

City of Coral Gables City Commission Meeting

Agenda Item E-2

March 14, 2017

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

Deputy City Attorney, Miriam Ramos

Public Speaker(s)

Agenda Item E-2 [4:07:08 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, requiring landscape maintenance contractors, tree trimmers, gardeners and others similarly situated to register annually with the City prior to performing any work in the City; providing for a repealer provision, severability clause; codification; enforceability and providing for an effective date. (Sponsored by Commissioner Lago)

Mayor Cason: The last thing we have is another Ordinance on First Reading that's E-2; let's try to get that out of the way.

City Attorney Leen: Thank you Mr. Mayor. Item E-2 is an Ordinance of the City Commission of Coral Gables, Florida, requiring landscape maintenance contractors, tree trimmers, gardeners and others similarly situated to register annually with the City prior to performing any work in the City; providing for a repealer provision, severability clause; codification; enforceability and providing for an effective date. This is sponsored by Commissioner Lago. It's a public hearing

item. The Deputy City Attorney is here to talk about it; we also have the Public Works Director. The one point I want to make is there were some individual questions raised regarding what this applies to. This is focused on vehicles of individuals who are gardeners. So the vehicles are what are registered that's what the specific Code provision says.

Deputy City Attorney Ramos: If you look at one of the attachments to the actual ordinance, it's the application that Diana Gomez put together and you'll see what it requires, it's basically the type of truck or vehicle, make, model, tag number, and then the registered owner and then the company or the landscaper up top. So the idea is to be able to identify these vehicles. I do want to make two changes, kind of here...One is that this will be – it's meant to apply to residential districts and it doesn't say it, we want to add that and make it very clear; and the other is under exemptions, it exempts at the moment it reads as exempting City vendors for performing work on our behalf. We do not wish to exempt City vendors, but we will waive their fee to register, we still want them to have a decal because it makes it a lot easier to enforce for police and code, if everybody is required to have a decal. Its \$5 per vehicle to get the actual decal and that's also attached to see what it looks like.

Vice Mayor Quesada: Does that include the trailer that they are sometimes using?

Deputy City Attorney Ramos: Each vehicle – each piece is considered a vehicle because a trailer is detachable, so you want to make sure the trailer is registered as well as the vehicle that's pulling the trailer.

Commissioner Lago: And let me just give you, just so you are aware of, there are other municipalities, for example, Pinecrest, I provided the ordinance to staff, Martha has it if you'd like, she can bring it from our office here, she can take a look at it, they are already this. The \$5 barely even covers, I don't even think it covers administration; it doesn't even cover the printing of the decal. The reason why I decided to bring this up, for your attention, hopefully we'll approve it today, is because we need a way somehow some way, to get in touch with a lot of these individuals that are in the Gables that, number one are, could potentially be another set of eyes and ears in the City. For example, if you have a "Be on the lookout" for an individual, a BOLO, for a suspicious individual in the community who is in the community while at work, people who are doing landscape work and they are always working on the streets, they are always working in front of the yards, so they know if potentially a suspicious individual may have walked by, so you can disseminate information extremely quickly. You can also use it as an education tool to notify them of a new procedures, new codes, maybe we do move one day from gas blowers to electric blowers and that becomes the code, that way you can disseminate that information, instead of having our Code Enforcement officers stopping at every single individual they see in the street, you can notify the at once. That's another great opportunity to really get in

contact with them; And finally, I thought what if we have an emergency in the City, in the North Gables, some tragedy, there is a major accident, or God forbid a natural disaster, you can get in contact with a whole host of individuals who are currently working in North Gables and they can assist in one shape or another. So the idea here is not to over regulate or to be a burden in reference to fees or cost. The idea is just – there is a lot of people working in the City and there is no way to get in touch with them; and what if one day we decide that we don't want landscapers to be parking in the middle of the street, we want them to be parking, if you have a certain size vehicle to park inside someone's driveway or to park on the swale, there is no way to get in contact with those individuals.

Vice Mayor Quesada: I was going to vote against this until you just spoke on it. I hadn't thought about those things.

Mayor Cason: And it's also a good way where you can let them know about things like new rules we are going to have on pesticide, there could be change of hours, so it's the only way you can contact these people.

Deputy City Attorney Ramos: Mr. Dannemiller also put together kind of some traffic patterns or traffic rules that they should be following and that's part of the ordinance that they have to follow those, and this is what the decal will look like, and then we'll just be providing them like your license plate, you just get the year. So as they renew they don't need to remove all of it, just the little piece...

Mayor Cason: A suggestion as we, if we move forward with this it would be useful to identify these people. Somebody who is going to be driving through the City can go up to them and actually have them, almost like a mobile permit, fill it out right there so you don't have to have them come in here in their work clothes, some of these are Spanish speaking.

Commissioner Lago: And there's another thing that I forgot to mention, which something that I've actually caught people in the act and a lot of people have called me and said hey, I cut my yard on Tuesday; I know that my landscaper is at my house right now, I saw him on the cameras, they are doing the work at my home every other Tuesday they go, so I know that they are there. So I know there is going to be green matter in my pit, excuse me in my garbage pit. If I see it on a Wednesday or if I see it on a Monday, I know that it was somebody that illegally dumped. I think this is a great opportunity and I caught people doing it and I've actually submitted a photo of a car and if you don't catch the car, or someone called me and says, X or Y landscaper was here and you really have no proof, but what you have now is an opportunity to identify somebody on the spot and I imagine Public Works can show us, they probably didn't come prepared today, I didn't ask them, but they've showed it to me before on multiple occasions that

our tipping fees for green matter has just been going up exponentially. Why?- because the gig is up, everybody knows already what's going on. You come to the City of Coral Gables – I'm not even talking about refrigerators and VCR's and all that kind of stuff, people are dumping here in the City, we know that; but green matter, your landscapers are known for doing Coral Gables in the afternoons after they've done other municipalities and they just dump it here in the City. Now this is a way which I think that once we have assigned this information we can notify them, please make sure that you only dump Coral Gables matter in Coral Gables trash pits, and if you see people doing that now you know the following car or the following tag number, as per the City of Coral Gables is illegally dumping.

Deputy City Attorney Ramos: The ordinance also provides for a 15 day window for warning, so we give warnings and allow 15 days for them to come in and register.

Mayor Cason: And let's help them register right there on the site so they don't have to – a lot of these people are just getting by with not much money.

Commissioner Keon: Can they do it online?

Deputy City Attorney Ramos: Yes – and the bigger companies will have access, probably the mom and pops may not, I don't know.

Commissioner Keon: You can do it on your phone.

Deputy City Attorney Ramos: But the idea is for us to place it online and then Diana is going to be kind of fielding the registration part, but I'll let her know about maybe connecting it with – giving it to code, so when code sees it, they can give them the opportunity.

Mayor Cason: Exactly.

Commissioner Lago: That's important what Commissioner Keon and the Mayor said. I want to make it as easy as possible. I don't want people to, again, no lines just like the passport, but we made it so easy for you to get a passport here, I want to make it really simple, just make it something that it's an afterthought and once you go and you get it done, it takes five minutes, you submit your documents and you're done.

Deputy City Attorney Ramos: And the renewals once you do them online they'll just get them in the mail and just put the sticker on.

Mayor Cason: And just one clarification, because if you read the cover page and then you read the text, it looks as if gardeners without trucks are covered, but really this is the vehicles that are associated with these people.

City Attorney Leen: Its vehicles.

Mayor Cason: Yes, because I have a gardener that doesn't have a truck. He comes on a bicycle and he's not going to register.

Commissioner Lago: How does he carry...?

Mayor Cason: Because I have my own stuff.

Commissioner Lago: So why don't you do it yourself Mayor.

Mayor Cason: It's too much work. (Laughter)

City Manager Swanson-Rivenbark: Mr. Mayor as another positive addition, you'll remember we had an incident where defective garden equipment from the trucks and so our people had to send by flyer to all of the gardeners. This way we can do by e-mail and alert them.

Commissioner Lago: Right there you are saving money on postage and you are saving money on paper and you are being environmentally conscious, because at the end of the day it's almost as important, if not more important than the actual money that you are spending.

Deputy City Attorney Ramos: I'll amend the title, Mayor.

Mayor Cason: Just to clarify that. We don't have any speaker cards? No? We had one but he left, but we had two e-mails, one opposed and one favors, so I will put that in the record as well.

Commissioner Lago: What was the opposition?

Mayor Cason: The opposition just said, I oppose this ordinance its unnecessary activity, not a process to monitor trucks in the neighborhoods, nor sufficient personnel to do the job. Any public safety benefit is purely conjectural. The Commission should not pass ordinances that can only be selectively enforced. This is pretty simple.

Commissioner Lago: At the end of the day, enforcement we have NSA, Neighborhood Safety Aids, which will be out there, we have Code Enforcement and we are empowering them to really

make sure that people follow the Code, and again, it's just a simple look at a vehicle. Do they have the sticker or they don't have the sticker.

Mayor Cason: Alright. Anymore discussion on this?- close the public hearing. Do we have a motion on E-2?

Commissioner Lago: So moved.

Mayor Cason: Commissioner Lago makes the motion, seconded?

City Attorney Leen: Mr. Mayor as part of that motion we are going to amend the title. I just want to read it since I'm here; I can read the title right now. We are adding the words...just read it so that it's been read.

Deputy City Attorney Ramos: An ordinance of the City Commission of Coral Gables, Florida, requiring landscaping maintenance contractors, tree trimmers, gardeners, and other similarly situated to register annually all vehicles with the City prior to performing any work in the City; providing for repealer, severability, codification, enforceability, and an effective date.

Mayor Cason: Right.

City Attorney Leen: That is now the title that will on Second Reading; it's been read today as well, everything is incorporated herein, so you may proceed.

Mayor Cason: So second – Commissioner Keon – City Clerk

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 4:17:28 p.m.]