

City of Coral Gables City Commission Meeting
Agenda Item F-2
October 22, 2019
City Commission Chambers
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 (Attended by phone)

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item F-2 [9:36:20 a.m.]

An Ordinance of the City of Coral Gables, Florida amending the City of Coral Gables Code Chapter 78, Article 1, Section 78-1 entitled “Restricted Use of Utility Easement Property,” and Chapter 1, “General Provisions,” Section 1-7 entitled “Penalties,” to include additional penalties for violations of Section 78-1; providing for repealer provision, severability clause, codification and providing for an effective date. (Sponsored by Vice Mayor Lago)

Mayor Valdes-Fauli: F-2.

City Attorney Ramos: F-2 is an Ordinance of the City of Coral Gables, Florida amending the City of Coral Gables Code Chapter 78, Article 1, Section 78-1 entitled “Restricted Use of Utility Easement Property,” and Chapter 1, “General Provisions,” Section 1-7 entitled “Penalties,” to include additional penalties for violations of Section 78-1; providing for repealer provision, severability clause, codification and providing for an effective date. This is a public hearing item. Mr. Ceballos will walk you through it and then I have a couple of edits that we’ll be making between First and Second Reading.

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Assistant City Attorney Ceballos: Good morning again. So, this is strengthening right now of one of our particular sections in Chapter 78 regarding utility easements. Right now, there is not enough enforceability in our ability to cancel plans utility access to the even areas behind it. So we've had issues in the past with FPL and certain utilities not having ability to access the rear space through private property, so this kind of provides an additional strength to it and provides under the penalty provision under Section 1-7, a \$500 fine if you interfere with the utilities once you've been notified that they need to have access to that utility easement.

City Attorney Ramos: In addition, it allows them to go onto private property to trim anything that may be growing into the power line. The language we'll like to add between First and Second, although we believe it is the state of the law, just to make it crystal clear, is that any damage cost to the private property by FPL while they are on the property or whatever utility company, will be assessed for the utility company and their responsibility.

Vice Mayor Lago: I'm happy you brought that up. The reason why I sponsored this is because, as of late I've been visiting with a lot of the neighbors around the City having discussions about existing power lines which are overgrown with weeds, and you have, I wouldn't say really residents that are not doing their part, but you have more which are residents, people who are renting homes, they are not the actual owners of the property, or they are absentee owners, they spend a lot of time travelling for work or for business, whatever that may be or for personal and they are not dealing with this issue. So, what ends up happening is a hurricane comes or there is a threat of a hurricane. FPL is already burdened with a significant preparation they have to do for this hurricane or this storm, and a small tree that may have a branch that may be touching a line, or an overgrown hedge, or maybe these weeds that are vines that are going onto these poles could inadvertently result in, my case in point, losing power the day before the actual hurricane arrives, that's what happened to our house, and it could lead for weeks of having no power. So, we are trying to strengthen our ability to address the issue with certain residents do not want to have FPL or the utility company step in their backyard. I think this is critical to making sure that our entire system is hardened and that we maintain.

Mayor Valdes-Fauli: I agree and most houses, at least in North Gables, but in Coral Gables has easements, ten-foot easements in the back which have been taken over by their residents. Those easements allowed FPL to access these trees and cut them so they wouldn't affect the lines. Today those easements have been taken over and access has to be through...and this ensures that they will have access. Do I hear a motion?

Vice Mayor Lago: So moved.

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Mayor Valdes-Fauli: 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)

[End: 9:39:55 a.m.]