

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-3**  
**January 26, 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 Works Director, Glenn Kephart**

**Public Speaker(s)**

---

Agenda Item F-3 [2:51:21 p.m.]

Discussion of potential ordinance requiring silk screen barriers on construction sites next to waterways. (Commissioner Lago).

Mayor Cason: We are going to do the two waterway related issues. We'll start with F-3 and then we'd do F-5. Commissioner Lago.

Commissioner Lago: Mayor, I'll be brief on this issue. It was brought to my attention, I know that we were talking about doing a Waterway Commission. Just so you are aware and you can start thinking about it, I already have the individual that I'd like to name to the Waterway Commission. He lives on the waterway obviously, and he's been very involved with staff on a few different issues that deal with the waterway.

Vice Mayor Quesada: Who is that?

Commissioner Lago: Manny Chamiso.

Vice Mayor Quesada: So I had spoken to him months ago and we had brought it up.

Commissioner Lago: The Manager will tell you that I told her that I'd like to have this Waterway Commission put together.

Vice Mayor Quesada: Just so you know, We brought this up like eight months ago, we were waiting on staff to...

Commissioner Lago: I know, that's why I'm bringing it up right now. I'm bringing up another issue that is incredibly important that we've overlooked; and the issue is silk screen barriers on construction sites. I visited about, I think its three or four properties that were currently under construction and I've been made aware of where construction debris have fallen into the waterway, or where there has been a collapse of the seawall, or where there was existing construction waste that the new owner of the property says they did not do, but at the end of the day its in the waterway and it has to be, those measures have to be corrected. So after meeting with these individuals, I'm requesting from staff to bring forth an ordinance which, not only requires for there to be a silk fence around the property and in the front, but for there to be some sort of protection or barrier for the waterway.

Mayor Cason: And there is another angle in that too. I think I brought it up a while back after talking to one of the neighbors. There are a lot of chain-link fences along the back, which are an eyesore, we don't allow them anywhere else because we haven't been treating the waterway as sort of a road, but you see them in the back as well.

Commissioner Lago: And I just have some photos if you'd like to see them that were sent to me by some of the residents. Like here's an example, it's really tough to see, but if you could see the right, all the way to the right, you probably can't see it. Here's another example of you have some actual soil and construction debris that's actually fallen into the waterway. It's tough to see, these are not the best photos, but you get an idea. And a lot of individuals tell you that this is pre-existing from when they bought the property. So, I'm also thinking, this is just an idea, I wanted to get some input from you, that when a property goes to full-fledge construction of this magnitude, I think that we should do a survey of the waterway before and after construction, to ensure that we are not leaving...

Vice Mayor Quesada: It's a good idea.

Commissioner Lago: I've seen cement blocks, I've seen pipes, all this kind of stuff, besides the day-to-day trash, which again, piece of plastic, a can, things fly away because of the wind, that's more what the barrier, the silk fence will protect or it also protects somebody from falling into the waterway, but major pieces of debris if they fall into the waterway and we took an account of how the waterway looked before the construction project started, and it's very easy. It doesn't have to be something crazy and over-documented. You basically have one of our inspectors that go out there on one of the first inspections, looks into the waterway and documents on a document saying, waterway is clear, there is no construction debris inside the waterway; and then before you get your seal, which you have to get your seal to get your bond back, you can't get your bond back unless that inspector, either could be from Code Enforcement, or it can be a Building Inspector goes in there and says the waterway is clean.

Commissioner Slesnick: Do we have Code Enforcement like the marine patrol?- do we have Code Enforcement on the waterway?

Commissioner Keon: We need both that can go on to all of them.

City Manager Swanson-Rivenbark: Commissioner Lago and I were discussing that. It might be time as a part of our 2017 needs assessment to put, from a budget standpoint, to put in a part-time Marine Code Enforcement.

Commissioner Lago: We have 22 miles of waterways in the City.

Mayor Cason: Forty-seven (47).

Commissioner Lago: Forty-seven, I'm sorry, I apologize, thank you Mayor, and how many entrances?

Mayor Cason: 189.

Commissioner Lago: I love it when he...

Mayor Cason: I can tell you how many boats are behind our bridges too, 324.

Commissioner Keon: Is that right?

Mayor Cason: Yes.

Vice Mayor Quesada: He's making up all the numbers...

(Laughter)

Commissioner Lago: Don't let him qualify the numbers.

Mayor Cason: Hey no, we counted every boat behind the bridges.

Commissioner Lago: Why do I bring it up with this 47 miles of waterway here, because some of the most expensive properties are on the water and people, they've asked me, listen, besides having this Waterway Commission, they want to do – they even told me, it's interesting because when I spoke to them they said listen, we are willing to even fund some of the projects, that's how desperate they are to do some of the lighting projects, some of the corrective measures in regards to the seawalls and some of the little bridges that exist. They want to really see the waterway...

Mayor Cason: And you know there are some people, again, that have contacted us that don't want a seawall because right now there are rocks and things.

Commissioner Keon: But that's your option though, but if you have a seawall that's collapsed into the waterway you've got to take the proper measures.

Vice Mayor Quesada: The point is there is a serious need for a Commission.

Commissioner Lago: Yes. There is a serious need and I'm ready to appoint and as the Manager will tell you, he's been writing e-mails for probably the last three months, two or three e-mails a week asking questions, trying to find out. So I'm ready to make my appointment, I'm just waiting, I would like to request from staff and the City Manager that hopefully at the next Commission meeting we can be briefed in regards to the waterway and request that each one of these Commissioners make an appointment to the Waterway Commission.

Mayor Cason: And even before that we need to have what they are going to do, what are they going to cover?

Commissioner Keon: Yes. I was going to say, we should ask maybe let the Manager come back to us.

Vice Mayor Quesada: What was when we first brought this up almost a year ago.

Commissioner Lago: What was it, I'm sorry?

Vice Mayor Quesada: The scope of what they are doing is they are going to be what their focus was going to be, that's what I had been waiting on from staff.

Commissioner Slesnick: Do they need to have a boat?

Vice Mayor Quesada: I think you need to, you have to live on the water. And ideally what we should do is, we should have, it should be someone like Traffic Advisory Board. So if you live on certain waterways, so for example, if you live on the main Coral Gables waterway, say near the Biltmore or down Riviera, and someone else lives on the waterway coming out of Coco Plum and the other one in Hammock Oaks, just so that we make sure that we have every neighborhood covered.

Mayor Cason: So when you come back to us, maybe lay out some of the, we'll have five appointees or are we going to have six?

Commissioner Keon: I think the Manager will usually have one.

Commissioner Lago: You can have somebody as an appointment as-a-whole.

Mayor Cason: So seven.

Vice Mayor Quesada: I think we need to make sure that we cover every major waterway thoroughfare.

Commissioner Lago: And I think you are going to be incredibly pleased by the amount of knowledge that these individuals have that we are not privy to, because we are not on the waterway every day. If you agree with me, I think that by next meeting I'd like for all of us to at least name one person to the waterway and begin to maybe schedule a meeting for March, if possible.

Mayor Cason: I think the first step ought to be the zones, because we may all come up with the exact same spot.

Commissioner Keon: We have Sunrise Harbor, Sunrise Harbor for the waterfront; Sunrise Harbor, Coco Plum, Journeys End; Gables Estates; Old Cutler Bay; Hammock doesn't have one...

Mayor Cason: Draw the boundary, so we know what they cover so we don't have any duplication.

Commissioner Keon: Gables By The Sea and in Deering. And then those are the coastal communities and then you need to look at the internal, the canals.

Mayor Cason: I support a commission, so by the next meeting let's have...

Commissioner Keon: We also need to budget for a boat that can get under every one of the bridges.

Mayor Cason: Well that could be something that they could raise.

Vice Mayor Quesada: Let them go through it.

Mayor Cason: Security – can they do security...security issues; layout what it is that they – what are the dimensions of their responsibilities?

Vice Mayor Quesada: I think what we should do at the next meeting...

Commissioner Lago: Would you like for me to make a motion based on the potential ordinance for a silk screen barrier for staff to study that and then also...

Vice Mayor Quesada: I don't think we need a motion for that, just direction.

Mayor Cason: Anybody against the silk screen...

Commissioner Keon: No. I had asked the Manager the other day, when various construction does it on the waterway is DERM involved at all in the permitting of that?- or – they are?- yes. Is it only if it's a dock its not if it's a house? Is DERM involved at all when there is construction along the waterway...?

Vice Mayor Quesada: When you say construction like on a home?

Commissioner Keon: I know if it's a dock, I know if it's a seawall, but not if it's a house.

Vice Mayor Quesada: No.

Mr. Kephart: Construction along the waterway, yes; construction along private property, not necessarily so, but its not legal to strip private property and then have it drain into the waterway, that requires silk fence that would be a violation if they are not doing that.

Commissioner Lago: And by the way, Glenn, you know that's not happening right now.

Commissioner Keon: It's not doing it. I thought that...

Commissioner Lago: I just showed you a picture right now, a property that you know that on a heavy rain it drains directly into the waterway, because there is no seawall, either the seawall has collapsed or there has never been a seawall like the Mayor mentioned. So this is something that, we have no other choice, we have to do something.

Mr. Kephart: I heard a good recommendation for the solution is that if its in the street, we see it, if its in the waterway there is a good chance we won't see it for a good while.

Mayor Cason: And Code Enforcement can't go through to look in the backyard and they are not out in the police boats.

Commissioner Lago: I give you a perfect example, you know who would benefit significantly from a Waterway Commission?- the residents near your father's home, because they have that canal that comes to an end and basically no one is monitoring that area, so the amount of trash that piles up in the canal, literally just comes to an end, and person who lives adjacent to the end of the canal is fighting that every day and we are not talking about five or six cans, we are talking about everything washes in from all the adjacent canals into this person's front of their property.

Mayor Cason: So we've agreed that they'll, you'll come back to us with a silk screen et al, other things added on, and we will have a Waterway Commission and we'll come back with some thoughts as to the geographic area for each one of our appointees, as well as the scope of what they are going to do by the next meeting.

Vice Mayor Quesada: Just to be clear. Its going to be a Waterway Board, they want to use the word Commission, that's fine.

Mayor Cason: Its an advisory board.

Commissioner Slesnick: Do we need a vote for a Waterway Advisory Board?

Commissioner Lago: I offered a motion the Vice Mayor denied me with authority...

City Attorney Leen: Wait, wait, wait. Just you need to realize that you intend for this Waterway Commission to be a standing board going forward, right?

Commissioner Keon: Yes.

Mayor Cason: Advisory committee.

City Attorney Leen: The Code requires it to be done by ordinance.

Mayor Cason: OK. Let's do an ordinance.

Commissioner Slesnick: We need an ordinance.

Commissioner Lago: I think it makes a lot of sense...

Commissioner Keon: Coral Gables Waterway Board, is that what you are saying?

Commissioner Lago: Whatever makes the Vice Mayor happy.

Mayor Cason: Advisory Committee.

Commissioner Keon: What would you like to call this? What did you call it when we talked about it earlier?

Vice Mayor Quesada: I like the sound of Waterway Commission.

Commissioner Lago: It's very masculating the problem.

Mayor Cason: Anything else on these two? We are going to move...

Vice Mayor Quesada: So we need to make a motion.

Mayor Cason: We just did, unanimously, by consensus.

City Attorney Leen: We are going to bring back to you two ordinances at the next meeting, Madam City Manager, now we are in agreement.



Mayor Cason: We are in agreement.

City Attorney Leen: So there you go, it's already done. We are already working on it.

[End: 3:02:56 p.m.]