

City of Coral Gables City Commission Meeting
Agenda Item E-1
November 14, 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)

Alexander Palenzuela
Lucy Lopez

Agenda Item E-1 [0:00:00 p.m.]

Status report regarding restoration and repair of local historic landmark at 803 Alhambra and related matter involving U.S. Fish & Wildlife Service.
(Sponsored by Mayor Valdes-Fauli)

Mayor Valdes-Fauli: We have a time certain, 11 a.m., status report regarding restoration and repair of local historic landmark at 803 Alhambra and related matter involving U.S. Fish & Wildlife Service.

City Attorney Leen: Thank you, Mr. Mayor. We are very fortunate today. I'd like to call Alex Palenzuela, so you can introduce our guest. And you know, this is part of our work that we do to try to eliminate abandoned properties. And, I have to make sure that they're fixed occasionally, like in this instance, there will be bats in the attic -- bonneted bats, which are an endangered species, and I'll turn it over to Alex.

Alexander Palenzuela: Good morning, Mr. Mayor...

Mayor Valdes-Fauli: Good morning.

Mr. Palenzuela: Commissioners. Lucy (INAUDIBLE) Lopez is here on the property at 803 Alhambra Circle, which is on the list of abandoned real property. But, she's here to speak specifically about the Florida bonneted bats at the property and her work with the Fish & Wildlife Service.

Mayor Valdes-Fauli: Can you get close to the mike, please?

Lucy Lopez: Yes, of course. Hello, good morning.

Mayor Valdes-Fauli: Hi.

Ms. Lopez: My name is Lucy Lopez. I've been working with the owner of the property. I'm now the owner representative, as well as the U.S. Fish & Wildlife for the safe removal of the Florida bonneted bat at the property located at 803 Alhambra. The bats were actually spotted at the property back in the year 1999, when the new owner acquired the property. He was sent all

of these threatening letters from U.S. Fish & Wildlife, very scary, you know, you can't even move a rock. So, I'm basically here -- I have worked with the U.S. Fish & Wildlife now for -- how long has it been, Alex? Almost a year?

Mayor Valdes-Fauli: Wait, I'm sorry.

Unidentified Speaker: It's been longer, yeah.

Mayor Valdes-Fauli: Let me -- I didn't hear correctly. The owner acquired the property in 1999?

Ms. Lopez: No, no. The bats were actually spotted the first time in 1999.

Mayor Valdes-Fauli: Okay.

Ms. Lopez: Somebody spotted the bats in 1999. Through research and things like that and documentation from previous years, U.S. Fish & Wildlife was able to confirm that earlier this year. So, basically, I'm here to let the City know that U.S. Fish & Wildlife would want to work with anybody in the City. Our house, located at 803 Alhambra, was the first property that the bats were actually safely excluded during mating season, which it's the first time in history this has been done in the City of Coral Gables -- anywhere in Miami, actually. There are times -- there are different timelines for exclusions. The Florida bonneted bats -- their main concern is pups. Because, there are a limited number of Florida bonneted bats and they're endemic to South Florida, they want to make sure the pups are preserved in their natural environments without having to be transported to captivity.

Mayor Valdes-Fauli: Yeah, but their natural environment is the house, 803...

Ms. Lopez: Yes. Because of the -- because of development -- their original habitat is pining wood. There's not that much pining wood left in South Florida anymore, so their second preference is actually barrel tile roofs. There are a lot of properties, especially historic properties that have this barrel tiled roof, you know, the Spanish Mediterranean look, and a lot of them are in deteriorating conditions, which any small opening leaves an opening for the bats to make a roost. And they're pretty persistent, actually. But basically, I'm here just to let you guys know that U.S. Fish & Wildlife wants to work with the homeowners. Right now, what they're doing is they would like to set up a crew of volunteers locally. They designated me as the point of contact to identify if the bat is actually a Florida bonneted bat and what steps -- but they would like the homeowners to report -- or the City to report any activity -- any bat activity.

City Attorney Leen: If I can add. This is a very important issue actually for this program that we're trying to do, because what happened originally when the bats were discovered was there was some delay initially in being able to address that property.

Ms. Lopez: Correct.

City Attorney Leen: And, I think that we -- the City actually -- City Manager sent a letter. I know the Mayor at the time sent a letter. I sent a letter -- or an email to the City -- to the U.S. Attorney. There was a letter to Ileana Ros-Lehtinen, our Congressperson. And, then we received a lot of feedback from U.S. Fish & Wildlife, and now, they've been great.

Ms. Lopez: They've been very cooperative...

City Attorney Leen: You've been...

Ms. Lopez: As of lately, right. It was very scary...

City Attorney Leen: Yes.

Ms. Lopez: Before. You know, you can't touch the...

City Attorney Leen: So, now it's much quicker.

Ms. Lopez: So, yeah, now it's much quicker.

Mr. Palenzuela: And if I may. They were saying that because of the mating season for the bats, they had to wait.

Ms. Lopez: Correct.

Mr. Palenzuela: But, the City's position was it had taken long enough. We first got involved in May. We sent the letters -- I think it was in August. And so, we did work with them and they were -- they changed the way they approached these properties to actually allow for an assessment and exclusion of the bats in a way that allows the owner to develop the property.

City Attorney Leen: Yes, they balanced their interest. They essentially -- they understood that we need to preserve these historic properties, that that's our Code, and that even though federal law, obviously, protects the bats and that has to be respected and followed, they -- I actually am quite appreciative to the United States Government for working on this with us and the Fish & Wildlife Service, because...

Ms. Lopez: Correct.

City Attorney Leen: They did change their process based on our example.

Ms. Lopez: Correct. So, the nearest Fish & Wildlife Office is actually in Vero Beach. They have nobody locally. You know, they send researchers. They have a group of volunteers. The

volunteer head has relocated to Oklahoma. So, as of right now, they asked me to take the position of the volunteer to actually identify the bats in the City of Coral Gables. I can provide everyone with my email address if any bats are reported at the property. But, they do want to encourage citizens to report the bats because they -- in the next 60 days, they are supposed to be providing us with a document for exact guidelines and timings for exclusions. You know, I just have a breakdown here. For example, January 1 through April 15, that's non-maternity season. Just so you know, we use Critter Control for the bat exclusion, and there is one gentleman that was hired in the company that he is a bat professional.

Mayor Valdes-Fauli: How can you tell a bonneted bat from a regular bat?

Ms. Lopez: Their calls are completely different.

Mayor Valdes-Fauli: Their what? Calls?

Ms. Lopez: Their calls are completely different from a bat. It's actually a bigger bat, and the physiology of the bat is completely different from a regular bat.

Mr. Palenzuela: I think the name comes from the shape of the ears.

Ms. Lopez: Correct. I actually have some pictures of the bats that were excluded from the 803 Alhambra house, if anyone's interested in seeing them. But basically, they developed three separate dates, January 1 through April 15, which is non-maternity season. We can go ahead and proceed with any exclusions based on the -- you know, on their guidelines and care and everything. The Florida bonneted bat pups, which is what they're mostly concerned with, are not likely to be present during that timeline. April 16 through August 14 is their mating season. Pups are likely to be present. The pups can't fly. It takes them about eight weeks to be able to fly, and this is -- you know, this is their main concern. The exclusion of any bats is prohibited during this timeframe. But again, if it's a construction -- there's construction of a home or

anything like that, they will work with the homeowner. And then, August 15 through December 31 is extended maternity season. Pups may be present. They're expected already to have learned how to fly. And again, as long as we follow the guidelines, that they're going to deliver to us in 60 days, they're fine with that.

City Attorney Leen: So, Mr. Mayor, the main point that we wanted to tell you is that thank you very much that we have this relationship with you and with the U.S. Fish & Wildlife Service. I think it's going to really help us in the future to be able to address these situations and be able to still make sure that those properties get fixed up. And, that's why we asked you to come here and...

Ms. Lopez: My pleasure.

City Attorney Leen: If the Commission has any questions.

Commissioner Lago: Well, I haven't seen you in some time.

Ms. Lopez: Hello. How are you?

Commissioner Lago: I made multiple trips to the house with Fish & Wildlife and yourself. Are you still working with the owner of 803?

Ms. Lopez: Yes, I am still working with the owner.

Commissioner Lago: So, how long has been now? It's been two years?

Ms. Lopez: It's been about -- I don't know the exact timeframe, but I want to say like a year and a bit...

Commissioner Lago: Yeah, it's been...

Ms. Lopez: That I've been working with them.

Commissioner Lago: A year and change.

Ms. Lopez: Correct.

Commissioner Lago: So, he's ready to commence construction...

Ms. Lopez: It has already...

Commissioner Lago: Because that's what he's told me.

Ms. Lopez: Yes, correct. So, it has already commenced. There was a bat that went back to the property after the hurricane and we had to do a second exclusion. So, that bat was actually excluded on September 25.

Commissioner Lago: Okay.

Ms. Lopez: And, I got the clear on September 26 from U.S. Fish & Wildlife to go ahead and proceed.

Commissioner Lago: So, the most important thing to do right now is expedite the completion of the roof.

Ms. Lopez: Correct.

Commissioner Lago: And when will that be finished?

Ms. Lopez: The roof, I believe it was some sort of structural work that had to be done before the roof was placed. I believe Mr. Peter Iglesias is aware of that as well.

Mr. Palenzuela: Yeah.

Ms. Lopez: I know that the windows -- which was the other most important thing so the bats wouldn't come back in -- they already were ordered. The windows actually are in. And the GC says that in the next two weeks, the windows will be installed, and that's the historic windows that Dona requested.

Commissioner Lago: I want to make sure that we do everything to help this individual.

Ms. Lopez: Correct.

Commissioner Lago: I think he's been through enough...

Ms. Lopez: Correct.

Commissioner Lago: Over the last almost two years. He's a partner in this community. The gentleman has been more than patient and respectful. So, if you have any issues moving forward, just feel free to give anyone on this Commission or myself a call, because I want to see that house move forward and progress.

Ms. Lopez: Absolutely.

Commissioner Lago: It's a beautiful, beautiful home.

Ms. Lopez: Beautiful. And, the plans for development are really beautiful. And another thing that I wanted to bring, I did have a meeting with the GC yesterday just to let him know that I was coming here. I wanted to provide you guys with some sort of timeline of completion. And, his expected timeline of completion for the entire property is around 16 months, so...

Mayor Valdes-Fauli: The expected time of completion is 16 months, wow.

Ms. Lopez: Sixteen months.

Commissioner Lago: It is a large home. This is about 6,000 square feet.

Ms. Lopez: It's 6,000 square feet.

Commissioner Lago: And it's historic.

Ms. Lopez: And it's historic, correct.

Mayor Valdes-Fauli: Let me ask a...

Ms. Lopez: Yes.

Mayor Valdes-Fauli: Naïve or ignorant question.

Ms. Lopez: Yes.

Mayor Valdes-Fauli: But, is there such a thing as a bat house as opposed to having it -- you know, you put it in the yard or among trees or something and make it of cedar or whatever it is.

Ms. Lopez: There is such a thing as a bat house. There is a woman and her husband who actually make bat houses specifically for the Florida bonneted bat. Because they are bigger, they have to have liked a modified structure. There are bat houses located along Ludlam Trail right now, but none in the City of Coral Gables. I think I heard earlier that there was one...

City Attorney Leen: But wait...

Ms. Lopez: Being placed.

City Attorney Leen: But wait, this is changing.

Assistant City Manager Iglesias: We are -- we have just installed a 30-foot pole at the golf course.

Mayor Valdes-Fauli: They installed what?

Assistant City Manager Iglesias: (INAUDIBLE) and we're going to -- the pole's installed and we're going to install the house soon. It's been ordered...

Mayor Valdes-Fauli: Good.

Assistant City Manager Iglesias: And as soon as it gets here, we're going to install it.

Mayor Valdes-Fauli: Where on the golf course?

Assistant City Manager Iglesias: Near the boy scouts.

Unidentified Speaker: Good.

Unidentified Speaker: A bat house.

Ms. Lopez: Amazing.

Mayor Valdes-Fauli: As long as it's not a peafowl house.

Commissioner Lago: Pea fowl, bonnet bats, you know.

Mayor Valdes-Fauli: That's good.

Assistant City Manager Iglesias: And, we have allowed them to remove the tile, and they covered the roof up temporarily before -- they have to make some structural repairs.

Commissioner Lago: Peter, you know all I'm asking -- I know you're very lenient in certain aspects, like especially during Irma, you helped out some residents that were in the process of exchanging their roof and they were caught in the middle. Let's try to help this gentleman out. Any way that we can, you know -- maybe we can put it on Tony's radar. The guy has paid the ultimate price here.

Assistant City Manager Iglesias: I think they have their permits already.

Commissioner Lago: Yeah, yeah, they do, but I'm saying...

Assistant City Manager Iglesias: The issue is that the bats were hiding inside the tiles, so we allowed them to remove the tile and put 30-pound -- just to protect it...

Commissioner Lago: What I mean help him out -- I'm saying, like for example, if he puts a 30 paper today and he's going to have an inspection in two days, let's just try to get the inspection the same day before the bats come back.

Assistant City Manager Iglesias: Yeah.

Commissioner Lago: You know, so he could put the tar down, the 90 or the peel and stick, whatever he's doing. Let's just try to expedite the process as quickly as possible, so the bats don't come back. I feel terrible...

Assistant City Manager Iglesias: Of course.

Commissioner Lago: For this guy.

Mayor Valdes-Fauli: Thank you.

Mr. Palenzuela: And I know...

Mayor Valdes-Fauli: Thank you very much.

Mr. Palenzuela: If I may. The City has negotiated and is drafting a final reduction agreement to help the owner obtain the financing he needs, even though they're not in compliance yet, but reducing the fines to allow him to get the financing and then release them at the end, assuming he complies with...

Mayor Valdes-Fauli: Thank you.

Mr. Palenzuela: The deadline.