

**City of Coral Gables City Commission Meeting
Agenda Item E-5
November 15, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick**

City Staff

**City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Deputy City Attorney, Miriam Ramos**

Public Speaker(s)

Mr. May, Coral Gables Resident

Agenda Item E-5 [2:35:37 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Division 4, "Prohibited Uses," Section 4-411, "Parking in residential areas," amending the provisions for loading and unloading of commercial vehicles within residential districts and within a specified distance of residential districts; providing a repealer provision, severability clause, codification, and providing for an effective date. (10-19-16 PZB recommended approval, Vote 5 Yes – 0 No).

Mayor Cason: Let's pick up E-5, which is an Ordinance on First Reading, City Attorney E-5.

City Attorney Leen: Yes Mr. Mayor. So Item E- 5 is an Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment, one second sir, let me just – there are two

different versions of the agenda, let me make sure I have the right one. Let me use this one. Item E-5 is an Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Division 4, "Prohibited Uses," Section 4-411, "Parking in residential areas," amending the provisions for loading and unloading of commercial vehicles within residential districts and within a specified distance of residential districts; providing a repealer provision, severability clause, codification, and providing for an effective date. This went before the Planning and Zoning Board on October 19, 2016, the Board recommended approval by a vote of 5 Yes to 0 No. This is sponsored by Commissioner Lago. Before I turn it over to Commissioner Lago, I would say that there will be one revision that we'll be looking at between First Reading and Second Reading, which is to make an accommodation for moving trucks in residential areas, because obviously a moving truck can't move someone into a house within two hours. So that issue has never really been addressed in the specific provisions of our Code, it's been more through enforcement. We just haven't enforced the Code as to moving trucks, but since we are addressing this section, I raised with the sponsor whether we could include that and address moving trucks and so we will be, but with that I'll turn it over to Commissioner Lago and we have both the Planning and Zoning Director and the Deputy City Attorney who drafted the provision under Commissioner Lago's supervision, present.

Deputy City Attorney Ramos: Actually our Assistant City Attorney Stephanie Throckmorton did, but wanted to give her credit for drafting.

City Attorney Leen: Let me say, Assistant City Attorney Stephanie Throckmorton wrote this and her mother-in-law is in the audience, so I should have given her full credit and I feel terrible for not doing so. She did a great job drafting this.

Commissioner Lago: I called our Deputy City Attorney just before we get the detailed presentation by Mr. Trias and by Miriam; I also just wanted to make sure that I explain to my colleagues a little bit about why we are proffering this ordinance today. As you can tell, there are a lot of issues in regards to congestion in downtown. I know that a lot of its to blame in reference to Miracle Mile and Giralda, but driving through our downtown I noticed, especially during peak hours that a lot of the trucks that are doing deliveries especially for the restaurants and for the neighboring businesses, they weren't following the proper protocols, and they weren't being very considerate in regards to where they were parking and unloading and loading; and I think as our downtown becomes more and more built out, I think we need to start planning ahead and finding a strategy and implementing that strategy, which will alleviate congestion. We do have alleys in our downtown; they are there for a reason. George Merrick designed the City in a certain format and I'm a big proponent of making sure those alleys are used to the best of our ability. So I'd like

to see now if Miriam and Mr. Trias and the rest of our staff can just give a quick overview in reference to this ordinance for your review. Thank you.

Planning and Zoning Director Trias: Thank you Commissioner Lago. I think you did a great job explaining the goals. It's a relatively a small amendment, but I think it's significant. It does protect residential areas for many activities that may be taking place next to them in commercial areas, so that is the added language and I think that we can certainly accommodate from moving vehicles in the future if you prefer.

Deputy City Attorney Ramos: So we'd like to read some language into the record to address the issue of the moving vehicles and see if the Commission would like to adopt that additional provision together with the ordinance on First Reading.

Assistant City Attorney Throckmorton: So the additional subsection would be added between First and Second Reading and it would say the following, that the two hour limitation during the hours of 7 a.m. and 7 p.m., shall not apply to the loading and unloading of trucks trailers or commercial vehicles related to a residential move; and if a property owner needs to load or unload a truck, trailer, or commercial vehicle as a result of a residential move between the hours of 7 p.m. and 7 a.m., the owner shall inform the Development Services Director prior to the residential move in order to obtain approval.

Commissioner Lago: Madam Deputy City Attorney can you give me a little bit more background and my fellow colleagues in reference to what we were talking about fines that are incurred if someone is standing in place and is not moving.

Deputy City Attorney Ramos: So, I wanted to distinguish Commissioner, we had talked about two different ordinances, they are very closely related; one is adding to the City Code that's stopping or standing and blocking traffic in the middle of the street, would carry some higher penalties. Right now under state law there are certain provisions that do apply, but the penalties are like \$35.00, they are very, very limited, and they don't serve to deter sufficiently people from doing so. And so, that one's still in the works and we are doing....

Commissioner Lago: I want them to know what's forthcoming, maybe in the next few months and how Mr. Kinney was working on potentially rewriting the Code.

Deputy City Attorney Ramos: Correct.

Commissioner Lago: I want to engage them in that conversation, since we are not allowed to talk outside of the dais.

Deputy City Attorney Ramos: Absolutely.

Commissioner Lago: Maybe they can have their own personal conversation.

Deputy City Attorney Ramos: So we had had a discussion and Mr. Kinney is looking at potentially a parking code that could add some higher penalties to those types of violations. This was the easier piece of the two, which was just the loading and unloading, which was already in our Zoning Code, we just made it a little bit tighter and then hopefully in the coming months we'll have a more expansive ordinance that talks really about the blocking of the street, particularly in the downtown district, it happens in restaurants when they are getting deliveries, UPS and FedEx too, but those are less troublesome, because they are usually very quick. It's the ones that, I don't want to mention any particular company, but the food service companies that are delivering for an hour at a time, those are the ones that really create an issue.

Mayor Cason: We have Mr. May who would like to – we have one speaker card, you'd like to.

Mr. May: My address is 808 Majorca. The reason I'm here today is the parking – your ancestors did a real good job handling parking at the Club, and so they've done a good job of preparing an ordinance. Now their heirs haven't done a good job lately of enforcing it, but disrespectful of the idea of how enforcement has been, the original ordinance is excellent... City Commissioners are probably aware of it and the City Attorney is probably aware its Ordinance 3857 and what it does is the commercial trucks at the club, puts them inside the fence. At the club the trucks are all supposed to back inside the fence, close the gate, do the business inside the fenced area on the west side, then close the gate and leave, it also states that trucks that can't get inside, if its more than one truck, if its outside it cannot open its doors and walk in with the food. If there are three trucks there and there is only room for one truck...the fenced in area will hold two straight trucks or one trailer truck and so the concept is, the trucks that are in their back in, and then while they are unloading the other trucks can sit outside, but don't open the back gate, no activity, leave all the merchandize inside the truck. The truck inside moves out and then this one moves in, and so I think that's an extremely good rule. Like I talked about the enforcement of it was great, the rules passed in 2002, and we had a first operator that owned the club, he was perfect. All his trucks backed in then shut the gate, unloaded and the others waited outside in the adjoining parking lot. Now the second operator comes along, now he's a different story, but the rules are still there and I think if we continue to work with the people we can enforce it, and get them back inside the fence. So the thing is I did not want that rule to get somehow washed down, covered over by your rule here. So I have no objection to the rule that you want to put in the rest of the City, I have no objection to that, but I do have real strong objection if that rule is applied to the club itself, where we already have this great rule and not only was it set up, it was actually executed

and worked well for two years with the old operator. The guy parked trucks good, but he didn't run the club good, so the club closed but the truck parking was great.

Mayor Cason: Well, I think this will cover what you are talking about, because it's very explicit; no unloading between 7 a.m. and 7 p.m., and no more than two hours in one spot, so that should take care of it.

Mr. May: Definitely not. I beg to differ Mayor, that's a good rule, but over there it's even more inclusive...there trucks park wherever, they don't say where you park, but if you use the 3857 Ordinance it says you've got to be inside the fence and the fence has got to be eight feet tall and it also says that you have to build an ornate gate to cover an eight foot tall gate, that's in the ordinance.

City Attorney Leen: The more specific ordinance applies, so I'll take a look at 3857, I will and I'll talk to you afterwards, but assuming that's more specific it relates to a specific property, that's what will apply, not the more general ordinance.

Mayor Cason: Well that's an unfortunate...

Mr. May: As long as this one does not wash that out or cover it up, smother, whatever the word is.

City Attorney Leen: No, I'll send you with one of the City Attorneys here and they are going to go look at the ordinance and they will hopefully be able to tell you that it doesn't affect it, if not, then we can talk later.

Mr. May: Thank you for your time.

Mayor Cason: Thank you.

Commissioner Lago: Thank you for coming.

Mayor Cason: OK. So we'll close the public hearing on this, on E-5, do we have any discussion? Do we have a motion?

Commissioner Keon: Can I ask one question about – does this also refer to when it's a licensed contractor that's also like landscaping, somebody is delivering landscaping.

Mayor Cason: Commercial vehicles, it says commercial vehicles, it's a commercial vehicle.

Commissioner Keon: So it can be more than two hours?

Commissioner Lago: Commissioner Keon's question is in regards to whether; let's say for example landscaping, subcontractors or contractors must apply this rule.

Deputy City Attorney Ramos: Well neither of them is there more than two hours. I don't think they are typically out there for more than two hours.

Commissioner Keon: Yes, sometimes if they are doing a whole yard, they are. I don't know, but I seem to see them longer than that. Do landscapers, somebody from Building, would it take more than two hours. I've seen them there for more than two hours if it's a landscaper.

Mayor Cason: If they are planting sod...

Deputy City Attorney Ramos: I'm sorry Mr. Mayor.

Mayor Cason: If they are planting sod, they could be there for more than two hours if they are putting sod in or doing something more complicated. Most of them want to go as fast as they can. Yes, I'm sure there are cases.

Deputy City Attorney Ramos: The section that really is intended to address loading and unloading.

Commissioner Keon: OK. So it wouldn't apply for like landscaping?

Deputy City Attorney Ramos: I don't think so....

City Attorney Leen: I think it does apply. The two hour provision...

Mayor Cason: You know when somebody is six in the morning.

City Attorney Leen: It's basically done by enforcement, they use discretion, but the other thing you could do is, on Second Reading we could have some ability to seek permission from the Development Services Director or the City Manager's office, you can do that too.

Deputy City Attorney Ramos: For landscapers more than two hours, we could add that as well.

Commissioner Keon: Well, I just want some people that normally could be there more than two hours and it would serve a purpose for them to be more than two hours. Sometimes I think if you are doing major landscaping, if you are planting trees, particularly if it's a new home, or you are relandscaping, whatever, you may be more than two hours.

Commissioner Lago: I think what you have right now in reference to landscaping, for example in the North Gables area, you have landscapers that are in the middle of the street for hours and hours at a time.

Commissioner Keon: I understand that. That's a different thing. If somebody is actually not maintenance, those are maintenance vehicles, so those are not lawn maintenance; they are actually if you have somebody that's actually relandscaping a property that would be a different thing.

Mayor Cason: Agreed. But remember the title here is loading and unloading of commercial vehicles, that's the focus, that's another ancillary that we can discuss.

Commissioner Keon: Well, I think there is loading and unloading, because they are in the street.

Deputy City Attorney Ramos: Commissioner if I might, if you have a copy of the ordinance, if you look at A(1)(2), which is not changing, it addresses the use by licensed contractors or service establishments while actually doing work in residential areas between 7:30 and 6, it doesn't give a two hour.

Commissioner Keon: OK. And what about like caterers? You know you have a caterer come to you house at night and they pull into your yard and they are catering a party for you, what is that?- that's after, is that a different group?

Deputy City Attorney Ramos: Then maybe it makes sense instead of just having moving truck exempted saying, any commercial vehicle that needs to exceed the two hours needs to obtain prior approval.

Mayor Cason: Because you remember you have another one two, you have parties, people that bring the blow up tents.

Commissioner Keon: That's like caterers, you know.

Deputy City Attorney Ramos: Anybody over two hours needs to get prior approval essentially.

Mayor Cason: And my sense of the idea behind this was the noise associated with.

Commissioner Keon: Well it's the blocking of the streets.

Commissioner Lago: It's a mix. This is a two-part ordinance; even though they are not actually connected you are going to receive a little bit more information. We've been kind of working through several different iterations over the last six months, Miriam has been taking the lead with along with the rest of her colleagues, but right now this ordinance deals with the blocking of the streets and also the noise, it's more of a nuisance than anything, especially when you are talking about the downtown area. I think we need to address it now before it even spirals more out of control.

City Attorney Leen: Let me ask a question, because I think its important then, you have two and you have what's currently three. So if you have a landscaper with sod, for example, and they are unloading sod and remember the Commission now maybe at some point we may be requiring people to take all their grass clippings, put it...I'm just saying. If we do something like that, is that loading and unloading, that's the question. Based on what the Deputy City Attorney is saying, we could treat that as maybe vehicles used by licensed contractors or service establishments, but a lot of these landscapers do load and unload.

Mayor Cason: And the guys that come to cut your trees they are going to be there more than two hours.

Commissioner Keon: Yes, they can be there all day, prior to hurricane season.

City Attorney Leen: We could apply two to them.

Deputy City Attorney Ramos: Because they are actually doing work, which is different to actually loading and unloading.

Commissioner Lago: We could potentially take this to a vote before Second Reading; we could have staff maybe flush it out a little more.

Mayor Cason: A little bit more, tweak it more, a little more precise. So do we have any speaker cards on this?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: Close the public hearing – motion?

Commissioner Lago: I make the motion.

Vice Mayor Quesada: Second.

Mayor Cason: Commissioner Lago makes the motion, the Vice Mayor seconds – City Clerk.

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 2:52:25 p.m.]