

**City of Coral Gables City Commission Meeting
Commission Chambers
Agenda Item F-6
October 13, 2020
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors, Jr.
Commissioner Pat Keon
Commissioner Michael Mena**

City Staff

**City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Assistant City Attorney, Naomi Levi Garcia**

Public Speaker(s)

Agenda Item F-6 [12:10 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending the Code of Ordinances, Chapter 86 “Waterways,” Article 1 “In General,” Section 86-3 “Discharging garbage, trash, etc. into waterways,” by providing specific examples of prohibited discharges, clarifying applicability to the City’s stormwater management system and revising the penalty for violating this section, providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Vice Mayor Lago)

Mayor Valdes-Fauli: F-6.

City Attorney Ramos: F-6 is an Ordinance of the City Commission of Coral Gables, Florida, amending the Code of Ordinances, Chapter 86 “Waterways,” Article 1 “In General,” Section 86-3 “Discharging garbage, trash, etc. into waterways,” by providing specific examples of prohibited discharges, clarifying applicability to the City’s stormwater management system and revising the penalty for violating this section, providing for severability clause, repealer provision, codification, and providing for an effective date. This is an ordinance on First Reading. Ms. Levi Garcia.

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ACA Levi Garcia: Good afternoon Mayor, Vice Mayor, and Commissioners. This is an ordinance sponsored by Vice Mayor Lago and makes the changes that the City Attorney just listed. It also increases the penalty for violating the ordinance and for violating a duly issued MPDES permit. The first violation in a twelve-month period would be a warning, the second violation within a twelve-month period would be \$1,000 fine, the third violation within a twelve-month period would be a \$5,000 fine. A four-fifth vote of the Commission is required in order to pass these increase penalties per Florida Statute.

Vice Mayor Lago: Naomi, first off, thank you very much for your efforts, along with the City Attorney's office. Thank you for your hard work on this. I just wanted to tell my colleagues, I know you are aware, but just to put it on the record. This is the maximum that we could fine somebody in regard to illegal dumping. The City of Miami has also enacted a very similar piece of legislation this week. I think this is going to be incredibly beneficial and its going to set a real benchmark and an expectation. I want to make sure, Mr. Manager, with the support of my colleagues on the Commission, that just like we notified contractors in regards to the legislation that I passed, which was no exterior construction in residential neighborhoods on Saturdays. I want to make sure that when they get that document and they submit their permit application, before they get their permit, it says you have to follow the following criteria that this is one of them, that they are aware. I don't want any contractor calling me or calling anybody on this Commission saying, hey listen, I was cited for illegally dumping or for water runoff. In our industry, in the design and construction industry, we are very aware of what is allowed and what our expectations are in regard to containing water on site. I understand if it's a hurricane, your barriers or your silt debris and all those kinds of things may go by the wayside as a result of heavy winds and heavy rain, but that's not a common occurrence, and we are seeing type of pollution or lack of consideration for the environment happen too often. Not here in the Gables, because we are blessed. We've only seen it happen infrequently, but its happening in other municipalities that, again affect us. So, I just wanted to say thank you Naomi and the City Manager and City Attorney's team for really coming through on this. I think this is going to send a strong message and I want to make sure this is part of the permit package that people are aware that we will crack down on them. And the last point. I know the City of Miami is also, and I want to make sure its in your toolbox Mr. Manager and Mr. ACM, and Suramy, that if these penalties are not sufficient that you can do what the City of Miami is doing and that is freeze someone's ability to pull another permit. That has to be always in consideration. Okay.

City Manager Iglesias: Vice Mayor, as you know, we started doing that when I was there, and it was very effective.

Vice Mayor Lago: That's why I'm bringing it up.

City Manager Iglesias: In addition to that, we will put that on all the permits, but as you know as a general contractor, you are supposed to know these things, but we will emphasize it even more so.

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Vice Mayor Lago: But you know, ignorance goes across all boundaries, right. So, people are going to say that they didn't know, or it wasn't their fault.

City Manager Iglesias: We will make sure its on the permit application.

Vice Mayor Lago: Because it's never the homeowner. The homeowner is not responsible. It is the contractor's responsibility to conduct himself as a professional, that's key.

City Manager Iglesias: That's why they are licensed.

Vice Mayor Lago: Yes. So moved.

Mayor Valdes-Fauli: Is there a second?

Commissioner Keon: Second.

Mayor Valdes-Fauli: Will you call the roll please.

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Commissioner Fors: Yes

Commissioner Keon: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Vice Mayor Lago: Thank you to my colleagues for the support and for staff's effort on this. Thank you, Devin, thank you everybody, thank you to Code Enforcement, thank you so much.

Mayor Valdes-Fauli: Thank you.