

**City of Coral Gables City Commission Meeting
Agenda Item G-1
Commission Chambers
November 10, 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, Stephanie Throckmorton
Senior Sustainability Analyst, Matt Anderson**

Public Speaker(s)

Maria Cruz

Agenda Item G-1 [12:35 p.m.]

A Resolution of the City Commission urging Miami-Dade County to adopt a countywide ordinance regulating fertilizer application and usage in the incorporated and unincorporated areas adopting the Florida Department of Environmental Protection’s model ordinance for Florida-Friendly Fertilizer Use for Urban Landscapes; providing for additional and more stringent standards than the model ordinance, including an annual period during which fertilizer application generally would be prohibited. (Sponsored by Commissioner Keon).

Mayor Valdes-Fauli: City Commission items, G-1, please.

Deputy City Attorney Suarez: G-1 is a Resolution of the City Commission urging Miami-Dade County to adopt a countywide ordinance regulating fertilizer application and usage in the incorporated and unincorporated areas adopting the Florida Department of Environmental Protection’s model ordinance for Florida-Friendly Fertilizer Use for Urban Landscapes; providing for additional and more stringent standards than the model ordinance, including an annual period during which fertilizer application generally would be prohibited.

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Mr. Anderson: Good afternoon Commissioners. Again, for the record, Matt Anderson, Senior Sustainability Analyst with the City of Coral Gables. Yes, this is a resolution just supporting the county's ordinance that was heard on First Reading in October. It's more stringent than the model ordinance and then what we brought to you all back in October. It extends the restrictive period for applying fertilizers with nitrogen or phosphorous from May 15th till September 30th. And a few other highlights are, it includes a larger buffer zone where fertilizers can't be applied next to streams, lakes, ponds or the top of a seawall. It also includes, similar to what we had in our original ordinance of golf courses following best management practices and getting their needed certifications, and in addition, commercial applicators receiving their certification from the Florida Department of Agriculture and Consumer Services. And it also allows when it comes to fines, each municipality shall have the authority to designate code inspectors to issue civil violations, and any funds that are collected go to the Biscayne Bay Enhancement Trust Fund. And we are anticipating – I know that Stephanie from the City Attorney's office is on the line and Brook and Fred are also on the line, in case you all have any questions for us.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: We had an ordinance on the fertilizer application that came on First Reading and we were waiting to bring it back on Second Reading after we had some information. In the meantime, we do have some data and we do have some information and we do know that these phosphorous and nitrates are polluting our waterways and our bay and are causing a lot of the damage to the habitat that exist there. But more importantly, this is really a regional issue. We cannot deal with this just individually as a city, it's a regional issue and it deals with the entire bay. And since the county has already passed theirs on First Reading, it's going to committee and will come back on Second Reading, and we anticipate that it will pass. We would be subject to it anyway. So rather than pass our own, I think we need to work with the county and deal with this as a regional issue and move on. So, we won't come back with a Second Reading than the one we had, we'll let it go, and we'll work with the county moving forward. Theirs is more strict than ours was, so we would be subject to it anyway.

Mayor Valdes-Fauli: Make a motion?

Commissioner Keon: I'll move it.

Mayor Valdes-Fauli: Is there a second?

Commissioner Mena: Second.

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

City Clerk Urquia: Mr. Mayor, before you move on, we do have a member of the public requesting to speak on this item.

Mayor Valdes-Fauli: Alright.

City Clerk Urquia: Ms. Maria Cruz.

Mayor Valdes-Fauli: Ms. Cruz you're on. We can't hear you.

Ms. Cruz: Alright, now you can. I have a few questions. Number one, why are we making it more stringent than what it is? Number two, I just heard commercial applicators will be excluded or exempted so that means that if we hire somebody that has a license, they can use a fertilizer. Number three, why are we extending the annual period. If we think that Miami-Dade is more stringent than ours, then why don't we just accept it as it is, instead of adding on top of it? And the last thing again, the golf courses are humongous and they have access to water that goes to the bay, and of course, we assume and we think that of course they are going to be using best practices, but does that mean that we assume that the residents will not be using best practices. Why are the residents, the ones that are always assumed to do wrong instead of the commercial? Those are the questions, maybe you have some answers.

Assistant City Attorney Throckmorton: Commissioner Keon and Mr. Mayor, this is Stephanie Throckmorton, I'm happy to answer any of those questions if you'd like.

Mayor Valdes-Fauli: Please do.

Commissioner Keon: Please go ahead and Matt Anderson can answer. Thank you.

Assistant City Attorney Throckmorton: So just to clarify. This is a resolution urging the county to adopt the ordinance that they had passed on First Reading, so it is not more stringent. I'm a little confused, Ms. Cruz, about your question. It is more stringent than the model ordinance, that's what the county is proposing, an ordinance more stringent than the proposed Florida-Friendly ordinance. Commercial applicators are not exempt. They have a licensing requirement and a testing requirement, so they are not exempt from the provisions. In fact, they have additional requirements, as opposed to residential applicators. The annual period, again, what the city had initially proposed was less stringent than what the county is proposing by two weeks. So, they've set the parameters for the no fertilizer period from May 15th through September 30th, whereas the city had initially proposed was June 1st through September 30th. Golf courses are required to follow best management practices for application of fertilizer and commercial applicators are also required to go through a training and licensing program as well. So, golf courses are not exempt from the fertilizer black-out period, in fact, they have an additional requirement to follow best management practices that's more stringent than those of our residents.

Mayor Valdes-Fauli: Thank you Stephanie.

Commissioner Keon: Thank you Stephanie.

Mayor Valdes-Fauli: Did you make a motion?

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Commissioner Keon: I'll make the motion.

Mayor Valdes-Fauli: Is there a second?

Commissioner Keon: I think there was.

City Clerk Urquia: Commissioner Mena seconded.

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

Commissioner Keon: Yes

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Commissioner Fors: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: Thank you.