

City of Coral Gables City Commission Meeting
Agenda Item F-5
November 14, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Deputy City Attorney, Stephanie Throckmorton

Police Major, John Baublitz

Public Speaker(s)

Agenda Item F-5 [4:10 p.m.]

Discussion on legislation regarding abandoned vehicles
(Sponsored by Mayor Lago)

Mayor Lago: I think its more important to all of us here is F-5, discussion on legislation regarding abandoned vehicles. So, we have currently, can we get our City Attorney up here, please. So, I brought up, I'm sorry.

City Attorney Suarez: I said I'm here.

Mayor Lago: I know. I know. I know. But I brought up a property to the attention of the city. I have a resident who calls me every week, and obviously they ask me to address this issue. It's a property and I want to be very careful where I give the address; and they have an abandoned car, not really an abandoned car, it belongs to them, its just they are going through some difficult times, through probate in the family, there was a death, but the car is in very poor condition and the car

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has four flat tires. Trying to be careful here to not show all the photos and the license plate and everything, but – let’s just leave it like that, let’s just leave it like that before I...

City Attorney Suarez: Mayor.

Mayor Lago: Yes.

City Attorney Suarez: Is this on the swale?

Mayor Lago: That’s on the swale. The problem is that we have said that these individuals are going through a tough time. They are trying to address the situation. I agree. If you tell me a week, two weeks to address an issue, I think it’s a perfectly fine time. We’ve already had this car probably there for probably three months and there comes a point where the person is contacting us every week and there is a level of frustration. So, I would like for my colleagues to think about – I’m writing an ordinance, we’re working on tweaking the ordinance and I’ll be bringing this before you. I want your input in regard to this ordinance to see what we can do to kind of be a little bit more stringent in regard to this matter.

Deputy City Attorney Throckmorton: I’m happy to send you all the provisions we do have at the moment for removal and destruction of abandoned vehicles. I think it mirrors a lot of state law provisions and it addresses removal of vehicles on private and public property. This particular property, I’m not aware of. I don’t know if Development Services –

Mayor Lago: I just went out of courtesy. They are going through a family – I don’t want to read their address on the record.

Deputy City Attorney Throckmorton: Yes. So, I’m not aware of where we are in the process with that, but there is a process laid out in the code, I’m happy to share with you to see if there are any tweaks you all want to make to that.

City Attorney Suarez: And police – if its abandoned there on the swale, police will be involved, and enforcement will be...

Mayor Lago: Its not really abandoned. The property owner of the property its their car, but they had a death in the family, it was an elderly person. Now they’re kind of waiting to take action.

Deputy City Attorney Throckmorton: Sounds like it’s defined -- it’s got flat tires.

Mayor Lago: Got flat tires.

Deputy City Attorney Throckmorton: Defined as abandoned vehicles. So, we’ll work on that particular issue with Development Services and Police, but if you all want to look at the process generally, happy to send it to you to review.

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Mayor Lago: What I'm trying to do is tweak it so that we can give somebody or say a property that's in probate or a property that's stuck in the courts in one form or another. We as a city cannot allow this vehicle to be there for three months. I know that we're not in the business of towing, but maybe we can tow this car and send it to a tow yard and get it out of the neighborhood. I don't think anybody wants to live with this on your swale for three or four months.

Parking Director Kinney: To that point, there is a process, and that vehicle could be cited for a parking violation for parking over 24 hours. What happens at that point is then once it becomes a scoff law, we can remove it to a yard. We get a lot of these calls in a few different neighborhoods around town. Often, if this has flat tires and its not moving that usually becomes the issue is, the vehicle is not moving. Sometimes we contact the owner, and they just haven't gone any place.

Mayor Lago: Mr. Kinney, the issue here is that we're having kind of like a disconnect with Code Enforcement, and we're having an issue where we've been trying to get this taken care of for like two months, two months and change, and I haven't been able to get any traction. So, I'm trying to address it through legislation so that none of my colleagues have to ever deal with the phone calls that I'm getting from the residents.

Parking Director Kinney: I know absolutely that if it's been in one place for 24 hours, Parking Enforcement will write a citation for it.

Commissioner Castro: What's the disconnect for having Code Enforcement.

Mayor Lago: Look, for example, this e-mail here, I have an e-mail here my colleagues can see it. It's dated October 9th. The property is still under probate. The vehicle has flat tires and has been reported to police to enforce since it's on the swale. The property was cited for swale condition. That's from Terri Sheppard. The issue is I'm getting calls on a weekly basis on an issue that we're kind of for some reason we're caught like in a no-man's land, like in limbo. We need to kind of address it. I know we're trying to give them enough time, but there comes a point where residents just get tired.

Parking Director Kinney: Even at the end of the day we forgave the citation, it probably would be appropriate to issue the citation so then we would have the authority to take action.

Commissioner Menendez: I've encountered in the past, where I lived in the past, the car people just leave their cars for more than a week and after speaking with Parking, I know there is a procedure in place, lengthy procedure like you said, you have to wait a certain amount of days and then give a ticket, but I agree with the Mayor. This is not the only case. I've seen other situations alike. So, I think it's something that should be streamlined.

Parking Director Kinney: We see them in a number of different situations. Sometimes it is as simple as reminding the owner that you can't park for over 24 hours. You have to move the vehicle

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when you're in the right-of-way. But there are other times where there are flat tires or a car that's clearly not working and those are the ones where we try and write the ticket quickly so that then Parking Enforcement can call CGPD once it becomes scoff law, and it can be removed off. But you're right, that process can take four weeks.

Commissioner Castro: I want to go back to the legislation that we did at the prior time about abandoned vehicles. What was the consequence?

City Attorney Suarez: That was for the vehicles on the swale; vehicles on the swales with the car covers.

Deputy City Attorney Throckmorton: Yes. That was specific to car covers and it was a Code Enforcement violation. If you violate it, the regulations regarding the amount of time you could have a car cover or inappropriate car cover.

Commissioner Castro: So, it was Code Enforcement.

Deputy City Attorney Throckmorton: I believe so, off hand, yes.

Commissioner Castro: So...

City Attorney Suarez: We have a process in place for addressing, I think vehicles like the one the Mayor just showed. We can follow up with police and see what has been done and we'll follow up with Parking as well and see in this particular case what has been done and get that process moving, if it's necessary.

Deputy City Attorney Throckmorton: There is a process for removal of the vehicles, and we'll look into what's happened there.

Mayor Lago: The intent of putting this on the record is my colleagues have a little bit of an understanding something that I'm facing with a resident where this is not the only place. There is another similar situation three blocks away. Its very weird to have this. I've never seen this, two cars in a three-block radius, and I've been doing this for a while, it's the first time that I have seen this. And I think that what we need to do is tweak, maybe the legislation that we have in place so that we can be a little bit more proactive. The vehicle is in this position you can't even see inside the windows, flat tires. We need to take action. Give them a ticket. Give them a warning – hey, you have a week to remove this vehicle, if not, we'll tow it. I think a week is far than enough. You can hire a tow company, and have it towed to a body shop or to a warehouse or anywhere the individual may require, but to leave it in a neighborhood for two months is again, it ruins people's, especially during the holidays. Everybody is fixing up their homes, landscaping, putting lights in their trees. You have an abandoned basically a vehicle on four flat tires, that's why I'm putting it on the Commission. I've been working with staff throughout the process, but I have a feeling that

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we're seeing this. Let me give you another example. Behind my gym there was a brand new beautiful pickup truck that was left in the alley. It was parked in the middle of the alley. Nobody in their right mind would have left that car like that. Probably like a \$60,000 pickup truck. So, we looked at it for about 24 hours, this is at 5 in the morning when I go workout, I looked at the vehicle with some friends of mine, we looked at it, the next day it was there again. We called the police. Those vehicles are left in those positions for 24 to 48 hours to see if anybody has a tracking device on it and then they'll come back and they'll take that vehicle and sell it to South and Central America and ship it away. So, we're having that issue here now with car thefts, but this is a little bit different. So, I just want to see how we can work together on this issue. I would like to, Madam City Attorney, put something on the books that's well defined for our next Commission meeting that says this cannot be allowed. Having a car on the median with four flat tires, we should be able to – the police should be able to take immediate action. The Manager should know this is exactly what the provisions are; one week to fix the car or we tow it at your expense.

Vice Mayor Anderson: In the past, I've seen where Code Enforcement...

Mayor Lago: That's preempted by the state.

City Attorney Suarez: No Mayor, that's essentially what is allowed and authorized and there is already that process in place. I think this piece might be an enforcement issue and we'll look into that with staff.

Vice Mayor Anderson: I think it's an enforcement issue, because I've had an instance where we had the same situation across the street from me, many moons ago, we're talking 20 years ago, and the tag was expired, the car was getting some mold on it too. So, it was sitting there for a while and the tires were flat. So yes, they ticketed it, and it was gone.

Mayor Lago: If anybody knows Baublitz knows.

Major Baublitz: Good evening, Mayor, Commissioners. What we usually do is, if we get a complaint, we send an officer out there. He, like you said, looks at the tires, see how long it looks like the vehicle has been there. We run the tag; we try to make contact with the owner. If we can't make contact with the owner, we put in a courtesy notice on the vehicle and then within five days we can tow the vehicle if the vehicle is still there. If that complaint comes in, like I said, we assign it to the officer and those are the steps we take.

Mayor Lago: I think the issue here as you said, we're being courteous like we always are, because of the result of the probate, but we have to be able to move much quicker. When I say we, I mean the courts have to move much quicker than this.

City Attorney Suarez: So, my understanding is preventing us just because it's in probate. I'll look into this particular one, but I don't think there's anything preventing us in this case. Again, I don't

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know the particular matter, but I'll definitely research it, and again, it might be just a matter of enforcement in this case.

Mayor Lago: Give them a deadline.

Major Baublitz: I'm sorry, I was outside, I didn't hear the address or where this is at.

Commissioner Castro: We didn't say.

Major Baublitz: We can definitely look into it.

Mayor Lago: I didn't want to publicly say. It's a public record. It's on an e-mail. I'd rather give it to you. Thank you, my friend. I appreciate that. Thank you. Anything else, or I'll just move on. I have another e-mail from September. So, it was September 1st, October 9th, and we're in November, so this is the first one. Thank you.