

City of Coral Gables City Commission Meeting
Agenda Item E-1
March 28, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

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

Public Speaker(s)

Agenda Item E-1 [1:31:32 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, requiring landscape maintenance contractors, tree trimmers, gardeners and others similarly situated to register vehicles with the City prior to performing any work in the City; providing for repealer provision, severability clause; codification, enforceability and providing for an effective date. (The term “vehicles” in this ordinance refers to motorized ones).

Mayor Cason: We are going to do Items E-1, 2, and 4, which are all Ordinances on Second Reading, starting with E-1. Mr. Mayor Item E-1 is an Ordinance on Second Reading. It’s an Ordinance of the City Commission of Coral Gables, Florida, requiring landscape maintenance contractors, tree trimmers, gardeners and others similarly situated to register vehicles with the City prior to performing any work in the City; providing for repealer provision, severability clause; codification, enforceability and providing for an effective date. (The term “vehicles” in this ordinance refers to motorized ones). This is sponsored by Commissioner Lago. The reason why we said that is because it doesn’t apply to bicycles or things like that. It just applies

basically cars and trucks and similar motorized vehicles. So, with that I will turn it over to the Deputy City Attorney who has worked on the ordinance between First and Second Reading and I also know staff is here as well.

Vice Mayor Quesada: Will you let us know what the changes were between First and Second?

Deputy City Attorney Leen: Exactly. There were just three changes; the addition of motorized; the City vendors must register, but the fee will be waived, initially it was an exemption now they are required to register but the fee is waived; and there is an addition in Section 3 that ask for your direction, first to try to work out a way for mobile registrations to be possible, so they don't have to come to City Hall.

Mayor Cason: Yes. I think that's important because – and also make sure we have the application in Spanish, because the vast majority of these are going to be; and anybody can fill out a form and presumably if they work for somebody and they can get it online they could fill it out and have the person sign it and pay the \$5.

Deputy City Attorney Ramos: Yes, they can find the form online and as long as they have all the information, all the vehicles they are able to do that.

Mayor Cason: And I think it's important again, to let the public know why we are doing this. We've had some crazy e-mail saying this is totalitarianism and this is aimed at the poor little Hispanic alien, none of that has anything to do with it.

Deputy City Attorney Ramos: No. First and foremost this is a tool to be able to allow us to communicate with these people who work in the City, whether it's about traffic regulation or whether we need information from them. They are also our eyes and ears, as Commissioner Lago mentioned last time in the community, or crime fighting initiatives, as more people communicate with us and we communicate with them.

Mayor Cason: And we may someday have changes in pesticide regulations and want them to know or noise regulations with leaf blowers or anything else, so it's just a way to be able to know who is in your City to be able to communicate with them, and get their cooperation as needed; and also, let them know that they are not allowed to operate in certain – Sundays, holidays, so a lot of them don't know, so it's a way to communicate with them.

Deputy City Attorney Ramos: Absolutely. It's a way to push that information to everything.

Mayor Cason: This was on the vehicle registration. Anything else you want to say?

Commissioner Lago: I field a lot of questions, I've spoken to several landscapers in the neighborhood, it's a little bit difficult, I'm not aware of a landscaping association, which you can kind of cast a broad net and speak to these individuals and these entities. You want to make sure this is not an issue of immigration; you want to be clear about that. I know I had maybe about two or three people call me in reference to that issue. This is just more of ability for the City to be able to contact the landscaping firms and notify them of changes in the Code or make them aware. One thing that I'm hearing and I want to make sure that staff deals with this, this is important, the majority of individuals that I spoke to, which are in favor of this, except about two individuals that felt that this may be predatory. They all had one theme in common and they said that not only do we want private, but we also want public landscaping companies, for example, when I use public I mean firms that are hired by the City, to be a little bit more cautious in respect to where they blow their grass clippings. If you have grass clippings in your property and you blow them onto the street that's not the answer, if you blow them onto your neighbor's yard that's neither the answer. Again, I was very candid, I said listen, guys there is really no way to enforce this unless you have a police officer or Code Enforcement individual that catches them in the act, but I know it's happening and I've been very clear with my landscaper do not do that to our neighbor, it's not the right way, it's not neighborly, so I think that's something that we need to reinforce and make sure that people understand that, that our staff and our individuals who are working on behalf of the public at parks or cutting the yard in City property that they be as careful as possible when they blow the excess grass clippings.

Mayor Cason: Do we have any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: Close the public hearing. Go ahead.

Commissioner Keon: I want you to explain to me again why you think this is important. I don't like asking people to register.

Commissioner Lago: I'm not asking for them to register. I'm not asking for, we are not going to be asking, if we approve it today, we are not asking for your license, we are not asking whether you are a citizen of this country.

Deputy City Attorney Ramos: Its only vehicle information.

Commissioner Lago: And let me tell you how they do it to me every day; they do it to me every single day and I'm a licensed professional in this community. When I work in the City of Miami

and I know that we are instituting this type of pattern and I know that Mr. Iglesias can stand up here and vouch for this, because he was at the City of Miami running the department for a long time, every single year that I walk into the City of Miami and go to pull a permit or I go to submit some drawings that we designed, if I do not have my documentation up to date every single year, they would not allow me to pull a permit in the City. So, what do I mean by that? You have to go and submit a copy of your license and submit a copy of your insurance and pay \$20 in the City of Miami. Why do they do that? They do that to make sure that you don't have open permits; they do that to make sure that your information hasn't changed, because they notify me. I'll receive probably on a monthly basis one or two e-mails from the City of Miami saying how procedures have changed in reference to code issues, or how times have changed, or how we are going to be closed on this holiday or this work day. To be honest with you, it's actually helped me, because I hadn't wasted my time driving down to the permitting department in the City of Miami, when they notify me two or three days before in advance that they are going to be closed. It happens already and I think what we are having here is an issue where we need a way to get in touch with people who are in this community, if we do plan to make significant changes, if you are looking for a person who maybe elderly and suffers from dementia and has walked away or if you are looking for, let's say a missing dog or animal that belongs to you in the neighborhood, why not be able to get in contact with people who are constantly in our neighborhoods while we are away at work.

Mayor Cason: There is another aspect too. I know from walking around neighborhoods, like on a Sunday you'll see a white van in front of a house. You don't know if that's a landscaping van or who are they? Are they there to burglarize the house?- if they've got a sticker it lets you know they are landscapers.

City Attorney Leen: The form will have to be amended slightly to reduce some of the information we are requesting, based on what was said. So for example, right now the form does request a driver's license number of the owner, so that will have to be removed.

Commissioner Keon: I think that notifying homeowners about regulations is more important than notifying the landscapers, and I think, I still have my license to practice as a nurse, as an RN, but I also feel I register to assure the public safety with regard to my practice. It's in no way meant to demean the landscapers, but I don't really see the landscaper the need to have them document all of that, the same as I would expect you as an engineer, or you as an attorney, or a doctor or even a real estate license or whatever. I think it's a homeowner issue, I think it's the homeowner that needs to know they hire these people, no more than I would ask every housekeeper to register in the City, that drives into the City and does house work, I wouldn't ask them to register. I don't really see, I don't see the benefit of it to go through and ask people to register with your local government.

Commissioner Lago: May I give you another example?

Commissioner Keon: I know you had said at one time that the City of Miami did it and I asked Peter, they checked, and apparently it's no long in effect in the City of Miami.

Commissioner Lago: Let me just give you another example, like I've used this example on, well I haven't used this example, I brought it up on multiple occasions and we haven't found a way to address the issue yet, and I think that we should. What's your plan in reference to dealing with the issue that green matter keeps being collected in the City of Coral Gables and we keep spending thousands if not hundreds of thousands of dollars in throwing away green matter at our expense, when we know, because I've caught them myself and I've sent pictures to Code Enforcement and I've sent pictures to the City Manager and it just happens to be that I'm driving by the City on the way to a meeting and you see somebody dumping and I've caught them in front of the Presbyterian Church and their response was, no, no, the Presbyterian Church allowed me to do it on Bird Road. So I said, hold on, let's go speak to the Presbyterian Church, and this person was dumping a rather large vehicle full of green matter they had collected at other municipalities and taken advantage of it. It's the ongoing joke amongst the landscaping community and they know it's true, that they cut other municipalities and other clients outside the City of Coral Gables and they bring it in here and they throw it away.

Mayor Cason: I found that in front of my house a couple of years ago, some boxes from Coconut Grove that the landscaping people came over and they were doing the yard in front and they dumped it all in mine.

Commissioner Lago: And the big problem that we are having too now, just so you are aware, because I do speak with Code Enforcement a lot about this issue, the new answer that everybody gives now when there is illegal dumping is, it wasn't me, somebody else dumped it; and Code Enforcement say, OK, you've got to haul that in its your property, OK, fine, no problem, but that's the standard answer right now – well I didn't dump that on Saturday, I didn't dump that on Sunday. I know that I'm supposed to dump Monday evenings, which I don't even use my trash pit; Monday evenings after sunset, but it's happening more and more and more. So, what is the point of having this database of just contact information?- its real simple, it's just to basically reinforce, because the residents obviously aren't doing it, they continue to reinforce to the professionals who are doing landscaping services in the City that we are aware of this issue and that we hope that they cooperate.

Mayor Cason: And remember a lot of these people, both people in the house work, so the landscaping company comes, does the work when nobody is there, so they are not supervised and they come and they don't know what's going on, they come back and the lawn is cut.

City Attorney Leen: What's important to me from a legal perspective is that we have clarity as to what the form should say. I know last time we took out – it's not focused on the individual anymore, its focused on the vehicles, made that clear in the title. This form does still request some individual information, so maybe you should all look at it. I just want to make sure that we are clear what we are doing.

Commissioner Keon: It's asking for a name, it's asking for an address, its asking for a mobile phone number, it's asking for the name of the president of the company. I'm not sure how incorporated a lot of lawn service folks are either. I don't really know.

Deputy City Attorney Ramos: Some of them may not have the name of the company; it may be Joe Smith...

Commissioner Keon: You may need an occupational license or something to be gardening.

Commissioner Lago: I don't want to ask for your tax information, I don't want to ask for your company license information, I don't want any of that information. I just want the name of the person, where does that business conduct?- where does that business reside?- how do I get in touch with you either through telephone, fax or e-mail? It should be really simple.

Mayor Cason: Let me say one thing. I don't think the list of address service is necessary, because some people may do a lot of them, have 50, or they may change. I think we should take that...because that's not relevant to the safety issue or to be able to contact them.

City Attorney Leen: The idea was to know where they would be, like if this car was just sitting outside that we could match it, but we don't have to do that.

Commissioner Keon: If we were concerned about it can run that plate....

Mayor Cason: It should be a simple, that's why taking it to them, anything to make it simple is certainly cheap.

City Attorney Leen: So, the name of the principal, some contact information and the vehicles of the people that work for them, but it would just be one principal per group.

Mayor Cason: Yes.

City Attorney Leen: OK – and we would not seek their driver’s license number then, it would be basically e-mail and contact information, a phone, for example.

Mayor Cason: Yes. I don’t even think we need driver’s license because we are not – some of them may not have driver’s license, but we are not looking at immigration status or anything else.

Deputy City Attorney Ramos: It also may only be the license of the principal and not everybody else.

Commissioner Lago: You don’t want to have the driver’s license, I’m flexible, we don’t have to have driver’s license. Let me ask a question, why are you driving in our City without a driver’s license?

Mayor Cason: Do you know, I think if you ask Frank Fernandez the number of cars when their license plate readers pick up driving through the Gables, it’s like couple hundred thousand, right, that don’t have licenses, expired registration, so that’s sort of the reality of our community.

Commissioner Lago: I’m going to make it real simple. The purpose of this legislation is to protect the residents of this community, that’s it, that’s the bottom line.

Commissioner Keon: From what?

Commissioner Lago: Again, from having to over pay for illegal dumping that’s occurring in our City. For example, like I mentioned to you before, how many times have you been notified that there is somebody missing or that they are looking for a BOLO, be on the lookout for a certain individual that’s committing a crime in a certain area, whatever that crime may be. If we can get other people who are in our neighborhoods during the day to assist us, why not?- why not send out that information to as many people as possible, and say look, help us look for this individual.

Mayor Cason: That’s why I think a phone number, an e-mail if they have it and the tag numbers of the vehicle, that’s basically what you need, the name of a person.

Commissioner Lago: We gave our departing Mayor a beautiful gift a few moments ago, if we would have had the information on landscapers we could have notified them and said, hey, by X and Y date these types of buttons would not be allowed in the City anymore. Please assist us in informing your clients. It’s another avenue; please assist us in informing your clients that as you

maintain the swales in the City that those buttons would have to be removed. Again, it's just another opportunity just to reach that person and reinforce the fact that the buttons will not be allowed after whatever day it is.

Commissioner Keon: I don't think that it is good policy to pass a particular resolution to address a problem that it's not going to solve. I mean the issue of people illegally dumping, you said it yourself, this is not going to solve that issue. People still come through the City, they still dump things. I don't think that's the answer to that problem.

Commissioner Lago: I don't it would be resolved in one fail swoop, but I think it would put people on notice that the City at least has a way to get in contact and they know the name of the company that's working with the City. But, I think it would be a significant drop and we can look at that and basically by the measurable from our landscaping department and from our solid waste department in reference to how much green matter is collected, but its undeniable that it's an opportunity to reach out to a demographic of individuals who are in this community working who can help us.

Commissioner Keon: But, so could housekeepers, so could FPL trucks, so could....

Commissioner Lago: But, FPL trucks work for FPL and housekeepers are inside the house for most of the time. Again, if you have somebody working on the exterior of your property 95-99 percent of the time, I think that's completely different from housekeepers. I like the discussion, I think it's important.

Mayor Cason: Anybody else have a point of view on this one? We had no speaker cards, correct? So, do we have a motion on E-1?

Commissioner Lago: So moved.

Vice Mayor Quesada: Second.

Mayor Cason: Commissioner Lago makes the motion, Vice Mayor seconds – City Clerk.

Commissioner Keon: No

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 4-1)

City Attorney Leen: Mr. Mayor, I would just ask we should modify the form consistent with what's been said.

Mayor Cason: Yes.

Commissioner Lago: Yes please. Thank you.

[End: 1:48:40 p.m.]