

**City of Coral Gables City Commission Meeting
Agenda Item H-10
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 Service Director, Brook Dannemiller**

Public Speaker(s)

Agenda Item H-10 [1:33:42 p.m.]

Discussion of alternative treatments for grass swales

Mayor Cason: OK. H-10 – discussion of grass swales.

City Manager Swanson-Rivenbark: This was a discussion that started last Commission meeting and you asked us to bring back some options for shaded areas where the swales is not able to grow grass.

Mr. Kephart: Good afternoon and thank you for asking us to bring this issue forward because this has been an issue that has been a challenge for the City for a number of years, and I think we know we have our beautiful green grass swales. We have places where there is maybe a banyan tree and the grass doesn't grow very well. We have situations where it's over-parked and grass doesn't grow very well, sometimes that's solvable and sometimes that's in a multi-family area

that dates back some time and doesn't have other alternatives to park. The challenge has been, and we've worked with residents and businesses, it's against our Code not to maintain a grass swale, and sometimes it's not feasible and practical, sometimes it is feasible and practical and the residents just need to work a little harder at maintaining it, but there is a whole array of situations that we deal with. So we welcome the opportunity to discuss a few or some options to move this forward. We pulled together a City team, including Planning, Code Enforcement, Historic Resources, City Architect, Landscape Services, and Public Works, and Parking, and they all volunteered Brook to be the lead, to research this and come up with some alternatives, which he has done to begin the discussion with you. So with that I'll turn it over to Brook and we can begin the discussion to solve this problem.

Mr. Dannemiller: We have a PowerPoint with some images that's mostly just for reference. The first slide just basically goes over the history and the background that Glenn has talked about. The three most common type of areas we have, single family home areas where grass will grow with proper maintenance, so a solution is to maintain as grass or other herbaceous ground cover, so that's our current operating status. Then we have the commercial, condo, or townhouse, or higher density areas. Commercial, condo, townhouse, or high density areas, the solution that we currently use which we should continue to use is a hardscape solution, such as curb, pavers, or asphalt. So in those more urban areas we already know those solutions. So the areas that are really in question are areas under banyan trees or low density areas where conditions are impractical for growing grass, but a hardscape solution is unwarranted. So alternative solutions, such as crush grain or stone...and other herbaceous ground covers we think would be a reasonable solution for that. The main considerations that we had when we were...aesthetics preserve the lush green vegetated character of our neighborhood City swales, enhance unsightly areas. Storm water management – the swales are a vital component of our storm water management for the water percolation. So we need to maintain the capacity of the swales to continue to percolate rain water; and then lastly was consistency, to create guidelines and a process to allow for a consistent and methodical process for reviewing and improving alternative solutions. So we don't want different solutions all throughout the City on the same street, we want it to be consistent. So the first alternative solution would be to allow 100 percent of the swale area to be herbaceous material. I have some photos of all these.

Mayor Cason: Excuse me, what?

Mr. Dannemiller: Herbaceous material, such as work ferns, non-woody material. So we've got work ferns...they are all plants that stay 18 to 24 inches in height. You see them all around the City already, around trees, but we limit it to three feet from the tree trunk. If we allow that to be expanded to the sidewalk and to the asphalt, I have some photos of areas already are doing that, then you can grow plants where grass won't grow.

Mayor Cason: Does it keep people from nevertheless parking there and digging it all up?

Mr. Dannemiller: Yes, that would prevent people from parking there, or if you are going to do a parking area and grass won't grow in the rest of the area, you can fill the rest of it with plant material other than grass and limit.

Commissioner Lago: Trim it as needed.

Mr. Dannemiller: Or it doesn't even need to be trimmed, these plant materials don't need to be trimmed, so I'll show some photos of that here in a moment. The other three solutions would be to allow widening of the driveway apron to allow parking spot, so some houses don't have garages or they only have a single car garage, you could widen the asphalt to allow an extra parking spot. Allow a parking pad to be installed on private property, and I'll show some photos of that in a moment; and then the last one is to allow parallel parking spot to be created in the swale using crush granite stone dust and then the non-wooded plant material.

Mayor Cason: How many areas are we talking about?- are we talking 20, 50, 100? How many areas are affected?

Commissioner Lago: For example, near where I live, there is some pretty serious tree coverage there on Rovino and San Amaro area and Alhambra area.

Vice Mayor Quesada: My neighborhood as well. I don't see anything north and west of U.S.-1.

Commissioner Lago: I have to replace that grass in the swale once a year, just so it looks up to par.

Vice Mayor Quesada: Yes, same here.

Mr. Dannemiller: And we have a memo that we provide residents for how the properly maintain grass in shady areas.

Vice Mayor Quesada: But the problem is it's not that simple because, for example, the neighborhood that I live in, most of the houses are anywhere between, the lots are 7,000 to I don't know, 15,000 square feet are the biggest lots, and if somebody is having a party, everyone's parking in your swale. So it's not just the standard maintenance of watering and sunlight and those kinds of things, it's also vehicles coming in. So what ends up happening is,

my swale gets torn up from people parking in the swale from neighborhood parties, neighborhood events, and visitors, and things of that nature.

Mr. Dannemiller: Yes, compaction and parking in the same spot where the heat from the engine are three of the most common causes. So you'll see where people park in the exact same spot every day or like every other day and the soil will get so compacted that the roots the grass can't grow into it.

Commissioner Lago: That doesn't apply in front of my residence because nobody parks on the swale. The issue there is literally the tree; the tree does not allow any penetration from the sun.

Mr. Dannemiller: And that's why where we feel expanding the amount of area that you can do non-woody material would...

Vice Mayor Quesada: Non what material?

Mr. Dannemiller: Non-woody – herbaceous material, ferns, sleraky...I'll show you.

Commissioner Lago: A different language.

Mr. Dannemiller: So the one on the left – herbaceous is non-woody – so that way it can be driven over, trampled on and it will just grow back. So you've got work ferns on the left...on the second, red congo is the third one, and then philodendron and...is the last one, those all stay in that 18 to 24 inch height, they don't have to be hedged. You can drive over them, a police car, a fire engine; tree trimming crews can just trample right over them.

Commissioner Lago: Because right now as it stands, and I've started as I drive looking at the swales more and more carefully and the person to blame for that is the Mayor, because he brought to my attention the issue of buttons, and buttons by the way are all over the City, just so you know – up along Alhambra, every other home has buttons. So that's another discussion for another day. I had a discussion with Glenn yesterday, two days ago, excuse me, and it was in reference to certain homes have taken over the swale where they've actually planted certain trees and they manicure them...

Vice Mayor Quesada: Yes, it looks nice.

Commissioner Lago: Yes, it looks nice, but again the swale doesn't belong to them. So I'm telling you the way that we are headed here, again this is just a discussion, but if an ordinance is enacted and you are talking about actually planting, like for example, the third type of

herbaceous ground cover plant that you are contemplating or that you are showing us there, is kind of similar to what certain individuals have planted throughout the City on the swale.

Vice Mayor Quesada: So you are saying all of those that you have...

Commissioner Lago: That's not ground cover by the way.

Vice Mayor Quesada:...all those visuals.

Commissioner Lago: That three grows – that grows about three feet.

Vice Mayor Quesada: So you are saying a car can just drive right up on that and park.

Mr. Dannemiller: The third one would be, I would probably reserve that one for under banyan trees, because those tend to be in very large swales and it will allow the banyan leaves to kind of fall down around them. We have them at Venetian Pool and at Granada Golf Course, if you want to see them, but for most residential, the first two and the last one, there are other plants too, because people can do annuals...

Commissioner Lago: And what you are discussing right now would be in cases where no grass can be grown, this is an option which has to be approved by the City. It's not like individuals who can grow grass on their swales due to the fact that they don't have any trees and sunlight sufficiently penetrates the area, they can also use this option, they have to maintain grass. This is only strictly for individuals who are in a hardship case, correct?

Mr. Dannemiller: Yes. I think we could also allow, instead of three feet maybe six feet around the tree for the rings and that could just be done without going through the process, but if you are going to do the entire swale then that would go through the Landscape Encroachment Committee or some other process that we have. Let me just get back here, so I can go through a few examples. So these are all photos from within the City. So here you can see where the grass...underneath the two trees, it's pretty shady. There is not enough room for parking and the roots are pretty raised so the residents put work ferns through that whole area, and it's still seems to be within the Coral Gables character, its low maintenance, and there are no side triangle issues. So that's one example. Here's another one where again, there is not really enough place to park, they just had a three-foot green...

Commissioner Lago: It's beautiful.

Vice Mayor Quesada: That looks very nice.

Mr. Dannemiller: So you can see on the left there is a work fern, on the right there is....

Vice Mayor Quesada: Is it causing a problem that we've removed the ability for vehicles to park on the swale?- especially in North Gables.

Mr. Dannemiller: This is a corner lot, so they have plenty of parking.

Vice Mayor Quesada: I understand here, but if we were to apply some – if we were to implement something that would apply citywide, if you look at North Gables, anytime you drive around North Gables or walk around North Gables there are a lot of homes that use it for their primary parking purposes to be able to park on the swale. It's something we need to consider.

Commissioner Lago: This would be a case-by-case opportunity under banyan trees. They would have to come to the City and present their hardship.

Commissioner Keon: Well, I would think that – because it's Code Enforcement that are citing these homes, because there is no grass in the swale or the swale...it would be an opportunity for Code Enforcement to say, you have to maintain some green in your swale instead of fine you, these are the things you can do. If you don't do any of these things we will cite you, but I would think that would be a good way to deal with it that you are not free to just block off the swale, but also there are places in the North Gables where it's a very small driveway that can hold only one car, and if there are two cars in the family, you know kids or something, they use the swale for parking, so in addition to that I think we also need – you have pictures of the other options too?

Mr. Dannemiller: Yes. I think this gives us a – this is one of many...that we would have to use. I live on a 50-foot wide lot in North Gables with a one lane parking driveway and a tree and a telephone pole, so it doesn't get much more limited than that. So I fully empathize with this, and so I have work ferns around my tree and I have a little spot where I can pull a car, but you have to park two, three cars in tandem on a single lane driveway, which is annoying, but there are other people that have long driveways and they put one car in there and two on the swale so they don't have to back out and move cars around. So we kind of have to weigh the options. We don't want them to be able to fill the swale with, basically pave the swale to park on when they have adequate parking on the property they are just choosing not to use it. So that's what we have to figure out a process to evaluate these and have these alternative solutions.

Mayor Cason: So basically you are telling us there are options, whereas before we just said well, the banyan tree doesn't allow you, you are going to have mud.

Mr. Dannemiller: Yes.

Vice Mayor Quesada: Did you guys think about artificial turf?

Mr. Dannemiller: Yes, that was mentioned.

Vice Mayor Quesada: Yes, and you quickly brushed it to the side.

Mr. Dannemiller: Yes. The issue with artificial turf is it looks nice when it goes in, but what happens 20-30 years down the road when it starts to pull up on the sides?- where again it has to be maintained? I think it's great for like a play area, or have it around your pool or in your backyard, on the swale.

Vice Mayor Quesada: Because as it is now, you may not realize it, but there are many homes in the Gables that have it in their driveway, actually it looks very nice. What they do is, sometimes you see the sort of concrete squares they make gaps and make it look like grass growing in between. But if you notice, if you really look at it, many of the homes they put artificial turf strips in there so that the heat from the car doesn't end up destroying it and it looks unsightly. So in those situations, there is one near my house that has it and it looks great. Actually my wife pointed out, she goes you know that's not real grass, I said, what are you talking about. I didn't believe her. I had to walk up and pull it.

Mr. Dannemiller: In a hardship solution it can be a viable alternative, but only in the swales you've got roots and you've got landscape trucks and things like that pulling off, I don't think it's going to be....

Vice Mayor Quesada: What if we had some sort of program that you would have to register the fact that you are using the astro turf, and we had a requirement that could be fined if you didn't upkeep it?

Mayor Cason: Plastic grass...

Commissioner Lago: I'm not crazy about it.

Vice Mayor Quesada: Have you seen it? Have you guys seen it?

Commissioner Lago: I could show you a picture of it that somebody has it on my phone at a residence at Miami Beach, and it looks spectacular.

Vice Mayor Quesada: I understand that – obviously I would prefer to have real grass or real foliage or real herbaceous materials, however, you’ve got to be realistic, some places there is so much shade you end up with dirt every single time.

Mayor Cason: Will these options grow in the darkest shade...the biggest banyan trees.

Mr. Dannemiller: Yes, the darkest shade we have is banyan and these are all plant...that will grow under banyan.

Mayor Cason: And these are all better than putting white rocks, because what’s going to happen the weeds are going to come up before long. It doesn’t look nice.

Mr. Dannemiller: So let me go through a couple more examples here. So this here is an example of an asphalt driveway that has been widened. There is a wall there so there is enough space for a car to park in two spots. This is a couple of parking pads that multi-family unit where they have the asphalt approach and then two little parking pads in the yard. This is down at Tiziana Park. This is actually a limestone stone dust material, we use granite it’s a little more durable. But this shows you side-by-side on the left of Old Cutler, it’s just mud and leaves and see all the roots and then on the right side is a stone dust material with low ground cover. It’s about 18 to 24 inches high around the trees and then there is enough space for cars and trucks to pull over. So that’s one example to give you that kind of character it would create if you allow that much.

Mayor Cason: Ground cover is a great improvement over what we have now. I think to the extent you could go ground cover versus others...

Vice Mayor Quesada: Yes, but I don’t like that in front of residential homes in the swale, it would take away from the...

Mr. Dannemiller: But it wouldn’t be the entire – that’s why we’d only do parallel parking. This is a much wider area, Old Cutler, it would be – a parallel parking spot is roughly 8 feet by 18 to 20 feet.

Vice Mayor Quesada: If you start doing that in front of homes, I wouldn’t approve of that.

Mr. Dannemiller: It would have to be in combination with the plant material. If grass won’t grow, you’d have to fill it with plant material and just carve out a small spot for a car to be able to pull over, that would be the only way aesthetically that we thought that it would be acceptable to do something other than just grass.

Mayor Cason: So who would make the decision as to this menu of things when somebody says, please fix my problem in front? Do they come to you?- you guys would come up with the best solution and work with the neighbors?

Mr. Dannemiller: For the hardscape solutions, we discussed that that would go to the Board of Architects. They review driveway materials and things like that, so that would still – they would have a preset materials list that would be approved for a hardscape solution. For this we would pick one stone dust color for the whole City, so we have a committee or a group of Board of Architects, Historic, everyone, and pick because there is a wide range of colors. They can go anywhere from beige to gray to pink, there are all sorts of different ones. We are thinking of a grayish-beige color that's close to the color, earth tone color, so a cleaner look than the current mud situation and it doesn't erode, it stays compacted. You put down filter fabric and then about four inches the stone dust material, and it won't settle and you can drive on it and it's what they use in pathways in Paris where the Eiffel Tower. All of those – those are gray granite stone. So it's a very durable material that doesn't get muddy.

Commissioner Lago: That would be just for certain of the most difficult areas.

Mr. Dannemiller: That would be under a banyan tree. Let's say you live on Columbus and you could ring your banyan tree with one of these plants, and then the one area where you can pull over for a parking spot, instead of having mud, you'll...

Commissioner Lago: One dedicated parking space or a tandem dedicated parking space.

Mayor Cason: So to be clear. If it's not those circumstances and the person just parks the car every day in the same spot and kills it, and then they come to us saying, fix my problem, they fix their problem, is that correct?

Mr. Dannemiller: We'd make them follow ours. The default would still be, it needs to be grass, and if it's very clear that grass isn't going to grow it's under a banyan tree that would be an easy yes...

Commissioner Lago: And you would make the judgment call, your team would make the judgment call in regards to whether a tree, an existing tree on a swale needs to be trimmed back, maybe open some holes in it, maybe that may not be the proper language, but you can educate me.

Mr. Dannemiller: Just some trimming...

Commissioner Lago: Trimming on the canopy to allow some more sun and try that before we move in such a drastic step.

Mr. Dannemiller: Yes and that's what we do now and I would say 9 out of 10 people that can't grow grass could actually grow grass with the proper maintenance. It's that one out of every 10 that are coming to us there isn't a grass solution. We need something other than grass.

Mayor Cason: Are you going to come back to us with something later, this was a discussion, come back to us with something we need to make a decision on, or are we going to leave it to you all?

Commissioner Keon: Are there other pictures?

Mr. Dannemiller: Yes, there a few other pictures here. These are a couple of examples of commercial townhouse areas where a hardscape solution would be more appropriate for here. Same with this; this is two...buildings...

Commissioner Lago: When you say hardscape...

Mr. Dannemiller: Like pavers...

Commissioner Lago: Like a paver that has that simple maybe like the grass can grow through the paver which is very porous.

Mr. Dannemiller: Anything you park on, on a daily basis grass isn't going to grow in there. So the grass paver systems are designed for seasonal parking or overflow parking. Like this example here in front of the condo where you have six cars parked out every day, that would be something to work with Parking, maybe its residential parking we do some decorative pavers, some concrete pavers, do parallel parking, and then around the trees we would do ferns or...or something like that.

Commissioner Lago: You could even do some bump-outs there with some nice trees to provide some shade. There could be a lot of different things that you could do there that we are not taking advantage on that.

Mr. Dannemiller: Basically a more urban solution.

Mr. Kephart: Mayor to answer your question whether this would come back to you. It would require us to revise the Code, because the Code right now requires grass and at that point it would need to come back to you appropriately with a presentation to show you. We would work with the Board of Architects to determine the types of materials. One thing I would like to point out, I think we are on a good track here to solve the areas that we are clearly a known problem, and we've got a toolbox of solutions for different areas. The issue that will still be of challenge and we talked about this, are the areas where a resident is having trouble maintaining grass in the swale. We believe as the technical experts that grass is still appropriate in that swale and it will survive if it's properly maintained and we tell them that, because they are going to want to go to the easier solution of one of these alternatives.

Vice Mayor Quesada: You've got to be practical, as well.

Mr. Kephart: Yes.

Vice Mayor Quesada: Because obviously, if we wanted to be very strict with grass, what we are getting is a continued, I don't want to say dilapidated, because it's not that, you are just going to get the dirt result eventually. So I think we've got to be realistic here, because most residents aren't like yourselves and another definition of the word herbaceous. You understand, like for me, like I have problems in certain areas and I don't get around to it. I buy the infomercial spray the grass and different things and I try planting and nothing works.

Commissioner Lago: And in my case, I have a side driveway where my garage is, so I have an area which has pavers on so I don't have to park on my swale.

Vice Mayor Quesada: So it should be easy, it really should be easy. I know you are saying people want to take the easy route – yes, of course they want to take the easy route because we don't have all the time and day to worry about grass.

Commissioner Keon: I think in the instances where he said where somebody doesn't want to have to pull out one car to park another, they park on the grass and destroy the grass...

Vice Mayor Quesada: It's going to happen.

Commissioner Keon: Those kinds of people you can say to them, listen you need to maintain this grass, figure out how to move your cars. But there are some instances where there just isn't any place, it's a single driveway, it doesn't hold more than one car, and you have two cars in the family, they have to park someplace.

Mayor Cason: So you'll be able to come up with your discretion appropriate solution. Let's do this. We have one resident that wants to speak on this. Miguel Mirabar.

Mr. Dannemiller: The last image I had. This is a car that they put white gravel in the grass and you can see there is green grass all the way around it, and it's a little...so that's what we trying to avoid.

Commissioner Lago: With the buttons, by the way. You didn't mention the buttons.

Mayor Cason: We didn't talk about those.

Mr. Dannemiller: So those are the kind of – we are trying to create a consistent aesthetic that will work.

Commissioner Keon: No, I understand your objection to that, but I think that there really are places where it's just dirt and it's unattractive and we need to find a...

Mr. Dannemiller: Especially this time of year, because it's the shortest growing...

Commissioner Lago: The worst part about it is they drag all that mud up and down the street.

Mayor Cason: Let's hear from Miguel.

Mr. Mirabar: Good afternoon, how are you doing? Luckily one of the pictures you showed there was one of the apartments they are building, and they are doing it right. So, I guess....Coral Gables regarding the swales. For 20 years in that building we've been trying to resolve the swale situation and it looks, kind of like what somebody was saying, it looks...honestly, it's really, really bad. There is a pit there of mud and water when it rains, cars get stuck in there, it looks horrible; and on our street, on Sansovino, we have its kind of half-and-half. Some people have a little sun that comes in, it looks beautiful and they have grass. Other people like myself and a few neighbors, it just will not grow. I have been there since 2001, I've put in grass basically every year at least ten times since I live there, ten times the grass has died. It is what it is, grass will not grow. I've been cited before and they told me the same mantra – grass, put grass, put grass, put grass. I told them you can't make something grow that will not grow, it just will not happen. So I took the initiative, because one of my neighbors slipped on the sidewalk, I didn't want to get sued. I had my gardener go in and take up all the layers of caked up mud, do a little pit on the bottom and put in gravel. Now the gravel I chose, not approved by the City, and I'll take it off, perfectly fine, was red lava lots. I have a red rood, it looks Mediterranean, I figure it looks the nicest, so I could avoid any liability in the situation, and of course I got fined, which I don't

mind. I'll take it off, but I need a solution. I don't want more nasty mud in front of my house. My house looks nice, my neighbor's house looks beautiful, everybody looks nice, but then when you look down it looks disgusting; and when it rains it's a mud swish that goes down the street and it's unsightly and dangerous, honestly. So, I'm happy that you guys are doing this because this swale situation has been a pain of my existence since I moved into the house. I've lived here most of my life. I like my City looking pretty. I like my neighborhood looking nice. My sister had the same situation on Granada and throughout the years they took down the Black Olives that were there, I think they were black olives, or banyans, and they put in oaks. Now she is like ha-ha, my swale grows and yours doesn't. So now she can have grass on her swale. I don't have banyans, what I have in front of my house is Black Olives.

Commissioner Keon: And they have very big roots that are up above the ground.

Mr. Mirabar: And I guess the leaves when it comes in spring time just compact everything and no sun. I don't even get sun, unfortunately in actually my front yard. So I don't get grass in my front yard, but there I also put gravel just because if not it would be mud or...

Commissioner Keon: Would the solutions that you have come up with, with being able to plant around the trees and then use the, what do you call it?- the gravel, what is it?

Mr. Dannemiller: The granite stone dust.

Commissioner Keon: The granite stone dust, would that be a solution for him?

Mr. Dannemiller: Potentially. I know there was a drainage issue in that area...but if it doesn't get enough sunlight and grass won't grow then that would be a viable solution.

Commissioner Keon: Could you meet with...

Mr. Dannemiller: Yes. Glenn met with him so I'll...

Commissioner Lago: I met with him was it Monday, Friday last week? I met with him and Glenn on Friday and I'm going to do a site visit hopefully next week.

Commissioner Keon: I answered you by e-mail.

Commissioner Lago: And it's an issue, it's an issue.

Mayor Cason: Sounds like we have a solution for your problem.

Commissioner Keon: You think you could work it out?- because that would be a great demonstration and ability to work with other people that have Code Enforcement issues with regard to that, because Code Enforcement, you can decide whether or not it actually what the appropriate, whether it should be grass and is people just parking on it, or if it's really a condition that there is nothing they can't do anything about, and you can approve the appearance by planting or the rock or dust, or whatever it is you call that.

Mr. Dannemiller: I'll provide you a copy of the memo on how to grow grass, just so that you all have that information. Sometimes its compaction and drainage where the water is ponding, so grass also won't grow where water is ponding for a period of time.

Commissioner Lago: So when you day drainage, you are talking about like maybe adding like a French drain of some sort or...

Mr. Dannemiller: For example, say it's been compacted and you buy a house and you go there and the water ponds. Anytime you see ponding water, that means your water is not percolating quickly enough. So one of the items we have in our memo is to take off that crusty layer, which if you've done multiple layers of sod, you have that inch or inch and-a-half of muck that comes with the sod, and when you drive on that, that creates a crusty pancake, and so you have to remove that and either mix it with silica sand too, loosen it, or remove it and do a 7 percent sand, 30 percent muck-mix, that will percolate well and then when you drive on it, it doesn't compact as much. So there could be a combination; it could be a little shady, it could be compacted soil, it could be drainage issue, all those combined contributing to it, so that's why we have to – it's challenging trying to park....

Vice Mayor Quesada: So what do we need to do to move this forward to have an action plan so that we can give all residents, including yourself a plan of attack here. So what's next?- what are the next steps?

Mayor Cason: Code changes.

Vice Mayor Quesada: I would like you guys to give some serious consideration and maybe try to find one location in the City where we can put some artificial turf in the swale and have everyone do a site visit to take a quick look at it. Just take a peek, maybe if it's a small little section somewhere, because I think it will give the aesthetic look that we want, a lot of people want, and you can still park on it, and we don't have the compaction issues, and we don't have all the other issues.

Commissioner Slesnick: I have a good location for you.

Mayor Cason: In front of your house.

Commissioner Slesnick: Oh, my house, no. I have grass. The 400 Block of Malaga where there are apartments all down one side and it's always there is no parking there, and it's always been dirt, it's always dirt. I believe its 400, yes 400 Block.

Vice Mayor Quesada: Yes, it's exactly where it is.

Commissioner Slesnick: There is nothing there and there never has been anything there because there are 20 cars along there every night.

Mr. Dannemiller: Another location we had discussed that would not impact any residents was on University in front of the Library. We have banyan trees there...

Mayor Cason: Yes that's a terrible area.

Mr. Dannemiller: We wouldn't have to coordinate with any of the homeowners or property owners; it would be something that we could...

Vice Mayor Quesada: Could we just get a small patch, put it in, see what it looks like, talk to different representatives that provide the product, just to get a better idea.

Commissioner Slesnick: And see what the residents think about it over there too.

Mr. Kephart: If that's your direction to us, certainly we can follow through with that.

Vice Mayor Quesada: It's just a consideration. I want an honest consideration of it, and we can decide that no, we don't like it, and forget about it. But I think there are certain situations that...

Mayor Cason: Throw it in the mix, throw it in the mix.

Commissioner Keon: But I like the things you provided.

Vice Mayor Quesada: Yes, they are very nice.

Commissioner Keon: We should include those to make the Code changes to allow to, and then to work with Code Enforcement so that they – Code Enforcement so that they help bring people

into compliance and are not just punitive. You can give them that information, we can teach them.

Vice Mayor Quesada: We have to make it easy for residents to be able to comply with that. He shouldn't have to change his grass every year, and I do the same thing and Commissioner Lago does the same thing.

Commissioner Lago: He needs to have a window, let's say three months or six months to comply with the new requirements. Obviously, there are no requirements in place right now, we are just discussing them, we are trying to find options. But this is going to be something that we are probably going to see at least a few hundred cases of it in the City.

Commissioner Slesnick: Could we use his house as a prototype for the City to put something out there?

Mr. Kephart: We could, probably wouldn't be the site that we would chose, although it might be a good site to...

Mayor Cason: Why don't we just leave it to you? We can't solve everybody's problems right now, but I think you'll be coming back to us with some Code changes; we'll be able to continue to discuss it. I think it's a good idea to delay any – let people have more time to comply as we come up with solutions.

Mr. Kephart: And prior to going back with the Code changes, its recommendation of staff that we go to the Board of Architects and as appropriate perhaps Historic Preservation Board to make sure that anything that we are recommending is – we are talking about a change that's going to affect the look and feel of the City over time and we want to make sure that we get that right. So the next step would be to put this together in a presentation, I believe the Board of Architects.

Vice Mayor Quesada: Also, I'm going to make a motion. I move to create a moratorium on the fines that have been imposed for this issue, because they are trying to beautify and they are getting fined, and we are trying to figure it out.

Commissioner Lago: Doesn't mean that you shouldn't keep your swales as beautiful as possible?- but I was going to mention the same thing.

City Attorney Leen: I would ask that you be specific, because for example, let's say...

Vice Mayor Quesada: If an individual, if a homeowner has received a fine or has been cited for a violation because they had attempted to improve their swale, but it's not to the current Code that there is a moratorium until we define, or until we revise what we are going to be doing in the future, and then at that point it will start running.

Commissioner Lago: Do you think that we should ask Code Enforcement to continue to, not cite, but like to give a courtesy notice...

Vice Mayor Quesada: Yes.

Commissioner Lago:...so that we can continue to have a list, a running list...

Vice Mayor Quesada: Yes.

Commissioner Lago:...of properties that are in a current state of disrepair in regards to their swale, so that we can in the future provide them with the necessary options.

Vice Mayor Quesada: Because those should be the first people that receive notice from us for any changes to make.

Commissioner Lago: I want us to be looking out there, seeing those swales that are in trouble. So we can send them that notification once we do come up with a plan.

City Attorney Leen: May I ask you just some questions that will help us.

Vice Mayor Quesada: No. (Laughter) I'm kidding. Go ahead.

City Attorney Leen: So for example, if you have a swale and it's deteriorating, so let's say the grass isn't there, its dirt, do you still want Code Enforcement to require the homeowner to put grass back in?- or do you want – is this only when they try to improve it and...?

Vice Mayor Quesada: Only when they try to improve it. They took an affirmative step of trying to improve it.

City Attorney Leen: OK.

Commissioner Keon: I think if they are cited by Code Enforcement for not having grass, a determination needs to be made whether grass can grow there and they are just not maintaining their grass, or grass just can't grow there, and you need another alternative. If they need to put –

they are just not taking care of the grass, because they have no alternative parking or whatever, then they need an alternative. But if that's not the issue that's it's just somebody just doesn't take care of the swale and they could grow grass there and they do have adequate parking and whatever else, tell them to fix their swale. But in the instances when someone – the swale is deteriorated for a reason, because you can't park there, the grass doesn't grow there or whatever, then that's when instead of fining them we should work with them to find a solution to that unattractive thing in front of their homes. So those people I wouldn't like to see them cited. I'd like to see them noticed that they are going to have to do something about it and we are working on solutions.

City Attorney Leen: So if there is a current citation that maybe going in front of the Board, you would want us to give additional time. For example, this could be cured by this sort of solution...

Mayor Cason: Yes, because in a few months we'll have a menu of solutions and then we can say, now go do one of these.

Vice Mayor Quesada: And they are going to have to have 60 days to come into compliance with whatever solution you have.

Mayor Cason: Let's just make sure that buttons are not part of the solution.

City Attorney Leen: That's the other question I had. So this wouldn't apply to things like buttons or...

Mayor Cason: That's a separate issue.

Commissioner Keon: Separate issue. Is there a fee then; there is a Board of Architects fee that people have to pay, you pay to go before the Board of Architects, are we going to charge people for this now?

Mr. Kephart: That's a very good question is whether we do that. Initially what we are talking about the Board of Architects is staff going before the Board of Architects with a toolbox of solutions, so that we get...

Commissioner Keon: So the individual homeowner wouldn't have to go to the Board of Architects to utilize that.

Mr. Kephart: They may in certain circumstances.

Commissioner Keon: Well, I don't think you should charge that. What is the Board of Architects fee now?- what's the fees for the Board of Architects?

City Manager Swanson-Rivenbark: I'm sorry, I don't know, but we'll find out.

Mr. Kephart: I'm not sure what the fee.

Mayor Cason: Wouldn't that come to us when you come with some Code changes and then you can attach or not attach a fee.

Mr. Kephart: That's true. We could consider that in the Code, sure.

Commissioner Lago: Let's see what you are able once you bring us something a little more concrete.

Mayor Cason: And then we'll look at the details.

Commissioner Lago: And then we'll address that, but I agree with Commissioner Keon, I don't think we should penalize people for having been in a very tough situation.

Mr. Kephart: I think some of the scenarios we talked about are perhaps; if it is a parking problem the suggestion was that they may be allowed to expand the driveway on their property, to allow additional parking, that would require Board of Architect approval under a normal process.

Commissioner Keon: Right, well that would; and I know we've talked about that, and I think you helped some people recently with that issue in getting them additional.

Mr. Kephart: That was within the public right-of-way, so I was able to apply some judgment to help them on that.

Commissioner Keon: Right. So that is within your purview to be able to do. Now when we do this, this is at the cost to the homeowner, is that right?- it's not the City that's going in and doing the planting and putting down the whatever?

Mr. Kephart: Yes.

Commissioner Keon: It is the homeowner.

Mr. Dannemiller: In commercial condo areas, depending on parking, if we are managing the parking then there may be some shared cost, but that's a hardscape solution. For a single-family residential that would be at the costs of the homeowner.

Commissioner Keon: OK. So in the residential areas even if there is a hardscape it would be at the cost of the homeowner. Can we tell them where that material is available so we could source that material?

Mr. Dannemiller: Yes, whatever material we would select would have to probably work with an outside vendor to make sure that it's in stock.

Commissioner Keon: That its available and you can get it or whatever else.

City Attorney Leen: I do think that there should be a little bit of discretion in the City Manager, because sometimes she'll have a situation. Let's just assume hypothetically, there is an area where it can't grow, the grass can't grow because of City trees. I do think you should give some discretion to the Manager, where it's not a question of discretion or an election by the homeowner, but it just can't grow that the City could at least consider that.

City Manager Swanson-Rivenbark: I think we need to be very careful on what we can maintain moving forward, and so I wouldn't want the residents to have the expectation that the City is going to come in and maintain a swale planting where grass does not grow. We have 14 square miles of beautiful homes and we are not going to be able to live up to that.

Commissioner Lago: Correct me if I'm wrong, every resident is in charge of their own swale. You have to cut your grass.

Mr. Kephart: Correct.

City Attorney Leen: They are, but there is a limitation. There are two things they can't do; they can't touch the City trees on the swale and sometimes the trees do provide a lot of shade, we don't let them touch that; and then two, we also don't allow them to prevent people from going on their swale. So in situations where a neighborhood is driving on their swale parking, we can't hold them responsible for that.

City Manager Swanson-Rivenbark: Mr. City Attorney, if we can postpone that discussion for when we have the long awaited discussion regarding buttons, flags and other prohibited parking solutions, I think that we'll be able to address that.

Mayor Cason: Why don't we continue this discussion on this when you come back to us the next stage, we will look at all your solutions.

Commissioner Keon: If you could bring back the changes, the Code changes that may be necessary and the process, the administrative process for Code Enforcement as to how they are going to deal with this and apply it, and inform people and everything else.

Mr. Kephart: Absolutely. We wanted to bring it to you in concept and have this level of discussion in the short term; we have pretty good direction here. Next time we bring it back I expect it would be with a Code change and the whole process lined out, and we move forward.

Commissioner Keon: You'll address the Board of Architects issues.

Mayor Cason: And we can look into the things that she has mentioned.

Commissioner Slesnick: And Glenn, if you would look at the 900 Block of Palermo, it's that historic apartment building, which was built with no parking, and they have those great big four by four concrete blocks with the grass in between all over the front yard and out to the street, maybe add that to your slide presentation.

Mr. Kephart: Very good.

Mayor Cason: Don't go away because we are moving now to H-11.

City Manager Swanson-Rivenbark: Mr. Mayor, if I can just have clarification. So for the time being we will have Code Enforcement suspend the fines as we build solutions, but we will notice homeowner's just not total fine.

Mayor Cason: It's a stay tuned for a future solution.

City Manager Swanson-Rivenbark: Understood.

[End: 2:15:18 p.m.]