

City of Coral Gables City Commission Meeting
Agenda Item F-3
January 28, 2020
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli

Vice Mayor Vince Lago

Commissioner Pat Keon

Commissioner Michael Mena

Commissioner Jorge Fors

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item F-3 [2:58 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida amending the Code of Ordinances, Chapter 58, "Special Assessments," Article III, "Repair or construction of streets and sidewalks", by eliminating Section 58-57 "Work required in new building construction and/or alterations exceeding \$15,000.00 in value or exceeding 600 square feet in floor area," in its entirety; providing for severability clause, repealer provision, and providing for an effective date.

(Sponsored by Commissioner Mena)

Mayor Valdes-Fauli: F-3, Commissioner Mena.

City Attorney Ramos: F-3 is an ordinance of the City Commission of Coral Gables, Florida amending the Code of Ordinances, Chapter 58, "Special Assessments," Article III, "Repair or construction of streets and sidewalks", by eliminating Section 58-57 "Work required in new building construction and/or alterations exceeding \$15,000.00 in value or exceeding 600 square feet in floor area," in its entirety; providing for severability clause, repealer provision, and providing for an effective date. Ms. Levi-Garcia.

Assistant City Attorney Levi-Garcia: Good afternoon, Mayor and Commissioners. As the City Attorney mentioned, this is an ordinance sponsored by Commissioner Mena. It would eliminate Section 58-57 of the Code, which requires the construction, reconstruction or repair of sidewalks, curbs and gutters for new building alterations in excess of 15,000 or 600 square feet in floor area.

Mayor Valdes-Fauli: We discussed this at the last meeting.

Vice Mayor Lago: Yep.

Commissioner Mena: So, if I could, the item on the agenda is striking the section altogether. Staff brought to my attention after the fact that there's some implications relating to non-single-family properties, so through commercial and otherwise. And so, what was just passed out to you is what I'll call an alternative version, which still completely removes single family and duplex properties from the equation. So, the prior ordinance would no longer apply to single family and duplex, but it keeps it for commercial, industrial, multifamily, which, you know, I think there's probably limited circumstances where you have that type of property with no sidewalk, but it does come up from time to time, is my understanding. And Ed, maybe you want to chime in on that a little bit?

Assistant City Manager Santamaria: Absolutely. And good afternoon, Commissioners, Mr. Mayor, Mr. Vice Mayor. Ed Santamaria, Assistant City Manager, Infrastructure and Operations. Essentially, what we heard from all of you last time is that you were concerned about the impact on single-family residential as it relates to this particular longstanding ordinance that was on the

books. We agreed that the standards that were in place that were triggering it were very, very low. But we also understand that the Commission has a different feel about how it impacts single family. So, this right here, what it's supposed to do, our intent here is to be able to remove single-family residential from consideration in terms of triggering the construction of new sidewalks, not imposing any limits or thresholds whatsoever as single-family residential, but also preserving our right, which I think it's a good policy to have as it relates to commercial property, multifamily, anything having to do perhaps with, you know, industrial, as you mentioned, anything that is not single-family residential above a duplex. And so...

Commissioner Mena: So...

Assistant City Attorney Levi-Garcia: The alternate version also raises the threshold, the dollar amount and the square footage amount.

City Manager Iglesias: It raises the threshold to \$150,000 and -- or 750 square feet. There's also an inflation index called the Engineering News Record Construction Index, which will be applied the first of the year every year, which was the problem with the old standard that had no inflationary factor there. So, this works very well because it would take that -- it would -- the 750 square feet is a set number, but the 150 would be where the inflationary number comes in. So, that number would be increased every January 1 and that would number would be applicable for that entire year. And that's -- approximately starts at about \$200 a square foot and it works its way up as based on that Engineering News Record Cost Index.

Commissioner Mena: So, you know, I wanted to get everybody's feedback. My thought was after talking it through with staff and with Naomi, they'll probably just go with the alternative version given that...

City Attorney Ramos: So, if the idea is to go with the alternative version, I would ask that it come back on first at next meeting because it's significantly different than the one...

Commissioner Mena: Just pass a resolution now.

City Attorney Ramos: Now, and maybe a resolution suspending enforcement.

Commissioner Mena: Okay.

City Attorney Ramos: In the meantime.

City Manager Iglesias: I would like to suspend enforcement until this is done.

Commissioner Mena: Yeah. So, and you know, just to be clear, I add -- the last sentence of Section A is where we make explicit that it doesn't apply to single family just so there's no gray area in that regard. So, okay, so I'll make a motion to pass a resolution to bring back this version at the next meeting and to suspend enforcement of the existing ordinance in the interim.

City Attorney Ramos: Perfect.

City Manager Iglesias: Can I clarify, Commissioner? The enforcement, to suspend it for single family and duplex, not for the other use.

Commissioner Mena: Correct.

Vice Mayor Lago: I'll second your motion.

Mayor Valdes-Fauli: Will you call the roll, please?

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Commissioner Fors: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: F-4.

City Attorney Ramos: F-4's an ordinance...

Assistant City Attorney Levi-Garcia: Just a point of clarification...

Commissioner Mena: Oh, sorry.

Assistant City Attorney Levi-Garcia: For the ordinance that we'll be bringing back. Do you want to grant the City Attorney the authority to release covenants that were previously executed in compliance with 58-57?

Mayor Valdes-Fauli: Very good idea.

City Attorney Ramos: Good point.

Commissioner Mena: How do you -- I think the answer's yes, but I don't know logistically what that entails.

City Attorney Ramos: I think we should put it on the resident that they can come into the City Attorney's Office to ask that the covenant be released. But I don't know that we have a way of proactively reaching each person. There's no like repository.

Commissioner Mena: Right.

City Attorney Ramos: So, it'll just be up -- we can maybe do an informational piece. It'll be up to the resident to come in and have that done.

Commissioner Mena: Okay.

City Manager Iglesias: I think that would work well. The fact that there -- that we have put a number of them but they could be removed as...

Vice Mayor Lago: How many do you think we have?

City Manager Iglesias: I'm not sure because we are taking all those covenants now and putting them -- and computerizing everything. But since -- but it should be something that the residents should be allowed to do.

Vice Mayor Lago: Okay.

City Manager Iglesias: Since it does...

Assistant City Manager Santamaria: My understanding, it's in the order of dozens.

City Manager Iglesias: That's for single family and duplexes.

Commissioner Mena: Say that again.

Assistant City Manager Santamaria: My understanding it's in the order of dozens.

Vice Mayor Lago: Okay.

Commissioner Mena: A few dozen, you're saying?

Mayor Valdes-Fauli: Alright.

Assistant City Manager Santamaria: Dozens.

Commissioner Mena: Sorry, let me...

City Manager Iglesias: This goes back quite a bit, so we don't know.

Commissioner Mena: So, as part of that computerization of, you know, covenants that we have, you are going to be coming across those then as you...

Assistant City Manager Santamaria: Absolutely.

Commissioner Mena: Undertake that process.

Assistant City Manager Santamaria: Which is an ongoing process right now.

Commissioner Mena: I mean, I might suggest that when you come across those covenants -- since it's not like there's a lot -- maybe just a simple letter of some kind that the City Attorney can put together that notifies them of their rights.

City Attorney Ramos: Maybe on the form, something on the form. Yeah, we can...

Commissioner Mena: If you have this covenant, then please contact us and we can work -- you know, whatever the language you want to use.

City Attorney Ramos: I'll put it on the website too.

Commissioner Mena: But that would just be...

City Manager Iglesias: That's one of the issues that once we go into this paperless system and we have all that available, we can certainly notify them and give them the option of terminating the covenants, yes.

Commissioner Mena: Okay.

Commissioner Keon: Does the covenant run with the title?

Commissioner Mena: Yes.

Commissioner Keon: It does. So, anytime, maybe...

Commissioner Mena: It runs with the land, excuse me.

Commissioner Keon: The land. So, it would be -- they would be aware of it at the time a property was sold.

Commissioner Mena: Yes. Any title search would...

Commissioner Keon: Okay, so that would be a good time to be able -- I mean I'm sure they would -- they could con -- they would contact you at that point too. I don't know how else you would...

Commissioner Mena: Yeah, the issue is unless they're...

Commissioner Keon: It's making sure everybody knows that if someone calls...

Commissioner Mena: Unless their title insurance or somebody involved in the transaction knows that we're doing this...

Commissioner Keon: Oh.

City Attorney Ramos: We may be able to...

Commissioner Mena: Might not know.

City Attorney Ramos: We could maybe do it on eNews also, once it's adopted. It's not adopted yet, but maybe on eNews, as well.

Commissioner Keon: Okay.

Commissioner Mena: Yeah, that's fine. Thank you.

Assistant City Attorney Levi-Garcia: Thank you.