

City of Coral Gables City Commission Meeting
Agenda Item F-4
May 28, 2019
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

Interim City Manager, Peter Iglesias

City Attorney, Miriam Ramos

Deputy City Attorney, Cristina Suarez

City Clerk, Billy Urquia

Public Speaker(s)

Javier Vasquez

Raul Orta

Enrique Pousada

Duany Castellanos

Agenda Item F-4 [0:00:00 p.m.]

A Resolution of the City Commission of the City of Coral Gables, Florida approving an amended Declaration of Restrictions regarding that certain property legally described as Lots 15-16, Block 29, Granada Section Coral Gables, according to the plat thereof, recorded in Plat Book 8, at Page 113 of the Public Records of Miami-Dade County, Florida.

Mayor Valdes-Fauli: F-4.

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City Attorney Ramos: F-4 is a resolution of the City Commission of the City of Coral Gables, Florida approving an amended Declaration of Restrictions regarding that certain property legally described as Lots 15-16, Block 29, Granada Section Coral Gables, according to the plat thereof, recorded in Plat Book 8, at Page 113 of the Public Records of Miami-Dade County, Florida. This is a public hearing item. And I believe that the applicant has been called in.

Mayor Valdes-Fauli: Alright. Anybody...

City Attorney Ramos: The applicant's outside. They're coming in.

Mayor Valdes-Fauli: No, but I mean, anybody from staff?

City Attorney Ramos: Is he going to explain it?

(COMMENTS MADE OFF THE RECORD)

City Attorney Ramos: Okay, go ahead.

Deputy City Attorney Suarez: (INAUDIBLE) start explaining, yeah.

Mayor Valdes-Fauli: Go ahead.

Deputy City Attorney Suarez: Good morning. Cristina Suarez, Deputy City Attorney. I believe the applicant and some residents are outside discussing the item.

Mayor Valdes-Fauli: Will they come in? Do they want to come in? And being outside is not going to help them very much. Go ahead.

Deputy City Attorney Suarez: This is a property that -- a building that's located at 5200 Southwest 8th Street. It's a medical office and professional office building. This particular request involves the parking lot that's behind the building. It's a residential property that's used as a parking lot for the building on 8th Street. The request was -- there are certain restrictions to the use of that parking lot. And the request was made to allow the parking beginning at 7 am, instead of 8 am, which is what's currently allowed, to make a modification to other restrictions to allow the parking of vans and pickup trucks to be used by the patients, employees and managing personnel with the professional offices or medical clinic, but not for the parking, loading, and/or unloading of passenger vans, particularly any commercial vehicles that are used by the medical clinic. There was also a request to eliminate certain conditions because the sidewalks have already been replaced and certain improvements have already been made to the parking lot. And my understanding is that the applicant and the residents have been discussing. But generally, there was an agreement to grow a hedge around the property to eight feet, to provide for maintenance, including sprinklers and fertilization. The details of that I know they were discussing outside, so I'm sure the applicant will explain that. There's also been an agreement to install a gate at the entrance that should be -- remain locked. I just want to note one change to the proposed amendment to the declaration that was made part of the record is we wanted to make it explicit -- it is the case already, but I just want to make it very explicit that any violation of the declaration would constitute a code enforcement violation and the applicant can further explain.

Mayor Valdes-Fauli: Before you start, I have here one, two, three cards of people that wish to speak. Whoever wishes to speak, please fill one out and I will recognize you. But I will not recognize you unless you filled one of these, so, you know, you're welcome to do so. Yes, sir. Go ahead.

Javier Vasquez: Good morning, Mr. Mayor, Vice Mayor and Commission members. My name is Javi Vasquez, with law offices at 1450 Brickell Avenue. And I represent the Castellanos family. They're both here on behalf of the ownership of the building at 5200 Southwest 8th Street. Just as a caveat, Castellanos family has invested a significant amount of money and has really improved

this property. The two lots in question are part of a residential component behind the building that has historically, dating back to 1973, when it was approved by way of a resolution and by way of a declaration of restrictions, has always been permitted as a parking for the building. There are some -- when we submitted this, it was submitted more so as a cleanup opportunity for some issues that were required by the covenant -- the old covenant that I'm going to refer to -- on things such as the sidewalks that have already been resolved, been done, some cleanup as to elimination of some of that language. There has been a discussion of improving the hours of operation and changing it basically from 8 am to 7 am. The neighbors are here -- Mr. -- we've been working with Mr. Orta, with Mr. Pousada, and they are in agreement with the 7 am change. There's also an issue having to do with the provision of a gate. We just agreed outside to the word "permanently locked" during the prohibited hours. So, Mr. Orta was very specific that he would like where it says the gate shall be closed, he would like to add "and permanently locked during the prohibited hours." So, that requires on us the obligation to keep it locked during the hours that it cannot be used as parking. As it relates to the provision of an eight-foot hedge, we have agreed, and they've asked us that the hedge be of consistent species, which means to make sure we don't have different types of trees there. We are in agreement with that. And we have also agreed to not only an irrigation system, but an irrigation system that includes a fertilizer component so that it does require either the owner or anybody or any subsequent owner to have to be doing the fertilization separately. The irrigation will include a fertilizer component. So, as I see things and based on our conversation outside, the remaining issue as it stands before you today is as to the type of vehicles that can park in the res -- in the subject property. What we have proposed, we are in agreement with the language as written by the City Attorney and as requested. I know that that language, from the moment that we submitted it to today, has gone through some changes based on conversations with the neighbors. But as of the moment that we walked back in, we were not 100 percent on the same page on that issue only. And what we have proposed and where we left things -- because we had to walk in -- was for the language just to be as it is before you right now with the understanding or modification that the only vehicles that would have any type of commercial writing on them would be either tenants of the building, patients of the building, and for that matter, it would only be vans or automobiles. In no event would it be a truck. And we have also made it

very clear that we will not be parking our passenger vans, the medical vans that transport patients, we would not be parking those there as well. So, I am -- I'm happy and honored to report that the system has worked, as it relates to how the City likes to see property owners and their neighbors working together. Mr. Orta and Mr. Pousada have taken a lot of time to not only visit with members of this Commission, but to spend time with us and they're here today. So, having said that, I'd like to see if we can just wrap that part of it up. And if we can and if it's the will of the Commission, we'd like to see this modification to allow the declaration of restrictions to come into today's day and age, and we look forward to continuing to be good corporate residents of Coral Gables. And I'm going to close and respectfully answer any questions that you may have.

Vice Mayor Lago: Why don't...

Mayor Valdes-Fauli: Thank you.

Vice Mayor Lago: Do you want to...

Mayor Valdes-Fauli: Yeah. Let's call the...

Vice Mayor Lago: Mayor, do you want to...

Mayor Valdes-Fauli: Yeah.

Vice Mayor Lago: Before we make any comments.

Mayor Valdes-Fauli: Yeah. I'd like to call Raul Orta, 1224 San Miguel. Have they been sworn in?

City Clerk Urquia: They have not. They need to be sworn in?

City Attorney Ramos: They do not need to be sworn in.

Mayor Valdes-Fauli: Okay. Yes, Mr. Orta. Good morning.

Raul Orta: Good morning.

Commissioner Keon: You don't need to be sworn in. Just your name and your address.

Mr. Orta: Alright. My name is Raul Orta. I'm a resident of Coral Gables at 1224 San Miguel Avenue. And basically, we're all in agreement of what was discussed, except Item 3. Basically, what we're saying is allowing the parking of vans and pickup trucks used by the patients, employees and management personnel of the professional offices and medical clinic, as long as they are non-commercial vehicles used by the medical clinic, their personnel, tenants or any of its vendors. To that, we're making an exception.

(COMMENTS MADE OFF THE RECORD)

Mr. Orta: (INAUDIBLE) that they be required entrance for emergency repairs to the building.

Unidentified Speaker: Right.

Mr. Orta: If you've got a plumbing situation or you got an electrical situation, got a roofing situation, then, of course, they're allowed to enter the parking space for those kind of repairs. It's on an emergency basis.

Commissioner Keon: What is your fear? What is it that you are concerned will be parked there that you want to make sure doesn't get parked there?

Mr. Orta: Commercial vehicles...

Commissioner Keon: Such as what? Like...

Mr. Orta: Trucks, vans. I believe I left for you the pictures.

Commissioner Keon: Yes, you did.

Vice Mayor Lago: Pass that over to Commissioner Keon.

Mr. Vasquez: The passenger vans is a big issue for them, as far as the ones that transport the seniors.

Commissioner Keon: Alright. Is it like for...

Mr. Vasquez: Like that.

Commissioner Keon: Right. Like I saw some of these and I think it's -- oh, my goodness, yes. I saw your...

Vice Mayor Lago: Well, that Bobcat was left over the weekend?

Commissioner Keon: The Bobcat.

Vice Mayor Lago: How long was that Bobcat there for?

Mr. Orta: Probably...

Vice Mayor Lago: That heavy machinery -- the piece of heavy machinery that was parked at the...

Commissioner Keon: Right.

Vice Mayor Lago: At the rear of the surface parking.

Mr. Orta: Sometimes it stays over the weekend.

Commissioner Keon: Right. And it's not being used on any property there or near there; is that right?

Mr. Orta: No. That's...

Commissioner Keon: Right. You know...

Mr. Orta: Actually, that's one of the tenant's equipment.

Mayor Valdes-Fauli: Okay. Tell us why that's there.

Commissioner Keon: That's -- yeah. I mean, I know that that's also a problem at 760 Palms, along 8th Street. The neighbors in that area have complained that somehow the owners of the buildings and whatever have allowed vehicles to be parked in those parking lots that are not in any way related to anything...

Mr. Orta: Correct.

Commissioner Keon: At that building.

Mr. Orta: Correct.

Commissioner Keon: And so, they don't want -- also, I want to make sure...

Mr. Orta: Yes.

Commissioner Keon: That this, you know...

Mr. Orta: That vehicle belongs to one of the tenants.

Commissioner Keon: That this is very clear as to how this is -- the language. And I don't -- I'm not so sure it says under no circumstances or, you know, is the lot to remain empty then at -- during the times -- it says that?

Mayor Valdes-Fauli: Can you tell us why...

Commissioner Keon: There's no -- it doesn't say.

Mayor Valdes-Fauli: That's there?

Mr. Vasquez: Yes. If I could...

Commissioner Keon: Where is that?

Mr. Vasquez: I know you have the floor, but I want to just answer...

Mayor Valdes-Fauli: Let's...

Mr. Vasquez: That part of the question, if I could.

Mayor Valdes-Fauli: What?

Commissioner Keon: Okay.

Mr. Vasquez: Because I know it answers your question as well.

Commissioner Keon: Yeah.

Mr. Vasquez: I have made it abundantly clear to my client that not only is that not permitted, that we are also accepting the language that triggers code enforcement for a violation of the terms, as revised, and that that kind of a situation cannot exist. So, why it has been there, I'd be happy to let them come up here. But the important thing is that it will not continue, cannot continue and we are understanding of that. And I've made it abundantly clear to them that that's not a permissible thing.

Mayor Valdes-Fauli: Can you call the police...

Vice Mayor Lago: Mr....

Mayor Valdes-Fauli: To get them out of there?

Mr. Vasquez: I will be happy to...

Commissioner Keon: I don't...

Mr. Vasquez: Ask (INAUDIBLE)...

Vice Mayor Lago: Mr. Vasquez.

Mr. Vasquez: (INAUDIBLE)

Vice Mayor Lago: I think the key...

Commissioner Keon: I wonder...

Vice Mayor Lago: I think the key is...

Commissioner Keon: How you'd tow that.

Vice Mayor Lago: I think the key is that...

Commissioner Keon: (INAUDIBLE) driver.

Vice Mayor Lago: You know, we're starting anew today.

Commissioner Keon: I think it's the...

Vice Mayor Lago: And I think we're starting fresh so -- and the res -- we've all met with the residents. We've had multiple discussions with them. We know what's been going on. You know, obviously, they've been pushing the envelope a little bit. There's examples of it here. I have all the photos here, and so do my colleagues. I want to see a harmonious relationship, okay. This is a commercial business basically encroaching on a residential neighborhood. So, I want the owners to have a little bit of consideration for the fact that when they leave on Friday, that these individuals have to live with it until next Monday morning. So, when you have somebody showing up and washing cars on a Sunday or washing vehicles on a Sunday, it's unacceptable. Just think about your neighbors. You know, somebody's got to wake up in the middle of the morning, you know, after a long week of work. They just want that consideration. There's a few things that I have issues with that I want to make sure are very, very clear, that are very clear. For example, talk about a new hedge. A new hedge -- and they're showing an example of it there. I want the old hedge removed. I want the old hedge removed. I want it to be uniform, and I want it to be

maintained. And please, let's plant -- you know, not five-gallon, you know, species -- you know, size. Let's plant something that takes effect today.

Mr. Vasquez: Well...

Vice Mayor Lago: I'm not asking you to plant eight feet, but you could plant, you know, maybe four feet, you know, something...

Mr. Vasquez: That's what...

Vice Mayor Lago: That's going to cost more money, but you -- let's -- this is about, again, a harmonious relationship. Let's put...

Mr. Vasquez: Can I stop you there, just to jump on that?

Mayor Valdes-Fauli: Why don't we let that grow?

Mr. Vasquez: Because I want to leave that one (INAUDIBLE).

Vice Mayor Lago: Well, look at that. You can't let that grow.

Mayor Valdes-Fauli: No, not that one, but the other one.

Vice Mayor Lago: No, because I mean, I think you can probably put something -- like a clusia or something that would, again, provide a little bit more of a visual impairment to the commercial property.

Commissioner Keon: That's terrible.

Unidentified Speaker: Clusia?

Vice Mayor Lago: Clusia. Or, I mean, listen, don't take my word for it. We have great staff. They can give you...

Commissioner Keon: Brook can tell you.

Vice Mayor Lago: I'm not in the business of giving -- you know...

Mr. Vasquez: What we did speak outside about was four feet to let it grow.

Vice Mayor Lago: Something that'll grow. That tree...

Mr. Vasquez: That'll at least cover the...

Vice Mayor Lago: That tree is, you know, probably...

Mr. Vasquez: Well...

Vice Mayor Lago: Those trees are probably 10, 15 years old. They're not going to grow. They're not going to grow to any substantial height no matter if you let it grow. Let's plant -- maybe you can plant some ornamentals to make it a little bit more appealing for our residential neighborhood. Another issue that I had personally when I sat down with the residents, they brought me some pictures. There's some curbing around the property. And it's in your agreement dated -- the agreement that's dated 1964, in this agreement here. It talks about curbing and it talks about sidewalks. It's pretty clear. It's broken down. You know, let's fix the curbing -- it's your property -- into the entrance of -- you see that curbing right there?

Mr. Vasquez: I know exactly what you're talking about. And I think one of the things that was being done by way of this modification is the statement for the record that those requirements, which, at the time, the sidewalk and the curb didn't even exist is that they are now...

Vice Mayor Lago: Well, the...

Mr. Vasquez: In place.

Vice Mayor Lago: They're detailed here. They're detailed in your agreement from 1960...

Mr. Vasquez: No, that's what I'm talking about.

Vice Mayor Lago: So, what I'm saying is the reason why -- not only for the residents, but also, it's a liability for you. You know, someone can fall. An elderly person who's coming to visit your facility can fall on that asphalt and hurt themselves. So, there's a few things that I believe that we can do. We're not far apart.

Mr. Vasquez: Okay.

Vice Mayor Lago: And I don't want to speak for the residents. I just want the owners -- you're running an exceptional business on 8th Street. You know, let's just think about the neighbors who are behind them, who are their partners in this business. That's it.

Mr. Vasquez: I don't have a -- we have no objection to that.

Mayor Valdes-Fauli: Anything else, Mr....

Mr. Orta: Basically, if we can agree on the permanently locked -- that's on Item 2. If we can agree on Item 3, whereas we don't want any commercial vehicles used by the medical clinic, personnel,

tenants or any of its vendors, with the exception of repair. And the hedge, I would agree that replacing of the hedge...

Vice Mayor Lago: Is at least, is at least...

Mr. Orta: You know, would be good. If you looked at one of the photographs that we showed from the parking lot looking onto the residential neighborhood, it is an eyesore. Not only that, it affects the property value. So, maybe, yeah, it might be expensive to go ahead and replace the hedges, but not as expensive as the cost to our neighbors and property value. So, basically, that's all we got to say.

Commissioner Keon: So...

Mayor Valdes-Fauli: Thank you, Mr. Orta.

Commissioner Keon: My question is...

Mr. Orta: Thank you. Thank you, Commissioners.

Commissioner Keon: That's...

Mr. Orta: Thank you, Mayor.

Commissioner Keon: It is a med -- it's parking for a medical clinic...

Vice Mayor Lago: Yes.

Commissioner Keon: Is that right?

Mr. Vasquez: Yes.

Commissioner Keon: And the hours of operation of the medical clinic are what?

Mr. Vasquez: They're currently -- the permitted hours are currently, I believe, from 9 to 8. And it's -- or from 8 to 8, and it's being changed to 7 am.

Commissioner Keon: Okay, so it's 7 to 8 pm at night, seven days a week?

Mr. Vasquez: Yes, ma'am.

Vice Mayor Lago: No.

Commissioner Keon: How many days a week?

Vice Mayor Lago: It's not seven days a week.

Commissioner Keon: It's open seven days a week?

Deputy City Attorney Suarez: Commissioner, are you asking about the hours of operation of the clinic, not the...

Mayor Valdes-Fauli: Yes.

Deputy City Attorney Suarez: Parking area?

Commissioner Keon: The clinic.

Deputy City Attorney Suarez: Right. So, she's asking the hours of operation of the clinic.

Commissioner Keon: What are the operating hours of the clinic?

City Attorney Ramos: Well, they find that with regard to landscaping, the suggestion is that it be amended to state that we would approve landscaping as per the Landscape Services Department so that they can...

Vice Mayor Lago: There you go. That works.

City Attorney Ramos: Vet it and see what's appropriate.

Vice Mayor Lago: But I don't want them to -- because the verbiage that was there before -- and I can't find the document right now. There's so many. It says grow out the existing hedge to a reasonable, acceptable -- I don't want to grow out anything.

Mr. Vasquez: We're clear on that.

Vice Mayor Lago: I want to put something...

Mr. Vasquez: We're clear.

Vice Mayor Lago: Beautiful that makes the residents happy.

Mr. Vasquez: So, we'll work with the manual...

Commissioner Keon: Cristina, what are the hours?

Mr. Vasquez: But for the replacement of...

City Attorney Ramos: The Landscape Services Department.

Commissioner Keon: What are the operating hours?

Mr. Vasquez: To answer the other question, it's consistent with these hours, 7 to 8, except that they're closed on Sunday.

Commissioner Keon: Seven to eight and closed on Sunday.

Mr. Vasquez: Yes, ma'am.

Commissioner Keon: So, you know, it doesn't say in here that that parking lot will not be used between the hours of 8 at night and 7 in the morning and on Sunday. Is that what you're looking for, is that it -- that there's no one parked there during the time that they...

Mr. Orta: I think once it's...

Commissioner Keon: That the business is closed?

Mr. Vasquez: It requires that it be locked, so that happens...

Vice Mayor Lago: Yeah.

Mr. Vasquez: By matter of...

Mr. Orta: Well, you bring an interesting point. Because it's locked doesn't mean that people could park there.

Commissioner Keon: That's right. So, I think...

(COMMENTS MADE OFF THE RECORD)

Commissioner Keon: What you're asking is that nobody...

Mr. Orta: (INAUDIBLE).

Commissioner Keon: Use that...

Mr. Orta: Nobody uses it (INAUDIBLE).

Commissioner Keon: During the hours that they're not in operation.

Mr. Orta: Correct.

Mr. Vasquez: And we're fine with that, ma'am.

Commissioner Keon: Okay. I would like to amend it to say that.

Deputy City Attorney Suarez: If I may clarify. What's before you is an amendment to the existing declaration. So, the existing declaration says said parking area shall only be used between the hours of 8 am and 9 pm. So, what we're changing is making that 7 am.

Commissioner Keon: Okay.

Deputy City Attorney Suarez: And no car shall enter said parking area at any other time. And further, no car shall be permitted to remain there overnight.

Vice Mayor Lago: Cristina, can I also amend that -- just to put my -- if my colleagues will agree on this. On Saturdays, I mean, you think 7 o'clock is the appropriate time to start? I mean, we don't even allow construction to start in the City of Coral Gables on Saturdays until 9.

Commissioner Keon: Well, they may -- if that's where their personnel work...

Mayor Valdes-Fauli: Construction is different than...

Vice Mayor Lago: You think...

Commissioner Keon: The personnel are going to park there.

Vice Mayor Lago: But if you're -- if they already do it at 8 o'clock, I mean, is it an issue or no? I just don't want people, you know, waking people up on a, you know, Saturday morning at 7 in the morning.

Commissioner Keon: I don't think they've objected to that. I just want to make sure there's no one...

Mayor Valdes-Fauli: They haven't objected to that.

Commissioner Keon: There on Sunday.

Mayor Valdes-Fauli: And going to the doctor is different than...

Deputy City Attorney Suarez: So, now -- so closed on Sunday.

Commissioner Keon: And it's closed on Sunday, that it's only available for parking...

Deputy City Attorney Suarez: Monday through Saturday.

Commissioner Keon: Monday through Saturday. Is that what you're asking? It's not allowed -- no one is allowed to park there on Sunday while they're not...

Mayor Valdes-Fauli: Right.

Commissioner Keon: Open at all.

Mayor Valdes-Fauli: Thank you, Mr. Orta.

Commissioner Keon: That should be...

Mr. Vasquez: Saturday at 8 am would be acceptable.

Commissioner Keon: Specifically in your -- in the language to protect you.

Mr. Vasquez: So, we could do 7 am Monday through Friday and 8 am on Saturdays.

Mayor Valdes-Fauli: Okay.

Commissioner Keon: Okay.

Mr. Vasquez: And nothing on Sunday.

Commissioner Keon: And nothing on Sundays. So, it means that you can never lease it out for valet parking because I know like there's other people along there that would -- that have used other parking lots and things for valet parking, so it's not allowed to be leased. It's not allowed to be leased to any third party for any use.

Mayor Valdes-Fauli: Right.

Commissioner Keon: That's what you're asking.

Mayor Valdes-Fauli: Okay. Let's ask Liliana Switkes. Liliana. Is Liliana Switkes here? Liliana Switkes is not here. Alright, Enrique Pousada. Enrique. Thank you, sir. Thank you, Mr. Orta.

Vice Mayor Lago: You have comments? Do you have comments or...

Enrique Pousada: I'm sorry?

Vice Mayor Lago: They're calling your name to say a comment. Would you like to say a com...

Mr. Pousada: Yes, yes. Yes, I filled out a card.

Mayor Valdes-Fauli: I know, but you can comment. You can -- the floor is yours.

Mr. Pousada: Yes, thank you.

Commissioner Keon: Your name and address.

Mr. Pousada: Thank you for your attention and your time, Commissioners. Vice Mayor, Mayor, City Attorney and City Manager, thank you for your time. What we have before us is two residential zoning lots that are being used for commercial use under certain restrictions, under the declaration of restrictions, which under the brief history of the item, it makes mention of 1973. But for the record, it's been in place since September 25, 1964, and that declaration was recorded in the official record book 4304 at page 536. We have agreed to some terms, but there are some terms that I personally don't feel ready to walk out of here 100 percent. So, what I propose is a

general agreement to these terms and, as a draft, to be further reviewed and approved for the benefit of the residents as well as the property owner. Mr. Vasquez mentioned that the property owners have invested a good deal of money in improving the property, and indeed, they have improved their property, but none of that money has gone to improving the rear or sides of those residential lots that are being used for commercial use. The hedges are -- as you already saw -- I don't want to take up much of your time. A hedge on San Miguel that was planted in 2009, so ten years later, it's barely four feet. So, I thank you for you considering a replacement of the hedges with a specimen that would thrive and it would grow tall, and it would block the view that is an eyesore and it takes away from beauty -- the beauty and the character of what a resident -- a Coral Gables residential neighborhood is. So, the hedge is a key point in the residents agreeing to allow for relaxation...

Mayor Valdes-Fauli: Yeah, but they're going to agree to do it.

Mr. Pousada: Yeah, okay. The other key point here is also the parking issue. The present restrictions in the declaration are very specific not to allow commercial vehicles of any kind. And we're here because they need some relaxation of the restrictions. And we're willing to compromise, but not to the point that it's going to leave the -- this is the language that I have before me. It will leave the door open to any kind of commercial vehicle to park in there. So, we would like to work with them, but to -- instead of having an open door, to have a small window for vehicles that we understand that it's necessary for the -- to enter the parking lot and do certain repairs or maintenance or a causal delivery. But definitely, not the type of trucks, commercial trucks that are very big size and with very loud noise. Also, a very good point about the Saturday hours. The resolution as before us and the proposed amendment of the declaration does not address weekends. And I have a copy here of...

Mayor Valdes-Fauli: Doesn't address what?

Mr. Pousada: It doesn't address the operation of the allowed use on the weekends. It's open, so I'm glad you addressed it.

Mayor Valdes-Fauli: But (INAUDIBLE) does.

Commissioner Keon: We just...

Mayor Valdes-Fauli: We just did.

Commissioner Keon: Did from the floor.

Mr. Pousada: Yes, and I thank you.

Mayor Valdes-Fauli: We just did it.

Mr. Pousada: To limit it the way it was limited. So, you are updating the restrictions of the declaration by removing the section that has to do with the construction of sidewalks because they were already built. That's good. And I'm going to work with you here. There's another section that talks about building masonry walls. They've already been built. So, if you'd like, that can be updated and removed as well because it doesn't apply anymore.

Mr. Vasquez: I think that was the intent of all of our conversations with the City Attorney that, to the extent that some of these requirements have been complied with, that the...

City Attorney Ramos: They be removed.

Mr. Vasquez: That they be removed.

Mayor Valdes-Fauli: Alright.

Mr. Pousada: Now, the declaration that's in place today did say and does say that that restricted use would be allowed once all those improvements were built. And in this declaration, it should be -- continue to be a similar language. Once the area's been improved to something that's adequate, then the allow -- the use should be allowed. At the area of San Miguel and Genoa, it's neglected. It's not properly maintained. There is debris, cups, cans, bags. It's an eyesore for the residents.

Mayor Valdes-Fauli: Now, where is this?

Vice Mayor Lago: Right behind -- right behind the...

Mr. Pousada: It's on the...

Vice Mayor Lago: (INAUDIBLE).

Mr. Pousada: San Miguel -- 1200 Block of San Miguel and Genoa.

Vice Mayor Lago: So, Mr. Vasquez, is your client willing to -- he's going to have to maintain the new hedge. Is he willing to do maybe a sweep of the area once a week to ensure there's no garbage in the hedges and that kind of stuff? I mean, it's his property.

Mr. Vasquez: So long as we are not having to keep areas that belong to others that are beyond our control -- we can control our areas. We can't control areas that are fronting other properties.

Vice Mayor Lago: I'm not asking you to...

Mr. Vasquez: So long as...

Vice Mayor Lago: I'm not asking you to -- I mean, but we do pick up -- for example, I...

Mr. Vasquez: Of course.

Vice Mayor Lago: In my property every day when I get home -- and I know that Mr. Iglesias does the same thing -- due to the location where I live, I do a sweep of my yard and I pick up cups and I pick up...

Mr. Vasquez: Yes. So, the answer...

Vice Mayor Lago: Bags and I pick up...

Mr. Vasquez: The answer...

Vice Mayor Lago: Things because, again, I just don't want to live with that on my swale.

Mr. Vasquez: The answer is yes.

Vice Mayor Lago: The problem -- and I'll tell you...

Mayor Valdes-Fauli: How much of that do you have?

Vice Mayor Lago: A lot.

Mayor Valdes-Fauli: A lot?

Vice Mayor Lago: Yeah, I do.

Mayor Valdes-Fauli: So, people just dump it there because it's you?

Vice Mayor Lago: They do, yeah.

Commissioner Keon: They're gifting you...

Vice Mayor Lago: I don't think I'm that important. So, I just think they just happen to drive by and they just toss it out and it just happens to land on my yard.

Mr. Vasquez: So, yes, Mr. Lago.

Vice Mayor Lago: Peter, that happens a lot, right, in your yard? We talk -- we have that in common.

Mr. Vasquez : So, yes, Vice Mayor.

Vice Mayor Lago: So, the reason why I bring that up is because when you have that wall, you can't see beyond that wall.

Mr. Vasquez: Correct.

Vice Mayor Lago: But you have a little...

Mr. Vasquez: Swale area.

Vice Mayor Lago: You have a little bit of swale area.

Mr. Vasquez: And yes, absolutely, yeah.

Vice Mayor Lago: It just takes -- you know, if they have somebody who's doing maintenance in the interior of the property cleaning up, maybe they can just swing around the parking lot and pick it up.

Mr. Pousada: And they do have staff doing that, but in the areas that front the property.

Vice Mayor Lago: Yes.

Mr. Pousada: So...

Vice Mayor Lago: They do.

Mr. Pousada: (INAUDIBLE) we're not asking...

Vice Mayor Lago: But let me give you credit where credit is due. Mr. Pousada, when I met with him, he made that very clear, that they do keep the front of the building incredibly clean. But to - - you know, just see if they can maybe just have them swing by the rear and just do the same in the rear.

Mayor Valdes-Fauli: Okay.

Mr. Pousada: Yeah.

Mayor Valdes-Fauli: Alright.

Mr. Pousada: The same area that we maintain (INAUDIBLE) responsible to maintain.

Mayor Valdes-Fauli: From what I hear, you guys are in agreement.

Mr. Vasquez: Yes.

Mayor Valdes-Fauli: And we have made the changes...

Mr. Pousada: Generally speaking.

Mayor Valdes-Fauli: To implement what you...

Mr. Vasquez: The only thing I would like to -- for the record, I -- before you close, Mayor, my client would just like to very quickly introduce himself and to extend his commitment...

Mayor Valdes-Fauli: Okay, please.

Mr. Vasquez: Beyond just hearing it from me. But...

Mayor Valdes-Fauli: Thank you, Mr. Pousada.

Mr. Vasquez: We -- what we don't want to do is have to come back. Let's leave here today with an understanding...

Mayor Valdes-Fauli: Perfect.

Mr. Vasquez: That we're going to live with.

Mayor Valdes-Fauli: Would you...

Mr. Vasquez: So, Duany, if you -- 30 seconds, please.

Mayor Valdes-Fauli: Thirty seconds. That's very good.

Duany Castellanos: Hi. My name is Duany Castellanos. Address is 6000 Southwest 95th Court. I want to thank you guys for allowing us to come today. And we're happy to comply with your regulations, with -- to be happy with the neighbors. And anything that ever happens again, we want to go ahead and work with the neighbors and be in compliance with the neighbors.

Vice Mayor Lago: Thank you.

Mr. Castellanos: In good faith.

Mayor Valdes-Fauli: Thank you very much, sir.

Vice Mayor Lago: Thank you.

Mayor Valdes-Fauli: Do I hear a motion?

Commissioner Keon: Well, can I ask a Cristina to confirm...

Unidentified Speaker: Yeah.

Commissioner Keon: What has been added and the amendments that were made...

Unidentified Speaker: That's a good idea.

Commissioner Keon: To the ordinance as its written here?

Mayor Valdes-Fauli: We're having a feast of amity here.

Deputy City Attorney Suarez: Okay, so...

Mayor Valdes-Fauli: So, let's get it going.

Deputy City Attorney Suarez: The hours of operation will change so -- to allow Monday through Friday, to allow the parking area to be used beginning at 7 am.

Commissioner Keon: Okay.

Deputy City Attorney Suarez: Saturday will remain 8 am, and there will not be any use of the parking lot on Sunday.

Commissioner Keon: Okay.

Vice Mayor Lago: Okay.

Commissioner Keon: So, after 9 o'clock at night on Saturday, there's no more use of that parking facility...

Mr. Vasquez: Until Monday morning.

Commissioner Keon: Until Monday morning.

Deputy City Attorney Suarez: At 7 am.

Commissioner Keon: Until Monday morning. And they cannot rent, lease or allow the use of that parking lot to any third party.

Vice Mayor Lago: Which that's the current...

Mayor Valdes-Fauli: Alright.

Vice Mayor Lago: Agreement right now.

Commissioner Keon: Okay.

Deputy City Attorney Suarez: Then, during the times that it's not in use, the parking area, it is to be -- they've agreed to install a gate that will be locked -- permanently locked...

Mr. Vasquez: Permanent. He wants the word permanently.

Deputy City Attorney Suarez: Permanently locked.

Mr. Vasquez: During the hours of prohibited use.

Deputy City Attorney Suarez: Correct.

Mr. Vasquez: Right.

Deputy City Attorney Suarez: And then the language on the commercial vehicles -- I have a lot of notes, so correct me where I'm wrong. That...

Mr. Vasquez: This is what will help you. You...

Deputy City Attorney Suarez: Vans and pickup trucks may be used by patients, employees, the management personnel, the professional office and/or medical clinic. But the lot shall not be used for parking, loading and unloading of passenger vans and will not be used for commercial vehicles used by the medical clinic, personnel or any of its tenants, which the exception of...

Mr. Orta: Or its vendors.

Deputy City Attorney Suarez: Or its vendors...

Mr. Vasquez: With the exception...

Deputy City Attorney Suarez: Exception of...

Mr. Vasquez: As may be required for emergency repairs to the building.

Deputy City Attorney Suarez: Correct.

Commissioner Keon: Okay.

Mayor Valdes-Fauli: Alright.

Commissioner Keon: So, if you have like people like -- do you service like Leon Medical Center and the different medical center -- I mean, the different...

Mr. Vasquez: There are other tenants in that building.

Commissioner Keon: There are other tenants.

Mr. Vasquez: Besides the medical center, yes.

Commissioner Keon: Right, but do they use that lot also, or only you use this lot?

Mr. Vasquez: Yes. They use that lot as well.

Deputy City Attorney Suarez: The building...

Mr. Vasquez: That doesn't present a problem.

Vice Mayor Lago: With the owner.

Mr. Vasquez: Yeah.

Commissioner Keon: Okay.

Vice Mayor Lago: Of the whole building.

Deputy City Attorney Suarez: The building has a medical office and also professional offices...

Vice Mayor Lago: Right.

Deputy City Attorney Suarez: As I understand.

Vice Mayor Lago: The owner's going to enforce the terms of this agreement.

Commissioner Mena: And this applies to the whole building.

Mayor Valdes-Fauli: Okay. Do I hear a motion?

Vice Mayor Lago: So moved.

Mayor Valdes-Fauli: Second?

Commissioner Keon: Are you comfortable with that?

Deputy City Attorney Suarez: And there was also the...

(COMMENTS MADE OFF THE RECORD)

Commissioner Keon: That that answers your concerns.

Deputy City Attorney Suarez: The language regarding the hedge and the landscaping.

Vice Mayor Lago: Yes.

Unidentified Speaker: Right.

Deputy City Attorney Suarez: That it's going to be permanently -- they're all going to be replaced.

Commissioner Keon: Anybody parking there not on -- that no one's allowed to use that lot on Sunday.

Mr. Pousada: I would like to review again the language regarding the parking of commercial vehicles. The present regulation is very strict, no commercial vehicles. And before we open the door to all kinds of vehicles, commercial parking there, I'd like to review the language again.

Commissioner Keon: There is no...

Mr. Pousada: I'm in general agreement.

Vice Mayor Lago: There is no...

Commissioner Keon: It was already said that there is no commercial parking there unless it is an emergency repair...

Mr. Pousada: Emergency.

Commissioner Keon: To the building. So, if they need to have...

Mayor Valdes-Fauli: If they need to get a plumber or...

Commissioner Keon: A plumber come in or electrician come in...

Mr. Pousada: Then I agree.

Vice Mayor Lago: And by the way, this -- and this issue too...

Commissioner Keon: You know...

Vice Mayor Lago: That we talked about it...

Commissioner Keon: Then we can't -- then they can't. Other than that, no.

Vice Mayor Lago: Where you have the Bobcat -- you have a Bobcat and when you're washing cars, your client understands that if this happens again, Code Enforcement is going to come down on them.

Mayor Valdes-Fauli: Yeah.

Vice Mayor Lago: Is going to crack down on them because this is -- again, let's avoid that again.

Mr. Vasquez: And...

Mayor Valdes-Fauli: Okay.

Mr. Vasquez: For the benefit of Mr. Pousada, long-time friend, City of Miami Public Works Department who I've worked with very closely in other things, a very respectable friend. I want to make sure we're clear that one of the reasons we cleaned this language up is because a patient may come in his car. That patient may work for Progressive Auto Insurance.

Commissioner Keon: Yes.

Mr. Vasquez: There is a sign on the side of that car. We want to make sure that we're not getting too crazy on situations like that.

Vice Mayor Lago: No, I understand. We understand.

Commissioner Keon: We understand.

Mr. Pousada: (INAUDIBLE) okay with that (INAUDIBLE).

Mayor Valdes-Fauli: Okay. It's been moved. Is there a second?

Commissioner Keon: I'll second it.

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

Vice Mayor Lago: She wants to talk about the hedge.

Deputy City Attorney Suarez: For the benefit of the resident...

Vice Mayor Lago: Yes.

Deputy City Attorney Suarez: Do you want me to clarify the hedge...

Vice Mayor Lago: Yes.

Deputy City Attorney Suarez: Will be replaced with a four-foot consistent hedge and will be approved -- the landscaping will be approved by the...

Mayor Valdes-Fauli: Which will grow to...

Deputy City Attorney Suarez: City's Landscaping Services Division.

Vice Mayor Lago: Yes. And I want to make sure that that -- what you saw here is maintained. So, if there's an opportunity for that hedge to go from four to six feet...

Mr. Vasquez: That's in here.

Vice Mayor Lago: To have an opportunity to, you know, be something beautiful that the residents will be happy with.

Commissioner Mena: And that's...

(COMMENTS MADE OFF THE RECORD)

Commissioner Mena: And that's really the most important thing.

Vice Mayor Lago: That is.

Commissioner Mena: Because if you do that well, they're not going to care what vehicle is parked there because they're not going to see it.

Vice Mayor Lago: Yeah. So, the whole -- Commissioner Mena brings up a good point. That's why I keep, you know, focusing on the hedge. You know, plant something beautiful. You know, fix up a wall that has to be fixed up, you know. If it needs to be a little -- a little bit of coat of paint, paint it, you know.

Mayor Valdes-Fauli: Come on, folks. 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: Alright. We're going to take a ten-minute break.

Mr. Vasquez: Thank you. Have a great day.

Mayor Valdes-Fauli: We'll be back at 11. Thank you very much.