

City of Coral Gables City Commission Meeting
Agenda Item F-3
April 10, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

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

Public Speaker(s)

Maria Cruz
William Podas (phonetic)

Agenda Item F-3 [0:00:00 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending Chapter 34, "Nuisances," of the City of Coral Gables Code, by revising hours of operation for power tools and landscaping equipment under Section 34-169, titled "Enumerated Prohibited Acts", providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date. (Sponsored by Commissioner Keon)

Commissioner Keon: There is a gentleman here for F-3, if we could do that.

Mayor Valdes-Fauli: Okay. Let's do F-3, then.

City Attorney Ramos: F-3 is an ordinance of the City Commission of Coral Gables, Florida, amending Chapter 34, "Nuisances," of the City of Coral Gables Code, by revising hours of operation for power tools and landscaping equipment under Section 34-169, titled "Enumerated Prohibited Acts", providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date. I've asked Assistant City Attorney Gus Ceballos, who drafted the ordinance, to explain it briefly to you and also to add an additional change that we have to make on the floor.

Vice Mayor Quesada: So...

City Attorney Ramos: This is on for first reading, and it's a public hearing item.

Vice Mayor Quesada: I apologize. I just need to jump in for a second, and this is directed at staff. On the last time, artificial turf, I was approached by some residents that they got cited recently for artificial turf.

City Manager Swanson-Rivenbark: We'll pull...

Vice Mayor Quesada: Can you have...

City Manager Swanson-Rivenbark: We'll pull anybody that has been...

Vice Mayor Quesada: Has been cited recently.

City Manager Swanson-Rivenbark: Cited and we'll...

Vice Mayor Quesada: And, obviously, make sure that they comply, that it's a turf that we're okay with, but just make sure to go back and that that's corrected. Thanks. Sorry about that.

Assistant City Attorney Ceballos: Good afternoon, Mayor, Vice Mayor, Commissioners. Before you is an ordinance amending Chapter 34, specifically, it's revising the hours of operation for power tools, landscaping equipment and other commercial maintenance equipment. This ordinance is seeking to address the hours of operation because currently they're too early or too late for the comfort and peace of the residents of the City of Coral Gables. If you'll look in the actual modifications, we are reducing the time that you are allowed to use these -- this equipment in your residential neighborhoods, your residential properties from 11 pm and even, in some cases, it was set until midnight, down to 8 pm. We're also increasing the start time from 7:30 am to 8 am., same thing with the outdoor maintenance equipment by commercial entities. We're also modifying those hours from 7:30 am to 8 am, and increasing it from 9 am to 10 am on Saturdays, and actually, increasing the stop time on Friday from 6 pm to 6:30 pm. Specifically addressing the City Attorney's comment and the additional language, if you notice in subsection F, we are exempting the City park facilities and all golf courses. Originally, our current does not speak to that, and for obvious reasons, most of the operations that get done on parks and golf courses have been done very early, before your morning tee times. So, we wanted to include that to exempt parks. And we did add another subsection prior to the version that is before you today, and I will read that into the record. It would be G, and it would read, the use of outdoor maintenance equipment by or on behalf of the City of Coral Gables is exempt from the hours of operation restrictions under Section 34-169.11. Do you have any questions?

Mayor Valdes-Fauli: Is there is a member of the public that wishes to speak? Maria Cruz.

Commissioner Keon: Yes. Do you want to speak on this item?

Mayor Valdes-Fauli: Madam City Attorney, while Ms. Cruz is coming, I have a comment here somebody has asked -- through email, I guess -- for me to read -- do I have to read anything for people that are not here present?

City Attorney Ramos: If it's relating to an item, the purpose of our system is that people can comment as it's happening, without having to presently be here. So, if it's related to this item, it should be read into the record.

Commissioner Keon: Fill out a card.

Mayor Valdes-Fauli: What?

Commissioner Keon: I'm asking him did he fill out a speaker card.

William Podas: No, and I didn't know that was necessary so...

City Attorney Ramos: You can do so now.

Mayor Valdes-Fauli: Go ahead.

Commissioner Keon: You can do so.

Mayor Valdes-Fauli: Fill it out, then I'll let you speak.

Commissioner Keon: And they'll recognize you after...

Mayor Valdes-Fauli: Ms...

Commissioner Keon: Ms. Cruz.

Mayor Valdes-Fauli: Cruz.

Maria Cruz: Okay, Maria Cruz, 1447 Miller Road. I firmly believe that when things are not broken, they do not need to be fixed. If we exclude the golf courses, the City employees, the parks, I guess the University will be there because, you know, they have to do it earlier before people get there, then the only people left are the poor people that are going to have problems getting landscapers to get there. Because, you know, if the landscaper cannot get there before 10 o'clock, then I guess they're going to have to do one, maybe two homes on a Saturday. I guess we're going to have to pay more because, otherwise, they're not going to have enough profit. Why do we need to change something that has worked -- you know what, most of us have hurricane impact windows nowadays, okay. Most of us -- I mean, I don't know many people that are sleeping at these hours. I think it's time to back up a little bit and leave things alone and, you know, I was here last meeting when you were telling the annexation group, you know, we're very agreeable. We don't want to impose excessive rules. And here we go again. Instead of leaving things alone, now, we're going to make more rules. Enough is enough. You know what, the hours that are -- you're going to employ more people to patrol the hours because, let me tell you, now it's 7:30. At 7 o'clock, we have issues, okay, and who's going to be there to enforce because Code Enforcement is not around at those hours that you're doing -- I mean, Saturday, okay, after 8 pm, who's going to be there? You call the police because something is wrong. They tell you, that's not my job. So, we're creating something that is useless. Leave it alone. It's -- the way it is works. Don't bother people anymore, please.

Mayor Valdes-Fauli: Thank you, Ms. Cruz. Will you read this? I'm not going to read it, but would somebody...

City Attorney Ramos: Billy, does the...

Mayor Valdes-Fauli: It has to be...

City Attorney Ramos: eComment close at 9am?

Deputy City Clerk Urquia: Yes.

City Attorney Ramos: Was this sent prior to 9?

Deputy City Clerk Urquia: Yes.

City Attorney Ramos: Okay, but it's related to this item, so if...

Mayor Valdes-Fauli: It is related to the item.

City Attorney Ramos: Somebody can...

Mayor Valdes-Fauli: Will you read it, Madam City...

City Attorney Ramos: Sure. Thank you for addressing this issue. Another issue that should be addressed is the level of dust created by the use of large leaf blowers at full throttle and where debris may be blown. Often, the dust and debris is simply blown from one property to another or into the street and the dust is blown on homes and vehicles adjacent to properties and toward pedestrians. That comment was made by Rhonda Anderson.

Mayor Valdes-Fauli: Alright. What is the pleasure of the Commission?

Commissioner Keon: Did you want to speak...

Commissioner Lago: Gentleman...

Commissioner Keon: Now? He wants...

Commissioner Lago: Gentleman wants to speak.

Mayor Valdes-Fauli: Oh, you want to speak? Alright.

Commissioner Lago: Good afternoon.

Mayor Valdes-Fauli: Mr. William Podas (phonetic), South Douglas Road -- 115 -- 888 South Douglas Road, 115. Yes, sir. Is that in Coral Gables?

Mr. Podas: Yes, it is. It's the Puerto de Palmas Condominium. It's right by Douglas Entrance.

Mayor Valdes-Fauli: Okay, yeah.

Mr. Podas: So, we're on the fringe. We're barely in Coral Gables. I believe I pretty much emailed everybody on the panel today, and I don't have any remarks prepared. I didn't actually realize that I would have a chance to speak. I just wanted to say that I've seen some excellent speakers on the topic of happiness. And the number-one correlating factor of whether we are happy or not is a good night's sleep. I've been living in a building where the -- and I moved in in June. I hopped over from Miami to Coral Gables in June, living next to an apartment building where -- if I can incorporate the word (INAUDIBLE) into my talk for really (INAUDIBLE) reasons. They use a leaf blower -- it used to be at 6:55. Code Enforcement came in and told them that they couldn't do it until 7:30. So, every week day since then, they've been -- they use a leaf blower for roughly 20 minutes, right in front of my door, basically. But the thing that's unusual, there are no leaves there. There are just as many leaves in their patio as there are in this conference room. So, I could imagine how you would all feel if you started work here at City Hall and someone started cleaning the hallway with a leaf blower every day. It would definitely not put you in the best mood. And I didn't actually realize it was possible to get such a response

from City Commissioners, and I think you all for having responded to my emails. And I am very appreciative to Patricia for having introduced a resolution that I think is long overdue for Coral Gables.

Mayor Valdes-Fauli: We tried -- thank you very, very much for testifying. We tried about 20 years ago to ban leaf blowers, gasoline powered leaf blowers. And there was such a commotion and such a brouhaha that this never passed. But I sympathize with you, and if we can do something to alleviate the timing of the leaf blowers, then maybe we should do it. Thank you, sir.

Commissioner Lago: Quick question. In reference to the leaf blower or the culprit, do you have any information? Is it a business or is it...

Mr. Podas: Yes. It's...

Commissioner Lago: A person who has an ax to grind with you and wants to stand in front of your door...

Mr. Podas: That was my -- and that was my first theory, actually. Might be an old girlfriend from Brazil that paid somebody to come up here with a leaf blower. But when we started to investigate -- initially, the office building said that it wasn't one of their employees. So, one of -- the condominium association security guard went over and asked the guy at 7 o'clock in the morning, you know, who do you work for, and he hit the guy with the leaf blower and he never got an answer. So, Code Enforcement came out and met with the building, and it turns out that they do -- and this is an employee of the Douglas Entrance office building. And I -- afterwards, I contacted them by phone, by email. I wrote the owner of the building. And they only wanted to deal with our building manager. This is a 16-story building that I live in. I live on the ground floor, a bird's eye view of the leaf blower. And it bothered everyone on our side of the building. It's just that, you know, the Code is such that they can do whatever they want at 7:30 in the

morning. You know, if they wanted to repair airplane engines right in front of my door, I guess they could. And that we -- I would very much appreciate it if they'd start later. And this seems like the only way is to have the power of Coral Gables behind us.

Mayor Valdes-Fauli: Thank you, sir.

Commissioner Lago: So, do you think it's...

Mayor Valdes-Fauli: We're very sympathetic. No, go ahead. I'm sorry.

Commissioner Lago: Does he think it's mostly commercial or residential?

Mr. Podas: Oh, it's -- no, it's all commercial. It's a commercial property.

Mayor Valdes-Fauli: It's a commercial building.

Mr. Podas: It's located right...

Commissioner Lago: Yeah, no, no...

Mr. Podas: There's -- where east Ponce Leon ends until you get to that archway from 1927, on one side is an office building. The other side is residential. I'm in the residential, and the office building is the one that does this.

Commissioner Lago: And I imagine they're not just blowing it. Obviously, they're picking up the debris?

Commissioner Keon: No.

Mr. Podas: No.

Mayor Valdes-Fauli: No. They're...

Mr. Podas: They're not blowing anything.

Commissioner Lago: And the...

Mr. Podas: I actually have several videos, and there's...

Commissioner Lago: I was being facetious.

Mr. Podas: A doctor living on the 16th floor who has filmed this.

Commissioner Lago: Yeah.

Mr. Podas: The man just walks around like this.

Commissioner Lago: Yeah, I know, I know. And I don't want to hijack Commissioner Keon's ordinance...

Commissioner Keon: No, feel free.

Commissioner Lago: Because, you know, I think that's -- obviously, it serves a purpose. But one of the issues that we've had here in Coral Gables, and I've gotten a lot of phone calls and emails about it is it's just personal courtesy. You know, if you cut your yard today, I tell my gardener, do not blow your clippings into the neighbor's yard. It's just being courteous. I don't want -- I don't do that -- I don't want somebody to do that to me. So, what they do is -- and I see it all over North Gables. They just push it into the middle of the street.

Mayor Valdes-Fauli: Yeah. That's right.

Commissioner Lago: They turn around and it blows into somebody else's yard. So, I think this is a much bigger issue. I know that, at one point, we had discussed potentially using -- I think it's -- I don't know how many years they've been discussing this -- using an electric charging -- electric...

Commissioner Keon: Battery.

Commissioner Lago: Charged, battery-operated leaf blowers. And I met with ACM Peter Iglesias. He told me, obviously, the technology's not there.

Mayor Valdes-Fauli: We tried 20 years ago.

Commissioner Lago: Yeah. The issue is that the material gets wet and there's not enough power. So, I understand your concerns, but I think there's other issues that we need to address. This -- if we do adopt this and we ratify this today, I think this is a good opportunity to use that piece of legislation that I proffered and we ratified it here was where we have notice and we have all the documentation for all the landscaping crews in Coral Gables. That way, we can notify them immediately that the laws have...

City Manager Swanson-Rivenbark: (INAUDIBLE).

Commissioner Lago: That the laws have changed. We should have their emails and their...

Mayor Valdes-Fauli: Right.

Commissioner Lago: And their addressed.

City Manager Swanson-Rivenbark: We -- I believe we have a couple of hundred of the...

Commissioner Lago: So, we can...

City Manager Swanson-Rivenbark: Gardeners.

Commissioner Lago: Disseminate the information rather quickly, if it is approved today.

City Manager Swanson-Rivenbark: This is on...

Mayor Valdes-Fauli: Alright.

City Manager Swanson-Rivenbark: First reading?

City Attorney Ramos: It is.

City Manager Swanson-Rivenbark: Yeah.

City Attorney Ramos: It is.

City Manager Swanson-Rivenbark: So, almost.

Commissioner Keon: I think one of the -- when I had asked the City Attorney's Office to look at it, I was surprised that it was allowed up until 11 o'clock at night. I mean, so, you know, part of what we did also was maybe clean up the existing ordinance a little bit so you're not using leaf blowers or power tools or whatever until 11 o'clock at night anywhere. And Gus prepared a table that really makes it very clear in the item. And it also -- you know, the practice has always been that golf courses -- although there was a noise ordinance -- golf courses were never

included. They were always done so that they were all in order prior to tee times anyway. So, it just made the practice and the policy go hand in hand.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: So, thank you.

Mayor Valdes-Fauli: Will you make a motion?

Commissioner Mena: I...

Mayor Valdes-Fauli: Huh?

Commissioner Mena: If I could?

Mayor Valdes-Fauli: Oh, I'm sorry.

Commissioner Mena: I was more troubled, actually, with the nighttime part, as well, the fact that you could go until 11.

Commissioner Keon: (INAUDIBLE).

Commissioner Mena: Because I would be much more irritated by somebody doing that at...

Commissioner Keon: I didn't realize that, to be honest, yeah.

Commissioner Mena: 10 pm than in the morning. To me, the one part I really don't like about this is the weekend morning part. To me, 9 am is a reasonable time on a Saturday. I would

almost rather they get it over with in the morning than be out at 11 or noon or 1 o'clock in the middle of the day when you're trying to enjoy your Saturday.

Commissioner Keon: I don't...

Commissioner Mena: So, you know, I don't...

Commissioner Keon: Change it.

Commissioner Mena: And I want to be careful that we're not making this a really difficult city for landscapers to do business. You know -- so, you know, that's my issue. I think I would -- my personal pre -- I mean, 7:30 to 8 am on a week day, whatever. It's not a big deal. But on the weekend, I would leave it as a 9 am start time just because I think it's unnecessary to push it back until 10, but that's just my personal opinion.

Commissioner Keon: That's fine.

Commissioner Mena: I don't know how everybody else feels about it.

Vice Mayor Quesada: I agree with that.

Commissioner Keon: It's fine.

Commissioner Lago: And Sunday is prohibited?

Mayor Valdes-Fauli: Yeah, prohibited...

Commissioner Lago: On commercial.

City Attorney Ramos: It's prohibited...

Commissioner Keon: Commercial.

City Attorney Ramos: Commercial is prohibited on Sundays...

Commissioner Keon: Residents are allowed to...

City Attorney Ramos: And holidays.

Commissioner Lago: Yeah.

Commissioner Keon: Do their own lawns, yes. But we can change it to 9 am. I don't have a problem with that at all.

Mayor Valdes-Fauli: Okay. Will you make a motion?

Commissioner Keon: I'll make the motion.

Mayor Valdes-Fauli: Saying what?

Commissioner Keon: To amend the ordinance...

Mayor Valdes-Fauli: Amend it, okay.

Commissioner Keon: To accept the amendment that Saturday be 9 am instead of 10 am, so it's uniform for residents and commercial. And I move the item.

City Attorney Ramos: Are you also accepting the addition of the exempt work done by the City or on...

Commissioner Keon: Yes.

City Attorney Ramos: Behalf of a contractor?

Commissioner Keon: Yes, yes.

Mayor Valdes-Fauli: Does that help you?

Mr. Podas: Oh, yes, it does.

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

City Clerk Foeman: Do we have the seconder?

Commissioner Keon: There was no second.

City Attorney Ramos: There's no second. Is there a second?

Vice Mayor Quesada: Oh, second.

City Clerk Foeman: It's not.

Mayor Valdes-Fauli: There is a second, no? You?

Vice Mayor Quesada: Yeah.

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

Commissioner Mena: Yes.

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: I have to tell you a story. You know, you say that the leaf blower is there without any leaves. There was, a long, long time ago, in Coral Gables, a lady who, every morning at 7:15 sharp, came out of her house with a huge yellow flagged and waved it. And the neighbor, after two or three months of this, said, you know, why are you waving a yellow flag like that? She said, it's to scare away tigers. His answer was, but there are no tigers. And she said, you see, it works.

(LAUGHTER)

Commissioner Keon: Thank you for coming.

Mayor Valdes-Fauli: Thank you, sir. Thank you for coming.

Mr. Podas: Okay, thank you all.

Commissioner Lago: Thank you.

Commissioner Keon: He's a new resident and has never participated in...

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: His local government affairs up until today. And so, he was very happy to come forward and...

Mayor Valdes-Fauli: You're welcome to come any time.

Commissioner Keon: And talk to us and be involved.

Mayor Valdes-Fauli: Unless you have better things to do, which is...

Commissioner Keon: You may, yes.

Mayor Valdes-Fauli: Thank you.

Mr. Podas: I'll be back.

Commissioner Lago: Take care.