

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-2**  
**May 9, 2017**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

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

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**City Attorney, Craig E. Leen**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**

**Public Speaker(s)**

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Agenda Item F-2 [12:15:17 p.m.]

Discussion regarding peafowl in the City of Coral Gables  
(Sponsored by Commissioner Lago)

Mayor Valdes-Fauli: The next one is discussion regarding peacock and peafowl in the City of Coral Gables, and I have a suggestion Commissioner Lago. Why don't we use some of the 467 signs we are going to put on, we can also say, peacocks and peafowls forbidden?

Commissioner Lago: I think it's a great idea.

Mayor Valdes-Fauli: Go ahead.

Commissioner Lago: June 14, 2016, I brought this up to the Commission and I mentioned that this was going to become a problem. It is now a problem. My colleague who is now the Vice Mayor told me that they are protected animals and we cannot touch them, and I think that is what the County says, but if we go by what the County says there'll be no resolution for mass transit, there'll be resolution for parking, there just isn't a resolution for anything. So, the last time I checked peacocks are not naturally indigenous animals, similar to the line fish, which is

wreaking havoc on our reefs. So, I think there has to be an answer; and if you notice even the Miami Herald on April 27<sup>th</sup> came out with a great article that talks about the havoc that these animals are wreaking on our community from prying roofing shingles to the fecal matter destroying paint of cars, to the ability of people just being able to have a good night's rest, because they are so loud. From the fact that they are also very aggressive animals and they actually peck young children and the elderly. So the question is, the ball is in our court. Are we going to allow the County to continue to dictate our future? - or are we going to take matters into our own hands? Please be aware, not talking for us to eradicate these animals, I'm just asking for us to find a way to get them out of Coral Gables. If you notice the City of Miami has requested from the County that they work together to find an answer. The only answer here is either you sterilize the animals, you release them back into the population or you pay someone that takes them to a farm, but we've got to be honest with ourselves, we've got to find a solution, because in one year this has become a hot button issue and now people are starting to complain.

City Attorney Leen: Mr. Mayor two points, and I've talked to Commissioner Lago about this. There is a City Code provision regarding this area making a bird sanctuary; it does indicate that it's presently unlawful for a person to take action against birds, there is an exception for pigeons, there is no exception presently for peacocks, but we can change, the City Commission can change that. Also, there is a good argument that this really doesn't apply to the City, this only applies to private individuals and the City and its police power could do anything like that.

Mayor Valdes-Fauli: Why don't you draft something making...

City Attorney Leen: There is one other thing; of course Mr. Mayor, I will do that. There is Section 5-16 of the County Code; the County Code presently says, it shall be unlawful for any person to take any peafowl and it does not prevent a property owner from removing peafowl from his or her own property in a manner that does not physically injure the peafowl. Now for purpose of this ordinance, I would say two things; first, I think there is a good argument, and I'm willing to opine that, that we would be a property owner for purposes of the right-of-way, for purposes of City land or things like that, so that we could consistent with this regulation take action. In addition to that though, there Section 6.02 of the County Charter, under Section 6.02, the City can have a higher standard of zoning regulation or service, and so, I would argue that, although this would take action of the Commission, that if you want to do more than that you would need to pass an ordinance, you would have to invoke 6.02, and we would have to get in discussions with the County.

Mayor Valdes-Fauli: Why don't you draft something for us for the next meeting?

City Attorney Leen: Yes sir.

Mayor Valdes-Fauli: And as a point of culture, these animals in mythology and in Renaissance Art was symbols of immortality, so good luck with our dealing with them.

[End: 12:19:08 p.m.]