

**City of Coral Gables City Commission Meeting
Agenda Item K-1
May 8, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena**

City Staff

**City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia**

Public Speaker(s)

Alexander Palenzuela

Agenda Item K-1 [0:00:00 p.m.]
Abandoned Property Report.

City Attorney Ramos: Mr. Mayor, if I might call an item out of turn. I have special counsel waiting in the audience. Item K-2 (sic), the abandoned property report.

Commissioner Mena: K-1.

Mayor Valdes-Fauli: Hello.

Commissioner Lago: K-1.

Alexander Palenzuela: Good afternoon.

Mayor Valdes-Fauli: K-1.

City Attorney Ramos: Sorry, K-1. As you know, quarterly, we bring the abandoned property report to the City Commission, and Mr. Palenzuela handles all of our abandoned property cases. We have refreshed the list, as was the direction of this Commission. You've been given the list, and he's available for any questions.

Mr. Palenzuela: Okay. Good afternoon, Mayor and Commissioners. I'll just go down the list. If you have any questions at any time, please stop me. The first property on the list is 25 Arvida. It lost its seawall in Hurricane Irma, and the neighbor was complaining that his property was being eroded. So, the City cited the owner and has been working closely with the owner to encourage her contractors to stay on top of the work. And right now, they have until May 15 to finish the seawall.

Commissioner Lago: Can I ask you a quick question in regards to that?

Mr. Palenzuela: Yes, go ahead.

Commissioner Lago: That seawall could take a long time to get a special permit for that. Are we trying to expedite that permit for them? Are we meeting with the County?

Mr. Palenzuela: They have...

Commissioner Lago: That's not only a local issue. That deals with...

Commissioner Keon: DERM and...

Commissioner Lago: Right, DERM...

Mr. Palenzuela: Right. They...

Commissioner Lago: Army Corps of Engineers, whatever. It's a mixed bag there.

Mr. Palenzuela: They start by -- they got an emergency permit from the state to commence work. And part of the problem was they had started work on the seawall without getting a permit from the City of Coral Gables. So, we immediately helped them come into compliance with that, and they did get their permits and they've started work. They asked for the extension to be safe so that they do finish the seawall in time. And there's some upland work that they're also doing to remove some structures that were there. And ultimately, there's an issue with the house that we don't have to get into here because it's not subject to code enforcement yet.

Commissioner Lago: Perfect.

Mr. Palenzuela: So, 90 Sunrise, that property was sold in foreclosure, but the foreclosure was recently set aside. The buyer of the short sale that was ultimately approved by the bank has begun correcting the violations. Today, they'll be replacing the pool pump, and we'll make sure that the pool is filled and everything is fine with that property. 117 Florida Avenue, we're waiting for confirmation. This is an historic home in the west Grove that the owner has hired his architect, so we'll have a second meeting with Dona Spain, currently scheduled for May 17, to discuss what has to be done for the Certificates of Appropriateness to demolish and rebuild an identical structure in its place. 134 is still awaiting a source of funds, another home in the west Grove. 318 Viscaya Avenue, the City finally made contact with the owner of this property, and

they have said that they are going to start obtaining the permits to remodel the home, add an extension, and preserve it. It's also historic. It's currently scheduled for the May 16 Code Enforcement Board agenda. And we're hoping to enter into a proposed agreed order with the owner, giving him specific deadlines to comply with.

Commissioner Keon: I have a question about 117 Florida. You said...

Mr. Palenzuela: Yes, ma'am.

Commissioner Keon: That -- I mean, there's like \$1.7 million worth of fines on this home. Is -- are -- based -- I had spoken with Dona about this home yesterday. Are they making an attempt now to do something about this home?

Historic Preservation Officer Spain: We've had a couple of meetings...

Commissioner Keon: Right.

Historic Preservation Officer Spain: Mr. Palenzuela and I have had a couple meetings with the owner of that property.

Commissioner Keon: Right.

Historic Preservation Officer Spain: In my view, it's clearly a demolition by neglect.

Commissioner Keon: Okay.

Historic Preservation Officer Spain: He's owned the property for years; hasn't done any work on the property. He owns other property in that same area. But he -- I explained to him there was a process that he needed to go forward if he wanted to demolish the property, if he felt it was

an unsafe structure, but that they would have to rebuild it. And he understands that. He submitted a report from an engineer, which is part of the process.

Mr. Palenzuela: Right.

Historic Preservation Officer Spain: And at this point, he needs to hire an architect and submit for a Certificate of Appropriateness.

Commissioner Keon: Alright, but can we -- if we suspect that a house is an unsafe structure, can our Building Official go in and look at it?

Historic Preservation Officer Spain: Yes.

Commissioner Keon: Okay, so...

Historic Preservation Officer Spain: There's a process that...

Commissioner Keon: Could we have Peter look at this house?

Historic Preservation Officer Spain: Sure.

Mr. Palenzuela: Well, we have -- if I may. I'm sorry to interrupt. We have the engineer's report and they're seeking Certificates of Appropriateness for demolition and to rebuild an identical structure. If you look at the report in the photographs, I don't think there's any question that it qualifies as an unsafe structure. The problem is by treating it as an unsafe structure, through that process, the normal resolution will be demolition, which we're not seeking. The owner has to propose to rebuild the same structure, and he has to get approval for that. So...

Commissioner Keon: But even if we demolish the property, wouldn't he still have to...

Historic Preservation Officer Spain: Yes.

Commissioner Keon: Even if the property were demolished...

Historic Preservation Officer Spain: Yes.

Commissioner Keon: It would still have to be rebuilt...

Historic Preservation Officer Spain: I believe that to be the case.

Commissioner Keon: In the same way.

Mr. Palenzuela: Right.

Commissioner Keon: You know, I really -- it looks terrible. It is open and available for anybody to walk in, for kids or anybody else to go in there. And it -- I really would like Peter to look at it and determine whether it is or it is not an unsafe structure. And if it is, then you need to move to demolition. And you will continue to require -- is there a covenant or is there something that rides with the title of this property that would indicate that it has to be rebuilt in the same way? What do we do?

Historic Preservation Officer Spain: That's part of the Preservation Ordinance.

Commissioner Keon: Okay.

Historic Preservation Officer Spain: And so, in order to demolish property that's designated as historic...

Commissioner Keon: Right.

Historic Preservation Officer Spain: He would have to go before the Historic Preservation Board.

Commissioner Keon: Okay.

Historic Preservation Officer Spain: And he is in the process of doing that, although I don't believe he's hired the architect yet.

Commissioner Keon: Yeah. You've been having this conversation with him for how many years?

Historic Preservation Officer Spain: Quite a long time.

Commissioner Keon: A long, long time. Would you support having Peter look at it and...

Historic Preservation Officer Spain: Absolutely.

Commissioner Keon: And if it is an unsafe structure, require that it be demolished so it's no longer a hazard in the neighborhood?

Historic Preservation Officer Spain: I would like to have as much material as possible salvaged, the way we're doing on the other two homes...

Commissioner Keon: Right.

Historic Preservation Officer Spain: In the McFarlane so that it can be brought back to exactly the way it is now. He has contacted the architect that the City hired to do those two homes, so he...

Commissioner Keon: Okay.

Historic Preservation Officer Spain: So he's in the process of hiring the appropriate person that is knowledgeable in doing that.

Commissioner Keon: Okay, but maybe if he knows it's going to be demolished, he'll move along.

Historic Preservation Officer Spain: I think that his intent was all along to have it fall down or have it...

Commissioner Keon: Was to have it fall down and...

Historic Preservation Officer Spain: So I hope he (INAUDIBLE)...

Commissioner Keon: But he is going to still be required to rebuild that same home, that same style.

Mr. Palenzuela: Right. And the strategy has been to get the approvals right through the Board to approve what is being proposed to be rebuilt before allowing the demolition so that they're connected.

Commissioner Keon: Well...

Mr. Palenzuela: But if there's...

Commissioner Keon: You know, I think that...

Mr. Palenzuela: We could revisit that.

Commissioner Keon: You have -- I would like to have someone look at it, Manager. Have Peter look at it because if -- it is -- it's not fenced. It's not enclosed. It's not anything, and it is -- if it is an unsafe structure...

Mr. Palenzuela: It can be secured in the meantime.

Commissioner Keon: It should be. You know, but for the neighborhood, yeah, you can put up a construction fence, and then he continues for another five years. Does that neighborhood need to have a construction fence? Who wants to live next door to a home with a construction fence around it?

Historic Preservation Officer Spain: There are running fines also on this property.

Commissioner Keon: Yeah, but you know, the running fines, you're going to negotiate them...

Mr. Palenzuela: Right.

Commissioner Keon: Away anyway, so that's -- you know, you don't want to harm the neighborhood, you know, because you have somebody that is unwilling to come into compliance. So, I would suggest...

Historic Preservation Officer Spain: But we can work with Peter on that.

Commissioner Keon: That you would work with Peter to try and resolve this.

City Manager Swanson-Rivenbark: Peter's not back for another...

Commissioner Keon: No, when Peter gets back.

City Manager Swanson-Rivenbark: Like seven days.

Commissioner Keon: Yeah, when Peter gets back.

City Manager Swanson-Rivenbark: But we do have other building officials that -- other -- Suramy is a registered building official.

Commissioner Keon: Okay, well...

City Manager Swanson-Rivenbark: And Manny Lopez, if you'd rather...

Commissioner Keon: No. I mean...

City Manager Swanson-Rivenbark: Have it done before...

Commissioner Keon: That's up to you. You can handle it however you want, just move it forward so...

Historic Preservation Officer Spain: I appreciate (INAUDIBLE).

Commissioner Keon: There's a decision on this before it comes back to us again.

Mr. Palenzuela: And if I may, as with any case on this list, if, at any time, the City feels that the owner isn't being sufficiently responsive, we also have the remedy of going to court to obtain an injunction.

Commissioner Keon: Right.

Mayor Valdes-Fauli: Alright.

Commissioner Keon: Thank you. But this one has been on -- this has been a long, long time issue in this neighborhood. It's not fair to the...

Mayor Valdes-Fauli: Go on.

Commissioner Keon: To the people that live in that neighborhood.

Mr. Palenzuela: Thank you. Okay, so, 431 Vilabella Avenue. We also finally got in touch with the owner, and she has begun correcting the violations. That one is also scheduled for the May 16 Code Enforcement Board, and we're hoping to have a proposed agreed order. She's corrected some of the violations, but others require permits. 531 Blue Road, also a property where the City was having trouble contacting the owner. That one is owned by the estate, but we spoke to the heir. And again, he has begun correcting the violations, and that one is also scheduled for the May 16 Code Enforcement Board hearing. 638 Alhambra Circle is in compliance. 657 North Greenway Drive, this one is in the hands of the servicer. The bank ultimately acquired the property through foreclosure. And right now, they're obtaining bids to correct the remaining work on the property. 803 Alhambra Circle, that was the bat house. They're continuing construction on the home. They're expected to finish it in October 2018, and at which point, the City will release its lien on the property. 806 Altara Avenue, the owner is working on the roof that was damaged in Hurricane Irma, and he should be in compliance by May 23. He's asked for an extension until that date. 820 Malaga Avenue, also one where the City was having difficulty

contacting the owner, but we've since made contact and he has begun correcting the violations. He -- we have an order that was entered at the April Code Enforcement Board hearing, but it hasn't been reported yet. He has until May 15 to correct and comply, and if he doesn't, then the City will go ahead and record the order and seek further enforcement action. 829 Lorca Street, this is one where the bank had agreed, through the Code Enforcement process to deadlines, and only on the 25th of April suggested that they would rather sell the property with the remaining violations. They have corrected some, but there are new ones that were discovered during the compliance process, and there's some work that was done without permits. They haven't corrected that, so I've notified the bank that the City will go ahead and record the order and seek further enforcement action if they don't correct the property while they own it. 910 Capri, the owner is working on the approvals she needs to obtain compliance. 1013 Castile, this was an historic property, but the permits expired. The owner had abandoned the work. But originally, he had agreed, when I contacted him, to resume work, but then he stopped responding, so the City drafted a complaint. We took it through the Code Enforcement process. We couldn't reach terms on an order, but an order was entered, and he has since started work and resumed work in February and has been diligent, showing substantial progress. And just this morning, passed two required inspections.

Commissioner Keon: Okay.

Mr. Palenzuela: So, we're watching that property closely, if he doesn't continue to work. And he's expected to finish -- the deadline is in June, June 21. He may need extensions, but we'll be watching closely. If he doesn't comply, then the City will update the complaint and file. 10 -- 1104 Malaga, another historic property. This one is also scheduled for May 16. The owner has begun cleaning the property, but there's work that remains to be done, and there's an issue regarding some permits for the -- the permits for the windows that needs to be resolved. 1222 Tangier, this one, they have been getting extensions because this is one of those that it's been taking a while to get the approvals and get the work done, but they've been diligent, so they keep qualifying for the extensions. 1243 Sorolla, also the City was having trouble contacting these

owners. They're in the Dominican Republic, but I'm in touch with their attorney. And they have started cleaning up the property, but they need to finish the work, and they're proposing demolition and renovation, but we've indicated that we can't wait for that process and they need to try to correct the violations more promptly, so we're waiting to hear back from them on a deadline, by which they will have applied for their permits. 1364 Alegriano Avenue is in compliance. 1433 Mendavia, this one was almost fully approved, but when they went in for their final inspections, they failed historically because they had done work that was not permitted. So, they're now going through the process of trying to amend the permits. And they signed them out April 24. We're still waiting for them to refile those. But again, if they don't comply, the City retains the right to pursue further enforcement action. 1450 Baracoa Avenue, the owner -- a Code Enforcement Board order was entered and the owner has until July 19 to correct the violations, but this is one that's an unsafe structure and Ms. Ramos has been talking to the owner. Hopefully, he will be able to bring the property into compliance and avoid an unsafe structure proceeding because this one is not an historical structure and it would be demolished. 1522 Cantoria Avenue, this one was on the list last year and the owner brought it into compliance. But because of complaints, it was added back on the list. And this time, I told the owner, until she sells it, we are not taking it off the list. She did sell it, and it's now in compliance. So, hopefully, the new owner will be living there and taking care of it, and we'll make sure of that. 3905 Durango Street, also in compliance. 3933 Riviera is like 1222 Tangier. It's one where, for a long time, they have been seeking the approvals to renovate the property and they won't be in compliance until they finish that process. But again, they're diligent, so the City continues to give them extensions every two weeks. 4908 Southwest 8th Street is a commercial property, and that one is almost fully compliant. They still need to clean the windows and doors, but that should happen today or tomorrow and they'll be in compliance. The neighboring property, also commercial, 4950 Southwest 8th Street, the owner cleaned the trash and debris and cleaned the area, cleaned the sidewalk and replaced -- oh, actually, that was the prior one. They replaced the lighting over the sidewalk. This one, unfortunately, it needs painting and they're turning it into a green building, so they've asked for an agreed order and extensions of time to paint the building when they're done replacing the windows and everything

else. So, the City's considering an agreed order to be entered at next -- at this month's Code Enforcement Board hearing on May 16. 5135 Orduña, the City brought an enforcement action and was contemplating an unsafe structures action, but the owner has agreed to allow the City to demolish the property and the City is now obtaining bids to do that. I believe yesterday the City selected the vendor who's going to go ahead and demolish. 5510 Le Jeune Road is in compliance. 6311 Maggiore Street, also in compliance. And 8020 Los Pinos Boulevard, the City's vendor mowed the property and cleaned it up. But apparently, the owner fixed the construction fence that needed work and said he was hiring a new contractor. He's in a dispute with his contractor and there were (INAUDIBLE) lien recorded against the property. But he told me he was going to do that last week. He hasn't done it, so I'm following up with the owner. And again, if he doesn't comply, we'll set him for next month's agenda for Code Enforcement. And if he doesn't comply with that, it'll -- we can take further enforcement action because this is a property that's been -- that the permits just expired April 30, so we'll keep a close eye on that one as well.

Mayor Valdes-Fauli: Any questions?

Vice Mayor Quesada: No.

Commissioner Keon: No. I want to thank you...

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

Commissioner Keon: Very, very much. And when you look at the...

Vice Mayor Quesada: Thank you for being so thorough.

Mayor Valdes-Fauli: Very comprehensive.

Mr. Palenzuela: Thank you.

Commissioner Keon: Yeah. But when you look at the number of homes that you have, as a result of this, you know, that you have brought into compliance, it is -- it's wonderful. It's very good for our city. Thank you.

Mr. Palenzuela: Thank you.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Mena: Thank you.

Commissioner Lago: Great work.

City Attorney Ramos: Thank you, Alex.

Mr. Palenzuela: Thanks.