

City of Coral Gables City Commission Meeting
Agenda Item G-3
June 13, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

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

Public Speaker(s)

Laura Russo
Vicky Busot
Ana Maria Lopez

Agenda Item G-3 [3:33:32 p.m.]

A discussion and/or action related to parking issues at 760 Ponce de Leon Boulevard.

(Sponsored by Vice Mayor Keon)

Mayor Valdes-Fauli: Next item, under one of the piles you gave me today, is call for time certain issues -- I mean, time certain matters. And this one, I'm calling the time certain, 11 am, discussion as related to parking issues at 760 Ponce, time certain, 11 am.

City Attorney Leen: Before we begin, Mr. Mayor, I just wanted to reference that today you did adopt on second reading a nuisance abatement ordinance.

Commissioner Lago: Yes.

City Attorney Leen: And that nuisance abatement ordinance, in Section 4-193(a) (1), allows the City Commission and also others, but the City Commission, in particular, to refer matters to the Nuisance Abatement Board. The Commission would have to elect, if it does so, whether to be the Nuisance Abatement Board for this particular matter, or to refer it to the Code Enforcement Board. It's your election. The reason I raise that -- Mr. Iglesias, if you can come up, real fast. I just -- I raise that because, you know, obviously this is a long-standing issue related to parking in this area. And, I know that we've had a consultant look into the matter. He's going to be meeting with us, I think, tomorrow.

Assistant City Manager Iglesias: Yes. We have retained David Plummer...

City Attorney Leen: Yes.

Assistant City Manager Iglesias: And Associates as traffic engineers. They have looked at the meeting about a week and a half -- about two weeks ago. They have it documented and will be ready for the July Commission meeting, with a full presentation on that, as we have discussed.

City Attorney Leen: So, my thought is that we're going -- if the Commission wants to take action in regards to this item -- and we have substantial, competent evidence, such as a report of an expert, it seems to me that the best thing to do is to schedule for a hearing, quasi-judicial. Let

all the parties come and present and even cross-examine witnesses, which happens in quasi-judicial hearings, and then the Commission can decide what to do. That doesn't mean you can't talk about it a little bit today as well, but -- in open session. And, I know that the counsel for 760 Ponce is here. But ultimately, I -- my recommendation to you, as your counsel, is if you're going to make a decision to do something, that you do it through a quasi-judicial process.

Mayor Valdes-Fauli: Ms. Russo.

Laura Russo: Good afternoon, Mr. Mayor, members of the Commission. For the record, Laura Russo, with offices at 2655 Le Jeune Road. I am here this afternoon representing Southeastern Realty, who are the owners of the property at 760. I concede, and my client does too, that there is an issue in the area, a parking issue. But, what I would like to bring to the attention of the Commissioners is that the burden of this property does not rest with 760 alone. 760 is caught in a bit of a zoning quagmire, having been using a portion of their property as a paved -- what is it, a gravel parking lot for numerous years. They now are in the process of working to get it paved when all of this came to a forefront. The issue is lack of parking in an area where buildings that are -- 760 is located on the western side of Ponce, once you cross 8th Street. So, on the eastern side of Ponce, there are two buildings, 717 and 747, both of which are commercial condominiums, both of which contain numerous medical offices. In fact, I think 747 is entirely a medical building with insufficient parking and also an elevation of the garage that does not allow for medical vans to pull in to drop-off patients. So, there has been a lot of work that's been done, but the 760 building has its own issues, but I think that if we're going to look at the issues, it shouldn't be just 760. It should be that entire neighborhood and the others, because in my client's property, there's one medical doctor and one small office and one MRI facility. The rest of the office building is composed of home healthcare, and the healthcare -- or the personnel that come back and write reports. They actually go out into the field and do their home healthcare. While a lot of the patients that come and go and people who go to Quest Laboratories, for example, it's located in the 747 building. So, I -- what I want to see is a global solution and not a solution that just pegs one landowner for the problems of an entire neighborhood.

Commissioner Mena: Could I ask a question, Mayor? Mayor, may I ask her a question?

Mayor Valdes-Fauli: Yeah, of course, of course.

Commissioner Mena: How long has your client been in this building?

Ms. Russo: I want...

Commissioner Mena: I understand it was like some sort of church before?

Ms. Russo: It was a church in the '60s.

Commissioner Mena: An administrative headquarters for a church.

Ms. Russo: It was never actually a church -- religious practices. It was church offices. And I -- it was turned into offices back in the '70s, in the early to mid-70s. And, then my client purchased it in -- I believe it was in the '80s. But, the conversion to offices was done prior to my client's ownership.

Commissioner Mena: But, when did your...

Ms. Russo: Non-church offices to regular offices.

Commissioner Mena: But, when did your client start...

City Manager Swanson-Rivenbark: It was the Seventh Day Adventist world headquarters. I know when I was here in the late '80s and the beginning of the '90s, they were still -- I think that -- but in any event, it wasn't a church with pews. It was office.

Ms. Russo: It was office use.

Commissioner Mena: The current business that is operating there...

Ms. Russo: Is...

Commissioner Mena: When did it start operating there?

Ms. Russo: Oh, ever since they purchased the building. I'll get...

Commissioner Mena: In the '80s?

Ms. Russo: I can get you the exact date. Yeah, I want to say in the '80s. Once they purchased it, they have certificates of use from the City for the home healthcare agency, for the MRI facility and for the medical doctor.

Commissioner Mena: And then the other question I had is, I -- my vague recollection of looking at this property is to the, I guess, north of the building, there were or are three single-family homes.

Ms. Russo: Two.

Commissioner Mena: But there were three, correct?

Ms. Russo: There were -- well, I don't know when there were three. As long as my clients have owned them -- I think when they bought, they may have taken down the one on the corner.

Commissioner Mena: So, your...

Ms. Russo: There were three that were on -- I think its Avila, the portion of the street that's on the north boundary.

Commissioner Mena: Okay.

Ms. Russo: And there's two existing now.

Commissioner Mena: Okay, because I think it's important for us to get a grasp on this, and it might be helpful for -- I know there's some residents here who are prepared to speak as well.

Mayor Valdes-Fauli: Yes.

Commissioner Mena: And, maybe -- I've spoken to them before, and they had some issues with some of the activity on those single-family houses in particular, in addition to some of the other issues.

Ms. Russo: I understand, and it's my understanding that Code Enforcement has gone. And, I understand from my client as -- just as recently as a couple of weeks ago, to do an interior inspection on the home. So, I know there have been some Code Enforcement issues; some of them that go back that predate my involvement. But, my understanding is that when Code Enforcement has been called out and an issue presented, they have been responsive to the issue.

Commissioner Mena: Does your client own, I guess, the portion where that one single-family home used to be is no longer?

Ms. Russo: My client owns that, too. They own the whole block.

Commissioner Mena: They own the other two...

Ms. Russo: They own...

Commissioner Mena: Parcels as well then.

Ms. Russo: The two single-family homes as well. They own the entire block.

Mayor Valdes-Fauli: Okay. Let's listen to the public. There are two people that want to speak.

Ms. Russo: Absolutely.

Mayor Valdes-Fauli: And then we'll continue. Vicky Busot, 117 Boabadilla.

Vicky Busot: My name is Vicky Busot, and I'm speaking on behalf of the residents of Boabadilla. I did send an email out, and I know that I sent it to Mr. Leen and Commissioner Keon. And, I don't think I sent one to the Mayor. If I could -- may I approach?

Mayor Valdes-Fauli: Yes, please. Thank you.

Ms. Busot: And, I don't believe I had sent one to Commissioner Quesada.

Commissioner Quesada: No problem. Of course. Thank you.

Ms. Busot: I think if you read my email, it spells out all the issues, and I don't want to take up your time needlessly. But, I do take issue with some of things that counsel said. I do take issue with the fact that she's laying the blame on all the other businesses on the surrounding buildings. And, it's my contention that the actual problem that exists is because the block of 760 Ponce has been turned into a huge parking lot. It's an enormous parking lot, and most of the parking lots on that block are illegal. Now, counsel spoke about the three houses on Avila Street, and she

mentioned the one house that had been demolished. The lot that that house used to stand on -- that's on the corner of Avila and Ponce -- and that has been operated as an illegal, unpermitted parking lot for many, many years. When I first moved into the neighborhood from Chicago, I noticed there were so many irregular things happening in that and we started asking around, talking to Commission members. And we discovered that that parking lot had been used. It had never been permitted. No one knows when, where or how that house was torn down. And, counsel says that they're in the process of paving it. It's my understanding that anywhere else in Coral Gables, you cannot have a parking lot with an entrance on a residential street, and that's what that parking lot was for many years. Now, at this time, the City is allowing that parking lot to be used as a parking ostensibly to alleviate the parking problem that was imposed in our neighborhood. But our position is, is that parking lot should never be permitted. It should never be allowed there. It's been illegal for all these years and it should be removed. Now, the other issue is...

Mayor Valdes-Fauli: I'm sorry. If that is removed, where are the people going to park that are parking there?

Ms. Busot: Excuse me?

Mayor Valdes-Fauli: Where are people that are parking there going to park?

Ms. Busot: Well...

Mayor Valdes-Fauli: Residential (INAUDIBLE)...

Ms. Busot: It's not our responsibility. The businesses are going to have to find some other place for them to park. One of the other things I wanted to ask the Commission about was changing the Zoning Code and the ordinances, because there's one legal parking lot on that area. It's a lot -- it's a blacktop lot, and it has its driveway on Boabadilla Street. By some quirk of the zoning

laws -- and I think Mr. Iglesias can speak to that -- that is allowed at this point. But, that's also a nuisance on that lot because if it were anywhere else in Coral Gables, you cannot have a driveway for a parking lot exiting into a driveway. So, one of the things I'm asking the Commission to do is to change the Zoning Code and the ordinances to bring that block into compliance to do the things that everybody else in Coral Gables has to do. Now, that lot has been used -- even though it's an illegal lot, it has been used for event parking at night, and they stack the cars in there three and four at a time. And at this time, it's allowed. Anywhere else in Coral Gables, you can't park commercial vehicles on a lot where the neighbors can see it. So, we're asking that -- and again, you should -- I think Mr. Iglesias -- or Mr. Trias can speak to that. The other thing that I want to mention is that there's a series of illegal parking lots in that block. The entrance is now -- to the Avila lot is now on Ponce. When you go through that parking lot, you can park your car not only at Avila, you can park it in several little pockets, which are within that parking lot. And we want the City to look into that and eliminate that. It's not the residents' responsibility to provide parking for those buildings. It really isn't. They've been parking in our neighborhood for years and years and years; people throwing garbage in our neighborhood. Our neighborhood is a parking lot. And, the owners of those properties have refused to work with us. They really don't care, because they go home to their homes in the evening and they don't live in a parking lot; we do. So, I'm asking that, number one, you change the ordinance to bring that into compliance with the rest of Coral Gables and to eliminate the illegal parking lot on Avila. And as I said before, it's not our problem to find parking places for all those businesses.

Commissioner Quesada: So, I was reading your email, and I know the area well. Because you know, it's funny, when I first got elected six years ago, there was an issue, because the trolley was getting more successful and what was happening was people were driving into Coral Gables, parking in your neighborhood, then jumping on the trolley and taking it down. And that was a problem at that time. Residential -- we did residential parking permits as well, and I know it worked for some, but not all. And we've discussed here, within the last few months, maybe even since Commissioner Mena's been on the Commission in the last two meetings, how 747 Ponce is just a bane in our existence.

Ms. Busot: It's a nightmare.

Commissioner Quesada: Because...

Ms. Busot: It's a nightmare...

Commissioner Quesada: Because of all...

Ms. Busot: And the traffic...

Commissioner Quesada: The vehicles around there.

Ms. Busot: It's a nightmare.

Commissioner Quesada: Yeah.

Ms. Busot: The other thing about the 760 Ponce block, 120 Avila was being used as a kitchen where they were making food and taking it over to the buildings across the street and to the building at 760 Ponce. And they had also thrown down gravel in that parking lot, again, illegally, and they were using that for a parking lot. So, it's not an exaggeration when I say that the entire block was an illegal parking lot, except for that little corner back there where the Boabadilla blacktop parking lot is.

Commissioner Mena: Is that the home you sent photos of with different cars in the driveway?

Vice Mayor Keon: No, no, no. That was on Avila, with the different cars in the driveways of the residential homes.

Commissioner Mena: Correct.

Vice Mayor Keon: Is that what you're talking about? That's Avila. That's not Boabadilla.

Ms. Busot: So, I'm asking -- and I concur with the Commission's request or with the City Attorney's request to send it to -- for a hearing before the Nuisance Committee or Commission. And, I'm also asking that the Commission look into changing the zoning...

Mayor Valdes-Fauli: Thank you.

Ms. Busot: And the ordinances to change that.

Mayor Valdes-Fauli: Thank you.

Ms. Busot: Thank you very much.

Mayor Valdes-Fauli: Next is Ana Maria Lopez. Hello.

Ana Maria Lopez: Good afternoon, Mr. Mayor, Madam Vice Mayor, Commissioners and staff. My name is Ana Maria Lopez. I live at 112 Boabadilla Street. For the past 57 years, I have lived in Coral Gables, the City Beautiful, and in that neighborhood. And I can call myself, regarding that neighborhood, the historian. You asked and I can answer. The City Manager just stated it was the Seventh Day Adventist. You're correct. That's exactly what it was before. I have lived in this area and I -- my family owns five other properties in that same zone. And, we have lived there very happily until recently all this change has occurred. Yes, counsel is right that 747 is a big problem, a huge problem. I don't know how it got passed through the City, but it was for some time. But, now 760 has become a greater problem as well. The parking issue is unbearable to the residents and to anybody passing through that area at any time of the day. The parking has now extended -- although it's being done illegally and all of the issues that have

been brought up to you. It has extended into Ponce and to the neighboring streets. That's why we had had to get special permits, so that they wouldn't park there, although they still do. The parks right across the street from this, north on Avila have become dumping grounds and other issues as drugs and paraphernalia have been found in these parks. Now, mind you, I have eight grandchildren and we all live in that area. They go to that park, and their nanny has come to tell me I can't continue to take the children there, because there are little bags all over. And, this has started occurring since all this has taken place. So, the cancer has grown. They park wherever they want, and their clients -- these clients don't know. They're going there for their MRIs or for whatever medical services they are required to do. It has become a medical factory. And, this neighborhood should not be considered that type of neighborhood. I plead that you please look into this and remember what we stand for, City Beautiful, and think of those residents in that pocket of Coral Gables that have happily been living there for so many years.

Mayor Valdes-Fauli: Thank you, ma'am.

Ms. Lopez: Thank you.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Madam...

City Manager Swanson-Rivenbark: And Mr. Mayor, we'll have our Parks and our Public Works staff go by on a very regular basis on the rotary park that she's talking about. I apologize if that's not being well kept.

Mayor Valdes-Fauli: Good. Madam Vice Mayor, this is your issue. What is your desire?

Vice Mayor Keon: I would -- I think that there is a -- you know, it's a commercial area that abuts a residential area; all owned by a common owner that's using the residential for commercial purposes. I think it's problematic. It's been a nightmare for the people that live in this area. I would like us to set this item for a hearing before the Commission as a nuisance.

City Attorney Leen: So...

Mayor Valdes-Fauli: Okay.

City Attorney Leen: Mr. Mayor, may I comment on that? So, the -- I just spoke with the City prosecutor. Miriam would be the one -- Ms. Ramos would be the one who would prosecute it. I would sit as counsel to the Commission. I talked to her and she said that she felt that with all the different witnesses and the three different properties, this hearing could take two hours, three hours. So, to really be able to get all the history correctly and then to have all the different witnesses be interviewed, to hear from the expert, to hear from staff, and then make a decision. And, your power is quite significant in this ordinance, so you will have the authority to be able to resolve the problem. You'll be able to issue orders to the three different properties as to what to do. So, the reason I raise that is you do have the option to send it to the Code Enforcement Board, although you would lose control then. Whatever they decide, that's appealable to the circuit court. Or, you could take it yourself and either do it at a meeting or a special meeting.

Commissioner Quesada: Alright, so...

Mayor Valdes-Fauli: What is the Commission's desire?

Commissioner Quesada: Mr. City Attorney, just real quick. I feel for the residents. I'm siding with the resident's but, Ms. Russo, we have a great relationship with and she's worked well with the Commission. I would hate to get to the point that we have to go to the nuisance board on this. What -- I mean, what can we work out? At least this is...

Vice Mayor Keon: I think we...

Commissioner Quesada: My feeling.

Vice Mayor Keon: We have tried.

Commissioner Quesada: And unfortunately, your client -- I don't want to say is prejudiced, but is in a worse situation because 747 is so bad, and everything is just compounding there. So, from my position is, I'm 100 percent, you know, in line with what we've heard from the residents. But you know, we've had a good -- you've had a great relationship with this Commission representing other clients. I want to see what we can do to work out here just to move this along. I would hate to have to go through the Nuisance Board. Obviously, if we can't reach an agreement, that's what my recommendation is going to be.

Ms. Russo: What I would like to do before we go to Nuisance -- not saying it may not end there --, but it's something I had recommended, because I've been working with the different staff and I think part of the problem here has just been the disjointed quality of it. I worked for a bit with Mr. Charles Wu. We had meetings with all sorts of staff. I responded. We turned in plans to pave the parking lot. I was told to hold on the plans for the parking lot. Then it was said, you can go forward, but then staff found some other situation where we have to modify. And I had recommended, in fact, asked if staff -- if we could all meet and meet with some of the neighbors, so that we could identify target issues, have facts -- because I have microfilm from the City that shows some of the parking in back that some people say is illegal that was allowed, and it's signed off by City officials. So, I think if we could do a fact-finding that involves the neighbors, as well as us -- I think they should be part of the process. And, those of you that know me know that I've managed to work -- if we can work and identify the problems and then try to find solutions that work for both parties. And I do think we, at some point, have to bring in some of the different owners. 747 has about 39 different owners or 29 different...

(COMMENTS MADE OFF THE RECORD)

Ms. Russo: Of the medical -- but they're medical offices. So, you know -- and I'm not saying -- I mean, my clients own a portion of 747. They own two half floors, so they are part of that. 717 also has -- so, what I'm trying to say is I'm more than happy and I know my clients are willing to sit down and try to work. And as an example, the event parking was parking that was done for the theater. And, one of the reasons is that my clients did it without getting paid was so that the theater, who doesn't have parking on the corner, wouldn't have their patrons parking in the residential area, so they parked in this commercial parking lot. And, once it was called to our attention, I told my clients and said you can't do it without requesting special permission. So, we eliminated that favor that we were doing for someone else in the neighborhood. And understandably, I understand the neighbors didn't know and there was parking. But, when the paved parking -- the gravel parking was -- had been going on for many years when it was discovered that it was not paved. The property is zoned CL. It can be paved and turned into a -- you know, following the Zoning Code, a parking lot. And we've actually, you know, hired an architect and submitted plans. And, what I got back was, we want you to tear down the single-family homes and turn them into parking. And, I don't know that that's a viable solution or that you can say to someone, tear down your property. One of the properties is leased. And so, I think if we can all sit down, identify problems and come up with a way to try to work them out together, and if we can't, then it can go to the Nuisance Board.

Vice Mayor Keon: You know, I feel like I have been talking about this with you and with the neighbors and with our staff for at least a year, for at least a year. And, it's been the same staff and everything that was presented was -- I think you came back to us and told us that they were not willing to do that.

Ms. Russo: Well, not tear down the houses. But, we then suggested that we could build a parking garage that could be built...

Vice Mayor Keon: Yeah, but we're not putting a parking...

City Manager Swanson-Rivenbark: That was not with the authority of the...

Vice Mayor Keon: Okay and we told you right away -- and I don't know -- this is an issue also with Mr. Wu when he seemed to indicate to you that that was acceptable without any authority to do so, that absolutely a parking garage does not belong in a single-family neighborhood. So, absolutely, a parking garage is off the table for 760 Ponce...

Unidentified Speaker: I agree.

Vice Mayor Keon: Not even for consideration. So, what you need to try and do is have you maximize the parking on that parcel under an agreement with the neighborhood and to be able to create enough of a buffer from that area into the neighborhood...

Mrs. Russo: Right.

Vice Mayor Keon: So, that they have the peaceful enjoyment of their homes and their neighborhood, just like any other neighborhood in the City of Coral Gables. And every suggestion that was made, we are -- to my understanding, your client had rejected. Now...

Ms. Russo: I don't think that's -- I mean, other than just saying tear down your houses and build surface parking, that was the only one that was passed to us, and it wasn't even done in a formal meeting. So, I...

Vice Mayor Keon: No, it wasn't done at a formal meeting, because it...

Ms. Russo: No, no, no. I don't mean a formal meeting here. I mean a formal meeting amongst staff. It was just said, you know, will you tear down the houses and do that all as a surface parking lot and put up some landscaping. And I said, I don't think so. I said, my clients would - they are going to pave the one, and they actually are taking the entrance off Avila, so the entrance would only be on Ponce. And, one of the issues we looked at is connecting that parking lot through the interior, because you have -- we have to...

Vice Mayor Keon: Right.

Ms. Russo: Put up two walls now separating the single-family home from the to be paved parking areas, and separating the back. So, there would be two walls, and then maybe finding a way to combine all the parking area internally, and find a way to landscape so that on the Boabadilla side, it isn't open and exposed.

Vice Mayor Keon: Okay, but we have been having this conversation for a year, and so you're saying probably. So, if we set this for a hearing, you know, you certainly can bring your proposal for this at that time.

City Attorney Leen: I mean, you could also -- you could direct us to do a settlement conference...

Commissioner Lago: But...

City Attorney Leen: With everybody in the interim. Well, what that...

Vice Mayor Keon: What does that mean?

City Attorney Leen: What we would -- well, our intent is if we go forward with this hearing and the Commission authorizes it, we would notice all three of those properties, including all the 39

property owners you mentioned and all the residents within a thousand feet. I mean, that would be our intent and we would have a hearing. So, in my view, all those individuals would be able to come to a settlement conference...

Commissioner Mena: I know...

City Attorney Leen: At least the principal ones. They could have a representative.

Commissioner Mena: Listen, I understand that 747 may be part of the greater problem, but there's also a specific problem...

Vice Mayor Keon: The immediate problem.

Commissioner Mena: Which is the parking lots relating to 760?

Commissioner Lago: Yeah, but you're also...

Commissioner Mena: So...

City Attorney Leen: The nuisance, though, is the parking problem in the neighborhood.

Commissioner Mena: Yeah, it is, but there's both issues. We need to also resolve the parking lot issue for 760 in and of itself, regardless of 747.

City Attorney Leen: You're right. And you could approve -- as part of your quasi-judicial hearing, you could approve a site plan for them. That's...

Ms. Busot: May I be heard?

City Attorney Leen: Part of your authority.

Ms. Busot: Counsel said that that parking lot at Avila and Ponce can be paved. That sits on a residential lot. And we object and have always objected to that being a parking lot. We have always objected to that. And it's my understanding that that cannot be a parking lot. It's zoned residential. No one knows how and why...

City Manager Swanson-Rivenbark: Excuse me, ma'am.

Ms. Busot: That was (INAUDIBLE)

Mayor Valdes-Fauli: Could I make a suggestion?

City Manager Swanson-Rivenbark: Believe that that is a commercial lot that was a single-family home. So, it looked like it was a single-family lot, but it was a commercial lot.

Ms. Busot: But, there was a house there at one point.

Mayor Valdes-Fauli: Could I make a suggestion here?

City Manager Swanson-Rivenbark: Yes, absolutely.

Mayor Valdes-Fauli: There are so many...

City Manager Swanson-Rivenbark: 604 Ponce.

Mayor Valdes-Fauli: Different issues and opinions and alternatives. And the two buildings across the street, the parking lot -- can we call for a settlement hearing...

Commissioner Quesada: Yeah.

Mayor Valdes-Fauli: A settlement meeting and then bring it forth before us at the next Commission meeting versus our discussing this. And let's call for a further meeting, a final meeting, and if there's resolution, fine. And if not, we'll go -- there'll be resolution or we'll go to the...

Vice Mayor Keon: We'll have the Nuisance -- so, as a...

Mayor Valdes-Fauli: You know, Nuisance Board or...

Commissioner Lago: Can I just make one request?

Mayor Valdes-Fauli: Yes, please.

Commissioner Lago: Because...

Ms. Busot: I have one last thing to say. The reason that parking lot -- the reason 760 is one huge parking lot; the 760 parking lot exists for the benefit of all those buildings. There's no reason why those buildings shouldn't have their own parking requirements. If they're too big for the buildings, they should move. There's no reason why 760 should be turned into one huge parking lot in the middle of our neighborhood to benefit the buildings across the street. And that's been growing incrementally through the years.

Mayor Valdes-Fauli: Right.

Ms. Busot: They snuck everything in, so now we do have a huge parking lot and it only exists for the benefit of those buildings. So, we object to that...

Mayor Valdes-Fauli: I agree. But, this...

Ms. Busot: Being turned into a parking lot.

Mayor Valdes-Fauli: Goes to what I was saying. But those buildings are there, and if they're not parking here, they're going to park in the residential street or they're going to -- the problems may be worse. I mean, why don't we have a meeting where the neighbors and the lawyer, the owners, the buildings across the street meet and...

Commissioner Lago: And that was my point.

Mayor Valdes-Fauli: And, we'll see what could happen.

Commissioner Lago: This is not only about 760. I mean, we've been talking about this.

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: I know you've been talking to Commissioner Keon for a year. I think we've been talking for two years...

Vice Mayor Keon: Yeah.

Commissioner Lago: About this.

Ms. Busot: Exactly, and we have (INAUDIBLE)...

Commissioner Lago: Because Commissioner Keon took the baton...

Mayor Valdes-Fauli: Everybody that drives by there...

Commissioner Lago: And passed the baton off.

Mayor Valdes-Fauli: (INAUDIBLE) huge problem.

Commissioner Lago: I think Mena's going to take it from here. But, people just get tired of dealing with this mess. This is not only 760, and I agree with you.

Mayor Valdes-Fauli: It isn't.

Commissioner Lago: Guys, don't forget 747, you have physician medical buses being dropped off that stop in the middle of the street.

Mayor Valdes-Fauli: In the middle of the street.

Commissioner Lago: There's insufficient parking in the building.

Ms. Busot: Right.

Ms. Russo: Quest Lab.

Commissioner Lago: I think there's been...

Ms. Russo: Quest Lab that schedules patients every 15 minutes.

Commissioner Lago: So, and I think that we also have to take that into consideration. And if we're talking to anybody and we're having a meeting, that the owners -- even though I know there's many -- you said 39. Make sure the owners of 747 are there, because this has to be approached -- we can't just resolve 760. We've got to resolve 747.

Vice Mayor Keon: Well, I think we can start by solving 760. And the issue, too, like with Quest Lab and all these people, the trolley goes right up there and stops right in front of Quest Lab. They can (INAUDIBLE) sort of suggest to their people when there becomes no parking, that they park in the garages in the downtown and that they take the trolley up to Quest Lab. Because we're going to start strictly enforcing the parking regulations with it. I think once we see what the parking study or the consultant study that was done and we see the extent of the problem, they're going to have to find a way to help their issue as well. But, I would -- I would like to see this, as you said, a settlement agreement to have them -- to meet for a settlement agreement. Now, how does that work?

Commissioner Lago: Well, because, remember...

Vice Mayor Keon: Talk to me about that. I don't know.

Commissioner Lago: The settlement agreement may still require a quasi-judicial review.

Vice Mayor Keon: Okay.

Commissioner Lago: Because, for example, if we do allow -- if the City allows a parking lot on the residential area, you could do that as part of your nuisance abatement power. You could approve that settlement in a quasi-judicial proceeding, where all these parties would have the right to appeal. And there's no irregularity with that. You could do that. But, it just seems to me that if you're going to order us into mediation, which I'm happy to do -- and I would like to try to reach a resolution; although, I see you're both fairly far apart, but we could try our best. But, I would recommend setting it for a hearing on Sunday, so that either we bring you the settlement or we bring you the hearing.

Vice Mayor Keon: Mayor Valdes-Fauli would you...

Mayor Valdes-Fauli: Yes.

Vice Mayor Keon: Or the attorneys at that end of the table.

Commissioner Mena: My only concern -- I'm not saying, you know, Commissioner Lago, that I -- I think you're right, obviously, again, that 747 is a part of the problem. My concern is, if we try to solve that huge problem, it's going to just take that much longer. It's going to cause these poor people to have to continue to live with this situation for that much longer.

Commissioner Lago: Why can't you resolve them...?

Commissioner Mena: I think...

Commissioner Lago: Jointly?

Commissioner Mena: Well, I don't know.

Commissioner Lago: (INAUDIBLE) have two separate...

Commissioner Mena: You just told me this has been pending for a long time, so obviously, it's not getting solved.

Mayor Valdes-Fauli: But, it is a big problem...

Commissioner Lago: But I think it can be.

Vice Mayor Keon: Well...

Commissioner Lago: I mean, I think that we can resolve...

Vice Mayor Keon: If we can do -- can we -- I'm sorry.

Commissioner Lago: No, no.

Mayor Valdes-Fauli: Go ahead.

Commissioner Lago: Go ahead. You guys go ahead.

Mayor Valdes-Fauli: Tell us about the panel that we're going to impanel.

City Attorney Leen: So, what would happen is you would set it. Today would be -- hypothetically, set it today. We would send out notices to all the entities. We'd notify them of a mediation conference. We could have it here. I could meet with them. We could see if we could reach some sort of resolution. It's going to probably require an agreement amongst some of the commercial parties, because the allegation is that they're impacting each other, so we would probably have to address that.

Mayor Valdes-Fauli: It's obvious that they're impacting (INAUDIBLE)...

City Attorney Leen: If we can't reach a settlement...

Commissioner Lago: And by the way, just so you know, Commissioner Mena...

City Attorney Leen: If we can't reach a settlement...

Commissioner Lago: Just so you know, we've also dealt with a lot of things that you're not privy to that we resolved for the residents here. For example, there is a massive car dealership

next door that used to be test driving cars. Miriam and I went and we dealt with the owner. We sent him a cease and desist. That no longer happens in the neighborhood. There's a lot of other things like that. Again, this is very complicated. It's just not this one issue. And I agree with you, this needs to be dealt with, 760. But just, please, the residents, be honest with the entire Commission. If we deal with 760 and we correct 760, don't we still have many other issues that deal with 747?

Ms. Busot: We do.

Commissioner Lago: Traffic, patients parking in the neighborhoods.

Ms. Busot: Yeah.

Commissioner Lago: This is a long issue.

City Attorney Leen: There's a legal problem...

Ms. Russo: But let me...

City Attorney Leen: Which is that...

Commissioner Lago: No. I'm saying -- that's what I said.

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: Please.

Commissioner Lago: But let's not...

Ms. Russo: But, I think we should...

Commissioner Lago: Just attack one and then another...

City Attorney Leen: There's a legal problem...

Unidentified Speaker: I...

Commissioner Lago: Guilty party...

City Manager Swanson-Rivenbark: Excuse me, Mr. Mayor. It's going to be really hard to do minutes.

Commissioner Lago: Okay, let's not...

City Manager Swanson-Rivenbark: So, we just need one at a time.

Commissioner Lago: Just deal with one issue. Let's deal with both issues.

Ms. Russo: Let me...

Mayor Valdes-Fauli: Why don't you...

City Attorney Leen: There's a legal problem...

Mayor Valdes-Fauli: Okay.

City Attorney Leen: Because, one of the allegations is that people are parking in 767 and crossing the street, so that 740 is taking advantage of the parking and vice versa. That's one of the nuisances...

Mayor Valdes-Fauli: (INAUDIBLE)...

City Attorney Leen: That they're concerned about.

Mayor Valdes-Fauli: (INAUDIBLE).

City Attorney Leen: That's why you probably have to address them together.

Mayor Valdes-Fauli: Let's not talk anymore. I think we have agreed here that we're going to impanel a mediation procedure, a mediation panel, and then this will come before our next meeting or the meeting afterwards, after you've had your meetings. Now, can you concentrate on forming that panel?

City Attorney Leen: Of course.

Mayor Valdes-Fauli: Okay.

City Attorney Leen: The -- but to -- I can see Commissioner Mena (INAUDIBLE)...

Commissioner Mena: If we have 29 owners or however many it is from 747...

Commissioner Mena: We better schedule a ten-hour meeting, because (INAUDIBLE)...

City Attorney Leen: It's going to be several hours. And I would ask them to...

Vice Mayor Keon: (INAUDIBLE)

City Attorney Leen: Send a representative.

Vice Mayor Keon: Association.

City Attorney Leen: I would ask them to send a representative, and I think the neighbors should have a representative, frankly. Either a counsel or one of you should designate yourself as the spokesperson.

Vice Mayor Keon: Well...

Mayor Valdes-Fauli: How do you go about it?

Commissioner Lago: Well, they have an HOA of some sort and they can send a representative or...

City Manager Swanson-Rivenbark: And we'll need to have a parameter...

Commissioner Lago: 747 doesn't have (INAUDIBLE)...

City Manager Swanson-Rivenbark: So, that we can sketch out...

City Attorney Leen: A planner...

Unidentified Speaker: We can't afford to hire an attorney.

Commissioner Lago: No, no. I'm not saying you do.

Unidentified Speaker: I would...

Commissioner Lago: The building, the building, the building.

Mayor Valdes-Fauli: You did a very good job representing them.

Vice Mayor Keon: She was (INAUDIBLE)

Ms. Busot: And I just want to say one last thing. We have tried to negotiate, and we've been rebuffed at every corner. We recognize that we don't live in Pinecrest, that we don't live in a residential -- completely residential (INAUDIBLE)...

Mayor Valdes-Fauli: You live in Coral Gables.

Ms. Busot: Well, we live in Coral Gables, but that area is also semi-commercial, and that's one of the reasons why you could take the trolley a block away. You know, I take the trolley to have dinner, to have lunch, you know, in downtown Coral Gables. But this is too much. And the reason that parking lot exists is for the benefit of those buildings. Those people would not have opened up their offices in that building had there not been convenient parking across the street.

Mayor Valdes-Fauli: We're going to -- our City Attorney, who's a magician, is going to (INAUDIBLE)...

Unidentified Speaker: I would...

City Attorney Leen: Mr. Iglesias could you...

Mayor Valdes-Fauli: It's true.

City Attorney Leen: Mr. Iglesias, will you just give a brief preview of the evidence that we have, which is why we feel like we need to hear it together?

Assistant City Manager Iglesias: Yes. There's interplay between 760 and 747, because the owners have property on both sides. We're looking at the right-of-way issue, because the parking issue was resolved and these buildings were built before 1964, so there's not a parking requirement there, but we do have a right-of-way issue. And, that's what our consultant is looking at. And, they're prepared -- and they're preparing for -- they're preparing right now, a report concerning that. Now, also, we are looking at the CL districts, which are our commercial limited, to look at what uses what may be too intensive in those areas. Those areas are generally next to residential, so Planning and Zoning is looking at maybe limiting certain uses that are of high intensity in these districts. This will not resolve this issue, but hopefully, it will help mediate things in the future. We did propose a parking -- they are currently using their parking lot. Their parking lot does not meet Code standard and Dade County standards, so they're using it as a valet parking, because -- the reason we did that is, as the Mayor said, is to alleviate parking within the neighborhood.

Commissioner Quesada: So, are they doing valet parking and the valet parkers are parking within the neighborhood? Is that what's going on?

Assistant City Manager Iglesias: No, no. They're parking in the gravel parking lot, because the gravel parking doesn't meet ADA, lighting, et cetera.

Mayor Valdes-Fauli: Okay. Let's continue with the next issue, and you will take care of it.

City Attorney Leen: Yeah. So, what -- I need this -- oh, I'm sorry.

Ms. Lopez: Mr. Mayor, I'm sorry. I just would like to add one more detail. I understand that the buildings, supposedly, are grandfathered in, but if they want to build a new parking lot, I'm

assuming that they have to go by Code. Now, the Code is that for every thousand square feet, you can have four parking spaces for your patients and one and a half for your employees. I think that if that's what they want to do, then they have to follow that Code for the 760 building. I would prefer seeing that we take this one step at a time, because it is a huge issue. And, if we try to solve everything at once, I think that a lot of things are just going to fall behind...

Mayor Valdes-Fauli: I think that at this point...

Ms. Lopez: The wayside.

Mayor Valdes-Fauli: We need to talk about everything at once. I really do. I mean, talking about 760 and not dealing with the parking problems across the street or the traffic problems across the street will not be constructive.

Ms. Lopez: Well, 747...

Mayor Valdes-Fauli: I disagree with you.

Ms. Lopez: At this moment does not stand up to Code for parking Code.

Mayor Valdes-Fauli: Right, precisely.

Ms. Lopez: That we know. But 760, who wants to do new parking, although they might be grandfathered in, needs to stand up to Code if they're going to build a new parking lot.

Mayor Valdes-Fauli: Alright. Mr. City Attorney, please...

City Attorney Leen: Mr. Mayor, what I recommend is...

Mayor Valdes-Fauli: Give us guidance.

City Attorney Leen: Okay, so what I would -- what I can do is I can refer the matter to you -- it's up to you whether it's the Commission or the Code Enforcement Board.

Mayor Valdes-Fauli: The remediation board is...

City Attorney Leen: So, what I'll do is establish...

Mayor Valdes-Fauli: The board...

City Attorney Leen: A process.

Mayor Valdes-Fauli: Yeah.

City Attorney Leen: And I can run it by you, Mr. Mayor, if you'd like. But I'll establish a process, there'll be a mediation. Hopefully, we'll resolve the matter. If we do, we'll bring the settlement to the Commission, sitting as the Nuisance Abatement Board to approve the settlement. And if it -- and if we don't settle, we'll bring it to you maybe at a special set based on the concern about the amount of time, for a hearing where, at that hearing, the matter will be resolved.

Mayor Valdes-Fauli: Alright.

Vice Mayor Keon: Do we have...

Mayor Valdes-Fauli: Thank you very much.

Vice Mayor Keon: Do we have a big agenda for the 11th? Is it anticipated that there will be?
Madam Manager, is it anticipated that the agenda on the 11th is a big agenda? Is there a lot on?

City Manager Swanson-Rivenbark: If it's the directive of the Commission to make sure that we have time for this...

Mayor Valdes-Fauli: Yes.

City Manager Swanson-Rivenbark: We will shift some of those items to the August...

Vice Mayor Keon: Okay.

Mayor Valdes-Fauli: Alright.

Vice Mayor Keon: So, can we agree then you'll set up a mediation panel. If you don't come to a mediated settlement, it will come to us on the 11th...

Mayor Valdes-Fauli: If you tell me...

Vice Mayor Keon: Of July?

Mayor Valdes-Fauli: I will deal...

City Attorney Leen: Yes.

Mayor Valdes-Fauli: I will talk to the City Attorney, who will...

Vice Mayor Keon: And, then we will do it on July 11.

Mayor Valdes-Fauli: Right.

Vice Mayor Keon: Okay.

Mayor Valdes-Fauli: And have the mediation.

City Attorney Leen: And on the Commission's behalf, I will refer the matter. I can do that under the Code. I don't want to do it against your will, though, but I can refer...

Mayor Valdes-Fauli: Alright.

City Attorney Leen: It, if it's okay with the Commission.

Mayor Valdes-Fauli: Okay. Thank you very much.

Vice Mayor Keon: Thank you.

Mayor Valdes-Fauli: Thank you.