

City of Coral Gables City Commission Meeting
Agenda Item F-5
March 28, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner James Cason

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Deputy City Attorney, Stephanie Throckmorton

Public Speaker(s)

Agenda Item F-5 [2:10 p.m.]

An Ordinance of the City Commission amending Section 62-151 Alleys, Swale Areas and Rights-of-Way to be Kept Clean and Mowed” in order to provide for a mechanism for the City to provide the required deep cleaning in commercial areas and lien the property for the cost of deep cleaning when a property owner fails to do so after notification; providing for repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

Mayor Lago: Moving onto item F-5.

City Attorney Suarez: F-5 is an Ordinance of the City Commission amending Section 62-151 Alleys, Swale Areas and Rights-of-Way to be Kept Clean and Mowed” in order to provide for a mechanism for the City to provide the required deep cleaning in commercial areas and lien the property for the cost of deep cleaning when a property owner fails to do so after notification; providing for repealer provision, codification, and providing for an effective date. This is a public hearing item, and the Deputy City Attorney Stephanie Throckmorton will present.

City Commission Meeting

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Agenda Item F-5 – Ordinance amending Section 62-151, alleys, swale areas and Rights-of-way to be kept clean and mowed

[Date]

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Deputy City Attorney Throckmorton: Good afternoon again. As you all may recall, in June of 2022, Mayor Lago sponsored an ordinance which was adopted by you all, which added a deep clean requirement for those commercial areas, which includes pressure washing or similar cleaning every six months. The city has found that while many businesses have been complying with that, if there's a rare occasion where someone doesn't, the city wants the ability to step in and do that work and get reimbursed for doing so. And so, this allows the mechanism for the city to step in or have a contractor come in and do that work after a period of notification and that the property owner has failed to do so, and then lien the property for the cost of the work to do so.

Mayor Lago: Perfect. Pretty simple ordinance. Just trying to continue – there's a few properties that are not in compliance for one reason or another, bank owned or the individual just doesn't want to comply. We are just trying to make sure that we keep our city as beautiful as possible. In line with this, I want to make sure that Code Enforcement, through the Manager, is notifying the businesses, along with the Chamber, that every six months they have to clean their sidewalk. A six month investment not only in their property, but also in the city. Can we make sure that we send out to all business owners that they have to step up and clean their sidewalk, not just a one-time deal.

City Manager Iglesias: Yes Mayor. We've done it and we'll continue to do that.

Mayor Lago: Okay. Perfect.

City Manager Iglesias: To remind them of it.

Mayor Lago: Entertain a motion.

Commissioner Anderson: Just a question on the period for notice for the businesses, that they have to have it done within five days of being notified.

Deputy City Attorney Throckmorton: Once notified, once they are given a violation or a notice, they have five business days to correct the violation and do the work.

Commissioner Anderson: And if they can't find someone to do the pressure cleaning within five days, can they ask, say I've contacted somebody, they are going to be out here in 11 days.

Deputy City Attorney Throckmorton: I'm sure there'll be contact information in those notices and can work with Code Enforcement to ask for a bit of additional time to do that. This just gives the city the ability to come in after those five days and do the work. I don't know that at the exact hour the city will be there to do the work, but it just sets the notice period for when the city can do it and then get reimbursed.

Commissioner Anderson: So, you'll have something in the actual citation says, call such and such to...

Deputy City Attorney Throckmorton: I believe the notices, or the citations have a Code Enforcement number on them, yes.

City Attorney Suarez: Usually they have the Code Enforcement officer's information, but yes, if its not done within five business days, this means the city can undertake its efforts to go in there and do the work and then charge the property owner those costs.

Commissioner Anderson: So, we don't have an overlap. Can we go a little clearer in the language on there to say, call for an extension.

City Attorney Suarez: I don't think we – the information is always there in the notices for someone to contact Code Enforcement. I don't know if we want to upfront say that you can get an extension.

Commissioner Menendez: Can we request, not part of the ordinance, but request that any notice or citation include a phone number that they can call in case, as Commissioner Anderson says. It's an administrative function, but as a Commission I think we can direct.

City Attorney Suarez: I'm pretty sure it's already there, but we'll confirm.

Commissioner Menendez: That works for you, Commissioner.

Deputy City Attorney Throckmorton: We can confirm on second reading.

City Manager Iglesias: The phone numbers are already there and if they call within the five days then they ask for an extension, we will certainly work with them.

Commissioner Anderson: Not a lot of people know that they'll get an extension, so maybe we could have, share with us the notice that you plan on sending them.

Deputy City Attorney Throckmorton: We can get that before second reading.

Commissioner Anderson: Alright.

Commissioner Cason: So, this does not include sidewalks, this is just grassy areas.

Deputy City Attorney Throckmorton: No, its sidewalks for the deep cleaning requirement as currently exist in the code. So this part is not changing; requires that in commercial areas of the city, properties and their surrounding areas including abutting sidewalks, alleys up to and including the median point of the alley, curbs, parking lanes where they exist or rights-of-way up to the edge

of the pavement of any public street must be deep cleaned at least every six months or more frequently as conditions may necessitate. So that's the existing code provision.

Commissioner Cason: When we were discussing redoing Miracle Mile, we were very concerned about gum on the sidewalks. I know it's very hard to get off and it was really ugly. Are these people going to be required to get that off, is there a standard for what clean means.

Deputy City Attorney Throckmorton: So deep cleaning is defined as pressure washing, scrub brushing, or an alternative method of cleaning that affectively removes stains, grease, spray paint, motor oil, and like substances, specialty pavers and pavement treatments must be deep cleaned consistent with city approved cleaning protocols and I believe the Manager has some information.

City Manager Iglesias: We are...

Commissioner Cason: Only if they could be taken off; the sidewalks are so bad with those black spots. I don't know whether or not –

City Manager Iglesias: Commissioner,

Mayor Lago: You scrape it off, you scrape it off.

City Manager Iglesias: We've got special cleaning operations on streetscape which is the Mile and Giralda, and they actually go out and take care of that gum condition, and they actually go out and actually remove the gum. What we're talking about here is the deep cleaning that is every six months or if you have a restaurant and you're using, let's say streetscape for commercial purposes, you may have to clean it more often, right, but as far as the gum is concerned on streetscape and on Giralda, we actually do removal.

Commissioner Cason: So they don't have to do it all the time. It's not their responsibility on those particular streets.

City Manager Iglesias: About once a month or every four to eight weeks, we do a major cleaning.

Commissioner Cason: But just to be clear, other than those two streets, we are not requiring that they or are we requiring that they scrape off all.

City Manager Iglesias: Part of that cleaning includes gum.

Deputy City Attorney Throckmorton: Yes. I would say the stains on the sidewalks would be included for things like that.

Commissioner Cason: Then we should make it clear.

Commissioner Anderson: Well, the other thing is confusing – most of our alleys are asphalt. You're not going to be able to get gum off out of there.

Commissioner Cason: I'm thinking of sidewalks.

Commissioner Menendez: It's a sticky topic.

Commissioner Anderson: It is a very sticky topic.

[Laughter]

Commissioner Menendez: On the record I got a high-five from Vice Mayor Mena.

Commissioner Anderson: Yes, you're too far from me to high-five you. I can fast-ball you.

[Laughter]

Mayor Lago: Alright, so...

Commissioner Anderson: So, on second reading we will have alleys, asphalted alleys.

City Manager Iglesias: That's very difficult to remove in alleys, its asphalt, if you put oil on it, you dissolve it, so you can try and scrape it off, but we can certainly try, but it's much more difficult. You are correct, concrete is one thing, asphalt is softer, and very malleable, so it's very difficult.

Commissioner Anderson: Do we have a motion?

Commissioner Cason: I'll make a motion.

Commissioner Menendez: Second.

Commissioner Cason: Yes

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Mayor Lago: Yes

(Vote: 5-0)

Deputy City Attorney Throckmorton: Thank you.

Mayor Lago: Thank you.

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