

City of Coral Gables City Commission Meeting
Agenda Item F-5
December 10, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Pat Keon
Commissioner Michael Mena
Commissioner Jorge Fors

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
Assistant City Attorney, Stephanie Throckmorton
City Clerk, Billy Urquia
Public Services Division Director, Brook Dannemiller
Senior Sustainability Analyst, Matt Anderson

Public Speaker(s)

Javier Banos Machado
Collin Schladweiler
Elizabeth Kelly
Maria Cruz
Deborah Swain
Jackson “Rip” Holmes

Agenda Item F-5 [11:29 a.m.]

An Ordinance of the City of Coral Gables, Florida, amending the City of Coral Gables Code by creating Section 82-8 “Application of Fertilizer” in Chapter 82- Vegetation, Article 1- in General; providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date.

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(Sponsored by Commissioner Keon)

Mayor Valdes-Fauli: F-5, Commissioner Keon.

City Attorney Ramos: F-5 is an ordinance of the City Commission of Coral Gables, Florida amending the City of Coral Gables Code by creating Section 82-8 “Application of Fertilizer” in Chapter 82- Vegetation, Article 1- in General; providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date. Ms. Throckmorton.

Assistant City Attorney Throckmorton: Good morning, Commissioners. as you recall, a few months ago, we’ve had -- in the last few months, we’ve had various presentations from Miami Waterkeeper and staff talking about fertilizer and fertilizer runoff into the City’s waterways. This is an ordinance that prohibits the application of fertilizer containing nitrogen and phosphorus during certain periods of the year, which is the rainy season. The extra water leads to extra runoff into our waterways. Nutrients create algae blooms and have harmful effects. So, this ordinance would prohibit the application of fertilizer during that period, which I believe is June 1 to...

Public Services Division Director Dannemiller: September 30.

Assistant City Attorney Throckmorton: September 30, the rainy season here in South Florida. There are exceptions for golf courses, athletic fields, bonafide scientific research facilities, like the Fairchild Tropical Garden. We have worked closely with Waterkeeper and with those tropical gardens to make sure that there are the proper exceptions. Of course, any application should be done following Florida Best Management Practices. And I believe Brook has a little -- do you have the slides or...

Public Services Division Director Dannemiller: Yeah, if we could put up the two slides. Stephanie already covered all of this here, so if we go to the second slide that shows the -- is there a clicker?

Assistant City Attorney Throckmorton: It's right there.

Public Services Division Director Dannemiller: Oh, there we go. This shows all the municipalities in the state that currently have ordinances, Islamorada and -- just passed one recently, and I think it's...

Assistant City Attorney Throckmorton: North Bay Village also passed one, and it's on this week's City of Miami Commission agenda for the 90-day notice period -- 60-day notice period, so they are also considering a similar ordinance.

Public Services Division Director Dannemiller: And this would not prohibit the application of fertilizer that -- like 0022, which is just potassium, for some turfs like, Empire Zoysia grass and things like that. The golf courses and the athletic fields, they're exempt if they have the certification from the Florida Golf Course Best Management Certification, which is a pretty vigorous certification, so we know they're applying it correctly. And there's also a 15-foot buffer zone for these nutrients at all times.

Assistant City Attorney Throckmorton: One thing I want to point out that's a little different than other Code provisions, given that it's a prohibited time period, there will be no warnings issued for violations of this Code because otherwise if you got a warning and then you would do it once during the application period, and by the time it was the application period again, the warning would have expired because it would be a whole next year. So, there are no warnings given. It's a \$500 fine per violation. But again, with the exemptions for certain facility -- larger facilities and things like that.

Commissioner Keon: Can I ask you a question? This doesn't prohibit somebody from putting fertilizer like around their palm tree, if they want to just fertilize a palm tree at some point during whatever the routine fertilization schedule is for...

Public Services Division Director Dannemiller: Most of the fertilizer that's running off is from turf.

Commissioner Keon: It's really -- it's turf is what we're really addressing here is turf?

Assistant City Attorney Throckmorton: Technically, any application of fertilizer during the -- of nitrogen and phosphorus fertilizer during that time period is prohibited, so it's not limited to only applying it to the turf. However, it's my understanding, and Brook is the expert on this, that the timing of the placement of fertilizer on other plants wouldn't need to happen during this prohibited time period.

Public Services Division Director Dannemiller: Yeah. So, typically, we -- in the City, we fertilize our palms three times a year.

Commissioner Keon: Right.

Public Services Division Director Dannemiller: So, if you fertilize in May and then again in October, and then halfway in between that, that was -- that's adequate for the palms we have here.

Commissioner Keon: But is that a best practice as to when you apply -- I mean, I don't want to...

Public Services Division Director Dannemiller: Yeah, so...

Commissioner Keon: I know the issue is not to prohibit people from fertilizing their palm tree or fertilizing a particular bush or fertilizing, you know, their roses or whatever that maybe they do regularly. It's really turf, and it's to protect waterways and everything from the runoff of nitrogen and...

Public Services Division Director Dannemiller: Yeah, so...

Commissioner Keon: Phosphorus that are the problematic issues that are creating the problems with our waterways and in our water because it just runs off, runs into the storm sewers. And this -- you know, an awful lot of our storm sewers are outlets into the bay, so are outflows into the bay.

Assistant City Attorney Throckmorton: Commissioner, as drafted, it's...

Commissioner Keon: So, it's going all into the waterways and into the bay, so I want to -- that's what it was. And I want to particularly thank Brook, and I think Matt Anderson was involved in this. I know when the Waterkeepers first came to us and spoke to us about it, I asked -- I really didn't -- I was surprised when it came back it was going to be under my name because I thought it was just a City -- it would be a City or a staff presentation and something presented by staff as worthy of being legalized in our city. Because it went to the Sustainability Board. What are all the boards...

Assistant City Attorney Throckmorton: So, it went to the Sustainability Advisory Board, the Landscape Beautification Board and the Waterways Board. All three boards voted in support of the ordinance as drafted.

Commissioner Keon: Okay, so -- thank you for taking it to all of the applicable boards and all of the work that you did with the Waterkeepers. But I think the biggest portion now that we need to talk about is the educational component. And I asked once before that we would, you know, please not to have it done as a YouTube. Please have it done as a program that will be telecast on Channel 77 so if someone is turning it on maybe to watch a Commission meeting or to watch -- you know, as they go through their channels, it may just catch their attention or -- I mean, there actually are some people that look at what's televised on 77, but more likely people will go through and see if the Commission meeting is on. They might turn it on, but you know...

Commissioner Mena: Can't it be both?

Commissioner Keon: So that it's on on 77.

Commissioner Mena: Can it be both?

Commissioner Keon: Pardon me? It could be both, but that it not only be a YouTube video.

Commissioner Mena: Got you, right.

Commissioner Keon: Because the problem with the YouTube videos is you have to know it's there and you have to go looking for it, where I'd rather it be -- I mean, for educational purposes, I'd rather at least be broadcast on the TV station for a period of time and you can certainly do it with the Waterkeepers. And I know staff has the...

Assistant City Attorney Throckmorton: The other thing that's been discussed...

Commissioner Keon: Ability to do it and our outside PR people can also help.

Public Services Division Director Dannemiller: We'll also include it with our landscape registration...

Mayor Valdes-Fauli: I'd like to have a comment.

Public Services Division Director Dannemiller: Brochure that we give to all of the landscapers that register.

Vice Chair Lago: That's...

Commissioner Keon: We have to wait to see if it passes.

Public Services Division Director Dannemiller: It'll be included with that.

Mayor Valdes-Fauli: Okay, let me...

Commissioner Keon: But thank you.

Mayor Valdes-Fauli: Say something here. As -- I am all for the idea of discouraging the use of fertilizer in certain months, et cetera. There is a saying which I have always believed in, in my terms here and also in life, which is obey the unenforceable. If you can't enforce something, why forbid it? Obey the unenforceable. We had, many years ago, a mayor then suggested that we forbid dogs from doing their thing in streets and swales, et cetera. And I said, okay, but then we have to multiply our police force by a hundred so that they are going around policing dogs so that they don't do their essential things in swales. Here, how are we going to enforce this provision? If I -- and I work on my yard a lot. If I am there fertilizing my orchids with phosphorus and with...

Commissioner Keon: You don't think you fertilize orchids...

Public Services Division Director Dannemiller: Well, that's not prohibited. It's the application - - basically, if it's going on the ground.

Commissioner Keon: It's going on the ground.

Public Services Division Director Dannemiller: And it's similar to a noise ordinance.

Mayor Valdes-Fauli: Okay, but if I'm fertilizing my palm trees or my ixoras or my whatever it is, am I going to be arrested?

Commissioner Keon: No, and that's what I...

Mayor Valdes-Fauli: No, but I think that...

Commissioner Keon: But I'm serious, but that's why I asked.

Mayor Valdes-Fauli: I think that this should be more...

Commissioner Keon: You know, as for...

Mayor Valdes-Fauli: An educational program and an incentive program telling people how bad it is versus passing an ordinance forbidding it.

Commissioner Keon: Well, that's why when it came back, and I think when we first -- it first came to us and we spoke about it, I said it's -- that it's not enforceable.

Mayor Valdes-Fauli: I'd love to be arrested...

Commissioner Keon: So...

Mayor Valdes-Fauli: With that.

Commissioner Keon: But so -- so, I guess the issue is, is what, you know -- I guess because it's public policy, maybe it is more -- it is aspirational...

Mayor Valdes-Fauli: Right.

Commissioner Keon: As opposed to enforceable. And you're right in that sense, so when you -- you know, if there, you know, is a fine, I would...

Public Services Division Director Dannemiller: Yeah. It's similar to a noise ordinance. You know, if someone's making noise, doing construction and you come out and there's -- the noise isn't there anymore, it's not enforceable. So, if someone is broadcasting fertilizer...

Mayor Valdes-Fauli: The noise is strictly identifiable. I mean, who's making the noise? Here you have -- I live on North Greenway Drive. You have people working on their yards, and are we going to have a policeman making sure that...

Commissioner Keon: No.

Mayor Valdes-Fauli: There -- that it doesn't have nitrogen and phosphorus?

Commissioner Keon: No. It is truly...

City Attorney Ramos: It's Code Enforcement.

Assistant City Attorney Throckmorton: Yeah, it's...

City Attorney Ramos: Not Police.

Assistant City Attorney Throckmorton: Code Enforcement, first of all. It's a fine.

Commissioner Keon: Code Enforcement, not Police.

Assistant City Attorney Throckmorton: It's not...

Mayor Valdes-Fauli: Okay.

Assistant City Attorney Throckmorton: No one would be arrested for violation of this.

Mayor Valdes-Fauli: Let's multiply the number of enforcement officers by ten.

Commissioner Keon: But I don't think anyone is going to go look for...

Mayor Valdes-Fauli: Okay, we have...

Commissioner Keon: I think it's aspirational. It's important for the...

Mayor Valdes-Fauli: It is aspirational.

Commissioner Keon: Benefit and the welfare of our waterways.

Mayor Valdes-Fauli: We have...

City Attorney Ramos: So, then what I...

Mayor Valdes-Fauli: Several people that wish to speak.

Commissioner Keon: Okay.

City Attorney Ramos: Okay.

Mayor Valdes-Fauli: Javier Banos Machado. Morning.

Javier Banos Machado: Good morning. It's still morning, Mr. Mayor. How are you? Commissioner, my basic perspective on this particular item is I think, as the Mayor said, it's a laudable goal. It's a wonderful idea. However, the enforceability of it might not be something that you can do. And I don't think \$500 is aspirational. Five hundred dollars is very real. And

we're going to have to pay for it, and you're not going to give us any type of warning with regards to it. I fertilize my plants, but how is somebody going to know if I'm fertilizing my flowers or my grass? I'm going to tell the person who does my gardening that -- that's just something -- is he going to pay it, or am I going to be able to -- I'm going to have to pay it? I think it is a good idea, but badly thought out, badly put forward. I think an educational plan will be better. I think if you take it to the state of Florida and make it a state-wide policy and have your lobbyists come out there since it seems like a significant portion of the cities have actually gone out and done it, I think it's a better way to actually handle it, to have your lobbyists argue for this policy change in the state of Florida than to do it city by city because certainly some other cities adjacent to us are not doing it. And you're exempting the biggest polluters of the entire city doing this. So, it seems punitive on the resident who's doing this for what essentially is a good idea. You need to have, you know, a carrot and a stick. I'm a big believer on that. So, I understand the idea that you want to change behavior, but it's not going about it in the right way, so I wanted to make sure that you have at least my perspective on that.

Commissioner Keon: Well, I would...

Mayor Valdes-Fauli: Thank you, sir.

Commissioner Keon: Thank you. I certainly would, you know, be willing to remove the \$500 penalty and have it be a -- that you would be issued a warning.

Mr. Banos Machado: If I convinced you to do that, then I've done a good job today.

Commissioner Keon: Well, no, but that's -- you know, but -- and that's fine because the intent -- it is educational, but we have to be able to go out -- if it's on our books and it is aspirational and someone continues to apply and it's really turf, you know, to spray the fertilizer, put the fertilizer, we can ask them not to do it. And particularly along the water, the properties that are along the waterway, but it's not just those because all of our stormwater -- a lot of our storm water ends up

in the bay. So, even if you, you know, depending on where the outfalls are and where the stormwater is going, it's important. So, it is on our...

Mr. Banos Machado: I'm with you on the goal.

Commissioner Keon: Books because it is aspirational. I have no problem with removing the \$500 penalty and asking that it be a warning. And if every time that's all we do is a warning, that's -- it gives us the -- it helps support the education program for it.

Mayor Valdes-Fauli: Alright.

Commissioner Keon: And the big part is the educational part, so thank you.

Mayor Valdes-Fauli: Thank you. Kelly Cox.

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: Kelly Cox.

Unidentified Speaker: She had to step out.

Unidentified Speaker: She had to step out, but she supports the ordinance.

Mayor Valdes-Fauli: Okay. Collin Scott. You live with Kelly Cox?

Collin Schladweiler: Yes.

Mayor Valdes-Fauli: Okay.

Mr. Schladweiler: I do. I am the outreach coordinator for Miami Waterkeeper.

Mayor Valdes-Fauli: Okay.

Mr. Schladweiler: Yes. I just have something I wrote up for you guys. So, good morning, Commissioners. Thank you for this opportunity for my comment today. Like I said, I am Collin Schladweiler. I'm the outreach coordinator for Miami Waterkeeper. Miami Waterkeeper, for those of us who don't know, is a nonprofit dedicated to ensuring swimmable, drinkable and fishable water in South Florida, so that basically touches everyone in this room and beyond, especially in Coral Gables, especially as a resident of Coral Gables. I find this issue very pressing to me personally. So, I just want to go over some statistics that you were all talking about, about the feasibility of this plan and having it be statewide. I do want to make it known already that there's about 84 different districts throughout Florida that have already implemented this ordinance and have been doing very successful job at it and have seen success in their water quality. So, it is working in places and I would hope it would work here. And so more than a decade ago, the state of Florida drafted a model fertilizer ordinance and encouraged local municipalities to adopt this measure in an effort to address nutrient loading through runoff into local waterways. Municipalities such as Brevard County and Manatee County took this model ordinance and made it a bit more robust for their communities, which have been plagued with their water quality problems from nutrients. Nutrients from fertilizers, like nitrogen and phosphorus are often applied in excess to lawns and landscapes, which eventually run off into water bodies and may contribute to algae blooms. And I don't think I have to convince the Commissioners tonight how important and urgent it is for algae blooms, especially here in Miami-Dade County with the sea grass die off and the nutrient loading in Biscayne Bay. So, I will not go into detail into that. But in recent summers we saw unprecedented impacts from blooms in South Florida, especially in Miami-Dade County and several -- across several decades. Our local municipalities were looked at for solutions, so we did our research and built the fertilizer ordinance, which we've all been talking about, which we helped some of the staff do here. And so, what would our ideal ordinance do, which we already know? Well, it would prohibit fertilizer application during the

rainy summer months of June through September. With heavy rain comes increased runoff, which you all know about the stormwater runoff and all the stuff into canals, especially in Coral Gables, meaning more nutrient rich fertilizer is entering the canals and coasts near and within this municipality. And I just want to go over some of the misconceptions that I hear from our own Commissioners as well as like some of the public that we deal with on a daily basis. So, one, we don't need fertilizer -- we don't need a fertilizer ordinance. Yes, we do. In fact, 85 other municipalities in 32 other counties in the state have already passed ordinances to restrict fertilizer use in some way. Biscayne Bay is at least an ecological tipping point and it is high time -- it is right now what we need to do for our coastal communities to take action and to address nutrient loading. This is a ban on fertilizers. No, it isn't. Your fertilizer won't be confiscated, and you will not be prohibited from using fertilizer completely. This ordinance would restrict the timing, location and the amount of fertilizer.

Mayor Valdes-Fauli: We're aware of the ordinance.

Mr. Schladweiler: Okay.

Mayor Valdes-Fauli: I mean, you don't have to explain it to us; we're aware of it.

Mr. Schladweiler: Great. Well, then I will skip over that. I just want to make sure that we're all aware that...

Mayor Valdes-Fauli: Yeah, no, no, we are.

Mr. Schladweiler: You're not going to be arrested if you're using fertilizer. It is just a fine....

Mayor Valdes-Fauli: You're going to be fined about \$500, yeah.

Mr. Schladweiler: (INAUDIBLE) talking about.

Commissioner Keon: Well...

Mayor Valdes-Fauli: Which is...

Commissioner Keon: You know, we can remove the fine. I don't have a problem with removing the fine and have it issued, you know, as a warning and informational that you provide...

Mr. Schladweiler: Of course.

Commissioner Keon: Whoever the homeowner is with the information about the issues related to using that fertilizer during those times of year and the runoff. So, I think we can prepare something.

Mr. Schladweiler: Of course.

Commissioner Keon: Brook, I think our Landscape Department can...

Mayor Valdes-Fauli: Yeah.

Commissioner Keon: And Code Enforcement can work together to prepare something that we can give to homeowners, just like we do when your recycling is contaminated or whatever.

Mayor Valdes-Fauli: Proceed, Collin.

Commissioner Keon: So that it can go forward.

Mayor Valdes-Fauli: Proceed and finish up.

Commissioner Keon: But I do think it's important. I do think it is aspirational. Yes, it is very difficult to enforce. I agree...

Mayor Valdes-Fauli: Very difficult.

Commissioner Keon: With you a hundred percent on that, but I still think it's something that we -- it's a statement that we as a city should make, particularly with our proximity to the bay and the water that we should move forward with this.

Commissioner Mena: So, can I ask you a question? I'm hoping you have actual information.

Mr. Schladweiler: Sure.

Commissioner Mena: You posed the question: do we need an ordinance? And then you answered yes by saying other people have ordinances.

Mr. Schladweiler: Correct.

Commissioner Mena: And you sort of touched on very sort of vaguely at the beginning that they've seen success. I guess my question is how do we know that? What -- at what -- what type of success have we seen? Where and how are they enforcing it? Because I think the questions the Mayor point -- we all agree with the premise, right?

Mr. Schladweiler: Yeah, of course.

Commissioner Mena: The question is what does an ordinance really do if we can't enforce it? So, I'm curious to see or hear what you've seen in other cities.

Mr. Schladweiler: Yeah, and I can pack all -- we have another Miami Waterkeeper.

Commissioner Mena: Of course.

Vice Chair Lago: And if I could just add onto Commissioner Mena's comments.

Mr. Schladweiler: Of course, yeah.

Vice Chair Lago: I mean, I think it's great to have a feel-good ordinance, but the whole point is to be able to deliver on cleaner water for the entire state of Florida, which I think was what's happening as we really concentrate on Lake Okeechobee, which is I think we can all agree probably the main culprit. And we've had the Everglades Foundation here on multiple occasions to address that issue. A feel-good ordinance is great but educate me because I have no experience. I'm not a golfer. You don't want to see me out on the golf course. It's not a sight. I'll stick more to the driving range, but I would be of the belief -- and I've done pretty significant research. You know, for example, life science says that, you know, golf courses are the highest concentrations per acre of almost any other type of land, including farmland, and there are concerns that these extensive use could contaminate waterways and damage neighborhood communities. So, they're really pointing the finger at golf courses. Are we excluding them across the state because they have better lobbyists and they're pushing for an exclusion? Or are we excluding them because the idea that they can police themselves, you know, if we're going to pass an ordinance that's feel good, let's try to see if we can get golf courses into the mix also because they seem to be the biggest culprits of them all.

Assistant City Attorney Throckmorton: Commissioner -- oh yeah.

Vice Chair Lago: Yeah, but I...

Public Services Division Director Dannemiller: So, the -- it's...

Vice Chair Lago: I'm not a golfer and I don't handle pesticides or -- excuse me, or fertilizer. I just want to be clear on that.

Public Services Division Director Dannemiller: So, it's not a blanket exclusion. It's conditioned on -- that the golf course has -- is certified in the Florida Golf Course Best Management Practices, which is a rigorous certification program. And so, the golf course, they have to have someone on staff or someone consulting them on the proper best management practices. So, fertilizer is money to a golf course. When they're applying the fertilizer to a green, if that fertilizer is running off, they're wasting money. And so, no one knows grass better than a golf course superintendent because they're out there every single day. They're mowing the grass every day and it takes a lot of wear and tear and they're mowing that grass really short. So, when they follow the best management practices, it prevents and drastically reduces any runoff of nutrients from there. If it's done improperly, then the nutrients can run off.

Vice Chair Lago: So, let me ask you a question. I mean, again, you know this better than I would. Why don't we just include them in this feel good piece of legislation...

Public Services Division Director Dannemiller: Well, because you need -- you can't...

Vice Chair Lago: So that we could show the residents and the residents and the business community that we're including all entities, that everybody's being held accountable. That's just my -- I don't know how you would -- how would you feel on that?

Public Services Division Director Dannemiller: Well, the -- you -- with...

Vice Chair Lago: I just would like to hear from them. How would you -- would you feel that if we included the golf courses it would send a statement that all communities, everyone in the community is accountable, not just the residents who seem to fail in being educated on how to

properly, you know, install their fertilizer or their pesticides. Do you think it would be a good idea to include golf courses in this type of legislation?

Unidentified Speaker: I think that with the golf courses as he was addressing the best management practices, it's just that you have to treat citizens under a different standard than you would have to address golf courses. It's an entirely different aspect to look at one person and their yard and some palm trees versus an entire large, golf course. And it does need to be approached in different ways because simply the volumes of nutrients we're talking about coming off, we're also talking about probably a different schedule of fertilization. A regular person in their yard is probably going to do it a bit differently than somebody who is, over the course of time, re-fertilizing and re-fertilizing over the golf course. It seems to be kind of along the lines of other best management practices that do have to be held under certain standards. They do have to follow these guidelines. So, if we could include them, that would be even better, even more aspirational perhaps. But to get anything going at all, you know, we probably need to start somewhere to say we need to be able to try to get some of the nutrients that we can possibly eliminate from the waterways out as soon as we can. It may take longer to get the golf courses to be someone that we could work with and we would certainly like to do so. But I think this is one that we can do right now, and this is something that we can change the nutrients that run off as we -- as we could do it right now and move it forward more quickly.

Commissioner Fors: I have a question and a point. Question number one, the golf courses that follow the Florida Department of Environmental Protection or the Department of Agriculture and Consumer Services best management practices, do they obtain some kind of certification? They obtain certification, they get a certificate, right?

Public Services Division Director Dannemiller: Yeah. So, it's...

Commissioner Fors: And that's who we are exempting?

Public Services Division Director Dannemiller: Yeah. So, it's a -- I think it's like an eight or it might be -- it's a one- or two-day seminar where you go through and you have to be trained in it and get certified to know what the best management practices are and understand how to implement them. And to -- fertilizer completely depends on what plant and what environment it is in. So, a golf course or athletic field takes far more wear and tear than a normal yard. And so, the St. Augustine grass, for example doesn't really need fertilize. It definitely doesn't need fertilized in the summer months. And if you need to -- potassium is the most important nutrient. It doesn't need nitrogen and phosphorous. Golf course greens, it's a completely different grass. You know, you're looking at like TifEagle versus St. Augustine grass. It's like -- it's a grass growing a half inch tall and so it needs a lot more maintenance, same with like palms and orchids and things like that. So, if you're trained and you can apply it properly, you're not going to be having the runoff. Residential fertilizer I think is the number two fertilizer contaminant of our waterways. And we went to the advisory boards, the Waterway Advisory Board was extremely concerned with the water quality. They've seen the water quality going down. We've had all these algal blooms throughout the state and the algae needs something to eat and that's nutrients. And where are the nutrients coming from in our waterways? They're coming from residential properties.

Commissioner Fors: So...

Public Services Division Director Dannemiller: They're not coming from the golf courses. They're not coming from, you know, the sugar fields in central Florida. They're coming from the residential properties.

Assistant City Attorney Throckmorton: Commissioner Fors, to address the certification, the requirement is not just that you're exempt because you're a golf course, as Brook explained. It's that you have that certification and that certification is preemptively provided to the City so that we can have you registered as an official...

Commissioner Fors: And...

Assistant City Attorney Throckmorton: Someone exempt from the ordinance.

Commissioner Fors: And I suppose that the penalty for them not following best practices would be to remove their certification and not be able...

Public Services Division Director Dannemiller: Yeah.

Commissioner Fors: To fertilize.

Public Services Division Director Dannemiller: Yeah, because if they're not exempt, that's going to -- the golf course is going to look terrible. It's going to be in decline. They need to be able to apply that nitrogen to those greens in those summer months to keep the growth that they need.

Commissioner Mena: Sometimes they apply too much though, right?

Public Services Division Director Dannemiller: Well, they don't because it's money.

Commissioner Mena: We saw that at the Biltmore, didn't we?

Public Services Division Director Dannemiller: That was a different issue. And that's...

Vice Chair Lago: What was that issue, by the way?

Public Services Division Director Dannemiller: That -- I don't know the exact history of that, but I know there were some...

Vice Chair Lago: How do you...

Public Services Division Director Dannemiller: Herald articles on it.

Vice Chair Lago: If I may ask you, then how do you know it was a different issue if you don't know the history of the issue?

Public Services Division Director Dannemiller: The -- there was an issue with the superintendent at that time and I don't know the exact details of the history of it, but there's -- it was...

Commissioner Mena: They applied a lot of fertilizer so they could open up more quickly and then ended up...

Public Services Division Director Dannemiller: No. I think someone...

Commissioner Mena: Killing the grass.

Public Services Division Director Dannemiller: I think someone was -- had poured or was washing fertilizer into a storm drain, which is prohibited. And that superintendent I believe was let go and that was before I started with the City, but that's what we want to prevent. If they're following best management practices, you don't -- that's clearly in there. If that person had been certified and was following those, that would've never happened so...

Commissioner Fors: And does anybody audit their actual practices after they take the class or take the seminar?

Vice Chair Lago: That's a good question.

Public Services Division Director Dannemiller: I would have to double check on that.

Vice Chair Lago: And how do you plan, like Commissioner Mena stated before, how do we -- how are we going to basically say, let's say in two years we come back. How are you going to be able to test? Is it just based on water clarity, water, you know...

Public Services Division Director Dannemiller: We're funded -- Public Works has funding...

Vice Chair Lago: I know we're testing water, but...

Public Services Division Director Dannemiller: For...

Vice Chair Lago: Because I want to show tangible results. I want to show...

Public Services Division Director Dannemiller: And so the -- there's a comprehensive water quality testing that's been funded that will be implemented so we'll be able to track it over time.

Assistant City Attorney Throckmorton: Commissioner Keon, to address your...

Commissioner Mena: Have other cities done that and have they seen...

Vice Chair Lago: Yeah, success.

Commissioner Mena: A meaningful change?

Public Services Division Director Dannemiller: Yeah, the...

Commissioner Mena: And if so, how are they enforcing the ordinance?

Public Services Division Director Dannemiller: The -- all the ordinances are a little different. We tailored this one to Coral Gables because we are primarily residential and most of our runoff that's

going into the waterways is from the residential properties, so we tailored it to that. Other municipalities have agricultural and other large contributors of nutrients, so they have to deal with it a little bit different. So, we kind of did a scaled down version of a many other municipalities, which is much more far-reaching and expensive.

Commissioner Mena: Alright, so let me circle back to my original question because I still haven't heard an answer. And I think maybe it's more for -- I think he indicated you might be able to answer it. What results have been seen in other cities where these have been banned in residential? And if you're telling me there's been tangible results, how are those cities enforcing it?

Unidentified Speaker: Well, I think -- well, I wish I had this specifically. I was trying to look this up. They did do a ban that was somewhat similar in the city of Stuart, in Martin County, because they do have issues like this and they specifically wanted to look at limiting things such as the nitrogen and phosphorus into the waterway, specifically the St. Lucie River. And they have -- although that study -- I think the practice has not been on perhaps -- I'm trying to think of how long it has existed, but in this past year. Now, of course, they also didn't have releases from the lake, but at the same time with no releases from the lake and with this policy in force, they've noticed that they don't have the blooms that they did have before. They're still in the process of studying this because this is probably one of the more well-known ones because this is a main area where they do have a lot of these issues and they do have to worry about, you know, are we looking at septic or sewer? Are we looking at -- is it the lake? Is it, you know, our ban here in fertilizer? So, looking at all of this at the same time and trying to say -- we have a lot of co-founders. We're not sure, you know, what it is, but every little bit that they can do, they're willing to do something to add to this. And it's something that the residents in this area, of course, again, are very concerned about, so they do add to it and they are monitoring it at the same time. It's just that, over the course of time, they need to be able to figure out which one it is to be able to separate. Is it lack of lake releases? Is it the actual septic sewer issue? You know, which one are we solving, but to solve all of them, as many of them as you can, at the same time, you know, is something -- is an approach that they are trying in that area. So, I think most of these studies that we would

love to see the results for are kind of currently ongoing and we are always trying to build them -- regardless of where we are. Down here, we'd like to look at that too before we get a similar issue in Biscayne Bay that we might have currently in Lake Okeechobee. So, this is, you know, something we'd like to start now before there's a shift where it becomes more algal dominated the way that it currently is in Lake Okeechobee. If it turns that way in Biscayne Bay, if there's a way for us to stop that from happening and we may be in a spot where they were not in Stuart. So, it's a bit different. All these environments are somewhat different, and these studies are currently ongoing. But like I said, this is one of the better-known ones and they are currently claiming some degree of success with doing whatever they can to stop these blooms.

Mayor Valdes-Fauli: Okay. Let me -- I have Collin Scott and Elizabeth Kelly, who are also in 2103 and also Miami Waterkeepers. Do you also want to speak or do you want to come up and say something or...

Elizabeth Kelly: That's us? We're here. Yeah, I'm Elizabeth Kelly. This is Collin.

Public Services Division Director Dannemiller: One thing I would like to add, all three advisory boards that we took it to were unanimously in favor of it. The Landscape Advisory Board, which understands plant health and nutrients that the plants need, the plants in South Florida predominantly do not need nitrogen and phosphorus in the summer months. Those three months, you can -- and we're going to be posting our best management practices on the Public Works Landscape Services site to show what the City does to show that you can maintain a beautiful landscape without using nitrogen and phosphorus for those -- that small period of time, and also includes a 15-foot buffer from waterways. So, if you see someone putting...

Commissioner Keon: That's important.

Commissioner Mena: The only missing piece to the equation is enforceability. I hear you and what you're saying.

Public Services Division Director Dannemiller: Yes.

Commissioner Mena: I agree this is an issue that we should try to do something about. I agree -- well, I defer to your expertise...

Public Services Division Director Dannemiller: So, for example...

Commissioner Mena: That certain types of fertilizer aren't necessary certain times a year, great.

Public Services Division Director Dannemiller: So...

Commissioner Mena: I just don't think this ordinance is enforceable. And so, my question is shouldn't we really just be doing some sort of educational campaign about these issues? Isn't that really what we're talking about?

Public Services Division Director Dannemiller: So, say -- I'll give you a hypothetical. You have a property owner with grass going down to their seawall and they're fertilizing multiple times in the summer and the neighbors see them doing it. They're doing it constantly. And that canal the water testing shows that there's high nutrients, nitrogen and phosphorous in there...

Commissioner Mena: So, you're going to go out and test people's lawns?

Public Services Division Director Dannemiller: No, no, no. But if you -- if someone's applying regularly and you see them and the water tests are showing there's nitrogen and phosphorus there, and it's -- you can go out there and watch them doing it. We have nothing to say, hey, please stop doing that. We can educate them all we want, but there's -- so just having a -- just like with, you know, the cardboard and trash pile, things like that, we have a \$50 fine, like just something to get people's attention. Like, oh, why is this a fine and then educate them on it.

Assistant City Attorney Throckmorton: So, Commissioner Mena, just -- this is just like all other Code Enforcement issues, you know, trimming a tree without a permit. If we don't catch you doing it, we don't catch you doing it, but it's on the books and if we do catch you doing it, there is a fine. The fine is flexible. It's \$500 now because that's the catch-all fine in our Code. But if you want to make it a, you know, de minimis fine...

Commissioner Keon: Make it a \$50 fine.

Assistant City Attorney Throckmorton: Exactly.

Commissioner Keon: Or whatever.

Assistant City Attorney Throckmorton: Just like we have with other things.

Commissioner Keon: So that you have some...

Assistant City Attorney Throckmorton: But this is an issue with Code Enforcement...

Commissioner Keon: I don't care.

Assistant City Attorney Throckmorton: Generally. We have a lot of sections of our Code, all of them need to be enforced. Some are more easily enforceable than others. As Brook mentioned, like a noise ordinance, you get a call for a complaint and it's silent when you get there. It's the same thing. You got a call someone's fertilizing in their backyard on July 4. If you get there, they're not doing it. It's an -- you know, it's the nature of Code enforcement. But the fine is certainly flexible. The warning period is not in there just because if you get a warning during the summer and a year later that warning has expired, you would just -- you could just do it again and get another warning. It could be a de minimis fine. You could extend the warning period, so if

you do it again in 24 months rather than 12 months. I mean, I think there's a lot of flexibility with that. But I think the enforcement problem isn't a problem of enforceability across the board.

Vice Chair Lago: Matt.

Commissioner Keon: I agree.

Vice Chair Lago: If I just may add one thing.

Unidentified Speaker: Yeah, go ahead.

Vice Chair Lago: If I may just add one quick thing. I'm not in favor of having a fine. I think it should be an educational campaign using the landscape ordinance which this Commission adopted to really educate. I think that's what sets our city apart. And if you could tell other cities to adopt that same ordinance, it gives you an avenue, gives you an opportunity to get in contact with as many landscapers in your community and educate them on the best practices. I'd like to see -- if I'm going to fine -- the only way that I'd be willing to fine is basically if we include the golf courses because, for example, if you go to the golf courses on the Biltmore (INAUDIBLE) Biltmore or Granada or -- you see those areas, you know, the grass is perfectly green right on the embankment on the water there. I mean, obviously, there is some nutrients that are moving in that direction.

Public Services Division Director Dannemiller: The buffer zones would apply to the golf course as well.

Vice Chair Lago: I understand, but I just want to make sure, I just want to be clear. I'm in support of this. I mean, we've been a community that's been incredibly progressive in regards to our environmental stance, but I want to make sure that it's not just fining people \$500. Our Code Enforcement has a lot on their plate, a lot on their plate. I mean, we're about to roll out into

cardboard, which is going to be a game changer, hopefully, here in the city. But for example, if that doesn't work and we don't see results on that, I'm going to roll that back. I'm going to roll that back and we're about to go from an educational campaign to an actual now fining campaign if people don't comply. So, I think there's already a lot on our plate and a lot of issues where, you know, we may not be addressing and I don't want to just pass a feel-good resolution and start fining people \$500. I'd like to see something that, again, encompasses all of the entities that are potentially affecting our waterways. I don't think anybody should be excluded just because they have a professional working -- we saw what happened before. Professionals were working at the golf course and, you know, there was -- our waterways were being polluted, and I think that's not appropriate.

Commissioner Fors: And a little nuance I want to note is that we're not necessarily though excluding golf courses. We're -- golf courses -- if you want to get technical about it, golf courses are included. We're exempting ones that follow these rigid rules.

Public Services Division Director Dannemiller: Yes.

Commissioner Fors: So, if we go out there -- correct me if I'm wrong -- and you determine that, let's say by way of example, the Biltmore has not followed those best practices, then they're not exempt from this and you could fine them, couldn't you?

Assistant City Attorney Throckmorton: Well, we would...

Public Services Division Director Dannemiller: Exactly.

Assistant City Attorney Throckmorton: If they had the proper certification and they weren't being done in compliance with the certification, we would clearly reach out to them and let them know what we had seen. We don't have the authority to revoke the certification. We're not the Department of Environmental...

Commissioner Fors: But can we fine them?

Assistant City Attorney Throckmorton: Whatever it is.

Public Services Division Director Dannemiller: Well it says they have to have the certification and follow the BMPs (Best Management Practices). So, if they're not following the BMPs, which are extremely rigorous, far more rigorous than what we're proposing here...

Commissioner Keon: We could fine.

Public Services Division Director Dannemiller: We could fine them at that point because they're not following the BMPs. So they're not -- it's not a blanket exemption. They have to be certified and follow the best management practices, and those best management practices are designed to eliminate or drastically reduce any nutrients getting in the waterways.

Vice Chair Lago: I mean, I don't want to contradict you, but when you look at Section 2, it says exemptions. Then it says, obviously, golf courses and...

Public Services Division Director Dannemiller: But it says they have to follow the...

Vice Chair Lago: I'm -- and I just want to be clear.

Public Services Division Director Dannemiller: They have to have it and follow...

Vice Chair Lago: I'm in favor of this. I'm ready to vote for this, but I want to be more inclusive of every entity that's potentially involved here in the City.

Assistant City Attorney Throckmorton: We can clarify the ordinance to make sure that the golf courses who are following best management practices and have the certification are not exempt from the 15-foot buffer period. And if they violate best management practices, according to our Code Enforcement and Landscape divisions, they would be cited for violation of the prohibition - the time period.

City Attorney Ramos: So, I also want the Commission to determine -- I've heard a lot of things about having an educational campaign and not being punitive. That would just be a resolution...

Commissioner Mena: Right.

City Attorney Ramos: Encouraging residents not to use it and having an educational campaign attached, which is different than what's before you today. And the sponsor can...

Commissioner Keon: Yeah, I...

City Attorney Ramos: Withdraw the ordinance if she doesn't want the ordinance.

Commissioner Keon: I would leave it as an ordinance. I think that what -- anything that we can do to improve our water quality and to protect our waterways and the bay, and particularly the bay, I think that we have an obligation to do. I don't think that the fine has to be -- I think the educational component is exceedingly important. I think if most people know and they understand why you're doing this, I would think that they would comply. You may have somebody that just does whatever they want to do whenever they want to do it, and maybe that is the purpose of a fine and I don't have a problem with it if you can -- I don't care if the fine is \$50. I don't care if the fine is \$25. It's the ability to be able to enforce the item and it does make a difference.

Commissioner Fors: I also don't see...

Assistant City Attorney Throckmorton: So..

Commissioner Keon: It does make a difference.

Commissioner Fors: I also don't see that big of a difference between enforcement of this and enforcement of many of the other Code enforcement provisions. For that reason, you know, I'd be willing to lower the fine.

Commissioner Keon: To what would you think?

Commissioner Fors: Maybe 250.

Commissioner Keon: That's even a lot.

Commissioner Fors: But I don't think that -- it's 500 now, right?

City Attorney Ramos: And no warning.

Assistant City Attorney Throckmorton: That's what the -- that's what our -- there's no specific one set for this ordinance. That's our general violation of the Code...

City Attorney Ramos: So, it would be...

Assistant City Attorney Throckmorton: Ordinance.

City Attorney Ramos: 500 and no warning as written.

Assistant City Attorney Throckmorton: Yeah.

Commissioner Fors: Okay. I would do -- I would include a warning, even though I understand that sometimes that may result in people doing it more than once. But for me, if we don't do a fine at all, then we might as well not even do this.

Unidentified Speaker: Right.

Vice Chair Lago: I think it's a good idea to do a warning.

Mayor Valdes-Fauli: Okay, let me...

Commissioner Keon: So...

Mayor Valdes-Fauli: We have three more people that wish to speak. Why don't we continue this...

Senior Sustainability Analyst Anderson: Mayor, if I can real quick. I just wanted to mention you guys have all mentioned an education campaign. It's something we have had ongoing for at least six months now. We did put together a pamphlet and have been mailing that out, and putting -- we did -- Coral Gables TV did a video on encouraging proper fertilize application. So, I just wanted to address that, that we have had education going on within the community and this Commission has made water quality one of their top priorities just based on funding. And it's something that we will have baseline data going in our partnership with FIU and UM and Waterkeeper and all these organizations, and that Biscayne Bay has been designated a habitat focus area from NOAA because of the health of Biscayne Bay and it's a big focus at the County level and across the municipalities, so I just wanted to mention those points to you guys.

Mayor Valdes-Fauli: Okay, thank you.

Assistant City Attorney Throckmorton: As far...

Mayor Valdes-Fauli: Maria -- wait. We'll call you back. We'll call you. Maria Cruz, please.

Maria Cruz: I know this is a serious conversation, but let me tell you, this is the best show in town. I agree with the Mayor. I agree with almost everything that has been said. But I'm laughing because we're still -- I don't know how many months ago we started the campaign of the cardboard. Today is my recycling day. I drove here. There's more cardboard boxes on the swales than ever. We can't control it. Now, we're going to add something else in the books. You know, I think we should be at the point where we take off stuff from the books so we can enforce what we really mean to enforce. That's number one. Number two, this business of no warning. How do you justify not telling people that they're doing something wrong and hit them with a fine if they don't know about it? Because if you don't warn them, they don't know about it. I remember when people couldn't sprinkle certain times of the day; you had to warn them. How do they know? The next thing is I think it's amazing how we protect the big people as opposed to the little people. You know what? Maybe the person that takes care of some of our lungs is very proactive and very progressive and uses the right type of fertilizer. Why don't we accept those? Why do we always have to go for the big people. You know, if I lived in a high riser -- in a high rise, I wouldn't worry about the lawn because you know what? I didn't have to worry about it. Some people are overreaching here. Now I have an idea, you know, having worked in the school system for many years, how are you going to include athletic fields? B Now, is there an organization that makes sure that people -- the people that handle athletic fields in the schools are certified and know what to do. How does that work? As you know, all the years I worked for the school system and all the people that I know, I've never heard of such a thing. You know, I'm telling you, now I have an idea. I have an idea. I say we provide Code Enforcement with drones and they can watch and make sure that we're not doing the wrong thing. I mean, we're getting to that point, either getting the neighbors to call on the neighbors or people watching over or getting 500 more people Code Enforcement. I mean, come on guys. If you keep setting rules, you know what, the answer is not to set rules. The answer is not to add penalties. The answer is what I've been saying all along. Educate people. You send out stuff, you publish stuff. Most people will be willing to do the right

thing, but not if you push him to do it, not if you force him to do it. That is the problem. People see you as -- you know, we're here to tell you what to do, what happened to the idea that this is a free country and we should know what to do. That is the problem.

Mayor Valdes-Fauli: Thank you, Maria.

Vice Chair Lago: Thank you.

Mayor Valdes-Fauli: Alright, next is Deborah Swain. Deborah.

Deborah Swain: Thank you. Debbie Swain. I live on the waterway and I'm very much in support of this. I'm a big environmentalist. I think that we can be -- I think those of us that live on the waterway can learn when we can fertilize and when we can't fertilize. I also -- my husband's on the Waterway Board, and you know that board, as you heard, voted unanimously in support of this. All but one of those members, I believe, lives on the waterway, so here's another pool of waterway people that are very much in support of protecting the waterway. My only comment against the ordinance is that I think that there ought to be something stronger for golf courses. Probably the second biggest landowner along the waterway is the golf course. They do present a lot of nutrients in their fertilizer. I understand there's a 15-foot buffer. Maybe the buffer can be something a little bit different, something much, much larger to give more protection. So, I'd like you all to consider that for other properties. Thank you.

Vice Chair Lago: Thank you, Deborah.

Mayor Valdes-Fauli: Thank you.

Vice Chair Lago: Thank you.

Mayor Valdes-Fauli: Rip Holmes.

Jackson “Rip” Holmes: Hi. It’s always a danger, you know, abusing the privilege even as a citizen of talking too much, so I apologize to you. I’m on the edge here, but when I saw Riverkeeper, I just said, I got to do what I can. I know some people on Gables by the Sea that swear -- I wonder if you all have heard this, that Elliot Key is now contaminated. They say that they go out -- or they used to go take their kids to Elliot Key every year and now no longer do. I don’t know if it’s algae blooms or what, but there’s some kind of a problem out there. It’s like flipping out whatever. Maybe it’s related. I want to praise you all if I may. Our City has done -- shown great leadership. It’s -- sometimes -- don’t you get depressed sometimes saying are we getting anywhere in life? And then I go to Publix and we have paper bags. I look at our parking; we have the green vehicles. Vince Lago, Commissioner Keon, you have been good leaders. The City has been good leaders. Let’s keep moving forward in a non-punitive way. Let’s get this going. I agree with Commissioner Lago and Mr. Fors that we need to include the biggest polluters, you know, by redefining what we’re talking about, whatever. And we’ll make it easy on people, but let’s somehow move forward. Thank you.

Mayor Valdes-Fauli: Thank you, sir. Alright. Everybody has spoken that wishes to speak.

Vice Chair Lago: Commissioner Keon, since this is your ordinance, would you like to amend your ordinance and include golf courses and...

Commissioner Keon: You know what, I’m not going to include golf courses because I think that it is an industry that has -- and they -- well, what has been pointed out to us is that most of the runoff is related to residential properties. The research says that most of the runoff is related to residential properties, not to golf courses. It is an industry, you know -- I’m a golfer but I’m not an agronomist, so -- I mean, I can tell you I’m out there, but you know, what those different types of grass there and what their nutrients are and what they do, I have no idea. I will assure you that the fairways are not St. Augustine grass, so I can assure you of that. Short of that, there’s not a lot I can tell you about all of those types of grass or whatever. And I do think that at some point you

can come back with an ordinance so we can both move forward and look at something that may be specific to golf courses and athletic fields. Because we also have -- you know, UM has a huge athletic field. We have our own athletics fields. We have, you know, the Youth Center. We have Phillips Park.

Assistant City Attorney Throckmorton: So...

Commissioner Keon: We have Granada. I mean, we have a lot of those things. So, at some point, if you want to come back and look at those large areas that get a lot of use and have not the regular grass that you -- yard grass, you know, what we call yard grass. No, that's fine. I'm fine with it.

Vice Chair Lago: Could I just...

Commissioner Keon: But what we're doing here is just asking, you know -- I mean, we -- it's coming from the Waterkeepers. We have spent a lot of time talking with them, and I know Brook has and so has Matt. Their findings are well researched and there is some -- there is enough data to show that what they're asking or bringing forward is appropriate. So, I would, you know -- I do have -- you know, I don't...

Assistant City Attorney Throckmorton: So...

Commissioner Keon: Have a problem with warning.

Assistant City Attorney Throckmorton: Sure. So...

Commissioner Keon: If you want to put in a warning.

Assistant City Attorney Throckmorton: Commissioner...

Commissioner Keon: Or if you want to decrease the fine.

Assistant City Attorney Throckmorton: Sure.

Commissioner Fors: And...

Commissioner Keon: To 200...

Assistant City Attorney Throckmorton: So, I just wanted to get clarification...

Commissioner Keon: I don't have a problem.

Assistant City Attorney Throckmorton: From you all before anyone makes a motion. It's my understanding that if anyone wanted to make a motion, it would be as amended to clarify that the exemption is very limited as to Florida best management practices for golf courses. You have to follow those best management practices as well. The 50-foot buffer applies...

Commissioner Keon: Yes.

Assistant City Attorney Throckmorton: Even to golf courses and athletic fields...

Commissioner Keon: Yes.

Assistant City Attorney Throckmorton: That there would be -- and I just want to clarify the warning, whether that would be a warning in a 24-month period, whether that would be the first year of implementation would be a warning and then the subsequent year, during the prohibited application period, we would have a fine and that I've heard that you guys want the fine to be a smaller amount than what it would currently be.

Mayor Valdes-Fauli: Commissioner, do you want to make a motion?

Commissioner Keon: I would ask that -- I would like to make the motion including those with the first -- that there would be a warning for the first time. I mean, so if somebody does it in June, they don't come back and do it in July.

Assistant City Attorney Throckmorton: So, for a 20 -- a 12-month period, you would get a warning before you'd be...

Commissioner Keon: You would get a warning.

Assistant City Attorney Throckmorton: Cited again.

Commissioner Keon: Yes. And you can reduce the fine to \$100. I mean, it's -- it gives you something that should make someone give thought to what we're doing.

Commissioner Fors: To deter. And like I said, I think we'd accomplish what everybody wants here because I'm also for including golf courses. I just happen to think that this does already include golf courses, but perhaps we can clarify it so there's no doubt.

Assistant City Attorney Throckmorton: Okay, so we'll clarify that before second reading.

Commissioner Fors: So they're subjected to penalties.

Commissioner Keon: Yes. Okay, that is the...

Assistant City Attorney Throckmorton: And I will ask Brook to provide you all with a little information about how stringent those golf course management -- best management practices are because they are very strict.

Commissioner Keon: Okay.

Mayor Valdes-Fauli: It's been moved by...

Commissioner Keon: I move -- I did...

Assistant City Attorney Throckmorton: There's a first.

Commissioner Keon: Including those items...

Mayor Valdes-Fauli: Commissioner Keon.

Commissioner Keon: Including a warning and reducing the...

Mayor Valdes-Fauli: Seconded by Commissioner Fors?

Commissioner Keon: Did you...

Commissioner Fors: Yes.

Commissioner Keon: Second it?

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

City Clerk Urquia: Vice Mayor Lago.

Vice Chair Lago: Could I just ask one quick question and that's it. So, we're going to come back obviously on second reading...

Commissioner Mena: Yeah.

Vice Chair Lago: With a little bit more clarity in regards to what the motion was and what the punitive results will be. I would like to see, obviously, like Commissioner Fors mentioned, that there be little, if none, just have it be real educational in regards to the importance of this type of legislation.

Public Services Division Director Dannemiller: Absolutely.

Vice Chair Lago: I want to make sure that's what we're going to come back with.

Public Services Division Director Dannemiller: Yes.

Assistant City Attorney Throckmorton: If we come back in -- perhaps in February, we can put together and show the materials that have already been created and...

Vice Chair Lago: And I think...

Assistant City Attorney Throckmorton: What the plan would be for education.

Vice Chair Lago: And I think also the important part about it, to Commissioner Fors' comments, I want to be very clear when we talk about in Section 2(b), when you talk about exemptions, I want it to be very clear that, again, golf courses are not exempt, that they have to meet a certain requirement.

Public Services Division Director Dannemiller: They have to follow those guides.

Vice Chair Lago: I just want to make it clear on that.

Assistant City Attorney Throckmorton: We'll clarify that.

Commissioner Keon: That they have to follow their...

Commissioner Fors: To be exempt...

Commissioner Keon: Guidelines.

Commissioner Fors: To be exempt, they have to have -- they have to meet two conditions; have that certification and actually have applied it in accordance with those (INAUDIBLE).

Assistant City Attorney Throckmorton: Yes.

Public Services Division Director Dannemiller: Yes.

Assistant City Attorney Throckmorton: Right, and we will clarify that.

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)

Commissioner Mena: Can I ask when...

Mayor Valdes-Fauli: Thank you very much.

Commissioner Mena: Can I ask that when it comes back, you, A, have somebody with golf course maintenance experience...

Public Services Division Director Dannemiller: Yes.

Commissioner Mena: Here.

Mayor Valdes-Fauli: Good idea.

Commissioner Mena: B, that we have either Waterkeepers or whoever, I'd like to have data or something that illustrates any indication that this has worked somewhere else.

Public Services Division Director Dannemiller: So, for the golf courses...

Commissioner Mena: And I'd like to hear those two things before I vote yes on second reading.

Public Services Division Director Dannemiller: Okay.

Mayor Valdes-Fauli: Okay, thank you.

Public Services Division Director Dannemiller: We can do that.

Commissioner Mena: Okay.

Public Services Division Director Dannemiller: We'll do that. Thank you.

Commissioner Keon: Thank you very much...

Mayor Valdes-Fauli: Okay, we will do...

Commissioner Keon: For your work.