

City of Coral Gables City Commission Meeting
Agenda Item E-6
March 15, 2016
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
Public Safety Director, Frank Fernandez
Deputy City Attorney, Miriam Ramos

Public Speaker(s)

Agenda Item E-6 [9:53:18 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida requiring permittees/owners to post “No Trespass” signs on construction sites, consistent with Sec. 810.09, F.S., providing for enforcement; providing for a repealer provision, severability clause and providing for an effective date. (Sponsored by Mayor Cason).

City Attorney Leen: E-6.

Mayor Cason: Ordinance on First Reading.

City Attorney Leen: This is an Ordinance of the City Commission of Coral Gables, Florida requiring permittees/owners to post “No Trespass” signs on construction sites, consistent with Sec. 810.09, F.S., providing for enforcement; providing for a repealer provision, severability clause and providing for an effective date. This ordinance is sponsored by Mayor Cason. We’d

also like to mention that Public Safety Director has a lot to do with this too. It's a public hearing item.

Mayor Cason: Do we have any speaker cards by the way?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: OK. Go ahead and explain why this is necessary.

Public Safety Director Fernandez: Good morning Mr. Mayor, Vice Mayor, members of the Commission, Madam City Manager, Frank Fernandez. This is an ordinance that is going to give the police an additional tool to prevent burglaries to residential neighborhoods. This allows the Florida State Statute and the Deputy City Attorney will explain it further, to allow and authorize and require a property owner, or construction site, to post and sign identifying it as a construction site, identifying it also it's a felony to trespass on such a site. Again, it is a state statute, it becomes a felony once it's posted and the Deputy City Attorney can explain the specifics.

Deputy City Attorney Ramos: Good morning again. The idea of this is to not have to essentially issue a warning to then effectuate an arrest. So by posting it with very specific language in the Florida Statutes, it permits police to immediately arrest if there is a trespass. Essentially, how it would work in terms of logistics is that we would be producing the signs. Everyone agreed, Mr. Wu as well, we met with the Mayor and the Director that we want something to be standard and well done. It will state the required language, and then at the bottom there will be a space where they have to give the name and number of two individuals who are essentially the project managers of the construction site that are available to answer the phone at any time, and we will produce the signs. Once the construction fence goes up, they have 24 hours to post the signs, if they don't post the signs it's a Code Enforcement violation, and once the sign is posted, if a police officer drives by or even Code Enforcement sees someone there that looks suspicious, after hours or on a weekend, they call that number, ask the person to identify themselves, if in fact they don't have the right to be there, they can be arrested for a felony.

Commissioner Lago: Vice Mayor?

Vice Mayor Quesada: I wanted to call Judge Izzy Reyes on this topic very briefly, and I saw him trying to sneak out (laughter). I'm sorry to interrupt, it's just he was sneaking out. So, I'm for this item, but understanding the way the criminal system works and the no trespass, they typically get no-pros all the time, and for those who haven't been in that world, it essentially means that prosecutors just don't move those cases forward. Obviously, with your team we've been working in shadowing those situations. I just want to make sure so that you hear from us,

for the repeat offenders that we have, because that was probably about creating the relationship with you, Judge Reyes, that when we have repeat offenders of no trespasses that we ensure that the prosecutors are not dismissing those cases, and we are ensuring that they are moving forward and prosecuting those cases, so that we can deter that type of activity for the repeat offender. Now if it's a kid and a ball goes in there once, that's obviously one thing, but again, if it's something that happens over and over, I just want to make sure that we are enforcing it.

Judge Reyes: We can set up a mechanism, if Craig approves it, and we could put those cases in our Justice Advocate Program, and we'll track those just like we track the major cases here to make sure it doesn't fall through the cracks.

Commissioner Lago: Can I ask you just a few questions, but I want to make a few observations that I've seen in the downtown area that are currently going on. I don't have the Code in front of me. Do you know what the size of the construction companies or engineering firm or architectural firm potential advertisement can be on a project?

Deputy City Attorney Ramos: Not off the top of my head.

Commissioner Lago: Because what I'm seeing a lot and I mentioned it to Code Enforcement are these massive signs, its six feet by five feet on the fence, which I don't think that type of visual is not what we are really looking for, that's number one. Number two, I know that Charles is helping me with some residents who are having an issue in regards to their home where they have knocked it down and they were going to build a new home; and I want to see if we can potentially do a one page document for individuals or entities that are going to enter a major project, like an addition, not something that is interior, like something that's going to result in the person not living in the residence or in the business, where they actually have to gate it off. Where they are given the exact requirements with examples of how they are to maintain the exterior of the fence and that's a touchy point, because just in my neighborhood alone, there are two or three properties where it's not visibly pleasing or aesthetically pleasing for the neighbor to live with that next to them. There is a lot of debris, there are dead plants, the fabric which is the filter between the fence and the residence is coming off the fence, and it's torn. I think that it would be much simpler if we have delineated project scope that if it exceeds that, let's say for an addition or they are doing a driveway, they are actually going to put up a fence in front of the property, that we provide them with a one page document stating, this is what you are supposed to do and this is how you are supposed to maintain. Grade the front of the property, there is some crush....that is required, maintain the fence. Your signs are supposed to be this big, number one; trespassing sign is supposed to look like this, this is the verbiage we expect...

Mayor Cason: We actually give them the sign though.

Deputy City Attorney Ramos: The trespass we give to them.

Commissioner Lago: I'm just saying for the construction – I can give you several examples of projects in the downtown area that have these massive signs and I'm pretty sure that's allowed by the Code.

Deputy City Attorney Ramos: So if you give us those particular addresses I'll have Code Enforcement go out and then I will work with Mr. Wu to prepare that sheet to get out.

Commissioner Lago: Yes, something simple, not too complex.

Deputy City Attorney Ramos: Sure – nuts and bolts.

Commissioner Lago: Thank you.

Deputy City Attorney Ramos: I'd also like to point out for the Vice Mayor, this actual ordinance makes it a felony, so already it's a deterrent effect, even if the case were ultimately to be no-pros for whatever reason, now you've been arrested for a felony.

Vice Mayor Quesada: You have the experience as well, I just want to make sure in those kinds of situations, obviously we are not going to try to push a felony on something ridiculous, but those situations we have are repeat offenders in the City that we want to make sure that we want to crack down.

Deputy City Attorney Ramos: Absolutely.

Mayor Cason: A lot of thefts from construction sites.

City Attorney Leen: I spoke with former Judge Reyes and he is going to be coming next meeting to do a report on the Justice Advocate Program. I think it's been a year since we had a report, so he told me – we talk about it from time to time and he told me it's very active and we've only heard positive things about it. So I think it would be helpful for him to give you an update from the last year. He is going to add this to the program. In addition, one other thing, talking about repeat offenders, since we now have a population of over 50,000 by the most recent estimate. One other thing I'd like my office to consider with public safety and police and Code Enforcement is perhaps putting a \$15,000 fine as well, a Code Enforcement fine on some of these violations, including for example, the unlawful car entry ordinance, maybe a \$15,000 fine for each unlawful car entry, which could be enforced by Code Enforcement.

Mayor Cason: Anything else you'd like to add onto E-6?

Public Safety Director Fernandez: Mr. Mayor just for further clarification. The individuals that are no-pros, as the Vice Mayor mentioned remember this is a felony that the City Attorney mentioned, but in addition to that, the criminal justice system works on points. So if someone is on probation the likelihood of a burglar being on probation is quite high. So that violation of probation in one incident sends...of almost no bond. It takes about ten burglary arrests before that person is sent off to prison. The more tools that we give out to the offices to enforce these laws, the more points we put on the repeat offenders to send them off to the appropriate place for corrective behavior, that's prison. So these tools are very, very valuable, not just the...value, but also the enforcement repeat habitual offenders that plague our City and our County.

Mayor Cason: Very useful.

Mayor Cason: Alright. Do we have any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: So we'll close the public hearing. Anymore discussion?

Commissioner Lago: I'd like to make the motion.

Vice Mayor Quesada: Second.

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

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 10:02:08 a.m.]