

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-2**  
**October 30, 2012**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael “Ralph” Cabrera, Jr.**

**Commissioner Frank Quesada**

**City Staff**

**City Manager, Patrick Salerno**

**City Attorney, Craig E. Leen**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

**Public Speaker(s)**

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F-2 [Start: 11:39:53 a.m.]

Code Enforcement  
Commissioner Maria Anderson

Commissioner Anderson: And the second one is also a quick discussion. In 2008, the Commission at the time during the height of the economic crisis that we were having decided to take a more lenient stance on issues of roof cleaning, and I was supportive, I’m still there. I was wondering if we might begin to look at reinstating the issue of roof cleaning, but with a more lenient compliancy period. I do believe that Codes need to be enforced and right now I think my understanding is that right now it’s basically, if somebody complains about it then they clean the roof, but then slowly over time you begin to see some deterioration. So maybe we could have staff look at it and come back with a report on how we can figure out how to comply with our Code, but also be compassionate and figure out a way maybe in the compliancy period, is that something we can work on as staff together?- would you all be amenable?

City Manager Salerno: Mayor can I point out some additional information? Commissioner Anderson and I have had discussions over time on this issue; I know she is sensitive to it. As you

all know Will Ortiz started with the City approximately – well he started actually July 16<sup>th</sup>, he's someone I have a high amount of confidence in. I told him that after he had started, I wanted him to review all operations, things that they are doing good, things that they should change, things that if he needs more resources I want to know that; and we had that review a short while ago. At that meeting discussions specifically came up regarding roofs; at that time I had asked what the process was that they had been using, he brought it up to me as to an area that he thought we needed to be relooked at, because the past practice, based upon a discussion not a directive by the Commission, but a discussion that times were tough and that the City needed to be more lenient. They then interpreted that, staff interpreted that, that they should – they went into a mode of enforcement, where if they got a specific complaint they enforced, if there wasn't a specific complaint they did not. We had a discussion, we changed that at that meeting and we now have a process that Code Enforcement will and as Commissioner Anderson said, using leniency, meaning it needs to be a significant offence, meaning a black roof or close to a black roof that kind of thing, not just it's a little dirty. The other thing that was changed was normally they give two weeks to respond, and they give a warning first, so a warning had been given with two weeks' notice, that's been changed, so that a warning would be given with 30 days notice, which if you are talking about a significant case should be able to be taken care of in 30 days; a person should be able to hire a contractor to clean their roof within the 30 day period. Then they also have an additional 30 days before any other action would be taken, so in reality the resident has 60 days. So we have done exactly what Commissioner Anderson has suggested be done and it started around the 16<sup>th</sup> of October following our review of his operations, his suggestions on things he would like to change in the department, so we are doing Commissioner...

Commissioner Anderson: Great – I'm happy to hear that.

City Attorney Leen: If I may say, my office handles the prosecution side before the Code Enforcement Board and one thing – and we've been doing this in conjunction with the Manager's office and with Code Enforcement Director is that we are looking at how much time we are recommending as the City to allow people to comply once it comes before the Code Enforcement Board, because sometimes giving 30 days is not enough for someone to really comply and I think Code Enforcement has been very receptive to that, so we are looking now at changing the amount of days that we give so maybe from 60 to 90 in certain circumstances where the homeowner or the resident is agreeing to make those changes, and I will consider what you said today when we are exercising discretion with Code Enforcement over those matters.

Vice Mayor Kerdyk: You know I had the opportunity – I asked the City Manager if I can meet Will, and I don't know who has met Will here, but do yourself a favor and meet this guy because you'll be impressed and I think that he is thinking the same thing, compliance is the key component here, not to be terribly aggressive...

Commissioner Anderson: I didn't know he had been hired.

Vice Mayor Kerdyk: ...hold on, hold on, let me finish my comment; what I think is maybe you should have him come up here and speak at the end of the day one time, Mr. City Manager, and have him talk to us and let everybody get the opportunity of seeing who he is and talking to him and just seeing his demeanor, which I think is a good demeanor.

Commissioner Anderson: Absolutely.

Vice Mayor Kerdyk: Especially with that office.

City Manager Salerno: I've forward to you – Code Enforcement is a difficult thing, it's enforcing and it cost generally when you get a citation. Will has a focus on compliance not writing citations that's the last ditch effort, and it's interesting, I haven't received – I don't know in my recollection, I don't know if I have received in 10, 15, 20 years a letter complimenting a Code Enforcement Director, and I know recently I had received, because he has only been on a short time, two e-mails from residence that one characterized the purpose, I'll just read some excerpts, "the purpose of this e-mail is to compliment you, this was written to you on the very professional staff at Code Enforcement, they are a great credit to the City and perform a very valuable job for all of the citizens of the City. I wish to single out Mr. William Ortiz for his high quality of work and pleasant demeanor; he is a true asset to the department. Many thanks." And another letter on September 20<sup>th</sup>, "had the opportunity of visiting with Mr. William Ortiz this morning regarding a violation notice that I needed to discuss and was very impressed with his gracious and professional demeanor. I commend your department for the quality of personnel that you have placed in this position." I think that's what Vice Mayor Kerdyk is commenting, we are getting very positive feedback, you can't always, and I'll arrange to have him up here.

Commissioner Anderson: And actually I've gotten great reports also for another Code Enforcement Officer and I asked for Officer Kattou and he did a great job with some folks...

City Manager Salerno: He does a great job.

Commissioner Anderson: I think the person actually asked to be nominated for Employee of the Month.

City Attorney Leen: Since we are talking about this subject if I may mention one thing. One issue that have come up since I've been City Attorney that I've seen over and over again, is you do have residents sometimes that have accumulated large fines and they seem to feel like there is

no hope for them or they just let it go, they don't comply. One thing that my office has done in conjunction with the City Manager's Office, Code Enforcement, Development Services is try to reach out to these citizens when they come, and if you ever have a citizen come to you, please send them to us, because what you'll see is that yes, you have to comply before there is anything we can do regarding the fine, but there is a Special Master preceding that we have which can mitigate fines, and there is also my office; my office has the authority to settle matters and just so residents know that we really care about, and I would echo what the City Manager said, we care about compliance in this City, and we are willing to work with the fine and if you are having trouble selling your home because of a lien or something like that, and you are willing to comply or agree to compliance, or the person who is buying the property is willing to agree with compliance we will work with you, so you should definitely come to City Hall and meet with us because our ultimate goal is to have 100 percent compliance and we are working toward that every day.

Mayor Cason: If I could raise one issue that's come up recently, is the question of political signs on the swale, I've gotten a number of e-mails on it, but I think that's an example where I think we are now giving two warnings and reminding people to put one sign per candidate five feet inside your property, not on the public, and just get that message out because I saw 4 or 5 of them today down the middle of Alhambra Circle.

Commissioner Anderson: And that's when people get upset because they think we are taking their First Amendment Rights and in fact it's just an issue of Code Enforcement, I think if we get the word out...

Mayor Cason: And if they take them they take them back to the campaign headquarters, so it's not like they are burning them or anything, but I think that's good for people to know in the season that...

City Manager Salerno: That's why we included it as an E-NEWS story in the past E-NEWS to educate and inform.

City Attorney Leen: And to residents that are concerned they should again call because we've sent this to outside counsel, we've looked at our rules, they are lawful, time, place and manner restrictions, we enforce them in a lawful manner, but we are allowed to have some restrictions on where the signs go and we have to enforce them fairly, so we can't just enforce them as to a few people because then they'll say, Oh, my speech is being affected, so if you are going to have rule like that we have to enforce them everywhere just to be fair, and that's why we are doing that unless we hear otherwise from the Commission that's what we plan on continuing doing.

Mayor Cason: Anything else?

[End: 11:49:32 a.m.]