

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-16**  
**May 20, 2025**  
**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 Richard D. Lara**

**City Staff**

**Acting City Manager, Joe L. Gomez**  
**City Attorney, Cristina Suárez**  
**City Clerk, Billy Urquia**  
**Assistant Public Works Director, Deena Bell-Llewellyn**  
**Deputy City Attorney, Stephanie Throckmorton**

**Public Speaker(s)**

**Melissa Tapanes**  
**Carolina Gurland**  
**Lisa Hammer**

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**Agenda Item E-16 [4:17 p.m.]**

A Resolution of the City Commission approving the Tree Relocation and Mitigation Plan for the townhouse development project referred to as “The George” on the property legally described as Lots 29 through 41, Block 10, Coral Gables Biltmore Section (717, 729, 737 and 741 Valencia Avenue), Coral Gables, Florida.

Lobbyist: Mario Garcia-Serra

City Attorney Suárez: So, F-16, Mayor.

Mayor Lago: Yes.

City Attorney Suárez: I'm sorry, it's not -- it's E-16.

Mayor Lago: Yes.

Vice Mayor Anderson: (INAUDIBLE) day.

City Attorney Suárez: E-16 is a resolution of the City Commission approving the Tree Relocation and Mitigation Plan for the townhouse development project referred to as "The George" on the property legally described as Lots 29 through 41, Block 10, Coral Gables Biltmore Section, Coral Gables, Florida. Mr. Clerk, can you please swear in everyone who will be testifying today?

City Clerk Urquia: Those who will be appearing on this item, please stand up and raise your right hand. Do you swear or affirm that this testimony you will provide today will be the truth and nothing but the truth?

(COMMENTS MADE OFF THE RECORD)

City Clerk Urquia: Thank you.

City Attorney Suárez: Mr. Mayor, as you know, this item was deferred from the March 11th meeting. And so, now we are back, and there's been some discussions between staff, the Manager's Office, and the property owner. I believe they have a presentation. Do you want to go ahead with it?

Mayor Lago: The floor is yours.

Melissa Tapanes: Thank you. Good afternoon, Melissa Tapanes, with law offices at 200 South Biscayne Boulevard, Miami. It's a pleasure to be before you this afternoon, along with my partner, Paul Savage, and our cocounsel, Mario Garcia-Serra, and Bobby Behar. We're here today representing The Georges Residences, LLC. We're trying to get online

to prepare a presentation for you. And if you will just give us one moment. Thank you. Sorry. They are getting ready for Zoom.

Mayor Lago: Mr. Clerk, do you want to -- maybe you start with the public comment?

Ms. Tapanes: Thank you.

City Clerk Urquia: Sure, Mr. Mayor. The first speaker I have is Carolina Gurland.

Carolina Gurland: Thank you. Good afternoon. My name is Carolina Gurland, 718 Valencia Avenue, 406 Coral Gables, 33134. Good afternoon, Mayor, Vice Mayor, and respected Commissioners. I live directly in front of this property Bilt -- in Biltmore Park, where The George will be built. I believe the developer's proposal regarding the trees are reasonable and makes sense. Having the new trees and the landscape the developer proposes for The George will enhance and benefit our community and our city. Therefore, I support the developer's proposal, and I am really looking forward to moving on and starting on -- and starting the project, The George. Thank you for your attention.

Mayor Lago: Thank you very much.

City Clerk Urquia: That's it, Mr. Mayor.

Mayor Lago: That's all we have for public comment?

City Clerk Urquia: That's all I have, sir.

Mayor Lago: Okay, that's a record. I'll take it. I'll take it. Sorry, I got caught off guard there.

Vice Mayor Anderson: I'll just...

Mayor Lago: I was expecting a lot more.

Vice Mayor Anderson: I'll just add to -- I'll just add, you know, for the record, and I'm sure we all have...

Mayor Lago: Madam Vice Mayor, will you go through me?

Vice Mayor Anderson: Yeah, yeah, I'll go through the Chair.

Mayor Lago: Through the Chair. Thank you.

Vice Mayor Anderson: I received countless calls, countless emails from a number of individuals on this matter, okay.

Mayor Lago: Thank you.

Commissioner Castro: Through the Mayor.

Mayor Lago: Yes, ma'am.

Commissioner Castro: I also -- I also have received numerous calls, emails regarding this situation, item.

Mayor Lago: I've also received countless emails and phone calls from people both -- on both sides of the issue. Just want to put it on the record. It's all available, obviously, through a public record request through the Clerk.

Commissioner Fernandez: And through the Mayor, I think we all have.

Mayor Lago: Okay.

City Clerk Urquia: All right, so I see them sharing their PowerPoint.

Mayor Lago: Are we ready to go, Mr. Clerk?

City Clerk Urquia: Now we are.

Mayor Lago: Now we're just missing the lawyers.

(COMMENTS MADE OFF THE RECORD)

Commissioner Lara: It's all good. It's all good.

Vice Mayor Anderson: I can always put up my pictures.

Commissioner Lara: It's all good.

(COMMENTS MADE OFF THE RECORD)

Ms. Tapanes: All right, thank you again for indulging us. So, let's get started. We're familiar with the property. It's about 0.84 acres located on Valencia between Valencia and Biltmore Way. In 2024, the City Commission approved the continuation -- a conditional use, a site plan review, as well as a tentative plat approval. And we're all familiar with The George project, as well as MG Developers, and our project architect, De La Guardia Victoria Architects. They are the creators of very significant projects in the City of Coral Gables, including Beatrice Row and the Biltmore Row. They're very invested in this exact neighborhood and community. Our landscape plan, which we'll talk about in a lot of detail today, proposes six new oak trees at 22 feet along Valencia frontage. We're all aware in George Merrick's vision of street -- with tree-lined streets, and that is definitely the goal as part of this project. As part of our community meetings, many of our neighbors were concerned about the varying elevations of the project and how the landscape plan was intended to improve on those actual, remove this, no, on those elevations. So, here you have the elevations of what is the north elevation at the alley cross section and that side view. In real life, it was very beneficial to have our last community meeting at the site where community members and nearby residents were able to see how the alley treatments will actually take place here at The George, including by visiting the Beecher's Project. And this is what is very similar to The George project. This is the north elevation and specifically the alley from the David William. We did have many residents who attended from the David William that we were able to answer questions related to the proposed landscape plan, and it was well received. We're very pleased to share with you that we did earn a favorable staff recommendation as it relates to the landscape plan. They are supportive. We are providing 24 shade trees in addition -- those are what's required, and we're providing an additional 26 for a total of 50, so this will be a well landscaped and community with significant canopy. We're also, regarding the actual street trees, rather than doing the minimum required by code, which is 16 feet in height, we're proposing 20 to 22 feet with double the canopy. So, these will be significant trees that will be at the time of planting. So, why are we here today? That 2024 resolution that I mentioned included within a condition 3C that provides for the on-site tree, and specifically, it provides for the applicant to coordinate with the Public Works Department on the feasibility of the relocation of the six mature trees and the two additional mature trees on the site. It also

provided for an elevated review process to present this tree relocation and mitigation plan before the City Commission. As you can imagine, this is typically done by your Public Works staff, professional arborists, et cetera. And then the goal was to really ensure that all collected tree canopy mitigation funds would be allocated along Valencia, Biltmore Court, Cardena and Biltmore Way, where residents are eager to enjoy more tree canopy. So, we did have extensive coordination with Public Works beginning in October 2023 'til today, just moments ago during the break. This is a listing of our efforts at City Hall and on the site with staff, and of course, elected officials. So, what has gotten us here and why has this taken so long? There's been many challenges, both feasibility challenges, as well as tree health challenges. Before we get to the tree health issues, we're going to focus on just the onsite relocation, which under your City Code, the first idea when you are -- when developers are improving on their property and they need to move trees in order to accomplish that development, the first goal is always for onsite relocation. In this site, we were unable to plant these mature trees along the Valencia street frontage because there's a 20-inch water main parallel to the site. So, the onsite relocation was not a possibility. We also found many challenges with the offsite relocation, including some right-of-way issues, as well as with trees that require additional pruning and pulling them back for purposes of moving these trees offsite. Specifically, we found that on Biltmore Way, there is an underground parking garage, specifically the David Williams parking garage is located within the public right-of-way, and we're simply not allowed to utilize the kinds of trucks with the kind of weight that trees would require along Biltmore Way eastbound to the Granada Golf Course, which was provided from the City as an offsite location. In addition, Cardena Street in addition has FPL transmission lines and that we, after coordination with FPL of both the Public Works Department, as well as our team, FPL will not turn off power in order to allow for the trees to be relocated. So, back in March 11th of this year, the City Commission deferred it to today's date with the goal of continuing our discussions with the City Administration, as well as providing for additional community meeting. We did have that community meeting onsite on May 13th. It was a wonderful opportunity to update the community on our proposal. So, we walked through what was our initial proposal and our draft to this Commission, but that has been updated because we've done all this coordination over the last few days. So, we had about 30, 40 people attend. The commentary was overall positive. The concerns we heard were from affected property owners, and by affected, I mean property owners whose views will be impacted by any development on this site. So, we were able to address those concerns by showing them what the rear alley specifically would look like. As you can see in this photograph, the meeting took place right at the Beatrice Row, so individuals were able to see what the alley condition would look like close up and personal. And they were also

able to walk the site to visit each one of the mature trees that were discussed in that landscape plan. So, to discuss the one tree that really is at issue today, Tree 41, I'm going to ask our expert, an arborist. She's well known throughout South Florida, Lisa H. Hammer. She prepared a very detailed report on all the trees. For purposes of just time, we are going to stick to Tree 41, but Lisa Hammer and myself, we're willing to discuss any of the other trees involved. Lisa?

Lisa Hammer: Thank you, Melissa. My name's Lisa Hammer. My address is P.O. Box 2648, Stuart, Florida. I am a native Miamian, but I moved a few years ago, a little further north. Good to be back. Tree 41 is a live oak. It's a native live oak. It has a trunk diameter of 28, almost 29 inches, which is a pretty sizable tree. Overall height is 35 to 40 feet. The canopy is extremely imbalanced. As you know, this site was heavily treed beforehand. There were apartment buildings there and a lot of vegetation. So, everything that's left on the site is leaning one-sided from being overcrowded and shaded. So, this tree on the north side has almost no canopy. There's only about 10 feet of canopy on the north side and 30, what did I say, 20 feet plus on the south side. So, it's really deficient on the north side of the crown. The east and west sides are about equal, but the north side is very deficient, and there are a lot of dead limbs and leaders. And when you see these photos here, that big limb that goes off to the left is dead. That's completely dead on that side. There are several others in tide in the interior of the canopy that are dead. There's some fungus growth in there, growing on the dead limbs. So, it's not in very good health. It's had a few little improper pruning cuts on the south side near the property line. What we call heading cuts, which are mid-branch cuts, not appropriate cuts, nothing too serious but still just adds to. One of my bigger concerns is there are root suckers growing around the base of the tree. And when you see root suckers coming up under a tree, it's indicative of root damage or root stress. It's a response to injury or damage or stress. So, there has been some root stress on these trees. Most of these trees here you can see remnants of the old buildings around them. There's rocks and old pieces of concrete, differences in the grade where sidewalks or buildings have been removed and so forth. So, you know there has to have been a lot of root damage and stress in those locations. The root -- the tree itself is located about six feet from the sidewalk, north of the sidewalk. It's been root pruned on the other three sides. It has not yet been root pruned on the south side, but that's going to be very restrictive in terms of the size of the root ball. So, it's going to be a smaller than average root ball because of that root pruning restricted by that sidewalk. In my opinion, in my professional opinion, I don't think it's a good candidate for relocation. Its health is not good. It's a large tree. Its structure is not good. It's got some root issues, as well as dead branches and so forth in it. The root ball is going to be of a restricted size. And I think it's

going to be a challenge to relocate it. It could be done, but it's challenging. And the results are questionable. We don't really know how well it's going to respond. It's going to take a lot of care to make that tree not only live but thrive. It's not just about survivability. It's about thriving and providing benefits to the community for many more years to come.

Ms. Tapanes: Anything about the relocation? So, just to segue, the proposed relocation of Tree 41 is at the triangle at the corner of Valencia and Cardena Street. You have some comments regarding that in your report?

Ms. Hammer: I do. First of all, it's a relatively small space for a big tree. It's going to be hard to fit the root ball in there. I know the architect has done some renderings and shows that we can get it to fit with the size of the root ball that will be coming out. But it really needs a lot more space to grow new roots and get better established so that it can thrive later on. So, it's going to be a tight fit to begin with. One of my bigger concerns, or also a big concern, is the canopy being all on one side of the tree. It's going to make it prone to falling over, it's going to be prone to toppling toward that direction, so that tree is going to have to be stabilized for a long time. It -- that location is a high user area. It's got roads on streets on three sides of it, and sidewalks on two sides, so if that tree was to topple over and fall, there's a good chance it would hit something. Hopefully not somebody, but it would hit something. So, I have that concern about that site. Also, to me, the four oak trees that are there would have to be relocated. They're younger trees that were planted. I don't know who planted them, but years ago, when the City did the tree succession program, I was a part of that project team. I surveyed 38,000 residential street trees in the City of Coral Gables, some of them more than once. And I think the whole goal of that program is to have sustainability so that you have trees of all different ages coming up and growing at different ages and sizes, so you don't have all old trees or all young trees. And I think these trees, if they -- I don't know if they were part of that program or not, but they're young, they're healthy, they're established, they're already forming a nice little tunnel over the sidewalk. To me, remove -- relocating those trees elsewhere and putting this other tree in that's of questionable survival is -- kind of doesn't make sense. But like I said, if we want to move this tree, we can move this tree. But there are going to be challenges. I think there are infrastructure challenges as well with moving this tree. So, you know, my original opinion was not to relocate it.

Ms. Tapanes: Thank you, Lisa.

Ms. Hammer: Okay, thank you.



Ms. Tapanes: So, what we find is that the moving or relocating Tree 41 is really a public policy discussion. And I think by the passion of the community that we've heard along this process, along with the statements from this Commission, the goal is to relocate Tree 41. And to that end, we prepared a letter putting the City Attorney and the City Manager on notice that the relocation of this tree is really in extraordinary as compared to what is memorialized in the City of Coral Gables Code. Meaning in the City of Coral Gables Code, there is a process that requires reasonableness at every step, and our consultants are telling us that this tree is not suitable or recommended for relocation. With that said, it is a policy decision, and if the City of Coral Gables would like to help the developer in relocating this tree because the developer does feel that this is an inordinate burden on a developer or any property owner within the City of Coral Gables to go at this alone. We're talking about public space, we're talking about reconfiguring a track -- in an island, all those things, we're starting to think that this is something that is more attuned to a public-private partnership which our client and MG Developers is open to working and collaborating with the City as they've done in many other occasions in the past and envision doing in the future. So, what we've been working on is conditions for your consideration and hopeful approval after discussion today to go along with your approval of our tree mitigation plan. So, we can go through it in detail, but generally the idea is that the owner, MG, will plant six new oak trees along the project frontage. We mentioned that in the landscape plan. You saw that they're all over and exceed both in size and canopy what is required by the City Code. The owner will pay a mitigation fee in the amount of \$205,000 with the goal of contributing to the tree canopy in the various rights-of-ways that were mentioned in the condition 3C. And the owner will relocate the gumbo limbo tree on the site as well as the four existing juvenile oak trees at the triangle along with the oak, Tree 41. Following the relocation, the City will be responsible for the continuing health, vitality, and care of these trees, both the four oak trees, the gumbo limbo, as well as the Tree Number 41, which will now be in public space and on public property. We will remove the five oak trees on the site. We didn't go into them in detail, but both in my understanding -- and please, if we want to go through them, I'm more than willing to do that. I just want to be respectful of the time today, but it seems to be consensus that the trees are not suitable for relocation and are the most important to our client is that we will protect Tree 41 and the City will move forward with a vertical construction permit to allow us to begin sitework on the site around the Tree 41 and protecting it and preparing it for its relocation consistent with ANSI 300 standards that Lisa has well educated us about. And so, this is the tree landscape plan as well as the mitigation calculation. As I mentioned, we're providing 50 trees and palms, 26 surplus trees. The mitigation summary is something that Public Works has agreed to as

far as being consistent with the Code. And then we'll get into the actual tree relocation and mitigation plan. So, this is the triangle that we've been speaking about. And this is what is in this term sheet that we're working on, and we'll continue to collaborate on, and I'm sure you'll hear some lawyer back and forth in just a few. But we found that there's two options for the shoring stabilization of these trees. They require most likely improvements to the triangle, whether those are minor improvements or major improvements that require Miami-Dade County permits are yet to be seen. But what's important is it's not just the tree. We found that the tree, specifically the critical root zone, physically almost fits on the site close enough possibly. But what we're concerned about at MG is specifically the cabling and shoring system and how that is designed. So, we've been working on those details with your administration, and I believe that we've agreed to collaborate and work together as one team. What we're concerned about specifically, and I'd like to put on the record, is that our structural engineer, as they prepare this dynamic cabling system, it will be something larger than the triangle can hold, which trips up, obviously, capital improvements of the City. So, we want to be respectful of our engineer that we hire to modify your triangle or the City's triangle, so we want to make sure that that's something collaborative working together and make sure that there are no issues moving forward. This is an example of the cabling system, specifically the dynamic bracing cables at the mahogany tree. This was relocated by MG on Anderson Road back in 2019. It still has the dynamic bracing cables within it. And what our consultants have told us is that, you know, this has been five years now, or almost six years, and they anticipate that the Tree 41 will be significant as well. It could be three years or over. So, that's important as a public policy decision as to whether having the safety barriers and possibly closing that sidewalk in order to allow for this tree to be stabilized is reasonable and something that the City would like us to work on doing together. So, as far as these terms in more detail, the owner is agreeing to pay for a licensed engineer to actually design the dynamic cabling system as well as work with the City on the triangle configuration that we were hoping -- and this is a pressure point that we've been discussing, whether the engineer -- while MG is willing to pay for it, we do want the engineer to work in very tight coordination with the City Public Works Department and your administration in order to ensure that the work is done to the City's liking and something that could be done quickly because, of course, for our clients, time is money and they really do want to move forward in good faith. The other is the collaboration on the relocation. So, the City will assist in street closures to facilitate the relocation. The owner will, of course, move and relocate the gumbo limbo tree as well as the four existing trees to the Granada Golf Course as well as 41 to the traffic triangle, and it's important for us for the City to have the responsibility, as I mentioned, regarding the health of the trees but also this cabling system, because again,

it could be there for a long while, and the MG specifically does not enjoy sovereign immunity or any of those issues. So, we will be looking for an indemnification and hold harmless agreement as it relates to third parties. And that's something that we need to discuss, and the City Commission needs to approve. We also need to ensure that the owner protects Tree 41 consistent with standard tree relocation procedures. There needs to be additional watering that can take a month, two months, three months, so that's something that we need to work together in good faith to work on not only the timing but to ensure that the tree is safely relocated. And then, of course, the cable and anchoring system which the owner will install. But again, the City will need to install its safety barriers at the traffic triangle and as well as that indemnification, which is very important to the owner. So, I feel like we've been discussing this every day for many days now, so I think now is a good time to open it up for discussion. And of course, myself and my team are all available to answer any questions that you may have. Thank you.

Mayor Lago: Okay. Thank you very much. Do we have a presentation from staff? Mr. Clerk.

Assistant Public Works Director Bell-Llewellyn: Good afternoon, Deena Bell, Public Works, Green Space Management. So, we've been working with the development team for over a year now. I personally have walked the site countless times, studied many iterations of plans. The current plans presented do meet the minimum landscape requirements and more of the Zoning Code Article 6. They presented a chart there that has all the specific counts of every tree and shrub they're proposing. Very happy with the design. I think the neighborhood is too. I'm happy to hear that. About the tree relocation, that's the tricky part. That's why we're here. They have presented four different arborist reports in a year. Four different professional arborists studying the trees, all the trees, all six of the oaks. Collectively, we landed on number 41 because it's the most feasible to relocate because of its structure and its location on the site. Its root system has been confined naturally, so it's easy to root prune it and fit it into the location at the triangle. We -- you know, Public Works engineers, Hermes and Joe is very -- the Acting City Manager was very involved and finding a location. Really, the only feasible location close to the site is that triangle because the trees have such widespread erratic forms to them, most of the older trees that are existing, to move them to the golf course would prove really, really almost impossible in my opinion. You have a lot of logistical things to work out. Specifically, the trees have to be relocated standing up vertically. You know, they're 60, 70 feet tall with very erratic spreads. They have low branching. They're co-dominant. They could easily break off. You've got power lines to deal with. You would have to

lower the power lines to get access through. They presented some other logistical problems with driving down Biltmore Way to the west because of the David William parking garage that's under the road. The weight would be too heavy to transport over that section of Biltmore Way to get north to the golf course on Anderson. Once you get to the golf course, you're confined by the historic columns that I think they have a clearance of 23 feet. The corner of the golf course on Coral Way and South Greenway is where I'm talking about. We would have to come into the golf course and actually remove or relocate trees at that location to create a service drive across the golf course. I mean, it logistically just adds up. So, we've all collectively landed on moving the best tree, number 41, to the triangle. We are confident it can be done. The tree's old, sure; the tree's not in the best condition, sure. We're not sure if the tree will survive after relocation; there's no guarantee. But at least we're positive to try to relocate to preserve some of the canopy on the site. So, that's where we are.

Mayor Lago: Okay. Thank you.

Assistant Public Works Director Bell-Llewellyn: Okay.

Vice Mayor Anderson: Through the Mayor.

Mayor Lago: Can I get a motion first and then we'll start discussion?

Vice Mayor Anderson: Yeah, yeah. I'll make a motion to approve the landscape plan. I have been talking with City Attorney about a little bit about tweaking some of the language, but it's minor, minor tweaks.

Mayor Lago: Can I get a...?

City Attorney Suárez: So, I think we need some specifics on the motion. Because the plan with respect to Tree 41, I think that with respect to the rest of it, I think we know what we're talking about, but with respect to Tree 41, your motion would be to approve the relocation plan where the MG is responsible for the design and the relocation. Is that what I'm understanding?

Vice Mayor Anderson: Yes, they would have to accomplish the relocation; the City does the aftercare. That's the broad rush -- brush of the terms that were agreed upon. Mr. City Manager, you want to go into some more detail about the cabling?

Acting City Manager Gomez: Thank you, Vice...

Commissioner Fernandez: I'll second your motion.

Acting City Manager Gomez: Thank you, Vice Mayor. So, as we discussed with the MG team, the engineer that the developer is hiring, the structural engineer, will provide us the envelope for the cabling, meaning how far out the cables need to spread. Based on that determination, we'll determine exactly what that impact to that triangle is. We expect that it'll encompass the entire triangle, and it may require slightly shifting one of the curbs or whatever. So, our team, based on that, we can then modify the triangle accordingly to the specified geometry to be able to accommodate the tree. And that means removing curbing and sidewalk that would be necessary.

Mayor Lago: Okay.

Vice Mayor Anderson: Okay.

Mayor Lago: All right.

Vice Mayor Anderson: So, I'm...

Mayor Lago: (INAUDIBLE).

Vice Mayor Anderson: No, I'm ready. I just...

Mayor Lago: Okay.

Vice Mayor Anderson: But I did provide the City Clerk three pictures if you bring them up just to provide some context for homeowners that tree locations can happen. They can be magnificent for the benefit of the residents. I've taken the photo that is the tree of the year here and included that as one of them because it was moved twice. It was moved offsite for construction, and then it was moved back, and the residents voted it in as tree of the year. And Deena, correct me if I'm wrong, I think it's a silk floss tree. Yes, okay.

City Clerk Urquia: (INAUDIBLE) put up the photos from the Vice Mayor. If not, can they share my screen?

Vice Mayor Anderson: Okay, that is the silk floss tree that is near Kerdyk Park. It was -- the story as it was told to me, it was moved to offsite, and then it was moved back in when the project was done. You can still see that it is being braced at this time, but it's so magnificent that it won the Tree of the Year Award. There's two other oaks that I have following that that were recently relocated. My picture of it looked a lot greener, but then again, we're dealing with technology here and this screen which is not always accurate on color for our outfits nor our trees. But that, as you can see, is -- that tree's cantilevering over actually Salzedo. It wasn't the handsomest tree either, because FP&L had done some of its artistry on it. By comparison, I can tell you that FP&L didn't touch the tree in question. However, it had another large oak growing next to it, so it was a pair of trees, and one was taken down because 41 was the better of the two candidates. And that last photo is another tree that came off the same site. Again, a little lopsided, but kind of works good with the building because it leans over the street, it provides a massive amount of canopy. That one is not even braced; it's the actual rock that is holding that tree in place. If you're able to get a great piece of rock, it serves as a wonderful ballast. So, City Attorney, I wanted you to go over the details because this has gone back and forth a number of times and make sure for the rest of the Commission it's clear what it is that we're voting on.

City Attorney Suárez: So, what's been discussed with the Manager, and I'm going to kind of go through it, it's been tweaked, so please, Mr. Manager, jump in if I say anything that needs to be corrected.

Acting City Manager Gomez: Absolutely.

City Attorney Suárez: But there has to be a sequencing of events here. So, pursuant to MG's proposal and discussions with the Manager, the City's responsibilities would initially include, obviously, issuing the permit for their vertical construction permit, provided that all other requirements not related to the tree plan, assuming the tree plan is approved today, that their permit would be issued. And they're asking for that be done in four days, four business days. And then they would, of course, undertake the measures necessary to protect the two trees that will be relocated, the gumbo limbo and Tree 41. And then MG needs to work with a structural engineer or perhaps more than one engineer to develop the design for the triangle for the relocation, the cabling system, whatever needs to occur on that triangle. And so, the timing...

Ms. Tapanes: (INAUDIBLE).

City Attorney Suárez: Yeah, go ahead.

Ms. Tapanes: If I may, specifically the envelope that the Manager mentioned, and the City will be doing the design of the actual triangle.

City Attorney Suárez: Correct, so the curbing work, the sidewalks would be City responsibility, but their engineer would do the cabling system for the relocation.

Acting City Manager Gomez: Correct.

City Attorney Suárez: And so, the timing on that is important. I think we're saying that the site needs to be prepared. MG has said 45 days from today's approval. And so, in other words, we would need to have their structural engineer's design ready so the City then can come in and if they need to demolish the curb or whatever needs to be done within that 45-day period.

Ms. Tapanes: Absolutely. It will be sooner than that.

City Attorney Suárez: And then I'm just kind of going through the list here. There are certain protocols that that Green Space Management has provided regarding preparation of the trees for relocation, irrigation, and root pruning, and so forth. Those need to be followed closely. And compliance with that is critical to the success of the relocation. MG will relocate the four trees in the triangle to the Granada Golf Course. Of course, the City will need to have prepared the Granada Golf Course for that, and that includes, you know, certain work to remove the banyan that was there, or the stump grinding for the banyan. But the excavation of the hole for the relocation, that will be on MG. MG will handle that part of it. And then those four trees will be relocated by MG to the golf course.

Mayor Lago: Okay.

City Attorney Suárez: And then provided that, you know, we have the design for the triangle, the City does its work, then MG will handle the relocation, the installation of the cabling system with the relocation process, and then once it's done and completed, then the City, per MG's proposal, the City would be responsible for the aftercare, the irrigation,



you know, pruning, et cetera., and then MG is asking for the City to hold MG harmless and indemnify MG, you know, related to the Tree 41 after that.

Mayor Lago: Okay, Madam City Attorney. Madam Vice Mayor, is that okay? Is that correct?

Vice Mayor Anderson: Well, I just -- I need some clarification because -- and I know this was draft language that was shown to me and the timing of -- the timing is concerning, because first we got to move the trees out of the triangle. So, if we start counting the days from today, that doesn't encompass when the trees in the triangle are ready to move. That presumes that they've been irrigated, that they've been properly root pruned, and essentially, that Deena Bell-Llewellyn has said they're ready to go. I would prefer that the timing -- the clock starts from that point for the City to excavate the triangle, move the sidewalk out of the way, do the necessary removal of the sidewalk for MG to do its piece on moving Tree 41.

Ms. Tapanes: So, once the tree -- once the four juvenile trees are ready to be relocated, that is when Tree 41 will be ready to be relocated. So, all the relocation we anticipate will happen together. So, in order for that to happen, the City, my understanding, will need to have commenced with the -- number one, we need to do soil testing, geotech testing for the bracing that will occur during the 45 days. So, immediately they will start doing work in that triangle. The soil testing, they will need to remove -- I believe that there is shrubbery or ficus I've been told, like smaller trees. Those will need to be removed. So, there'll need to be work done in that. So, I think that as far as the timing goes, we know that the trees, both the juvenile oak trees and Tree 41 have been root pruned at least two times in anticipation of this meeting. What we understand is questionable is the regularity of irrigation. And that has been done, and there's reasons for that, including people washing their cars with our irrigation. But I think we need to -- I agree that the trees have to be ready to move. I specifically think that the 45 days to get that area ready can be concurrent with getting the trees ready to be moved.

Vice Mayor Anderson: So, let me make a suggestion. Rather than moving it from the date of this approval, make it X number of days or the appropriate number of days from the time that our Landscape Division certifies that it's been properly irrigated and it's ready to move, which we don't want to hold it back. I mean, it's only 90 days, but if the water spigot doesn't go on, it's not going to be ready.



Mayor Lago: Madam Vice Mayor, why don't we do this?

Ms. Tapanes: Yeah, but I'm okay to reasonableness, but we just need time frames.

Mayor Lago: But listen, because we have a really long agenda.

Ms. Tapanes: Understood.

Mayor Lago: So, why don't we table this item, come back in 30 minutes, put a bow on it, and present it. Because I feel like we're negotiating back and forth on the dais, maybe we can do this off a dais. The City Attorney can designate one of our great attorneys to finish this up and bring it to us in 30 minutes. Is that okay? So we can move on to the next.

Ms. Tapanes: It's okay, but I think we're really close.

Mayor Lago: Okay, but I think we've been close for the last 20 minutes. And I just want to bring it in for a landing because we have a long agenda. Long agenda.

Ms. Tapanes: I defer to you.

Vice Mayor Anderson: Of course. So, I'm going to ask you to put the bow on it with counsel because I've got all kinds of bubbles, bows, clouds, arrows on this, and I prefer to look at some clean language.

Ms. Tapanes: Understood. Thank you.

Mayor Lago: Can you bring it back in 15 minutes? 15 should be good? Okay, perfect.

[Later...]

Mayor Lago: Before we move on to F-7, let's go back and talk trees.

Ms. Tapanes: Thank you.

Mayor Lago: We're back.

Ms. Tapanes: Yes.

City Attorney Suárez: We're back to E-16 for the record.

Mayor Lago: E-16.

Ms. Tapanes: I'd like to thank the Mayor, the Vice Mayor, the Commission, the City Attorney, the City Manager, and all of your administration for working through these issues. They were quite contentious, and we all had our positions and passions, and it brings me great joy to see it come to a positive resolution for all of us. So, we do have a - - seems like we have an agreement. We have a term sheet; it's been reviewed by all. We're willing to accept it at this point. So, we respectfully request your approval of our tree mitigation plan term sheet, along with the actual plan moving forward. Thank you.

City Attorney Suárez: So, we've provided copies. So, I'd like to highlight a few points. It's -- the way it's organized, it has the different phases. Phase 1 is a tree mitigation plan approval and permitting. I think that's pretty straightforward. In part B of Phase 1, MG Developer responsibilities, subsection two, so I'm on Page 2 right now. MG will provide daily irrigation across the entire root ball for the four oak trees in the triangle and the gumbo limbo and Tree 41 according to the relocation measures, and that will occur from May 21st to August 22nd, 2025.

Mayor Lago: Okay.

City Attorney Suárez: Then MG will work with the engineer and use best efforts in cooperating with the City to design a plan for the dynamic subgrade anchoring and cabling system that fits in the triangular median to support Tree 41 consistent with standards and will provide the plan to the City by June 11, 2025. The exact location of anchoring and cabling system will be illustrated in detail to show any necessary modifications to the existing triangular median. So, the City will then have two weeks after receipt of the dynamic cabling system plan to review and determine feasibility of any required modifications to the triangular median. If such modifications are deemed minor, if the City Manager determines that the necessary modifications to the triangular median are minor in nature, such as modifications including demolishing the traffic triangle sites sidewalk, curb, crosswalk, pavement, the project will proceed to Phase 2. If in the event the traffic triangle requires a major modification, such as geometric redesign of the intersection, Miami-Dade County review or approval as otherwise determined by the Manager, City Manager will issue a determination that the relocation of Tree 41 is not feasible, will no

longer be required, and then MG can proceed to remove Tree 41 and relocate the gumbo limbo as specified in the term sheet, and the mitigation amount which will, you know, is addressed at the end, will be adjusted accordingly.

Mayor Lago: Okay.

City Attorney Suárez: You know, there's -- then Phase 2 involves site preparation of the triangle and the Granada Golf Course. The City responsibilities are laid out here. They have been reviewed and discussed and coordinated with the Public Works Department and the Manager. So, and part B of Phase 2, under MG responsibilities, in the event the City doesn't prepare the sites to accommodate the trees by August 15th, the parties are relieved of Phase 3 and Phase 4, and then Tree 41 will be removed and disposed of on August 25th. MG will complete the excavation of the triangle sufficient to accommodate Tree 41. This is provided, of course, the City prepares the sites as required, and it has the obligations of MG with respect to the traffic triangle and the completion of the relocation tasks set forth. Then -- I'm sorry, of the tree relocation plan. Then Phase 3 is relocation of the traffic triangle oaks, the gumbo limbo, and Tree 41. City will cooperate with the relocation of the trees, including review and approval of an MOT submitted by MG for any road or lane closures. MG's responsibilities include undertaking the relocation using a qualified tree relocation professional. MG will relocate the four oak trees in the triangle and the gumbo limbo to the Granada Golf Course site and the prep work required by the City is outlined herein. MG will relocate Tree 41 and install any required dynamic cabling system to the triangle using its qualified tree relocation professional. And then post tree relocation, this is Phase 4, the City's responsibilities are to, you know, reconfigure and reconstruct the traffic triangle, including sidewalks, curbs, crosswalks, et cetera, as needed. City will mill and resurface the street after all work to repair the street, including the area in front of The George project, after relocation. Upon relocation, City will take responsibility for the irrigation, nutrition, and pruning of Tree 41, all other responsibility for the health of Tree 41, and is responsible for any damage caused by Tree 41, and then MG will bear no responsibility for Tree 41, even in the event that it does not survive. Upon relocation of Tree 41, City bears responsibility for maintenance of the cabling system. That's all outlined in subsection four. City will tender a separate hold harmless and indemnification agreement to MG for the installation and placement of the anchoring and cabling system, as well as safety barriers in the public right-of-way associated with the relocation. And then with respect to the four juvenile oak trees and the gumbo limbo, City will take responsibility for irrigation, nutrition, et cetera, the aftercare, as we say. And then the

mitigation payment and calculation, those amounts are set forth herein. They've been confirmed by staff, and I think that part is pretty straightforward.

Mayor Lago: Okay. Madam Vice Mayor, does this suffice?

Vice Mayor Anderson: My major concern is one of the items that's been causing the major delay and being able to move forward on moving Tree 41, or even the gumbo limbo, or the four little oaks in there. And that is, you know, it's beginning and continuation of the watering and the root pruning as per the -- you know, and that's why I incorporated Deena Bell-Llewellyn for her instructions. So, I would feel more comfortable if there was essentially a tolling or add an extra day's provision in here before these hard and fast deadlines were in here. I think it's reasonable. I mean, you're going to find -- have to find some way to lock the watering system or put a barrier on the watering system. So, someone want to wash their car, or cut the hose, or it has to be monitored.

Ms. Tapanes: We're going to use a water -- an actual water truck company as part of the - - what Deena was telling us is that the tree relocation company can provide that service. We've had issues with providing water at the property as we've discussed due to vandalism, and so a water truck seems to be the only solution. So, as of now, we have one person who's here who's been watering, but moving forward, it needs to be consistent. So, we're going to be taking daily photographs or videos, but I think the only way of moving forward is a water truck.

Vice Mayor Anderson: So, what I've seen in the past is when someone puts a meter on a fire hydrant to, you know, keep an account on the water and use the fire hydrant water so you have a continuous flow, you bury the line, you know, just underneath the dirt so it's not so obvious for folks, and so you can move it along. And if you have it inside your MOT, your fencing, then someone's not going to be able to play with it. But this was a hose from an adjacent building that belonged to somebody else. I understand why they took it off. What are you doing using our water?

Ms. Tapanes: No, it was with permission.

Vice Mayor Anderson: Or with permission or whatever. I mean, the maintenance crew is there. They don't know the difference of why this hose is going to an additional piece of property.

Deputy City Attorney Throckmorton: Vice Mayor -- oh, sorry, apologies.

Vice Mayor Anderson: I'll give you an example. The mahogany -- yeah.

Deputy City Attorney Throckmorton: We'll also be watering the trees in the median. We discussed the water truck being the most efficient way to do all of those at once.

Vice Mayor Anderson: No, I understand. But the one that is going to go and need the watering the most, in which I had talked to various representatives of MG about, I even provided them a sprinkler.

Ms. Tapanes: And we've used it. Today, the hose was slashed on purpose with a gift from probably a resident or a neighbor, so it's a constant issue.

Vice Mayor Anderson: No, it is. It is. So...

Ms. Tapanes: So, I think a water truck, that's what we're going to -- and until then, we're going to have one person doing this every day.

Vice Mayor Anderson: All right. I've seen -- I've seen the timers go off twice a day. Are you going to be able to be committed to watering these trees twice a day?

Ms. Tapanes: We were told that it was -- actually, we've been watered -- the timer was for 180 minutes, and we were told by Deena that it's supposed to be 15, 20 minutes once a day. So, it's not even twice a day. But we're going to use a professional tree relocation company. We've already spoken to Deena about the company that we'll be contracting. And so, there's some confidence that it will be done correctly.

Vice Mayor Anderson: So, can we put in a footnote that if those conditions are not complied with, there's a tolling of the time.

Ms. Tapanes: Yes, there is.

Deputy City Attorney Throckmorton: The timeframes of all the timeframes in this agreement can be extended by mutual agreement with the City Manager and MG Developers. So, if the -- they need additional time before they're ready for relocation, you know, we can look at all of those.

Vice Mayor Anderson: That's with a mutual agreement, but I think we need to expressly say that if, you know, these can -- if the MG's responsibilities aren't done on a timely basis, then the time is tolled.

Mayor Lago: Is that -- is that -- Madam Vice Mayor, is that fine? So, is that the only pending issue we have in the agreement?

Ms. Tapanes: I believe that that's just the only thing being raised now.

Vice Mayor Anderson: Yeah, (INAUDIBLE)...

Ms. Tapanes: So, we don't -- I mean, obviously, we don't want to be in breach of the agreement, so it would be extended by mutual consent. There's not going to be a breach because, otherwise...

Vice Mayor Anderson: Automatic -- I'm talking about automatic tolling. Because remember...

Ms. Tapanes: Yes.

Vice Mayor Anderson: When we met with Deena Bell-Llewellyn, she said the clock had to start again. You may have watered, you know, a month ago, but that doesn't count anymore.

Ms. Tapanes: No, we watered yesterday. And today, we had an issue, so we watered by hand.

Vice Mayor Anderson: So, you have two days in. But if the watering stops...

Ms. Tapanes: Understood.

Vice Mayor Anderson: And it's sufficient break that our staff determines that the clock has to start again, then the clock has to start again. That's what I am trying to say. It's an incentive program, if you want to call it that.

Ms. Tapanes: Understood. I agree.

Vice Mayor Anderson: To make sure -- make sure they get out there.

Ms. Tapanes: Rather than being in breach of the agreement, then yes, we'll agree to that. And there's other little -- well, let's see. The language is already here actually. Thank you, Mr. Savage. MG understands that compliance with the requirements in the relocation memo was critical to the relocation of subject trees and that noncompliance with this requirement may result in the delay of the tree relocation and the construction of its project. Your attorneys already included it.

Vice Mayor Anderson: Okay, all right.

Mayor Lago: Okay.

Vice Mayor Anderson: Thank you.

Mayor Lago: So, with that being said, can I have a motion?

Vice Mayor Anderson: I'll move it.

Commissioner Fernandez: I'll second.

Mayor Lago: Any further -- anything else for the good of the order? All right, then please call the roll.

Vice Mayor Anderson: Yes.

Commissioner Castro: Yes.

Commissioner Fernandez: Yes.

Commissioner Lara: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: I want to commend both groups, both teams, staff, the Vice Mayor for working on this. I know it's been a labor of love. I appreciate that. The trees are incredibly essential to who we are as a city, and I'm really, really grateful for all the attorneys and for the developer for being so thoughtful and coming to an agreement at the end of the day.

We're going to do everything in our power to make sure that you're successful. But at the end of the day, MG's product speaks for itself.

Ms. Tapanes: Thank you.

Mayor Lago: And you know they're going to be incredibly successful. So, thank you to everybody, Savage, Mario, Behar, all of you, thank you.

Ms. Tapanes: Thank you. My final -- my final word will be I would like to advocate for Tree Number 41 to be the tree of the year for 2026. Who says they all have to have flowers and be beautiful? Some lopsided trees with only a little bit of canopy can be beautiful too.

Mayor Lago: We'll take it.

Vice Mayor Anderson: Character, character.

Ms. Tapanes: So, please take that into consideration. Character, absolutely.

Mayor Lago: Thank you, Counselor. Thank you so much.

Ms. Tapanes: There's beauty in character. Thank you.

Mayor Lago: Thank you.

City Attorney Suárez: Thank you.