

**City of Coral Gables City Commission Meeting
Agenda Item H-1
October 28, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Works Director, Glenn Kephart

Public Speaker(s)

H-1 [Start: 1:27:55 p.m.]

A Resolution approving the implementation of a Residential Sidewalk Restoration Program
(Continued from October 14, 2014 City Commission Meeting)

Mayor Cason: Glenn.

Mr. Kephart: Thank you Mayor, Commissioners. At the October 14th, meeting we presented a residential sidewalk restoration program and as part of that discussion, we discussed whether the residents would be assessed for the sidewalks that are not part of the program that was damaged by City trees, and you directed staff or requested staff to go back and look and see whether the budget that you appropriated \$2 million for this program, is adequate to repair all the damaged sidewalks in the City and if we can get a higher degree of confidence on that. We did go back and we worked with Stantec Engineering, along with staff and evaluated that. In fact, we believe the \$2 million is adequate budget to repair all the damaged sidewalks in the City. I would exclude from that, not because it's a monetary issue, just because the construction that's ongoing

and where they are damaging the sidewalk and they need to replace it, they still should replace their sidewalks as part of their construction projects. Our surveys of the City, which included more than 8 miles of sidewalk for 167 miles show that we've got a little more than 10 miles of sidewalks to replace. The cost of doing that is less than \$2 million, but the actual cost of the concrete is around \$1.5 million, and then we have another 25 to 30 percent in there to deal with the tree issue appropriately, and we'll be looking at those issues on an individual basis, we have various means by which we can address a tree and one of the things we don't necessarily want to do is indiscriminately cut roots, like something that was done in the past and we heard a lot on that today. Really it comes down to an individual basis of looking at the tree and seeing what is appropriate, sometimes will be bridging up over the tree and making modifications in the concrete, but we do believe that the budget that has been appropriated is adequate to do all of the sidewalk, including that of the residents, and then I would add to that, that we also believe that we don't want to have to have a \$2 million program for sidewalks in future budget years, let's say \$2 million over 10 years is probably somewhere around \$200,000 that we would request in next year's budget for an ongoing program so that once we get caught up we stay ahead of it. So that's staff's recommendation at this point.

Mayor Cason: Couple questions. We have in the ordinance the question of construction over \$15,000 requires you to – is that necessary any more to repair the sidewalks?- is your concept after we repair them all if they are broken again by a resident's tree or not by something we do, it's presumed that it's the resident's responsibility to repair and we no longer need that \$15,000 provision in the Code, is that correct?

Mr. Kephart: Yeah.

Mayor Cason: OK – and then secondly, do you plan – when can you start if you plan to use two contractors or one?- the one we have already?

Mr. Kephart: Our plan is to start with the one that we have on call services with and see how that goes. We have the option of procuring for an additional contract, but we really have a good price with this contractor and probably procure an additional down the road, but we've got the ability to start this program within weeks.

Mayor Cason: Great – and do you have a plan where you are going to start?- something you can provide us if the neighbors call us and say when is my sidewalk going to be fixed, we can say here is the plan and more or less the sequence.

Mr. Kephart: Yes. I think I would propose that first of all, we are going to do an outreach to the entire City explaining the program, not only the program this time, but also that this is a one-time

catch-up and it...but the responsibility is in the future, so we need to communicate that; and then to the degree that we can through the ENEWS and other methods continue to keep the residents informed about which neighborhoods we are going to be in. When we did the street paving program, we notified the residents in the particular neighborhoods that we were going to be working in that we would be in their neighborhood. We would do the same thing with this program. It was suggested last time that we start in the Craft Section, we could do that, my only request is that we don't want to be jumping around; we want to start in a section and go that would be most efficient and help us stay within our budget. So we could start, as an example, we can start at Douglas and Bird and work up towards to Ponce and LeJeune and that does appear to be one of the sections of the City that has probably the most needs currently.

Mayor Cason: The oldest areas with the biggest trees are the one more likely when I was walking around they were really in bad shape. Does this only apply to residential?- it doesn't apply to commercial sidewalks?

Mr. Kephart: This program is only for residential.

Mayor Cason: And one of the things that we should complement this with is let Code Enforcement know that when you see cars parked on the sidewalk in the future and trucks, which I see all the time, they should get a nice fine because they are going to end up cracking our sidewalks again.

Mr. Kephart: Yes. Yes.

Commissioner Keon: Can I ask you to clarify when you say residential; you are talking single family residential.

Mayor Cason: What we define as residential because we've always said streetscape that those sidewalks are the responsibility of the business owners, and so we don't want to undercut our own argument.

Commissioner Keon: But we have multi-family residential, so that's what I'm asking, is it also multi-family residential?- is it only single family residential?

Mr. Kephart: That's a very good question and maybe we need to vet that a little bit more, but as far as because you have neighborhoods that have a mix of multi-family and single family, we are looking at those neighborhoods as residential.

Commissioner Keon: OK.

Mayor Cason; Makes sense. Craig.

City Attorney Leen: Mr. Mayor, I'd just like to give one statement from a legal perspective. The law isn't changing, so for both residential and commercial there is still a burden in the Code placed on the adjoining property owner. The City also has that burden, which is why I think to the extent I would comment on something as a legal advisor, this is a wonderful program, because we are going forward and we are fixing up all the sidewalks that are going to help us from a liability perspective. It's also going to make people safer, but I also want to make it clear for purposes of the record, we are not saying that in the future that the adjoining property owner won't have that duty. I think that's clear in the record, but the Code still remains. The other thing I like about this is that we have not been sending out those notices to residents and I've always felt that before we attempt to impose a burden on them, we should send out that notice, we didn't do it. This type of program allows you to fix everything and then come forward in the future with the notices so everyone is treated the same. So I think it's a wonderful program. I commend staff.

Mayor Cason: I'm really pleased that you were able to find that we could do this; this is going to be a tremendous – the streets were bad, but the sidewalks were, I'd bet it was 40 years since we've ever had a systematic program for the sidewalks, so I think this is a wonderful initiative. I'm glad we have the money and I'm glad you clarified it so that we can do all of this without having to pick and choose who did what to whom.

Mr. Kephart: And staff is very, very grateful that you brought this forward as your Public Works professionals, we want our sidewalks to be in a condition that's commensurate with what the Code requires and that's our intent; and we are grateful that you have provided the money through the budget.

Mayor Cason: Obviously in future years thinking ahead the next phase would be where sidewalks don't connect. As a grandparent pushing baby carriages, when I get to the end of the sidewalk it goes into the mud and then – that's the next stage is to try to connect where logically sidewalks can connect so it makes it easier for people on bikes and strollers and skateboards.

Commissioner Keon: Or else end them appropriately.

Mayor Cason: For those of us who will be on our crutches and our walkers, we can continue on, on the sidewalk.

Mr. Kephart: OK. And then just a clarification too because if you hear from residents that it's not our intent to replace sidewalks that's stained by black olives or other things, we are not trying to

beautify as much as we are to get to the Code condition of continuous smooth surface and that's the intent of this program.

Mayor Cason: Great. Any discussion? Motion?

Commissioner Lago: I'll make a motion?

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

City Clerk

Commissioner Keon: Yes

Vice Mayor Kerdyk: Yes

Commissioner Lago: Yes

Commissioner Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 1:36:47 p.m.]