

City of Coral Gables City Commission Meeting
Agenda Item H-6
March 25, 2015
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

City Manager, Cathy Swanson-Rivenbark

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

Public Works Director, Glenn Kephart

Agenda Item H-6 [11:40:21a.m.]

Resolution accepting the recommendation of the Public Works Director to authorize contract negotiations with State Contracting and Engineering Corporation (SCEC) and further authorizing the City Manager to execute phase one of the contract to provide design phase services during design and if necessary, with the other short-listed firm, as the Construction Manager at Risk for the Miracle Mile and Giralda Avenue Streetscape project pursuant to Section 2-1089 of the City of Coral Gables Code of Ordinances and Request for Qualifications (RFQ) 2015.12.05.

Vice Mayor Kerdyk: H-6 is a resolution accepting the recommendation of the Public Works Director to authorize contract negotiations with State Contracting and Engineering Corporation (SCEC). Madam City Manager.

City Manager Swanson-Rivenbark: I'm going to ask Mike Pounds, as well as Glenn Kephart to come forward to answer questions.

Commissioner Lago: If I may before these two gentlemen speak. I can only speak for myself, but on Thursday when I received the documents for this Commission meeting and for our one o'clock time certain meeting in regards to the Agave Project, I've been concentrating on really mostly reading the Agave Project in preparation for that, close to around 500-600 pages of documents that I received on Thursday. I have not had the time to fully vet this contract and I want to be 100 percent honest with you. We are about to make a decision on a contractor to basically complete a project that has been on hold for close to 30 years. So what I would ask you to indulge me, if we could basically defer this until the next Commission meeting so I have the ability – because I can only imagine that you are going to come and ask me, being in construction and design, to give you a little bit of information in regards to the project. I can talk about the finer points, but there are certain things that I really want to make sure that I can sit down with staff and I also want to make sure that I sit down most importantly with Craig, legal, and discuss certain issues that I have that could be an issue; and I also want to sit down with Mr. Pounds and discuss, along with the City Manager and discuss really the issue of procurement, the standards that were placed. So if you could indulge me, we've waited 30 years for this. Give me another two or three weeks, I would really appreciate a deferral.

Vice Mayor Kerdyk: What's the sentiment of the Commission?

Mayor Cason: I would agree with you – and I look to you as the builder on this. This is not my area of expertise, so I do want to hear from you as you've had some very valid concerns about the fire station renovations that I thought was very useful. So I'm willing to go along.

Commissioner Keon: So it would be on the next agenda.

Mayor Cason: Yes.

Commissioner Keon: So is that a continuance?- or what is it?

City Attorney Leen: There are a couple thoughts – and I do think you should hear from the Public Works Director. It makes sense obviously to either defer or continue – you could defer, because we really haven't held a hearing yet. One point I wanted to make was, the opinion I was going to give today was that you could pick between either of them, so I do think that if there is going to be a future meeting on this that both sides should be informed and they should be prepared to present to the Commission as to why they should be chosen.

Commissioner Lago: Well, I agree with you 100 percent; I have no issues listening to Mr. Pounds or Glenn. My issue is just in reference to my preparation. We received our documents on Thursday, and if it was a standard Commission meeting – a standard Commission meeting was

400 pages and then we have another 600 for Agave. I was up last night close to 3 o'clock in the morning and spent two nights in a row like that in preparation of our meetings today. Have I reviewed the documents before, I would review them in full, 100 percent, but I haven't had the ability to sit down with Mr. Pounds and discuss certain points, which I think that would really help the Commission in regards to making a decision. So again, I'm more than willing to go that route and listen to Mr. Pounds and discuss this further.

City Attorney Leen: I think what they were going to say was, there was a concern that they want to make sure that the CMAR is added at a time when it could still be helpful. Could late April be helpful?

Vice Mayor Kerdyk: Let me ask Glenn for a moment.

Mr. Kephart: Thank you Mayor, Commissioners. In regards to that and I think in a memo that I did to the City Manager back in March 9th when this became a question mark. I stated that it was the selection committee's opinion that we were fortunate, because we had two very good firms and we had to select one of them. I tried to explain the rationale of why we selected one, but I concluded that memo with there are some advantages to select – either firm can do this project. We had our reasons for preferring one over the other that I would answer any questions on, but to the issue of deferral. It would be ideal if we would bring in CMAR on board within the next few weeks. We are getting deep into conceptual design; we are planning a community meeting for April 17th, in which we would actually be showing, it would be an event out on the Mile and we are going to actually mock up the sidewalk and have displays inside and make a really fun community event. Having a construction manager on risk during this phase is we are transitioning from concept to final design, is the ideal time to bring the construction manager on risk because they get to start doing some early value engineering; start looking at constructability issues that perhaps the designers are overlooking and catching things that earlier and becoming a value added part of that team.

Commissioner Lago: Let's touch on a few quick points; hopefully give a reason why I'm requesting this. You say that we are in pre-con right now, how far are we till we have 50 percent CD's?

Mr. Kephart: The conceptual design will be finishing up in April and then they are going to enter into, as it's planned and then they are going to start the final design drawings, which they will finish by early summer and then during the summer they will go through permitting.

Commissioner Lago: So we haven't started yet construction, you know CD's?

Mr. Kephart: No. No, we have not.

Commissioner Lago: In my opinion waiting two or three weeks, you are still going to be able to do, like you said, value engineering, and constructability analysis. Usually when you do CMAR risk as he is calling it, construction management at risk, the contractor comes into play from the beginning. Right now what they are doing is they are really gathering data in preparation of what they are going to put forth on paper. I've been involved with many CM at risk contracts. I just feel that yes, is he 100 percent correct?- yes, in the sense that you do want a contractor from day one, but I think that it's not in the best interest of the City after waiting 30 years to rush into something, and I can give you multitude of points, I have them written down here, of why I think I want to wait to really make a decision after I've read all of the documents, after I've sat with Mr. Pounds, after I've sat with the City Manager, and after I've sat with the City Attorney. It just makes sense from a multitude of issues.

Vice Mayor Kerdyk: I also understand this is such a key decision for the City, and if we are not ready to make it we are just going to have to defer it, and that's the way it's going to have to be, so I'll entertain a motion for deferral.

City Attorney Leen: So when are you deferring it to – to mid-April?- to the end of April?

Commissioner Lago: We could have a special meeting.

Commissioner Quesada: I couldn't care less either way. I mean I see some people here. I see Vinny who I know was on the selection committee, Vinny Torre. So we have people here; and I saw also in the memorandum that the City Manager provided to us that it's important to select someone sooner rather than later, but obviously if everyone is not prepared then that's fine. I have no problem. The thing is the next meeting is April 28th –

Commissioner Lago: We could have a special meeting.

Mayor Cason: Special meeting.

Commissioner Quesada: Hold on – so can we do something – I mean, I have a number of questions for a lot of people, so I don't know if I can e-mail it to staff to give to them so that they can respond.

City Attorney Leen: This is not a quasi-judicial hearing so you can send it and we can forward it to them, we have them prepare a presentation for you, but the one thing I wanted to say was, you know I recommend – if you are not going to do it at the next meeting, do it in mid to late April,

but maybe a week or two before. I'm going to be out of the country from April 3rd to April 13th, I would want to be present for this.

Commissioner Quesada: OK. Maybe we can do it right before you leave or right after you get back.

City Attorney Leen: Right after.

Commissioner Lago: Like what Commissioner Quesada said, I have close to 15 to 20 RFI, request for information in reference to the documents I read already. Everything from running construction to the staging, so whoever is the point person, I can send that information to them and then request for clarification even before we sit down, so they have answers, so we are not going through fumbling through documents, they can actually have answers already.

Vice Mayor Kerdyk: That's very good.

Commissioner Keon: I have a question for Vince. I think what was before us today was the recommendation of which of these companies would we use or select for this, but what I'm hearing you say is, is the issue that you have just one of the other companies, or is it with the specs and with the procurement process, with all the other – is it just the individuals or is there more to this than the individuals?

Commissioner Lago: And I'm going to be really brief, because I don't want to get into too much detail – it's both. It's both the procurement process in reference to the way that things were defined, for example, how many years of experience?- have you done similar projects?- what are the....? I've called references on both sides and there is an issue. When you call a reference and it doesn't check out there is a problem, because I've done this a hundred times. I've gone to municipalities and opened up and request to see – let me see the top five finalists, and I've been the third finalist, and I have looked through documents to see if all the documents are in place, that's number one, procurement. Number two, is also in reference to both contractors. Why do we only get two contractors?- who is the most qualified contractor to complete the streetscape project? This is not a building – BBI Construction does not build high-rise buildings, because we know what our wheelhouse project is, we know we are good at it. So there are certain things that I've been looking at and to be honest with you, I was waiting...

Commissioner Keon: OK. So it's really more than just....

Commissioner Lago: By the way, just so you know, the documents that you saw today, we haven't had those documents till Thursday and those documents are a response from one entity

to another, what do they call them, sorry, it escapes my memory right now – a protest, excuse me. So we were waiting for staff to provide an answer in reference to the protest, we got that on Thursday. So then you’ve got to go back and look at all the documents again, and to be honest with you, I don’t think any of us had time because we’ve been so...

Vice Mayor Kerdyk: Commissioner Lago you made a motion.

Commissioner Lago: I’ll make a motion to defer.

Mayor Cason: And I’ll second it.

Vice Mayor Kerdyk: Second by Mayor Cason.

Commissioner Lago: An opportunity for a special meeting, if Craig’s schedule permits.

Mayor Cason: A special meeting.

Vice Mayor Kerdyk: Alright – Mr. City Clerk.

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

Vice Mayor Kerdyk: Yes

(Vote: 5-0)

Vice Mayor Kerdyk: OK. Thank you. Thank you very much.

Mr. Kephart: Can I ask just one question about a special meeting because we need to have a special meeting in about that timeframe anyway for the designers to present the concepts to you, so if – we could put them together.

Commissioner Quesada: And when is that for?

Mr. Kephart: Well we haven’t set it yet, so the opportunity is to...

Commissioner Quesada: For this issue, I mean the only thing I’d ask is sooner rather than later.

Mr. Kephart: Thank you.

Commissioner Keon: So you would do them both at the same time, is that what you are saying?

Mr. Kephart: Sure.

Commissioner Keon: Good idea.

[End: 11:52:21 a.m.]