

City of Coral Gables City Commission Meeting
Agenda Item I-2
February 24, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

City Manager, Cathy Swanson-Rivenbark

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

Alex Valenzuela, Outside Counsel for the City

Agenda Item I-2 [1:49:22 p.m.]

Status update regarding legal enforcement action related to targeted abandoned properties

Mayor Cason: Craig, you want to go to I-2?

City Attorney Leen: Yes Mr. Mayor. Thank you. Item I-2 is a status update regarding legal enforcement action related to targeted abandoned properties. The City Commission has been very proactive in identifying abandoned properties that have structural and other significant defects that need to be brought into compliance. There has been a list of approximately 13 properties at any time, that list has been targeted by this Commission. Now as everyone remembers, there have been several ordinances that you've adopted, including an enhanced abandoned property ordinance, a squatters ordinance, a forfeiture ordinance, and a special assessment ordinance, all of which have provided a lot of different legal tools for City staff and for the City's attorneys to be able to bring these properties into immediate compliance. This includes placing the burden on banks and mortgage holders to make the types of corrections and repairs that are required to bring the property into compliance, and in my view and having gone

around the state and talked about this, this City is at the forefront of ensuring compliance with its Code and recognizes the harm it can be for our neighbors to live right next to one of these properties. All the Commissioners have spoken eloquently on this issue in the past and it's become the policy of this City. I'm proud to say that the Commission and the City have been very successful in getting compliance, and we filed several injunction actions, and I brought today Alex Valenzuela. Alex please come up, an outside counsel who has done a wonderful job representing the City in different injunction actions, in helping to advise on this issue, and I'd like to turn it over to him so he can give you a brief update on what's happening with the abandoned properties on the list, the list of 13 that you've identified; and then also to answer any questions you have and to take any advice you have.

Commissioner Quesada: Craig, jump in – Sorolla – there was a hearing today or there is a hearing today?

Mr. Valenzuela: This morning –

Commissioner Quesada: Did you attend?

Mr. Valenzuela: I was there and the judge granted the City's motion to intervene –

Commissioner Quesada: Awesome.

Mr. Valenzuela:...in the foreclosure rate, but the purchaser whose motion to reset the sale was denied, so they are threatening to file an appeal. Fortunately, I was able to talk to most of the parties there to propose that one of them, the short-sale buyer, perhaps, take responsibility for the violation. He's a contractor, he offered to demolish the structure and bring it into compliance, and I suggested he negotiate doing that and then get reimbursed by whoever ends up owning the property, if not him, but that's just a proposal. I intend to file the City's injunction action as soon as possible to get an agreed order to that effect, or a court order, if the parties can't reach a resolution amongst themselves and with us.

Commissioner Quesada: Yes – because that house really is a danger. I don't know if anyone's driven by it, the house on Sorolla, it really is scary how dangerous that house is. I was there last week and I looked at it, and the roof is about to cave in, I don't know if you've had a chance to look at it.

Mr. Valenzuela: I've seen the photographs. The owner vacated in preparation for the short-sale, they have fixed everything else, but you are right, the structure remains apparently unsafe. All

the indications I've heard is that it should be demolished, the City hasn't been able to inspect the inside.

Commissioner Quesada: I was there a week ago and I went up to the front door because there are some notifications on the window and it feels like the roof is going to fall on you, so I was up there three seconds and I immediately stepped off.

Mr. Valenzuela: Right – those are the eaves above the front door.

Commissioner Quesada: Because my concern it's really a life safety issue there.

Mayor Cason: Cotorro is one of the longest ones we've been following, what's the status of Cotorro?

Mr. Valenzuela: We have an agreed order and a...for compliance, but they have already pulled the permits to do the work. There was some question as to whether the roof over the garage was part of the original scope of work. They may have to amend the permits, but they reopened the old permits, and their deadline to pass final inspection on those permits is May 28, 2015.

Mayor Cason: So basically, they are getting movement Craig, on....

City Attorney Leen: Yes Mr. Mayor, we are getting movement on every one of these. In fact, it sounds like many of them we will not have to file a lawsuit at all. On several of them we have pending lawsuits, we haven't had to take these through a full hearing because we are getting immediate compliance because our law is very clear, that they are in violation and according to our law, which this Commission passed, it indicates that we are entitled to an injunction. So we are proceeding in accordance with the law, we are getting the injunctions by agreement, we are hoping to get several more shortly, and we have a number of other properties which are coming into compliance.

Mr. Valenzuela: We have two hearings set on the emergency motion for injunctions, one on the 17th of March, the other on the 20th, and I'm in negotiations still with the bank on one of the properties, if we are unable to resolve it, we may be filing another one, but so far all the cases that are ready for the filing of an injunction, those cases have been filed. There are two new ones that were just added to the list and now we are up to 15, and I'll begin working on those right away.

Mayor Cason: Excellent.

Vice Mayor Kerdyk: Very good job.

Mayor Cason: Great job.

Mr. Valenzuela: Thank you.

[End: 1:54:52 p.m.]