

City of Coral Gables City Commission Meeting
Agenda Item E-6
November 15, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item E-6 [2:52:26 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending Article IV of the City of Coral Gables Code by adding Section 2-203, making it a Code Enforcement Violation to disobey a cease and desist letter sent by the City Attorney's Office, on behalf of the City, providing a repealer, severability, codification, enforceability and providing for an effective date.

Mayor Cason: Craig let's do E-6.

City Attorney Leen: Yes Mr. Mayor. An Ordinance of the City Commission of Coral Gables, Florida, amending Article IV of the City of Coral Gables Code by adding Section 2-203, making it a Code Enforcement Violation to disobey a cease and desist letter sent by the City Attorney's Office, on behalf of the City, providing a repealer, severability, codification, enforceability and providing for an effective date. This is a public hearing item on First Reading. I'm going to have

the Deputy City Attorney present it, and then I have a couple small revisions to the ordinance based on my review yesterday.

Deputy City Attorney Ramos: Essentially the concept of this ordinance is to make it a Code Enforcement violation to not follow our cease and desist letter. That said, I've issued three in the last few months, really three since I've been here, and all three establishments have complied. So it's not that people are not heeding our cease and desist letters, it's just that we want to have a hammer in case that they don't. And so essentially, we issued cease and desist letters violation of the City Code, the Zoning Code, and what if you don't comply?- so then now we can ask Code Enforcement to ticket the individual for not complying with our cease and desist letter. Its \$500 per day.

Commissioner Lago: Is this common practice in other cities or we are just getting another tool.

Deputy City Attorney Ramos: I think this is another tool and I think it's innovative.

City Attorney Leen: So there are two edits I wanted to do, these are just my own, looking at it again and thinking about it last night. I wanted 2-203(a) where it says, "or any other applicable laws," I'd like it to say, "or any other applicable local, state, or federal laws." That's just to make it a little bit more specific. Number two, 2-203(d) it says, "As a cumulative remedy the City Attorney is authorized to file a civil action," I just want to make it a little bit more formal, "to enforce the cease and desist letter with the City entitled to an injunction and the violator bearing the City Attorney's fees and costs." So I just wanted to add that to make it a little more formal because what we'd likely do, we'd ask the court for an injunction, we will either do one of two things; we'll issue the cease and desist, they will comply, then Code Enforcement can go and cite them, or sometimes when we are sending a cease and desist outside the jurisdiction we will have to go to court and essentially seek a nuisance abatement, and so that will give me the ability to file an action and say, I'm seeking an injunction and then we will try to get the court to issue the injunction. So those are the two changes, it doesn't change the substance; it just makes it a little more formal.

Mayor Cason: Any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: Close the public hearing.

Vice Mayor Quesada: So moved.

Commissioner Lago: Second the motion.

Mayor Cason: Vice Mayor makes the motion, Commissioner Lago seconds.

Vice Mayor Quesada: I wasn't sure if there was anything else he wanted to say.

Mayor Cason: City Clerk.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 2:55:17 p.m.]