

City of Coral Gables City Commission Meeting
Agenda Item F-1
October 25, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Historic Preservation Officer, Dona Spain

Public Speaker(s)

Frank Rodriguez

Agenda Item F-1 [0:00:00 a.m.]

Review of Initiative Petition Form for compliance with Section 10 of the City Charter.

Mayor Cason: Okay, let's skip A-5 for a moment and do F-1. Is Mr. Rodriguez here?

Commissioner Slesnick: Yes, he is. If I could ask our City Attorney to discuss this item.

City Attorney Leen: Thank you, Commissioner. Thank you, Mr. Mayor. This is -- item F-1 is a Review of Initiative Petition Form for compliance with Section 10 of the City Charter. It was placed on the agenda by Commissioner Slesnick. The -- I'm going to hand out to you at this moment a copy of the proposed petition presented to the City by the committee of petitioners, and also a proposed affidavit. I'm then going to briefly speak about what the legal process is here. I know that Mr. Rodriguez would like to speak. And at that point, the Commission would make its decision.

Mayor Cason: Good morning.

Frank Rodriguez: Good morning, Mr. Mayor. Good morning...

Mayor Cason: You want to speak first?

Mr. Rodriguez: Of course, good morning.

City Attorney Leen: So, what's being circulated to you is a petition form that has been prepared by the committee of petitioners. What this is is our Charter -- Section 10 of the City Charter grants to the citizens the ability to propose ordinances, which is called the Initiative Process. The persons proposing the exercise of this power shall submit a proposal, and what it is is a proposed ordinance, to the City Commission which shall, without delay, approve as to form a petition for circulation, in one of several copies, as the proposers may desire. Now, if you look at the proposed petition, the operative language is what is in bold and in italics, and I think Mr. Rodriguez is going to speak about this. This is what the proposed ordinance would be. This is what the committee of petitioners -- and there has to be five on the list, and they do have five individuals who are residents of Coral Gables. They are proposing that ordinance be adopted. Now, what this does not do is this does not provide the ballot title and language. That's something that the Commission would approve if this petition received the signatures of 20 percent of the electors of Coral Gables. And by electors -- and I -- our Supervisor of Elections is

the City Clerk. What he has informed me and it's my view of the law as well, is that we look at the last regular Coral Gables elections, which is the April election. Mr. Clerk, do you recall the amount of voters in that election?

City Clerk Foeman: Yes. There were 30,663 registered voters at the time.

City Attorney Leen: Okay. So, they would have to -- the committee of petitioners would have to come back with the signatures of 20 percent of those -- of that number. At that point, assuming they were -- what would happen is over the next 30 days, they have to go out -- if this is approved today -- over the next 30 days, they would go and get these signatures. They would then be presented to the City Clerk, who would verify them. He has ten days to verify them. At that point, let's say hypothetically they were not able to get the 20 percent of signatures within the 30-day period or let's say they got over 20 percent, but a number of them were not counted because maybe they were double signatures or maybe they did not live in Coral Gables or something like that. At that point, the Clerk would basically do a deficiency notice. It would be provided back, and then the committee of petitioners would have an additional 30 days in which to correct or cure whatever deficiency was in the petition. At that point, it would be submitted back to the City Clerk. He would again have the ability to determine if it was met, and at that point, he would make his final decision. That would -- let's say hypothetically they were able to obtain 20 percent of the electors in the last regular election signing this petition. At that point, it would come back to the City Commission, and the City Commission would have two choices. The City Commission could either adopt the ordinance, which again, is the bold italics language. Or the City Commission could place it on the ballot. If the City Commission placed it on the ballot, the City Commission would approve the ballot title and language. Obviously, the committee of petitioners would come here, or through their counsel, would come here and would discuss this. They obviously have an interest in it based on the fact they obtained the signatures. But the Commission would approve the form of the ballot at that point. So, I just want to be clear. The language that's in this petition is not the language that would go on the ballot. What this is, the bold and the italics, would be the ordinance that would be adopted. This language

would be placed into an ordinance as the operative clause. Now what -- I have given a couple of opinions related to this. I was asked whether the proposed ordinance could simply move the sculptures, and I gave an opinion no, that it could not; that the ordinance -- all that the ordinance could do was exercise the City's contractual authority to move or remove the sculptures. The reason why is there is a doctrine in the law which says that a new ordinance cannot impair prior contracts. The City has entered into a contract with Alice Aycock. That ordinance can't invalidate the contract. Moreover, it's the type of contract that may be able to be specifically enforced. What does that mean? Ms. Aycock obviously has -- is the artist and it's her intellectual property. And yes, she has transferred that to the City, but it's under certain contractual terms; one of the terms being that if the City were to move the sculpture, it would need to be with her consent. There is a 180-day process that the City can invoke which would allow for the sculpture to be removed either by Ms. Aycock during the 180-day period or by the City, following the 180-day period. So, what this ordinance does is it simply would direct the City, if it's adopted, to exercise all of its contractual authority to remove or move the sculptures, but it would not require the City to breach the contract, and that was the one legal point that I made that was a limitation. I felt that we could not have an ordinance that would require the City to breach the contract with Ms. Aycock. So, with that, what is this City Commission's role here? The role of the City is to look at this proposed ballot, to hear from Mr. Rodriguez, as the representative of the committee of petitioners, and then determine whether you would approve the form of this petition as written, or whether there are changes to the form that would be -- the Commission would require. There can only be changes to the form; there cannot be to the substance. So, whatever form changes are made could not change what the ordinance is seeking to accomplish. Lastly, the -- my understanding from the committee of petitioners is that they are requesting this be done today, because they would like to start getting signatures right away, and there's no other meeting until -- there's only one meeting in November. So, that's why they're here today and I think Mr. Rodriguez -- that's more an issue for Mr. Rodriguez to raise. Obviously, my office is neutral as to a petition like this. So, with that, I would turn it over to Mr. Rodriguez to make his presentation.

Mr. Rodriguez: Thank you. Good morning, everyone.

Mayor Cason: Good morning.

Mr. Rodriguez: Good morning, Mr. Mayor and Commissioners, Mr. City Attorney, Ms. City Manager. My name is Frank Rodriguez. I live at 900 Coral Way. My office is in 255 Alhambra Circle. I represent the committee of petitioners. And what -- we haven't had a whole lot of time -- or at least I haven't had a lot of time to speak to a lot of the committee of petitioners, except for my wife. But the common thread here is that there is a great dissatisfaction with a lot of the folks with the flower sculptures that are on the Coral Way and Segovia and Biltmore Way and Segovia circles. I -- speaking for myself, and I think I speak on behalf of several of the folks that I've had communications with, we aren't seeking to be critical at all of the artist. We are not being critical at all of the committee. We're all appreciative of public service. We're appreciative of the committee that took the time to make the recommendations. We're appreciative of the City Commission for their service, and we're not being critical of anyone. The issue here is that we want an opportunity to be heard. We want the City Commission to understand that there are multiple people in the community, Coral Gables residents, Coral Gables registered voters that are unhappy with those sculptures. They don't think the sculptures are in keeping with what Coral Gables is all about. They don't think it's consistent with the, you know, view and the theme that George Merrick had in mind for the City. And simply, they don't like the sculptures and/or they think it's inappropriate to have the sculptures there. So, under the circumstances, this is not an emotional issue. We want an opportunity to go out and see how many folks agree with us. And if enough people agree with us, we want to come back to the City Commission and say, look, "X" amount of people agree with us. We have a -- it's a tall task to get over 6,000 signatures of registered voters. We may or may not be able to accomplish that. We're asking you to approve this as to form and today so that we have an opportunity to go out and -- during the election season and talk to the registered voters of Coral Gables and see if they agree with us. And if they agree with us in large enough numbers, we hope that we can come back to the City Commission and show you petitions of "X" amount of people, whether it be

1,000 2,000, 3,000, 4 -- whatever it is. Hopefully, it will be 6,000, but hopefully for us -- for those of us that think that those sculptures are terribly inappropriate and should be removed or certainly should be moved, we hope that we'll bring enough signatures to the Commission's attention that you all will take note, and hopefully, you'll take the appropriate action and do what is in -- what the voters would like you to do. So, all we want is an opportunity to be heard, an opportunity to come back to you and an opportunity to illustrate the level of dissatisfaction. If we're right, there's going to be a tremendous level of dissatisfaction. Maybe we're wrong. You know, maybe we're living in a cocoon and there's a whole lot of people out there that like it that I haven't spoken to. But I haven't spoken to anybody, candidly, that likes those sculptures. I live at 900 Coral Way. I go to work at 255 Alhambra. There's only two ways I can go; down Coral Way or down Biltmore Way. I see it every day. Ever since this became more of an issue, I've taken a more critical look at the sculptures myself to see if -- am I missing something? You know, I don't -- I'm not an art expert, but I have opinions, like everybody else. And the more critically I look at it, the more inappropriate I think those sculptures are. That's just speaking for myself. We want an opportunity to be heard, ladies and gentlemen. We're not asking -- we're asking you to approve the petition as to form and let the registered voters of Coral Gables speak to the issue. Thank you.

Mayor Cason: Okay.

Vice Mayor Quesada: Quick question, clarification question for the City Attorney. I know you briefly mentioned the issue with the contract, and I remember reading the contract originally, what is it, two years ago, I guess when it was. Remind me again, so if we decide to move it to another location or get rid of it altogether -- actually, I don't want to say get rid of it altogether. Say we decide to move it to a park or whatever -- correct me if I'm wrong -- the artist has the option to say no and take the sculpture back; is that correct?

City Attorney Leen: Eventually. So, what would happen is, if we asked -- if the City asked to move the sculpture to a park, Ms. Aycock has consent rights, which I believe are specifically enforceable because...

Vice Mayor Quesada: Alright, so let's just say...

City Attorney Leen: It's her art.

Vice Mayor Quesada: (INAUDIBLE) hypothetical if she says...

City Attorney Leen: Yes.

Vice Mayor Quesada: No, I don't want to move it.

City Attorney Leen: At that point, the City can initiate a 180-day process. During the 180 days, Ms. Aycock can come and she can take the sculpture, at her own expense, and she can basically...

Vice Mayor Quesada: So she takes it.

City Attorney Leen: Take it out of the jurisdiction. Alternatively...

Vice Mayor Quesada: Obviously, we do not get a refund.

Mayor Cason: No.

City Attorney Leen: The contract does not call for a refund.

Vice Mayor Quesada: Okay.

City Attorney Leen: The alternative is -- now, please note -- I mean, my duty, unless the Commission directs me otherwise, is to raise every contractual argument to try to prevent a forfeiture.

Vice Mayor Quesada: Right now...

City Attorney Leen: Yes.

Vice Mayor Quesada: I'm just asking for your...

City Attorney Leen: Yes.

Vice Mayor Quesada: Contractual interpretation. I'm not asking...

City Attorney Leen: Yes.

Vice Mayor Quesada: For your position on anything. I just want to know...

City Attorney Leen: Yes.

Vice Mayor Quesada: What the facts are...

City Attorney Leen: The way it reads...

Vice Mayor Quesada: I just want to be very clear what happens in every scenario.

City Attorney Leen: So, the way it reads is that she can take the -- at her expense, she can remove the sculptures. That's all that the contract says about it. It doesn't say that she can move it somewhere else either.

Vice Mayor Quesada: But what is the -- what occurs during the 180-day period that you just mentioned in the contract?

City Attorney Leen: Well, she has 180 days in which to take the sculpture.

Vice Mayor Quesada: Got it.

City Attorney Leen: If she doesn't take the sculpture within 180 days, then the City may proceed to remove the sculpture at its own expense.

Vice Mayor Quesada: And then we can move it to wherever we want?

City Attorney Leen: It doesn't say that.

Vice Mayor Quesada: So, it's silent as to that, okay.

Mayor Cason: I have a problem with the last part of the language, which says "at the City's expense, if necessary." I think it's -- it'll be clearer to say at the taxpayer expense because I think "if necessary," obviously, there's going to be some cost. Even if she does it, either to put something else there or to take it out. I mean, I don't think the voters should -- the people that are going to vote on this should think there's no cost, there's no downside to it. We spent a million dollars from the Neighborhood Renaissance Program, which was debt refinancing proceeds, to buy it and put it up. We went through a long process. Even if she comes and takes it away at her expense, we're going to have -- we've -- I mean, it was Jeannett that approved the \$100,000 that made the motion to put it where it is right now, and we all voted unanimously for

that. So, we spent \$100,000. There's certainly to be some cost to take it out, if it gets to that. So, I don't think the voters should be misled to think that it's a freebie. I think it should either stop at taxpayer expense and -- because it will be necessary, something. You want to say something?

Commissioner Lago: Mr. Rodriguez, thank you for being here, by the way. I appreciate it. I know that you, as a member of the Planning and Zoning Board, give up a lot of your time. I sat on that board for a few years. I know Commissioner Keon also sat on that board, and let's say it's a process where you don't get a lot of recognition, but you give up a lot of your time, especially with your family. The reason why I bring up my time on the Planning and Zoning Board because I want to make it very clear that during that time I had a very contentious issue that came before the Commission -- excuse me, came before the Commission, but it also came before the Planning and Zoning Board and we made the decision, at my behest, to request that the Commission move forward with a referendum, which was in reference to the trucks -- truck ordinance that occurred in the City of Coral Gables. So, to me, I don't have an issue at all with referendums, with allowing the community to speak -- I think that's important. That's why we live in this great country. We live in a democracy. But I want to make sure that people are aware, you know, that this Commission supported this project 5-0. The previous Commission, which Jeannett was not involved in, supported it 5-0, and then we also had a secondary vote, which was in discussion of additional funds that were required, which was supported 5-0 also by this Commission. The reason why I'm bringing that up is because I think that the Mayor brought up a very good point, and that is that -- and that was also brought up by our esteemed City Attorney. There are costs associated with this endeavor. And I think that we need to be very careful and we need to be very thoughtful of the way that the City's going to be perceived. And I did a lot of background research over the last two days in reference to previous public art projects throughout the country; everything from the Picasso sculpture in Chicago, which was done in 1965 to the tune of \$357,000. When you think about \$357,000 in 1965, that is a significant investment, and that was -- I mean, Picasso was not a huge brand at that point like he is today, but that's a significant investment. From The Bean, also in Chicago, which also

received significant criticism -- now those sculptures are not only world-renowned, but they're used as selling tools in those cities for people -- they're basically a stamp that people, when they see those sculptures, they say, hey, that's Chicago. You know, that -- those sculptures are in Chicago. Those are landmark sculptures which draw people to Chicago. So, we need to be very careful because the City of Coral Gables, again, we have a historic nature. We protect -- this Commission -- what this Commission has done in reference to protecting our historic buildings and purchasing additional historic treasures, like the property on Ponce de Leon, which finally came available, in my opinion -- I have the luxury and the honor of sitting on this Commission -- is to be commended. But we also need to be very careful when we start removing sculptures and we start removing artwork because one of the issues that was brought up in Chicago was that the Picasso sculpture was the first sculpture that had been publicly vetted that was from an artist that didn't deal with an elected official. And in my opinion, I personally don't want a sculpture of myself -- I don't know if any of you do -- on Segovia Circle. If it is changed, I think that would be an embarrassment to the City, in my opinion. I think we have enough sculptures that deal with public figures. So, if you're thinking about changing that sculpture and putting me, you know, I -- you know, maybe Commissioner Keon, she'd look a lot better up there. But I, you know, humbly ask you, please, take my name out of consideration.

Vice Mayor Quesada: Don't worry. I'll vote against that.

Commissioner Lago: Okay, well, all jokes aside -- and I know we're here to talk about something serious, I don't have an issue with a referendum; it's fine. But I want to make -- be very, very clear that this can cause damage to the City. It can cause damage to the City on multiple levels. And I was going to ask Dona, but I didn't have a chance because I was meeting with residents this morning in reference to the fact that we've actually been notified by Art Basel for the first time ever, and I think that's a significant achievement because, as we're all aware, Art Basel has two fairs; one in Switzerland, which is in Basel, Switzerland, which is the mother fair, and the secondary fair, which is here in Miami Beach and happens through the first week of December.

Historic Preservation Officer Spain: Yes.

Commissioner Lago: This fair is both a modern and contemporary art fair which offers an international audience the opportunity to come to South Florida in droves. I mean, tens of thousands of people come here to not only enjoy South Florida, but to, more important than anything, really experience world-class art. What was Art Basel's findings after we installed this prominent artist's work, which, by the way, just had a show in 2014 on Park Avenue. I think she showed seven major works that were commissioned by New York and they were exhibited for about a year. Am I correct or...

Historic Preservation Officer Spain: I believe so.

Commissioner Lago: A year on Park Avenue, besides the fact that she's been -- she's in every major museum in the world, from the Whitney, to the Tate, to the MOMA, to the Walker. There's many museums that she's in. But what was Art Basel's opinion of the City's move in reference to this?

Historic Preservation Officer Spain: Well, we applied for a VIP event and then held our breath because it's nothing like that. I believe there was one many years ago at Venetian Pool. Coral Gables is not known for world-class art. But we were accepted, and so we're going to have a VIP event during Art Basel, on December 4 at the sculpture. It's only because of the Alyce Aycock sculptures that we're able to obtain that, so we're really excited about it.

Commissioner Lago: So, I mean, in closing, my statements are very simple. I mean, we all know that art is subjective. We know that art stirs up opinions and stirs up discussions, and I think that's a good thing. Go ahead.

Mr. Rodriguez: May I respond?

Commissioner Lago: Of course. We're having a friendly dialogue about this.

Mr. Rodriguez: No, I -- and I appreciate it very much, Commissioner Lago. Thank you. With your comment -- I think you've made some very, very good points, and I want to address some of these points, the seriousness of the action. Think about this. The bar that's been set for action to have to be taken is six thousand something votes. Only about 7,800 people voted at the last election, I understand. So, if the voters, at that level, at 6,000 out of roughly 7,800 or 8,000 that vote are telling you something, then I think it's pretty serious. I think -- so, it's not something that's going to be done willy-nilly. I mean, 6,000 is the bar. Now, if we come back with less, it's going to be up to you to determine, you know, is -- you'll have the opportunity to do something on your own, the Commission will, but it won't have to be done. So, as far as seriousness, it's a very serious and very high bar that we've been asked to clear. With regard to...

Commissioner Lago: Well, let me address your one point there in reference to seriousness...

Mr. Rodriguez: And by the way -- excuse me. The -- I am 100 percent in favor of total transparency and clarity. It wasn't -- I was the one that drafted this. It wasn't my intention to mislead anybody. I put at City's expense. Taxpayer's expense is fine. I want the taxpayers to understand...

Commissioner Lago: Let me address...

Mr. Rodriguez: That they're going to -- it's going to cost -- it may cost money, you know, it probably will to move it, and I want them to understand that.

Mayor Cason: And one other things, too, it may cost much more than we think because I wouldn't rule out that the artist sues the City. The artist's reputation is on the line. This person -

- and we're supposed to be talking about another art project pretty soon. My view is this is the death of Art in Public Places in Coral Gables. This means that the group of five or the group of ten or whatever going forward will second guess the process that we've set up, the directors of the art museums. There has to be a process. We have a process that's gone through, and what artist would risk in the future going through all the trouble participating, like she did, and then to have the citizens say, well, we don't like it? Because Arts in

Commissioner Lago: If I can interject there, and I hate to interrupt you because I think -- you mentioned a point about transparency, and we're having a public discussion...

Mr. Rodriguez: Right.

Commissioner Lago: And I think that's important. You know, this Commission is handcuffed on a lot of measures and a lot of discussions based on the Sunshine, which I've stated many, many times I think it's absolutely ludicrous that we can't have this discussion outside of the Commission when the state legislators are running a seventy-plus billion dollar budget, and they can have discussions amongst themselves, but we're only allowed to have discussions on this dais, and I think it's absolutely ridiculous. Of course, but we all follow the Sunshine. I can already see Craig churning already to make his statement how we always follow the Sunshine. Now, you mentioned -- you had a comment about transparency. I think it's critical that we touch on that, okay. Dona, please correct me if I'm wrong. This process was vetted from the moment of conception to the moment of delivery. It was vetted with incredible scrutiny on all fronts. The residents of this community -- correct me if I'm wrong -- were invited to over 30 opportunities to view the artwork that was chosen. You had over 200 artists, 178, 180...

Historic Preservation Officer Spain: Something like that. I wasn't part of that process, but I believe so.

Commissioner Lago: I know. I'm just saying, but close to 200 artists applied and there was a judging by five prominent, extremely prominent museum directors and curators in this community, in South Florida, that made a unanimous decision based on Ms. Alice Aycock's rendering and her curriculum vitae. I know that's not up for discussion, but I just want to be clear because we're talking about transparency here and you brought up the word about transparency, so I want to be very, very clear. And I think that we always need to remember that before this came before the Commission, it went through the process of all the boards in the City, which received unanimous approval. It was shown -- even though it wasn't to scale because you -- now it's to scale -- the renderings were shown clearly at many, many events.

Historic Preservation Officer Spain: The renderings were to scale.

Commissioner Keon: They were to scale.

Historic Preservation Officer Spain: The renderings were to scale, absolutely.

Commissioner Lago: They were to scale, excuse me.

Historic Preservation Officer Spain: The dimensions were on it...

Commissioner Lago: And I think that's...

Historic Preservation Officer Spain: And we posted the property. When it went to the Historic Preservation Board...

Commissioner Lago: And I think...

Historic Preservation Officer Spain: It was televised.

Commissioner Lago: Let me just -- give me one second. And I think that's important because when we talk about transparency, I want to make sure that everybody understands -- and I reiterate these facts over and over again so people understand, yes, you may not be comfortable with the art. Some people love the art. And by the way, you mentioned you haven't heard from one individual. Well, I mean, I've heard from lots of individuals who have sent emails in support of the artwork. You want to say something?

Mr. Rodriguez: Yes.

Commissioner Lago: Go ahead, sir.

Mr. Rodriguez: Commissioner Lago, this -- I don't think, respectfully, that it's necessarily appropriate to discuss the merits of how this is ultimately going to end up. That's not why we're here. We're here to get you to approve a way, that we can go and communicate with the registered voters and have the registered voters voice an opinion. Then -- and by the way, let's be -- you know, I mean, we all got to be realistic here. It's going to be really tough to get over 6,000 votes. I mean, it's more likely -- I mean, if I -- I don't -- you know, I'm not a betting man, but if I was a betting man, I'd say it would be pretty darn difficult. We may not get 6,000. We may get 4,000 or 3 or 2, whatever it is. We want to be able to come back here -- and all these are very valid points. And by the way, I sit, as you've mentioned, on the Planning and Zoning Board. And people come up to Planning and Zoning Board with all this emotion and vitriol and they send emails if I vote their way, they're happy. And then they send emails, you know, castigating my colleagues who are public servants and who have valid opinions. I don't agree with them a lot of times, but it doesn't make them right or me right, or me wrong or they're wrong. I mean, we all have different opinions. I started off my comments acknowledging I am sure this is a very well respected artist. I come in here with the assumption that we had a very well-respected and distinguished panel of five that were acting as public servants and did the best they could for what they thought was in the best interest of the City. I absolutely -- I know some of you better than others, but I know most of you and I know that all of you and the people that

were here at the time that this vote was taken did what they thought was in the best interest of the City. I don't doubt it for a second. And Mayor, I take it -- I value your opinion greatly, and I understand that you think it would hurt the City. But the voters -- the registered voters should have a right to speak. And Commissioner Lago, you mentioned it; that they should have a right or -- and they should have a right to speak to you. It cost -- whatever it cost, a million dollars, whatever it costs to move it, all these are valid points. And they -- at the end of the day, they should have a right to weigh in and speak to the City Commission and say, we don't like it.

Commissioner Lago: Let me explain...

Mr. Rodriguez: And then you guys do whatever -- and you know what I tell people in these planning and zoning -- sometimes there's been these functions where people go on these high-octane, you know, really emotional ways and they say, well, you know, this should happen and that should happen and I can't believe this was approved. And I said, you know what? Hold the City Commissioners accountable for their vote. That's it. I mean, that's the way our process works.

Mayor Cason: You know what the problem has been is that if you look at the emails coming in, they're all over the place. You have the ones "accidents are going to be caused because people are looking at them." Well, there's been no accidents. What you're really getting at is a view that George Merrick had an aesthetic that he envisioned and that should never change. In other words, there's no room for anything other than what a group of people think George Merrick would have thought when he -- I think when he put in those villages -- I think he put in the Chinese Village in the time when we banned Chinese coming to the United States. I think that would have been radical at his time. So, I mean, I think the premise that it should only be aesthetics as somebody thinks George Merrick thought it should be, which means there's no possibility for anything -- any change -- but more than that, I agree that a referendum -- I was the one that pushed, remember, the referendum on the pickup trucks because I didn't think that we should be the "aesthetic czars." Sure, I don't mind that the voters vote on it. But I think they

need to know that there's a cost. It could be a big cost. And I think more than that, there's a chilling effect on anybody that wants to participate in Art in Public Places because if I was an artist, I would not come here thinking that I could be second-guessed by -- any time. People could go back and take the art off of the Mass Tech building, which is three birds flying, saying I think this is terrible and awful.

Commissioner Lago: I think it has international ramifications when you think about it, and we've already received -- if you look up the artist, which I did last night on Google, just to get a little bit more in depth research, I think the third or fourth thing that comes up in Google is the Miami Herald article talking about the removal of the sculpture. So, I just think that's not a good look in the City of Coral Gables. But you mentioned a good point, and I want to address it. You talked about sitting on the Planning and Zoning Board. Before I was fortunate enough to sit up here, I sat on the Planning and Zoning for several years. I'm not sure how long you've been on the Planning and Zoning Board, knowing that you're Commissioner Slesnick, it's probably about a year and-a-half. So, there was -- if you think this is hot, there was no more hotly debated discussion than the pickup trucks. And I know that a few people around me are all smiling and they're waving their heads because we were talking about pickup trucks. We were talking about pickup trucks. And at that point, my decision was to mandate this to the Commission via the vehicle of a referendum. I'm not opposing the referendum. That's what -- if that's what some residents in this community want, we'll move forward. There is a strategy, like the City Attorney has clearly mandated that we need to follow and -- but I want to be sure. Are we asking -- are we talking about we're trying to get 6,500 signatures vetted through a petition to put this on the April 8 election, or are we talking about we're going to try to raise as many signatures as possible to bring to the Commission to try to eventually, one way or another, get rid of the sculpture or remove the sculpture?

Mr. Rodriguez: Our goal -- we wouldn't have started this -- our goal is to try to get the over 6,000 we need to get it on the ballot.

Commissioner Slesnick: In April.

Mr. Rodriguez: In April. Okay, but my point to you, Commissioner, is that if we somehow fall short of it and we come in with 5,999, then it'll be up to -- you know, you all have very -- you've raised some valid points, and you can make whatever decision you think is appropriate. But then again, you know, the voters can -- if you're inclined to want to do so, can hold your vote in that regard accountable. That's what this -- that's the way the process works.

Mayor Cason: Let me just say -- I know you have to go somewhere, and I...

Mr. Rodriguez: Yes.

Mayor Cason: We moved it from 1:30 p.m. because you had some...

Mr. Rodriguez: Yes.

Mayor Cason: I have no problem with the referendum. I do think that that last part needs to be addressed to say that there is a cost to the taxpayers, not the City, because that...

Unidentified Speaker: I would ask that that be...

City Attorney Leen: Mr. Mayor, what if we change it to say at City tax -- I think we should still say City because it's not County or State taxpayers. So, at City taxpayers' expense, to the extent necessary, as opposed to if necessary...

Vice Mayor Quesada: How about...

City Attorney Leen: Because it may depend on what option is chosen.

Vice Mayor Quesada: How about -- so if you guys just follow along here from -- I'm reading the second line. Traffic circles at the intersections of Segovia Street and Biltmore Way and Segovia Street and Coral Way, even if the expense to the City and its taxpayers exceeds a million dollars. Isn't that a possibility?

Mayor Cason: Yeah.

Mr. Rodriguez: But that's misleading. I mean...

Commissioner Slesnick: That's misleading.

Mr. Rodriguez: That's misleading. It's terribly misleading because...

Vice Mayor Quesada: Why's that? You heard the statement from our City Attorney that said the contract says that 180-day, that she could take it back. If we spent a million dollars paying for the art...

Commissioner Lago: Right.

Vice Mayor Quesada: And she takes the art back, how is that not a loss of a million dollars?

Mr. Rodriguez: It is -- because from this point -- the million dollars has been spent. Your assumption -- I don't want to get into any assumptions, okay. My -- I can argue that the assumption...

Vice Mayor Quesada: My assumption is based on the fact of the contract.

Mr. Rodriguez: An assumption that I can indulge is that it was a waste of a million dollars. I can indulge that, just like it was a meritorious use of a million dollars. That is what the voters

are going to decide, the registered voters. So, if -- that's a neutral point. The money's already been spent. What is relevant is how much money now going forward it may or may not be in play for the sculpture to be moved.

Vice Mayor Quesada: But if a million dollars is being spent, we have to keep that item -- and by the way, there's still that investment, if we turn over -- if we give the item back, then we no longer have that sculpture. We no longer have that asset.

Mr. Rodriguez: There have been all kinds -- and we don't know how this artist is going to be reacting. There's been all kinds of assumptions about what may happen. One of the things that was clear -- that the petition makes clear is that we're only going to do -- we're asking the City to do only what they're contractually allowed to do pursuant to the contract they have with the artist. Anybody, for \$600, can sue anybody for anything in Miami-Dade County, so I don't know what the artist is going to do. But I would respectfully submit that if I was an artist and my reputation was on the line and I saw that there was a referendum and that there was "X" amount of votes -- and we can keep her abreast of how many votes we have at any given time -- she may say, look, you know what, I'll take -- here, I'll take my sculpture and put it somewhere else and she may not want to go through the embarrassment of having 6,000 voters in Coral Gables say, you got to move your sculpture.

Mayor Cason: Dona.

Mr. Rodriguez: We don't know that. I mean, this is all conjecture.

Historic Preservation Officer Spain: I've spoken to the artist, Alice Aycock, at length about this. She, too, was reading the Miami Herald article and is very concerned about it. She sent the contract to her attorney, and I don't think she's going to agree -- at least that's what she's told me -- to move it, period.

Mayor Cason: Okay.

Commissioner Lago: Can I ask you one question, though?

Historic Preservation Officer Spain: Yes.

Commissioner Lago: And this is the last question I'm going to ask you in regards to this. And I am in support of the referendum. I just want to finalize the language, like Vice Mayor Quesada said. And I leave that up to our Vice Mayor, who obviously is the attorney of the bunch here and our esteemed City Attorney. I just want to ask one simple question. In your professional opinion, did we have anyone that came -- because I can't remember -- when this came before the Commission, when it came to P&Z, when it came to the Board of Architecture, did we have one person state that they were opposed to the artwork?

Historic Preservation Officer Spain: As far as I know, no. And what's particularly important to me...

Commissioner Lago: And this came before P and...

Historic Preservation Officer Spain: As the Historic Preservation...

Commissioner Lago: This came...

Historic Preservation Officer Spain: Officer is that it went to the Historic Preservation Board...

Commissioner Lago: Did this come to Planning and Zoning Board?

Historic Preservation Officer Spain: And no one came and the property was posted.

Commissioner Lago: Did this...

Historic Preservation Officer Spain: I don't believe it went to the Planning and Zoning.

Commissioner Lago: It did not, okay. I just want to be clear before I make that statement.

Historic Preservation Officer Spain: But it did go to Historic Preservation Board.

Commissioner Lago: And I misspoke, I apologize.

Mayor Cason: But I think what it did -- we had the Cultural Board, which picked the -- whatever we call the group that went...

Historic Preservation Officer Spain: The Selections Committee.

Mayor Cason: The Selection Committee, and that was unanimous. Our representatives...

Historic Preservation Officer Spain: Yes.

Mayor Cason: Picked these people as the only way, other than us, or going to the citizens and saying on every piece of art...

Commissioner Lago: And so people understand, these are not random citizens, again, you know, who are collectors, who are enthusiasts. These are people who are directors of the Bass Museum, directors -- correct me if I'm wrong -- the Bass Museum, the Lowe Museum, the Frost Museum.

Historic Preservation Officer Spain: Right.

Commissioner Lago: These are major institutions, which have international, you know, presences and are, again, leaders in this community in reference to art, both at the modern and contemporary. I think the Bass runs all the way -- you know, has art for the last 200 years. So, there -- they run the gamut. So, I just want to make sure that everybody's aware that this just wasn't just happening -- because a lot of people are tuning in and they're wondering what's going on with the sculptures. And I want to make sure that everybody, like Mr. Rodriguez said...

Historic Preservation Officer Spain: And there's a perception that it was taxpayers' money that paid for it also.

Commissioner Lago: I want people to be aware that this was a transparent process.

Historic Preservation Officer Spain: There's a perception that it was taxpayers' money that paid for it.

Mayor Cason: Yeah. It was...

Historic Preservation Officer Spain: And that's a concern. There's a lot of...

Commissioner Lago: Yeah.

Historic Preservation Officer Spain: Misconceptions out there, that I think it's important for the people signing that petition to understand. Because right now they think it's taxpayers' money that paid for it, that even if you say it wasn't, then the debt service is taxpayers' money. That's not true. So, there's a concern...

Commissioner Slesnick: Are you saying it's not taxpayers' money, that nobody in Coral Gables is having to pay a million dollars for it?

Historic Preservation Officer Spain: Well, it's...

Mayor Cason: The taxpayers' money was \$100,000 that we unanimously approved...

Commissioner Slesnick: No, no, no.

Mayor Cason: To put it in that spot.

Commissioner Slesnick: It's taxpayers' money because we have borrowed a million dollars...

Historic Preservation Officer Spain: Well, that's true, but...

Commissioner Slesnick: Which we're paying...

Vice Mayor Quesada: Yeah.

Commissioner Slesnick: For 20 years...

Historic Preservation Officer Spain: But we're not paying it back with taxpayers' money.

Commissioner Slesnick: At a thousand dollars a week.

Commissioner Keon: It's not paid for out of...

City Manager Swanson-Rivenbark: Mr. Mayor...

City Attorney Leen: Remember the verbatim transcript (INAUDIBLE).

City Manager Swanson-Rivenbark: Mr. Mayor, I think these are important conversations. It's just going to be very hard to do verbatim minutes, if everybody talks at the same time.

Mayor Cason: So, are you going to work on the -- would you work with our legal people on...

Mr. Rodriguez: Yes.

Mayor Cason: Terms of -- at least my concerns, which -- to make it clear that there is going to be a cost, unknown...

Mr. Rodriguez: Yes.

Mayor Cason: Particularly if we get sued by the artist for whatever, and certainly for moving, so...

Commissioner Slesnick: Mr. Mayor...

City Attorney Leen: Mr. Mayor...

Mayor Cason: And we'll have a chance...

City Attorney Leen: I just want to...

Mayor Cason: Even if it passes or not, we'll have a chance, a second shot at the actual language that went on the ballot...

City Attorney Leen: Yes.

Mayor Cason: To clarify that if...

City Attorney Leen: That's the point I wanted to make, Mr. Mayor. It will go -- if the -- it's more than 6,000 voters. It's somewhere between 6,000 and 7,000...

Commissioner Lago: But that's a problem, though.

City Attorney Leen: If that amount of...

Commissioner Lago: Let me interject.

City Attorney Leen: We'll have the exact number.

Commissioner Lago: But let me interject. That's a problem because...

City Clerk Foeman: Six thousand, one thirty-three.

City Attorney Leen: Six thousand, one hundred and thirty-three.

Commissioner Lago: But you can't -- you need to have the language now while people are signing this document...

City Attorney Leen: Yeah.

Commissioner Lago: So they know what they're signing because you said we got a "second bite at the apple."

City Attorney Leen: But I'm just telling you what...

Commissioner Lago: (INAUDIBLE) sign.

City Attorney Leen: The or -- what the Charter says is that they propose the ordinance, so this is their proposed ordinance. When it goes on the ballot, the Commission approves the ballot title and language, and so that would be for you to decide how you place this on the ballot. Obviously, it has to be placed in a neutral way, so -- that neither favors nor disfavors. We have to do our best to try to achieve that.

Mayor Cason: Okay. Anything else you want to...

Mr. Rodriguez: I just want to thank everybody and I appreciate your time in such short notice. Thank you so much, and thank you for accommodating. I also have somewhere to go. Commissioner Quesada, I appreciate your concern. I'm for a hundred percent transparency. We're in agreement, I think. Every -- it should be...

Vice Mayor Quesada: No, yeah...

Mr. Rodriguez: A hundred percent transparency.

Vice Mayor Quesada: I'm not trying to fight with you. What I was just thinking is what if we had attached to this petition just simple historical sort of what happened, so if the petitioner wants to read a simple, half-a-page summary of the factual circumstances how it got to this point...

Mr. Rodriguez: Remember that what -- see, what happens a lot of times in these kind of discussions is that we lost sort of focus on what we're talking about. We got to get 6,100, you know, signatures, and then it still goes on the ballot. And then, you know, you guys have a lot of control as to how that question is asked for the voters. All we're asking now -- I mean, right now what I'm hearing, there's a lot of -- there's been a lot of comments made about, well, you know, a lot of people like this and there wasn't that many people that don't like it. If you guys are

right, I'm spending my time and all these folks that are involved in this are spending a lot of time -- they're wasting their time, you know.

Vice Mayor Quesada: I'm not arguing with you.

Mr. Rodriguez: Right.

Vice Mayor Quesada: I a hundred percent agree...

Mr. Rodriguez: Okay.

Vice Mayor Quesada: That they should have -- you guys should have the opportunity.

Commissioner Lago: Of course.

Vice Mayor Quesada: No qualms there. I just want to make sure people are informed.

Mayor Cason: One way to do it would be...

Vice Mayor Quesada: You and I are in agreement there. I agree with you a hundred percent.

Mayor Cason: There's another way to do it in terms -- we did it with Amendment 1. We had a newspaper laying out the background; here's the pros, the -- here's -- that's -- I would recommend...

Commissioner Slesnick: Which the City could do.

Mayor Cason: We do that...

Vice Mayor Quesada: Yeah.

Mayor Cason: So that people...

Vice Mayor Quesada: We could do that.

Mayor Cason: Before the election, so that if you're going to be trying to get signatures at the ballot places, so that people understand what they're voting on. I just don't -- make sure they understand fully, inform citizens and not just, here, I'll sign, what is it.

Commissioner Slesnick: Mr. Mayor, I just wanted to make a comment. You had mentioned 31 times people had an opportunity to review this. And except for two people on the North Greenways that were involved, one being Ms. Damion, who is -- was head of the committee, I have all the email addresses of everybody on Coral Way on North and South Greenway, and no one, except for the two people that were involved, have responded to me that they even knew this was coming up so...

Mayor Cason: But, you know the problem with that is that that's the argument we hear on every...

Commissioner Slesnick: I under -- yeah.

Mayor Cason: Single thing that comes before us.

Commissioner Slesnick: But...

Mayor Cason: I didn't know.

Commissioner Slesnick: I know, but at least the people in that neighborhood should have had written notice. And just like the Parks director said that we're going to notice North and South Greenway residents when 5,000 people run by between seven and nine in the morning on one of these runs, no one -- they -- supposedly, the City sent out notices, but no one received notices about the last run with 5,000 people running by our house. So, you know, whether the City promotes it in newspapers that are not read or posting notices up out on City Hall, out on the front, some people are astute. But I tend to follow everything going on in Coral Gables, and I had no idea this was coming. And two or three people on the Historic Preservation Board also were -- have changed their minds about the sculpture, and that's their prerogative. But I do not think we had a lot of notice about this, and it's a process. If we're going to spend a million dollars for something, I think we need to alert the people. Just like we have something else that we're spending almost \$400,000 on, on Giralda, I think we need to weigh in on this instead of spending City tax dollars, which is where this is coming from, to repay the loan for the sculpture...

Commissioner Lago: But let me ask you a question, if you don't mind, again. I know maybe you have to go, but -- so you want to have a referendum for every single item that comes up in the...

Commissioner Slesnick: No, no. I just think we need to get more notice and we are. People are saying more often...

Commissioner Lago: But I want to be clear because...

Commissioner Slesnick: Between Facebook...

Commissioner Lago: I want to be clear because you moved this item. You were the -- you moved -- you voted for this. You moved this item.

Commissioner Slesnick: Yes.

Commissioner Lago: (INAUDIBLE) change their -- and it was a 5-0 vote. I know people can change their mind, but...

Commissioner Slesnick: No.

Commissioner Lago: And I just want to...

Commissioner Slesnick: I think we need to be transparent and give the voters a chance.

Commissioner Keon: You know what...

Commissioner Slesnick: It's a democracy.

Commissioner Lago: Yeah, but we keep using that word transparent and it's not...

Commissioner Keon: Let me tell you, I'm not so certain how transparent this really is. You have acknowledged that you're unlikely to gather between six and seven thousand signatures. How many times have you acknowledged that you are unlikely to be able to do that? So, the likelihood is you will not achieve, through petition or through vote, what you are asking to have done here. You've said yourself, you're likely to not do or achieve what you're doing through an initiative to get this done. Is that right?

Mr. Rodriguez: Ms. Keon, I'm an attorney. Excuse me...

Commissioner Keon: I'm asking you.

Mr. Rodriguez: Excuse me, let me finish, please.

City Attorney Leen: Wait, no, no, no.

Mr. Rodriguez: I would respectfully...

Commissioner Keon: No, I...

City Attorney Leen: She controls the floor, through the Mayor, until she's done speaking.

Mayor Cason: Go ahead.

Commissioner Keon: Mr. Mayor...

Mr. Rodriguez: You asked me a question. But you asked me -- I'm trying to respond...

Commissioner Keon: Well...

Mr. Rodriguez: To the question.

Mayor Cason: Why don't you respond after she finishes...

Mr. Rodriguez: Okay.

Mayor Cason: Her...

Commissioner Keon: What I think is that you will -- your intention is to gather enough signatures to believe that you will effect or sway this Commission and those maybe that are up for reelection or anybody running for office, that you will use that as a means of swaying them. Because you have said you are not likely to collect those, but you will bring forth the names and

the number or signatures that you have, and you will make -- hold the Commission accountable to those voters and their signature to do what you believe should be done. Okay, now you can...

Mr. Rodriguez: Okay.

Commissioner Keon: That's my -- that's what I'm hearing you say.

Mr. Rodriguez: Alright. I'm an attorney. I'm a trial attorney. I'm not involved in politics, for the most part. You know, I sit -- I try to do what I can. I'm embarrassed that I haven't done more. I'm just telling you from a very uninitiated perspective that, that might be difficult. We wouldn't -- the group wouldn't go into this, if they didn't think that they could do it. I'm an attorney. I'm their attorney. I'm, you know, telling you that I think if 7,800 people voted, that 6,300 or 6,200 is a daunting number. But respectfully, I am not trying to do anything. I'm just trying to see how this process would work. And we come -- if we get 6,200, then it has to go to the ballot, as I understand it, or you could take action before it goes to the ballot. If we get 5,000, then we're short. Then you could do whatever you want. Yes, accountability. Yes, look, I'm big on accountability now because I sit on the Planning and Zoning Board. And being on the Planning and Zoning Board, things happen that I sometimes agree with and the City Commission still approves it. You know, it doesn't make me angry. It doesn't make me feel like you guys aren't doing your job. It just -- I just disagree sometimes. And I think -- and City politics, you know, there's no nuclear war. There's no foreign policy. There's not -- I mean, it's -- there's a certain -- there are certain...

Commissioner Keon: A sculpture, a sculpture?

Mr. Rodriguez: There are certain areas that people tend to focus on more than others, right? Oh, my only point -- and I didn't mean -- I'm not threatening. I didn't mean it in a contentious manner. It's just the way our system works. And I think -- I -- having sat on Planning and Zoning, what I'd like to see is the accountability on the part of the Commission, or the votes they

take to the people, so the people understand what's going on. When the people see, you know, like a huge building going up here or there, that they understand these are -- this is the way these votes were taken. When the sculptures are there and the sculptures aren't removed, even though there are, you know, 5,000 votes, yes, I think it is reasonable to say, I'd like to see that the voters hold the City Commission accountable for the vote. It doesn't mean they're going to vote against you because many people may agree with it and many people will say, you know what, I was against it, but for whatever reason, you know, Commissioner "X" or Commissioner "Y" or Mayor "X" or "Y" is somebody that I want to vote for. But it's a matter of accountability. As a citizenry, we are entitled to that.

Commissioner Lago: Can I just make a quick comment, Mayor...

Mr. Rodriguez: Yes.

Commissioner Lago: If I may? You mentioned accountability. And I think that that -- the key word -- the key aspect to accountability is doing your homework.

Mr. Rodriguez: Yes.

Commissioner Lago: And for example, I heard you speak at one time at an event that Commissioner Slesnick had that was an anti-development meeting, and you spoke about the Aloft, and you spoke how this Commission could approve that project and how could it be, you know, being constructed. And what I did was -- excuse me. You want to interject? You want to speak?

Mr. Rodriguez: No, no. I...

Commissioner Lago: I just want to -- I listened to you.

Mr. Rodriguez: I don't like the Aloft, but I don't...

Commissioner Lago: No, but can I finish?

Mr. Rodriguez: I don't remember speaking about it, but I may have.

Commissioner Lago: You did, at the Biltmore.

Mr. Rodriguez: Okay, I may have.

Commissioner Lago: And you blamed the Commission for it. So, what I ended up doing was -- this is why I talk about accountability. I went and I visited our esteemed City Clerk, and I said, I'd like to find out a little bit more about how this project was approved, and I went through the process. It took me hours and hours and hours. So, before I made a statement about the Aloft -- because I couldn't remember approving this project. I couldn't remember having this project come to the City Commission. I found out that, that was a land use change in 2008, and I found out how that land use changed from residential to commercial and who voted on that land use change, and how when that land use changed in 2008, it became an as-of-right project. But by the way, the damage had already been done because it was 150 people in the room and you made a statement stating that this Commission should be held accountable for allowing that project to go up. So what happened? I had many people in that room come up to me and go, hey, Vince, how did you vote in favor of that project? I said, I never did. You know why I never did? And Ramon Trias is in the room and Peter Iglesias is in the room, and Dona's in the room, and they all came up and they said, Resolution 2008-26, a land use change. And the land use change allowed for that building to be built as of right. So, what I'm telling you is this, you're an attorney; I'm not. I'm not an attorney, okay? We need to be careful. We need to be very, very careful when we use the public domain, when we use these opportunities to say certain things that, at the end of the day, can be misconstrued or are not fact. And I'm just telling you that

because you deal in fact; you're an attorney. So, what ends up happening is people believe what they hear...

Mr. Rodriguez: Right.

Commissioner Lago: So we have to be very careful. We have a responsibility as elected officials and members of boards to ensure that the public trust is not broken and that the information that we disseminate is fact, not twisted to benefit somebody. We have to be careful, and that's why I'm concerned about certain statements that are made. But I -- listen, I agree with you. And in reference to projects, how you say that the Commission is not accountable, sometimes the Commission votes in favor of projects, sometimes the Commission does not. That's why we live in a democracy.

Vice Mayor Quesada: I think we're straying a little here.

Mayor Cason: Yeah. I think we're moving...

Vice Mayor Quesada: So...

Mayor Cason: Let me say this. The issue before us is the -- I think we've at least -- I don't know, do we have a vote on...

Commissioner Lago: I think it's unanimous.

City Attorney Leen: You're supposed to vote. You're supposed to vote.

Commissioner Keon: I have a concern that you have an ordinance that you -- that you're asking people to sign signatures to adopt that is already -- we already have a contractual agreement with the artist. So, you're -- I mean, the attorney has said to you to exercise its contractual authority.

He's told you that these -- the statute will not be affected by this because of our contractual ability. Is that right?

City Attorney Leen: Yes. So, all this does is directs the Commission to exercise that authority. It directs the City. So, now...

Commissioner Keon: What authority do we have?

City Attorney Leen: So that would mean -- for example, if this passed, the first thing I would do would be I would go to Ms. Aycock, and I would try to negotiate with the City Manager -- assuming this is passed -- moving the sculpture to another location. If we could not agree, I would then initiate the 180-day process.

Commissioner Keon: Okay. You know, I believe in grassroots democracy. If you feel that, you know, you have to ensure that every single citizen, 51,000 people in this city have knowledge of something before we move forward, we might as well all go home because we're never going to get anything done, but I do believe in grassroots democracy. If you want to go ahead and petition, I would like the language to be more clear than what it is. But I will tell you, I think that we are a civil society. And one of the attributes of a civil society is tolerance. And to think that you could create this much discourse over a sculpture that your historic preservation officers, the people who are the experts in their fields in our city believe are very much in keeping with the aesthetics and with the vision that Merrick set down in this city when it was founded 90 years ago, that you know, if you choose to do that, I think that you are doing damage to a world-class American artist's reputation by these actions. There is nothing offensive about that sculpture. You may not like it. You may not like the color. You may not like the shape. There is nothing offensive about it. She has been judged and her work has been judged as museum quality work. If we, as a city, don't break barriers and never move forward, we will not be the best city we are capable of being. When we went to the dedication of the -- at Temple Judea a couple of weeks ago, to see their new education wing and their -- and the temple, some

of the members told us that when Temple Judea attempted to purchase that land to build the temple and move it there, that the City of Coral Gables objected at that time to the sale of that property to Temple Judea because they did not want a temple on such a prominent place in our city. You know what -- and I was told that the University of Miami intervened because I think it was their property or whatever. You know what, how can we ever, ever have such intolerance and not stand against intolerance? If you were here to tell me you were going to petition for some social justice, if you were going to petition to protect someone's rights, if you were going to petition to bring great benefit to this City, you know, I would go out there and help you collect signatures. But what you're telling me is you just don't happen to like how it looks. And you know what? You have the right to do that. I want you to know that I cannot support what you are asking to do, but I will, you know, use whatever authority I have to allow you to go do it.

Mayor Cason: You want to make the motion?

Vice Mayor Quesada: I do.

Mayor Cason: Make the motion.

Vice Mayor Quesada: So, I want to make a motion to allow them to proceed with the petition that they're seeking with a minor modification. And if you guys follow me on the document that we have in front of us. After the comma, leave the word "at." Strike the word "the." Change from "City's" possessive to "City taxpayers'," plural possessive, "expense, if necessary." So, it'll read after the comma, "at City taxpayers' expense, if necessary." I would also like to make available, as determined by the City Attorney, either on a website or provide a document that whoever's carrying around signing, that they have it available, so if the person asked simple, factual summary of sort of how we've gotten to this point.

Mr. Rodriguez: I think that's fine.

Mayor Cason: Alright.

Mr. Rodriguez: Mr. Mayor, may I because Commissioner Lago -- I mean, I'm a public servant, too, and Commissioner Lago made some statements. I just briefly want to respond. I don't want to take up too much of your time. Commissioner Lago, I would never intentionally to try to further any position I had, make a point that I knew was factually inaccurate. In fact, in the last meeting that we had, I learned -- I don't know in what context it came up in the last Planning and Zoning Board meeting -- we learned that, in fact, that the Commission hadn't approved it; that because the zoning had been changed before and therefore they were able to build that structure without Commission approval. And I think that's a loophole that we need to address, but that's a different story for a different day. The only point I wanted to make to you is that I acknowledge -- I apologized because, you're right. I made a statement that was factually incorrect. I didn't know it was incorrect. I'm a lawyer. I've never been on Planning and Zoning. I'm not an architect. I'm not very, you know, politically inclined. I'm embarrassed about it. I'm not proud of it. So, I, you know, didn't intentionally mean to demean -- and it wasn't -- first of all, even if it would have happened, it wasn't my intention to demean anybody. But it was factually incorrect, and I acknowledge it and I apologize.

Commissioner Lago: Look, can I just say one last comment? Just...

Mayor Cason: Sure, go ahead.

Commissioner Lago: My intention in bringing that up was not -- there's no malice intent.

Mr. Rodriguez: Right.

Commissioner Lago: Hey, listen, you're giving up of your time.

Mr. Rodriguez: Right.

Commissioner Lago: You could be doing a million and one things outside of the City with your family, with your friends, you know, moving your business forward, so I appreciate your time you're donating to the City. My only reason why I brought that up was because we, as a Commission, we need to be careful. We need to be very, very careful because the things that we say up here...

Mr. Rodriguez: I agree.

Commissioner Lago: The things that we say in board meetings -- I've had people come up to me and say certain things that, is this true? I go, no, it's not. Let me give you the information. Let me show you. It's happened to me. I've made comments -- and I'm the -- I make comments that maybe I should have given the full story...

Mr. Rodriguez: Right.

Commissioner Lago: Even though it is -- it wasn't the full story. But we need to be careful, and that's a comment and that's a statement that there was no mal intent. I just wanted to -- I wanted to basically tie it to what we just did right now, which would be as transparent as possible.

Mr. Rodriguez: I agree. And I acknowledge it...

Commissioner Lago: That's it.

Mr. Rodriguez: And I...

Commissioner Lago: And I appreciate -- listen, I -- we're extremely grateful, as a Commission, for everything you do for the City.

Mayor Cason: Alright.

Mr. Rodriguez: I thank you for your constructive criticism, which I think is valid. Thank you, Mr. Mayor. Thank you, Commissioner.

Mayor Cason: We have to get a second. We have to vote.

City Attorney Leen: There has not been a second yet.

Mayor Cason: We have a second on this?

Commissioner Lago: Of course. I'll second it.

Mayor Cason: Commissioner Lago seconds. City Clerk.

City Attorney Leen: Mr. Mayor, before you vote -- so, what I'm going to do is, we're going to make the change with the counsel for the committee of petitioners. We're also going to prepare a fact sheet. I'll have Christina Suarez and Dona Spain work on a neutral fact sheet that just goes through the history. You would approve it, within bounds, obviously. We're going to have to go through those facts. We then will attach a resolution approving this, only as to form, of course, and then the 30 days will start from that date. I would like to have that done by tomorrow.

Commissioner Lago: But I -- can I ask you a quick question?

City Attorney Leen: Yeah.

Commissioner Lago: Mr. City Attorney, we're not -- I want to make sure the resolution states that we, as a Commission, are not approving...

Mayor Cason: No.

City Attorney Leen: You're not -- it will just say as to form...

Commissioner Lago: We're approving the language and the vehicle to move forward because, obviously, again...

Commissioner Lago: We'll put language in there saying that the Commission -- well, I'm just going to say it's approved as to form.

Commissioner Lago: To form, and then...

Mayor Cason: And again, a reminder that we have -- whatever happens as a result of this in the next 30 or 60 days, we will have a chance to, if it goes to the ballot, make sure that our concerns about people understand what this is about is on the ballot.

Commissioner Lago: And I think the Vice Mayor made a very good point. Maybe we could just -- instead of adding two or three pages behind it, we can just add a website that the City could produce, showing all the documentation so people can really be educated before they move forward. You know, we could include some newspaper clippings from international...

Vice Mayor Quesada: My motion stands so that the...

Mayor Cason: Yeah.

Vice Mayor Quesada: City Attorney figures it out since he's...

Commissioner Lago: Okay.

Vice Mayor Quesada: Neutral on this.

Mayor Cason: City Clerk.

Vice Mayor Quesada: It's a simple factual analysis behind it.

Mayor Cason: Let's take the roll. City Clerk.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Mayor Cason: Thank you.

Mr. Rodriguez: Thank you very much.

Commissioner Lago: Thank you.