

# CITY OF TALLAHASSEE

## CITY COMMISSION AGENDA ITEM

<b>ACTION REQUESTED ON:</b>	May 28, 2008
<b>SUBJECT/TITLE:</b>	Amending City Commission Policy 2001 - Administration of Landscape Fee-in-Lieu Funds
<b>TARGET ISSUE:</b>	Long Range Community Planning

### STATEMENT OF ISSUE

To improve efficiency and conserve staff time, the Planning Department and Public Works are proposing to transfer administration of the landscape fee-in-lieu funds (Tree Bank) from Planning to Public Works. This change will reduce the number of staff members that are involved in the process of approving projects under \$10,000 on City owned land. City Manager approval will still be required for projects over \$10,000 and City Commission approval is required for projects over \$50,000 or on non-City owned properties.

Additionally, this item seeks to remove a provision in City Commission Policy 2001 that allows Tree Bank funds to be utilized for the removal of trees from City property. Tree Bank funds are generated when there is not sufficient space on a development site to accommodate required trees. Utilizing these funds for the removal of additional trees results in a loss of potential urban tree cover.

### RECOMMENDED ACTIONS (Options 1 and 2)

1. Approve the transfer of administration of the Tree Bank from the Planning Department to the Public Works Department.
2. Approve changes to City Commission Policy 2001 to implement the transfer of Tree Bank administration and prohibit the utilization of Tree Bank funds to remove trees from City property.

### FISCAL IMPACT

This change will result in staff time savings, as duplication of staff efforts will be avoided. However, prohibiting the use of Tree Bank funds for the removal of trees from City property may have fiscal impact on Public Works programs to address hazardous trees in a timely manner.

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Wayne Tedder    -and-    Gabriel Menendez  
Director                      Director  
Planning Department      Public Works Dept.

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**SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS**

**HISTORY/FACTS & ISSUES**

The Public Works Department is currently the most active consumer of funds from the City Tree Bank. After developing a tree-planting plan, staff from Public Works must now request project approval from the Planning Department. A staff planner reviews the request and makes a recommendation to the Planning Department Director who may then approve the project. This process was appropriate when the City Forester position was in the Planning Department. However, in January of 2004 the City Forester retired and the position was transitioned into a contract position that, after two attempts, could not be filled. Subsequently, the position was deleted from the Planning Department. All duties of the City Forester have been absorbed by staff within the Planning Department or other appropriate departments.

Staff from the Planning Department and Public Works held a meeting on March 24, 2008 to review the current process and policies for Tree Bank administration. No major obstacles were identified to the successful transfer of administration from Planning to Public Works. The Public Works Department has well qualified staff members trained in the fields of landscape architecture and urban forestry that are available to conduct reviews of both internally and externally proposed Tree Bank projects.

During the review of the policy, staff identified a concern with allowed use of Tree Bank funds. The intent of the Tree Bank is to increase tree cover within the City. However, the Tree Bank has been used as a funding source to remove trees. Public Works utilized \$7,925 in fiscal year 2007 and \$3,700 to date in fiscal year 2008 for the removal of large hazardous trees in City owned right-of-way. Altering City Commission Policy 2001 to prevent the use of Tree Bank funds for the removal trees from City property will require that Public Works utilize resources through the general fund to complete future tree removals.

**OPTIONS (Options 1 and 2)**

1. Approve the transfer of administration of the Tree Bank from the Planning Department to the Public Works Department.
2. Approve changes to City Commission Policy 2001 to implement the transfer of Tree Bank administration and prohibit the utilization of Tree Bank funds to remove trees from City property.
3. Do not approve changes to City Commission Policy 2001 to implement the transfer of Tree Bank administration and prohibit the utilization of Tree Bank funds to remove trees from City property.
4. Provide alternative direction.

**ATTACHMENTS/REFERENCES**

Attachment #1: Proposed Amendments to City Commission Policy 2001

## City Commission Policy 2001 - Administration of Landscape Fee-in-Lieu Funds

DEPARTMENT: ~~Planning~~-Public Works

DATE ADOPTED: April 10, 2002

DATE OF LAST REVISION: December 15, 2004

**2001.01 Authority:** The City Commission.

**2001.02 Scope and Applicability:** This policy shall be used in the administration of all fees collected in-lieu-of on-site urban forest requirements and landscaping, under Sections 5-85(b)(4) and 5-85(f) of the Land Development Code.

**2001.03 Policy Statement:** Fees collected by the Growth Management Department, in-lieu-of on-site urban forest requirements and landscaping under Sections 5-85(b)(4) and 5-85(f) of the Land Development Code, shall be deposited in the accounts noted below for landscaping and preservation projects in the downtown area and for areas outside of the downtown area as provided in Section 2001.06 below.

### 2001.04 Definitions:

**Maintenance and Preservation Techniques:** Includes inventory of trees, the establishment and maintenance of newly planted trees (corrective and training pruning, irrigation, fertilization, etc.), the maintenance of older and mature trees (hazardous and dead wood pruning, fertilizing, cabling and bracing, mulching, etc.), relocation and the diagnosis and treatment of disease, insects, construction impacts, and environmental stresses. Also includes appropriate technical support and training necessary to ensure preservation of City owned trees due to infrastructure improvements or other activities detrimental to the survivability of landscaping and trees. Maintenance and preservation techniques shall be in accordance with standards established by the International Society of Arboriculture (ISA).

### 2001.05 Responsibilities:

The Director of ~~the Planning Department~~-Public Works or his designee has the responsibility for the administration of this policy and the administration of the disbursement of funds collected in-lieu-of on-site urban forest requirements and landscaping, under Sections 5-85(b)(4) and 5-85(f) of the Land Development Code. All activities performed under the provisions of this policy shall be performed and permitted according to the applicable City, State and Federal requirements. The Director of ~~the Planning Department~~-Public Works or his designee shall maintain the appropriate records to document compliance with the procedures of this policy.

### 2001.06 Procedures:

- A. The Growth Management Department shall collect landscape fees in-lieu-of on-site plantings, Under Section 5-85(b)(4) of the Land Development Code at the time an environmental permit is issued, and deposit these funds in the "C-3 fees-in-lieu" account designated by the City's Department of Management Administration. "C-3 fees-in-lieu" funds shall be used for landscaping, beautification and signage projects on public property (local, State, Regional or Federal) in the downtown zoning districts and for tree care and maintenance and preservation techniques for City approved projects.
  1. The "C-3" trust funds shall not be used for landscaping, beautification and signage projects on private property.

2. Expenditures of funds for projects on non-City owned property shall be subject to the provisions of Section 2001.07.
  3. The following prioritization for the allocation of funding from the "C-3" Trust Fund shall be utilized:
    - i. Planting of new trees and landscaping on City owned property
    - ii. Beautification projects on City owned property
    - iii. Signage on City owned property
    - iv. Planting of new trees and landscaping on non-City owned public property
    - v. Beautification projects on non-City owned public property
    - vi. Signage on non-City owned public property
  4. Expenditures for projects shall be in accordance with the City procurement policies and procedures. The Director of ~~the Planning Department Public Works~~ or his designee shall be authorized to approve expenditures on City properties for up to \$10,000. The City Manager or designee shall be authorized to approve expenditures on City properties for up to \$50,000.
- B. The Growth Management Department shall collect fees in-lieu-of required tree plantings, as provided in Section 5-85(f) of the Land Development Code and deposit these funds in the "Off-site replanting" account designated by the City's Department of Management Administration. "Off-site replanting" funds shall be used for street tree, landscaping projects, and for tree care, maintenance and preservation techniques throughout the city.
1. The predominant intent of the "Off-site replanting" accounts is to be used for public projects (i.e., City, County, State and Federal). These funds may be utilized for private planting (tree and landscape). Expenditures of funds for projects on non-City owned property shall be subject to the provisions of Section 2001.07. These funds shall not be used to satisfy landscaping permit requirements for developments.
  2. The following prioritization for the allocation of funding from the "Off-site" Trust Fund shall be utilized:
    - i. Maintenance and preservation of any City owned tree within the Downtown Future Land Use Category
    - ii. Planting of new trees and landscaping projects on City owned property
    - iii. Preservation, ~~and~~ maintenance, ~~and/or removal~~ of patriarch trees within City property
    - iv. Preservation, ~~and~~ maintenance, ~~and/or removal~~ of (non-patriarch) trees within City property
    - v. Planting trees and landscaping on property owned by a not-for-profit organization when a substantial public benefit is provided
    - vi. Planting trees and landscaping on property owned by a private organization when a substantial public benefit is provided
    - vii. Planting trees and landscaping on private residential property when a substantial public benefit is provided.

- c. Expenditures for projects shall be in accordance with the City procurement policies and procedures. The Director of ~~the Planning Department~~ Public Works or his designee shall be authorized to approve expenditures on City properties for up to \$10,000. The City Manager or designee shall be authorized to approve expenditures on City properties for up to \$50,000.

**2001.07 Expenditures on Non-City Owned Properties:**

- A. Expenditures for planting and landscaping projects on non-City owned properties may be approved so long as the expenditure can be demonstrated to promote a substantial public benefit.
- B. All expenditures for planting and landscaping projects on non-City owned properties shall be approved by the City Commission.
- C. Projects that may be eligible for funding include, but are not limited to: Plantings within a canopy road protection zone, plantings visible from a public street and the property fronts a public street, plantings are located within 30 feet of the public right-of-way and, the planting plan includes only native plant species.
- D. The Director of ~~the Planning Department~~ Public Works or his designee and the City Electric Forester if applicable shall approve the planting plan.
- E. The applicant must enter into a two-year maintenance agreement with the City. If the recipient of the funds does not maintain the plantings, then the recipient and the recipient site will no longer be eligible for further funding pursuant to this policy.

**2001.08 Exceptions:** N/A.

**2001.09 Sunset Provision:** This Policy is subject to sunset review by the City Commission at least once every five (5) years from the date adopted or last revised. Revisions to this policy will become effective immediately upon City Commission approval.

**2001.10 Effective Date:** This Policy shall become effective on April 10, 2002.

**2001.11 Revised:** December 15, 2004