

City of Coral Gables City Commission Meeting
Agenda Item G-6
February 15, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant Director of Public Works, Deena Bell-Llewellyn

Assistant City Attorney, Stephanie Throckmorton

Public Speaker(s)

Agenda Item G-6 [Start: 11:05 a.m.]

Discussion regarding potential updates to landscaper education procedures in connection with landscaper permits. (Sponsored by Commissioner Fors)

Mayor Lago: G-6.

Commissioner Fors: G-6 is a discussion regarding potential updates to landscaper education procedures in connection with landscaper permits. I had a resident who came to speak to me about our procedure in terms of permitting for landscapers, etc., and what kind of education they receive. I gave a quick look at the type of information that we show them, and wanted to sort of ask Deena to, doesn't have to be today, doesn't matter if you are ready with it today or not, but sort of look into whether we should update it in any way, shape or form based on new regulations or ordinance that we passed since the day they were initially published, but also because I was reminded when I started looking into this, reminded specifically by the City Attorney that the State of Florida recently preempted our ability to require licensing, local licensing of, among other things landscapers. So that whole entire procedure is actually going to end and I'd like to consider

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whether we are going to do anything to notwithstanding the elimination of licensing continue to potentially make some kind of effort to educate the professional landscapers who will do business in Coral Gables of the things that we think is important for them to know, obviously, in more than one language, and perhaps just thinking out loud, have a brochure similar to the one you're handling there that our Neighborhood Aides could hand to them when they no longer have to come and check in with us for licensing purposes and are just going to be showing up within our city limits and probably be unaware of some of our ordinances and our rules and regulations.

Mayor Lago: Ms. Bell, if I may add something to the Commissioner. When I wrote that legislation, I think it was a few years ago, the intent of that legislation was to be able to get in contact with the landscapers. It wasn't about making money off the landscapers in regard to some sort of fee for their licensing or putting them into a database. It was for us to have the ability to say listen, we are changing gears. For example, we are having conversations about not allowing gas-powered blowers, maybe we go into electric. You could notify them in one fell swoop via e-mail and say, or a letter and say, hey, this is the new legislation in the city, or for example, we are moving in the direction of not allowing people to park on the street, you've got to park on your client's swale or on your client's property. Whatever the legislation may be, not that we are considering that, but I'm just giving you ideas. I just found out; I didn't know that they were going to actually preempt that at the state. What is the reasoning behind the preemption of just something as simple as a legislation that only is used to notify someone?

City Attorney Ramos: It defines licensing very, very broadly to include registrations. Now its not preempted just yet, we have till July of 2023 when it will sunset, but the idea is that all licensing slash a million other things that are defined as licensing is preempted.

Mayor Lago: Even for communities like ours that already has it in place for several years, we are going to be preempted?

City Attorney Ramos: It sunsets it in a year and-a-half basically.

Mayor Lago: And by the way, because this is a conversation that I had with several members of the community. In this type of licensing or registration, we don't ask for ethnicity, we don't ask whether you are a citizen, we don't ask for any of that information. We are just asking listen, if we need to get in contact with you, what is your best way of contact? – can we have your e-mail? – can we have your address? Just in an effort to be able to say, our parameters, our protocols have changed. So, its very disheartening, something as simple as this that only benefits the community. I don't see a negative to it.

City Attorney Ramos: I'll tell you what it says, it says licensing includes training, education, test certification, registration or license required to perform an occupation by local government.

Commissioner Anderson: So, I have one question. If we do a voluntary registration program where they actually get to have their names up on the website.

City Attorney Ramos: If its voluntary I think we're fine, because it's not required.
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Commissioner Anderson: Then we give them a benefit, like they get to have their name up on the website here or some landscaping companies that have voluntarily registered with our city and we can provide them updated information because there's lots of people. We can educate them in the best practices with fertilizer. It just doesn't need to be applied all the time folks.

Commissioner Menendez: I have a question Miriam, Madam City Attorney, sorry. I know there is another Bill which is a preemption Bill, when I read it, it said that if it passes, obviously, and the Governor signs off, it affects any new legislation.

City Attorney Ramos: Some preemption Bills are forward thinking, some grandfather municipalities in, and some are just immediate. This particular one allows us to continue it, but only till July of 2023, that's the way they crafted that part of it.

Commissioner Fors: So, we need a plan for disseminating that information after we can no longer have them at least check in once here at City Hall before going forward and doing their work. Thinking out loud just hearing Commissioner Anderson speak, maybe you could ask the property owners to notify the city of their landscapers contact information. I think anything voluntary really at the end of the day is not going to be that effective. I think we are going to end up at the end of the day be relegated to simply disseminating information with flyers and word of mouth.

City Attorney Ramos: We already have the e-mail addresses that we obtained by virtue of the current registrations. We can continue to use that; we just won't capture new landscapers that come into the city.

Commissioner Fors: And those folks buy and sell their routes like it's the New York Stock Exchange.

Commissioner Menendez: And by the way, something the Mayor said Commissioner, I don't know if we have addressed it, but my experience seeing the different landscapers throughout the city, they all like, some are on the swale, some on the road, everybody does their own thing. I've experienced commercial landscapers on Sundays and neighbors have to call. So outside of the licensing, I think we probably need to take a look at what the rules and regulations are at the more uniform these companies operate, I think the better it is for our residents. I think we have to come to the grips is what the rules and regulations should be, look at what we do now and perhaps come up with some uniformity that at least will get us closer to what we aspire to.

Mayor Lago: Anything else Commissioner?

Commissioner Menendez: No.

Commissioner Fors: Deena maybe if you want to take a look at it and noodle it and come back to us and see if you have any...

Ms. Bell Llewellyn: I'll take a look at it. Right now, in our vehicle registration program, we educate on noise, fertilizer, maintenance of traffic, disposal of landscape debris in the swales and proper pruning removal and relocation of trees. Those are the main things that we hit in the flyer and the education when they register currently.

Commissioner Menendez: Are those codified or is that just a policy that we have. Is it something that is enacted some of those items, some of those things, or is it something we encourage them to do or is it something that we have done in the past to codify some of those?

Assistant City Attorney Throckmorton: Hi Commissioner, some of those are codified; the fertilizer was preempted by the county recently, if you recall that a few months ago. The maintenance of traffic comes from the Department of Transportation rules, I believe, and the pruning comes from our code. So, some are city regulations and ordinances, some are from other entities, including the county and other agencies.

Commissioner Menendez: Thank you.

Commissioner Fors: Thank you.

Ms. Bell-Llewellyn: Thank you.

Mayor Lago: Thank you Deena.

Commissioner Menendez: Mayor, I just want to, on that topic, a few months ago we talked about the electric leaf blowers and perhaps the city at some point transitioning over to electric, and I think we had asked, I think we had encouraged the administration to come back at some point with an update on what's available, and at some point now that we are into 2022, I think we'd appreciate hearing what's out there and what we found out we could do as a city.

Commissioner Anderson: Can we do that by March, our March meeting.

Ms. Bell-Llewellyn: Yes, we can. Our department, we are already using some electric leaf blowers inhouse and just generally they are effective for small areas. They have a battery life of only about two hours. So, if we transitioned, we'd look at more labor-intensive type of clean up efforts. Large parks and large areas where we get a lot of leaf drop, it's not very effective to use the electric ones. And I believe we've called other municipalities and interviewed them, our colleagues, and we are all in agreement that's the findings. But we have two or three of them that we use in the downtown urban area where they are only effective in small areas.

Commissioner Fors: We are also, obviously, more conscientious about when we use them as a city than a private landscaper, which I think is the much bigger issue. In terms of the city going using electric, supposedly we don't do it at 7 a.m. on Saturday morning outside of somebody's house.

Commissioner Anderson: Any other issues, the blowing into the street, you know, you see them blowing them into the street, into the drains, over... I call it, perhaps that's something we can focus
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on too, to get these businesses educated on at least before we lose the ability to have this open communication with them, please don't blow it out into traffic and into our city drains.

Mayor Lago: Thank you Commissioner.