

City of Coral Gables City Commission Meeting
Agenda Item F-5
August 24, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Attorney, Miriam Ramos

City Manager, Peter Iglesias

City Clerk, Billy Urquia

City Planner, Jennifer Garcia

Public Speaker(s)

Agenda Item F-5 [3:45 p.m.]

An Ordinance of the City Commission amending Chapter 62 “Streets, Sidewalks and Other Public Places, Article IV “Maintenance of Sidewalks and Swale Areas,” Section 62-153 “Removal of Obstructions” and Section 62-156 “Buttons and Other Encroachments Prohibited” of the City Code to clarify provisions regarding obstructions and/or encroachments on streets, sidewalks, or swale areas; providing for severability clause, repealer provision, codification, and providing for an effective date.

Mayor Lago: Let’s move to F-5.

City Attorney Ramos: We are doing F-5 Mayor?

Mayor Lago: Yes ma’am.

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Agenda Item F-5 – Ordinance amending Chapter 62 – Streets, Sidewalks and Other Public Places, Article IV-Maintenance of Sidewalks and Swale Areas

[Date]

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City Attorney Ramos: Sorry. I understood we were taking her at 5. An Ordinance of the City Commission amending Chapter 62 “Streets, Sidewalks and Other Public Places, Article IV “Maintenance of Sidewalks and Swale Areas,” Section 62-153 “Removal of Obstructions” and Section 62-156 “Buttons and Other Encroachments Prohibited” of the City Code to clarify provisions regarding obstructions and/or encroachments on streets, sidewalks, or swale areas; providing for severability clause, repealer provision, codification, and providing for an effective date.

Deputy City Attorney Suarez: Good afternoon Mayor and Commissioners, Cristina Suarez, Deputy City Attorney. Section 62-153 of our City Code sets forth a procedure for removal by the city of obstructions on rights-of-way essentially, and provides violations are punishable as set forth in Section 1-7 of the code. The proposed ordinance just amends the section to make it abundantly clear that placing, maintaining or allowing an obstruction upon any street, sidewalk or swale area, is prohibited and a code enforcement violation. It also clarifies that obstruction does not include any trees, shrubs, swale trees or encroachment that’s been approved in writing by the City Commission or City Manager, so that would include things that are in the approved swale package. Additionally, the proposed ordinance further amends Section 62-153, and also Section 62-156, which specifically deals with buttons and those types of encroachments, to specify the procedures for imposing a special assessment lien if the city does have to expend resources in removing such obstructions.

Mayor Lago: Perfect.

Commissioner Anderson: So, I have a few comments about paragraph (a) the encroachment approved by arriving by the City Commissioner, City Manager, because of the swale package and because of the historical aspect before the swale package was ever in existence, there is lack of clarity. So, I think if we just add the language were permitted by the City Code, because we are allowed to put in plantings within three feet of a tree trunk. So that’s not required to be permitted by the City Commission or the City Manager, its already in the code itself that you are allowed to have those types of plantings. And before the swale packages existed, people did plant stuff in there, so they were grandfathered in, for lack of better terms, at least I was told that the swale package came into existence. So, I don’t want to have this conflict ongoing, because we don’t have a definition of what an obstruction is that’s clear enough in here. So if you in, or as otherwise permitted by the City Code.

Ms. Garcia: That should work.

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Commissioner Anderson: It would encompass those types of items.

Ms. Garcia: Absolutely.

Mayor Lago: Any other comments? I have no issues. Do we have any comments from speakers?

City Clerk Urquia: No sir.

Mayor Lago: I'll entertain a motion.

Commissioner Anderson: I'll move it with the amended language.

Commissioner Menendez: I'll second with her amended language.

Mayor Lago: Mr. Clerk.

Commissioner Anderson: Yes

Commissioner Fors: Yes

Commissioner Menendez: Yes

Mayor Lago: Yes

(Vote: 4-0)

(Vice Mayor Mena: Absent)