

**City of Coral Gables City Commission Meeting
Agenda Item D-1
October 10, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena**

City Staff

**City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Deputy City Attorney, Miriam Ramos**

Public Speaker(s)

Agenda Item D-1 [9:55:40 a.m.]
Mayor's Comments

A discussion regarding the adoption of the State of Emergency Ordinance
(Sponsored by Mayor Valdes-Fauli and City Attorney Leen)

Mayor Valdes-Fauli: The next item is Mayor's Comments and we have D-1, discussion regarding the adoption of the State of Emergency Ordinance – City Attorney.

City Attorney Leen: Mr. Mayor, this is a discussion item that will lead to an ordinance, hopefully at the next meeting. The purpose of this item, it's basically my office along with the City staff over the past month and-a-half have watched our hurricane response or our emergency response and detailed and written down all the different types of powers that needed to be used by either the Mayor or the City Manager or the City Commission, City Attorney, City Clerk, the Building

Official, and we try to detail them in an ordinance that will make it very clear the next time an emergency happens who has what authority and what needs to be done, so there will never be any degree of uncertainty. We believe that the City's response was very effective and we think that this ordinance will provide additional tools to alas even be more effective in the future. I'll have the Deputy City Attorney go through the ordinance, but I just wanted to highlight a couple points, just to explain to you why this is so important. The Mayor, according to the City's Charter and state law during a state of emergency is able to declare an emergency and take certain emergency actions. For example, in this particular emergency there was a curfew that was ordered, there was an emergency declaration that was issued, there was a delegation of authority to the City Manager, to the Director of Public Safety, and to the Building Official ACM, in order so that they could protect the City; and this authority is clear it's based on state law and the Charter, but we felt that it would be better if it was delineated. I did get a question, where do you get the power to issue a curfew?- where does the Mayor get that authority? Well it's an implied power as part of the ability to declare an emergency. As you all may recall, other cities issued curfews, the City of Miami issued a curfew, Dade County issued a curfew, so we did as well and our curfew had to be a little bit different than theirs, because of the special circumstances that we were addressing. So, what we felt was that it was useful to delineate that authority, so that there could be no uncertainty or no one debating whether that authority existed. We've done this with each of the different officers and with the City Commission. Another issue that came up was the City Commission needed to meet; they needed to be able to be briefed on what was occurring. We took a look at Chapter 286, we took a look at applicable law and we were able to find a way forward where the Commission could be briefed and we made that available to the news, we made that available to the media, to the public, they could call in, but it was a state of emergency, so sometimes the phones weren't working and things like that. So, what this does is it makes it clear in our code what can be done and how it's done to ensure compliance with all applicable law. With that I will turn it over to the Deputy City Attorney. I do want to make one comment regarding cranes at the end.

Deputy City Attorney Ramos: Good morning everyone. I hope you've had an opportunity to review it, because it's a few pages long. It's in memo format now, because we wanted you to have a chance to go through it and think about it. We've been in communication with staff as we drafted the different things and we welcome any comment as to what else we might want to include that we might have missed. So, this is kind of a working document and from their we'll build our ordinance, if you chose to go in that direction.

Commissioner Quesada: Can I just make a comment just to speed it up. I've been through it, specifically for everyone at the bottom of page one, says Mayors Powers; the first sub-bullet or the fourth bullet in the line there and I'll read it. So, the Mayor's powers approve any item that the City Commission will be required to approve outside the state of emergency. So, I agree with

it in principal, but I'm concerned about limiting the rest of the Commission's powers in a situation where we would otherwise be available. I understand if there is no communication, it's a dire situation, get in touch with one person, absolutely that makes sense, but the example that I come back to is, we had extensive discussions immediately after the storm when we were having our daily 1 o'clock phone calls related to whether bringing another FEMA vendor for the debris pick up, and there was disagreement between the members on the Commission; and I'm concerned that the fact that when we have a disagreement up here, I think it's good for everyone, because all the issues get flushed out and maybe we all arrive at a solution that we all hate a little bit, and I think that sometimes that's good for the City in the sense that you've vet out all the problems. I'm concerned that we've got to be careful with that line, that's the only one that jumped out at me.

Commissioner Mena: I had the exact same reaction when I first read that line, it's a little broad.

Commissioner Quesada: I'm OK with it within reason, obviously in certain circumstances, but if its left open-ended...

Commissioner Lago: It's a little too broad for you. I agree.

Commissioner Quesada: I think the timing of it; I think we can narrow it on the timing aspect of it.

Mayor Valdes-Fauli: You could say where it is impossible for the City Commission to meet.

Commissioner Quesada: Yes, something like that. Yes, I want to make that clear.

City Attorney Leen: Well, I would like to say two things about that. First, the Commission always has the authority to overturn an action of the Mayor. When you are in open session you could vote to change what was done, because the Commission is ultimately the governing body. What this allows, just so you can know the examples is, we've had to issue some emergency orders related to FEMA and things like that where we were told by our FEMA attorney that a public authority needed to approve this, but there was no Commission meeting right then. We had to get it approved immediately, so we brought it to the Mayor who can sign for the Commission under state law, because he can waive procurement, there is a number of things that he or she can do as Mayor. But, it makes sense to me what you are saying. What we could do is we could put that -, because a lot of these things were done right after the emergency or right during the emergency and there the Commission could not meet, and as you know, when we meet by phone the Commission can't take any action based on state law, an interpretation issued by the Attorney General. Those are not binding law, but that's the general sense of the Sunshine

Law, although I will say that there is some leeway when you are in an emergency, even the Attorney General recognizes that.

Commissioner Quesada: Again, within reason it makes sense, it's logical. I just want to make sure it's not overly broad in those kinds of situations, I just you to keep in mind when you are redrafting it.

Deputy City Attorney Ramos: Of course.

Commissioner Quesada: And here's another thought. Maybe something we should do so that we could have authority to act is, whenever we are coming up on a hurricane, we put up public notices that the City Commission is going to have a conference call every day at a certain time and we put the public notice out there, even maybe three, four days before the storm.

Deputy City Attorney Ramos: We did that this time. We did.

Commissioner Quesada: Oh, we did it this time. So even though we did that, we were still unable to act on those conference calls.

Deputy City Attorney Ramos: Yes, because you can't have a meeting where you take action that's on the phone; telephonic meetings are not permitted to take action.

Commissioner Quesada: And there is no exception?

Deputy City Attorney Ramos: There is some limited exception.

Commissioner Lago: Is that state statute or...

Deputy City Attorney Ramos: AG opinion.

City Attorney Leen: I want to be clear, Deputy City Attorney I don't want to go so far to say that. I do think that the AGO's that say that are not addressing an actual emergency where the Commission cannot meet. Remember there is an actual provision of state law that even allows Commissioners to be replaced through emergency management system in those circumstances, so if there were a true emergency where we needed the Commission to act and there was no way to meet but by phone, I would be willing to give an opinion, but it would have to be that sort of emergency.

Commissioner Quesada: Can we do something proactive in the sense of, can we reach out to the Attorney General's office, the State of Florida and ask for an opinion specific to this kind of situation or maybe to speak to our lobbyist in Tallahassee to maybe help us, if something needs to happen at the legislative level. Again, we just want a fair, clear, open process.

City Attorney Leen: I would not recommend going to the Attorney General with a request for an opinion, because any opinion we receive will probably be limited by. I would recommend going to the state and asking them to put an exception in state law to make it very clear, and we can seek the guidance from the Attorney General, but just understand once I seek it and they may take a conservative view of the Sunshine Law when we are not actually in an emergency and we are asking them hypothetically, because they also don't want to – it's a very limited exception for an emergency and they don't want to make it so broad that it will create a loophole. So, it's always based on the circumstances you are presented with, but the idea is that the Commission always needs to be able to act in an emergency, there needs to be an ability to act, which is why they give the Mayor that authority.

Commissioner Quesada: Look, I'm not advocating for having a closed process, I'm just trying to advocate for something that's practical in an emergency situation. Maybe we can do a better job next time, even if we don't have power, we have a City Commission meeting in the courtyard outside and we notify.

Mayor Valdes-Fauli: We can't have that. This is a practical concern where it was at 10 p.m., I signed the order, this past Sunday as a matter of fact at 11 a.m. emergency orders and the City Attorney, I think, the orders need to be signed for us to start picking up garbage at Journeys End and Tahiti Beach.

Commissioner Quesada: I don't disagree with that.

Mayor Valdes-Fauli: And, if we had had to call a Commission meeting or whatever, a little bit impossible, it would have taken us God knows how long.

Commissioner Quesada: You're right, you're right.

Mayor Valdes-Fauli: This is a practical matter and nobody – I take your points and please work and see if you can come up with something, but we also have to be practical as to when things have to be signed. It was Sunday at 11:37 a.m. I signed the order. I was very careful to look at the watch and say it was 11:37 a.m.

City Attorney Leen: In fact, I almost circled p.m. and you corrected me.

City Manager Swanson-Rivenbark: And the Mayor was very helpful, he wanted to come in the middle of the storm and we'd have to bring the MRAP to get him and I refused to do that. But, we appreciate his leadership during it. Can I ask a question and I know this is a discussion piece, so it's important to get the thoughts and wishes of the Commission. Is there a role for the Emergency Management Division in this ordinance? I know that the Commission has appointed several, I know you need to prioritize as to who in the event of a severe emergency, they would sit in your place, and so with the appointment, I know Walter has some additional appointments that he would like to have confirmed today, but it's also a good opportunity for you all to give the priority order of your appointment and then perhaps they could be woven into this.

Deputy City Attorney Ramos: That's a good idea.

Mayor Valdes-Fauli: I have a comment. On City Attorney's powers, the second point there, you may issue cease and desist letters as necessary in order to ensure compliance with the City Code, that's more appropriate or on your own you can issue a cease and desist order or is that with the Commission or the Mayor or with the City?

Deputy City Attorney Ramos: There is a section of our code that gives us the authority to unilaterally issue cease and desist letters for violations of all laws, and we can do it anyway and we did during this hurricane.

Mayor Valdes-Fauli: Perfect – perfect.

Deputy City Attorney Ramos: This just enumerates again in one place.

Mayor Valdes-Fauli: Thank you. You have our comments, please look at it and bring it back next time.

City Attorney Leen: Do you want to talk about cranes briefly?

Commissioner Mena: I do.

City Attorney Leen: I think we should talk about cranes briefly. So, the crane issue is a significant issue, it's more than just the state of emergency issue, so we do need to have a discussion about it. I'd like to ask the ACM Building Official to come up. What the proposal would do is, there is a state of emergency component and then there is a more general component. The more general component is that whenever there is going to be a crane in the City's right-of-way, according to this proposal, that crane would have to satisfy the Florida

Building Code. There is a Florida State Statute, which is a preemption statute and there is an Eleventh Circuit Court of Appeals decision, which in my opinion limits our authority to do that when the crane is solely on private property. I believe there is an opening on public property, because typically the City has control over what it would allow. For example, we wouldn't have to allow any cranes, so based on that authority the idea is that, and also we may be bearing some liability when it's on public property, so the idea is that we could limit that authority and I'm choosing the number based on the Building Official's technical recommendation.

Deputy City Attorney Ramos: It's laid out at the bottom of page 3.

City Attorney Leen: The second part of that is, there is also part of the ordinance, which does relate to the state of emergency which says two things; one, if it's a crane that does satisfy the Building Code it would only have to be taken down in the event of a, I believe, it's a category 2 storm; and if it doesn't satisfy the Building Code, if it's one on private property, it would be taken down if there was a category 1 storm, or is it named or category 1, remind me.

Deputy City Attorney Ramos: On private property if it doesn't comply it shall be removed for at least a category 2, and then located in the City, whether it complies or not, if it's going to be a 3 or above.

City Attorney Leen: So it's 2, if the crane – let's just make sure we get this correct. So, it would be 2 for any crane and 3 if it satisfies the Building Code.

Deputy City Attorney Ramos: Correct.

City Manager Swanson-Rivenbark: So I don't know if CGTV, they are working really hard on a lot of things, I asked that there was national coverage on the crane failures as a part of Irma and I asked them if they could capture one of the clips like CNN, NBC, it was covered on national news at City of Miami's crane issues, and so if they did, I hope they bring it up, and if not, I'll ask them to bring it up the next time.

Assistant City Manager Iglesias: This is really a technical issue and a great messy issue right now. There are a number of problems that we are dealing with cranes and I brought this to show you, it's your typical crane, it looks something like that.

Commissioner Quesada: Can you make sure you speak into the microphone, because if not at home they can't hear.

Assistant City Manager Iglesias: A typical crane looks something as such. The design parameter now for cranes assumes that the weather-vane, and so you are designing for that right there. It's almost like designing for a stop sign....Now the question becomes at the higher speeds....

City Manager Swanson-Rivenbark: Excuse me ACM Iglesias, they did capture the national footage on the crane failures. It's just a reminder, because Irma happened weeks ago, the seriousness including having to evacuate adjacent buildings, and I'm told and I'm not an engineer that it was really the compromising that it didn't fall down to the ground, it lingered that created a great deal of uncertainty that required the people mover to be shut down in addition to other emergency measures taken.

Assistant City Manager Iglesias: That's correct. We should not have had any crane failures.

City Manager Swanson-Rivenbark: There is some of your weather-vanning going on.

Assistant City Manager Iglesias: That is correct. That is the key there that you see as to what the actual loads are when a crane is actually doing that; and it has been suggested that we asked the crane companies years ago to get some studies done to see how that weather vanning is actually taking place what the loads are on these cranes. What they are doing is designing the cranes for a load coming this way. As you can see it's a lot less than this way; and we don't know how that weather-vanning is going to take place at high speeds and that's the key, that's why we are having these failures when we shouldn't have them, and it's something that needs to be studied. Unfortunately, the crane companies, the crane industry does not really want to do that. But to give an example, these cranes are designed by European standards what you would see on TV as 77 miles an hour; 77 miles an hour generates a gust of about 93 miles an hour; 93 miles an hour with our safety factor, there is always a safety factor in structures to make sure that there is any deficiencies, any design issues and so forth, would put us at an ultimate load of about 118, gusts of 118 miles an hour. So, we had no gusts that really approached over 100 miles an hour, so we should have had zero failures. I was not worried about our cranes on Le Jeune, because they Liebherris a company they are Liebherr and they were checked in Europe and that company actually runs the actual design based on our code.

City Manager Swanson-Rivenbark: You actually called them, spoke to them and examined the calculations yourself.

Assistant City Manager Iglesias: I called them spoke to them and they e-mailed me the calculations. I was able to review them on the Wednesday prior to the storm and so I was not worried. However, we saw that weather-vanning is the key issue that we really don't know 100 percent how that's going to affect loading on cranes. When you design it, it's like taking a stop

sign, the stop sign would be quite wide here, but you design it for the shallow side, and its assuming that the weather vanning will always take care of that. I'm not sure if that's doing that, because we see cranes that are failing at much lower loads than they were supposed to. We had winds probably about 90 miles per hour, these cranes at ultimate capacity of 118, maybe some reductions due to age, weathering, etc., but we should not have had crane failures.

Commissioner Mena: I have a few questions. First of all, my understanding of, I think there were three cranes that failed or had major issues in the City of Miami, my understanding is they were all the same manufacturer, the cranes.

Assistant City Manager Iglesias: They are all by Maxim....

Commissioner Mena: Right. So, I think that's an important thing to keep in mind, is that not necessarily that all cranes suffered from this situation, but the same manufactured crane was the one that failed.

Assistant City Manager Iglesias: All cranes suffered from the same situation.

Commissioner Mena: Well the three instances we had in the storm were the same manufacturer.

Assistant City Manager Iglesias: Well the issue is that we have cranes by Liebherr, the factory actually runs the loading on them and the way that they run the loading is a very proper way. So, cranes suffer from this phenomena, it's a problem of how the factories are handling it and how the design procedures are handling it.

Commissioner Mena: My concern is, because we've talked about this as a sort of standalone issue a bit in the past, it seems like if we are going to have some sort of ordinance that deals with this issue it should be a standalone – I don't know why it's in the emergency, I understand there are steps you need to take, we've talked about sort of the preemption of the statute. I just want to be careful that it's not sort of stuck in an emergency statute.

City Attorney Leen: There is one part that I think is subject to the Commission's decision obviously. I do think it belongs in the emergency ordinance, which is the part about ordering them to be able to be taken down in an emergency.

Commissioner Lago: Yes but Craig...

Commissioner Mena: You can say that in a separate ordinance, right?

Commissioner Lago: I think we should, because in my opinion this is very, very intensive ordinance that we may be moving forward, especially since the discussion that we had that we are already preempted by the state in reference to what we can actually legislate. But, this is a broader issue, a much broader issue in the sense that, this is the industry that I'm in, when you talk to the contractors that build high-rise buildings, which I'm not involved in that area, the big issue is that when a hurricane comes there is not enough manpower to bring down these cranes. So we can legislate whatever we want, we can pass all the laws that we want, but when you have 50 cranes in downtown Miami and you only have a handful of crews, because don't forget, these cranes and you know this very well Peter, they are erected one at a time and it takes three days to put them up, five days to put them up, three or five days to bring them down. They don't have the sufficient crews a week in advance when a hurricane is encountered and basically says, listen this is where it's headed. The decision that we need to make, in my opinion is, what's our pain threshold?- are we going to start asking people to bring these cranes down, three days before they hit Miami?- four days before they hit Miami?- a week?- ten days?- what is the category?- category 1, category 2, category 3. My big concern is not that the structure is going to fall, the base, my big concern is the weather-vanning when you have adjacent buildings, that's what happened in the City of Miami.

Assistant City Manager Iglesias: Well I can tell you what Hong Kong does with their typhoons. The contractors in Hong Kong are responsible for tying the crane back to the structure when a typhoon is coming, so that's what Hong Kong does.

Commissioner Lago: But is it the actual crane, or is it the actual base, because the crane is what could eventually, like you see fails and could fall into a building where people are in hunkered down for the hurricane.

Assistant City Manager Iglesias: What they do is, is they actually tie it....

Commissioner Lago: Because the base is already tied to the building.

Assistant City Manager Iglesias: Well they actually tie it back to the building, so that as the crane is coming up....so instead of standing...in Hong Kong for instance, the contractors are responsible because they have very powerful typhoons; typhoons come in and the contractor understands engineers design the buildings for the additional load of the cranes during construction and the contractor is responsible for tying it back, so you are limited to what you have above the actual building.

Commissioner Lago: And I agree with you. I think that's a great opportunity, but what about the portion of the crane, which cantilevers over the building and onto the public right-of-way, let's say the arm that is impossible to tie down.

Assistant City Manager Iglesias: If you keep the tower, if you limit what height the tower is on top of the structure and you fasten...[inaudible]...typhoon season just like we are, we can be more liberal here during non-hurricane season than we are during hurricane season. There are some places like Japan; Japan does not allow European cranes in Japan because they are not designed for seismic, they are not designed for typhoons, so there are countries that do not allow European cranes.

Commissioner Quesada: For someone who knows nothing about this is it possible to continue allowing the cranes in their current state and then when a hurricane is coming have them move it up and tie it up to the building, does that make sense?

Assistant City Manager Iglesias: You have to design that at the beginning and that's what's done in Hong Kong.

Commissioner Quesada: Is that a bad question?

Commissioner Lago: No, no, there is no bad question.

Assistant City Manager Iglesias: Our situation is not Miami's situation. Miami's situation is there are very tall cranes. What Liebherr does and these companies do is, since these cranes are designed for 90 miles an hour at this height, you lower the height and then there is less leverage, so your crane can be designed for a higher load. Our cranes are 150 to 160 which means they can be designed to the code, because this is what we are doing, we are reengineering the...

Commissioner Mena: But we can't require that, right?

Commissioner Lago: No, state statute, no.

City Attorney Leen: That's the point of the ordinance is that what we were saying was, and there is not case law directly on this point, what we were saying was that if we put it in our public right-of-way or on public property that's basically a proprietary matter.

Commissioner Lago: But, then it's not attached to the building.

Assistant City Manager Iglesias: I believe what we talked about was the use of our right-of-way, if you build lot line to lot line then you must use our right-of-way as your staging area.

Commissioner Quesada: And, if that happens then we can regulate it.

Assistant City Manager Iglesias: We can regulate it because we can say we don't have to give them the right-of-way either. We can say put everything on your property and do whatever you want.

City Attorney Leen: Hypothetically – there is no case law on that point.

Commissioner Lago: But Peter, if you look at the video that the Manager put up a few moments ago, the crane, it's not up there right now, but if the crane was not that far from the topping off and it still failed, maybe what, two or three floors. It wasn't that significant – look, look at the stand right there, it was maybe what three floors, three floors and it still failed. Like I said before, and I have the utmost confidence in you, because you are one of the best engineers I've ever met, my concern is not the base, my concern is the arm because that arm, you see how it swings around and we are fortunate in the Gables we are not that densely populated in regards to the buildings, but if you look at the City of Miami...

Mayor Valdes-Fauli: It could have fallen on LeJeune....

Commissioner Lago: My concern is, look for example like Merrick Manor that's probably topped off almost basically, the neighboring building is just commencing, they'll have one or two cranes up, probably two cranes for the next year there, correct?- if not two.

Assistant City Manager Iglesias: Your argument is true and the reason is that we don't really know the effects of weather vanning at high speeds, we don't really know.

Commissioner Lago: We were being considered, at one point and correct me if I'm wrong; we were looking at a hurricane over 150 miles an hour.

City Manager Swanson-Rivenbark: 186.

Assistant City Manager Iglesias: All bets are off. All bets are off. If it goes to 220 all bets are off. But we really don't know that, I think some of the failures that we've had have been at lower speeds, such as that one, so we really don't know what the weather rating is that we've suggested years ago to the crane industry to get some testing done. Their wind tunnel labs, as you know...that can do it, they have not been done.

Commissioner Lago: That's what you are talking right there. You see the height – it was probably about ten stories above the topping off.

Assistant City Manager Iglesias: A lot of the cranes have failed in the twisting motion where the whole base twist and fall, which tells me that there may be some issues on that weather vanning that we are not addressing properly and by simply saying, it's going to weather vane every time if the winds coming this way and we never catch the wind back here, it's very difficult. So, we really can't preach something that we don't know and there really needs to...

Mayor Valdes-Fauli: What's the Commission's desire?

Vice Mayor Keon: Can I ask one question about that? The ones that are shown here that were shown on the screen, were those cranes tied back to the building at each...

Assistant City Manager Iglesias: Some of them were, and some of them failed.

Vice Mayor Keon: And, they failed anyway even though they were tied back, they still failed.

Assistant City Manager Iglesias: I was not worried about our cranes, because our cranes were designed to the code, which is a much higher load.

City Attorney Leen: Can we clarify that point though? We initially asked them to remove it, because they had not informed us of that. They then came back to us showing us that, I thought two of the cranes did satisfy the building code, and the third there was some debate over it.

Assistant City Manager Iglesias: What actually happened is, we gave them two options, either you remove it...or design to the code. They elected the removal process and so that's what we asked them to remove the cranes. They came back and said and Liebherr said, no, no, we designed them to code, we should be OK. I said that's not what you originally agreed to; you agreed to actually remove them. On Wednesday I spoke to their engineer and he sent me the calculations, I reviewed them. The issue was that they wanted to raise one crane, when one crane was raised it did not meet the building code, it was about 80 percent of the building code, and I felt that with the hurricane that we were having it was sufficient, that was the northeast crane.

Commissioner Mena: Isn't part of the issue and this goes back to what Commissioner Lago said earlier about a) having the manpower to really do anything about it by the time the hurricane is upon us, but I thought one of the issues specifically with Merrick Manor actually was, they actually need to pour concrete for the next level in order to secure the rebar and lose materials

that otherwise, imagine those thing flying from ten stories up, so they actually still need to secure, they need the cranes to secure the site in other ways.

Assistant City Manager Iglesias: We want them to pour that floor and keep that debris in, but I do think that we don't have the same – Miami could resolve the problem by using the Hong Kong method, because the buildings are too tall. We do not need the Hong Kong method, because our buildings are low enough that we could simply...our crane is designed for 90 miles an hour, at 400 feet, bring it down to 160 and we take care of code issues, if we take care of code issues you are good for up to about a category 3, which means that your event will be something that will be quite lengthy.

Mayor Valdes-Fauli: What's the Commission's desire? Do we continue studying this? We have to get on.

Vice Mayor Keon: Do you lower it? I have no idea. Do we do like a separate ordinance...

Mayor Valdes-Fauli: Why don't we have the proposed ordinance and we'll discuss it.

Deputy City Attorney Ramos: That crane can be handled as a crane ordinance.

Commissioner Quesada: I'll be honest with you, I'd like to see a simple memo addressing this because I know we've discussed a lot of it here, but I'd like to have some input from the building industry as well.

Commissioner Mena: I agree.

City Attorney Leen: I would like to separate out the crane.

Commissioner Quesada: I think what the City Attorney is saying is correct. Make reference to it in this ordinance and have a separate ordinance with the detail.

Assistant City Manager Iglesias: The bottom line is the code is a level of risk that you are willing to take. What risk are you willing to take?- and that is what the code is all about.

Commissioner Quesada: I understand that, but it has helped me and I'm afraid I'm going to forget it by the next time we meet and for others that are watching today.

Assistant City Manager Iglesias: It's a little messy, because there are a lot of issues involved and there is also many wind speeds and you have to remember that with the wind speeds you have to

always bring it down to the same plane. I could go 80 miles an hour, Commissioner Mena you could be going 50 miles per hour, looks like I am going faster were going at the same speed, so we always have to bring down to the same baseline and its very important, because we throw numbers around and those numbers don't mean anything once you are preparing "apples to apples." But the bottom line though, the code is just the level of risk that you are willing to take.

Mayor Valdes-Fauli: Let's make this an agenda item at the next Commission meeting and you bring a memorandum and some proposed discussion. I think we have to go on in this meeting.

Deputy City Attorney Ramos: Should I move on to draft a First Reading Ordinance on state of emergency?

City Attorney Leen: I think yes.

Mayor Valdes-Fauli: Yes. Yes.

Deputy City Attorney Ramos: Any other comments outside of the crane issue?

Mayor Valdes-Fauli: No. Thank you. Thank you Peter.

Commissioner Lago: Thank you sir.

[End: 10:27:18 a.m.]