

City of Coral Gables City Commission Meeting
Agenda Item E-1
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 Speaker(s)

Dexter Lehtinen, Village Attorney, Village of Palmetto Bay

Agenda Item E-1 [11:02:27 a.m.]

An Emergency Ordinance of the City of Coral Gables amending Emergency Ordinance No. 2016.07, by merging Sections 34-11(1) and (2) and removing any reference to location, while continuing strict prohibition on mosquito infestations, providing for a repealer provision, severability clause, codification and providing for an effective date. (Sponsored by Commissioner Keon).

Mayor Cason: Alright. We are moving now to E-1, another Emergency Ordinance which was past time certain, but...

City Attorney Leen: Thank you Mr. Mayor. Item E-1 is An Emergency Ordinance of the City of Coral Gables amending Emergency Ordinance No. 2016.07, by merging Sections 34-11(1) and (2) and removing any reference to location, while continuing strict prohibition on mosquito infestations, providing for a repealer provision, severability clause, codification and providing for an effective date. This is sponsored by Commissioner Keon. It's an Emergency Ordinance, so it requires a four-fifths vote. It's a public hearing item. You'd also be waiving Second Reading

and publication, which you are allowed to do by the four-fifths vote. We have Mr. Dexter Lehtinen here, who is the Village Attorney for Palmetto Bay. I'd like to thank him for coming. I'll just give you a brief synopsis of where we are at. This Emergency Ordinance was adopted previously by the Commission, 2016-08, pardon me, 2016-07, forgive me, 2016-07. As you recall, we had the Palmetto Bay Manager and Palmetto Bay Attorney come to our prior Commission meeting, and they were concerned by certain language in the ordinance that expressly said the ordinance could be applied to neighboring properties of Coral Gables where there was a mosquito infestation on that property and mosquitos were coming into Coral Gables. They did not, well I don't want to put words into Mr. Lehtinen's mouth, but I don't believe they were so concerned about the fact that FPL was complying. In fact, I think they were happy that FPL was complying, but I think their view was they would prefer to have done, to have been notified and to do the enforcement themselves. Now Coral Gables, as you remember from the meeting, I think the Commission was pretty clear that we thought that we were justified in enforcing the ordinance in this particular case, because we were getting a lot of complaints from residents in Kings Bay, and there was a mosquito infestation and there was a concern, but also, the Commission indicated the desire to work this out with Palmetto Bay in a way that going forward everyone would be happy with the situation. So, I met with Mr. Lehtinen and the proposal before you today, which is being sponsored by Commissioner Keon, would basically merge Sections 34-11(1) and 34-11(2). What it would do is, it would remove the express language talking about outside the City, and it would just simply say that mosquito infestations and the language that is before you, the specific language, you can take a look at it, but it would basically make mosquito infestations illegal period; and then typically that would be enforced within the City of Coral Gables. But in a situation where we found a basis, an as-applied basis to apply it outside of our City, that would be judged like any other ordinance where you do an as-applied, where you apply it outside the City. We would have to show a justified nexus to do so. I think we would have been able to show it here with FPL, but it does address the concern of Palmetto Bay, that there is language that it could be generally applied outside the City, and I think that that was their concern. So with that, I'd ask Mr. Lehtinen to come up to make sure that what I've said is correct, I don't want to put words into his mouth. He's an extremely respected attorney in town. It was a pleasure working with him on this matter and I think we've come up with – and I want to be clear, it's my proposal, sponsored by Commissioner Keon, he is not proposing it, but he is here to, I believe indicate that we worked the matter out.

Mr. Lehtinen: Well, I would say first in summary, Mr. Leen is correct, Palmetto Bay wants to thank him for your courtesy, hearing from myself and the City Manager, Village Manager, last Commission meeting and this Commission meeting. We believe we support this amendment, we believe it meets the legitimate needs of Coral Gables and Palmetto Bay that protects both concerns and interests, and I also want to thank Mr. Leen for his cordiality in several meetings that we've had worked it out. As a matter of fact, I think he handled one of my classes...

(Laughter)

Mr. Lehtinen: Also, it's...but Palmetto Bay has substantial concerns with that state statute that you were talking about in E-2, polystyrene. It's been discussed and not in favor, Palmetto Bay is not in favor of that statute, so thank you. Any questions, I'd be happy to take.

Mayor Cason: Thank you very much.

Vice Mayor Quesada: Thank you for your...in the matter.

Commissioner Lago: Thank you sir.

Commissioner Keon: Thank you.

Mayor Cason: This is a public hearing; do we have any other speaker cards?

City Clerk Foeman: Close the public hearing.

Commissioner Lago: I'll 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)

City Clerk Foeman: Second roll call.

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 11:07:33 a.m.]