

City of Coral Gables City Commission Meeting
Agenda Items K-1, K-2 and K-3
January 23, 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 Speaker(s)

City Attorney Items

Agenda Items K-1, K-2, K-3 [2:54:00 p.m.]

K-1: A Resolution of the City Commission of the City of Coral Gables, Florida, authorizing a ninety-day extension of a Zoning in Progress related to access on the public rights-of-way for wireless facilities, providing an effective date.

K-2: A discussion regarding recent national opioid legal actions and how they may impact Coral Gables.

K-3: Request for Executive Session (if any)

Vice Mayor Keon: K-1.

City Attorney Ramos: A Resolution of the City Commission of the City of Coral Gables, Florida, authorizing a ninety-day extension of a Zoning in Progress related to access on the public rights-of-way for wireless facilities, providing an effective date. Deputy City Attorney will present.

Deputy City Attorney Suarez: This is a request for a 90-day extension of the Zoning in Progress that's already in place. It's with respect to access to the public rights-of-way for wireless

facilities. We are working on an ordinance to address and implement the recently enacted Florida legislation known as the Advance Wireless Infrastructure Deployment Act, and we just need a little more time to get that down. We are working with various City departments to make sure the ordinance addresses all the issues with respect to these wireless facilities in the rights-of-way.

Commissioner Lago: So moved.

Commissioner Quesada: Second.

Vice Mayor Keon: Call the roll.

Commissioner Lago: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Vice Mayor Keon: Yes

(Vote: 4-0)

Mayor Valdes-Fauli: Absent

Vice Mayor Keon: Item K-2.

City Attorney Ramos: Item K-2 is a discussion regarding recent national opioid legal actions and how they might impact the City of Coral Gables.

Commissioner Quesada: So let me start off by addressing this. This was moved to City Attorney Items, it was originally my item; let me explain to you why. President Trump declared a national emergency on opioids five, six months ago roughly that ballpark. The Attorney General of the State of Florida, Pam Bondi issued a similar type of announcement three or four months ago, and there is a lawsuit pending against the manufacturers of opioids, there are thousands of lawsuits that had been filed. They were all brought before one Judge, its currently pending in the Northern District of Ohio. Now there are many municipalities and states and governments that are jumping into the case, and I was going to discuss it further. However, I have on behalf of the company that I work for have filed a lawsuit on behalf of some health plans, some Medicare and Medicaid health plans, so I am involved in the case. So because of that I can't be involved in any kind of conversation whether the City should even look into it or not. So I just wanted to be clear what's going on there. So after speaking with our City Attorney, what she indicated to me is that she wanted to considerate it, contemplate it, and then bring it before the rest of you. So any kind of conversations and any kind of decisions whether the City wants to participate or not, I will not be involved in and the City Attorney indicated to me that she wanted to take a little bit of time to think about it and research it and then bring it back to all of you. Is that accurate?

City Attorney Ramos: That's correct sir. And a few weeks before Commissioner Quesada had brought this to my attention, actually two different law firms have reached out to me about this, so it was something that was already, something I was contemplating. I'm studying it, I'm doing some research, I'm seeing what the effects are on the City and I'll bring it back to you with my recommendation.

Commissioner Quesada: And just to be very clear. I will not be involved in any decision-making on that item when it comes back and even if the City were to participate I would not receive any financial benefit or detriment either way, if the City participated. I want to be very clear about that.

City Attorney Ramos: That is correct. Your only duty is to recuse which you've done.

Commissioner Quesada: And I will be completely out of it.

Commissioner Lago: Let me ask you a quick question in reference to that, because I met with a gentleman this week that I happen to know for probably the last four or five years and he was explaining to me a little bit of background in regards to exactly what's going on. Why can't you represent us? If your firm has the ability and you are one of the firms that's at the forefront of this type of litigation, why wouldn't you be able to represent us?

City Attorney Ramos: Commissioner Lago...

Commissioner Lago: Because I asked him the same question.

Commissioner Quesada: I don't want...

Commissioner Lago: You can just recuse yourself.

Commissioner Quesada: Yes, I would, I would recuse myself. So I don't want to get even near any kind of appearance of impropriety of any sort, so I'd rather be as far away from it as possible. It's a decision for all of you to make, not for me to be involved in. So the technical answer is there is a potential conflict, because all the plaintiffs in the case are similarly situated, so they are all essentially going to be represented by one group of attorneys when it gets to a certain point. So I just want to make sure I stay as far away from any Coral Gables claim as possible.

City Attorney Ramos: Commissioner Lago from the voting standpoint that's what Commissioner Quesada is alluding to. He cannot vote on the item because the plaintiffs would be similarly situated, it's a similar class. In terms of representing the City for other ethics reasons that are part of the Ethics Code and Florida State Statute, a Commissioner cannot represent their own City in a private lawsuit, that's black and white law, there is no interpretation there, it's just. You can't do business with your own City.

City Manager Swanson-Rivenbark: You were never suggesting.

City Attorney Ramos: Never. Never.

Commissioner Quesada: No, I was never suggesting that. No.

Commissioner Lago: But I'm saying, I just find it intriguing, because again, I know the line of work you are in and obviously your firm is leading up some of the largest cases in the country and I was intrigued by the fact that this is something that's coming down the line and when you start explaining to me a little bit about what are some of the ramifications and he started explaining to me what was going on, on a national level with these large corporations. A lot of people are confused; I think its like CVS and Walgreens and it has nothing to do with it. It has to do a lot with the middle man and I found it very interesting.

Commissioner Quesada: All I would say is that speak to the City Attorney about it and ask her any questions, but again...

City Attorney Ramos: Happy to talk to all of you and I'll bring a report back with my recommendation.

Commissioner Quesada: With relation to the City of Coral Gables, I will not get involved at all.

City Attorney Ramos: I have an Executive Session I need to request for the next meeting. It's on the COLA matter, Murhee, et al versus Coral Gables, 2013.30731.CA.13. Some minor developments in that case, we are getting near wrapping that up. And then there is an item that I did not have an opportunity to put on the agenda, it came to my e-mail yesterday. There are two CRC proposals that are being heard this Friday at Committee; one, I suggest that we oppose strongly and I can draft a resolution to that effect, if you all vote today to do that. It would basically preempt all local governments ability to regulate commerce, trade or labor, so a real serious preemption for us. If anybody is inclined to move a resolution opposing that?

City Manager Swanson-Rivenbark: And the CRC is the...

City Attorney Ramos: Constitutional Revision Committee.

Commissioner Quesada: So moved.

Vice Mayor Keon: Do I have a second?

Commissioner Lago: Second.

Vice Mayor Keon: Call the roll.

Commissioner Quesada: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Vice Mayor Keon: Yes

(Vote: 4-0)

Mayor Valdes-Fauli: Absent

City Attorney Ramos: The second proposal is Proposal 61, which actually I think we should support and it would create a transparent process for the Legislature to preempt any Home Rule authority for municipalities who would make it harder for them. So if anyone's inclined, I would ask for a resolution to support Proposal 61.

Commissioner Quesada: So moved.

Commissioner Mena: Second.

Vice Mayor Keon: Call the roll.

Commissioner Lago: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Vice Mayor Keon: Yes

(Vote: 4-0)

Mayor Valdes-Fauli: Absent

Vice Mayor Keon: Is there anything else Miriam?

City Attorney Ramos: Correct. We need to go back, thank you Cristina, I do not believe that we took a vote on C-2, thank you. It's a Resolution of the City Commission of the City of Coral Gables, Florida directing the City's Administration to make opposition to Senate Bill 1304/House Bill 1033 part of the City's Legislative Agenda and urging the Florida House of Representatives and Senate not to adopt Senate Bill 1304/House Bill 1033 or similar legislation. These Bills essentially purport to preempt regulations on bike sharing.

Commissioner Quesada: So moved.

Commissioner Mena: Second.

Vice Mayor Keon: Call the roll.

Commissioner Lago: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Vice Mayor Keon: Yes

(Vote: 4-0)

Mayor Valdes-Fauli: Absent

[End: 3:02:00 p.m.]