

**City of Coral Gables City Commission Meeting
Agenda Item H-3 and H-4
February 27, 2018
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
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Public Safety Director, Frank Fernandez**

Public Speaker(s)

Sarah Artecona, University of Miami

Agenda Items H-3 and H-4 [10:46:06 a.m.]

H-3: A discussion regarding Florida Statute 790.33 which provides for a civil fine of up to \$5,000 against an elected or appointed local government official under whose jurisdiction the State's firearm regulation preemption was violated. (Sponsored by Vice Mayor Keon and Mayor Valdes-Fauli)

H-4: A Resolution of the City Commission of the City of Coral Gables, Florida, directing the City's Administration to make support of Senate Bill 196 and House Bill 219, part of the City's legislative agenda and urges the Senate and House of Representatives to adopt Senate Bill 196 and House Bill 219 similar legislation banning assault weapons and large-capacity magazines. (Sponsored by Vice Mayor Keon)

Mayor Valdes-Fauli: And I would like to call, first of all, the University of Miami, this is out of order, but the students have to go back to class, how fortunate I don't have to go to any class. Ms. Artecona do you want to introduce them? - will you?

Ms. Artecona: Sarah Artecona, University of Miami. Thank you Mr. Mayor and Commissioners for taking our students out of order as they have to get to class. We'll be making a brief statement today in support of your item regarding gun violence.

Mayor Valdes-Fauli: On what?

Ms. Artecona: On gun violence.

Mayor Valdes-Fauli: Yes.

Ms. Artecona: And so, I'm going to let them go ahead and speak and they'll tell you a little bit about what they are doing.

Mayor Valdes-Fauli: Thank you. You have to get close to the microphone; it's difficult for somebody as tall as you.

UM Student Logan Smith: Good morning Commission members. Just want to say thank you so much to the Commission for taking us out of order. My name is Logan Smith and I'm a sophomore student at the University of Miami. I'm here today alongside Zyrie, Elizabeth Rodriguez who could not be with us today. We represent the Canes Against Gun Violence, a student coalition of over 400 students, whose mission is to urge for the passing of common sense gun legislation in our local and state legislatures. Canes Against Gun Violence stands in strong support of resolutions such as Senate Bill 196, House Bill 219, and other similar legislation banning assault weapons and large capacity magazines in the State of Florida. Our public spaces should not be made into areas of fear and anxiety and our schools should always serve as a safe and comfortable learning environment for our children. On the University of Miami campus residents, students are never allowed to own weapons of any sort and students commuting to campus are restricted from bringing weapons onto our campus with them. An environment where weapons possession is rampant will never be conducive to student learning; and in recent years we've continually heard that arguments from federal government and interest groups of the method to solve this ongoing issue of gun violence is to arm teachers to stop violent perpetrators. However this action will never prove efficient. Instead it only serves to exacerbate the issue and lessens students' trust of their institutions ability to keep them safe. Our schools and other public spaces should not need to become defensive fortresses to ensure their safe enjoyment by the public. Past case studies make it abundantly clear that semi and fully automatic rifles and handguns are the weapons of choice for perpetrators of these violent shootings. We can press our State Legislature to encourage CDC study of gun violence, so that it does not become the job of civilians to identify the causes behind these acts of violence. Canes Against Gun Violence

strongly supports your resolution and tomorrow we will stand over 400 strong to march across the University of Miami campus and end our march here at Coral Gables City Hall. We hope to send a message out to our community; our City and our university that we will refuse to allow any more attacks on our schools and on our generation. Our lives are valuable, our minds are brilliant and our education matters to us. It is our time and we hope that the representatives of this Commission will put their politics aside and begin to recognize the lives of our generation are more valuable than any interest groups attention and we hope that you can convince State Legislature of that as well. Commission, I hope you vote to pass this critical piece of legislation H-4. Again, my name is Logan Smith; I represent Canes Against Gun Violence. I encourage you to check out our social media and to get to know our community. We have Facebook, Instagram handles@canesagainstgunviolence as well as our event page Canes Care for Eagles March. Thank you so much.

Mayor Valdes-Fauli: Thank you very much. Thank you very much for your presentation and we will take your opinion into account when the item is discussed and have a successful return to class. Thank you.

UM Student Logan Smith: Thank you so much.

Commissioner Lago: Thank you for being here.

Vice Mayor Keon: Can I just quickly as you are going out the door. I am so proud to see the rhetoric that has come from young people on this issue, because it has been silent for just too long. I was a child of the 60's, I hate to admit I'm that old, but I was, you know and I do remember when college students spoke out and I do remember when they questioned their government and I do remember when they marched and I do remember that they were effective. So, I can't tell you at this point of my life how proud I am and thrilled I am to hear you speak. So don't stop, don't give up no matter what don't stop.

UM Student Logan Smith: Thank you so much. I appreciate that.

Mayor Valdes-Fauli: Thank you, thank you very much. Thank you Sarah.

[10:50:38 a.m.]

[Note for the record: Item H-3 and H-4 resumed at 2:01:48 p.m.]

Mayor Valdes-Fauli: This is Vice Mayor Keon's item about the civil fine and my item too and then there is a second item, resolution urging the Senate and the House to adopt Senate Bill 196

and 219 banning assault weapons and large capacity magazines. Before I turn over the microphone to Vice Mayor Keon, I wanted to say something. Up to 2008 we had an ordinance that banned gun sales in Coral Gables except in the industrial district; except in the industrial district the gun sales were banned, gun sales; and after 2008 under former Mayor Slesnick this restriction was removed and gun sales of any kind were classified as retail. One option we have is to rescind the liberalization of the prior ordinance and reverting it to the prior language, which is that they will only be allowed in the industrial area. This is a very sensitive issue for me. I think that all of the students that died all over the United States and Florida in particular, and I lost a son about 17 months ago, and I think of those parents, the fathers and mothers that lost children due to this senseless attack on the schools; senseless attack with a firearm that made it possible to kill 14-15 kids at the same time and adults. It is a very, very sensitive issue for me, very sensitive and I feel very strongly about it and I'm sorry Vice Mayor, but I wanted to say this as an introduction and the floor is yours and then I'd like to address it again.

Vice Mayor Keon: Interestingly enough and talked with Miriam about it since is, two or three weeks ago, I had received some piece from the League of Women Voters asking for support for the Senate Bill 196 and House Bill 219, and so I sat with Miriam because we had been doing some other resolutions for support, particular legislation, before the legislation now during this session. So I went to Miriam, said you know, I'd like to do something in support of these two Bills, can we do a resolution that we can bring to the next Commission meeting, and she said sure. So, she was putting it together and then it was after that that there was the shooting in Parkland. She had already written it by the time that shooting occurred, so it is not just in response to that. I mean it was really done, because I believe it is the right thing to do. I attached the House Bill, I mean the Senate Bill to the items that you can read; and you know, it really is simply to ban assault weapons, and to ban the implements and apparatus that you attach to weapons to make them become semi-automatic or automatic weapons. It doesn't address the issue – I'm not raising any issue related to a hand gun that someone wants to use for their own personal defense, it's certainly doesn't relate to a rifle that someone would use to hunt with or anything else. These are weapons of war. I spoke at length to Frank Fernandez about it and I'd like him to, for the record, I would like him to come up please and talk about these particular weapons and the danger that they present to society that these weapons, the bullets, the velocity of these bullets that are used in these weapons can penetrate a police officer's vest. So, even if we have police officers in the schools or out and around, they are not safe, they are not safe either, and even if they wear the particular plate or whatever that goes over their lungs and their heart as vital organs, just the blunt trauma too that plate as a result of those bullets and weapons can cause deadly injury to them. There is no good reason for anyone to own outside of the military or the police to use these weapons. Even talk about the history of these weapons, that they were used during the Vietnam War and what were they used for, that's why they don't belong on streets.

Mayor Valdes-Fauli: Fifty-five, fifty-six minutes ago, the second day the Florida Legislative Committee rejected a ban on assault weapons on the State that has had more mass shootings than any other. The vote followed emotional pleas from a Parkland parent, who is a friend of Gina Montalto, 14 year old girl who was one of the 17 victims. The House Appropriations Committee on Tuesday rejected a proposal...sale and possession of 200 types of semi-automatic rifles.

Vice Mayor Keon: This is on the House side. All we have hopefully left is the Senate Bill and I want to – I'd like to also tell you that I had asked for Ron Book's information to get in touch with him as our lobbying team to see where they were on it; and I texted him and asked him to please call me and after my text, after waiting a day and-a-half and not having any response from my text, I called his cell phone, he answered and told me he was in the store purchasing something, he will call me back in five minutes. I have to tell you, this is the longest five minutes of my life, because I have yet to still hear from him. So I've still not gotten a call back. And I have to tell you I'm not happy about this, because all I asked for was what was happening in Tallahassee? - what was going on? - what was the level of support? - and I wanted that information. So, I wish I was better prepared with that information than I am. I've spoken to somebody else in Tallahassee about it who gave me additional information, but it's not the lobbying team that we paid for.

City Manager Swanson-Rivenbark: Understand. The Deputy Clerk is texting the other partner of that. There is no excuse for that Commissioner, no excuse.

Vice Mayor Keon: You know I don't think so either. Going forward Director Fernandez please.

Director Fernandez: The Commissioner had asked me about these weapons. These are AR-15, which are the civilian version of a military weapon; the military version is an M-16 rifle and its generation comes obviously from war, it started from Vietnam. The firing a round, that's a rifle round, so it does penetrate vests unless you have a ceramic vest, a ceramic plate, but even with the ceramic plate when it hits that plate it could cause blunt trauma, like the Commissioner said, it can cause some major significant possibly deadly injuries, even if it doesn't penetrate. These weapons are mainly seen in theater of war, although in our country the Second Amendment is a very, very powerful, powerful Amendment. So, these weapons have come to the market at a high volume rate and they are readily available out on the street today; and they do cause havoc in the community. It is hard to say they are used for hunting, because some like they say, they use a high capacity weapon or I should say a high capacity magazine to hunt, is a difficult question to articulate a reason for that. Nonetheless, these weapons do cause a significant threat, I believe, to our local communities if in the hands of the wrong person. That's the operative word, if in the

hands of the wrong person. They are high caliber, they go through walls, they can go through CBS block, so that's the essence of these rounds and these rifles.

Vice Mayor Keon: This weapon doesn't just shoot you, it tears at you apart. It rips holes in you. It destroys your organs. It blows up your bones if it hits a bone it explodes. This is not just a single piercing shot. Can you talk about your role on the IACP, the international...?

Director Fernandez: Yes. I am currently the Chairman of the IACP Firearms Committee.

Vice Mayor Keon: Could you tell us what that stands for?

Director Fernandez: That the International Association Chiefs of Police, so they have committees and one committee is a firearms committee. It encompasses a significant number of members from around the country. Our goal is to reduce violent crimes in the hands of...firearms. Most recently, we passed five resolutions, bump stock being one of them from Los Angeles. There is a Reciprocity Act out of Virginia, there is another resolution that we passed in the IACP Committee, and I provided the Commission with the other five resolutions that we have and also the City Attorney for consideration.

City Attorney Ramos: You have a packet with all the resolutions before you.

City Manager Swanson-Rivenbark: And yours was an opposition to the Reciprocity.

Director Fernandez: That's correct. There is an opposition to it, that's correct. So, the purpose of this is to make sure that these guns are not in the hands of the wrong person, so our goal is to make sure that we push resolutions through our 27,000 members around the country to make sure that we are trying to do everything we can through the association to foster safer gun ownership.

Vice Mayor Keon: Thank you.

Director Fernandez: You're welcome.

Vice Mayor Keon: I would like us to strongly support this Bill, although it has not been heard in the Senate, I want it brought up in the Senate, I'd like it debated in the Senate, I would like it passed in the Senate, and I'd like to come back if you would look at the other five proposals that the International Association Police Chiefs have put together. I would ask Miriam to write a resolution that we will send to our federal elected officials and ask that they would also join us in our strongly urging them to deal with these weapons that serve no good purpose. You can't send

your children to school unless your children are vaccinated, because we knew the danger of the viruses between polio and measles and all of the things that we vaccinate against now; and no matter how much you washed your hands, no matter how much a face mask you wore, you were not going to rid this country of these viruses or these diseases that pose such a terrible threat. So you know what, we passed laws that didn't allow you to send your children to school unless you did. We cannot allow instruments whether they are viruses or rifles or guns to exist in the hands of ordinary people that can create the damage that they create. There is no good reason for it, and that is not; Commissioner Mena can tell you that as an attorney, all three of you, can tell us as an attorney, because something is an Amendment to the Constitution doesn't mean that it is written in stone and it is up to the interpretation and I'd like to ask you to comment on that.

Mayor Valdes-Fauli: Let me say my word and then the Commission can get a chance to speak, if you don't mind. I congratulate the International Association of Chiefs of Police in these five resolutions which are very much on point, but they are rogatory; they are rogatory and they are fine and they resolve that they oppose these Congressional Bills and urges this or that, these are rogatory and they are fine. They are fine as far as they go and our support of the legislation in the Senate, I guess, because it just failed in the House, 18 Republicans voted against and 10 Democrats and one Republican voted for, adopting legislation banning assault weapons and large capacity magazines. That is fine as far as it goes, but in the City of Coral Gables, I remember some years ago, we banned or regulated newsstands, the color, the size, whatever, it went up to the Supreme Court. The defense was the First Amendment and it was against the freedom of the press and whatever and we prevailed, because our Zoning Code, our standards of beauty prevailed over what the Miami Herald at that time was saying in opposition to our motion. I would like for us to urge, I would like for us and I will make a motion and pass the gavel to you, saying urging legislation to ban assault weapons and large capacity magazines in the City of Coral Gables, and if there is a \$5,000 fine against an elected local government official that proposes this, I'll be very willing to pay it, because I want to protect our children. I think if we prevail on our taste in newsstand racks, if we had this requirement, the zoning for gun sales, restricting them to a certain part of the City prior to 2008, which was removed under former Mayor Slesnick, why can't we ban this very obnoxious, very, very horrible assault weapons AR-15's, M-16's, AK-47's, semi-automatic firearms capable of accepting detachable magazines and it's horrible and I would like, and I'll pass this to you to make a motion banning the use or sales of these weapons of mass destruction in the City of Coral Gables.

City Attorney Ramos: Before we begin discussion, I need to address the Commission. You'd like to speak first Commissioner, please go ahead.

Mayor Valdes-Fauli: Why don't we hear from the Commission?

Commissioner Mena: I think there are two agenda items and I just want to...

Mayor Valdes-Fauli: I just made a motion, it's simple as that.

Commissioner Mena: Right.

City Attorney Ramos: We haven't moved H-4 yet, we can table it for the moment and talk about H-3, there is a motion on the floor.

Commissioner Mena: Listen, I'm strongly in favor of gun control in this country, in this State. I agree with everything you've just said, and I fully support the request to urge the Senate and the House to pass legislation on this front. On this issue, while I would love to be able to do this, we have a real issue, because it's illegal under Florida Law. We have a statute that directly says we cannot do this and I suspect she was about to speak that that's what the City Attorney is about to tell us; and so – and let me just say, I would love nothing more than to challenge the Constitutionality of this, because I think it's an overreaching preemption, but that's been done too, is my understanding. Other municipalities have already done this, have already challenged this, have gone to the court system and have lost.

City Attorney Ramos: City of Tallahassee.

Commissioner Mena: So, I think it happened in the City of Tallahassee, so I'm not sure what we are really – it's a symbolic gesture in some respects, but we know what's going to happen here. We are going to violate Florida Statute, we are going to have to go into the courts, we are all going to be potentially personally liable, and again, this has already happened and it didn't work. And so, I just want to be careful about how we approach this. I think we need to do everything we can within the law to effectuate change here, we all agree with that. I shouldn't speak for anybody, but I certainly feel that way, but I'm a little bit concerned about this particular approach Mayor. I applaud where it's coming from. I think I 100 percent agree with you on the substance of the issue, but I do have some concerns about, what's the statute Miriam?-

City Attorney Ramos: 790.33.

Mayor Valdes-Fauli: 790.

Commissioner Mena: Yes. So, I just think we need to have a discussion about how we approach this.

Mayor Valdes-Fauli: I agree with you that the statute says what it says, 790, but this is a matter of principle, this is a matter of principle, and this is a matter of protecting our children in the State of Florida and the Legislature as of an hour ago, rejected regulation of these firearms. Somebody has to take a stand and I think that the City of Coral Gables is progressive enough and valiant enough and courageous enough that we have to take a stand regardless of what the Legislature doesn't do. If they don't forbid the sale of rat poison in pharmacies in aspirin bottles, we should do that. This is the equivalent to that. Florida has lost more kids than any other state, because of these assault weapons and I think it's – I want to take a stand.

Commissioner Mena: To me it's – I understand what you are saying, I really genuinely do and I really respect the approach you are taking on this, but to me, at least it's not about courage and valor, because the reality is it's not going to actually ban the sale of guns in Coral Gables, because we are going to get sued, it's going to go to court, this has already happened, and we are going to lose; and I'm not trying to predict that, it's only because this has already played out. And so, while I think we should be courageous and show valor and fight this by any means which we can, I do have some concerns about doing something that a) is not going to actually result in any change, and b) is illegal. That's the predicament of this particular approach to it. To be clear, I'm absolutely in favor of supporting the House and Senate Bill and whatever else we can do. I even wanted to talk about some of supporting the School Board to pursue some of the remedies which I provided to you all, but that's my issue, it's not going to actually result in the banning of the sales in Coral Gables even if we wanted to, and that's no fault of our own, that's just the position that the Florida Legislature imposed.

Mayor Valdes-Fauli: I would like to take a stand and I'd like to publicize this issue, maybe it will result in some good in the Legislature. Commissioner Quesada you want to say something?

Commissioner Quesada: I agree 100 percent with both of you, with the Mayor and Commissioner Mena. What I'm thinking about now is, I guess I should have anticipated that this motion was coming today, I should have thought about this more, and I'm thinking now, Mr. Mayor, your point for doing this. You know, I'm 100 percent in agreement with you, I really am, and the question becomes other cities have done it, they've tried fighting and they've lost, which I wasn't aware of until right now until Commissioner Mena said that, I wasn't aware of that. So the question becomes, OK, if I second the motion, we vote for it, it happens, OK, the lawsuit will come, but is it going to draw more attention, will it draw more attention to, I guess, the ridiculous stances that have been occurring in Tallahassee in this regard, to garner enough attention to hopefully change the narrative moving forward? That's your goal...

Mayor Valdes-Fauli: That is the point and I have the statute here and it's underlined in yellow, but the point is somebody has to do something to change this...

City Attorney Ramos: Before a vote is taken, I need to address the Commission please.

Mayor Valdes-Fauli: ... We have to do something, somebody has to stand up.

Commissioner Mena: And, I think lots of people are standing up.

Mayor Valdes-Fauli: And it hasn't done any good.

Commissioner Mena: No, no, listen, I agree with you. But, again there are a lot of things we can do to call attention to this issue short of breaking the law. I think that's where I'm coming, maybe Miriam...

Mayor Valdes-Fauli: Civil disobedience.

City Attorney Ramos: Mayor, members of the Commission, I on a personal level, not speaking as City Attorney for the City of Coral Gables, but on a personal level, would like nothing more than to see assault rifles banned. I don't think that there is a place for them in our civilized society. That being said, I have an oath as an attorney and I have an oath as the Attorney for the City of Coral Gables to uphold the law, 790-033 is an expressed preemption that has significant consequences. Not only is there a \$5,000 fine, not only may that fine not be paid for by the municipality, but the municipality may not use public funds in defending that injunction when it comes, which is what the state has said, and it can result in the termination of employment for any employee in the City of Coral Gables that enforces such ordinance, and it can result in the removal from office of any of you by the Governor for violating the preemption. It is a significant preemption. I have never seen anything like it. I think that we could move forward with having our office, if that is what the Commission would like to do, research what the options are to bring an action stating that the lawsuit, that the preemption is unconstitutional. However, I cannot sign an ordinance passed by this Commission that violates the state statute as I believe it would be an illegal ordinance.

Mayor Valdes-Fauli: OK. I made the motion and it stands, is there a second? OK, it fails for lack of a second.

Commissioner Quesada: I just would like to think about it a little bit more.

Mayor Valdes-Fauli: What?

Commissioner Quesada: I'd like to think about it a little bit more, because I'm strongly considering seconding. I need to think about it a little bit more. I'm not saying maybe at the end of the meeting we'll discuss it again. Let me wrap my head around it a little bit more.

Mayor Valdes-Fauli: Alright.

Vice Mayor Keon: Would you like to continue this item? Are you more comfortable with asking for a continuance of this item?

Commissioner Quesada: No, no. I don't want to continue the meeting...

Mayor Valdes-Fauli: Let's continue the meeting...

Vice Mayor Keon: OK.

City Attorney Ramos: We should take up H-4 and vote on the resolution. Would you like to take up H-4 sir?

Mayor Valdes-Fauli: What?

City Attorney Ramos: H-4 to vote on the resolution. We didn't take a vote on H-4.

Mayor Valdes-Fauli: No, we didn't.

City Attorney Ramos: A resolution of the City Commission of the City of Coral Gables, Florida, directing the City's Administration to make support of Senate Bill 196 and House Bill 219 part of the City's legislative agenda and urging the Senate and House of Representatives to adopt Senate Bill 196 and House Bill 219 to the extent that it hasn't already been not adopted or similar legislation be banning assault weapons and large capacity magazines.

Mayor Valdes-Fauli: Make a motion.

Vice Mayor Keon: I'll move it.

Commissioner Mena: I'll second.

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

Commissioner Mena: Yes

Commissioner Quesada: Yes

Vice Mayor Keon: Yes

Mayor Valdes-Fauli: Yes

(Vote: 4-0)

Commissioner Lago: Absent

Vice Mayor Keon: I would also – it wouldn't bother me at all to have a resolution or some statement from this Commission, I don't know if condemning is too strong a word, I'm sure we could find words, the inaction of the Legislature on this issue, because of the danger that these weapons produce to the public and I truly believe, I'm sure there are some people that do so strongly believe in the Second Amendment that it includes everything, but I think that this is, we have allowed, this is an instance where politics and money have clouded good judgement.

Mayor Valdes-Fauli: Its money.

Vice Mayor Keon: And its money, – and I don't know how we frame those words, but to see as Mayor and as the leader of this City form that resolution that absolutely, absolutely has allowed them to that they are so influenced, so influenced by their fear of losing their positions or fear of offending the NRA and the dollars that come with that, that they are not acting in the best interest of this public, they are not.

Mayor Valdes-Fauli: If my motion fails we will take this up as your motion.

Vice Mayor Keon: Thank you.

Mayor Valdes-Fauli: Right. Let's postpone it for a while and then we'll go to Item J-1, Madam City Manager, it's your item.

[Note for the record: This item resumed at 3:12:40 p.m.]

Mayor Valdes-Fauli: And, there is a motion on the floor that I made, which needs a second and that is to prohibit the sale of assault rifles, automatic rifles in the City of Coral Gables.

Commissioner Mena: Let me ask you a question. We talked a little bit about it a few moments ago. This will require an ordinance.

City Attorney Ramos: It would, there is no ordinance before you. You would have to direct my office to draft an ordinance.

Commissioner Mena: Right. Here's the issue I'm having and I expressed it earlier. I would love to be able to ban the sale of these guns in the City of Coral Gables, but again, we are looking at a Florida Statute, which says that that is illegal for us to do. We are elected officials in a democratic country where the rule of law matters and if we're just going to look at a law passed by Florida, we may not like it, but preemption is a core principle of our democracy.

Commissioner Quesada: Do you think there is a possibility that that State Statute is illegal, unconstitutional?

Commissioner Mena: I think that those who have tested that have failed so far,

Commissioner Quesada: I think that that case, I had an opportunity to look at it now and can be distinguished.

Commissioner Mena: And, that's where I was going to go next is, and should we have Miriam and her office give us a real breakdown of how those cases have proceeded and what the findings have been and if there is a path forward, because we don't have an ordinance in front of us actually. We don't have that information; all we have is a law which says we can't do this.

Mayor Valdes-Fauli: Yes, we have a law that says that we can't do this and I'm assuming that that law is there and that we can't work around it. I would like to send a message that that law is wrong and that the City of Coral Gables stands up for our kids and for kids in our Broward schools and in other Florida schools, which have been assassinated by these weapons and that somebody should do something and I'm willing to be that person and hopefully the City of Coral Gables will be that City that will express itself in opposition to that statute. Our legislators, especially the legislators in Coral Gables, the Republican legislators moved it 18 to 1, 18 to zero in the House Committee against doing something to ban these weapons and that is cowardly, that is wrong.

Commissioner Mena: I agree with you. I agree with you that it is.

City Attorney Ramos: I'd like to note sir that you said previously that we had different zoning regulations some years ago; the Florida Statute does have an exemption for a zoning ordinance that encompass firearms businesses along with other businesses. You could certainly direct us to look and now that we are rewriting our Zoning Code into how to better address that in a way that complies with this statute. That is certainly something that's...

Mayor Valdes-Fauli: So, pass a zoning ordinance that says we ban it.

Commissioner Mena: What about what you said earlier, I don't know if that's exactly what you were referring to, the 2008...that we had.

City Attorney Ramos: That's exactly it.

Commissioner Mena: Because again is that another way forward on this. If there was a preexisting rule that we could rely on prior to the passing of the 2011 Florida Statute.

City Attorney Ramos: That was changed in our Zoning Code already, but the statute does allow for zoning regulations, as long as we are not singling out guns, gun shops. So, if we regulate them similar to another type of, maybe more restrictive than just retail, which is what we are doing now, that is something we could look at doing.

Mayor Valdes-Fauli: I insist. There is a motion of mine on the floor, do I get a second?

Commissioner Quesada: Well give us a second here. Let's discuss it a little bit. I actually haven't heard Commissioner Keon's position on this or have you stated....

Vice Mayor Keon: You know it is – would I like to do it? - yes, I would like to do it, because I think that there stance is wrong. It's just wrong. And if you can say we'll do it, so that we at least voice our feelings on the issue, go ahead, but if we are challenged, if we are sued, what do we just say? - we don't want to talk about this.

City Attorney Ramos: The problem Vice Mayor is that it's just more than being challenged or sued. It could be removal from office and if you were sued individually, which is what this says, I couldn't even defend you, because we can't spend government dollars doing so.

Vice Mayor Keon: So, you would be sued and you would have to go out and you would have to engage counsel and whatever to do all of this. The issue of being removed from office is the least of my concerns and if you want to remove me from office for expressing my opinion on something, go ahead, yes go ahead.

Commissioner Quesada: Which goes to my point...

Vice Mayor Keon: I don't care.

Commissioner Quesada:...that can't be Constitutional.

Vice Mayor Keon: I don't think it can be either. So what I would like to do is, I would really like to direct Miriam to challenge the constitutionality about preemption.

Commissioner Quesada: The way you challenge that is by bringing an ordinance that's contrary to that.

Mayor Valdes-Fauli: That's what I'm trying to do.

Vice Mayor Keon: OK. So, you do an ordinance that's contrary to it and how do you defend it, if you can't use public funds for it, they can shut you down. You know I'm not an attorney, so I'm asking you, tell me.

Commissioner Mena: But we are here.

City Attorney Ramos: No, that is not the only way. What I would ask is for you to let us research, draft a complaint, as we've done in the past, bring that complaint to you, we can even draft a sample ordinance of what it would look like and attach it to the complaint, and then us bring the lawsuit, if I'm directed by the majority of the Commission.

Commissioner Quesada: OK. So let me give you my two cents on this, and again, I probably should have thought about this more last night. I've had some time to think about it now.

Commissioner Mena: Can I say one last thing before you...

Commissioner Quesada: No you cannot.

Commissioner Mena: She also said earlier and we are glossing over this, that she will not sign it.

Commissioner Quesada: OK, that's fine.

Commissioner Mena: So what do you do when that happens? Go ahead.

Commissioner Quesada: Facts already in evidence. So here are my thoughts on this. I'm speaking to you Commissioner Mena and I'm speaking to you Commissioner Keon.

Mayor Valdes-Fauli: Not to me?

Commissioner Quesada: No, I'm not speaking to you (laughter). So, the problem as I see it right now is what the Mayor mentioned a few minutes ago that the Legislature again today shot something down that could have helped move forward in resolving the problem.

Vice Mayor Keon: The Appropriations Committee.

Commissioner Quesada: It was another act on legislature that didn't resolve any significant change. Now, I'm not against guns by no means of the imagination, I'm not. Now the biggest problem I see here is the fact that these students, it was a massacre, 17 lives killed, kids and 15 injured, it could have been another 15 deaths. It's happened over and over again and there is no substantial change at any level. People talk about the bump stocks or a few other different things, which aren't going to the root of the problem. Now look, we haven't been elected at the state level, we haven't been elected at the federal level, but we have an obligation to do what we can as advocates for our community to do everything we can to protect our City. When you have conversations with the Police Department, when you have conversations with our staff of what can and cannot be done, there is only so much that we can really do. I feel like my role at this point is to do everything we can to really try to force the Legislature at the state level, because when it comes down to it we are lobbyists for our City at the state level, at the federal level, at the county level. There are many times that we speak to the County Commission and the County Mayor to try to convince them of something that's going to benefit our community, we've all done it at one way or another. Dade Days when we go up to Tallahassee and we meet with the State Legislature to try to convince them to send additional funding to us, whether it's related to sea level rise or whatever other issue it may be. I really think this is one of those situations. Now, I think timing is very important when it comes to this. We've seen these children from Parkland in Tallahassee, we've seen them in D.C., they've been all over the news, and the ones that are leading are the children here; and it's unfortunate that there is so much press on this, there is so much pressure on the Legislature and nothing has happened yet, doesn't mean nothing can happen. Let me finish up here, because I'm speaking to you Commissioner.

Vice Mayor Keon: I'm hearing.

Commissioner Quesada: What I think is very important is that the pressure that they are feeling it from all angles and I commend the Mayor for bringing this up and I think you see where I'm going on this. Yes, we could be removed from office for voting for this; yes, we could be subject to a \$5,000 fine, but inaction at this time, I think it's incumbent on us, I feel that it's incumbent on me to do what we can to continue to apply pressure; and I've got to tell you with a strong stance we've taken with FPL, I can guarantee you they are going to lobby the Governor to remove us if we vote for it. And you know something, if we are removed from office for

promoting something that's going to help the Legislature make a positive change in this regard then it would be worth it.

Commissioner Mena: That's the best things that could happen.

Commissioner Quesada: That's the best that could happen. However, so the question in your mind Commissioner Mena and Commissioner Keon should not be, well whether it's legal or not, no. We know that there is a strong possibility, a high likelihood that we could be removed from office for doing this. Hold on.

Vice Mayor Keon: Go ahead.

Commissioner Quesada: I don't want you thinking. I want you listening. High possibility – but the question is, is this going to encourage other cities to follow suit so that Miami-Dade County or the State of Florida, the individuals closest to the residents, the elected officials and the municipalities like ourselves, send a strong message, hey look, if you are not going to make a change, we are willing to stand up for our communities as a whole and put our own jobs on the line and you know something, this is more important than us keeping our jobs, to send a message, maybe the answer isn't fully banning assault rifles, but the answer is that the Legislature knows that we are serious and the communities, the people closest to the residents feel this strongly about it; and if this is going to encourage one other city, two other cities, the Dade League of Cities, the Broward League of Cities, you tell me the City of Parkland isn't going to do this?- you tell me Broward County isn't going to do this?

Mayor Valdes-Fauli: South Miami is going to do it.

Commissioner Quesada: You know let's give them the playbook of how to do it; and what happens if we get removed? - what do you think the public backlash could be? Do you think it's going to help those kids achieve their goal of making schools safer? Can we possibly be, you know, one cog, one domino in the process to improve the safety of kids all throughout Florida and I think the answer is yes, even the mere possibility? So, that's why I'm going to second the Mayor's motion.

Mayor Valdes-Fauli: Thank you very much and that is exactly....

Vice Mayor Keon: I will tell you know as you were talking, I get this e-mail from our lobbyist that said we are really working hard on this. I think the best we are going to do is get H-21 with a 3-day cooling off period.

Mayor Valdes-Fauli: It's been moved and seconded...

Vice Mayor Keon: If that's the best we can do...if that's the best we can do...

Mayor Valdes-Fauli: Precisely – thank you very, very much Commissioner and the point is let's send a message that this is unacceptable. I know that it's unenforceable, but let's send a message. You have to take risks and you have to take risks for kids. You saw the two UM students here and I bet – Coral Gables High, the people that have spoken here today, Mr. Thompson, Mr. Gomez, the community says let's do something and it behooves us to do something and I thank you for your second.

Commissioner Mena: Listen, we bifurcated this discussion a bit, because we tabled it for however long, an hour, whatever it was, so again, we all agree on the proposed ban, at least I think you do as well, obviously on the actual substance of it. So again, nobody is leading on this that's clear, nobody is leading on this, the kids are the ones that are leading on this and it's outrageous. Everybody is feeling that right now.

Commissioner Quesada: And it's incumbent on us to follow.

Commissioner Mena. Absolutely – absolutely. But, let's do it in a way that is the most effective way.

Mayor Valdes-Fauli: This is it.

Commissioner Mena: I understand. Let's do it in a way that the most effective way. We have not even seen a draft ordinance, we have not had our City Attorney advise us on the prior legal decisions on this exact issue, so let's do it intelligently. That's all I'm asking for is let's go about it the right way. We actually are not even passing a ban today, if we vote on it, because there is no ordinance in front of us.

Mayor Valdes-Fauli: OK. I would like to direct the City Attorney to draft an ordinance banning the sale of semi-automatic, of assault rifles in the City of Coral Gables.

Commissioner Mena: And to brief us on....

Mayor Valdes-Fauli: We passed the resolution, I mean the ordinance today on First Reading...

Commissioner Mena: Can't do that.

Mayor Valdes-Fauli: Why not?

Commissioner Mena: There is no ordinance.

City Attorney Ramos: The ordinance has not – there's been no notice, there is no ordinance, it has not been advertised. The most you could do today is order me to draft an ordinance and bring it to you for First Reading at the next meeting.

Commissioner Mena: Correct.

Vice Mayor Keon: Or could we have a meeting prior to the next Commission meeting as long as you have ten days?

City Attorney Ramos: Yes, you could notice a meeting.

Vice Mayor Keon: So we could call a Special Meeting; a Special Meeting and invite the public to attend, a Special Meeting, so we only have to wait two weeks, we need ten days to notice, is that right?

City Attorney Ramos: Only if it's the last time....

Mayor Valdes-Fauli: You tell me we can't do it. There is a motion on the floor that has been seconded, will you call the roll please.

Commissioner Mena: The motion is to...?

Mayor Valdes-Fauli: The motion is to pass an ordinance today...

Commissioner Mena: Where is the ordinance?

Mayor Valdes-Fauli: I want to do it. I want to do it.

Commissioner Mena: But there is no ordinance.

Commissioner Quesada: Hold on – there is a question for the City Attorney. Are you telling me it is impossible under our rules of procedure to bring an oral ordinance that cannot be voted on, is that your opinion?

City Attorney Ramos: What would the ordinance – if you want to read an ordinance into the record what it would say?

Mayor Valdes-Fauli: The ordinance says that we have considered this and we are banning sale of semi-automatic weapons and assault rifles in the City of Coral Gables.

City Attorney Ramos: If that's the ordinance and what the ordinance would say, I still think we have a notice issue, it was not on the agenda, we should not be voting on something that was not on the agenda, the public has not had an opportunity to come here and be heard.

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

City Attorney Ramos: Despite that advice you'd like us to draft that and bring it back for Second Reading?

Mayor Valdes-Fauli: And, I want you to draft it and bring it back, but I want to pass this today, because it sends a message, it will be in the papers, the students will be marching for us. It will send a message to our Legislatures that they better get off their behinds and listen to the people and listen to the City of Coral Gables.

City Attorney Ramos: We will draft literally what the Mayor has just said as an ordinance. We will bring it for Second Reading at the next meeting with the ten day required notice.

Mayor Valdes-Fauli: OK.

City Attorney Ramos: With again my caveat that one, it's illegal and that two; there was not proper notice for this meeting.

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

Commissioner Mena: Yes

Commissioner Quesada: Yes

Mayor Valdes-Fauli: Yes

Vice Mayor Keon: Yes

(Vote: 4-0)

(Commissioner Lago: Absent)

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

Vice Mayor Keon: You're welcome.

Commissioner Quesada: Miriam to clarify.

Commissioner Mena: Yes.

Commissioner Quesada: It would not be effective until there is a Second Reading and approval at Second Reading?

City Attorney Ramos: Correct – and even then I would have to advise the City Manager not to enforce the ordinance.

Commissioner Quesada: We understand that.

City Attorney Ramos: It could cost the jobs of everybody in the City.

Mayor Valdes-Fauli: We understand that, but the message has been sent.

Commissioner Mena: Can you also please research and provide us with a memorandum that highlights prior decisions from the different courts of appeal around the state that have dealt with this exact issue already and what the basis was for each.

Commissioner Quesada: And, we have a First Amendment attorney that we've used in the past...

City Attorney Ramos: Abby Corbett.

Commissioner Quesada: Abby Corbett – it's your selection who you want to use, I know we have used her in the past, but if you could have an outside counsel that specializes in that review that.

City Attorney Ramos: Oh certainly.

Mayor Valdes-Fauli: I'd like to recognize Commissioner Quesada Senior sitting in the audience came to visit us.

Commissioner Quesada: And Commissioner Mena Senior.

[Laughter]

Mayor Valdes-Fauli: That's right.

City Attorney Ramos: Are we asking for a special meeting?

Vice Mayor Keon: No. It will just come...

City Attorney Ramos: It will come on the 20th of March.

Vice Mayor Keon: I would like to pass a resolution today; a resolution expressing the City Commission's overwhelming disappointment with the Florida Legislature's unwillingness to responsibly and courageously act in the best interest and safety of Florida's residents, a state that now has the highest number of fatalities associated with mass shootings with automatic weapons by failing to pass legislation banning assault weapons and holding the Florida Legislature responsible for any future tragedies associated with automatic weapons in the state due to their failure to act.

Mayor Valdes-Fauli: I'll second that.

Vice Mayor Keon: Thank you. Call the roll.

Vice Mayor Keon: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Mayor Valdes-Fauli: Yes

(Vote: 4-0)

(Commissioner Lago: Absent)

Mayor Valdes-Fauli: Alright, anything else to come before the meeting? Meeting is adjourned.

[End: 3:31:17 p.m.]