

**City of Coral Gables City Commission Meeting
Agenda Item C – Public Comments
September 14, 2021
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 Manager, Peter Iglesias
Assistant City Manager, Ed Santamaria
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Police Chief, Ed Hudak
Major Pedroso**

Public Speaker(s)

**Francisco Leon
Maria Cruz
Michael Froomkin
Debra Register
Rachel Lauzurique
Susan Kawalerski**

Agenda Items C/G-7/E-2 – Public Comments [10:00 a.m.]

Mayor Lago: Moving on we move forward to the Public Comment section of the agenda.

*City Commission Meeting
September 14, 2021*

City Clerk Urquia: Mr. Mayor, we have several speakers today. The first one is Mr. Francisco Leon.

Mayor Lago: Mr. Leon, good morning, the floor is yours. Thank you for being here with us.

Mr. Leon: Thank you for letting me speak. I came to speak about the item, G-7, the closing of the alleys. One item I'm sure it's going to come up when you do the study, there are multiple properties on all three alleys that the garage is accessible through the alley; and the other item is they've done a beautiful job with the landscaping with the Plaza. If they close the alley and give us the property, we are going to have to put all the jar clippings up front, and I don't think it's going to look very nice, and then you are going to fill the sod that you just put down. I just wanted to make the city aware of those two items.

Mayor Lago: I met with you when we had an onsite meeting with the ACM, our Director of Public Works, and I think Kevin Kinney was there also, I'm not sure who else was there, and Ramon Trias, excuse me. We went over a lot of different issues, and you brought up some of these great points. I'm of the belief and that's why I put the item on the agenda, that we need to do something with those alleys. Currently, and I think you can attest to it, those alleys are an abomination to that neighborhood. The amount of garbage, the amount of beer bottles and certain activities that are happening in those alleys. To me, if I lived on that street, I would feel unsafe knowing that those kinds of things are happening behind my backyard, even if you have a fence or you don't have a fence. The street, the alley itself has never been improved, its gravel, and it looks like a nightmare and doesn't look like Coral Gables. So, I don't disagree with you on the issue in regard to certain homes, the handful of homes that have access to the rear for their parking, but we are looking at different opportunities. Maybe what we do in that situation is, we put a gate that only the residents have accessibility to, where again, they can continue to park from the rear, and we improve that alley to a certain extent. Also, the ACM and the City Manager were having a discussion about utility, that's a utility corridor, so again, it would also give us trouble if we were to not only deed that property over but allow people to build on that property. So those are things that we are discussing, and I promise you, I give you my word, that we are going to be very thoughtful, but something has to happen one way or another.

Mr. Leon: I agree.

Mayor Lago: And you and I discussed the issue of potentially putting a gate there at both ends and restricting access.

Mr. Leon: I'm all for that.

Mayor Lago: And it's not only about the beautification, not only about the beautification, it's also about your safety, and I think that you can attest, and I would really appreciate to put it on the record, because I want to expedite this process, and I'm happy you came, because I was going to talk about this. We can actually do G-7 right now, literally get one thing out of the way, because this is about your safety, and I want you to please put it on the record that you are in favor of the gates.

*City Commission Meeting
September 14, 2021*

Mr. Leon: Yes.

Mayor Lago: You are in favor of the gates.

Mr. Leon: I'm in favor of the gates.

Mayor Lago: That that is an opportunity that we should do with the beautification of the alleyway. In regard to the clippings, I got rid of my trash pit, Vice Mayor Mena has also, and Commissioner Fors did, and we are trying to advocate to people to get rid of their trash pits, because it's all about beautification. You can always have your landscaper take away his clippings. He doesn't charge me to take my clippings away. I'm just giving you an idea.

Mr. Leon: I'm sorry to interrupt you. I have somebody that comes and cuts my grass, but I do the upper work all myself, because it's something I enjoy. So, I cut it and I put it in.

Mayor Lago: There are different ways that you can achieve the same goal. By the way, and I want to put on the record again, we are not removing, mandatorily removing people's trash pits, that's not under discussion, but your yard would look so much nicer, your swale would look so much nicer without a pit, and when you think about the City Beautiful, you think about those pits, they are not very beautiful. But in regard to the alley, I just ask you to have a little faith, join us so that we can really do something that would improve those alleys which sorely, sorely needed. Right now, the conditions that you are living into the rear of your property are completely unacceptable.

Mr. Leon: I think part of it is due to the Plaza, the...drinking and smoking whatever they are smoking, but even when they are not there, it's a mess.

Mayor Lago: It's a mess. So, I appreciate you being here, it's a pleasure to see you again, and we are going to be moving forward and I give you my word that we are going to do something that's going to make you very happy.

Mr. Leon: Thank you very much.

Mayor Lago: Thank you for being here.

City Clerk Urquia: Mr. Mayor just really quick. Are you discussing G-7 right now?

Mayor Lago: Yes.

City Clerk Urquia: So, Ms. Maria Cruz wanted to speak on G-7 as well.

Mayor Lago: Okay, that's fine.

Ms. Cruz: Good morning. Maria Cruz, 1447 Miller Road. I had a public comment, I think this is G-7, but since you brought it up. I understand what you are trying to do, and I think it's a wonderful
City Commission Meeting
September 14, 2021

idea, as long as we are not talking about vacating to build, that's our only concern. If the neighbors would like to keep that area so they are safe, wonderful, as long as we are not putting buildings on it and adding that area towards their FAR or whatever it's called. Okay. Thank you.

Mayor Lago: Thank you Ms. Cruz.

City Clerk Urquia: So, if we are returning to the public comments, Ms. Cruz is actually the first speaker on that as well.

Mayor Lago: Ms. Cruz, welcome back.

Ms. Cruz: Okay. So, I'm here, Maria Cruz, 1447 Miller Road, and I'd like to thank again and again the Commission, including everyone and the Mayor for allowing the residents to express their views and to be listened to. I think it is important for democracy, to listen to people and I know that some people would like to shut me and intimidate me not to talk, but as long as I am alive and well and live in this beautiful city, I will continue to talk. Thank you very much.

Mayor Lago: Thank you Maria.

City Clerk Urquia: Mr. Mayor the next speaker is Mr. Michael Froomkin.

Mayor Lago: Mr. Froomkin, good morning, the floor is yours.

Mr. Froomkin: Hello, can you hear me?

Mayor Lago: Yes sir.

Mr. Froomkin: Hi, my name is Michael Froomkin, I'm a 30-year Coral Gables resident at 1436 Urbino. I appreciate the opportunity to speak against item E-5 on the agenda today, which the city proposes to acquire biometric face recognition technology from Clearview AI. I've been a professor at the University of Miami Law for 30 years and learning about law technology and privacy for about 25 of them. My objections are that Clearview violates internationally recognized human rights. The product is easily abused. The company has acquired its images in shady ways that are the subject of lawsuits in multiple states and countries. Coral Gables tax money should not be spent buying this product from this company. So, I ask you either to vote this down or at least delay it for further study. I'm happy to provide extensive documentation supporting everything I'm about to say. Clearview violates our right to biometric privacy. We have fundamental human right to privacy over our personal information, but everywhere we go we display unique and indelible marker that can be seen from a distance that cannot be changed, our own faces. So, users of Clearview can use face surveillance technology combined with ubiquity of digital cameras and that's everything from city-owned cameras to people's Ring things on their doors and everything in between, to track where we go, who we are with, what we are doing. This is Orwellian. You can always get a new idea, but you can't get a new face. Clearview violates our rights to free expression and freedom of association depend upon privacy. These includes the rights to confidently engage in expressive activity, to speak anonymously, to converse privately, to confidences received on

*City Commission Meeting
September 14, 2021*

popular ideas, and to confidentially gather newsworthy information from disclosed sources. Government officials can likewise use Clearview to identify who attended a protest, meeting or a planning meeting, who visited a reporter, who left a pamphlet unsigned using their right to anonymous speech on a doorstep. Clearview is far too easily abused. I don't think anybody in Coral Gables has a plan to abuse it, but getting it is like leaving a loaded gun lying around. Police elsewhere have used facial I.D.-based surveillance to target BLM protestors in the last couple of years, including the U.S. Park Police, U.S. Postal Inspection Services, local police in Boca, Broward County, Ft. Lauderdale, Miami, New York City and Pittsburgh. Clearview is not an ethical company. It produced its database by scraping billions of photos from things like Tweeter and Facebook, despite those groups not having given permission in violation of the terms of service, and without the permission of the users, the subject of photographers is in violation of copyright. They are being sued for this behavior all over the country and all over the world. The states of Illinois, California and Virginia have brought lawsuits and there are private lawsuits pending by the ACLU and others in other states as well. Clearview is on the way to being banned in the European Union, its already banned in Hamburg and they got kicked out of Canada last year. Last year the Canadian Privacy Commissioners said that what Clearview does is mass surveillance and its completely unacceptable to millions of people to always be involved, who have never been implicated in a crime to involuntarily be put in a police lineup all the time without their knowledge. I could go on about this for hours, in fact I do when I'm lecturing, but I think my time is probably expired. Thank you so much for all of you for listening.

Mayor Lago: Mr. Fromkin thank you very much. We have our Police here who would like to respond.

Chief Hudak: Commissioners, Mr. Mayor, the system that we have in place already, this is a re-up for the contract. The images that are taken from this are all taken from open source, based on leads and criminal investigations only. This is not a scouring of people walking up and down the streets from our CCTV system, that is not the way this works. The detectives and the process that we have in place, that has also been run through Legal on how we do that, is what we adhere to. There is no one person going through the camera systems looking for something else. What the issues that have come up in some areas may be an abuse of a policy, but our policy is tight. Major Pedroso is over the Criminal Investigations Division, of which this will be housed and can talk about some of the security aspects that we've put in place already. Major.

Mayor Lago: Thank you Mayor, welcome.

Major Pedroso: Thank you sir. Mr. Mayor, Mr. Vice Mayor, Commissioners, Madam City Attorney, Mr. Manager, and Mr. Clerk. You know the item that's before you today, as the Chief mentioned, we are looking to reengage our agreement with the company Clearview AI. Currently, the Coral Gables Police Department relies on two systems regarding facial recognition; one is FACES, it stands for Face Analysis Comparison and Examination System, and that is managed by Florida Department of Law Enforcement. That provides us access to images of driver's licenses, mug shots, government captured photos of individuals that are also associated with those official government records, that's a law enforcement use only database. The other system has been Clearview AI. It's a private company and the way it works is it scours social media; it looks for

*City Commission Meeting
September 14, 2021*

open-source images. So, if you have a Facebook or a Tweeter and you allow your content to be shared publicly, not privately, then those images are retained in their database. So how do we use this? We utilize it, as we know, technology continues to evolve and more and more we are relying on images that are captured of crimes. So, whether it's somebody breaking into your home, whether it's somebody that commits a crime out on the street, our use of this system is strictly managed, it's strictly controlled, not everybody has access, not any officer can just go into the system. In fact, the system itself prevents that. If you run an image – so let's say we have an image captured on somebody's doorbell camera breaking into a house, that image, a detective that's authorized and has access to that system goes in and scans that image. The system requires that detective to log in with his or her credentials, it's going to capture their name, their I.D., they have to enter the case number, it's got to be a criminal investigation, and then they have to enter comments as to why they are searching for that image. And then we have administrators that are in the Command structure of the Criminal Investigations Division that can audit that system, can look into it, can ask questions. So, it's not just you can just check whatever you want and do a friend a favor. Could that happen? – like in any system you can have somebody try to abuse it. But we have controls in place, and we manage it very carefully. We haven't had an abuse that we've seen with that system to date, and it's very useful, because people will provide images. They have somebody that has broken into their house, we have somebody that has been captured doing a crime, but with that image that's all we have. And so, this allows you to now check against open-source social media images. It presents a possible match. That doesn't mean we go out and arrest that person. A lot of the departments that have gotten into trouble across the country have done that. They've misused the system. The image says, oh it might be this person, and then a detective, somebody has gone out and made an arrest. That does not give you probable cause. That does not give you the ability to go out and make that arrest and we don't allow for that. All that is, is it gives somebody that it may be, the person that you are looking for. The detective has to do their homework and they have to do their due diligence and their work to see if this person is potentially a suspect in that case, and there are processes that we go through in our investigations to do that. So, it's not used – we do not use it just to go out and identify and go arrest anybody. It is really a tool to try to identify somebody that has been captured on a video. So far, the system has worked for us, and I believe that as we continue to rely on electronic surveillance systems in the private sector and in homes, and people are coming to us with these videos, I think this is a tool that lets us take a step in trying to identify the people that are committing those crimes.

Chief Hudak: Commissioners, just to close before you ask questions. I want to make it a point, now what we are seeing throughout Dade County and Director Ramirez from Miami-Dade Police and many of us, some of the mass shootings that we've had and experienced this year, and I think we need to understand that in our city, were not turf wars or gang wars. They were started over social media. It's an amazing phenomenon that the last shooting where 20 people were shot on Memorial Day weekend, was started over a Tweeter rant and Facebook rant. We have to stay in front of this. Understand that we don't do anything in the Police Department when it comes to this without talking with our legal advisor and the City Attorney's office. So, everything that we are doing, the process we put in place are to make sure we protect that. But it's in my estimation that we now have assigned a junior officer, who is better than the Major and I as far as technology, who is working with Miami-Dade County, working on their crime lab to help develop the information, because it's everywhere. So, this is a part of a tool that we need.

*City Commission Meeting
September 14, 2021*

Mayor Lago: Chief, thank you. And I want to commend the Major also for his comments in regard to the fact that there are protocols in place to ensure compliance. I want to make sure – that’s a big concern of mine. And I agree with Mr. Froomkin on several points in regard to a person’s rights, but like you said before, this is an issue about open source, and I’ll give you an example. I have my own personal Instagram account, which is closed, and then I have my Instagram account as the Mayor of Coral Gables, which is open, and anyone can see. If I put a picture on that account that’s open for the world to see. That’s open for the world to take a snapshot of that photo. So, the fact that you mentioned the issue about open source and the fact that there are compliance checks in place, gives me pause, let’s me rest easy in regard to the fact that potentially this could be used in a malicious way. I have one question only. I want to educate myself on this issue. Why is the European Union removing this technology? Why have you seen them remove from Canada? Are they using it in a way that other municipalities have used it, which has broken the law, or they’ve gone out there and said, this potential person, this suspect is a person who we think may have committed this crime? They went and misidentified this person and arrested this person, what was the reasoning why they are being removed?

Chief Hudak: Legally, and again, I’m not a legal expert what these countries are seeing, but again, over there, here, you are innocent until proven guilty. There you are pretty much arrested then you have to prove your innocence. I’m not sure exactly why we are seeing that, but from an operational standpoint, we go to great lengths not just to make sure our policy is in place, but in the Community Intelligence Center, where we are looking at the cameras, there is a camera in the room watching the person watching the cameras that they can’t touch. So, we have gone to great strains to make sure that we can catch anything that maybe out of the ordinary.

Mayor Lago: Can you quickly Chief, and I’m sorry to interrupt you before I forget, you mentioned your legal team. Can you explain the interaction between the Major, the Chief, that junior police officer who is incredibly tech savvy and our City Attorney’s office?

Chief Hudak: So, every Monday at all of my executive staff meetings, which is the Police Command staff, the Izzy Reyes Law Firm, Chris Reyes, sits on my staff, so he is there every day, every week, the detectives, the supervisors, including the supervisors on the road, have the ability to contact them directly at the scene if something is needed. They review all of our warrants, they review all of our arrest warrants, and that’s our legal advisors. I don’t know what I would do without them at times, other than the fact that the City Attorney would hear a lot more from me. However, every issue comes through, even before it gets to me, I want them to have the ability to ask for that first line opinion. As you know, the ALPR suit, I mean we have those things in place already to make sure just because a tag’s a hit, it has to be verified. It’s in our SOP’s. If this was, we would have a hard time getting reaccredited and that just goes to show you what issues we have.

Mayor Lago: Thank you Mr. Clerk, unless there are any comments from the Commission, Commissioner Fors.

Commissioners Fors: Just because we brought it up. I recently read an entire article about the European privacy laws and why they are so stringent and what scholars opine is that they recently went through very traumatic events, recent relatively speaking to our history, in terms of the things some of the things that occurred during World War II and for that they are almost extra reactionary, in terms of protecting privacy rights. I'm wondering, this is probably not permitted in California either, right.

Chief Hudak: I don't believe – I'm not sure exactly what they are doing with that.

Major Pedrosa: I know that the FBI utilizes this company and the database. There are law enforcement agencies across the country that utilizes it. The departments that are getting into trouble, I can't speak also to what's going on overseas and across the border in Canada. I know that in researching this product and this company, looking at agencies in the United States, the ones that have gotten into trouble and have gotten sued, in my professional opinion and the opinions of others, obviously that have looked at these matters, they've overstepped, they've misused the produce, they've gone out and made an arrest because the system prompted a possible person that could be in your picture, and that's a problem. And so, we in addition to the senior staff meetings, we have regular meetings every week in our Investigations Division, all the supervisors are there, we bring in lead investigators, we review every case before it goes out for arrest, they have to meet with their supervisor, depending upon the type of case, it can get involved up to the Chief of Police. We can get involved in reviewing what is it that we are arresting this person for. What have we done to find this person? – and so, we ask these questions. The system, it provides an opportunity for us to – you know when you have this image and you have it more and more, and that's another argument that I know a lot of people are concerned about, is what you referenced Commissioner, in the article that you read, people are concerned about it, but at the end of the day it's about being responsible, the technology is here, right, so we have to just manage it and use it responsibly, and we do have to go out there and have a way to go after these people that are committing crimes and taking advantage of people.

Vice Mayor Mena: We had this discussion, I think, somewhat previously not only with respect to this, but also with respect to ALPR's, a lot of the compliance protocols that you described are very similar to what I recall discussing with respect to ALPR's, the log-ins, sort of check, the camera watching the person logging in, etc., which gives me peace of mind that we are protecting that information, we are being judicious with how we handle it, because it is a sensitive topic. I appreciate the concern expressed by Mr. Fromkin. We discussed these issues that we get to a point that we are comfortable with what we are doing. At the end of the day, I come down on the open-source issue really and the checks we have in place. You know if somebody does commit a crime in the city, and they have publicly posted photos on the Internet, I think we'd be fools not to look at them. And so, I think our residents expect us to use every resource to keep them safe and to investigate any crime that happens in the city. And so, again I know you too, we've spoken about it before, understand the sensitivity and the concern and I'm confident you'll continue to make sure that the protocols are applied and that we use this judiciously, and I'm comfortable that what you have in place does that right now. If somebody, Mr. Fromkin, or anybody else has other information about what's happened in other locations, I'm happy to discuss it with them. This is

*always an ongoing...
City Commission Meeting
September 14, 2021*

Chief Hudak: I'm always welcome to sit down with Mr. Froomkin too and he can look at our policies and he may have some ideas that we may want to...

Vice Mayor Mena: This is an ongoing discussion, not only in this city, but in society, particularly as it relates to social media and where the appropriate places to draw the lines between privacy and publicly available material, and so, I'm happy to continue having that dialogue, not only today, but any other day and we'll make decisions accordingly. Sitting here today, I feel comfortable that the manner in which this is being applied is appropriate and the proper safeguards are in place.

Mayor Lago: I think Mr. Froomkin had a response to some other questions he would like to put on the record. Mr. Froomkin the floor is yours.

Mr. Froomkin: Thank you. We can argue opinions and human rights until the cows come home. I just want to correct two errors of fact, which were made by statements by the officers. Number one, in Canada it is not a legal hellhole, you are innocent until proven guilty, that's also true in the European Union to a very great extent. So, the reason they are doing this is not because of some sort of different philosophy, Canada is a lot like us in this regard. It's because they think biometrics are a serious threat to freedom and rights. Number two, the database, here you claim its open source, that's clearly not true. They acquired it in violation in terms of service of Tweeter and Facebook were subject to cease-and-desist letters from them and from other platforms. Basically, they stole the photos, and they are being sued for it. So, this is a serious issue as to the ethical nature of the company. So just to say, oh well, the pictures are public and its fine, that's actually completely missing a critical point about why these people do not deserve our tax money.

Vice Mayor Mena: Mr. Froomkin, can I ask you a question. You are obviously well versed on some of the sort of issues that have been alleged about this company. From what you've described it sounds like there is a pending lawsuit relating to how they obtained some of the sources.

Mr. Froomkin: Several.

Vice Mayor Mena: Okay. But...

Mr. Froomkin: They are all creaking along.

Vice Mayor Mena: Has a court of law adjudicated that they actually stole that information?

Mr. Froomkin: Not yet. Not yet.

Vice Mayor Mena: Okay. Well then, I think you would agree that until somebody does it's just an allegation, correct?

Mr. Froomkin: We are entitled to use our judgement. How do you think they got them off, billions of pictures? They got them off Tweeter and Facebook in violation of terms of service...

*City Commission Meeting
September 14, 2021*

Vice Mayor Mena: But how do we know that?

Mr. Froomkin: Because we can read the terms of service.

Vice Mayor Mena: But how do we know that the facts that are alleged are true until the law is adjudicated?

Mr. Froomkin: It's a contract...

Vice Mayor Mena: I can't hear you if we talk over each other. Let me just ask you and then I'm happy to hear you out. How do we know that those allegations are true until a court of law has adjudicated them? Sitting here today, if you told me that a court of law had adjudicated that, first of all, I presume then that there would be some remedy. There would either be some sort of legal injunction that went into place, or some action would be taken against the country, against the company, excuse me, visa-vie those materials, that's why there's a lawsuit. But until that happens, we are just talking about an allegation.

Mr. Froomkin: You know we use our same common sense for deciding stuff before a court does. Here it's inconceivable how they could have gotten these pictures off Tweeter and Facebook without violating the clearly published understood terms of service. We have the letters that Tweeter and Facebook wrote to them asking them to stop. Yes, it hasn't been adjudicated yet, but we are reasonable people, we can read, we can understand what happened. It doesn't take a very great leap of intelligence or knowledge to figure it out. There isn't any other way they could have gotten them.

Vice Mayor Mena: I understand your point. I don't think it's about intelligence. I think it's about having certain principles and I can't make decisions based on what are allegations. Again, if a court of law adjudicates the issue tomorrow, again, you know much more about that lawsuit and if you want to send me materials, I'm more than happy to review them, but I'm assuming that there is some legal remedy being sought by Facebook, Tweeter, etc., in that case that would remedy whatever it is that occurred in some way.

Mr. Froomkin: I think that they just wanted them to stop. I admit that I've been more interested in the state lawsuits than the private ones, so I'd have to go look it up, but if I recall, they just wanted them to stop.

Vice Mayor Mena: Any information you have, again, please I'm happy to review it. I appreciate the sensitivity of the topic and the concerns that you are raising, and again, if something changes this is an ongoing dialogue as far as I'm concerned and I'm more than happy to discuss that.

Mayor Lago: Mr. Froomkin, thank you as always. It's a pleasure to see you.

Commissioner Menendez: I just want to add my thoughts. It's interesting because in the community I have friends and family that believe that technology and social media are inherently bad and that's not true, because I've seen a lot of good done through social media, raising funds

*City Commission Meeting
September 14, 2021*

for kids that are sick, technology that helps treat illnesses. It comes down to the people that use the technology, the people that use the social media that determine whether that use was good or bad. I have full faith in our Police Department in doing what's right. They've always done what's right. However, I do have a question for, I guess the City Attorney and the Police Chief. If at some point would this contract, it is determined that this company has been in violation of the law, federal law, whatever the situation is, I'm not talking about private lawsuits, but federal, is there language in the agreement that we can pull out at some point if they are in violation of – do we get some flexibility, can we write something into that?

City Attorney Ramos: I suspect their agreement would be voided if they are violating the law, but we usually have convenience language in our agreements, we can check this one, but if a court were to rule that what they are doing is illegal, I suspect it would be voided by operation of law.

Commissioner Menendez: I'm saying not specifically with us, but something that is decided in another part of the country, wherever it is, and we feel that, okay, that's enough of evidence, for us to then look at it again, revisit.

City Attorney Ramos: I will make sure to look at the language.

Mayor Lago: Thank you.

Chief Hudak: We'll get that back to you. If it becomes illegal, I'll be the first one to tell the City Attorney we've got to get out of this contract.

Mayor Lago: Its understood. Good comments, by the way, Commissioner.

Vice Mayor Mena: It's important to know, by the way, there was a very similar discussion about our ALPR system...

Mayor Lago: That was cleared up this week.

Vice Mayor Mena: And a court of law just adjudicated and granted summary judgement in our favor on that legal issue. We get the concern...but we are, at least I'm going to guide myself.

Mayor Lago: We – we are all going to guide ourselves

Vice Mayor Mena: I think we all are by what the law says, and we are certainly not going to go beyond that, and we'll be judicious in how we approach it, but I think it's a great point by Commissioner Menendez, obviously have safeguards in place that if we want to terminate at some point, we can do that. It sounds like its almost like a subscription almost. It's not like...

Chief Hudak: Pretty much. Because it started, we've been with them for a while, it is now getting more and more robust and I think to both of your points that's the concern is, how much is Big Brother watching. Regardless of what the legal, up to this point what the legal says, its our responsibility, my responsibility to make sure that we don't violate any of those commonsense

*City Commission Meeting
September 14, 2021*

laws that come up. And quite frankly, because of the ALPR issues that came up it was because of the way we structure those ALPR alerts and how an officer has to validate if it looks like the person that came back to the tag or we don't stop, I think is in part how we govern ourselves regardless of what we are allowed to do.

Vice Mayor Mena: This is publicly available information.

Mayor Lago: Open source.

Vice Mayor Mena: Every single person out there probably has had their image taken from the Internet, put on a piece of mail and mailed to every resident in Coral Gables.

Commissioner Menendez: That happens.

Vice Mayor Mena: That happens. Why – because its in the public sphere and those who have concerns about their privacy shouldn't put things in the public sphere that they don't want in the public sphere.

Mayor Lago: Shouldn't take a photo.

Vice Mayor Mena: Shouldn't take a photo and put it in the public sphere, if they do, its publicly available, no different than if I walk out on the street on the sidewalk, I'm in public at that point, I don't have an expectation of privacy at that point.

Chief Hudak: We don't use those images for those.

Vice Mayor Mena: I know you don't, but its open source, that's the bottom line.

Chief Hudak: Its open source.

Mayor Lago: Madam Director.

Procurement Officer Walker: To answer your question with regard to termination. There is a termination clause in there and it says that this agreement, which is more of a subscription can be terminated at any time by mutual agreement by either party.

[Note for the Record: The Mayor moved unto the Mayor's Comment section then resumed the Public Comment section later]

Mayor Lago: Can we go back to the Public Comment, Mr. Clerk?

City Clerk Urquia: Yes sir. The next speaker is Ms. Debra Register.

Mayor Lago: Ms. Register, I apologize for the delay, the floor is yours.

*City Commission Meeting
September 14, 2021*

Ms. Register: I really wanted to speak on E-3, so I'll wait until that and if you can ask to set me for E-3.

City Attorney Ramos: E-3 is on Consent, Mayor, so she should speak now.

Mayor Lago: You can speak now, as per our City Attorney.

Ms. Register: Okay. What I wanted to say is, there is a recommendation for a member to be appointed.

Mayor Lago: So that would be E-2.

Ms. Register: Is that E-2, oh sorry, E-2. And I would like for you to withhold that nomination and look and see if you can make it more inclusive. We only have one lady, one woman on that board and I think that the Commission should look. I have nothing against the nominee, but I do think that when you look at all the boards that women should be considered when there is disproportionate number of men. So again, I have nothing against your nominee, its just for the Commission to be more inclusive for the women on the different boards. And I thank you and its Debra Register, 1240 Placetas Avenue, Coral Gables, Florida. Thank you.

Mayor Lago: Ms. Register, thank you for being here. I just want to clarify one of your comments for the record. This was a Board as-a-whole for the Planning and Zoning Board. This was a 6-0 vote. This is not the Commission recommending, this is the Planning and Zoning Board recommending approval of this gentleman to be reappointed to the Planning and Zoning Board, correct, Madam City Attorney?

City Attorney Ramos: That's correct Mayor.

Mayor Lago: Thank you.

Commissioner Menendez: Mayor, I'd like to make a comment. Just going forward because I know this and other issues have come up, not with this particular item, but do we have a system in place whereby at the beginning of every fiscal year or the beginning of every calendar year, we can ask the community to make, add their names to the list of potential board members that way when its time to make an appointment, be it us, be it someone else, we have a full list of candidates, because sometimes we are under pressure, time constraints to find someone to appoint, but if there is already a sort of pre-approved or pre-prepared list we can go through it. Sometimes we depend on people to call us, people to recommend, but there is better a more comprehensive way to have names, candidates available before we have to at some point make these types of nominations. Just a thought to sort of broaden the scope of who's available.

Commissioner Anderson: Mayor, if I may.

Mayor Lago: Mr. Clerk would you like to respond?

*City Commission Meeting
September 14, 2021*

City Clerk Urquia: Commissioner, we do have that system in place right now. Members of the public can apply on our website whenever they want to serve on a particular board, and it even shows the vacancy and who has that vacancy. So, they can submit the resume, submit the application and even send it to the appointing Commissioner.

Commissioner Menendez: Can they apply or submit their names before there are vacancies?

City Clerk Urquia: Yes, they can.

Commissioner Menendez: Then I encourage the city to do everything it can and I'm sure it does to sort of let the word, let the community know that that's available to them.

City Clerk Urquia: Yes sir.

Commissioner Menendez: Because I think that will solve a lot of the concerns.

Commissioner Anderson: Mayor, if I may.

Mayor Lago: Of course, please.

Commissioner Anderson: I would suggest that we also push this out in the city E-NEWS, so that rather than a nominee of one, we have the ability to show that we've done the process properly. We all did receive some e-mails after the Blue-Ribbon Committee submissions. Everyone of those individuals that were appointed were highly, highly qualified and I know that Mr. Behar is highly qualified as well, but again this goes back to the process and to show that we have done a deliberative process to determine an appointee for a board and when there is a disparity it appears that we are not doing it in an even-handed way. So that's my concern on this point.

Mayor Lago: Thank you very much.

Vice Mayor Mena: Listen, I got the same critical e-mail about that board. The problem is you can't play the results of a process in the sense of each one of us undertook to appoint somebody independently of each other that we thought was highly qualified and I think we all did that. I appreciate the few e-mails we've gotten that there were ultimately no women on that committee, but the only thing we can control really is from my perspective is our own appointments, and I'd be more than happy to share my list of appointees. I actually looked it up in response to a very aggressive e-mail I received, and I think out of my less than 30 total board appointments, I have 13 women. I have the only person we've ever had on a board who actually has autism. She is on my Disability Board. So, I take a lot of pride in the diversity of my appointments, the quality of my appointments, and I get that when somebody sees a list of a Blue-Ribbon Committee and there are only men on it, they feel like its not diverse enough, but again, that wasn't the intent. Each of us selected somebody blindly and independently of each other and that's the way it broke out. But again, I think if you look at the totality of our board appointments, we actually have a very diverse, very qualified, very strong group of citizens and residents that I think most people would be proud of and satisfied with. Again, I get the criticism about one board how it shook out, but I don't

*City Commission Meeting
September 14, 2021*

necessarily think there was anything bad about the process. I can only say that I'm comfortable with who I appointed, and I think each of you probably would say the same thing about your own appointee, otherwise you wouldn't have appointed them.

Commissioner Anderson: I agree with you. I'm just saying in the future with the city news, we could possibly get in a wider array of individuals for the Planning and Zoning Board and get some of the best qualified candidates on there. On the Blue-Ribbon Committee, I know that each of us labored over who would be the best person to achieve the goal.

Commissioner Fors: We labored, and I made this comment and I think everybody read it in response to the e-mail, they complained about the fact that there were all males on the Blue-Ribbon Committee. The fact is also that we weren't given a lot of time to appoint these individuals, a); (b) I think everybody stive to appoint individuals that understood and had close ties to the City of Coral Gables, as a third criteria that had some degree of experience with the Mediterranean Bonus. You get those multi-faceted criteria, and you add it to the fact, and I think I looked it up, I forgot the number now, but the fact is that there is a very small percentage of women architects. So, when you have a Board of Commissioners quickly selecting architects with that criterion and there is a small percentage of women architects, not a small percentage, but compared to men, and it is a concern, according to the American Institute of Architects, it is not surprising that in a silo that Commissioners ended up producing an all-male board for the Blue-Ribbon Committee.

Commissioner Anderson: The other issue was time. There was a female architect reached out to, she just didn't have the time to serve.

Commissioner Fors: Exactly.

Commissioner Anderson: It's unfortunate.

Mayor Lago: I remember that that's right. One of the things I do want to put on the record, and I echo the sentiments of all my colleagues on the Commission was, my appointment to the Planning and Zoning Board right now is an architect who has the time right now to serve this community. He is in the twilight years of his career. He has extensive experience as an architect, but before he was chosen to be my appointment for the Planning and Zoning Board four months ago, I proudly had a woman serving as my Planning and Zoning Board appointment for almost two years, and her name was Rhonda Anderson. So, with that being said, I try to find the most qualified person and Rhonda made it very difficult for me, because she did such a good job serving on the Planning and Zoning Board. So, I am all in with your comments in regard to trying to be as diverse as possible, but also Commissioner Fors' comments also weigh heavy on me in the sense of, not only was it an issue of time, but also was the constraints of the qualifications that were being required for that moment. So, I don't want this to be an indictment on Mr. Behar's qualifications, and I understand, but we all of us have the opportunity and I think that if you look at the city and I think if you look at the Manager and his team, we empower women in the city, they do a great job. I think its an opportunity for us, we should highlight how diverse our workforce is, and if we can find more people who are qualified of all backgrounds, whether be male or female, I always want to put the best person for the job in that seat, because at the end of the day they are serving the

*City Commission Meeting
September 14, 2021*

residents of this community and that's, I think is the most important thing that we need to really focus on.

Commissioner Menendez: You just have to look at the city government. We have a City Attorney, a woman, Finance Director.

Mayor Lago: Our Assistant Police Chief is a woman.

Commissioner Menendez: Earlier we had Mayor Dorothy Thomson, you know. We have a lot of great leadership that are women, highly respected, professional that have made a huge impact and I echo the sentiments of all my colleagues.

Mayor Lago: Our Procurement Director, our Finance Director, we have a litany of people that are put into positions of power, and they do a great job.

Commissioner Menendez: And we are a better city for it.

Mayor Lago: Our Landscape Director. So, we are doing wonderful work. I just want to end on that point, unless we have other additional comments on that, feel free.

City Clerk Urquia: So next speaker is Ms. Rachel Lauzurique

Mayor Lago: Rachel great to hear from you.

Ms. Lauzurique: My concern is...by any means of the qualifications of Mr. Behar. Its an honor for me to know him and he is more than qualified. What is bothering me a little is the process in which it was done. I don't think that enough publicity was given to this opening in this committee for anyone else that wished to apply to be able to do so. I'm a member of the Anti-Crime Committee appointed by you, Mr. Mayor, and thank you very much for your trust, but I had to apply. I had to submit an application and I'm sure that I wasn't the only one, I was just the lucky one, but I didn't see this happening with this particular appointment. I don't think enough publicity was given for everyone else to know what's going on and to be able to decide, well, do I want to apply or not. And that's why I agree with Commissioner Anderson, we need to give more transparency and we need to be more aggressive and letting the city know, hey, this opening is available if you're interested this is what you need to do, and I don't think that's unreasonable. I think that's democracy at its best and that's the only thing that upset me, definitely not the appointment on Mr. Behar. He's perfect, its just the way that it was done. It seemed to be a little bit under, like backroom kind of a situation and I really don't like that too much and I don't think that's necessary. We have a...of qualified females and males in this city that are willing to serve. Remember this is a thankless job, we don't get paid, but its something that we do because we love the city. So, I think a little bit more publicity and more transparency would have been the solution and we wouldn't be having this conversation right now.

Mayor Lago: Thank you Rachel. I appreciate your service, especially on the board that you serve on the Anti-Crime Committee. Thank you for your service.

City Commission Meeting

September 14, 2021

Ms. Lauzurique: If my services is needed, I'm always here to be of service.

Mayor Lago: Thank you.

City Clerk Urquia: Next speaker is Ms. Susan Kawalerski.

Mayor Lago: Ms. Kawalerski, good morning, the floor is yours.

Ms. Kawalerski: Good morning Mr. Mayor and Commissioners, thank you for allowing me to speak this morning. I'm also speaking on the appointment to the Planning and Zoning Board, and I think this is a great opportunity to really open this up a little bit and be more diverse. I know we have one woman currently serving on the Planning and Zoning Board, but you know what, that's not enough. I think we have very, very, very qualified people in the city, could only been probably know about this position. So, I echo by the way, Rachel's comments that Mr. Behar is super qualified to be on Planning and Zoning and the Blue-Ribbon Panel, but I think we have to give some other people a chance and particularly the women out there, and any other minority that might be out there that is willing to serve and do justice to the Planning and Zoning Board. It is the only quasi-judicial board, I believe it is probably the most important board that we have because it is quasi-judicial, and therefore we need a little bit more diversity on that board and I hope you will hold this position open for a minority. Thank you.

Mayor Lago: Thank you.

City Clerk Urquia: Mr. Mayor that's all the members of the public. Actually, one more person is requesting to speak on E-2 is Ms. Maria Cruz.

Mayor Lago: Perfect. Ms. Cruz the floor is yours.

Ms. Cruz: Okay. I'm here. I just want to say thank you for allowing us to speak and I agree with everything that has been said, no reflection on a specific person, just the fact that since its an at-large appointment people most of the time do not know that that's available and maybe we should take the time to tell people its not just the Commissioners that appoint. There are several boards that have at-large appointments, and they need to know that they can apply. That they can contact the Board Chair, I guess, and provide the resumes. You know when I was on the elderly board, I don't remember the name, we interviewed the people that were interested before we selected the person.

Mayor Lago: Ms. Cruz what board do you sit on.

Ms. Cruz: Now I sit on Code Enforcement.

Mayor Lago: Who do you represent on that board.

Ms. Cruz: Code Enforcement is, I believe, Ms. Anderson.
City Commission Meeting
September 14, 2021

Mayor Lago: But who did you represent before?

Ms. Cruz: You appointed me to two before. You appointed me to the adult...

Mayor Lago: I want to put on the record the last two speakers were women and they both represented me.

Ms. Cruz: Yes. That is correct.

Mayor Lago: So, I want to make sure that we are very clear on that.

Ms. Cruz: But I think the issue is the as-a-whole, because people do not know that that's available.

Mayor Lago: I understand Ms. Cruz, but we also have to be cognizant of the fact that this was a 6-0 vote, Board as-a-whole position. We are just ratifying the Planning and Zoning Board's request to have Mr. Robert Behar continue as an appointee.

Vice Mayor Mena: A minority himself.

Mayor Lago: A minority himself to be appointed to this board. I would love nothing more, I mean I have many different minorities who serve at the pleasure of the Commission, that I'm privileged to have them as appointees. I just don't want to get lost in the fact that this individual is a qualified person who the Board as-a-whole appointed unanimously to return back to service. So, if there are any other comments on the issue, can we move on?

City Clerk Urquia: I did receive two more comments, Mr. Mayor.

Mayor Lago: Yes.

City Clerk Urquia: The first one is from Dr. Gordon Sokolof. It says, "With all due respect to the existing nominee for this board, I would like to suggest to the City Commission that other nominees be considered to fill this board position. It would behoove our city to support more diverse city and all our city boards and provide others a chance to serve our community. I am uncertain if and how this position was advertised to the public, but I ask that the Commission defer Mr. Behar's appointment for now, until all other nominations are presented and considered."

Mayor Lago: So quick question Mr. Clerk. How was it – how did we advertise this position, this appointment?

City Clerk Urquia: The position is shown as a vacancy on our website but ultimately its up to the board to nominate themselves who it is they want to appoint.

Mayor Lago: Thank you for putting that on the record.

*City Commission Meeting
September 14, 2021*

Vice Mayor Mena: That's a reappointment.

Mayor Lago: That's a reappointment.

City Clerk Urquia: Yes.

Mayor Lago: But I want to make sure you put that on the record.

City Clerk Urquia: Next comment is from Lucy Allas. "I may not be available to speak today on Agenda Item E-2, please advise the Commission that I would appreciate it if they could add one more woman to the panel."

Mayor Lago: Thank you Lucy, I appreciate it.

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

Mayor Lago: Thank you. Unless there are any other comments, I'd like to close the Public Comment. Thank you very much.