

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-1**  
**February 28, 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**  
**Landscape Services Director, Brook Dannemiller**  
**Assistant Public Works Director, John Osgood**

**Public Speaker(s)**

**Rhonda Anderson, Coral Gables Resident**

---

Agenda Item F-1 [12:17:23 p.m.]

Discussion regarding City swales  
(Sponsored by Commissioner Lago)

Mayor Cason: F-1.

Commissioner Lago: Thank you Mayor. I put this on the Commission, as a City Commission item, because I wanted to take advantage of just maybe two or three minutes and call up our staff, because I've had several site meetings with residents who, I don't want to say had complaints, but had some issues in regards to the neighboring swales and the intention that certain people were taking to them and we've heard on multiple occasions, not the excuse, but the fact that people say that the swales cannot be properly maintained, people are placing...like myself once or twice a year, grass, because I obviously don't have enough sufficient light to

make sure that the grass continues to grow properly. So, I wanted to make sure that we just had maybe two or three minute presentation from staff and Brook basically reiterating the fact that we did everything in our power to ensure that the City notified the residents that if you do have a swale that is not in the best of condition, it is imperative that you deal with this issue and that we as a City has taken the necessary measures to give you options. The idea that you continue to just pile new grass unto dead grass does not work, number one, the grass with eventually die, it will not stick, it will not grow, you have an issue with percolation. So, I wanted basically, our staff to just give a quick synopsis, so that we can continue to educate our City residents on what are the proper procedures that are in place that this Commission took recently to ensure that if you don't have enough light to deal with the issue of grass that you can plant certain trees, you can put a little bit of, I don't want to say rocks, but you can put crushed granite, crushed stone. Take it away Brook.

Landscape Services Director Dannemiller: So, we now have a Public Works permit process where we can administratively approve alternatives to sod in the right-of-way, before you could just do sod or a three foot ring of planting around the tree. It's a no cost permit fee through Public Works Department and if you have shade conditions like a banyan tree or very heavy shade, then we have a list of preapproved plants that you can use, they all stay about 24 to 30 inches in height, and they are pretty bulletproof plants. You need a permit for it, because we want to make sure it's done properly. We have a memo on how to successfully grow grass in the shade, if you do want to maintain grass. Our main issues are compaction from parking over time, so you have to decompact the soil, fill it up, or replace it before laying the sod, but we try to give residents as many options as possible. In areas where you need to park, for example, on Columbus where you have the banyan trees where grass is never going to grow, but you still need to be able to park, we have decorative crushed stone options, ones ulite, ones kokina, and one is granite. For the kokina, we are only allowing that for the residential low traffic areas, because it's not as durable as the other two, and we are really trying to expand the kiddy parks that residents have to maintain their swales in an aesthetically pleasing manner.

Mayor Cason: So, the public can find the permit process where on the website?

Landscape Services Director Dannemiller: We are going to post them on the website shortly. We are trying to get through the first few permit applications to streamline the process before advertising it widespread, because we want to make sure it's a pleasant and smooth permit process. So, we are working through the first few applications now and once we get a couple of installations then we are going to post it on the website and advertise it more heavily, but we wanted to do our pilot few permits first before we had a widespread rollout.

Mayor Cason: Got it. We have one speaker card, Rhonda Anderson.

Ms. Anderson: Just a couple of points I wanted to bring up and I put some of the points on the card itself and I applaud the efforts that the City has taken to beautify the swale areas; and in my block area the big issue is erosion from parking on points at a higher point and eroding down to my lower sitting piece of property, so I end up with everybody else's soil in my lot. The other issue is the trash pits in the swales and I just brought a couple pictures for you to identify some issues that perhaps we can take a look at in the coming year and try to look for some solutions. So, if I may approach.

Commissioner Lago: Please.

Ms. Anderson: One of the issues is aesthetics in the promotion and dumping, the unsightliness and the damage to the curbs to our City trees by picking up these piles that are just piled next to the tree trunks themselves, and it does not promote recycling. You see a large pile of boxes and in one of those pictures it was right off Granada Circle on the corner of De Soto and Granada. Not a sight to see that you'd want people coming into Coral Gables to go to the Biltmore Hotel to see that this is how the City Beautiful deals with trash. And the other is, by taking care of all these items the City can enhance its star rating and the ability to be able to qualify for the star rating, because by allowing trash piles we make it easy for those to just dump these boxes out, as opposed to cutting a tape, folding them, putting them out next to the recycling bin or hopefully sometime in the future a sufficient size bin to accommodate some of the larger pieces of cardboard. The other aspect of these trash pits that I see routinely is, it's not even an hour or two after the trash is picked that there is not a Burger King bag, a Styrofoam cup, a plastic bottle was thrown, not even in the trash pile, but even all over the place.

Mayor Cason Styrofoam we don't like.

Ms. Anderson: And then the issue of dog waste. There is a long standing practice that the dog waste bags not only end up in the trash pile, but then it rains and they end up in our City drainage systems. So, we are promoting a huge bacterial problem and issues that will go on for a long time. I know this is a thorny issue, I was a recipient of some of the boos at one of the City meetings, I was a little surprised that adults conduct themselves that way. I'd like the Commission to consider having an open discussion about this and seeing how we can as a City modernize our trash pick-up and the appearance of our swales, because if we are going to talk about swales we need to talk about this as well, and I'm thrilled that the City is doing a no permit means for people to try to improve their swales, because it's been a long standing issue of ugliness where everybody parks. So, I applaud that. This is my food for thought for you today; that tree is on Sevilla, it was planted about ten years ago, huge stars on it next to where the trash pick-up occurs, and it was sad to watch that happen and routinely. We plant trees, there are some

right on Toledo and right off of Coral Way, there is a young tree planted and there is a pit about this deep next to it and it's not good for the trees, so we need to think about what we are doing and not plant – damaging plants and damage stuff. So, thank you for your time.

Mayor Cason: Thank you. City Manager, the existence of the pits is not in stone, right?- in essence they can be moved, I mean if they end up next to a tree that's grown, it seems to me we ought to move them.

City Manager Swanson-Rivenbark: It is not our goal to have a trash pit hurting a tree. John Osgood would it be alright if a trash pit, and we are trying not to have pits anymore, can you advise what the process would be?

Assistant Public Works Director Osgood: Yes, thanks. There are two or three different options that we have. One is, we can eliminate the pit, if it's not necessary anymore; the other one is, we can fill the pit, but in cases where its next to a tree or it's a traffic issue of any kind, we are in the process right now of evaluating the ones on Red Road and see if we can eliminate those altogether for collection reasons and traffic reasons, but we can visit the property the coordinator and myself and see if there are any options for removing it. Ideally, we don't want them near drainage facilities or trees, we don't want them up against trees, and the last thing we want to do is plant new trees and then impact those through our trash collection.

Mayor Cason: So, anyone who has one next to a tree or has a problem should call you and their options.

Assistant Public Works Director Osgood: That would be fine too; and we are working with our collection team too, to let us know of those kind of challenges, because they are the ones that are picking it up, they should be reporting the pits themselves, so that residents, the deep ones I mean, the dangerous ones, so yes, either they can call the sanitation number or e-mail us at Public Works Sanitation and just let us know.

Commissioner Lago: Mayor if I may. I have to ask my wife first, but I may want to get rid of the pit that we have in our house. I have already my landscaper who I can tell him to take the green waste and it's interesting, because they don't even cut my yard and say this weekend there is green waste in there. So, I wonder because I look at my neighbors and my neighbors haven't had their yard cut, so obviously somebody is coming in illegally and dumping. That will be another discussion for another day, so I didn't know that. I would like to speak with you once I get back into town with potentially having somebody come to my house and we can discuss, because the pit is on the side of my house, but not in front of my neighbor, but again, my neighbor doesn't have a pit that they use, so maybe – Again, I want to be a good neighbor and I want to speak with

them first, but again I don't own the swale as neither of us do, but its directly adjacent to my driveway and probably about ten feet away from an actual catch basin, and between two trees. Just really quickly, Rhonda, I know you are super busy; I just want to commend you for all your hard work. You have an extremely busy legal practice and you are travelling constantly and you waited here and I appreciate that, because I know how important, you have no agenda, so I want to make sure that if anybody boos you, you have a good sense of humor, so at the end of the day you don't take this to heart and know there is a bigger cause out there. So, I wanted to personally thank you, I really wanted to thank you.

Ms. Anderson: Thank you.

Commissioner Lago: This picture right here we all know whose house this is, this is Vice Mayor Quesada's house.

[Laughter]

Mayor Cason: See all those no goods he bought (laughter).

Commissioner Lago: I just really wanted to this point really quickly. Look, in the future, in the near future we are going to have a serious discussion about cardboard, and I'm just going to put it out there, again, it may be difficult to get rid of the trash pits altogether, we may move to a certain kind of minimization of the trash pits, but there is no reason, and this is my opinion, there is no reason why we should be picking up cardboard when it is recyclable. It just takes an additional few moments. The City is going to have to take certain measures in the near future. If somebody throws a piece of cardboard, and again this is just one piece of cardboard that someone, not inadvertently, but obviously opens their window and throws it out there, kind of like what happens with a lot of cups and plastics and dog waste, we'll pick it up, but I think that when you see this kind of behavior it's just so excessive that people are dumping out of all days during the week, it's not even the evening before, it's becoming a nuisance, it's an eyesore, and it really takes away the idea that we are the City Beautiful.

Mayor Cason: And you know we've raised this over and over and over again that the night before at 5 o'clock you can put your stuff outside, but really Code Enforcement has to go after people that are throwing it out all week long when they know it's illegal; everybody that has moved into the Gables in the last six years I send a letter to with all the garbage – they know it, and until they get a fine they are going to continue to do it or they are going to let their gardener do it or their housekeeper, but the time for tolerance has past. We need to give Code violations to people that do that when they are not supposed to and dog waste that's just a question of civility, I don't know how we are going to handle that.

City Attorney Leen: Mr. Mayor just so you know what we've done. The City Manager's office, the City Attorney's office, Code Enforcement, we prepared basically an opinion and an approach, so that if there is dumping or certain extreme violations they get immediately fined.

Commissioner Lago: Let me just interject and I appreciate what you are doing, you are doing what's correct and what's needed, but we can't be – there are 18,000 or 17,000 residents here in the City of Coral Gables, you can't be on top of everybody. This has to be a concerted effort by the City to stop this kind of behavior, because people aren't going to stop. What are we going to start doing, fining people for cardboard? We just have to either stop picking it up...

City Attorney Leen: The other point is that, you know state law requires us to give warnings unless its extreme conduct or irreversible, so we have to give one warning, Code Enforcement gives one warning per year, so you get one warning and then you get twelve months and if you do it again you get fined. So, we have a very strict regime, I think Code Enforcement is doing excellent work. I know the City Manager is on top of this, because she has been sending a lot of messages about it, Peter is, I am, everyone is looking at this, and we are doing our best. You're right, enforcement can be an issue sometimes, but this has become a top priority.

Commissioner Lago: It's an issue of – it's not only the cardboard, its's inside the cardboard boxes, because for example, I'll give you an example. I travel Blue Road every day, if you were on Blue Road this past week, there was Styrofoam everywhere.

Commissioner Slesnick: It blows out, it blows out.

Commissioner Lago: Yes, it just blows out. But I'm not talking about a few pieces of Styrofoam, I felt bad for some of the residents in that neighborhood, there was Styrofoam up and down Blue Road, all the way to Riviera Country Club. It gets to the point where you think to yourself, OK; by the way, the waterway is right there. Again we have to – I don't want to fine anybody, it's the last thing I want to do, but it gets to the point when you drive and it's just so blatant, house after house after house after house, it keeps putting all this cardboard out there when it's recyclable.

Mayor Cason: But, you know they will not stop doing it some people unless they get a fine, and even if they get a fine it may not stop it, but it needs to be done.

Commissioner Keon: I think sometimes maybe we should look at the alternative to fining. I really think that when someone puts these things out, particularly on an inappropriate day, and they even put it out on Sunday, because they've cleaned out their garage, and the pick-up isn't

until Tuesday, I would like us to look at whether we have the resources as soon as its reported to go out and pick it up and bill for the additional pick-up.

Commissioner Slesnick: Can we do that?

Commissioner Keon: Instead of fining, just send them a bill for the additional pick-up.

City Manager Swanson-Rivenbark: Let us take a look at it before we...

Commissioner Keon: No, I'm not saying if you will look at it; look at the, I know I called over the weekend, because there was a matress sitting on the side of the street that looked terrible and they do go out and pick it up, but I think fining people is they come in, they negotiate the fine, and we know that fines from people, someone sells or moves or whatever, all of our fines end up, they generally don't get paid, we waive them. If we bill them it's a lien, a bill, an uncollected bill, so maybe you can look at the legality of that and if we have the resources to do it and whatever. You also have to have some recourse that people are aware of when someone else is dumping in front of their house and they get a bill or they get fined that they can call and have it addressed. I know someone sent us all, I think an e-mail about someone placed a toilet, somebody must have been renovating and placed a toilet, and it apparently was not the resident, but we need to go pick it up, there are all kinds of things, but I think that there needs to be the opportunity even if it's on the warning, even if it's we do bill or whatever, that tells the person that if you don't believe this is yours or whatever, if we have it with this kind of thing, there are mailing labels on all of these, so you know it's going to that house. But I think there are sometimes when people do dump trash in the City, because they know that we are picking it up, but I think once we start learning that and people start learning that we are not going to talk about it anymore. You do an educational campaign and then you just if possible, you go out and pick it up and send them a bill.

Commissioner Slesnick: We do have regulations right now for cubic feet that could be picked up and this picture looks like its lots more than what is allowed on a normal trash pick-up; and also John, I commend you also for being so vigilant, was this a recent photo? It looks like...

Assistant Public Works Director Osgood: It was fairly recent; it was December of last year as I was heading out of the sustainability meeting.

Commissioner Slesnick: After Christmas?

Assistant Public Works Director Osgood: No, people just moved in. It was the house that was vacant for so long.

Commissioner Slesnick: It looks like somebody who just moved in and maybe to give them, to be fair they don't know the rules and regulations of Coral Gables and drive by and see other trash piles, so they should have gotten a warning, but that is a very, very large pile and I understand that cardboard is the only thing we get paid for, for recycling, right?

Assistant Public Works Director Osgood: Its one of the more marketable commodities. Along those lines two things related to the cardboard. We just developed a new information piece that's targeted directly at cardboard and not placing it in the swales. In kind of keeping with our triple bottom line, the people keeping the swales looking as nice as they can without cardboard in it, it does cost us less to recycle cardboard than it does to throw it away, and it preserves landfill spaces. No reason that cardboard should be out in the swale and we just developed a new piece addressing that, so it's a little piece; and the other thing that we should add to our website as we finalize some of the information, so residents can use our services better is, the fact that if they have a move in or a move out that they can call us, if they have lots of moving boxes, instead of thinking, what do I do?- can I recycle?- just call us and we can make a special pick-up of the moving boxes to keep them out of the swale and to keep them out of the garbage can.

Commissioner Keon: Also for move out, because I find if you have renters, oftentimes as renters move out and new renters are coming in, sometimes old renters if they decide they don't want to take some stuff with them, it ends up in the swale, and ends up in the garbage, but that is an issue that I think is the responsibility of the homeowner that's renting, that they need to tell their tenant and help make their tenant understand that if they do these things the property will be fined or if we pick it up that they will be billed for it, so they have a responsibility in dealing with their tenants. Most of them have security deposits and whatever else, so they can withhold it from their security deposits, if you find that there are offenders to this. Are we doing anything to change the recycling bins that we have for cardboard?

City Manager Swanson-Rivenbark: That I have learned is a very touchy topic and we are evaluating, but we are not ready to move forward with the conversation yet. At this point, we are looking at what are the solutions, so that people that have big boxes that don't want to cut them down, what are they; and it's going to take us a while, but we will come up with some solutions and we'll throw it out to the public and we'll get a good conversation going.

Commissioner Slesnick: Perhaps we also could work with the Board of Realtors who specializes in Coral Gables to alert all the realtors, because we know when people are moving in and out, basically if there are more expensive properties to educate them a little bit better and have a daily website, so things could come out on that.

Ms. Anderson: Well, I had a question I think this would go to Craig Leen. With all the disclosures that are required in real estate closing packages, is this possibly one that could be added to inform, it's a disclosure, but inform them of these requirements of the City of Coral Gables?

City Attorney Leen: You know it's interesting, because that issue came up with historic regulations too at one point, and I remember Dona Spain started going and speaking on that. Yes, it's something that we could take action to require that.

Ms. Anderson: OK. Well thank you for your time.

Mayor Cason: Thank you. And also just to remind people watching, buttons, pyramids, steaks, and flags are not a solution for the swales, prohibited.

Commissioner Keon: And no parking signs?

Mayor Cason: And, we are trying to get rid of no parking signs and actually no dumping signs, because they don't work.

City Attorney Leen: Obviously that's an issue for the City Manager, but they do allow some flexibility to staff to address acute concerns.

Mayor Cason: Exactly.

Assistant Public Works Director Osgood: One last word on the trash pits and the proximity to trees. What reminds me, there is a five-foot minimum requirement from the tree to the trash pit, so if residents are wondering how close it should be or if they should call, a minimum of five feet and that goes for fire hydrants or drainage facilities as well.

Mayor Cason: Great. Thank you very much.

[End: 12:41:30 p.m.]