

**City of Coral Gables City Commission Meeting
Commission Chambers
Agenda Items I-1 and I-2 are related
October 27, 2020
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
Assistant City Attorney, Naomi Levi Garcia**

Public Speaker(s)

**Nelson Diaz
Rhonda Brown**

Agenda Items I-1 and I-2 [Start: 10:36 a.m.]

Time Certain (9:30 a.m.)

I-1: Personal appearance by the City's Lobbying Team regarding the 2021 Legislative Season

I-2: A Resolution of the City Commission of Coral Gables, Florida approving the City's 2021 Legislative Priorities in substantially the attached form.

Mayor Valdes-Fauli: We will proceed with the next item, which is our time certain at 9:30, our legislative agenda.

ACA Levi Garcia: Good morning Mayor and Commissioners.

Mayor Valdes-Fauli: Good morning.

Vice Mayor Lago: Good morning.

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ACA Levi Garcia: Good morning. Naomi Levi Garcia, Assistant City Attorney and Intergovernmental Affairs Manager. I'd like to introduce our legislative consulting team to say a few words to you. They want to talk about what transpired last session and give you a forecast of what to expect in the coming legislative session. And we'd like to answer any questions you might have about the city's draft legislative priorities. At the conclusion of their presentation and your questions, we'd ask that you adopt a resolution establishing the city's legislative agenda for 2021. So, with us today is Nelson Diaz from Southern Strategy and Rhonda Brown from Ron Book's team. I think Ron Book may be waiting to speak to you virtually, but he was expecting the 9:30 time certain, so may not be with us.

Vice Mayor Lago: Good morning.

Mayor Valdes-Fauli: Good morning.

Mr. Diaz: Good morning Mr. Mayor, Commissioners, Mr. Manager, thank you, thank you Naomi. We have Rhonda Brown here from Mr. Book's office. I'm not sure if Mr. Book is going to join us remotely, I know he had a flight to catch.

Mayor Valdes-Fauli: We understand.

Mr. Diaz: So, I did have Kate Deloach from our Monroe office, Monroe County office here, but she had to step out. So, first of all, thank you for the opportunity to represent you again in Tallahassee. It was an honor and a privilege as always. It was great having some of you in Tallahassee at certain points. And I want to talk a little bit or start with some of the projects that we secured in the budget for the City of Coral Gables this year. We had \$300,000 for the canal dredging project. We had \$100,000 for the INI program and we had \$300,000 for the sidewalk construction project. Obviously, the Covid situation created a massive budget hole and the Governor vetoed almost every project that was in the budget. And so, we ended up in a situation where all of the projects that we had were vetoed, as were, I think all the projects in all of those line items as well. We did have some policy victories. We stopped a number of Bills or we worked with other groups to stop a number of Bills; a building design Bill; a sovereign immunity Bill that would have been really tough for the city; and a transparency, a fiscal transparency Bill that would have put a lot of onerous restrictions on the city, as well as a number of preemptions, including a preemption on recyclables and plastics, and a preemption on vacation rentals. So, I think all-in-all it was a good year. We had a tough situation with the Covid situation that resulted in a number of really big budget hole and all these vetoes that everyone kind of suffered together. So, we look forward to working with you. We do have your legislative priority agenda for next session. We have been working with Naomi, who by the way, is fantastic to work with. So, we are working on submitting some budget items for the next coming session in the hopes that the budget does start to come back a little bit, and the 2021-2022 budget will have some money available for low cap municipalities and local governments.

Ms. Brown: I just wanted to reiterate; Ron is apologizing for not being able to Zoom in. He had to jump on a plane, I believe, but we are here to answer any questions that you may have. I know that
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the plan for Tallahassee is not set yet. They don't expect to have committee meetings November and December, that's yet to be confirmed. They are going to be structuring how people come into the Capital, whether or not they are going to be allowed in with an appointment, without an appointment. We are not recommending trips to Tallahassee, but again, all of that remains to be set in stone. And we expect that some preemption Bills will be filed this year, but what they will file and what they will do is going to be severely limited by their ability to work through issues that affect a majority. I think what they are going to focus on or the priorities of the Speaker and the Senate President and try to do a budget and try to limit what they are going to work on this session. So, we are here, if you all have any questions, we are happy to answer. Yes sir.

Mayor Valdes-Fauli: I have a question, but why don't you go through what Mr. Book went through yesterday on your expectation for the session and how our biggest danger would be the removal of the caps and sovereign immunity. Please expand, this is not good enough.

Mr. Diaz: So, we have been hearing from different places and different folks that the Sovereign Immunity Bill, which would change your cap from \$200 to \$300,000, is one of those Bills that they may proceed with. So, it is something that we need to start working on early on. We both our teams have started working on it. We've alerted the city's that we represent to start engaging with the League of Cities to start working against it now and to get a head start on it, but it is something, along with a few preemptions that may get filed. The Sovereign Immunity cap is something that I think could have legs, as they say, and could move forward and will be working to stop that. So, in terms of overall number of Bills that will get heard. You have a question.

Vice Mayor Lago: I just want to add, because you mentioned the League of Cities, and as a representative for the Commission on the League of Cities, this is moving quickly through the League of Cities and we've already had several discussions on this fact. I imagine the League of Cities will be putting out a statement, an official statement in regards to the opposition, but like you were saying, this does have legs at the State, that's what I'm hearing and its going to be a rough session, not only financially, but on issues like this which are garnering a lot of support for one reason or another. But this is already at the League of Cities, has pretty significant support from all the municipalities.

Ms. Brown: And I would encourage all of you to speak with your local government colleagues at other cities to make sure that they voice this issue to the League of Cities, because there are so many issues that the League deals with that when they hear so many cities that are really concerned about this, that becomes their focus and it is critical. So, thank you for that. It's been an issue that's been circulated for a few years now. I think that the legislature has toyed with the idea of removing the cap on sovereign immunity, on increasing the cap on sovereign immunity. It really hasn't been something that gained any traction, but we know now that it's a priority of leadership, and so, we are cautioning that this is probably coming.

Speaker: [Inaudible]

Ms. Brown: The incoming Speaker and Senate President.
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Mr. Diaz: You mean the special interest. I think it's the trial bar, the trial bar.

Vice Mayor Lago: Its always the trial bar.

City Attorney Ramos: Commissioner, also there was a recent court case that could be deemed to have fueled some of this effort. So, with the shooting at Marjory Stoneman Douglas, there was a question on whether per incident was the incident itself. In other words, the shooting that occurred or whether each death or each harming of each student was the incident, and the court found that under 76828, it's the entire event. So, this may be fueling some of this.

Mr. Diaz: In that Bill there will be a clarification for that issue as well, as well as increasing the cap.

Mayor Valdes-Fauli: Your expectation or Mr. Book's expectation was that not too many Bills would be considered that would be dangerous to us, because of the difficulty in holding hearings and the accessibility of the capital. You can't get in there, basically, and there would be very few issues and this one is one of them that would pose the most threat to us.

Mr. Diaz: Correct. I think with the limited capacity of the Capital Building with social distancing, it will be very difficult to have a full committee room with people testifying. And so, you are going to have people testifying remotely, as you have here, and so, I think their will is going to be to not schedule Bills that have little to no chance of passing both Chambers, and spend an hour of committee time debating, sitting there with their masks on, social distancing, with people remote, debating something that is unlikely to happen. We do see that a lot during regular sessions. A lot of Bills do get filed and get heard in on Chamber, even though the other Chamber has zero appetite for it. You do see that, because they want to move their priorities. I don't think you'll see that as much this year, which means I think certain preemptions will not get heard. They may get filed but may not move for that reason.

Vice Mayor Lago: But Nelson in regard to this issue. Commissioner Fors and myself, we went to the Capital last year, thank you for your hospitality, as always, both of you with our team, Naomi, Ed and I think is that it. We had a very pleasant experience. It was a very long day, as Commissioner Fors will tell you. We didn't stop from very early in the morning to the late evening, visiting with legislators. Even if they would not be meetings, this is the type of possible legislation that concerns me, that we need to really be advocating on behalf of trying to stop this. Not only at the League of Cities, but we need to make sure that we have like a detailed presence and a constant presence. I will be visiting Tallahassee again, obviously with your guidance, in regard to what is possible. And I recommend that all my colleagues, if possible if they can, go up there, because this is the type of legislation on a down year where there is significantly reduced monies, as a result of Covid where certain things may slip by in an effort to save money or to bring in revenue, so I want to be very, very careful. We should be very careful this year, as always. And I know that you are on top of it. I know you are on top of it and doing a good job, but we need to be very focused this year, laser focused on issues like this.

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Mr. Diaz: The issue should worry all of you.

Ms. Brown: I believe Ron is on. He just texted me that he's on, I don't know who is responsible, if Ron is on Zoom or...

Vice Mayor Lago: Mr. Clerk.

Mr. Diaz: The session is four months away and we don't know – I mean there are rules that they have come up with now, in terms of entering the Capital and setting meetings with legislators, but we don't know what's going to happen four months from now.

Vice Mayor Lago: That's why I said under the guidance of our team.

Mr. Diaz: It may be more open four months from now. I don't know.

Vice Mayor Lago: I just think its such a good opportunity when you go up there, you can sit in session, you can sit in the session, you can see the sub-committees, like we did, and you can engage with the elected officials one day instead of having to visit all the local offices.

Mr. Diaz: I know that our office will be setting up space for clients to be at and watch committee hearings and potentially even testify from with the Zoom, so you could dial in.

Vice Mayor Lago: I have one question for you Nelson. Something that I've been working on and it's a very difficult initiative just because finances and now its going to become more difficult. For example, on today's legislative agenda, I have placed item G-1 for discussion. If you remember the county, the county through the PACE Corridor, I represent the Commission on the PACE Program, the Property Assessment Clean Energy Program, that they put forth a resolution urging the Florida Legislature to expand the qualifying improvements that may be financed through PACE programs to include conversions, conversion from septic tanks to sewer systems and other sewage treatment improvements. That came through the PACE Program, we've been working on that for about a year. We are trying to expand and allow to open up the umbrella tent outside of energy and water conservation. This is an opportunity that could be significant for homeowners, as we are trying to do everything in regard to water quality. I put it on the agenda and I'm bringing it up right now, because we can kill two birds with one stone. This is more for Naomi, but I'd like to add this to our legislative priorities list, and I wanted your opinion on that. What do you think? Again, its just legislative priorities, we are sending that statement out there that we support the county's resolution of the legislation that we drafted, that I drafted at the PACE Corridor. What is our opinion on that?

Ms. Brown: I know that over the last several years they have tried to expand what PACE can qualify for, and I know that it will be a push again this year, putting into the mix the whole restricted nature of what they are going to take up. I'm not sure what the outcome will be, but it

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will be on the agenda for the county, as you said, and so that's something that we are going to try to work on.

Vice Mayor Lago: This is no cost to the cities or any municipality or county, this is just resident responsibility.

Mr. Diaz: So, I think that to the extent that there are any general revenue cost, obviously, its virtually impossible this coming session, but there is some appetite among some legislators, including some in the majority party and in the leadership of that, that like the idea of septic to sewer conversion.

Vice Mayor Lago: I've spoken to State Representative Brian Avilla, he's in a significant position to really advocate on our behalf and he's made it very clear, he's in favor of a lot of environmental causes like this. So, you think that its appropriate to add G-1 to our legislative agenda?

Mr. Diaz: I think you can, keep in mind that as part of a PACE Program, there will be push back from entities like the bankers and others who oppose that. So, there is a conflict, not a conflict, but there is a push back on PACE, but I think there is some appetite from some legislators to do more septic to sewer. I mean it was done in Monroe County, not through PACE, but different mechanism rather successfully.

Vice Mayor Lago: Thank you.

Mayor Valdes-Fauli: Thank you.

Commissioner Fors: Very quick question Mayor, very quick question. The Speaker, the future Speaker of the House is Republican, correct.

Mr. Diaz: Yes sir.

Commissioner Fors: So usually, correct me if I'm wrong, usually the conservatives are for keeping the caps down, I'm referring to the sovereign immunity. So, is that a bit of an anomaly that a Republican representative pushing expansion of tort damages?

Mr. Diaz: It is. I think about six years ago, or so, the trial bar got very involved on both sides of the isle politically and started to make friends on both sides of the isle and change people's opinions on tort.

Commissioner Fors: And that's probably why it has legs, right, because...

Mr. Diaz: My gut feeling right now is that the Senate is not too thrilled with the idea, but the House wants it more. Representative Perez is six years from being Speaker, assuming that the Republicans maintain the majority in the House, then he'll be Speaker in six years, so he's not Speaker now.

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

Mr. Diaz: Thank you. As always, we stay in touch with Naomi a lot. She's always in touch with us. She does a fantastic job and we'll be working on congealing and making your policy initiatives for 2021 and the budget items as well. So, thank you.

Mayor Valdes-Fauli: Thank you.

Ms. Brown: Thank you.

ACA Levi Garcia: So, the discussions with our lobbying team. They give us guidance on what they think has a chance for success, given the tight budget year, and then in talking with Public Works and looking at the Capital Plan to see like what's shovel-ready, what do we have a match for, what has some approvals or some neighborhood by-in, so that if we do get the funding we could start the project rather quickly. So that's kind of the process in deciding what to prioritize as far as appropriation requests go.

ACM Santamaria: Good morning Mr. Mayor, Commissioners, Ed Santamaria, Assistant City Manager Operations and Infrastructure. That's actually been discussed for a while and currently there is an initiative by Miami-Dade County to install a mast-arms intersection there, signalized intersection there. Right now, it's only by span wires, so they want to do improvements there. We've been talking to the county about this, because we think mast-arms are going to really kill the nature of that intersection, which involve a lot of historic monuments, and so, that's something that we are looking at. We are considering several options that will be aesthetically pleasing and that will have some community by-in. The Mayor raised another intersection on Coral Way which is Columbus and we are going to be looking at that as well.

Mayor Valdes-Fauli: Remember that Granada and Coral Way has four fountains, has beautiful features, has a park, I wouldn't touch that. I really wouldn't touch that.

ACM Santamaria: Mast-arms there would just kill...

Mayor Valdes-Fauli: What?

ACA Levi Garcia: I think the issue is the county wants to harden the signalization there, so right now the lights are up on a string basically, and if they harden it they'll put up the huge mast-arm, so we are looking for a way around that, make the intersection safer, solve the problem, but also solve the aesthetic interruption of those mast-arms. So, I think that's why...

Mayor Valdes-Fauli: That's Granada, which is one of our main streets, historic beautiful streets, Coral Way, the trees.

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ACM Santamaria: We are looking at all options, including potentially a roundabout there, which would be the most resilient option available, because if there are no signals there to maintain they are not a worry during a storm, if they get knocked down by a storm. Obviously, this has to be worked out with the community. There is some support for that. We don't know if there is going to be opposition, but we are looking at all options. There is a lot of right-of-way there that intersection, obviously, that's one of the considerations we'll have to...

Mayor Valdes-Fauli: Look at Columbus and Coral Way. Columbus and Coral Way is a huge expanse of concrete. You would have a beautiful roundabout there, it would improve safety, pedestrian crossings.

Vice Mayor Lago: You have some conceptual drawings already.

ACM Santamaria: We do.

Vice Mayor Lago: You have to share with the rest of the Commission. I've seen it and along with some sidewalks and different iterations. I think its pretty beautiful when you take a look at it. Staff has worked very hard on this, because there are several residents that I've been working with in the area who are looking for different alternatives in regard to crossing.

Commissioner Keon: [Inaudible]...signalized intersection, but it was a roundabout originally and it was due to buses and whatever, large vehicles.

Mayor Valdes-Fauli: There was a roundabout there and we took it off because buses couldn't turn, and it wasn't big enough.

Commissioner Keon: Right. It was because of all those things it had to be removed.

Mayor Valdes-Fauli: I think you would have the same situation here.

ACM Santamaria: Coral Way is a bus route.

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

ACA Levi Garcia: And I would just ask if the Commission would adopt a resolution establishing the legislative agenda, adding Vice Mayor Lago's PACE initiative, expanding PACE, so that you can finance septic to sewer conversion and if you'd like Commissioners, we can bring back the appropriation request before we file them just so you are aware of what we are putting in. And I've heard input from the Commission that you are interested in travelling to Tallahassee, even given some of the restrictions. Things may be opened up by March, we don't know. So, taking all that into account, if you could please adopt the resolution.

Mayor Valdes-Fauli: Vice Mayor.

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Vice Mayor Lago: So moved.

Mayor Valdes-Fauli: Second.

Commissioner Keon: Second.

Mayor Valdes-Fauli: Will you call the roll please.

Commissioner Fors: Yes

Commissioner Keon: Yes

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you very much.

ACA Levi Garcia: Thank you.

Vice Mayor Lago: Mayor, we've heard G-1, thank you to the Commission for supporting my item on G-1, thank you. Thank you, Naomi, I appreciate it and to our team.

Mayor Valdes-Fauli: Thank you everybody.