has, you know, given direction broadly on issues of this nature. And any time you get a grant is a good opportunity to do certain projects. Obviously, you know, a lot of that requires then conversation with the given neighborhood, which is what's occurred here, and we are where we are. The problem is to now impose on the neighborhood the cost, the timeline, which is, as you've said, very quick...

Public Works Director Diaz: Yes.

Vice Mayor Mena: To address this one neighborhood while the majority of the rest of the City continues on septic, you now, I -- we're doing it because -- we're letting the grant sort of dictate what we do, and that's where we're kind of stuck. And I was in an odd position here because, again, it's hard for me to talk to these residents and say -- particularly since they don't want to do it -- you know, not only, hey, absorb this cost, which is significant to anybody. I don't care who you are, you know. And you know, I think there's -- people have perceptions out there that everybody in Coral Gables is, you know, ready to stroke a \$40,000 check and like move on with their day. And that's a lot of money to any family, and so, I'm mindful of that. And -- but on top of everything else, we're doing it to one neighborhood, in this one discreet areas, not doing it in the rest of the City, nor do we have a plan to do it as of yet. We have an aspirational, you know, we would love to have this all addressed, and we think, in the long term, this is a big problem, and the entirety of South Florida is going to have to deal with it. I recognize that. I'm not denying that, but I can't sit here and tell you that's in four years or five years, or 15 years.

Public Works Director Diaz: No, you're correct.

Vice Mayor Mena: You know, I'm...

City Manager Iglesias: But I just want to say, Vice Mayor, this was not done arbitrarily.

Vice Mayor Mena: I understand.

City Manager Iglesias: This is wastewater -- there is a State wastewater grants program that's going on right now.

Vice Mayor Mena: And I'm not -- that's why I said at the beginning I understand why you applied for the grant. I get it.

City Manager Iglesias: And the reason that this -- I believe that we got the grant because this area was felt that Biscayne basin, that this jeopardized the Biscayne basin, and that's why we did get the grant, and it's available now. And so, that's why we went for it, but it wasn't haphazard. It was the fact that we felt that this area qualified for that based on that -- on the fact that it was environmentally sensitive, and the State was going to move forward.

Vice Mayor Mena: And...

City Manager Iglesias: So, it wasn't arbitrary.

Vice Mayor Mena: And I said it at the beginning. I know it wasn't arbitrary, and I appreciate why it was applied for, and I -- it's a lofty goal. And we all love the Biscayne basin, and we all have an appreciation for what it means to the entirety of our community, but it's not only the responsibility of King's Bay. And so, to assess the residents of King's Bay what's going to be, at the end of the day...

Mayor Lago: 40.

Vice Mayor Mena: \$40,000 to each household, in addition to the disruption and the, you know, all the intangible, you know, things, I -- you know, again, I don't want to beat a dead horse, but I can't do it. And you know, again, I'm not -- I hate to turn away a grant. We're grateful that the committee that, you know, gives out these grants recognized our application and provided it. And I'm not trying to downplay the importance of septic to sewer conversion as a broader policy goal, but to address one neighborhood and incur these costs right now, I just find it to be -- I don't want to let the grant be what dictates the decision even though it's hard to turn away that kind of money.

Public Works Director Diaz: Understood.

Commissioner Menendez: And I want to echo what Vice Mayor said. You all -- the Administration did exactly what we, as a Commission, elected officials want, go after State funds, go after federal funds because our resources are limited. So, you did the exact thing -- you did the right thing. I just don't know if anyone here anticipated the price tag to the property owners. That's the issue. So, it's -- we have two conflicting situations. One is the need to get this done but on a large-scale basis, which I can only anticipate the federal government or the state government's going to have to step up bigtime because I don't think it could be put on the back of local governments. Hopefully, somebody can come through. But at the other end, with such a short timeline to put this on the backs of a small group of residents is -- it's just something that, you know, that's not what we're here for. Unfortunately, we're in that situation.

Commissioner Fors: I, likewise, commend staff on doing exactly what they were told to do, which is going out and getting this grant. I don't disagree with any of the reasons why sewer connection's advantageous. But again, like everything else in life, life would be much easier if money grew on trees. And I don't -- and it doesn't, so you know, although it pains me to take a position against accepting this grant and moving forward with it, I also at this time, I'm going to be one of the ones

who says that I'm not willing to do it for a lot of the same reasons Commissioner -- or the Vice Mayor described. And the fact is, from a general perspective, you know, when we talk about the future of sewer to septic, the fact of the matter is, is that this is probably going to happen every single time. It doesn't matter what area you go to, or what the price tag is, whether it's a little bit more, or a little bit less, I think -- I don't see -- barring a global plan with some additional funding -- how a majority of a Commission up here -- and I don't want to speak for Commissions in the future -- but including when we're all gone, decide to move forward with a plan which requires the residents of a particular area to come up with 50 percent of the costs, much less 100 percent of the cost, which would be the case in a situation where there is no grant.

Mayor Lago: Yep.

Commissioner Anderson: Alright.

Mayor Lago: Commissioner Anderson.

Commissioner Anderson: I'm going to add into this equation here. I recall when I was a child in 1960s, watching my father dig the trench from the backyard to the front yard for the sewer connection, and it was difficult times then too. And I knocked on many doors. My husband tells me stories where his father, living here in the Gables, paid him then \$50 to dig through the coral rock to dig that connection pipe to the front yard so they could do the adaptation. These are hard decisions that we must make. And I no more what to pay for a connection than any one of you all, but we also have to come to grips with reality. I knocked on doors of many people in the south Gables, many that were ready, willing, and able to pay for the sewer connection, because you know, they would tell me, "When is it going to happen?" I said, "You realize this is going to be a tremendous cost that you're going to have to pay," because it doesn't happen otherwise. You know, you have to connect to the main sewer line. It is going to be costly. It is going to be disruptive. Even doing your roof, putting on solar panels, everything is disruptive. The reality is -- you know,

and I think we need to go back to the residents and have more education, and why do I say that? Because we're one of the counties that was left behind. Of the 67 counties, the Florida Legislature designated the vast majority of the other counties to do it within a short timeline. In 2016, there was legislation -- and I have some copies here for you -- of the septic to sewer conversion plan that I've been working on, and Mayor's been working on since at least 2018. And the Florida Legislature implemented mandates for certain areas of the state to address the impact of septic systems. It was required for those counties, including places with many people that were poor to come to a solution, but it established -- Tallahassee, I know, established a grant program. This is a 1,000-plus page septic to sewer conversion document that I have uploaded to the City's public records area for anybody can review it at their leisure if you're so -- I've bookmarked it, but it's going to come whether it's a mandate from the state or you do it to increase your property value. We need to come to grips with this problem. You can't be part of the problem for the bay. I have been here for 35 years. I've seen the quality of the water along our waterways go from clear to where you could see the fish to murky where you can't see it. There's a second page here that I have available for you, give you some dated information of what the septic to sewer conversion costs are on different types of systems. You need to educate yourselves because, at the bare minimum, I remember my father digging the trench and the stories from my husband. They had to do it, and we've been paying the increased costs for a long time. And I spoke to the Miami-Dade Water Sewer Director at the time, Mr. Yoder, about why didn't the County do something decades ago, trying to add a little bit to your bill so it can be put in a coffer and saved up for that -- this day, this day that arrives now? Are we going to continue to kick the can down the road? Are we going to continue to watch the fish kills on our bay? Are we're going to continue to watch the sea grasses die and our economy be impacted by the poor water quality that we are all responsible for? It's time to do a deep thinking about it. I don't want to impose any more taxes on you. You all need to make this decision for yourselves. There are other folks out here in this City that are willing to pay. Think about the value of your property. Think about the day -- that the day is going to come eventually. Think about the fact that the septic to sewer system that you have right now will not be allowed anymore. It will come, and it will not have \$2.75 million of a grant

program to go with it. I do have additional copies here for the residents. If you need some more, let us know.

Commissioner Fors: I just want to say I sincerely appreciate Commissioner Anderson's -- I really do -- her comments, and I do think that the day it's going to happen is the day where we do get mandated to do it, and I do believe also that that day is coming as well.

Mayor Lago: It's coming.

Commissioner Fors: And property value-wise, I don't know if it directly affects your property value, but I bought a house last year. The septic tank needed to be replaced, and I ended up buying the house for X minus the cost of the septic tank that needed to be replaced, so I know it affected my seller's property value and the property value in the books because I did purchase the house for \$13,000 less as a result of the necessity to replace the septic tank. And had the prior owner had a septic tank that did not require replacement, the purchase price wouldn't have gone down, but he would have ended up spending the money at some point in recent history to have updated it at some point. So, I'm a believer that it does affect the property value one way or the other, but I do really think that this ends up happening when it's mandated across the board, and I do believe it's coming.

Mayor Lago: So, Commissioner Fors, thank you for your candor in regards to your own situation when you bought your house. I've had conversations with our friends at Waterkeeper in an effort to try to find a solution at the state level, and we're preempted. There should be a law in the books that when you buy a home, just like you do all different types of tests, three-point inspections, you do a test to see if there's any liens, you know, reports or any -- I'm not an attorney. I leave that up to my colleagues here on the Commission. There's a litany of different things, steps that you have to follow through on a closing to make sure that you're complying and you're not buying something that's hazardous or that's encumbered in one way or another. There should be a law on the books

that basically requires \$250, 700 -- you know, \$500, whatever the amount is, you roll it into your closing that requires you to know the exact status of your septic tank. That is not allowed. I've tried to pass that law. I've tried to get the State, and it's an issue -- it's a very simple reason -- a two-step reason in my opinion. Number one, to protect the buyer, because you don't know what's underground. I've had people buying homes thinking they're on sewer, but they end up being on septic literally, or find out a month later that the poop is percolating up, and you have to replace your septic tank. And that's a 20, 25,000 -- you know, depending on where it's located -- a \$20,000 complete removal and introduction of a new septic tank. The person did not expect that. You got to put that on a credit card. Hopefully, you have the cash for it. If not, somehow, some way, you've got to pay for it. You just can't keep having that percolate in your front lawn. So, that was not allowed. We worked on that for some time. We tried to find a resolution for that. I think it's in the best interest and protects the buyers, and it also protects the sellers at the end of the day. I don't think you want to sell somebody a home and then put them in a position where you weren't 100 percent truthful. So, that's going to eventually come. But I really think that what's on the horizon -- and I'm talking about a year or two years down the road -- is the fact that there's going to be a mandate. There's going to be a mandate, and it's coming, and it's coming because I've seen the discussions that are happening at the state level. And when that comes, it's going to be a tough time for this county because we're not prepared. And I'm happy to have the representative from Commissioner Regalado's office here who she has been a staunch advocate for the transition of septic to sewer. I know that she's working on a litany of different things, and I'd like for him to please come up, Mr. Escarrá, if he can, to talk a little bit about some of the things that they're working on. We're in a tough position right now, and I'd like to see kind of like what do you foresee in the future? What's going on? What do you think?

Anthony Escarrá: Well, that's a -- Let me introduce myself first. Anthony Escarrá, 111 Northwest 1st Street. I am here representing Commissioner Regalado from District 7, which is the district Commissioner of King's Bay as well. Mr. Mayor, Vice Mayor, Commissioners, Peter, City Manager, thank you for having me here and speaking before you. There's a lot of things going on

with septic to sewer. We've been here -- I know that my Commissioner's been here several times. Oh, and I would like to also say that I am also a neighbor. I also live in the City of Coral Gables. I gave my work address, but I also live here. There are many things that are in the pipeline, and you're absolutely correct that the mandate is looming, right. If the not-in-my-backyard situation continues, this is a priority of our county, of our cities, and a priority of the state. As you've seen, there's also the toilet to tap conversation going on. This is not going away. This is something that, as your City Manager mentioned, has been something that has done through special assessments throughout the County. Our laterals are put in by developments. The situation that was brought up, I think, by the Vice Mayor, was probably a lateral that was put in by a development that then required the adjacent owner to connect to because of their new construction -- right? -- but the County probably didn't put in that lateral on their dime, right. It was -- it's passed on to the consumer through the sale of the property, et cetera, right. So, that's one of the other reasons that our property values go up is because of all this infrastructure that needs to be done throughout the County. I think I answered partially your question.

Mayor Lago: Could you also, Mr. Escarrá, talk about -- just to show you where the County's headed -- the Watershed Board. I'm the Vice Chair of that board. I was nominated by...

Mr. Escarrá: Well, there is also the Septic to Sewer Board that we're trying to get impaneled, getting our other Commissioners to put people in to try to work these situations specifically out. We know that this is coming. We know it's going to be an expense on our residents. And finding the money for it is going to be difficult, right. It's not going to be easy. And these kind of grants are exactly what makes it a little more bearable. I mean, unfortunately, I didn't do the numbers, but it would be, I think, about a third more expensive, but for the grant, right. Also, we would like to say that if there's any way that we can try to help find more money for this particular project as quickly as possible, we would be more than willing to help with that as well. Go ahead.

Mayor Lago: To put it on the record, the County, obviously due to the structure of the grant, has limited abilities currently -- correct? -- in regards to this issue?

Mr. Escarrá: Absolutely. It's also a State grant, not a County grant, right. And we very much appreciate that you guys went out and applied for that grant and got that approval for it. I mean, I know that it had to have been difficult. You know, it was a very short window of time. You guys did an assessment of your vulnerable areas within the City and found that this is a prime candidate for that.

Mayor Lago: Naomi, would you mind joining us for one second?

City Attorney Ramos: I just did the little calculation. It's almost half. The total cost would be 6.162, and this is 2.75. So, if you divide it by two, you're talking about close to \$3 million. This is close to \$3 million at 2.75.

Mr. Escarrá: I don't know what...

Vice Mayor Mena: That's not counting connecting.

Mr. Escarrá: And there's another thing that you guys might want to consider is that when you're bidding this out with whomever you're bidding it on, to look for a group rate on that other part, the private portion of it, and maybe you can reduce their costs because they're probably looking for individual pricing for their projects -- right? -- and this one in particular is X and maybe a group price would be -- you know, since they are going to be 150 affected residents, there's negotiating power...

Commissioner Anderson: Right.

Mr. Escarrá: That comes with that -- right? -- so that's another thing that we can consider in reducing that price for everyone.

Mayor Lago: Naomi, will you introduce yourself, please?

Assistant City Attorney Levi-Garcia: Good morning. Naomi Levi-Garcia, Assistant City Attorney, and Intergovernmental Affairs Manager. I lost my voice so...

Mayor Lago: No worries, no worries.

Assistant City Attorney Levi-Garcia: Bear with me.

Mayor Lago: Can you talk a little bit about the grant and talk a little bit about what opportunities do we have? Because I look at this grant -- right? -- I see the \$3 million -- close to \$3 million. I see that this is the last coastal community that hasn't been transferred over from septic to sewer, and that's a big, big issue that's looming. And in a year or two years, if there is a mandate from the state, the residents are going to be footing the entire bill, correct?

Assistant City Attorney Levi-Garcia: Yeah, I assume so unless we...

Mayor Lago: So, I'm just...

Assistant City Attorney Levi-Garcia: Have money that's available to contribute.

Mayor Lago: So, we just...

Mr. Escarrá: Yeah, the grant is available now.

Mayor Lago: That's fine. I'm going to vote no. It's perfectly fine. We'll vote no, but my big concern is, when you get a bill that's 50 percent more and we have this money here now, is there any way that we could find other money --? Is there any --? I'll fly. Look, just so you know, this Commission has never gone to Tallahassee, in my opinion, more than one time in a session. This Commission went four times this year. At one point, we had the entire Commission. We met with the Governor. We met with the Speaker. We met with the Senate President. We met with leaders from all over the state of Florida. We spent days lobbying on behalf of -- advocating on behalf of the residents, and it's going to be shown, God willing, when the Governor signs the budget, where we're potentially going to get three or four times more money than we've ever gotten before from the State for projects, and that's as a result of staff and this Commission's advocacy and going to Tallahassee. We're not shy from working, neither are you. What can we do to --? We don't have the votes today to get this done. I don't want to turn away \$3 million. What do I do? Because I'm going to look at a situation where if I'm here in two years, and there's a mandate from all coastal communities, and this is the last one in our neck of the woods, and they come back to me and say, "What do we do then?"

Assistant City Attorney Levi-Garcia: So, I think our hardship here, Mayor, is the time constraint. I mean, the water quality money that was made available through the State will be available on a recurring basis through the Department of Environmental Protection. As you all know, water quality, whether it's the aquifer or ground water, the bay was a major priority for Governor DeSantis, but we're under a time constraint here. So, even if we attempted to pursue another grant to cover, you know, the local match or even potentially attempt to cover some of the costs that would be associated with individual homeowners -- which I doubt would be eligible -- we don't have the time now to do that in the constraint that we have in which to build this project.

Commissioner Anderson: Okay. Let me ask you this question. We have a time constraint to put down our main pipes. Does that same timeline apply to the residential hook-ups? Because

typically, it's about a year after the gravity -- you know, the main lines are put down that the state statute requires the homeowner to pick -- to hookup.

Assistant City Attorney Levi-Garcia: So, the time constraint connected to the grant is for the public infrastructure portion of the project. The time constraint connected to individual hookups is in our City Code. I believe they have a year to connect.

Public Works Director Diaz: It's actually 120 days. But in our discussions with the Manager, one of the things that we discussed was potentially extending that further.

Commissioner Anderson: Okay. So, if we extend it further, can we seek out some more money for private hookups?

Assistant City Attorney Levi-Garcia: Again, you know, there's no guarantee. We can always go out and look for money, but how would you pay --? The question I think the Commission needs to ask itself is, how would we then pay for the entirety of the public infrastructure portion of the project, which is what the \$6 million is for?

Commissioner Anderson: Okay.

Mayor Lago: Well, I mean...

Commissioner Anderson: Thank you.

Mayor Lago: Listen, again, I'll worry about that, I mean, but I got to figure out how I don't lose this money, you know. That's what I got to -- I'll find something. I mean, like, for example, when we had the building at the Biltmore collapse, we didn't think we were going to be able to get grant money, and we went to the State, and we were able to get the grant money because you applied

for that grant money on the same day, the last day, and we were able to go over there and advocate for that money. So, I'm a believer that we can always find -- where there's a will, there's a way, especially in a year where there's more money than ever in the state budget. But I just think that we have to have a real conversation about something that carries, I think, in my opinion, this much weight for the environment, along with infrastructure.

City Manager Iglesias: And Mayor, State grants are generally matching grants.

Mayor Lago: Yeah, I know.

City Manager Iglesias: They're not generally 100 percent grants.

Mayor Lago: I understand.

Commissioner Menendez: I have a question. Naomi, if at some point, the State mandates this across the board, when the State has man -- perhaps created similar mandates, is there a history where the State provides the financing mechanism for folks like, I think the PACE program, things that have been -- to sort of lessen the burden on private sector? Because I can only -- I mean, nowadays, you never know what the Legislature's going to do, you know. Nobody really can predict the future, but you know, one would hope that if they do a mandate across the board, that at the same time, they create some financing mechanism to take the burden off of the residents.

Assistant City Attorney Levi-Garcia: So, I don't have a crystal ball, but I can speak at least based on my knowledge of the Florida Springs and Aquifer Protection Act that passed in 2016. Under that act, local water management districts, and local governments, and DEP were instructed to work together by the Legislature. And you know, where the BMAPs, the Basic Management Action Plans dictated that some additional remedies had to be offered due to septic tank and pollution of -- Can you tell I'm knowledgeable about this? -- to the springs, additional funding is

supposed to be targeted and made available to those high-priority areas. So, not a funding mechanism like the PACE program, but additional funds are supposed to be generated and allocated to those areas where the different agencies are instructed to work together. So, I don't know that we would fall under that kind of, you know, purview or that the Legislature would target South Florida in the same manner, but that's what's happening with the communities that surround the springs, the major springs of Florida.

City Manager Iglesias: And Commissioner, this is a Florida Department of Environmental Protection grant, so this is working together. This is what they're -- you're talking about working together. And let me just say that the current sanitary sewer district that we have were done as special assessments, which means the funding was through the City. Those were done in the '50s and '60s, and then of course, as I mentioned, we started a \$15 million project in '72. That project, we spent about a million, or a million and a half dollars. It's hard to get everything -- that was 50 years ago, and get everything that actually happened. But at that time, it was stopped, and the grant was paid back in '88 of about \$14 million.

Vice Mayor Mena: Yeah. And look, I don't want to be flippant about the availability of the grant funds. But if we're operating under the premise that a mandate is coming one way or another, I also go to think that if there's grant monies available today, there will be grant monies available when that mandate -- that inevitable mandate that I hear about is in place. I mean, it typically is. Will it be the same amount? Will it not be the same amount? We don't know. We don't have a crystal ball. That's totally fair. I also think the residents who are here are making that decision, and they're comfortable making that decision, and they probably all very clearly understand that. You know, it's like when you go, you know, and you buy a TV or something, and they're offering you insurance on the TV, and you're like, "No, thanks." And then you know if your TV breaks in a year, you're going to have to buy a new TV. Alright, well, you make those decisions every day in all kinds of aspects of your life. So, again, I'm not trying to be flippant about the availability of these funds. It's important. If we can find other funds in very short order with the constraint, then

let's have a conversation. But right now, we don't have that. And you know, the neighborhood has been very clear about what their position is on footing the bill for it, so that's...

Mayor Lago: Mr. Escarrá, you wanted to say something?

Mr. Escarrá: Yeah, I did. It was specifically to Vice Mayor's comments about TV insurance or something to that effect. This is more of a philosophical comment -- right? -- but we're talking about the tragedy of the commons here. This isn't about, you know, somebody's TV. This is about our environment.

Vice Mayor Mena: Sure.

Mr. Escarrá: It's a little different, the impact that the individuals -- individual decisions make with respect to our environment -- right? -- and this is somewhere where we can help in a phenomenal city. We call it the City Beautiful for a reason, right?

Vice Mayor Mena: Right. But if it's the tragedy of the commons, the County is within its realm to increase taxes to everybody to fund it. The state can do...

Mr. Escarrá: These are popular options.

Vice Mayor Mena: Yeah, but you're asking for one community to bear the cost of the tragedy of the commons...

Mr. Escarrá: Well, no...

Vice Mayor Mena: And that's not...

Mr. Escarrá: With grant money, and we are also trying...

Vice Mayor Mena: No, I -- and I appreciate that.

Mr. Escarrá: And trying to get you more money for that particular...

Vice Mayor Mena: No, no.

Mr. Escarrá: Particular project.

Vice Mayor Mena: Listen, again...

Mr. Escarrá: That's why I'm here.

Vice Mayor Mena: That would be fantastic. In the conversations I've had with residents, I have said, listen, if this thing was fully funded, this would probably be a very different conversation. That's just not where we are so...

Mr. Escarrá: I doubt that any system -- any septic to sewer system that isn't in a LMI area will be totally funded. I'll be very frank in that regard.

Vice Mayor Mena: Sure.

Mr. Escarrá: You know, there probably are going to be areas or systems in LMI areas that will be funded fully, but not in non-LMI areas.

Vice Mayor Mena: Yeah, but the point I'm...

Mr. Escarrá: I mean, I'm being frank, right. I don't...

Vice Mayor Mena: As...

Mayor Lago: And that's the type of conversation...

Vice Mayor Mena: As am I.

Mayor Lago: We want to have here.

Vice Mayor Mena: No, no, as am I. And I think this is a very good and important discussion to have. The -- but the point I'm making is that if the mandate comes because of the gravity of the situation you're talking about, these residents understand that there will be a mandate, and there will be costs associated with it, and there may or may not be grant monies available at that time, and they may end up having to pay more money. Or they may move in three years to a house that already has sewer, or they may move to another state, or they may do whatever they do with their lives, but they will be able to make decisions in their life that have consequences, and they'll live with those consequences. But this is different than that. This is us coming and saying, "We have this grant. We have this tight timeline. You need to do this now." And that's -- that does not give them the opportunity to plan and to, you know, do those things. So, again, this is a very philosophical discussion.

Mr. Escarrá: Yeah, yeah.

Vice Mayor Mena: I appreciate -- I'm not a naysayer on the importance of septic to sewer. I don't want anybody to take that away. But I also don't necessarily think it's right to have one neighborhood be the flag bearer for the issue while the rest of us -- I live in Pine Bay Estates, a few blocks away from -- you know, up the road, Old Cutler, from King's Bay. I have septic. I'm

not going to pay \$40,000. Nobody's converting my neighborhood yet. So, how can I sit here and pound the table for the importance of this issue and have them pay the bill for it...

Mr. Escarrá: Yeah.

Vice Mayor Mena: While I'm not paying monies towards, you know, Biscayne and -- these are tough issues.

Mr. Escarrá: Yes.

Vice Mayor Mena: And all I'm saying is, I think all of the people who live in this neighborhood appreciate the -- I've used the gravity word now three times. They appreciate the gravity of forgoing the grant monies that are available now, potentially, and the cost that that may have to them in the long-term or not, you know, depending on the decisions they go on to make. So, that's -- you know...

Mr. Escarrá: So, what I came here today to ask is that you not reject the money today, is if you could possibly maybe defer it and see if, working together, we can find maybe some more money that'll make it more palatable to the community. And then come back, and at that point, make that decision, if that's possible, we would appreciate that.

Commissioner Anderson: Before I make a motion on that...

Mayor Lago: I want to hear also from -- before we even move in that direction, I want to hear from Waterkeepers.

Public Works Director Diaz: And if I may -- and I...

Mayor Lago: Yeah, and the residents too.

Public Works Director Diaz: The only concern that I have from our end is that eventually, if somehow, we get additional funding, you know, we still have that deadline, and as it is right now, it's very, very tight. There are going to be rainy days. There are going to be conflict.

Mayor Lago: That's fine.

Public Works Director Diaz: If I lose a month, if I lose two months, I cannot guarantee that I'm going to get it done on time.

Mayor Lago: By the way...

Public Works Director Diaz: That is our concern. Unfortunately, we were driven by the conditions of the grant.

Vice Mayor Mena: Is that -- is the deadline really that rigid? Is there no...?

Assistant City Attorney Levi-Garcia: Apparently, it is, yes. These grants haven't been around very long. I think this is only the second year of the grant, but we've had -- and I'm not the grants person actually. I know about this more from the legislative standpoint, but our grants coordinator has been in constant contact with DEP, and apparently, the timeline is this rigid.

Commissioner Anderson: Right.

Mayor Lago: But listen, this is simple. If you want to get communities on board, this is the only route that we have.

Commissioner Anderson: Right.

Mayor Lago: If we don't get the funding, then we can't move forward.

Commissioner Anderson: The -- on the cost issue -- I'm going to give you just a brief history of what Tallahassee did. And this is from a flyer in this 1000-plus page document that you all can take a look at. So, the City had long required residents with failing sep tanks to connect to the City sewer system if available at the customer's cost. This will continue to be the mechanism for eliminating septic sewer -- septic systems in sewerred areas. The SOS program is a voluntary program that has been funded through two State grants. The SOS program was an application process for people of low income who qualified to be able to have their connection -- private connection done. It's an example that the City of Tallahassee did -- or I should say the Tallahassee area. Again, the private connection issue that the group type pricing is always a better way to go. I did it with my solar panels. It saved a lot of money. And...

Mr. Escarrá: And Commissioner...

Mayor Lago: So...

Mr. Escarrá: I do apologize. I said LMI, low median income, right?

Mayor Lago: Yes, you did.

Mr. Escarrá: Sorry about that.

Mayor Lago: You did, no worries. I'd like to hear from Waterkeeper one second before we hear from the residents. Please do me a favor and...

Mr. Escarrá: Thank you very much.

Mayor Lago: Tell Commissioner Regalado thank you.

Mr. Escarrá: Absolutely.

Mayor Lago: And we appreciate you being...

Commissioner Anderson: Thank you.

Mayor Lago: Here as always. Thank you.

Mr. Escarrá: And she apologized for not being able to be here, but...

Vice Mayor Mena: Okay.

Mayor Lago: No worries. She's always here.

Mr. Escarrá: Thank you.

Mayor Lago: It's all good. We appreciate her sentiments.

Mr. Escarrá: Thank you.

Mayor Lago: Thank you.

Audrey Siu: Thank you so much for having me.

Mayor Lago: How are you?

Ms. Siu: I'm happy to...

Mayor Lago: Good afternoon.

Ms. Siu: Always happy to talk about septic tanks.

Mayor Lago: Yes.

Ms. Siu: I have a little presentation that I prepared, but I think you guys are all pretty well aware. But I did want to provide...

Mayor Lago: No, you could show it.

Ms. Siu: A little bit of the historical context. And to -- I do want to start off by encouraging you guys not to turn down the grant today, but to work with the County, work with the State, work with the City financial managers to try to find other solutions to help cover these costs because they are high costs. I totally understand everybody's concerns about that. We've put together a list of alternative funding mechanisms through our septic research we have on our website. I'm happy to provide. There's at least three EPA grants. There's bond opportunities. We can -- people have done it where, you know, you don't pay the cost until you sell your home one day. But I think a lot of you have brought up the point that this is coming and soon you're not going to be able to replace your septic tank. There's already a septic disclosure ordinance that means you have to disclose that you have a septic tank. That could start affecting property values. So, I do encourage you all to try to work through and find these solutions and maybe give yourself a little bit more time, maybe let the City start doing the planning while you're seeking these alternative funds. Maybe not --it's not over 10 years; maybe it's over 20 years. I don't know the City's, you know,

financial capacity to do those things, but just there's a lot of ways that other communities have found to support the septic to sewer conversions that I think are, you know, potentially applicable here. I understand that we're in a rush to accept the grant, but I think if you say no to this grant, the State's not going to be eager to give you grants in the future is the problem. And I think this is -- these State or federal grants are really the way to offset these costs of what is across the county estimated to be a \$4 billion dollar problem, and so it really is significant. And I don't know if you guys want me to unmute on the Zoom. I've got a...

(COMMENTS MADE OFF THE RECORD)

Ms. Siu: No? Okay. So, I'll just run through this quickly because I think a lot of it is covered, but I think you guys have given me the ability to share. Did that work? It worked. Alright, little Dr. Strange Love reference there to start us off. Septic tanks. I'm also a resident of Coral Gables. I also have a septic tank, would love to get rid of my septic tank if you want to come do my street. That would be fantastic. So, the reason why we're so concerned about septic tanks is because you have a septic tank, when you flush your toilet, it goes into a tank buried in your property, right? The solids settle. The liquids come over the sides. It goes into the drain field. It's supposed to percolate through about two feet of dry ground before it hits the water table, and then the waste is carried away. But there are two problems for that right now in Miami-Dade County. One is that we just don't have really the geology that makes septic work very well. So, here we have a lovely example of what our bedrock looks like. It looks like the Swiss cheese of rocks. We have this very porous limestone geology, and that means that there's not a lot of filtration of the waste when it goes through the dry ground. We also are dealing with sea level rise. So, the County has estimated that 56 percent of the septic tanks around the County -- of which we still have 12,000 septic tanks -- are no longer functioning properly because the water table has risen because of sea level rise, and that means that we no longer have two feet of dry ground. And that's why the septic tanks are considered compromised or vulnerable. And I'm going to talk a little bit about what it means if you don't have a functioning waste system in your home. And people have brought up

Biscayne Bay, but there's another angle of this, and that is there's a clear public health risk when you don't have a functioning waste system in your home. Why do we have 120,000 septic tanks in Miami-Dade County? This was supposed to be temporary. Miami developed very, very quickly, and it developed faster than the sewer lines could be placed, so the lines went in, the homes -- or the lines never went in, but the homes were built with septic. One day, as soon as the lines come in, we're going to hook up. In 1970, Miami-Dade County passed an ordinance, you have 90 days to hook up once the lines come, which basically has not been enforced. And now we have all of these areas that have had septic tanks for, you know, 70 years or more. 1949, article in Look Magazine called Polluted Paradise, all about the septic tanks polluting the area and Biscayne Bay. 1970, Federal Government came in, pre-EPA, and they said -- they did a whole study on the pollution of the waters of Miami Dade. Number one conclusion, septic tanks are contributing to over-fertilization, algal nuisances, and are public health hazards. We knew that back in 1970. So, what happened after this report came? Well, the Federal Government came in and said, "Miami-Dade County, you need to get rid of all of your septic tanks by 1990." They gave the County \$500 million to build our three sewage treatment plants and to get rid of all the septic tanks. So, the County had a strategic plan in 1972 that said, you know, we're going to -- here's how we're going to get rid of all the tanks. Here's how we're going to hook them up. But instead of hooking up the existing septic tanks, they built new development and sort of leap frogged the areas that had septic and built the lines out further to continue the development. So, here we have this, you know, 50-year-old problem that has not been fixed and the can sort of keeps getting kicked down the road, and here we are today where we have also sea level rise threatening our septic tanks. The County has said half of them don't work. What happens when your septic tanks don't work? This is a new septic tank being built, where you can see that they do not have two feet of dry ground. The septic tank is already flooded before it's even gone in, and that is actually -- that was in the City of Miami, but in the same area, in south Coconut Grove. So, we have the 56,000 tanks already compromised today.

Mayor Lago: So, could I ask you a quick question?

City Commission Meeting

April 26, 2022

Agenda Item I-3 - Resolution of the City Commission accepting the King's Bay Gravity Sanitary Sewer System Grant from the Florida Department of Environmental Protection's Coral Protection and Restoration Program and authorizing the City Manager to execute an agreement with FDEP for said grant; directing the City Manager to develop the estimated local improvement assessments to be imposed on all benefitting properties to fund the project cost not covered by the grant. Page 41

Ms. Siu: Yeah.

Mayor Lago: Sorry to interrupt you. Can you go back to that picture? What happens? What was the outcome? Did they just...?

Ms. Siu: They built the septic tank, and it just doesn't work. But we're -- the -- in 1970, they said don't put in a new septic -- any new septic tanks in Miami-Dade County, and there was supposed to be a moratorium, and it was just not enforced. So, we have septic tanks that are going in that don't function, and that's what this new County ordinance is trying to address, that if there is not the two feet of dry ground or you're in a certain buffer zone around the bay -- and the State's also looking at similar laws. You know, you're not allowed to put in new septic tanks anymore.

Commissioner Anderson: And then you also have the storm surge to deal with.

Ms. Siu: So, I'm going to talk about that right now as well. So, this was an email that I got from the Florida Department of Health. Real email, November 2020, floodwaters pose health risks. It goes through what to do if you come in contact with floodwaters. Well, if you have a septic tank, it says, "If you cannot use your plumbing without creating a sanitary nuisance, such as sewage on the ground, consider renting a portable restroom for a temporary period or moving until local conditions improve." Okay, so the recommendation from the Florida Department of Health is if you have flooding in your property and you have a septic tank, you may have raw sewage on the ground. This means that they recommend renting a porta potty and putting it in your yard and trudging through potentially raw sewage during a storm, out to the porta potty and not to use your toilet. I mean, this is like a real email from the Florida Department of Health of where we are right now with the septic situation. I find that quite a surprising email to have received. Federal Government, Army Corp of Engineers came down. Congress said go do a study of what to do about storm surge in Miami-Dade County. One of the things that they said, they identified septic

tanks as a real risk during storm surge. When septic systems are compromised, bacteria, viruses, and organic waste are not properly treated or filtered by surrounding soils entering the groundwater and surface water. So, we have a situation here in Miami-Dade County where half of these homes -- so over 50,000 properties don't have a functioning waste infrastructure, and that is really not a discretionary problem. We must fix that. There's these new regulations that everybody has mentioned. There's going to be buffer zones. There's setbacks, there's disclosure ordinances. So, here's really some of the benefits of septic to sewer. You can actually expand your home if you get rid of septic. You don't have to worry about keeping your drain field empty. You can get a permit to add more rooms in your home because you don't have to worry about your -- overloading your septic tank. You don't have to worry about contamination of your property after storms. You don't have to worry about how the new septic tank can one day affect your property values, or one day having to put in one of these expensive new septic tanks where they're next generation septic tanks and you actually have to power them. They actually are very, very expensive to run because they're power-intensive and energy-intensive. And then if you lose power, like you could have the situation where you have to have a backup, so you have to have a generator for the septic tank. So, instead of doing that, you have this opportunity to potentially hook up to sewer. You don't have to have things backing up in your home, repairing your septic tank, pumping it out, you know, repairing it, and of course, there's the contamination of Biscayne Bay piece too that we've known for over 50 years -- more than 50 years as a problem for the bay. But you know, again, I understand everybody's concerns about the cost, and that's really been the reason why we have not done more septic to sewer because it is expensive. So, I really -- I think that these grants are a great first step. I really encourage the Commission not to say no today, but instead to work with the community and work with the financial folks and the County, the EPA potentially, and figure out a way where maybe you can start and keep the timeline by starting the first steps of the project or doing as much as you can with the grant money while you try to figure out how to fund the rest of it over maybe a longer period of time, or using one of these other revolving loan fund, you know, bond, grant, the water infrastructure grant program funding that's available. So, happy to answer any questions, but that's sort of the historical framework of where we are and how we got here to where I

understand, you know, now the residents of King's Bay feel like they're being targeted. But it really is this -- a broader issue that we as a community all need to find solutions on how to pay for it, frankly, so.

Mayor Lago: So, first off, thank you for always being here and always advocating for the environment. I think it's important. As the noose gets tighter around the City and around this community -- and I hate to use that word because that's what's actually happening. We felt it in Tallahassee.

Ms. Siu: Yeah.

Mayor Lago: As the consent decree is already in place, and I don't know if maybe we could explain to everybody here what's going on with the consent decree.

Ms. Siu: I'd be happy to.

Mayor Lago: I think it's critically important so people understand what's happening in regards to wastewater treatment and potentially even more taxes that are coming down the line because the County can't pay for this. The City can't pay for it. Federal Government doesn't have the infrastructure or the money to pay for it. So, what do they think? They think the best thing to do is obviously tax the residents, and it's going to be a tax that's going to come from the County. What other options are we left with? What other options have you seen other municipalities in Miami-Dade County or at the state level?

Ms. Siu: Yeah, I think, you know, there's the grant funding is a great start. I think that there's -- you know, I've seen these costs spread over maybe more years, maybe 20 years, maybe, you know, it's a lien on your home that you don't pay until one day you sell it, and then it kind of comes out

of the cost of the home. The Keys were able to fund theirs. There's, you know, bonds. Other communities have done bonds to pay for it.

Mayor Lago: So, how did the Keys...?

Ms. Siu: But these are...

Mayor Lago: How do the Keys pay for it?

Ms. Siu: Yeah.

Mayor Lago: Because they did all the Keys.

Ms. Siu: I really am not sure what the Keys funding mechanisms were. Yeah. Well, we can look into it. I'm not exactly sure what Monroe County did, but they just did, you know, a massive septic to sewer project, and the entire Keys is now off of septic.

Mayor Lago: Okay.

Ms. Siu: And they have actually seen water quality improvements that have been measured as a result of that too. And of course, they're more resilient. They flood all the time. They're subject to storms. You know, it was affecting their economy as well because they were having this algae blooms in the canals.

Commissioner Menendez: I have a question. It was the entire Keys?

Ms. Siu: Yes.

Commissioner Menendez: Like -- which is the difference to what we're doing here? Because here's a neighborhood within the Gables.

Ms. Siu: I mean, they did it over, I want to say 10 years.

Commissioner Menendez: Yeah.

Ms. Siu: It was a long-term project. They did it piece by piece. And again, I'm not 100 percent sure about the funding mechanism.

Commissioner Menendez: But it goes back to what the...

Mayor Lago: Well, I mean...

Commissioner Menendez: Vice Mayor said about...

Ms. Siu: But we can certainly look into it.

Commissioner Menendez: A master plan that would encompass the entire city. I think if we had a master plan that encompassed the entire city, it may be more palatable to our residents to be able to see where we're headed.

Mayor Lago: Commissioner...

Vice Mayor Mena: We're seeking funds for that.

Mayor Lago: That we -- that's actually one of the items that we got funded...

Vice Mayor Mena: Right.

Mayor Lago: Through the State and through the House, and now we're just waiting, hopefully, so it won't be vetoed by the Governor when he signs the budget. That's -- I think it was about \$500,000 to do a master plan study for the entire city. That's forthcoming.

Commissioner Anderson: Right.

Commissioner Menendez: It will help greatly.

Commissioner Anderson: Yeah, historically, with some of the other cities, what they did is with the master plan money, they did these priorities, such as King Bay is subject to storm surge and other factors that would require it to be a high priority. Areas along -- I know Tampa Bay, they did some testing. They had the tracers. They showed that it was impacting there, so those were higher priority. I can forecast, you know, just based upon elevation levels that I've looked at along the waterway, that's going to be another targeted area, and those residents are ready, willing, and able to move forward as well. But it's a long run, and it's going to be a much more difficult run to do than it would be at King's Bay. So, if anybody...

Mayor Lago: So...

Commissioner Anderson: We need public comment yet so...

Mayor Lago: Yeah, I just wanted to get to public comment. You wanted to say something, please?

Ms. Siu: Yeah, I know the County's developed a risk-based assessment for how they would prioritize septic to sewer conversions around the County, so they've already started looking into how that might work, so that could be something helpful to the City as well. And I -- you know,

and I do think that there's potentially opportunities at the County to get some matching funds, but the risk is, you know, saying no to this grant today may mean that they're less likely to give grants for these kinds of things in the future. And so, if there's some way that -- and you know, I'm a marine biologist. I'm not a finance person, but I'm sure you guys can, you know, come together and sort of figure out if there's opportunities to keep the timeline and get started, but then figure out sort of the rest of the funding later. I don't know if there are not but...

Vice Mayor Mena: Isn't it kind of curious that the County -- I think it was the County or the State. Is it the County that's passing the legislation for new septic systems to have to be the --? Like, so how do I reconcile that with the notion that a mandate to sewer is imminent when...

Ms. Siu: I'm not sure what the question is. I mean, if...

Vice Mayor Mena: If the County's...

Ms. Siu: If you're going to...

Vice Mayor Mena: Passing a law saying when you put a new septic tank, it's got to be this new fancy septic...

Ms. Siu: Yeah.

Vice Mayor Mena: Tank, then it doesn't sound like they're saying you have to go to sewer.

Ms. Siu: I think they're acknowledging that it's going to take some time to put in...

Vice Mayor Mena: Right.

Ms. Siu: The sewer infrastructure everywhere.

Vice Mayor Mena: Right.

Ms. Siu: And in the interim, that you're not going to be able to put in the same old kind of conventional septic tank that we have had because they're not working anymore. And I mean, I think it's imperative that people have functioning waste infrastructure so (INAUDIBLE)...

City Manager Iglesias: Vice Mayor, I think where you don't have infrastructure, how do you do it? You have no choice but to go to something else...

Vice Mayor Mena: Right.

City Manager Iglesias: In the interim.

Vice Mayor Mena: But if there's a mandate in the next year or two, which is...

Mr. Escarrá: So, the...

Vice Mayor Mena: I'm asking.

Mr. Escarrá: Your question is more like inside baseball kind of stuff.

Vice Mayor Mena: Well, I'm just trying to understand.

Mr. Escarrá: But the reason that that...

Vice Mayor Mena: I wasn't part of that, so I'm trying to understand, you know.

Mr. Escarrá: The reason that that particular legislation seems to maybe not go far enough is because of holes that are in the County by Commissioners and they're not allowing legislation in that area. If not, there would have been more aggressive.

Vice Mayor Mena: Gotcha.

Mr. Escarrá: We've tried other -- you know, earlier there was talks about the calculation of feasible distance. If we change that, that would require more septic tanks, but we can't change it because of holes that are being -- that are within the County. So, yes, trust me, there is -- it is coming.

Ms. Siu: It's coming.

Mr. Escarrá: It may not be right now, but it will be happening, and that's why some things don't happen as quickly as maybe we want them to.

City Manager Iglesias: And...

Vice Mayor Mena: I mean...

City Manager Iglesias: And actually...

Vice Mayor Mena: You just told me it's been happening for 50 years.

Ms. Siu: Yeah.

Vice Mayor Mena: Right, that's the lesson...

Ms. Siu: But I think it's -- yeah.

Vice Mayor Mena: The chronology you just went through.

Ms. Siu: Yeah. I mean, yeah, we've had...

Vice Mayor Mena: Conversation that's been happening for decades.

Ms. Siu: And I think, you know, I think it's -- we can't -- we are at the point now where we -- in the combination with sea level rise and the failure of this infrastructure, we cannot keep kicking the can down the road because people literally do not have waste treatment in their homes, and that's just untenable for the future of the community. I mean, you know, not only for Biscayne Bay, which is supporting our, you know, real estate economy. I mean, I think Mary told me that 25 percent of the tax base of the City is waterfront homes...

Mayor Lago: Yeah.

Ms. Siu: On Biscayne Bay. You know, we've got our tourism economy. Eighty percent of tourists who come to Miami go in the water when they're here, and you know, we have these massive fish kills and algae blooms. I mean, that's catastrophic for what Miami is.

Mayor Lago: So...

Ms. Siu: We're all about our water. But again, you know, I think it's -- we just cannot keep building new developments on top of old infrastructure. It's just not working anymore.

City Manager Iglesias: And also, I think that -- we've talked about the Keys. Well, Monroe County is kind of ahead of the curve because they've had the water issue, they've had a number of

environmental issues that really has dictated development, and so has really pushed for that sewer system.

Commissioner Fors: And wasn't Monroe County mandated by the State specifically? I think the Florida Keys were specifically mandated by the State, so they didn't have a choice.

City Manager Iglesias: It's very susceptible to everything, so they're really ahead of the curve.

Commissioner Fors: And I think it was in the late 90s. Just quick Google research. I knew this off...

Vice Mayor Mena: Is that...?

Commissioner Fors: The top of my head.

Vice Mayor Mena: Because that's the...

Ms. Siu: Yeah, they have a special like...

Vice Mayor Mena: Isn't that the bottom line at the end of the day? Until there's a mandate...

Ms. Siu: Government structure.

Vice Mayor Mena: Like...

Commissioner Menendez: My...

Ms. Siu: So, you guys want the State to come tell you you have to do it? Is that the...?

City Commission Meeting

April 26, 2022

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Commissioner Menendez: Well, my...

Mayor Lago: No, but listen, I think that we...

Ms. Siu: I'm just kidding.

Mayor Lago: Let's...

Vice Mayor Mena: Or they can cut the check for the residents for 40,000 bucks, either way.

Ms. Siu: No, I...

Vice Mayor Mena: You know...

Ms. Siu: I agree that the cost is...

Vice Mayor Mena: But there's no answer for that other than...

Mayor Lago: Well, let's...

Ms. Siu: Well, I think that there are...

Vice Mayor Mena: Looking...

Ms. Siu: Probably other ways to...

Mayor Lago: Can we...?

City Commission Meeting

April 26, 2022

Agenda Item I-3 - Resolution of the City Commission accepting the King's Bay Gravity Sanitary Sewer System Grant from the Florida Department of Environmental Protection's Coral Protection and Restoration Program and authorizing the City Manager to execute an agreement with FDEP for said grant; directing the City Manager to develop the estimated local improvement assessments to be imposed on all benefitting properties to fund the project cost not covered by the grant. Page 53

Commissioner Menendez: For these residents, you know, I'm not comfortable saying, "Hurry up and do this because a mandate's coming." I don't think we should phrase things in that way, and I don't want to feel -- put them under the pressure, do it, because this is coming. It's like buying the first unit in a building, and you're the first one who bought it, and then a year later, you find out the prices came down and everything else, and you're the one who got stuck with the highest price. So, I just -- you know, mandate's one thing. What they're facing, what we have to decide tonight is...

Ms. Siu: I totally...

Commissioner Menendez: Is another thing.

Ms. Siu: Understand. I just think maybe there's a way to keep the timeline, accept the grant, and then figure out a way to bring the cost down for (INAUDIBLE).

Mayor Lago: And that's what I'm trying to say.

Ms. Siu: Which again is sort of (INAUDIBLE).

Mayor Lago: But I'll give you another example. Maybe you don't want to be the first person that buys in a building, but don't forget, if the economy has been good and you're the first one to buy in the building, the property does appreciate. So, your unit -- you could be in a situation where the rest of the County could be paying a lot more money because they don't have a grant that's going to cover the entire County, but we'll cross that bridge when we get there. What I would like to see -- I'm again -- again, before -- because I've seen -- I've heard some, you know, comments from the residents. I'm going to vote no, don't worry. I voted no against \$160 million for parks. I'm going to vote no because it's another tax. But I'm just telling you, I think it's a shame, it's a shame to let

this go. And I'm telling you, it's going to come back, and it's going to rear its ugly head on us, and I have a feeling -- I don't want to say I told you so, but it's going to come back. If we can't find additional money to get this done, it's going to be a big problem. I want to hear from the residents, but I want to not turn away...

Ms. Siu: Thank you.

Mayor Lago: This grant. I want to at least give staff the ability for a month or two months to figure out how we can find -- if there's additional funding. But don't forget, just because if you do find additional funding, then the residents are going to tell you that they don't even want to pay for the connection inside their property.

Unidentified Speaker: That's a great point.

Mayor Lago: They're going to come back and going to say, "But I don't want to pay for that connection either."

Unidentified Speaker: Right.

Mayor Lago: "You got to find me a grant for that also."

City Manager Iglesias: Mayor, we have a very, very short time...

Mayor Lago: Yeah, I know.

City Manager Iglesias: To accept the grant, almost -- so I'm not sure how much time we really have to...

Mayor Lago: I got it. I know.

Commissioner Menendez: I have a grant-specific question. When we applied to the grant, did it say where we were going to get the funding to cover the rest of it?

Unidentified Speaker: We're supposed to match.

Commissioner Menendez: I mean, did it -- did we say it's coming from the residents, coming from --? I mean, can we be creative? Just to understand the grant a little bit better. I don't know who...

City Manager Iglesias: We expected a match.

Commissioner Menendez: Has the details.

City Manager Iglesias: It is a matching grant, so we expected that the difference would be through the City, and we expected the difference to be through general obligation bonds, which is what was done before for all the other sanitary sewer districts.

Commissioner Menendez: But are we bound by the terms of the grant to specifically say our match comes from this source?

City Manager Iglesias: No, we're not. I don't believe we -- no. I don't believe so. But we have a very short period to accept it.

Vice Mayor Mena: I don't think they care as long as somebody...

Commissioner Menendez: No, I mean, sometimes there's wording...

City Manager Iglesias: As long as we have the money.

Commissioner Menendez: Sometimes when you respond to a grant and you specifically write something, I mean, you're bound to what you wrote, so I just want to know if there's wiggle room.

City Manager Iglesias: No, I believe the State grants are -- the State grants that we have are matching grants, and the matching portion is our problem, not the State's problem.

Mayor Lago: Okay, so I want to hear from the residents if possible. Mr. Clerk.

City Clerk Urquia: There was a gentleman who said he wanted to speak on behalf of the residents and not take so much of the Commission's time. Sir.

Miles Maronto: Thank you, Mr. Mayor, Commissioners. My name is Miles Maronto, 6230 Dolphin Drive. Since it seems like a forgone conclusion in terms of the finances and the way this is going, we could do 30 speakers of those that are here, and for the next hour and a half, continue on. Talking on the break amongst one another, we said we would be fine if you wanted to hear from a couple of us, or if you want to hear from all -- you know, 30 people. We have more than that here. We're welcome to do so. But I...

Mayor Lago: I'm more than willing to do whatever you like. I'll just -- if you want to put 30 people, I'll just ask you -- we got to take a vote on an item.

Mr. Maronto: Right.

Mayor Lago: So, if you could just give me 20, 30 minutes to vote on something, and then we can come back if you want to have 30 people speak if you like.

Mr. Maronto: I can tell you the residents...

Mayor Lago: Whatever you like. It's fine with me.

Mr. Maronto: Thank you. And we asked that question, and the residents are ready to move forward with the vote. So, just in an overview, I can share where I come from. I've been in King's Bay for 28 years. Raised my family here, it's a wonderful place. A lot of close relationships, some of the best friends in my life. We're a very close-knit community. We have a lot of young families. Two or three, four or five, sometimes six, seven children. Seven, yeah. And we've kind of raised our families together. I can tell you that I could speak to a lot of things. We could speak about the water we drink growing up 100 feet from our septic tanks. My best friend in Pinecrest, literally a stone's throw, is doing the same thing. We can have all those discussions, but that's not why we're here. We could have discussions about the Coral Gables waterway and the significant outflow through that from literally hundreds of septic tanks going from the circle and all the way up through the Riviera and Granada area. We could talk about all that, even going north to US 1. We can talk about all the Gables waterways. So, those are ocean access communities with a stronger flow into Biscayne Bay than where we're at. But that's not why I'm here. I'm not here to tell you that Snapper Creek -- and have an argument about Snapper Creek nearby has more -- one more -- one-third more homes on the water than King's Bay, and they're on septic. I'm not -- but those aren't arguments.

Mayor Lago: But I mean, you're putting them on the record, so just finish up putting them on the record.

Mr. Maronto: Well, yeah, because everyone continue to bring them up. But the purpose for being here...

Mayor Lago: But can I interject...

Mr. Maronto: Yes.

Mayor Lago: One second because you're bringing up several points that I think are important. I said, I'm going to vote no. But let me just tell you something that we have to come to realization. I'm in the bay. I'm a spear fisherman. I'm in the bay. Anybody that tells you that the bay is healthy is lying to you. So, just because you think that it's a global problem, it is a global problem. But we got to start -- everybody has to be accountable. Everybody has to be accountable. I live in one of the highest areas, and I told you this on the phone, when we spent 50 minutes on the phone?

Mr. Maronto: An hour.

Mayor Lago: An hour on the phone.

Mr. Maronto: One day.

Mayor Lago: You called me when I was in a town, and I came out of a business meeting to talk to you for one hour on the phone about this issue. There's going to come a point, going to come a point where they're going to come to me, and they're going to say, "Hey, Vince. You live in the highest part of Coral Gables next to University of Miami. You know, you're going to have to do your septic tank." I'll do it gladly. And by the way, I'm not rich. I drive a small little electric car. But I understand that if we're going to have a viable future in this community, we all have to have skin in the game, and that doesn't include just your community. It includes every community; Snapper Creek, King's Bay, Journey's End, everybody. Whoever has something that they got to provide -- and not only in septic tanks -- we got to have some skin in the game because we cannot continue moving forward. I'm seeing the numbers. I'm seeing the numbers of the particulates, the water quality. I'm in the water. I'm in the water.

Mr. Maronto: Me too.

Mayor Lago: The bay -- then you know the seagrass is not in the position it's been -- it's probably one of the worst position's it's ever been. I mean, you're the expert. Today -- and again, a lot of that pollution comes from the north, just like you said, but everybody has to come together, and we have to find a solution to address this issue. If it's the outfalls, it's the outfalls. If it's the septic tanks, transitioning from the septic tanks to sewer, it's the same. What I think, it's a combination of all these problems that need to be addressed. Because when we sit here and we say that we're going to -- like you had a conversation, and I told you that, by the way, it was a beautiful fluff piece, the fact that we outlawed fertilizer, it's a great feel-good story. You know, it's beautiful. But at the end of day, the golf course is still using fertilizer, and agriculture still uses the fertilizer. So, how many people in this room are actually fertilizing their lawns enough that it's actually going to affect the waterways? It's more agricultural and it's more golf courses, so it's a litany of different things that need to be addressed in this community. And it's not just pointing fingers. We've got to find an approach to everything, and at one point, it's going to come down to it. And it's either going to come down to a large tax on the homeowners across the board, and that day, I don't know how much grant money -- like the Vice Mayor said, we'll cross that bridge when we get there and see how much grant money we can get. I'm pretty sure there's not going to be enough grant money for even a portion of the City of Coral Gables. And I don't think we'll get any of that grant money as a result of us being a pretty affluent community.

Mr. Maronto: Well, I can certainly understand where you're coming from.

Mayor Lago: But do you agree with me? Or do you disagree?

Mr. Maronto: Absolutely. I think, reasonably, everyone agrees that at some point there will be a master plan, whatever that is. It's a lot bigger than just us. And we understand, whether it's decades, whether it's 30 years, whenever that process begins, whether it lasts a decade or two,

whatever it is, when that bridge comes. We're only here today really for one reason, and that's because universally, the residents do not want to pay for it. They can't pay for it. And they never asked for it. And when I say that I speak to 99 percent of the residents. So, when I hear an anecdotal survey of 96, I can tell you this is a scientific survey of 99 percent, which is significant. So, when we talk about these finances, and you know, the initial upfront \$23,000 plus whatever interest, there is so much more cost involved. From a conversion standpoint, we have gone out the last few days and spent a lot of time trying to get estimates for a conversion retail price for the property owner. And with all due respect -- and Commissioner Mena, not that \$40,000 isn't a significant number, however, what we've discovered is that if somebody has to go out and hire ABC Plumbing Company, that's going to be a significant cost. How significant? We know there's going to be a range. We've known that because we've walked around the neighborhood and surveyed it, and some homeowners have some really tough situations, significant. We're talking about \$59,000 to \$79,000 for retail costs, and that includes the conversion retail price from ABC Plumbing Company. We have hook-ups where that conversion would need to be 180 feet away to the road from their septic tanks in their backyards. The septic abandonment permits, the dump trucks and the fill, and the contractors, and all that, the trees of which there are some neighbors who have specimens that one specimen is \$10,000, the new tree permits that would be involved with that. We have...

Mayor Lago: Can I ask you a quick question?

Mr. Maronto: If I could just -- yes.

Mayor Lago: No, because you're saying -- but why wouldn't --? Obviously, we can look at the worst approach for the future, but why not look for the best approach, like what we talked about. Like, you know, if you see a specimen tree, we wouldn't knock that specimen tree. We'd find a way to work around it. We want to keep the specimen tree.

Mr. Maronto: And what we're saying is, these are real cost to residents. And whether it be a new tree permit, whether it be hiring a landscaping company that's got to come in with bobcat tractor type of thing, there's going to be ground cover replacement, obviously, a sprinkler company, a permit involved there, a driveway demo, right? The new driveway permit, right? That could be in the tens of thousands of dollars alone to restore the property for complete restoration, whether it requires an updated survey, engineering design, architectural plans, the re-sodding of the yard. This just goes on and on. And that's why when we went through this process with people in the business, we came up with 59 to 79,000. We had other homeowners, okay, that were above that. But if you just take that, that's already more than \$100,000 per property owner in addition to the \$23,000 plus interest. And that's why we're here, and that's the...

Mayor Lago: You do...

Mr. Maronto: That's why this came up.

Mayor Lago: As part of the conversation, you do know that I am in the business, right? You do know...

Mr. Maronto: Yes.

Mayor Lago: And you and I have had this conversation.

Mr. Maronto: Yes.

Mayor Lago: I mean, that is a staggering number. I mean -- Mr. City Manager, I mean, do you think that that number...

City Manager Iglesias: I agree with you, Mayor.

Mayor Lago: I mean, that is a staggering number that I find -- again, it's -- again, I'm going to vote no, voting no, but we don't want to scare people either. And you're going to have to pay for it one way or another. I'm going to have to pay for it one way or another also when they have to -- when it's mandated from the County.

Mr. Maronto: When there's people that have put in \$25,000 driveways recently, that alone is half that number. But anyway, without getting in...

Mayor Lago: So, you don't think there's a way to route it around your driveway or a way that you can avoid even having to touch...

Mr. Maronto: In many cases that we walked off, there is no other option. A lot of our lots are 15,000 to 20,000 square feet, 22,000 square feet. Some of them are 30,000, builder's house, not too many, only a handful, but yes. Tanks are in backyards, and you know...

Commissioner Menendez: If I...

Mayor Lago: Go ahead.

Commissioner Menendez: Sorry to interrupt.

Mr. Maronto: It's alright.

Commissioner Menendez: Through all the emails that we've received, there are a few emails from the residents that gave the impression that even if there was zero cost to the residents, zero dollars, they would still be opposed to it.

Mr. Maronto: That's correct.

Commissioner Menendez: And I'm here to say, I'm not imposing my will on anybody. But in the real world, if there was zero cost to the residents, odds are this would move forward because of the need to take action. And I'm just letting -- I mean, it's just the reality we live in. The big issue is the cost to the residents. But in terms of the need to have this done city-wide, it's necessary. How we get there, I don't know. But it just caught me off-guard some of the emails saying, "We don't want to convert." And I get it, it's a personal choice, but there's a greater good. And at the end of the day -- I can't speak for my colleagues -- but we will lean on the side of greater good. But today because of the cost, obviously, that's the big obstacle right now, the elephant in the room.

Mr. Maronto: Yes.

Commissioner Menendez: Just wanted to share my views.

Mr. Maronto: Thank you.

Mayor Lago: Any else?

Mr. Maronto: I think that's enough said. I think there's been a lot of discussion. The residents are -- have shared through emails, through the signed petitions about this, about not having assessments, not having new taxes increased, not having forced financing on them, not having the new sewer bills, which by the way, are projected to triple and quadruple the prices from what we're paying for water now.

Mayor Lago: So, before you leave...

Mr. Maronto: Yes.

Mayor Lago: I'd like to have Waterkeeper come up. She was telling me some information about Key West. I just want to put this in the record one last time before you leave.

Mr. Maronto: Okay.

Mayor Lago: When the County comes, when the County comes and mandates this and it's \$100,000 per homeowner and there is no grants available, we'll try to chase down as many grants as possible. I just want to make sure that we put it on the record today that we're going to potentially turn back a grant for \$3 million that could potentially save significant amount of money if this has to move forward. I'm willing today to try to give staff a month or whatever time that we can to try to find the other side of this money to not just cut it today if my colleagues are willing to do that.

Commissioner Anderson: I'm willing to make a motion on that.

Mayor Lago: But I want to hear Waterkeeper.

Commissioner Anderson: Yes.

Mayor Lago: I asked her to find some information about the Keys.

Ms. Siu: Yeah, we were just looking, and I can provide a detailed summary of how they paid for it, but it looks like it was largely -- it was about a billion dollar project for the whole Keys, and it was a combination of State, federal, County grants, low-interest loans, and the homeowners had to pay something too.

Mayor Lago: Okay, do you know --? Can you find out for me what was it that the homeowners had to pay? Was it the connection? Was it the connection of the property line, or was it something else besides that?

Ms. Siu: We'll look into how they structured it, and I'll send you a complete list.

Mayor Lago: Okay. Mr. Manager, is there anything else that staff wants to mention? You have one more?

City Clerk Urquia: On Zoom.

City Manager Iglesias: No, Mayor. It just -- I'm just going to say that we have a very short period of time. We have two years to design and construct.

Mayor Lago: Okay.

City Manager Iglesias: And it's a very short period of time, so time is of the essence.

Mayor Lago: Okay, I understand.

Commissioner Fors: And I'm...

Mayor Lago: I mean, I'm not...

Commissioner Fors: I'll be frank about the -- my position on the -- on giving staff a month, et cetera. You know, I spoke to a lot of the folks -- or I spoke to Miles and some other folks in King's Bay, understood the issue which we've already beat like a dead horse today. And I'm really not inclined to even give it a month. I think it's -- I think we're going to be back at the same place. To

force staff -- you know, I'd rather have staff be focusing on continuing to clean up downtown, bring it up to a good standard. I don't know if it's a good waste of our resources to, you know, try to work on it for another month if there's no real viable possibility that we're going to arrive at a point that translates into zero dollars for the residents. Because I think if it doesn't completely eliminate the cost for the residents or reduce it 80, 90 percent, then I think it's just going to be the same conversation here again in a month. My personal opinion.

Commissioner Anderson: I'm not convinced that the residents, with more information, additional assistance, and options would not make the choice to take care of this problem now rather than face a much bigger problem later, including the, you know, various things have been presented here that could happen with their own septic system failing in their backyard, and the increased value to their home. Now, I've talked to real estate agents and builders and developers that tell me that that's a serious impact on the value of homes. And thank you, Mr. Maronto, for also spending about close to an hour on the phone with me. You know, we had the discussion, and you agreed that it's a serious concern regarding the quality of the water. It's going to impact your homes if you have dead fish coming up on your shores. It's not going to be a very sellable home. And I've seen the decline in the seabeds for some time. And for that reason, I'd like to make a motion to defer for our staff to have a serious deep dive with the residents into options for the installation, including the hook-ups to homes, if possible, with options for bio-directional boring. Based upon the cost that I'm hearing now that they're going to have to be imposed, it might make sense. But with your expertise, they can make a better decision, examine funding sources, look for grants for funding, additional bonds for funding to handle both the private and the public portion of it, and look at the possibility of increasing the timeline for the payment. I mean, we're gifted with a City that has a tremendously great bond rating, so you know, we need to explore that more to bring the costs down for these folks.

Commissioner Fors: And I'd like to make one clarification regarding my position that I just stated. One of the reasons why I'm currently leaning against deferral and just, you know, making a

decision today, not that I'm extremely passionate about that position, but it is something -- it's where I'm at right now -- is that many times we're faced with issues where we have a petition with a thousand people. And we say, "Okay, a thousand people is, you know, X percent of the 58, 59,000 people we have here, and did we truly have the outreach necessary to find out how the majority of residents feel." But this case for me is a little different because we have a distinct set of single-family homes, 149, 150. We know exactly how all of them feel, and that's why I'm quicker to arrive at the end of my analysis here because it's not a situation where I'm wondering if there's others out there that feel differently.

Vice Mayor Mena: I agree. Look, my thought would be, I would be a no to accepting the grant today. Procedurally, hypothetically, if before our next meeting you all have some plan that you think would help bridge the gap somehow that might motivate people, then we could always reconsider that, no? I mean, how does that work?

City Attorney Ramos: Yes, but what would be missing is a direction to staff. So, with this motion is direction to staff to do certain things. If you just vote to not approve it, if it's a no vote, I guess you could separately direct staff to do it.

Vice Mayor Mena: Yeah, look, my issue is...

Mayor Lago: (INAUDIBLE).

City Attorney Ramos: Almost like a distinction without a difference but...

Vice Mayor Mena: No, no. It's fine. If you want to -- if staff wants to look into additional funding, and if we want to go back to the residents with that opportunity, that's fine. But they don't want it.

Commissioner Anderson: Well, let me...

(COMMENTS MADE OFF THE RECORD)

City Clerk Urquia: So...

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: So, let me ask you a question. Besides doing what you just did right now, did you sign up to speak?

Unidentified Speaker: I did. I did and we got kind nixed (INAUDIBLE).

Mayor Lago: I didn't nix you.

Unidentified Speaker: Well, I mean, I never (INAUDIBLE).

Mayor Lago: I didn't nix you. I've been hearing you the whole time from the entire -- the entire meeting, having a conversation, and basically talking about the meeting, you know, from up here. I've been listening to you the whole time. If you'd like, you know, please...

City Clerk Urquia: Mr. Mayor, we do have the cards, and we can go through them. There have been multiple speakers who have said that they want to speak still.

Mayor Lago: Well, my understanding was that this gentleman, from what we understood...

City Clerk Urquia: Yeah.

Mayor Lago: That this gentleman was representing everyone who lived there. So, if you'd like...

City Commission Meeting

April 26, 2022

Agenda Item I-3 - Resolution of the City Commission accepting the King's Bay Gravity Sanitary Sewer System Grant from the Florida Department of Environmental Protection's Coral Protection and Restoration Program and authorizing the City Manager to execute an agreement with FDEP for said grant; directing the City Manager to develop the estimated local improvement assessments to be imposed on all benefitting properties to fund the project cost not covered by the grant. Page 69

Unidentified Speaker: No, I...

Mayor Lago: If you'd like to speak, just...

Unidentified Speaker: I did. I did already...

Mayor Lago: You can (INAUDIBLE)...

Unidentified Speaker: Though it seemed like we were losing our right to speak, so that's why I got up. I apologize. I'm not trying to go out of order with you guys.

Commissioner Fors: Are you going to speak for or against?

Unidentified Speaker: I think like everybody here knows...

Mayor Lago: But let me...

Unidentified Speaker: I'd say 99 percent of the neighborhood is...

Mayor Lago: Excuse me, sir.

Unidentified Speaker: Against. I'm also against.

Mayor Lago: Sir.

Unidentified Speaker: Yes?

Mayor Lago: Sir, direct your conversations to me, okay. Now, there's a process. The documents get filled out. If you'd like to speak, tell them your name, you sit back down, and we'll call you because there's other...

Unidentified Speaker: Mayor -- and I don't want to be adversarial with you. I got up. I've already filled out the form. I think a large majority of us filled out the form, and it seemed like we weren't going to get the opportunity to speak, so I got up for that purpose to inquire whether we would get the right to speak because I think some of us would still like to speak. I'd like to get a word in on this myself, especially if now there's also the consideration of postponing and not making a decision. I think that should be addressed also. And that's my question, will we get the right...

Mayor Lago: If you would like...

Unidentified Speaker: To come up here and speak?

Mayor Lago: And you would let me...

Unidentified Speaker: I'm sure I wasn't the first one to come up.

Mayor Lago: If you would let me finish.

Unidentified Speaker: Yes.

Mayor Lago: If you would let me finish. Number one, in every single meeting that's been held in this Commission, everyone has been always allowed to speak, and there has never been time constraints, and there has been not -- never been an issue of whether someone can speak or not. The issue was that you had a majority, if not everyone was opposed or in favor, so there was one individual that said that they would speak for everyone in an effort to try to make the meeting as

quickly as possible because we have an entire agenda, and you're the first item that we're listening to. So, nobody has ever been denied the right to speak here in this Commission, never.

Unidentified Speaker: I didn't say that, Mr. Mayor.

Mayor Lago: Never, never.

Unidentified Speaker: I was inquiring whether or not...

Mayor Lago: You don't want to be adversarial, but you don't want to...

Unidentified Speaker: We were going to get the chance to speak.

Mayor Lago: You don't want to be adversarial, and you're always going to get the chance to speak here in this Commission.

Unidentified Speaker: Okay.

Commissioner Menendez: So, I'll ask...

Mayor Lago: What I'm asking you, again, is...

Unidentified Speaker: I've already done that. My name is in the list.

Mayor Lago: But what I'm saying is give him your name, so he knows that you're one of the individuals outside of the 30 that doesn't want to speak.

Unidentified Speaker: Say that -- I'm sorry?

City Clerk Urquia: So, Mr. Mayor, what I'll do is I'll go through the list and then...

Mayor Lago: I didn't want you to have to go through the list.

Commissioner Menendez: And by the way, this has -- I mean, this has happened in the past when everybody has one voice and they're all on the same page, instead of repeating the same thing...

Mayor Lago: It's very simple.

Commissioner Menendez: It's happened for years. They say, "Okay, you'll speak because you're going to say what we believe."

Unidentified Speaker: I got you.

Commissioner Menendez: So, it's not singling you out, singling -- it's just something -- sort of a cooperation to get the message out instead of repeating it, so it's nothing new.

Mayor Lago: That's fine, that's fine.

Commissioner Menendez: Nothing new.

Mayor Lago: We can have everybody speak. I love it, it's great.

Unidentified Speaker: Everybody might not want to.

Mayor Lago: You can speak as much as you'd like. You can make -- you've already gotten up. You can speak all day if you'd like, it's not a problem. So, please, what I would like to do, though, since we're going to listen to everybody speak, I'd like to move on to the item for -- I'd like to --

just give me 15 minutes. I'd like to make sure we take a vote on the Baptist Hospital lot, please, okay? So, let's defer this item now -- give me about a 15-minute window, and we're going to move on, and we're going to listen to the other item.

Commissioner Fors: And just so everybody understands it, we have Commissioners that need to travel and may need to -- may -- need to leave the hearing before it ends, and for that particular vote, we need a quorum of all five.

Mayor Lago: Four-fifths.

Commissioner Fors: Of four-fifths, so it'd be a huge problem if we don't jump to that and get that -- make sure we get that done.

Mayor Lago: But everybody's going to get -- again, everybody's going to get to speak. Mr. Clerk, make sure that everyone, especially on Zoom, has the opportunity to speak as has always been the case.

[Later...]

Mayor Lago: Moving back to King's Bay.

City Clerk Urquia: Do we just go through the list of speakers?

Mayor Lago: Whoever wants to speak, let them speak.

City Clerk Urquia: So, I'll go through the list of residents who signed up to speak. And if you do not want to speak, just let us know. David Hill.

Vice Mayor Mena: Why doesn't everybody who wants to speak just raise their hands?

City Clerk Urquia: Raise your hand if you want to speak.

Mayor Lago: That's what I tried to do, but they wouldn't give me their name. They wouldn't give me their name.

Vice Mayor Mena: Just raise your hand if you'd like to speak.

Mayor Lago: I asked him his name, but he wouldn't give me his name.

Vice Mayor Mena: One, two.

Mayor Lago: Well, just...

Commissioner Menendez: Three.

Vice Mayor Mena: Just go up and let the Clerk know your name, and then he'll call you.

City Clerk Urquia: So, while we're doing that, we do have one on Zoom.

Mayor Lago: Put him on Zoom. I tried to do that exactly. They wouldn't listen to me. (INAUDIBLE).

City Clerk Urquia: It's Gina Chevallier.

Mayor Lago: Ms. Chevallier, the floor is yours.

Gina Chevallier: Good afternoon, Mayor, Vice Mayor, and Commissioners. Thank you for allowing me this opportunity to speak with you all today. I would just like to say that after this meeting, my opinion has changed as far as my prior vote on this particular issue.

Mayor Lago: Yes, ma'am.

Ms. Chevallier: (INAUDIBLE) the residents and -- Yes, can you hear me?

Mayor Lago: I can, but we lost you, where you said that your opinion has changed. If you'd restart.

Ms. Chevallier: Okay. Okay, I'm sorry. But I'm now in support of this passage of this, I guess, this proposal today here before you in the sense that the information that you all have provided today and your willingness to (INAUDIBLE).

Vice Mayor Mena: We lost you again.

Commissioner Menendez: Always at the good part.

Ms. Chevallier: (INAUDIBLE).

Vice Mayor Mena: We lost you at your willingness to.

Ms. Chevallier: (INAUDIBLE). I'm sorry. I think -- you know, why don't you let somebody else speak, and I'll come back. I'm going to change the computer that I'm on. It might be better.

Vice Mayor Mena: Okay, and you can also call in from your phone, if that's easier.

Ms. Chevallier: Okay, thank you.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: First speaker in person is Lucre Sondon.

Mayor Lago: How are you? Thank you for your patience, by the way. And welcome to the City.

Lucre Sondon: Thank you. My name is Lucre Sondon. My husband and I, we moved into King's Bay back in December 2020. One of the main reasons we moved in there is because we love that we're close to the bay. There is no doubt that we do care about the bay. We do care about the pollution and whatnot. We also paid \$600 to have the septic tank inspected. We wanted to make sure that it was in good condition. And it appeared that we have two septic tanks, so the cost of us converting into a more sophisticated system is going to be significant, so that our concern right now is the fact that we want to know how we got the grant, where the grant came from, if there's other opportunities of us obtaining more grant, and that it would cost us, the homeowners, less amount to implement this conversion. We're not opposing to the fact that if we were -- if we are to move into a more sophisticated system, so be it. But we are concerned about how much it's going to cost out of pocket. Right now, our out-of-pocket expense that we -- us -- estimated is about \$60,000. We ask -- on the first meeting, I asked if there was anything that we can lock down the amount that they're saying that the homeowners are to pay initial -- the initial assessment. And they said no. They cannot do that. So, we don't know if right now is going to be about approximately \$30,000. We don't know if eventually they're going to say, well, you're going to have to come up with an additional \$10,000. So, that's also another concern that we have. We wanted to see the financing. If we extend the financing to 10 years, what if we decide to sell within the next 10 years? It's going to impact us if a buyer comes in and say, "Well, I'm not going to take over any assessment because I don't feel like it because I'm already paying X amount of money," so that's also another concern that we have. Extending the financing doesn't mean that we're going

to pay less. It just means that we're paying the same amount over a longer period of time. So, what we want to do...

Commissioner Menendez: Or more.

Ms. Sondon: Or more, exactly.

Mayor Lago: Yeah, interest.

Ms. Sondon: Exactly. So, what we would like to know, and we would like to see -- I would hate to turn over the grant. I agree with that. But we also want to know if we can -- the possibility of exploring other ideas that we can get additional grant, additional funding. Now, this is something that, yes, eventually is going to be mandated. We agree on that. We're willing to wait and cross that bridge when it comes to see maybe if the government decides to say we're going to provide additional funding, maybe not. But right now as it is, we just don't -- we are in a very short notice for the homeowners that says you have to pay \$5,000 in less than six months, and then we don't even have additional timing to say also when we need to hook to the line, not even giving us any time. Not reasonable time than we consider to be fair.

Mayor Lago: By the way, first off, thank you for joining us here in the City. We're blessed to have you. All your points are well taken, and I agree with all your points. So, I used to sit on the board of the Ygrene PACE Corridor. And if you, for example, did solar panels on your house like I did on mine, and you sold your property, at that point, they required you to pay off that second - - that assessment.

Ms. Sondon: Right.

Mayor Lago: So, that's an answer for you on that. It was going to come out of your pocket one way or another.

Ms. Sondon: Exactly.

Mayor Lago: Either you paid it in 15 years, 20 years, or you paid it off when you sold the house. They were going to get you no matter what. So, I agree with your concerns and your points. They're very well taken. There's a lot of ambiguity at this current moment.

Ms. Sondon: Yes.

Mayor Lago: Who would have had thought that construction costs would have gone up 40 percent, 35 percent in a matter of six months. You know, it's been an interesting last two years. So, I appreciate all your comments. They're well taken. And let's see what we can find out. Let's see what we can -- let's see how we can address this issue.

Ms. Sondon: Yes. And we're not opposed -- at least my husband and I, we're not opposing to that. Like I said, anything that is to improve and to having a more sophisticated system, we are open to that idea. But when it comes to the fact that it has to come out of our pocket, a substantial amount, and we're not actually receiving more accurate information, we just -- it just -- everything is being very generalized.

Mayor Lago: Thank you very much.

Ms. Sondon: Thank you.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Rudy Nuñez.

Mayor Lago: Sir, how are you?

Rudy Nuñez: Good afternoon, Mayor.

Mayor Lago: Good, good. Good afternoon. It's a pleasure...

Mr. Nuñez: Rudy Nuñez.

Mayor Lago: It's a pleasure to meet you. The floor is yours, my friend.

Mr. Nuñez: Again, Rudy Nuñez.

Mayor Lago: By the way, please, I would like nothing more than for you to speak as much as you'd like.

Mr. Nuñez: Thank you.

Mayor Lago: I have to leave today at 7 o'clock at night. This gentleman has to leave at 4:30, but if you -- excuse me, at 3:30. But if you'd like to be here as long as possible, it's your floor. It's your show.

Mr. Nuñez: Thank you.

Mayor Lago: We're just here.

Mr. Nuñez: I appreciate it.

City Commission Meeting

April 26, 2022

Agenda Item I-3 - Resolution of the City Commission accepting the King's Bay Gravity Sanitary Sewer System Grant from the Florida Department of Environmental Protection's Coral Protection and Restoration Program and authorizing the City Manager to execute an agreement with FDEP for said grant; directing the City Manager to develop the estimated local improvement assessments to be imposed on all benefitting properties to fund the project cost not covered by the grant. Page 80

Mayor Lago: I'll even let you hold the gavel if you'd like.

Mr. Nuñez: I'm going to be brief. I really appreciate...

Mayor Lago: No, no, no, no. No, no, no, no, no.

Mr. Nuñez: The gavel.

Mayor Lago: No, no, no, no, no, no, no, no, no, no, no. I cannot have you be brief. I need you to take as much time as you need.

Mr. Nuñez: Okay.

Mayor Lago: Please.

Mr. Nuñez: Good. I'm going to take you up on that.

Mayor Lago: Feel comfortable. This is your home.

Mr. Nuñez: I'm going to take you up on that.

Mayor Lago: Go ahead. Speak real slow.

Mr. Nuñez: I don't know if your other Commissioners...

Mayor Lago: Think about it this way. You're a lawyer. You go before a judge. The judge is here, the court room is here. Take as much time as you need. Go ahead, sir.

Commissioner Anderson: Rarely happens in the real courtroom, right?

Mr. Nuñez: Are we good? Can I start?

Mayor Lago: No, no, yeah. Of course, the floor is yours.

Mr. Nuñez: The floor is mine?

Mayor Lago: Yeah, yeah. I'm here. I work for you.

Mr. Nuñez: Thank you. Again, my name is Rudy Nuñez. I live in King's Bay, 14645 Snapper Drive, lived there for 16 years. I've been very active in the community. When I got into the community, when I first bought the house, there was litigation going on where we were fighting - the neighborhood was fighting with the marina next door. The trial judge came down, kind of split the baby. We didn't like the result. I ended up having -- taking up the appeal pro bono for my neighbors to try to help the neighborhood, right. Reversed the trial judge on that issue. I ended up -- that got me president of the association for a little while. Get on the board, I try to help out. I love my neighbors, okay. We have great neighbors. We have a great neighborhood. You had an issue earlier with the dog park. You said your residents are not united. Unfortunately -- in this case, luckily, the residents are united. I heard somebody that says that she's in favor, but I think we're in the 90-something percent that's opposed to the project the way that it is now, okay. My personal feeling is I'm very much in favor of the environment -- right? -- saving the environment, water quality. We're mostly a lot of voters in the neighborhood. We use the water. So, all those things are a good thing, okay. Septic tank to sewer conversion, hearing all the comments today, it's something that's coming, right. There's going to be a mandate. It's something that's going to be happening. I think where I disagree with this resolution at hand, to the extent that I think the City's efforts were well-meaning and well-intentioned trying to get a grant and fix the sewers and

put us on sewer, it's all a wonderful thing. It's all good things and things that are going to happen down the road, right. I started doing a little research because, from my legal perspective, I started thinking, "Well, I think we have a due process issue, very short notice." This is being thrust upon us in a two-week time period. Here we are voting on this with less than two weeks' notice on this, alright. But more importantly, what I think I saw is a procedural due process problem, okay. And that goes to the heart of why King's Bay? Why pick King's Bay? I think I heard from the City Manager, he said, well -- or maybe it was Mr. Diaz -- I think the phrase was low-hanging fruit. We're low-hanging fruit. I'd like to think about it looked to me like we were like a guinea pig. There's this problem. The City of Coral Gables has a lot of houses on septic tanks, and how are we going to transition that? Let's apply for this grant. Let's do it to King's Bay. Let's see how this goes. Okay, you saw it's not going too good. It's \$40,000 per house, best case scenario. You've heard other estimates. It's at least 23 by your own numbers, and then you got to connect. And the \$60,000 -- or \$6 million price tag, I haven't seen any cost estimates. I haven't seen anything. It's just \$6 million, okay. We all know -- I think everybody in this room would agree that whatever the construction cost estimate today, by the time it's finished, it's going to be higher. There's going to be cost overruns. It's not just laying the sewer pipes, breaking up the street, repaving the street, a lift station. Okay, it's going to be more than \$6 million, okay. Who bears the brunt of all of that? Alright, well, obviously, the way it is right now, it's us. The 2.75 million grant is just under 40 percent, so we're going to be picking up, as it is now, 60 percent of the cost, and that's just of the infrastructure that's going to be on the City property, not including our connection to it, alright. Now, why do I think there's a procedural due process here? Well, because it's been said that we are the last coastal community on septic tank. I think that's factually incorrect because we're not the last coastal community in Coral Gables with septic tanks. You heard Miles bring up Snapper Creek Lakes. Snapper Creek Lakes has a marina, has a Snapper Creel canal that goes straight into the bay. And I think if you looked from an overhead, they're closer to the bay than we are. I think Vice Mayor Mena said you're on the Old Cutler corridor. Old Cutler, all those Coconut Grove houses close to Matheson, close to Fairchild, the Ponce-Davis area, East Kendall Drive, all of that is close to the bay, all of that is a coastal community. So, why are we being singled out for this

sewer system? I think that's an equal protection issue. And procedurally, how did you get to the choice of getting to King's Bay, alright? I read Mayor Mena -- I mean, Mayor Lago, you had put out a memo, I think August 28 of 2019, to get the ball rolling on the septic tank conversion -- or sewer conversion.

Mayor Lago: You're wrong.

Mr. Nuñez: I'm sorry?

Mayor Lago: It was an education for my colleagues in regards to an article that was written.

Mr. Nuñez: Okay.

Mayor Lago: And the reason why I publish all my -- unlike anybody else in this County, I'm the only elected official that publishes all the members that they write online for transparency purposes.

Mr. Nuñez: And I appreciated that. And I think that your memo was right on target because your memo called for engineering studies, water quality studies, cost, and funding analysis.

Mayor Lago: We're doing all that.

Mr. Nuñez: Right, but that needs to be done for the entire city, not just for King's Bay.

Mayor Lago: We're doing it to for the entire city.

Mr. Nuñez: I'm sorry?

Mayor Lago: We're doing a water analysis in our canals. We're doing -- we're in the process of right now getting a funded study through the State, which is going to be a master plan in regards to septic to sewer conversion, as long as the -- as long as our Governor does not veto the budget. So, we are in the process of already either performing the studies or actually commencing the studies.

Mr. Nuñez: So, shouldn't we wait till after all those studies are done...

Mayor Lago: Again, this is not...

Mr. Nuñez: And then you can rank and...

Mayor Lago: Sir, this is...

Mr. Nuñez: Figure out -- I thought...

Mayor Lago: This not the...

Mr. Nuñez: I had the floor. You told me I had the floor.

Mayor Lago: But this is not a trial.

Mr. Nuñez: And now I don't have the floor.

Mayor Lago: I'm not on trial.

Mr. Nuñez: I don't want to be adversarial, but you jumped in on me.

Mayor Lago: I'm not on trial.

Mr. Nuñez: And now you're not letting me...

Mayor Lago: At the end of the day...

Mr. Nuñez: Have my time at the microphone...

Mayor Lago: At the end of day...

Mr. Nuñez: That you said I would have.

Mayor Lago: At the end of the day, I'm not on trial, so finish up what you've got to say.

Mr. Nuñez: I'm not trying to put you on trial. I think that your memo was right on the money. I think that the City...

Mayor Lago: I wrote it.

Mr. Nuñez: Needs to do all of those things for the entire city because this isn't a King's Bay problem.

Mayor Lago: I got you.

Mr. Nuñez: It's an entire City of Coral Gables problem. It's a Miami-Dade County problem. It's a state of Florida problem. So, for that reason, I don't think it should be deferred. It seems like the votes are there for a no vote. And I would ask you to vote no on the resolution. Thank you, Mayor. Thank you for your time.

Mayor Lago: It's a pleasure. Thank you. Madam City Attorney.

City Attorney Ramos: Yes, sir.

Mayor Lago: You're the attorney that represents us. Do you believe that this is a due process issue?

City Attorney Ramos: No, this would just -- if you were to vote in favor of this, it's just the initial step for the City to come up with the estimates. There's many more steps that would go into a special assessment...

Mayor Lago: Okay.

City Attorney Ramos: That would come back to the Commission.

Mayor Lago: No, because I want to make sure -- and I'm not an attorney. I'm the only one -- except for the City Manager -- who's not an attorney up here, so I have to defer to you. We have a pretty competent individual who stood up here and said that this is a procedural due process issue, and I want to make sure that, as our City Attorney, that you, on the record, refute his comments. Is that correct?

City Attorney Ramos: Yeah. I have no concern about that, Mayor. And in addition, he talked about equal protection and being applied, you know, differently. Again, in terms of a special assessment, there just has to be a correlation between the benefit that's being sought and the amount of money that's being assessed, and that would clearly be the case here. They're not being assessed for a project in North Gables.

Mayor Lago: Okay. I'm happy to hear that. Okay, perfect. Thank you. Mr. Diaz, will you stand up here please for a second? Thank you. The gentleman who was here, who just spoke right now, talked about King's Bay is a guinea pig, and that other cities -- because there was a part of your presentation that says that King's Bay is the last community -- waterfront community...

Public Works Director Diaz: Abutting the bay, bayfront community.

Mayor Lago: Abutting the bay.

Public Works Director Diaz: So, I just want to clarify the other communities abutting some of the waterfront, some of the canals, which are on septic. So, abutting the bay, pretty much everything east of Old Cutler.

Mayor Lago: So, that's -- obviously, you're refuting his comment right now. You're saying that abutting the bay...

Public Works Director Diaz: Correct.

Mayor Lago: The last community is King's Bay.

Public Works Director Diaz: Correct.

Mayor Lago: Right. We're clear? Okay, so...

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: I'm not...

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: But I'm not...

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: But I'm not -- I'm running...

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: But I'm running the meeting though.

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: I'm running the meeting.

Vice Mayor Mena: No, but you can't just...

Mayor Lago: But you can't do that.

Vice Mayor Mena: You can't do this. You can't do this.

Mayor Lago: You can't do that.

Vice Mayor Mena: We'll...

Mr. Nuñez: But you're trying to...

Vice Mayor Mena: Well, no, you can't do that.

Mr. Nuñez: You're trying to impeach me.

Mayor Lago: You can't...

Vice Mayor Mena: But this is not -- you're not on the stand.

Mr. Nuñez: Well, but...

Vice Mayor Mena: And you're...

Mr. Nuñez: But you're trying to contradict what I said.

Vice Mayor Mena: But we run the meeting, sir.

Mr. Nuñez: King's Bay is not on the bay.

Mayor Lago: Sir.

Vice Mayor Mena: Sir, sir, please, please.

Mr. Nuñez: Alright.

Vice Mayor Mena: Please...

Mayor Lago: (INAUDIBLE) the problem...

Vice Mayor Mena: Hang in there, hang in there.

Mayor Lago: You know the problem though -- and I told this gentleman in private when I pulled him aside. I told him in private, I go, he wouldn't do this to a judge under no circumstances because that's his bread and butter. He would never do that to a judge, but he'll stand up here and disrespect people on the dais because that's acceptable here because that's what we've become. We've become a community at the federal and at the state level that we can just disrespect anybody. That's not the way that it works. The reason why I brought up the City Attorney and I brought up our Public Works Director is because there were comments made on the record that are not correct. And if - - those comments have to be cleared up. Again, I'm a no vote. I will continue to be a no vote, but I will not allow somebody to speak on the record and mislead somebody and a community by saying things that are factually incorrect. So, moving...

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: So...

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: Mr. Diaz, will you...?

(COMMENTS MADE OFF THE RECORD)

Mayor Lago: Mr. Diaz, will you respond to the individual who keeps heckling from the peanut gallery, please?

Public Works Director Diaz: I mean, I will consider King's Bay being adjacent to the bay.

Mayor Lago: Yeah, okay, perfect. Thank you very much. I appreciate it.

City Clerk Urquia: Next speaker is Koorosh Reyhani.

Mayor Lago: Sir, welcome. The floor is yours.

Koorosh Reyhani: Thank you, thank you, thank you. I'm also a long-term resident of King's Bay, and I appreciate your time here and the floor. I also disagree with the way it's been brought up to us regarding the cost factors and the way you went about actually proposing this idea to us. I think it's sort of a very halfway done process. I mean, I don't know what the Public Works position is, but this is not the way to approach taxpayers. This is a shame. This is a waste of time. We've all taken time from our lives and our kids' drop-offs and pickups to be here. But unfortunately, to comprehend those things, you guys haven't built a house in Coral Gables recently or did an addition, like I have, which I required to put another sewer system into my house. All these are incurred costs; moving a tree, adding a driveway, all those things we've already addressed to exhaustion are real factors. But until you yourself have to write a check, it's easy to vote on things. And for the City Manager to say from some plan in 1973 assessment where the taxpayers assumed half the cost, those things really don't sound relevant when it comes to a global problem as sewage. Sewage is not a Coral Gables problem. It's a whole problem with the entire coast, the whole city, the whole site, the whole country, whatever. But you say no to something environmental, you're already politically incorrect. You can't say stuff like that. Until you write the check, you write the check, you understand the cost effect to the homeowners and taxpayers, then I say, you know what, you have a right to say something. But until then, you cannot incur those costs to homeowners. This is a big problem, not just one individual, not one community. It's a bigger problem. And we all love to have a cleaner environment. I don't think anyone in their right mind is against that in any way. But what I've gone through, and my family has gone through over the last three years with an addition, and all the costs incurred, and all the revisions to more revisions because it wasn't

perfect. We had to go back and forth. It all comes down to numbers. And thank you for your time.

Commissioner Menendez: Thank you.

Mayor Lago: May I respond to you?

Mr. Reyhani: Sure.

Mayor Lago: First off, in regards to the grant, the reason why it was done that way is because what we have to do is we have to go after these grants, and we have to go to every single community. And for example, like we're doing now a study on septic tank to sewer conversion, or we're getting a grant from the State to address a building that collapsed, that's the historic building adjacent to the Biltmore. It's going to be about a million dollars -- correct? -- around 900,000 -- 1.4?

City Manager Iglesias: \$1.4 million.

Mayor Lago: \$1.4 million. If we have to go to every community and say, "Hey, we're going to chase this grant" to get that approval, we'll miss the cycle. We won't be able to apply for that grant because it's a short timeframe. And to reach out to you and to your community, and to host meetings, and to get, you know, consensus takes time. So, we chase the grants, like you're going to see today. The grant's not going to -- we're going to return the grant today. If we defer for one or two meetings, we can't put our ducks in a row, we're going to defer that grant. We lost out. Staff worked incredibly hard; they got the grant. We weren't able to find all the money. You guys don't want it. Then we use the \$3 million dollars, that's fine. But we still got to chase the grant. Number two, everybody here, except for myself and the Manager, are lawyers. I build for a living every single day. I know what it costs, so does the Manager. And I have built in Coral Gables.

I've built a lot in Coral Gables. I have projects in Coral Gables. I built my own home in Coral Gables, so I know everything that you're saying. So, just because maybe my colleagues haven't built in Coral Gables, they're sensitive to the needs of the community. Trust me, they ran, and they got to deal with a lot of different things here in the City every single day in an effort to try to serve and do what's right by the community. And I know what you went through over the last few years is difficult, to build the addition. And I'm sorry that it was kind of torture in that sense.

Mr. Reyhani: And not only that -- and Mr. Mayor, sorry to interrupt you but...

Mayor Lago: No worries. It's all good.

Mr. Reyhani: But if these things were in the works, I'm going to dig up a brand-new septic system right now? I mean, you know, it's kind of...

Commissioner Fors: But here's the thing. They weren't in the works...

Mayor Lago: They weren't.

Commissioner Fors: Until recently.

Mr. Reyhani: No, but they were already in conversations forever.

Commissioner Fors: And now they're in the works. And the folks who went out and applied for this grant, they were doing their job by applying for the grant. Once we got the grant, we were surprised to receive it. We have a short timeline to execute on it. So, then Hermes Diaz from Public Works did his job. He went to go ask you guys how do you feel about it. You guys were very strongly opposed to it, so he did his next job. He turned around and he told us, "They're very strongly opposed to it." City Manager, earlier this morning, mentioned that it was initially done

as a special assessment. He's not arguing for it one way or the other. He's giving us the facts so we can make informed decisions. And now, you guys have been told by -- including the Mayor -- that the majority of us at least have confirmed verbally that we're going to vote against it. So, in fact, this is actually exactly the way it's supposed to work. And it may work...

Commissioner Anderson: I think...

Commissioner Fors: Exactly the way you think it should work.

Mr. Reyhani: Commissioner, I think it's sort of like since the inception of King's Bay into Coral Gables, that low-hanging fruit hit a nerve with a lot of people here.

Commissioner Fors: I get it.

Mr. Reyhani: Because we don't look like Coral Gables. And the whole steps of getting into a building permit of this and that, they all have this image of a Merrick Park type of situation. We have -- none of -- half the homes in Coral Gables -- I mean, in King's Bay, don't look like Coral Gables.

Mayor Lago: That's fine.

Mr. Reyhani: And so, for us to impose all the zoning, and this and that, it is taking a toll. So, this comes from a deep place, not just this couple of days of conversations.

Mayor Lago: But at the end of the day...

Commissioner Fors: Yeah, I get it.

Mayor Lago: I think you have to understand -- and we'll have this conversation in six months, a year, maybe two years, when the County comes back and says, "We're imposing this."

Mr. Reyhani: Yeah, and we'll...

Mayor Lago: And there won't be a grant, and it'll be -- instead of being responsible for 60 percent, we're going to be responsible -- we, because we're going to have to do it too. I'm going to have to do it because I'm on septic tank.

Mr. Reyhani: And Mr. Mayor...

Mayor Lago: We're going to have to do 100 percent. I wish I had the septic tank -- I wish I had a grant to alleviate some of the costs.

City Manager Iglesias: And if I may say, Mayor, what the Public Works Director meant is that looking at this project, you can provide a gravity sanitary sewer system. There can be a pump station, and we have a force main running...

Mayor Lago: Yeah.

City Manager Iglesias: Right near there that we can connect to...

Mayor Lago: A hundred percent.

City Manager Iglesias: That has the capacity to do that and...

Mayor Lago: Yes.

City Manager Iglesias: Convey it to the County, so that's -- so, from an engineering perspective, it was something that was very viable, and that's what the Public Works director was talking about.

Mayor Lago: Commissioner Menendez. Because we've got to hurry up here. We're running out of time.

Commissioner Menendez: (INAUDIBLE) schedule. The beautiful -- and I agree with Commissioner Fors. The fact that you're here expressing yourself and we're listening means the system works.

Mr. Reyhani: Exactly.

Commissioner Menendez: And every time you move away from City to County, your voice is heard less. And when you move from County to State, you're not even a blip on the radar. Even us as elected officials, we can yell and scream and sometimes Tallahassee doesn't hear us. And go to the Federal Government, good luck with that. So, the system works. And if they do mandate, we'll be there right with you trying to make sure that they do right by the -- by our residents. But thank goodness that we're here in this room. We may disagree, we may agree, but the system works.

Mr. Reyhani: Thank you.

Mayor Lago: Thank you for being here.

Commissioner Anderson: I just...

Mayor Lago: I appreciate it.

Commissioner Anderson: A couple points there. I know low-hanging fruit may hit a nerve...

Mr. Reyhani: It hit a nerve.

Commissioner Anderson: And I understand it hit a nerve because -- but not all of us are lawyers. And I would say that from the evaluative standpoint of low-hanging fruit, what Mr. Diaz really meant was the most qualified area because it hit -- you know, it's near the bay. It has a pump station there. It's the most feasible project from the aspect is all. But what I'd like you all to have is more process. You talk about due process. What processes do is something that's always asked in legal standpoint. More process, more information, better decisions. And you know, I've asked staff to get you more information and more alternatives of how to hook up. There is a division in your community. Some people have changed their minds based upon the little bit of information that they learned here today, okay. And I welcome -- you know, I can send you all the link, this entire 1000-page document, so you can see how the other 66-plus counties have dealt with this issue and came the terms with it. Before we all vote no, I'm asking you all to take the time to study it more. I'm asking the staff to work with you more, and that we revisit this in -- what? -- one month?

Mayor Lago: I have no issues with that.

Commissioner Anderson: Okay.

Mayor Lago: Alright, so moving on. Thank you, sir.

City Clerk Urquia: One more.

Mayor Lago: And can we please close the public comment?

City Clerk Urquia: Yes, sir. And right now, we're just going back to the person on Zoom that was able to come through before. It was Gina Chevallier.

Ms. Chevallier: Good afternoon, Mr. Mayor, Vice Mayor, and Commissioners. My name is Gina Chevallier, and I live at 6201 Marlin Drive. My husband was instrumental in collecting signatures for that petition in front of you today from the residents. But I would like to say my position has changed, and I believe his has changed as well, based on the information that is providing -- that has been provided here today and the willingness of the Commission members to look into other sources to help the community and to help the residents basically afford this transition, which is absolutely something that is very needed in our community. As the marine biologist that spoke earlier provided many details of different areas around Florida that have done this -- Monroe County in particular. I've grown up in Miami-Dade County. I've been here since '72. I've seen the difference in the waters around Miami. I dive the waters around Miami-Dade County, so absolutely I've seen the difference. But one of the things that was not provided initially -- this was sprung upon us on April 17th. And the communication as far as the benefits of the project, the cost to the residents, and even the requirement -- whether or not we will actually be required to do that hookup immediately once the sewage line is brought in, I don't even know that information. I think it's -- this is something that requires a little more education to the residents and what our options are. I saw something on a slide today that said that now there's a 10-year assessment where before they were saying it had to be paid back over the five-year period, unless of course, you choose to pre-pay. But the -- there just hasn't been enough information for the residents to really make an informed decision as to whether they would agree or not agree to move forward with this project. And I would ask the Commission to not vote no today, but to defer this to at least a month's time and to educate this community a bit more about the resources that are available. I just did a cursory search as to what some of the other communities are doing throughout Florida. And I quickly found two of them, which one was in Southwest Florida, one was in Citrus County, where they're providing seven and ten thousand dollars for licensed contractors -- for the homeowner to have the license contractor approved by the County or the municipality to pay for the actual

hookup. So, this is something that can alleviate, you know, quite a bit for the residents. The other thing is, you know, we're all talking about having to redo our driveways, move trees. You know, all of these permitting issues with the City of Coral Gables take time. I know. We're trying to redo our roof now, and they're telling us our tile color is too dark when there's at least 15 other homes in the community with the same tile color. And so, it's delaying that whole process. Perhaps, you know, for this particular project and for residents that would have to take out permits to redo whatever areas in their home, in their residence, that have to be altered due to this project, maybe you have a fast track permitting. Maybe you have a moratorium on permit fees for this project. I mean, there are so many different things that can be done to make this more palatable to the community, and I think that discussion needs to be had. And it certainly hasn't been because there really hasn't been enough time to do so.

Mayor Lago: Thank you very much, ma'am.

Ms. Chevallier: So, that's all I wanted to say. Thank you.

Mayor Lago: No, thank you. Thank you very much. She brought up some very good points, obviously, about permit fees and a litany of different things that I think we could consider in the future if this would come to fruition. But first, we'd have to -- even if we did consider it, we'd have to find the bridge to see if we can find grant funding to address the issue. What is the will of the Commission? What does the Commission want to do? Obviously, I think we're all a no. But obviously, does the Commission want to grant one month to be able to find some grant money to see how we can address the issue to see if we can get this done, and then chase some of -- chase some -- because that lady mentioned -- and she sent it to us by email. I think all of you were copied on it -- the fact of seven to ten thousand dollars inside the property, funding that is used to do the actual hookup to aid with sod, to aid with, you know, concrete work, or sidewalks, or anything that may be -- have to be addressed.

Commissioner Anderson: I made the motion, so if anybody wishes to second, they may.

Vice Mayor Mena: What's the motion? I'm sorry. What is the motion?

Commissioner Anderson: To defer. To defer for a month, have staff work...

Commissioner Fors: I'm not -- from the very beginning, I said I wasn't going to waiver on this one. I have a crystal clear picture of how these residents feel.

Vice Mayor Mena: I agree.

Commissioner Fors: And I said -- I said it early on that I wanted to be fully transparent, even though I didn't have the opportunity to speak to my colleagues about it because of the Sunshine Law. But I warned the City Manager early on that I wasn't really going to waiver on this one. I did keep an open mind nevertheless, but I'm just going to vote no with no deferment (INAUDIBLE).

City Attorney Ramos: So, there's a motion. Does it have a second?

Commissioner Menendez: Can I comment before we --? So, I just want to add, my concern in terms of reality is the City, if we approve this, the clock starts ticking. And then we would have to come up with a way to help cover the cost of these families, which if it's through grants, we still have to apply for those grants. So, the reality is, to get the money to cover their cost, there's not enough time. That's the way I look at it. So, why --? I'm not comfortable keeping them in limbo when their concerns are very clear. I think we understand them. We appreciate it. If we want to consider -- or if we were to look into going forward what grants, what funding there is to cover the private property owner's interest in these types of matters, I'm all for it. But I don't feel comfortable leaving them in limbo, not sure of what's going to happen one way or the other. Though, obviously,

you know the sentiment, but still it's something that's hanging over you. So, I'm not comfortable keeping them in limbo.

Vice Mayor Mena: I'm a no vote. The residents understand if this ends up being mandated later on, you may not have grant monies, and you may end up paying more. You're all adults. You all understand those -- the risk, you know, associated with that. I respect that, but you've spoken very loud and clear about what your position is on this, and I'm going to respect that so.

Mayor Lago: I'm in favor -- again, I'm a no vote, but I'm in favor of having -- supporting my colleague, Commissioner Anderson, on this and waiting a month and seeing what we can do as a City to find money. I don't see an issue that's going to hurt anybody at the end of the day. I've said that if the residents are going to be responsible, they're going to be responsible from within the property line, and we could try to find even some of that grant money, the seven to ten thousand dollars that they mentioned, try to see if we can cover everything. I think it's a lost opportunity if we don't -- at least we have \$3 million almost on our side. And I think we lose a big opportunity by not at least exploring it for a month before we vote no on this.

Commissioner Anderson: You know, I've spent time on cases where I thought absolutely there was zero chance of reaching an agreement with the other side. But as they received more information and had an opportunity to digest it -- and granted, this was brought to you way too fast, in my opinion, to make an intelligent decision. It deserves time to receive more information. And if they still want to vote no after that, so be it. Just understand what the risks are.

Vice Mayor Mena: I don't...

City Attorney Ramos: Mayor, do you want to second the motion?

Vice Mayor Mena: I -- sorry, I have -- the conversations I've had, frankly, with multiple people in the neighborhood, I've heard nothing but intelligent commentary and informed opinions by people that have done a lot of research, frankly, on the issue over the last few weeks. And so, I don't...

Commissioner Anderson: I understand how you feel, Vice Mayor. But they haven't had the opportunity to look at the 1,000 pages and how 66 other counties have handled the problem, and how those residents handled the problem and the grant applications...

Vice Mayor Mena: But that's...

Commissioner Anderson: Et cetera.

Vice Mayor Mena: But they don't...

Commissioner Anderson: And you had a resident just speak in front of us saying she changed her mind just based upon the little bit of information that was provided today. What's 30 days more for them to make it a more intelligent decision?

Vice Mayor Mena: It's not -- there -- I'm not -- sorry, I'm not going to decide based on one person. I'm going to decide based on the 99 percent of the people in the neighborhood that are being really clear about what they want. And at the end of the day, I hate to say no to the grant, but if this has to be done down the road, it's going to happen, and the additional cost is going to be incurred by these residents, and they're okay with that. But maybe it won't. Like I said earlier, maybe they'll have moved, maybe they'll have retired. Maybe they'll have had an opportunity to make other arrangements. I'm just saying, I think they've been loud and clear, and I'm going to respect their position on the issue. And I'm going to accept it as, with all due respect, an informed position on the issue for the most part.

Mayor Lago: Madam City Attorney, so no action would be...

City Attorney Ramos: So, there's a motion. We need to know if there's a second.

Vice Mayor Mena: There's no second.

City Attorney Ramos: Okay, so it dies.

Mayor Lago: So, there's no action on this item. I will just...

Vice Mayor Mena: No, I'm going to make -- I'm going to separately make a motion to reject the award.

City Attorney Ramos: Okay. Is there a second on that?

Vice Mayor Mena: We have to take action, right?

City Attorney Ramos: You don't have to take action.

Mayor Lago: That's what I was...

Applause.

City Attorney Ramos: It can stay, but that's a more definitive way to proceed.

Vice Mayor Mena: Right. I'll make the motion.

City Attorney Ramos: And are you adding to that motion that we return the grant?

Vice Mayor Mena: Sorry, yeah. That's not -- I thought that was implicated in turning it down.

Mayor Lago: Is there any way that we could say no and have staff, I don't know, work for a month or a few weeks and see if they could iron something else out and figure something out?

City Attorney Ramos: You can. It's just a matter of what motion you want to make. That's why I'm asking.

Commissioner Anderson: Is there any way to apply this to another area? Because there are other residents in our community who are ready, willing, and able to pay...

Mayor Lago: Naomi says no.

Commissioner Anderson: Their portion.

Mayor Lago: What can we --? What do you want to do?

Vice Mayor Mena: My motion...

Mayor Lago: But you -- see can we -- can we work...?

Vice Mayor Mena: It's a resolution on the floor that's on the agenda, and I'm just saying no to that.

Mayor Lago: But you can amend it though. I mean, we can amend it and say, listen...

Vice Mayor Mena: No, no, but my saying no to that doesn't preclude anything else, right?

City Commission Meeting

April 26, 2022

Agenda Item I-3 - Resolution of the City Commission accepting the King's Bay Gravity Sanitary Sewer System Grant from the Florida Department of Environmental Protection's Coral Protection and Restoration Program and authorizing the City Manager to execute an agreement with FDEP for said grant; directing the City Manager to develop the estimated local improvement assessments to be imposed on all benefitting properties to fund the project cost not covered by the grant. Page 105

City Attorney Ramos: It doesn't preclude it, but you're also not directing the Manager to give the grant funds back, so it'll be up to the Manager what he does.

Vice Mayor Mena: Okay, but I'm not sure what the...

City Attorney Ramos: In other words, if he keeps looking for more...

Vice Mayor Mena: Distinction is.

City Attorney Ramos: Funding and brings it back to you, or if he decides to go ahead and decline it at this time, that'll be up to him unless you direct him otherwise.

Vice Mayor Mena: Look, I don't know what my colleagues think.

Commissioner Fors: Yeah, I mean...

Vice Mayor Mena: I'm ready to put -- move forward and we -- I appreciate the desire, I really do, and I have the utmost respect for my colleagues, and I understand where they're coming from. I think we have a tendency sometimes coming from a good place to let issues the linger, and I think this community doesn't want it to linger. I think they want to close the door and move on. So...

Mayor Lago: Then make a motion.

Vice Mayor Mena: That's -- you know, again, maybe my colleagues disagree, but I'm just trying to respect the wishes of this specific community, which I think have been really clear.

Mayor Lago: I already put my opinion on the record. If you want to return the \$3 million and...

Vice Mayor Mena: I hate to, I don't.

Mayor Lago: And not even potentially for -- chase something else so they don't have -- I don't want them to spend a dollar. I want them to do it for free. I just want to find a way to get that money.

Commissioner Anderson: Yeah.

Mayor Lago: That's all I want to do. I don't want -- I'm asking them...

Commissioner Menendez: I have a...

Mayor Lago: I don't know what the fear is.

Commissioner Menendez: I have a question for the City Attorney. So, in your discussion a moment ago, you said the original motion by Vice Mayor Mena, that doesn't stop the Administration from saying, "Hey, we found \$100 million. We're paying for the whole thing."

City Attorney Ramos: It does not.

Commissioner Menendez: They can still do it.

Mayor Lago: She wants direction. City Attorney would like for us to provide direction.

Commissioner Menendez: And with -- they have no direction. They can pretty much...

City Attorney Ramos: It's up to the Manager.

City Commission Meeting

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Commissioner Menendez: It's up to the Manager.

Mayor Lago: Okay.

Commissioner Anderson: I would prefer to leave it to the Manager because the implication, quite frankly, quite frankly, is...

Vice Mayor Mena: I don't think...

Commissioner Anderson: It's going to impact the rest of the residents throughout the City of Coral Gables because our -- you know, we have one area reject it...

Vice Mayor Mena: We've had the debate. I hear you. But we've had that discussion and we are where we are. For me to now abdicate the decision to the Manager when we just discussed it, and we're voting on it, I'm just not really sure...

Commissioner Anderson: Well, I wasn't clear on your motion then.

Commissioner Menendez: So, the motion is basically...

Vice Mayor Mena: Okay, I'll be clear. My motion is to...

Commissioner Menendez: To reject the -- this.

Vice Mayor Mena: Reject the proposal and return the funds.

City Attorney Ramos: Got it. That's a different motion.

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Vice Mayor Mena: Is that clear?

City Attorney Ramos: Yes, very.

Commissioner Fors: Second.

Commissioner Menendez: Yes.

Commissioner Anderson: No.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Mayor Lago: I hate to vote yes, but I mean, I have no other choice at the end of the day because I think the community's been very clear. But I think we're sending the wrong message here as a community. I think that we have to be a little bit more thoughtful in regards to this because this could send a message that we're not interested in future grant money to address these issues. And when the problem does come back -- which it's going to come back, just so we're clear -- it's going to come back. I have a feeling that there's not going to be any money.

Commissioner Anderson: Right, and that's...

Mayor Lago: Sprinkled our way, and that's my fear.

Commissioner Anderson: And that's why I'm voting no. I'd prefer not to kill this...

Mayor Lago: Yes.

Commissioner Anderson: Today.

City Clerk Urquia: Thank you.

Vice Mayor Mena: You might be -- and you might be right, but if that's going to be our position, then it's incumbent on us to speak to the neighborhood before we apply for the grant for the neighborhood.

Mayor Lago: But we'll never catch the grant. We'll never catch it.

Vice Mayor Mena: Well, but I'm saying, but then...

Commissioner Menendez: That's the...

Vice Mayor Mena: We're assuming the risk that if we get it, the neighborhood's not going to want it.

Commissioner Menendez: That's what the master plan...

Vice Mayor Mena: You know...

Commissioner Menendez: Would help.

Vice Mayor Mena: That's -- so I'm like, you know, we just have to decide how we want to do it.