

City of Coral Gables City Commission Meeting
Agenda Item F-16
May 7, 2024
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Amos Rojas, Jr.

City Clerk, Billy Urquia

Asset Manager, Zeida Sardinas

Public Speaker(s)

Agenda Item F-16 [4:54 p.m.]

A Resolution of the City Commission authorizing the City Manager to approve and issue reimbursement to Actors' Playhouse Productions, Inc. for the labor and materials necessary to install a new ADA compliant ramp and railings to access the second-floor stage area of the city-owned property known as the Miracle Theater located at 280 Miracle Mile, Coral Gables, FL 33134 in an amount not to exceed \$41,900.00. (Sponsored by Commissioner Menendez)

Mayor Lago: Commissioner Menendez you said you were leaving.

Commissioner Menendez: Yes, I have to go...

Mayor Lago: Which item is yours.

Commissioner Menendez: F-16. Through the Manager, if Zeida could come up. This is regarding the Miracle Theater. There's an urgent need. It has to do basically with helping mostly children

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with disabilities, wheelchairs, be able to get to the second floor of the facility for shows and activities and summer classes. They've reached out to the city, and I think they worked, obviously through the Manager's office, and I think there's a path forward to take care of this much needed assistance.

Mayor Lago: May I ask you a quick question?

Asset Manager Sardinias: Yes.

Mayor Lago: I haven't reviewed the contract in some time, it's been probably a year since I reviewed the contract. Is that a triple net contract, you know for everything that they are responsible taking care of everything or no, in their contract?

Asset Manager Sardinias: So, with respect to this particular issue which are ADA issues – yes, the reason why we could not approve that, and the Manager didn't have the authority to do so, is because the contract states that the ADA changes are their responsibility. However, they are having a lot of issues with the lift that's on the second floor. It doesn't accommodate. Its very old and it doesn't accommodate the ability for the larger wheelchairs that we have now that are automatic to be able to come in and turn and so on and so forth. We are in the process of doing a project there where we're going to change the chiller system and the theater has to shut down during the summer in order for us to conduct this, because there won't be air conditioning in the theater.

Mayor Lago: But that chiller system is within our responsibility.

Asset Manager Sardinias: Correct sir. Yes.

Mayor Lago: Like the roof is and different other things.

Asset Manager Sardinias: Yes. Yes. Absolutely. So, the tenant asked if they could get assistance from us in order to build this ramp, right. Get rid of the chair lift and have an extensive ramp so that there would never be a problem. People could go up and it would assist them also with walkers, etc. So, they've requested this. The reason we're here is because the Manager doesn't have the authority. It's a construction item, so the limit is \$25,000, and we don't have the authority to be able to assist.

Mayor Lago: But my statement is in the contract that exist...

Asset Manager Sardinias: No, sir. They are not responsible.

Mayor Lago: They are not responsible.

Asset Manager Sardinias: No. They are responsible. We are not responsible.

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City Attorney Suarez: The tenant is responsible.

Mayor Lago: The reason why I mentioned this is because, again, this is a slippery slope. We have other tenants in this community. If we don't abide by the rules, I know this is an ADA issue, but if we don't abide by the rules of the contract, I think that we're putting ourselves in a situation where, you know this very well Zeida, every other tenant is going to come to us and say listen, I have an issue, I can't afford it, I need you to cover the cost. So again, we have probably invested in the last four, five years since I remember millions and millions and millions of dollars in the Playhouse. We've spent a lot of money – on renovations, correcting water intrusion issues, and issues with the roof, exteriors. I understand that this is our building, it's a jewel, and we need to maintain it, but also, we need to be very, very thoughtful and be very careful when we make these types of decisions, because we're opening up Pandora's Box, in my opinion. Today it's \$50,000, next month it could be \$400,000 with another tenant. That's my opinion and I know that the Vice Mayor, I probably didn't make any friends with the Vice Mayor right now in regard to ADA issues, but at the end of the day...

Vice Mayor Anderson: I have pushed. What is the elevation change between the first and second floor?

Asset Manager Sardinias: I don't have the answer to that question ma'am. I don't. The elevator lands on the second floor. We went there with the Manager and the Assistant City Manager, and we also took our Chief of General Services, and we took a look at what it is. We have now a simple layout. Obviously, they will have to go through the permitting process and evaluation of their plan once it's ready. They don't have that ready.

Commissioner Menendez: I think it's going to involve architects, drawings.

Asset Manager Sardinias: Yes. Architects, drawings, engineering.

Vice Mayor Anderson: Being an individual who has to push an individual around in a wheelchair that weighs more than she does, the feasibility of using a ramp to get someone to the second floor, aside from the extensive length that it has and switchbacks and back and forth.

Asset Manager Sardinias: Its not meant to go from the first to the second floor. It's when you land on the second floor from the elevator, there are three steps and, kind of like right here.

Vice Mayor Anderson: So, I guess it wasn't described very well.

City Manager Rojas: Vice Mayor, if I may. The elevator will go up to the second floor. Its to get from the second floor there are three steps to go up. I believe the ratio you're looking for, and don't hold me to it, I think it was one to twelve.

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Vice Mayor Anderson: Yes. So, one to twelve...

City Manager Rojas: For the slope.

Vice Mayor Anderson: But there's a maximum length, being that the memo described it as, we have to have an obsolete elevator and we're replacing the elevator with this ramp.

Asset Manager Sardinias: No ma'am.

Vice Mayor Anderson: Was an odd description here.

Asset Manager Sardinias: No. The ramp – the lift itself is obsolete in the sense that it's difficult to repair because they no longer make it. They wanted to try to figure out if they could replace the lift or create a larger lift or get a larger one that would accommodate these wheelchairs that are now much larger than they used to be 25 years ago when they did the buildout and put that lift there. So, what they are trying to do is basically, and this is a really good explanation, it's exactly this. There are three steps and then there's a lift on the side where like the Clerk is sitting, that's where it is. So, what they are doing is, they are doing the ramp from, let's say over there, all the way so that the people can get off the elevator and then just come up the ramp, and that's where the second-floor stage is at, which is the smaller one, the one that has 300 seats.

Commissioner Fernandez: So, the lift is to get up those three steps, not the actual elevator.

Asset Manager Sardinias: Yes.

Vice Mayor Anderson: When they said they couldn't replace the lift and its second floor, you are saying second floor, right away you're communicating to somebody that you are going up an entire level, so that's an extensive length. I also don't see any information in here about any efforts to apply for any grants. I know this is a 501(c)3, so we're not talking about tax exemptions, but there are so many programs out there for doing ADA compliance issues. And one of the things I always reminded folks of, especially the Title 3 people, the private individuals out there in the companies is, there are tax credits, not exemptions, credits that you can get that essentially will pay for the modification over time. There's also grants out there. The Museum put out for a grant which is going to fund almost 50 percent of what they need to get done. Has there been any effort at all to apply for a grant for this?

Asset Manager Sardinias: Well, I do believe that they do that on a regular basis. I don't know that – I think there's also a certain timing issue because she wants to try, or the theater wants to try to conduct this while the theater is closed during the change in air conditioning project. We can certainly speak to her and ask her about her...

Vice Mayor Anderson: What's the elevation change?

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Asset Manager Sardinias: The cost that..

Vice Mayor Anderson: No. The elevation change. We're talking \$41,000 for this ramp. Now, I priced one out for my father's house and it was a little over a foot and-a-half elevation change. Here, we're probably talking about a two-foot elevation change and at the time that I priced it out for my father's house, we're talking about a figure that was about a thousand or \$1,500 bucks. \$41,000 for that short of a distance that you're describing now, sounds excessive.

Asset Manager Sardinias: It doesn't have an elevation number here in this proposal that she sent us.

City Attorney Suarez: It says it's a 24-foot handicap ramp.

Asset Manager Sardinias: 24-foot handicap ramp is what, but I think that's the length from what she explained to us.

Vice Mayor Anderson: Not the elevation change.

Asset Manager Sardinias: Yes.

City Clerk Urquia: Vice Mayor, Cable TV is going to go ahead and put it. I'm sharing the image on Zoom.

Asset Manager Sardinias: If you see the elevator landing is there and if you see where the steps are, it steps carry across so that is the...

Vice Mayor Anderson: You have an arrow you can use, clicker.

Asset Manager Sardinias: To make it larger.

Vice Mayor Anderson: So, they are using railing because the length of it is longer than what is permitted, okay, and the full length of this thing is 24 feet. They don't have room for a switchback or the level of landing resting areas.

Assistant City Manager Parjus: Do you see where it says landing. See that little rectangular piece there, that's what they have one of those elevators that are half floor elevators.

Vice Mayor Anderson: I've had those put in on places that were historic, because those were better options.

Assistant City Manager Parjus: They cannot fit an elevator, the design that you can turn around, they cannot fit that half elevator in that space.

Vice Mayor Anderson: Right.

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Assistant City Manager Parjus: There solution is to create the ramp, do an extended 24 feet, 38 inches wide and Manny already took a look at it, and he did the calculations that says it will meet the...[inaudible] slope.

Vice Mayor Anderson: Right. And is this going to be built out of plywood or...

Assistant City Manager Parjus: They cannot put a new elevator there because they don't have the space.

Vice Mayor Anderson: Someone is going to construct this and if I was going to refer to the individual familiar with construction pricing on the Commission, I'd refer to the Mayor – 24-foot ramp made out of plywood, \$41,000, seems pricey to me.

Mayor Lago: Very. So, let's go over this.

Vice Mayor Anderson: The Boy Scouts could build this.

Mayor Lago: We want to avoid corruption. That would be an example to me, if you give \$41,000 without a bid, without actual pricing, without actually a number, without a take-off, without design documents, approving a \$41,000 blanket approval, to me, when I do School Board projects, when I do University projects, to me, that screams no backup. No one's going to approve that. That won't even make it through accounting, because there has to be some sort of breakdown that shows, how did you get to that number. So, I think that's way overpriced. Maybe that includes, I'll give them the benefit of the doubt, maybe that includes soft costs. What are soft costs? – Plans, signed and sealed, engineering documents, that kind of stuff.

Asset Manager Sardinas: Yes, it does.

Mayor Lago: What I'm being presented today, doesn't show me anything in writing. I just can't support this, because what the Vice Mayor said, even solidifying my statement even more. If you came to me and told me, hey, I went after all these grants and I got 50 percent funding with these grants, and it's going to save the city, you know maybe I'll support you, because it's ADA. But I think we're opening up Pandora's Box in the city for all our private tenants to come in and say, we have an issue, I need you to please grant me the same exception and same privilege that you did. I think we need to think about this, in my opinion, but if you want to vote on it.

Commissioner Menendez: If I may, since unfortunately like I said, I have to leave. Unless there's more to discuss, I'd like to make a motion to approve it and obviously having Zeida and the Manager's office oversee the dollars, how their used, going forward on this matter, on this project, which is needed and there is a timing basis, so I make the motion.

Vice Mayor Anderson: I know you're in a rush. This is so horrifically overpriced. I have plywood that could be donated for this. Okay. I have never ever in my mind could imagine that someone would actually pay \$41,000 for a 24-foot ramp. We need to look for another solution.

Commissioner Menendez: Okay. Like I said, I made the motion.

Vice Mayor Anderson: Someone else's poor planning doesn't mean its an emergency every single time. How long did we know that this lift was an issue and all of a sudden now it's like pay the excessive price because it's now an emergency. I love Actor's Playhouse. I'd very much would like to get this done, but it doesn't mean that we take residents' dollars and pay an excessive price for something. My daughters even went up to West Virginia and built porches. Okay. This is not hard carpentry. This is not that difficult. It's a one to twelve slope. That's it.

Commissioner Menendez: Okay. I appreciate your input. I made the motion.

Commissioner Fernandez: Zeida, with the information that you have, is it completely detailed on everything?

Asset Manager Sardinas: We attached it to the agenda. I don't have copies. I could have the Clerk circulate this to you, but this is the proposal that she provided.

City Attorney Suarez: It's attached to the agenda item.

Asset Manager Sardinas: It's attached to the agenda item. I can circulate this. We can certainly ask for her to obtain other quotes, if that's.

Mayor Lago: That's standard operating procedures to get multiple different quotes, get signed and sealed documents.

Commissioner Fernandez: Can we have her come up with a couple of other proposals by next Commission meeting for us to consider? I think that's realistic. This isn't a major project. They should be able to give her something.

Asset Manager Sardinas: Correct.

Commissioner Fernandez: Would you be okay to deferring to next Commission meeting to have three options on the table so that we can calm the concerns that our colleagues have.

Commissioner Castro: Its in August so it gives us time, by the next Commission meeting.

Commissioner Menendez: When is the next meeting?

City Clerk Urquia: May 21st.

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Commissioner Menendez: I'd like to move something today, so that they have the understanding that we're supportive. There is a timing issue, the summer is upon us. What's the administration's position on this?

Commissioner Castro: Can we amend the resolution to the best offer? I mean approve it.

Commissioner Menendez: I'm open to amending.

Commissioner Castro: Contingent on two other offers at least, so that we know we are getting fair pricing, but approve it now.

Commissioner Fernandez: I would be happy to second that.

Commissioner Menendez: Okay.

Vice Mayor Anderson: You might even have people donate.

Commissioner Fernandez: The maximum would be what we currently – well, that's why. I think we should – that should be explored as well, and I think some of these companies may be willing to donate when it is for a non-profit.

Vice Mayor Anderson: I think people will be willing to donate. The message is do not wait till the last minute. You knew you had this problem a while ago, bring it to us earlier and we can do more. Okay. Don't come to me at the last minute. It's like clients that come to me at the last minute, after the ship has already sunk.

Commissioner Menendez: I accept the amendment to the motion. We have a first and a second.

Mayor Lago: So, if you get two prices a dollar less or three prices a dollar less than this, the process moves forward.

Asset Manager Sardinas: That's up to the Commission how you want to direct.

Mayor Lago: The optics are not good.

Asset Manager Sardinas: Direct me to...

Mayor Lago: By the way, let me just give you an example. You gave the design in public, and you just gave the price out in public. So, everybody knows what the price is. Everybody knows what the design is.

Asset Manager Sardinas: It was in the item, yes.

Mayor Lago: So, at the end of the day, the pricing you want to get, its already compromised, that's why you usually submit pricing in a signed and sealed document.

Commissioner Fernandez: I guess that tells us a lot about our construction industry.

Commissioner Castro: You can have Barbara actually request that, instead of on behalf of the city, so that they are not correlating both steps.

City Attorney Suarez: To be clear. As presented or as drafted, this is not the city doing the work, this is not the city procuring the contractor, okay, because if that were the case we'd have to consider procurement rules and whatnot, and we're not doing that. This is a request for reimbursement. So, if that's the will of the Commission, then we can move forward. If the Commission wants something different then we need to explore what that something different might look like.

Commissioner Castro: Since that is the case, I don't think those contractors that are going to be giving us offers are actually looking at this Commission meeting right now. I mean the probability is a lot less.

Mayor Lago: So, we have a motion and a second on the floor, correct.

Commissioner Menendez: And before we vote, because I think its time to vote, with all due respect, the most important optic to me is making sure the kids in wheelchairs get to the second floor to participate. That's the most important optic to me right now. So, I'm ready to vote.

City Attorney Suarez: So, just clarification on the motion is to approve an amendment.

Commissioner Menendez: Yes.

City Attorney Suarez: And what is the amendment.

Commissioner Fernandez: The amendment is that we have three options, and we go with the less expensive option.

City Attorney Suarez: So, we will request that the tenant obtain additional quotes and we will agree to – the maximum would be as stated in the resolution.

Vice Mayor Anderson: So, for the optics, just understand...

Commissioner Fernandez: Or my amendment would be for the three options-offers to come back.

Commissioner Menendez: I'm fine with that.

Commissioner Fernandez: So that we can make a decision here.

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Vice Mayor Anderson: So, the optics, so they are clear, there are temporary ramps that are rented all the time. I worked that out with other performance facilities, and they had not only ramps that were temporary, they could take them down-up as they need to be, and it didn't cost anything close to \$41,000. So, that's the optics. We can have accessibility without it costing excessively. Okay. I've worked those types of arrangements out with numerous facilities in over 100 cases in my career. That's why I have a feel for what the costs are, and I said I also have the plywood that can be donated.

Mayor Lago: We have a motion and a second.

Commissioner Menendez: Let's vote.

City Attorney Suarez: Hold on. I'm sorry. So, you said have it come back, because I heard that, but I don't know if that was part of the motion.

Mayor Lago: Its to approve moving forward with the lowest vote and they are going to get two additional prices.

City Attorney Suarez: So just approve, but...

Commissioner Fernandez: Bring it back to the Commission.

City Attorney Suarez: Once they have the lowest and the amount will be approved.

Commissioner Fernandez: Yes. Correct.

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: I think prices have to come first and then we vote, so no, at this time.

Mayor Lago: No. Thank you very much.

Asset Manager Sardinas: Thank you.

Mayor Lago: Good job. Great work.