

City of Coral Gables City Commission Meeting
Agenda Item E-1
June 11, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors, Jr.
Commissioner Pat Keon
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Intergovernmental Affairs Manager, Naomi Levi-Garcia

Public Speaker(s)

State Senator Jose Javier Rodriguez
Representative Nicholas Duran
Sylvia Castellanos on behalf of State Rep. Bryan Avila

Agenda Item E-1 [10:21:26 a.m.]

Time Certain 10:00 a.m.

Personal appearances by State Senator Jose Javier Rodriguez, State Representative Nicholas Duran, State Representative Javier Fernandez, Sylvia Castellanos on behalf of State Representative Bryan Avila and End of Session Report presented by the City's lobbying team.

Mayor Valdes-Fauli: The next item is personal appearances by State Senator Jose Javier Rodriguez, State Representative Nicholas Duran, State Representative Javier Fernandez, Sylvia Castellanos on behalf of State Representative Bryan Avila and End of Session Report presented by the City's lobbying team. Senator, Representatives.

Senator Rodriguez: Good morning Mayor, Commissioners, State Senator Jose Javier Rodriguez. I have the honor of serving the entire City of Coral Gables in the Florida Senate. Obviously, here
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with Reps Fernandez and Duran who serve the City of Coral Gables also in the House. So, I think maybe what we'll do is give a general overview and then we'll have a discussion. You always have a really good discussion pre and post session. And I want to say first of all, thank you, you all are very accessible. You guys have a great team and you make our job going to fight for our shared constituents very easy, frankly. So, thank you for the work that you all do. So, there are a couple of things. In terms of the session overall, we can have a discussion about that, but I want to zero in on some of the priorities that you all had here in the City of Coral Gables. A couple of positives on the policy front. Finally, we have a ban on texting and driving, a real ban, a primary offense. October 1st warnings are going to be issued and January 1st it's a full ban on texting and driving, which many of us had advocated for a while. I know it's a priority for you all. Pre-emption is an issue, right, so preventing state government from telling you can't do certain things. One of the battles we lost on the legislature which was a pre-emption bill that included taking away your power to regulate plastic straws was vetoed, thankfully. One of the things that I know was important to you all is, public education issues, generally, but school safety. Unfortunately, one of the priorities was, basically for added funding for school safety issues. One of the unfortunate things is that for a second year the school safety package became partisan because of an insistence on putting in a provision to expand a program that allows arming teachers. Now that won't affect us directly, in South Florida those programs are not going to be implemented. But the way it does affect us however, is that \$67 million dollars were put in the budget last year to implement that program, and this year one of the things we are asking for was, the unexpended funds, which was \$57 million, to allow school districts to use that for many of the school safety needs, other than arming teachers, and we did not prevail on that. That is one of the important things that we fought for and will continue to work for. One of the positives – I know that the environment generally and water quality, especially, is very important to you all. This is a good budget when it comes to the everglades and many of our environmental concerns, like Red Tide, etc.; and briefly, a lot of the funding requests that you have are in, what I would call the most difficult silo. They are in the area of water and infrastructure, which is thankfully the most difficult to get funded in the budget. Obviously, you mentioned that your lobbying team is here. They are great. They are a great resource for us in this process. A shout-out to Representative Bryan Avila, who is not physically, although he's represented, who did help with one of the two successful projects, both of which again, deal with water and energy efficiency master plan, but as well as stormwater improvements. So, that's the overview which is specific to the Gables. I can talk more about my view on the session generally for our constituents, but I'll save that for after.

Mayor Valdes-Fauli: Tell me about Home Rule and trees.

Representative Duran: Happy to jump in. Good morning to all of you. Thanks for having us. Unfortunately, on trees, we have now, I think watered down your ability to regulate the canopy. A

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Bill was passed that basically remove the necessity to get a permit if you procure an arborist report. So, if that arborist report concludes that the trees are either ill or presents a danger to your property, what that last phrase means, I don't quite know frankly. There are some industry standards for arborists that do expand upon that, I'm not sure if they were contemplated when the language was drafted, however. So, as I share with the City of South Miami, which has a similar concern, you probably have to be much more proactive in this budget making sure you've got Code Enforcement resources available to monitor what's happening in the community. When I spoke on this matter on the floor, I frankly voted against it in large measure, not because its just taking away local control, but also because it puts our citizens and our government in director conflict which should be a fairly simple permitting issue.

Mayor Valdes-Fauli: Tell me how that possibly could be a state issue versus a local issue. What's the philosophy behind that? I think between all of us, a hundred thousand of us, I think its stupid. I think its stupid, I think its overreaching and what's behind it? Who paid whoever or what lobbying group advocated this?

Speaker: Mr. Mayor, Mr. Vice Mayor, Commissioners, good to be with you all on this morning. If I could sort of chime in, because I've been here for, this is my second term and sort of see it. I think there has been this fascination, particularly in the House on attack on local control, just in general, its been a wide swath of a variety of issues that we are talking about. And you know, we talk about the plastic shopping bags and that was implemented here and then the attack and I'm going to let you talk a little bit more about the attorney's fees, but on a wide scope there just seems to be an idea of a kind of big brother approach to state government and how we should. This doesn't necessarily originate out of our neck of the woods in the State of Florida, but because of those that have been in power for so long, I think they have come in with their own sort of premonitions of how they see these sorts of things. I'll say this though, and sort of from seeing how things have gone forth, particularly with this veto by the Governor a couple of weeks ago, it's a good indicator that I think it's a ray of him sort of saying, I'm going to be looking at these local rules, sort of issues that you all are passing with a larger scope; and I think he has a level of distaste with how those are going as well. And his comments when he did the veto sort of said, you don't like it, then the consequences are on a local level, you throw them out.

Senator Rodriguez: Just to get, I think, amplify on what Graham's explanation. I think it's born of a very strong perlitude for protecting property rights. I think they see this issue as an extension of that. You will note this year there are a number of property rights runs through our House, at least five different elements, some of them repetitive, in a number of different vehicles to ensure that there was an additional layer of protection provided to private property owners. We saw the erosion of your ability to do comprehensive planning, frankly. Now allowing for third party challenges, a

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fee shifting provision there as well. You also saw some property rights elements are not being required as part of your comp plan. So that will be a mandate coming forward as well. So, I think that tree issue falls into that line of thinking. It's the best that I can explain it. May see some litigation in conversations with members of some parts of the state, some mitigation requirements that are very onerous and incringement on someone's ability to fully utilize their real property. So, I think that's the thing of where the policy comes from.

Mayor Valdes-Fauli: I think it's a very, very good issue for us to challenge the statute that issue.

City Attorney Ramos: They are still hopeful that the Governor will veto, the period has not ended. We are still hopeful that the Governor will veto, we have sent our resolution, the League of Cities did as well.

Vice Mayor Lago: This Commission sent a resolution urging the Governor to veto it, and then last week, as a representative to the Board of Miami-Dade County League of Cities, I requested that the Board consider a resolution urging the same matter that the Governor veto and they did it unanimously. So, the League should be sending that veto, excuse me, should be sending that resolution requesting that veto, if they haven't sent it already.

Commissioner Keon: The Mayor sent a letter to the Governor requesting that with the resolution attached, so we are hoping.

Mayor Valdes-Fauli: Commissioner Fors – questions.

Commissioner Fors: No.

Mayor Valdes-Fauli: Commissioner Keon.

Commissioner Keon: No, thank you. I think you did a good job representing us. You are always accessible, easy to talk to you. Thank you.

Representative Duran: I just wanted to talk one minute to sort of kind of what I sort of see my impressions of in appropriations and the world that we work in. You go in this past session and the big 800 pound gorilla in the room were the needs of the Pan Handle community in rebuilding the Pan Handle community, and I think we all walked in going, wow, that's going to be a tough place to navigate and negotiate and get any sort of appropriations for some of the issues that we are looking for and working on. Historically, we already know Miami-Dade County, we are always fighting to get our piece of what we believe is rightfully our pie, of the pie; and I would just sort

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of say, like to commend not only my colleagues, but the team, Ron Book and his team, Nelson and his team, Naomi, everybody. We really knew that we had to do a lot of work to get this done, and we, I would say for the City of Coral Gables, to get the amount of projects that we had and hopefully we are all working to kind of make sure that the Governor looks at them and smiles and puts a check next to them, but where we were in the environment, the difficult environment that we were, I think its good to see where we came off and kudos to everybody. Its really a team effort.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: Thank you.

Vice Mayor Lago: Great work.

Mayor Valdes-Fauli: Commissioner Mena.

Commissioner Mena: No. Thank you guys, really appreciate it.

Senator Rodriguez: Just two parting thoughts. Obviously, as Representative Duran mentioned. We normally do these post session wrap ups after we've seen the Governor's action on the budget, he has not yet taken action on the budget, so I want to just remind you all to reach out to our Governor and his team on the important things that we care about. But the other thing too is, session starts earlier than normal, given the Constitutional amendment that passed. We are going to be starting our committee work as early as September, so its not too early, for everybody watching, as well as for you all to reach out to us about things that you care about that you want to work on for the next session. A shameless plug – all of us have newsletters, including myself, flsenate.gov, look for me Rodriguez. You can find our newsletter as well as my contact information, Melissa from my office is here if anybody needs it.

Mayor Valdes-Fauli: Thank you very much. Thank you for the presentation and you've done a very, very good job. Thank you – and we'll take a ten-minute break.

[10:32:38 a.m.]

[Note for the record: The Commission resumed the item at 10:58:45 a.m.]

Ms. Levi-Garcia: Naomi Levi-Garcia, Assistant City Attorney and Intergovernmental Affairs Manager. At this time, we'd just like to wrap up our end of session report. Our lobbying teams are here. We have Southern Strategy Group and Ron Book's team and they are going to give you a

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brief overview of some of the legislation that passed and that failed that could impact the City. So, if you all could please step up. I also want to mention that we have staff from Representative Avila's office here, he could not be here, but he wanted to attend the meeting and she'd like to read a letter on behalf of the Representative.

Good morning Mayor and Commissioners give me one second to pull it up here.

Mayor Valdes-Fauli: Maybe you can have the report first and then you find the letter.

Speaker: Good morning, thank you for having us, its great to be back in front of you all. I think we had a pretty successful...

Mayor Valdes-Fauli: Who's this guy with you here?

Speaker: I found him outside, so we figure we just bring him in (laughter). So, I think we had a pretty successful session. We got three items in the budget with extraordinary help of your legislators, assisted significantly by legislators from neighboring districts. It was really nice. We saw bi-partisan coming together of legislators, not just from Coral Gables, but from around Miami-Dade to help the City Beautiful. So, three projects were funded – the Public Safety Building at a million dollars is in the budget; the stormwater system improvements project for \$100,000; and the water and energy efficiency master plan for \$220,000. Ron can talk a little bit about what kind of a budget year it was and the small miracle it was to get this much in the budget now. As Senator Rodriguez told you, the budget has not yet been sent to the Governor. We both talked to the Governor, to the Lieutenant Governor, to staff and everyone about these projects and once that budget is sent to the Governor you'll know and then we'll know where we are.

Ron Book: Thank you Nelson. Mayor, Commissioners, Mr. Manager, Madam City Attorney, thank you again on behalf of both of our firms for the opportunity to continue to represent you, the City Beautiful and your taxpayers and constituents and I'm joined today by Ronald Brown from our firm, who does a bundle of what's before you, as is...from Southern Strategies. Look, on the budget side, you ultimately saw a little bit over \$91.1 billion dollars pass in a way of a budget. It was as bad a budget year as we have seen in a long time, and it was a bad budget year for a number of reasons. Starting with the fact that federal government abandoned Florida. And you know, we don't necessarily as Floridians from South Florida always appreciate something that's going on in Escambia County or something that's going on in Jackson Gulf, Calhoun, Oskaloosa Santa Rosa County across the Pan Handle or Dade County. But here's what I can tell you, having been in the Pan Handle several times in the last month and-a-half, it's a disaster zone. If the hurricane had hit South Florida, I assure you we would not have been treated as shabbily as they've been treated in

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the Pan Handle; and as a result of it, almost a billion dollars out of the state budget went to the Pan Handle. And while a lot of that money will ultimately come back to the state in the years to come, we need not go any further than the Manager when he will tell you how much money the City is owed from FEMA and the Division of Emergency Management that's being carried on your account receivable ledger to know how long it takes to get the money back from the federal government, which flows through DEM, which ultimately flows back to us, but only after an audit is completed. One of the things that the new Division of Emergency Management Director is doing, by the way Mr. Manager, is instead of waiting as has been the case the last eight years to send any money to a city or county, on a due bill, we are going to start sending you close to half of your money once they hit 40 percent into an audit and have no claw-back stuff, they are going to start sending that money to you earlier than where it has been coming historically in the state. You've got communities that are owed \$20-50-80-100-150-200 million dollars and have been owed that kind of money for years. God only knows how much Miami-Dade, just to use as an example, but that impacts you. And when we have a disaster like we had in the Pan Handle, that ultimately sucks out a billion dollars out of the general \$91 billion-dollar budget, it impacts us in South Florida. And so, we got hurt with that, we got hurt with the fact that we did not reach an agreement with the Indians and the para-mutual industry, and if you will, the professional sports teams on a creation of a sports book, so we didn't get the benefit of that several hundred million more out of the Indian gaming compact dollar that the state was unwilling to spend. The House and the Senate said, they just weren't going to spend that money, not having reached an agreement, not knowing if there might be to be some payback dollars based on monies that had been still coming into the Indian. The tribe stopped sending money the end of May. So, we are theoretically, at least now, done with that money coming in. So, we are not even going to have that recurring revenue go into the next budget cycle. I think there are good things to report and I think we pulled from our delegation. I'm going to pick up one thing that Nelson said in particular. You've got a delegation that's rowing the boat together. Look around the rest of this county – you do not – go to the county to the north, go to the county to the north of that, and that north after that, their delegations are not rowing the boat together. You have a Democrat-Republican, Republican-Democrat rowing the boat together for your City. Its just not happening everywhere and it was a bi-partisan effort and they did do the things they needed to do and when we needed them to go see a sub-committee chair or the full committee chairs on the budget stuff, they were doing that on your behalf and that is a big deal. And when you can tag-team them off of one another and when you have leadership members like Representative Avila, just to use as an example, in the delegation, when you have a Democrat to use Representative Duran is in Zappacolies working with the majority, as opposed to poking them in the eye every time you turn around, it annoys to your benefit and to the benefit of your taxpayers and I think that is a big deal. And let me say about the budget for just a minute. When we were here, we painted a terrible picture about what was going to happen to local governments. We painted a terrible picture for you because we believed

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as was the case that there was going to be this very aggressive effort to erode Home Rule powers; and I will simply say, while some Bills passed, and we can talk about straws that get vetoed and we can talk about trees, but we can also talk about things that didn't pass. We can talk about other Bills that would have dramatically, more dramatically undermine the very fabric of what Home Rule powers are supposed to be about and while we can talk about a CRA Bill that did pass, at the end of the day the more onerous CRA Bill did not pass. The Bill that would have taken away all of your authority, it would have destroyed what would have been left of CRA's as occurred, as an example...I think when you look at other issues of a pre-emptive nature, I think that, again, House Bill 3, which would have kept you able to right the way many, many profession places, that are not necessarily regulated state level, that if you determine to be a problem in your community would have taken away your ability to do that. That Bill died. The Air B&B stuff, the vacation rental dies. When you think about the Private Property Rights Act stuff, the amendments to the Burt Harris Act died, red light cameras died. I think that there was, if you will – you've got one of your scooter entities here that's doing a pilot here in the City, I will use that as an example. There was pre-emption in the scooter bill. There was pre-emption in the micro-mobility bill. The only entity that stood opposed in the scooter world to pre-emption which was a big deal in getting pre-emption out of that micro-mobility scooter bill, was the company that you chose to do your pilot program, but that is another further erosion that ultimately died in the mix. Don't take anything for granted. Anybody who thinks that there will not be continued efforts to trim some additional Home Rule authority through pre-emption and/or otherwise would be fooling themselves, and look, the fight over MDX and Mr. Vice Mayor, Mr. Mayor, through you to the Vice Mayor, in his comments to Javier earlier on the CIPP and the TPO, I would simply say you all watched the MDX fight play out. You talk about an issue that has the potential long term to create havoc. If you don't play those issues right from a government perspective, to the legislature, the damage it does to you in other places in the local government pre-emption Home Rule arena can be two-fold, three-fold before we are finished. And I think what we got out of the MDX fight truthfully, is another series of fights next year, because I don't think they're done. I think there is going to be a battle over a potential constitutional amendment, a joint resolution, that will come forth in the next session. That has the potential to really erode the Miami-Dade County true Constitutional Home Rule Charter, and if you think that a joint resolution that has a spotlight on Miami-Dade County doesn't get significant momentum in the process, Oh it does; and we need not look any further than the last statewide election now that we are going to have an elected Sherriff and an elected Tax Collector and an elected Supervisor of Elections, if its bad for Dade County, 66 other counties want to vote for it. We've got to manage our overall community relations with our delegation better than we are doing right now as a totality of a community. I'm not talking about Coral Gables, the City Beautiful, I'm not talking about Coral Gables and the City of Miami, I'm talking about 34-35 cities, a county and a school district that it matters and our other institutional entities, it matters. You know, somebody asked me a little bit ago that I think the vegetable garden pre-emption bill would get vetoed. I'm

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going to be as honest and as transparent as I know how to be, because I really don't know any other way. I don't know that the Governor has the appetite to veto any more of these pre-emption bills, I just don't. And that's based on conversations we are having every single day with the office, with the staff, and on the issue of the budget, getting to the Governor; the Governor will get the budget the day he wants the budget. Do not expect, as I said to the Manager a little bit ago, don't expect when he gets the budget for it to be in his office for longer than 48 hours, if it stays there 48 hours. The decisions on the budget started to be made on the Friday that the legislative session was supposed to end. That was the day they had their first full briefing. They briefed all day Friday, all day Saturday, part of the day that Sunday. They then briefed that next Tuesday and Thursday and had multiple briefings since. I think all of us thought the Governor would get the budget sooner than now, act sooner than now, I think it's in our benefit that he did not act sooner than now, because I think it kept us alive on one of our issues that we do think has some level of concern. There's a myriad of other issues to cover, if you will, deference to your time, I'm going to stop. Nelson probably has some additional things to add. We did send an end of session report, its fairly voluminous and complete. So, you know what our staff's put those reports together and they spent lots and lots and lots of time putting them together. You notice I'm turning around behind me, they are not canned reports. Your report is written for Coral Gables. We don't can report and pull it from somewhere else. Its written for you on the issues that matter to you. It's not only the City's report, you get that from the League of Cities. This is the stuff that matter to you all. With that I'll stop.

Nelson: The one thing I do want to add is the incredible help that Naomi has been to us and to the City. So, I do want to thank Naomi publicly here for all the work she did, for staying in touch with us constantly and so accessible when we needed to communicate with the City. So, thank you Naomi.

Ron Book: Second on public schools, I left that out. When we were here last time, after last session, we talked about that poultry 47 cent base student allocation increase in Pre-K to 12 funding. They got about a \$75-\$76 base student allocation increases in funding. One of the largest increases in base student allocation we've seen in public school funding in a real long time. To a large extent that is a credit to our delegation. And for those of you who follow Pre-K to 12, the return of the DCD, the District Cost Differential will play a meaningful role in next year's funding of Pre-K to 12.

Nelson: There are two other bills that I just want to bring up briefly. The tree-trimming bill, I know you had a resolution and a letter, and we did deliver that to the Governor's office just a couple days after we got it to the right people. So, that is in their office. They know where the City of Coral Gables is, and along with a lot of other cities and the League of Cities as well, and then the

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communication services bill that also passed. I know that was an issue that the City was opposed to. It did pass and it is waiting action by the Governor. We will let you know as soon as we hear anything on that.

Mayor Valdes-Fauli: Thank you very much. Thank you for a wonderful report and everything you've done.

Nelson: I'd also like to thank, I know she couldn't make it, Senator Flores was a part of the bi-partisan coalition for Coral Gables. I would like to at the very least mention, she couldn't be here today, she's out of town, but I would like to mention that. And then Sylvia with Representative Avila's office.

Sylvia Castellanos: Good morning Mayor, Vice Mayor, and Commissioners. I'm here on behalf of Representative Bryan Avila. I'm just going to read a letter that he wrote for you guys, because unfortunately he couldn't be here today. "Dear Mr. Mayor and Commissioners: Thank you for the invitation to visit with you during your June 11th Commission meeting. I would be honored to attend, however, my duties as Second Lieutenant in the Florida National Guard require me to be out of town on that date. It was a pleasure to work with the legislators I represent the City of Coral Gables in Tallahassee to help ensure that the City Beautiful receives funding of some important projects, particularly the regional emergency operation center. I will continue to work with all our local legislators to help Coral Gables in the future and look forward to meeting personally with you when I return." And just to add to that, I know even though we do not represent Coral Gables, our doors are always open, so please feel free to reach out to our office and anyway we can help in Tallahassee we will. Thank you.

Mayor Valdes-Fauli: Thank you very much. Thank you very much.

Ron Book: [Inaudible – off mic]...part of what their delegation...

Vice Mayor Lago: Thank you.

Mayor Valdes-Fauli: Thank you very much. Thank you for a very, very good job. Thank you.

[End: 11:16:26 a.m.]