

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO ISSUE A COMPETITIVE SOLICITATION FOR TREE VENDORS TO ACTIVATE AND USE THE CITY'S WEST LOTS (OR PORTIONS THEREOF), FOR THE SALE OF FRESH CUT TREES (CHRISTMAS TREES AND HANUKKAH BUSHES) DURING THE DECEMBER 2022 HOLIDAY SEASON.

WHEREAS, there are currently extremely limited options to purchase fresh cut trees within the City of Miami Beach, whether for use as a Christmas tree or Hanukkah bush (a Christmas tree with no Christianity-themed decorations) during the holiday season; and

WHEREAS, pursuant to feedback from the residents, Commissioner Rosen Gonzalez, the sponsor of this Resolution, proposes issuing a competitive solicitation for vendor(s) to activate a temporary site for the sale of fresh cut trees on the City's West Lots during the 2022 Holiday Season; and

WHEREAS, the West Lots are eight City-owned development parcels fronting Collins Avenue between 79th Street and 87th Street, currently holding three parking lots, Ocean Rescue services, and a new skate park; and

WHEREAS, the West Lots are a suitable location for the sale and purchase of trees for the December 2022 Holiday Season; and

WHEREAS, federal courts have held that Christmas trees are secular in nature¹, and, thus, the sale of fresh cut trees on City property would not implicate the Establishment Clause of the First Amendment to the U.S. Constitution; and

WHEREAS, in addition to being secular, fresh cut trees are a net environmental positive, because they have a smaller carbon footprint as opposed to artificial holiday trees.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the City Administration to issue a competitive solicitation for tree vendors to activate and use the City's West Lots (or portions thereof), for the sale of fresh cut trees (Christmas trees and Hanukkah bushes) during the December 2022 holiday season.

PASSED AND ADOPTED this ____ day of _____, 2022.

Attest:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

1-31-22

Date

¹ See *County of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 109 S.Ct. 3086, 106 L.Ed.2d 472 (1989).