

City of Coral Gables City Commission Meeting
Agenda Item E-4
September 13, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Assistant City Attorney, Gus Ceballos

Public Speaker(s)

Agenda Item E-4 [1:21 p.m.]

An Ordinance of the City Commission amending the Chapter 82 Vegetation of the City Code in order to clarify tree protection provisions and associated code enforcement actions and fines, providing for a repealer provision, severability clause, codification and providing for an effective date. (Sponsored by Mayor Lago)

Mayor: Moving onto E-4.

City Attorney Suarez: E-4 is An Ordinance of the City Commission amending the Chapter 82 Vegetation of the City Code in order to clarify tree protection provisions and associated code enforcement actions and fines, providing for a repealer provision, severability clause, codification and providing for an effective date. Assistant City Attorney and City Prosecutor Gus Ceballos will present the item.

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*Agenda Item E-4 – Ordinance amending Chapter 82 Vegetation of the City Code
To clarify tree protection provisions and associated code enforcement actions*

[Date]

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Assistant City Attorney Ceballos: Good afternoon Mr. Mayor, Vice Mayor, Commissioners, Gus Ceballos. So, this item does a few things, it's a lot of clean-up, but I'm going to go ahead and highlight some of the important provisions that there are changes to. So, on the first page, we are adding additional language that defacement of trees, including things like stapling or fixing any sort of document to a tree would be a defacement of the tree. On page 7, you'll find that fruit trees are no longer to be calculated as part of the existing tree canopy if the property meets all applicable landscape requirements. So, if you meet the requirements from other trees, your trees are not part of that calculation. If you'll notice on that following page, on page 8, palm trees are no longer to be used as mitigation of canopy loss. There's been a lot of discussion on these issues. We want to promote shade trees so that that is no longer an option. So, if you take down two large oaks and you need to replace 1,000 square feet of canopy, you can't just put a bunch of palm trees everywhere, that is no longer allowed. Additionally, some changes in terms of enforcement. We include that the initial violation for Code Enforcement Board and a ticket will not exceed a thousand (\$1,000). The \$5,000 for repeat violations, obviously, if it is a city tree, the board can take it all the way up to \$15,000, but that remains the same. Most of the other changes are, there is a lot of language about court of competent jurisdiction, we don't ever take these items to court of competent jurisdiction. Doesn't mean we don't have the ability to. We still retain the ability to if we need to institute some sort of civil action. We can't do that but it's basically just cleaning up the section so that it reads a little easier; and we're also increasing for tree mitigation. So, when there's a contribution in lieu of mitigation, we're increasing it from \$1,500 per tree to \$2,500 for every 500 square feet that's being replaced.

Mayor Lago: First off, thank you very much for working with me as the sponsor of this item. One of the key things is, obviously, the palm trees for mitigation. I want to try to remove that as much as possible. We want shade trees. Are there any other further questions, any public comment in regard to this?

City Clerk Urquia: No, Mr. Mayor.

Mayor Lago: Commissioners anything?

Vice Mayor Anderson: Mayor, I appreciate you bringing this, and I'll study it a little bit more between first and second reading, but since I have you in front of me, Mr. Ceballos, I have a question. We put in a minimum fine, can we?

Assistant City Attorney Ceballos: We could.

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Vice Mayor Anderson: Okay. I'll think about it between first and second.

Mayor Lago: Let's do it.

Assistant City Attorney Ceballos: We'll definitely look at that and see whether that's allowable.

Vice Mayor Anderson: That's my suggestion. Between first and second, I'll look at it.

Mayor Lago: I welcome that. Again, I think the key here is to really start building on our effective tree ordinances and more ordinances, more resolutions, bringing actual items to the Commission which really address issues that are pending and that are outstanding. This is an example of one that we need to clean up. I want to really limit what we're seeing out there. I mean I'm seeing trees get cut down on the median, the fines are peanuts. People are cutting them down so that their cars don't get stained. I have one of those next to my house on a white wall, I have to constantly address the issue. If this is the approach that the Commission wants to take, then we'll just start cutting trees down all over the city. I am adamantly opposed to it, adamantly opposed to it. But we need to enforce the fines, so if someone is going to tell one of their landscapers to come on a Saturday or Sunday and cut down a tree because there's too many leaves in their pool, or because there's too many – staining a wall or staining their car, there has to be real repercussions to that, and the mitigation cannot be, let's just put up a few palm trees that don't offer any shade. The trees have to be a certain height, certain caliber and it has to be in line with our standards here in the city.

Assistant City Attorney Ceballos: Understood.

Mayor Lago: With that, I'll entertain a motion.

Vice Mayor Anderson: I'll move it.

Commissioner Menendez: I'll second.

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

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Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Mayor Lago: Yes

(Vote: 5-0)