

**City of Coral Gables City Commission Meeting**  
**Agenda Items F-4, H-3, H-4 and**  
**H-6 thru H-10**  
**March 20, 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**  
**Assistant City Manager, Peter Iglesias**  
**City Attorney, Miriam Ramos**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**

**Public Speaker(s)**

**Raul Mas Canosa**  
**Noel Flasterstein**  
**Abigail Corbett**

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Agenda Items [1:07:12 p.m.]

**F-4:** An Ordinance of the City Commission of Coral Gables, Florida amending Chapter 14, “Businesses,” of the City of Coral Gables Code by creating Article VIII “Firearm Sales,” to provide restrictions on the sale of “Assault Weapons,” with prescribed penalties, providing for repealer provision, severability clause, codification, enforceability and providing for an effective date. (Sponsored by Mayor Valdes-Fauli).

**H-3:** A discussion regarding possible legal challenge to Sec. 790.33, F.S.

**H-4:** A discussion regarding firearms and similar uses in the City’s Zoning Code.

Mayor Valdes-Fauli: Okay. I'd like to call the meeting to order again. And we go to Item F-4.

City Attorney Ramos: Item F-4, Mr. Mayor, is an ordinance of the City Commission of Coral Gables, Florida, amending Chapter 14, "Businesses," of the City of Coral Gables Code by creating Article VIII "Firearm Sales," to provide restrictions on the sale of "Assault Weapons" with prescribed penalties, providing for repealer provision, severability clause, codification, enforceability, and providing for an effective date. Mr. Mayor, before this -- this is a public hearing item. It is on first reading. Before this ordinance is taken up, I need a moment to reiterate my legal opinion that I stated on the record on February 27, during the Commission meeting. Section 790.33 of the Florida Statutes prohibits municipalities from regulating firearms. It preempts the entire field of firearm regulation to the state and it provides a penalty provision. That penalty provision subjects each elected or appointed official that either passes the ordinance or enforces it to be subject to removal from office by the Governor. In addition, they are subject to a \$5,000 fine, which the City cannot pay for this personal liability. Also, the City cannot pay for the defense of any particular elected official. Additionally, any person who files a lawsuit against the City for violating this preemption is entitled to attorney's fees, aside from damages, which are capped at \$100,000 per case. That means that if plaintiffs lined up outside of the City of Coral Gables to file lawsuits against the City, each of those plaintiffs would be entitled to attorney's fees. Much like happens in PIP cases and public records cases, it creates a situation where it makes it every viable for plaintiffs -- for the right or wrong reasons -- to file suit against the City. For that reason, it is my opinion that this ordinance is not legal and I cannot sign it for form and legal sufficiency.

Mayor Valdes-Fauli: Alright.

Vice Mayor Keon: Can I ask a question of the attorney?

Mayor Valdes-Fauli: Yes, go ahead.

Vice Mayor Keon: May I? The -- when you talk about the -- filing for damages, is that part of the statute or is that covered under some other...

City Attorney Ramos: It's all part of the statute under 790.33.

Vice Mayor Keon: It's all a part of the statute, okay.

City Attorney Ramos: Yes.

Mayor Valdes-Fauli: Thank you. At the last Commission meeting, by a vote of 4-0, we decided to propose or to enact an ordinance that would forbid the sale of semi-automatic weapons in the City of Coral Gables, assault weapons. And the City Attorney has drafted an ordinance, which we all have here, defining what these weapons are and a list of 70 or 80 of these weapons, and providing that these cannot be sold in the City of Coral Gables. Now, I'd like to hear from the Commission and see what they -- what the Commission's opinion is, and then I will call the public. Commissioner Quesada...

Commissioner Mena: Does anybody...

Mayor Valdes-Fauli: You want to...

Commissioner Mena: Want to go first?

Mayor Valdes-Fauli: Yeah, go first, yes.

Commissioner Mena: I'm happy to, if you -- but go ahead.

Commissioner Quesada: I'll go first. I have no problem with that. Thank you, Mr. Mayor. So, a few thoughts. So, there -- I have a few legal memorandum -- or memoranda in front of me that I know that I didn't realize so many of us had requested...

Mayor Valdes-Fauli: Yeah.

Commissioner Quesada: Different items to research. So, I found it very helpful, everything that was provided. And just to be clear, those in the audience, you know -- we have -- we were given a litigation history report related to Florida Statute 790.33, an analysis on safety measures for private schools, what the City of Coral Gables can and cannot do under its existing Code and its authority as well, as well as potential litigation options analysis pursuant to an attorney-client privilege provision. And I guess I should be clear about that since I brought it up -- pursuant to Florida Statute 119.071(1)(d)(1).

City Attorney Ramos: Correct. That memo was privileged; the others are not.

Commissioner Quesada: Got it. So, I've gone through all of that and my feeling on this ordinance and what we passed -- I'm more clear on it, and I want to be very clear about this. I am -- you know, I'm -- there are so many more things that I wish we could do, but as I mentioned last time, you know, we're not elected state representatives or state senators and we're not elected at the federal level. There's only so much that we can do. Here's my concern. I want to make sure that our schools are as safe as possible. I want to make sure that we can regulate the sale of weapons to -- within whatever ability that we have. So, I want to make sure - - and we had a Sunshine meeting yesterday and we met with the School Board here yesterday and we had members of staff present as well. We had asked them -- the principal to be here. It's unfortunate that some of them couldn't make it. I know they had -- their schedule's kind of tough in the middle of the week. What ends up happening is I want to make sure coming out of this one of the minimum things is that we have our staff, our police department -- a representative from our police department, our fire department, our zoning and legal go to each

one of the schools and I want to create a best possible safety plan, looking at it from all angles. One thing that came up in the Sunshine meeting yesterday, a specific approach to this is one point of ingress. You know, multiple points of egress is -- could be an issue because if there's a fire, people need to be able to get out safely. So, I want to make sure we implement that and other types of ways to, you know, strengthen school security. During one of our breaks, I found out there was another school shooting in Maryland. It looks like it got dealt with a little bit quicker, but obviously, we're all still finding out what the facts are, but it looks like the school resource officer got to them pretty quickly. Again, just from what I looked at on the web right before we walked back in. So, it's unfortunate -- so, obviously, we've got to be more present. But I just want to make sure -- public schools, there's only so much we can do because it's not our jurisdiction. But at a minimum, private schools, nurseries and other locations where there could be big groups of children, as well as members of the public, I want to see a very visible strategic plan and that we are planning -- and I'm looking over at our Assistant City Managers because they're the tip of the spear to make sure we get this done quickly. This is not something I want to wait six months for. I want it to happen immediately. I want to go to each one of the schools, walk around. We have a schematic and we talk about this is good, this is bad and what we can and can't do with our zoning laws because I want to make sure we legislate this, not just recommendations, but we actually force it. I think that's very important. And that goes to one of the memos that I had asked for from the City Attorney, what we can and can't do, and I think it's important someone from the Legal Department is present so that when the Police Department, Fire Department come up with an idea or a plan, they can say -- I don't want you to be hindered by what you think the liability is. Let the attorneys tell you what it is. And I want you thinking what's the safest situation. So, that's number one. I think it ties into this. Number two, I want to make sure, through our zoning laws, that we provide the most restrictive manner when it comes to the gun laws, with whatever we can under what purview. I know it's going to take more conversation and it's going to take more research, but I just want to make sure, you know -- medical marijuana, we've talked about it a few years ago. There were different ways that we addressed it, where it can, where it can't be. I want to look at it from the same angle, which we haven't done.

City Attorney Ramos: And I do want to state that 790.33 does have an exemption for a zoning ordinance that encompass firearm businesses, along with others. We're looking at how that's been construed and how best we could apply it to move forward.

Commissioner Quesada: Alright. So, and then -- which brings it to -- which brings me to 790.33, and in particular, Section 3(f). So, let me read 3(f) because I think it's important to put it into the record. So, a person or an organization whose membership is adversely affected by an ordinance, regulation, measure, directive, rule, enactment, order or policy promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district or other entity in any court of the state having jurisdiction over any defendant to the suit for declaratory injunctive relief and for actual damages caused by the violation. The court shall award the prevailing plaintiff in any such suit reasonable attorney's fees. So, our City Attorney mentioned this, and it reminds me -- that language reminds me of when a commercial building violates American -- you know, Americans with Disabilities Act, that plaintiff, win/lose, gets attorney's fees. PIP lawsuits that you see that -- Coral Gables Courthouse, you see it all the time. Those lawsuits aren't brought because of the amount in controversy, not the \$200 or \$500 or \$1,000. Attorneys bring them because they get attorney's fees. So, there could be a case or a dispute over \$500 that the auto insurer has to pay \$100,000 in attorney's fees. So, that's problematic. That's very problematic because although, you know, I am not fearful of removal from office or the personal fine of \$5,000, I don't feel comfortable pushing forward with an ordinance that's going to open us up to that kind of financial liability to the City. That's really problematic because what I envision would happen if we pass this on second reading, they'll be a line of plaintiff's attorneys saying, hey, I want to open up a gun shop and I can't open it, so, therefore, I'm suing, and they're going to get attorney's fees 100 percent of the time. That can add up to a lot of money very, very quickly. So, that's my -- unless -- I mean, and I looked at the case law from the legal memo that Commissioner Mena requested on the litigation history, and there really isn't anything directly on point because it hasn't been challenged in this kind of way, that this hasn't happened in the past, so -- I mean, for the non-attorneys, just because there's a

state statute that's been created doesn't necessarily mean a court has looked at it because it hasn't been challenged. And it just so happened that this -- I guess, if we were to move forward and it hasn't really come up this way, but I guess what I'm thinking seems to be consistent with what I've read in the case law that was presented to us.

Commissioner Lago: Commissioner, out of the five memos that we have before us, which one are you on exactly right now?

Commissioner Quesada: It says litigation history of Florida Statute Section 790.33.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Let him finish, yeah.

Commissioner Quesada: Yeah, so -- and just to wrap up -- so -- and actually, if you look at page 5 -- and this is of our privileged memo -- and I don't want to read it out loud, just look at the last page right before the last section. The City Attorney summarizes it pretty well. You know, that being said, you know, I want to be clear for the record -- and I'm really looking at the Marcus vs. Scott case -- it was a circuit court case -- is that, you know, although I would like to perform my official duty and ban the sale of assault weapons, you know, I can't because I'm being prevented by this, and that's why I want to move forward in challenging the constitutionality of the statute. I know other municipalities have done so, or they're discussing moving forward -- again, that was another memo given to us. I want to make sure that we -- I know we've been dealing with Abby Corbett, which we've had, you know, you've -- she's done great work for us in the past. But that's what I'm going to be supporting today and moving forward, and those are my thoughts, unless you guys convince me otherwise.

Mayor Valdes-Fauli: Thank you. Commissioner Mena.

Commissioner Mena: I agree with what you just said. Two of the memos that you referenced were actually requested by me because I wanted to understand the history, and I also wanted to understand what other municipalities locally and throughout the state are doing. Miriam's office provided a pretty comprehensive memo for City of Miramar, Pinecrest, Key Biscayne, Key West, Miami-Dade County, City of Miami, South Miami, Pompano, Aventura, West Palm Beach. All of these cities are taking action, but they're not going as far as this proposed ordinance.

Commissioner Lago: What they're attacking is that preemption language, right?

Commissioner Mena: Right. This is a very frustrating position to be in for the reason that Commissioner Quesada just outlined because we'd like to do something about this -- I would. I shouldn't speak for anybody else. Generally speaking, would love to see the State Legislature, to see our Congress do something about banning these types of weapons. But -- and I said this at the last meeting -- we have to stand for the rule of law in this country, whether we like it or not. That's just the way our democracy and this country is structured. It's what makes this a great country. And when we want to see laws changed, then we need to effectuate change. People need -- if people want to see a different law come out of Tallahassee, then they need to elect the right people to effectuate those laws, but it's not the province of this City Commission to regulate these firearms in this way. And I think the law and the advice, again, that we have from our City Attorney, who I think it's incumbent on us to listen to, her advice is that this ordinance would be invalid and unenforceable, and she does cite to some cases, Commissioner Quesada, National Rifle Association versus City of South Miami, as well as Florida Carry versus University of North Florida, where ordinances of this nature were found to be null and void. And so, as frustrating as this is for me, I just can't stand by and -- I think if we, as a, oftentimes, legislative body are running afoul of the law does not set a good precedent. It's -- you know, we need to be about establishing laws and enforcing laws, among other things, and whether we like it or not, there is a state statute that precludes us from doing this. So, as frustrating as it may be and as much as I would like to see a ban of this nature, I can't support this ordinance moving

forward. I will say I think there's a lot that we can do, and I don't want to focus only on what I believe we can't do. We had a very productive Sunshine meeting yesterday, which I thank Commissioner Lago for organizing with the School Board, talking about the different options we have for adding police at each of our schools in the City. I've placed, on today's agenda, a discussion item about what we can do as far as zoning regulations. The Mayor, at the last meeting, brought up an issue that I was unaware of, frankly, that we had had a zoning ordinance that limited the area where certain types of activities, including, but not limited to, the sale of firearms could take place, which was taken off the books for some reason at some point. I think we can explore putting something like that back on the books. And I've asked Miriam to look into that. That would have to go to the process of Planning and Zoning. It's just a discussion item today. I think we -- Commissioner Keon is sponsoring a variety of resolutions supporting the Sheriff's -- I forget the name of...

Vice Mayor Keon: National...

Commissioner Mena: The National Sheriff's Association.

Vice Mayor Keon: Association...

City Attorney Ramos: Association of Chiefs of Police.

Commissioner Mena: Of Chiefs of Police -- thank you -- which I think are productive, and again, things that we can do to try to effectuate change on this front. But for me, today, this ordinance is a step too far for me and I think it's important that we -- whether we are satisfied with this law or not, that we abide by it.

Mayor Valdes-Fauli: Thank you. Thank you. Commissioner Lago.

Commissioner Lago: Thank you, Commissioner. You know, I want to echo the sentiments of my two colleagues that spoke before me. As a father of two young children -- and I know that you have young children and Commissioner Keon has young grandchildren, this is something that is very important to all of us. And I didn't have the privilege of voting on this issue the first go-around, and I -- you know, I had a family issue that I had to take care of, which bled into this weekend also. And to me, me sitting in this office for four and a half years, I've never had the issue where I've missed a vote of this magnitude, so I'm actually very happy that we got to discuss it in public. So, what I wanted to do was -- I usually speak off the cuff, but I wanted to write some notes down, which I think are very critical because this is not only a City of Coral Gables issue. This is an issue where we need accountability across the board and we're missing that accountability. If it's at the School Board, if it's at the family setting, if it's in Coral Gables, if it's at state, if it's at the federal level, we're missing accountability. And I wanted to just write down my points so I didn't miss anything. And I wanted to first off mention, on behalf of this Commission, our deepest sympathy and heartfelt condolences to the families of the victims of the Parkland mass shooting incident that recently occurred, along with what Commissioner Quesada mentioned. There was another incident today, which I'm not -- we've been here all day, so I don't know the exact information which -- in reference to that shooting -- that school shooting. It is especially concerning and hurtful that this occurred in our own backyard. Although incidents like this are horrific and should not occur, they allow us to reflect on our current system and tell us that whatever system we currently have in place is not working and that we must reevaluate and look at alternatives. Rather than acting rashly and taking drastic measures, it's important for us to reassess the overall picture. I just want to give you a few bits of data, which I think are critical that I've been doing some research on. When you look at the FBI statistics from 2015 and you talk about weapons statistics, you're talking about deaths attributed to rifles to 252 deaths; 1,544 to knives; 437 to blunt objects; 624 to your bare hands. All these are horrific incidents, many of them include children. I think we pass judgment and I think we're quick to blame because it's what's easy to do. We need to take action and find an answer across the board. I really want to -- and I was happy to see and I really wanted to see more action in regards to mental health. In reference to Senate Bill 7026, you saw -- and we

discussed this yesterday at the Sunshine meeting -- \$69,237,000 has been allocated for mental health assistance in the schools. I think that's a drop in the bucket when you talk about how many schools you have in the state of Florida. We need to do more. We need to invest in this part of the school curriculum and encourage students with issues to seek assistance. We cannot be afraid, if we see somebody who needs help, to bring them in, to bring their parents in, to have a serious discussion. Right now, everybody's walking on egg shells. You don't want to insult anybody. You don't want to get into trouble. I think we need to be a little bit more candid with ourselves. We need to change school programming, perhaps, add a course similar to D.A.R.E. drug classes that deals with mental health. Perhaps, raise the age limit to purchase guns, making the qualifications for obtaining a gun more rigorous. I have a concealed weapons permit. I got it two years ago. I still don't own a gun. Why? Because I'm not ready to own a gun, and I don't have a problem admitting that. When I am ready to own a gun and I'm ready to carry that responsibility, I will. For me to get that concealed weapons permit, it took me a rigorous three-month screening process. That was a local review and a state review of my background. My background and my fingerprints are in a database. This is what should be done when a person wants to buy a gun. People need to be held accountable without infringing on a person's Second Amendment rights to bear arms. Let's look at what other states are doing. For example, both Colorado and Connecticut have passed a series of common sense laws with the most important being universal background checks. A federal law standardizing these rules would perhaps be imperative, not perfect, but it would be an answer. We must greatly broaden the list of psychiatric diagnoses prior to gun purchase. Gun crimes and purchases of guns for another individual who is ineligible to own a gun should be severely punished. All gun owners should maintain their guns in secure fashion to reduce the risk of accident or theft. Again, accountability, simple things that we take for granted. How many errors, how many accidents, how many losses of life because we're careless? The 1994 assault weapons ban which expired a decade later did not have much discernable effect on gun violence. Gun crime dropped, but the effect of the assault weapons ban seemed small, and there's not enough data to judge its effects on mass shootings. This is suggestive that it may not be the answer. Earlier this morning, and on Friday and on Thursday, I made several phone calls to a couple of public school teachers and

principals in Coral Gables. And some of the individuals I spoke with offered me some alternatives that we mentioned on Friday when we had that school safety symposium or workshop that I called for, and I was grateful that my colleagues attended. Not only did my colleagues attend, but they took an incredible interest in engaging. I was a little disappointed to see that some of principals were not there, but we were blessed to have our School Board Member Rojas and her staff there. And we talked about issues that are critical; critical to the City of Coral Gables, critical to the safety of our children. We have 11 public schools. Right now, 9 out of the 11 do not have an RCO, a resource officer or do not have a police officer on premise. If you want to deal with crime, I'm not in favor of arming school teachers. I'm in favor of having real deterrents at the front door of the school, similar to what Commissioner Manolo mentioned in the City of Miami. We need to have police officers. We need to have RCOs. But those RCOs are going to take time. Those RCOs are in the budget. It's going to take probably close to a year to bring that to fruition. Another item that we proffered was let's connect -- like other school districts are doing throughout the country -- the CCTV cameras for the schools with the City of Coral Gables. We have our ACM for Public Safety, Frank Fernandez here. We have -- he has done an exceptional job in instituting a CCTV camera program throughout the City. There is no reason why if a crime is being committed or a perpetrator is in a school, why the City of Coral Gables, who is rendering aid via the police, should not be able to pinpoint immediately where that perpetrator is within the school limits. Right now, police officers are running blindly into a school searching that perpetrator. Time is of the essence. We could save lives. I asked, along with my colleagues, that on April 27, the School Board deliver on some sort of plan to have the RCOs or police officers on site and to also find out about the connectivity and not just give the excuse of the fact that, well, you know, it's a legal issue. It's a legal battle. No, we want to connect. We will not abuse that privilege. Your CCTV cameras should be connected with ours. There's no excuses. Don't make it about legal. If it's the children -- if we're really going to do -- and make our children as safe as possible, then make it about the children. We need to thoroughly review the data because I'm weary of violating our Second Amendment right to bear arms and overlook that we may be in the best interest of the citizens. Whatever policies we implement can have a serious effect, and we must

review all potential impacts. In sum, the answer to end gun violence is a multifaceted approach. Like Commissioner Mena mentioned -- I'm also co-sponsoring it because -- the issue of the zoning discussion because I brought it up to our City Attorney. It was in the books in 2011. It was washed away when the rewrite occurred because, obviously, we brought in Merrick Park. Again, that was a mistake on our part, and I think that's -- we should bring that back. We need to be very, very careful about what we do. And just passing a law that has real -- no effect, in my opinion, I think is detrimental to us. We need to take responsibility, and sometimes, it's much easier to just pass a law and then say, hey, we passed a law. We made a statement. We fought preemption before when it's been about plastic bags and polystyrene. I'm willing to fight, like Commissioner Quesada said. Let's fight. Let's fight at the state level. Let's engage attorneys and let's make a statement without forgetting what's important. We should not rush into a ban and adopting legislation that would overlook other solutions that may provide to be more effective. So, as I would have voted the first time, I will vote on this time. I will vote no. And it's not in -- it's not a statement on the Mayor. I have the utmost respect for the Mayor and I understand what he's trying to do, and I commend him for his efforts. He's been exceptional in regards to his leadership and his ability. But I believe that we need to not hide behind a vote. We need to hold people accountable, and we need to hold people accountable starting with ourselves. And I think we made a big statement on Friday, when we had that Sunshine meeting with the School Board, and we asked them for a deadline of April 27 for answers. Because, if we are not careful, six months from now, we'll be having the same discussion. And a year from now, we'll be having the same discussion and there's no resolution in place. And like I mentioned in that meeting -- and I know it's going to cost money -- if the School Board's not willing to give us the RCOs, I'm willing to put police officers. I want to see -- as what Commissioner Mena stated -- about the cost associated with doing that. But if we're seriously considering and contemplating and want a resolution to school safety, then that includes putting somebody there.

Mayor Valdes-Fauli: Thank you. Vice Mayor, your turn.

Vice Mayor Keon: Thank you. I don't think -- this legislation before us is not about -- it is not on issues dealing with issues with mental health, with school safety or anything else. This item is solely, entirely and only looking at do we support this -- the free sale of assault -- military-style assault weapons to the general public in -- under any circumstances, whether it be a -- you know, whether it's a store, whether it's a private transfer, whether it's a gun show, no matter what it is. This question that we're looking at today is solely and entirely the appropriateness of the general public to be able to purchase and use military-style assault weapons. That's all this is and that's the issue. We just finished a legislative session in Tallahassee, where the House bill dealing with this issue of assault weapons wasn't even heard. It went through a Senate bill that was much dismissed, so we can see and we know. The state has already told us that they have no intention of addressing assault weapons. This isn't dealing with people's guns for personal protection. It has nothing to do with a hunter being able to buy a rifle, someone that, for a hobby, goes to a range and shoots, whether someone who has a bird shoot or whatever can't buy a shotgun, nothing. This is only and entirely is an issue of assault weapons. We have seen that we have a state that does not want to regulate assault weapons. These are military-style weapons that are meant to kill and kill rapidly. We honored so many police officers this morning prior to our meeting, and we gave them 20-year -- 25-year pins and, you know, we over and over state our commitment to the well-being and the safety of these officers. These assault weapons can penetrate the vest of every single police officer that we have today. The regular vest that they put on, these weapons can penetrate and they will be killed, you know, so, we put these weapons on the street, put our first responders in extreme danger, extreme danger. These weapons serve no good purpose in the hands of the general public. The military -- they're military weapons. Certainly, they belong in the hands of the military. Certainly, law enforcement could use them, but not the general public. That is all that this issue stands for. Now -- and you know, in addition to, you know, whether we can or can't do anything if we allow this, that's fine. But the Draconian measures included in this statute against anyone, anyone who even speaks to it, are terrible. They are there to create -- to cause fear and to create extraordinary costs to anyone that attempts to ever even disagree with them. Now, can we actually effect a ban on assault weapons by voting on this today? No, because we going to be preempted by the state. But does it give us

standing, go ahead, if they take action against us or they take action in -- with regard to this or they want to use those Draconian methods that are indicated in this statute, does that give us the standing to defend against it? Does that give us better standing or can we...

Commissioner Quesada: But here's...

Vice Mayor Keon: Do it without this?

Commissioner Quesada: So here's...

Mayor Valdes-Fauli: Wait, wait.

Vice Mayor Keon: I'm asking you, as an attorney.

Mayor Valdes-Fauli: Let her finish.

Commissioner Quesada: She's asking a question.

Vice Mayor Keon: I'm asking -- I am.

Commissioner Quesada: She's asking a question.

Vice Mayor Keon: I'm asking you, as attorneys. The three of you at the end are -- we have four attorneys sitting up here. I'm not an attorney.

City Attorney Ramos: It is...

Vice Mayor Keon: So, I'm asking you...

City Attorney Ramos: The belief of the City Attorney's Office...

Vice Mayor Keon: Yes.

City Attorney Ramos: That while standing may be slightly stronger after taking that action, that action is still not the recommended action. We believe that we have standing regardless.

Vice Mayor Keon: Right. It may not be the recommended. Does it give us better standing in taking that...

City Attorney Ramos: Possibly, but we believe that we have standing without it.

Vice Mayor Keon: Based on that ability to have that kind of standing, I would support this because, you know what, I cannot believe that a court of law, an independent judiciary system, would allow that sort of Draconian measure against a group of elected officials over something like an assault weapon to move forward and not over -- I mean, I would -- you know, it's my understanding whatever influence or trade organization that influenced the writing of this particular statute, I would have much more faith in an independent judiciary than I do in the trade organization that is dictating what our Legislature should do with regard to guns. So, I would support it based on that measure. And if you get removed from office, you get removed from office. If I am penalized and have to pay a \$5,000 fine, personally, I'll pay that \$5,000 personally. That's how egregious I find the unwillingness of our elected officials to deal with assault weapons. Nothing else. No other kind of weapons, assault weapons.

Mayor Valdes-Fauli: Thank you. No, no, no, no. Wait, wait, wait. Let's listen to -- from the public now, and I will make a statement later on. Raul Mas, 610 Vilabella Avenue.

Raul Mas Canosa: Good afternoon, Mr. Mayor, Commissioners. Thank you for having me. My name is Raul Mas Canosa. I've lived my entire life in the City of Coral Gables. My first

residence in Coral Gables was at 3111 Coconut Grove Drive. That's now the parking lot for Coral Gables Hospital. And I now reside at 610 Vilabella Avenue, within the City of Coral Gables. I'm a gun owner. I've been a gun owner practically my entire life, from age 15 onwards. At age 18, in 1975, when I graduated from Belen Jesuit High School -- where these two gentlemen also attended -- I purchased an AR-15, at age 18. It was perfectly legal for me to do so.

Mayor Valdes-Fauli: But you couldn't get a beer, right?

Mr. Mas Canosa: I don't recall where exactly I purchased that.

Commissioner Lago: But he could serve his country, though.

Mr. Mas Canosa: It was a long time ago.

Commissioner Lago: And die in war.

Mayor Valdes-Fauli: Yes, but -- yeah.

Mr. Mas Canosa: For the record, the AR-15 is a semi-automatic weapon that has been sold commercially in the United States since 1964. It is nothing new.

Vice Mayor Keon: Since the Vietnam War, right?

Mr. Mas Canosa: It is a semi-automatic weapon. It is not...

Vice Mayor Keon: That came to us...

Mr. Mas Canosa: It is not -- excuse me.

Vice Mayor Keon: That came to us in the Vietnam War.

Commissioner Mena: Can we let me him speak, please?

Vice Mayor Keon: Yeah, go ahead. No, no, no please.

Mr. Mas Canosa: (INAUDIBLE) speak or is this strictly (INAUDIBLE)?

Vice Mayor Keon: No, no, no, no. No one told you couldn't speak.

Mayor Valdes-Fauli: No, we apologize. Please finish.

Mr. Mas Canosa: So, please. So, the terminology assault weapons is completely erroneous. And the technical definition of an assault weapon is a selective fire weapon firing an intermediate sized cartridge that has the ability to fire fully automatically. An AR-15 is not capable of full automatic fire. Now, you folks are also banning fully automatic weapons, as well as semi-automatic weapons, okay. Semi-automatic weapon technology has been available in the United States since 1906, so this is nothing new. The AR-15 has been in legal circulation since 1964. It is estimated that there are at least 15 million AR-15s already legally owned in the United States. The Pew Research Center and the Congressional Research Service estimate that there's 300 million firearms in the United States circulating legally today, of which approximately 60 million are semi-automatic weapons of the type that you pretend to ban under this ordinance. I'm not going to get into debate with you folks over the Second Amendment because we'll be here all day long, and I don't want to bore your time and I -- it's a waste of time, quite frankly, from my perspective as well. But I do want to address a few things that Frank Quesada said. Frank, you're not going to have to wait for that second hearing. I brought my attorney with me, okay, and there's also two gentlemen in here who are willing to join the lawsuit who are gun owners and residents of Coral Gables. And if you pass this ordinance, I

will, in fact, sue the City of Coral Gables, as will Florida Carry, which is named in one of those lawsuits, okay. We are also talking to the NRA, and, in fact, to Stephen Halbrook, who led that lawsuit against the City of South Miami and won it successfully. We're consulting with all of them. My attorney's right here. He is a firearms attorney. That's all he does for a living. And I'm here to tell you that if you pass this law, we will sue you. Chances are, as your own City Attorney has told you, is we will win and you will end up paying not just your attorney's fees, but you'll be paying our plaintiff's fees as well. If you want to regulate firearms, then, ma'am, go right ahead and run for the state senate. Run for the House of Representatives, as has been suggested, but that is not your job, as a municipal officer, to pass laws restricting the sale of firearms in the City of Coral Gables. That has been reserved exclusively for the Florida Legislature. So, if you want to take those issues up, I invite you to run for office and do exactly that. I have no objections to your challenging the constitutionality of the preemption statute. You guys can do that. That was a legal avenue that was available to you and that was discussed at length at your February 27 hearing.

Mayor Valdes-Fauli: Sir, sir, lower your voice a little.

Mr. Mas Canosa: At your February 27 hearing...

Mayor Valdes-Fauli: (INAUDIBLE), please.

Mr. Mas Canosa: That was discussed. You chose not to take that option. You chose, at that February 27 meeting, to basically thumb your nose at Florida law and go through with this proposed ordinance. And I'm here to tell you, you're not going to need a second hearing because, if you pass this on the first hearing, you intend to go through with this, okay, I am definitely going to come after you and so is Florida Carry and a lot of other people that have signed on to challenge this, okay. It's not your purview. It's not what you should be doing as elected municipal officials. There is a very narrow window of what you can do under the Florida Statutes, and it refers to the zoning. And it basically says that you can sue gun shops -- just the

same -- you know, providing that you're not excluding -- or you're not singling them out. Read that very carefully. Because, if you basically say, hey, all retail stores have to be in this area -- but now you're saying, all retail stores, except gun shops, you know, they've got to be someplace else. That's discriminatory. You can't do that under the Florida state statutes. Not some other legislation. That's under this statute as well. So, think about that very carefully.

Mayor Valdes-Fauli: Thank you, sir. Oh, you're not finished?

Mr. Mas Canosa: One more thing...

Mayor Valdes-Fauli: One more.

Mr. Mas Canosa: I have to say. It's very important. So, in addition to 790.33, you will affect me personally. I have a collection of semi-automatic weapons. I've had them for a number of years. They're worth an awful lot of money. I contacted this attorney in part because I have every intention of setting up a business to sell firearms in the City of Coral Gables for perfectly valid reasons. And if you pass this ordinance, you will adversely affect me as an individual and my ability to conduct business as a federal firearms dealer in the City of Coral Gables. I was a federal firearms licensed dealer in the past and I intend to renew that license at the earliest possible opportunity. If you pass this ordinance, you will, in fact, affect me and I will have standing to sue you can collect plaintiff's fees as well. So, that's what I have to say, ladies and gentlemen. One last thing. You're talking about banning the AR-15. And I don't know, Ms. Keon, when was the last time you were in a gun store. But let me tell you, if you walk into any gun store in America, here or anyplace else, you will, to your shock and horror, find that 80 percent of the weapons being sold in any gun store in America today are semi-automatic weapons of the type that you're proposing to ban, okay. The AR-15 rifle is, by far and away, the most popular weapon in America today. So, when you say you're going to only ban assault weapons, that this is not going to affect anybody, it's a lie.

Vice Mayor Keon: I didn't say that.

Mr. Mas Canosa: Because this is the most popular weapon in America, the AR-15 rifle. That is not in dispute. I've been shooting competitively my entire life. I go to the national matches in Camp Perry. I've been to international shooting competitions in Canada and elsewhere. We see AR-15s on the firing line all the time, okay. These are weapons that are in common use -- for those of you that are attorneys, okay, and you've looked at Heller and you've looked at McDonald, you will see that the firearms that are protected are what are called firearms in common use. So, if the AR-15 is the most popular rifle in America today...

Mayor Valdes-Fauli: Please conclude.

Mr. Mas Canosa: What does that mean in terms of common use?

Mayor Valdes-Fauli: Thank you, Mr. Mas.

Mr. Mas Canosa: So, those are my comments. My attorney's here. He'd like to speak as well.

Mayor Valdes-Fauli: Thank you. I would like to call Noel Flasterstein.

Noel Flasterstein: Esteemed Commission, thank you. A couple of things I noticed, I was shocked that you actually let the public freely speak. Normally, when I've been to Commission meetings, it's two minutes, three minutes, five minutes. So, I want to applaud you for...

Mayor Valdes-Fauli: You've got five minutes.

(LAUGHTER)

Mr. Flasterstein: Second, I want to applaud the fact that you had the Sunshine meeting and you discussed school safety. Because from my -- you know, we know where I stand, obviously. And I looked at the law that you -- the ordinance that you were proposing and had not Mr. Mas Canosa contacted me, I would have thought this law is meaningless. But he contacted me. He reached my office and discussed what was happening here and said one of the things he wanted to do -- what he was planning to do was opening up a federal -- federal firearm licensing, open a gun store, and you know, sell firearms to his friends and, you know, have a store here. And that was going to be his retirement hobby, and then this came up. And when I looked at this, had he not mentioned that, then this law would be somewhat meaningless but for the fact that it's affecting him and his right and how he wants to conduct his retirement, even though it would be operating a store, a gun store, an FFL. Because it doesn't ban the private sale of AR-15s, so if you pass this ordinance, I could buy an AR-15 from him privately, not be subject to the background checks. It doesn't ban the ownership, so it has no impact -- and I've had some things that I was kind of shocked. I was expecting a sentiment, an emotion to rule the day, but what I've heard from the Commissioners up here was rule of law. And like it or not, we've got to deal -- and I know attorneys -- as an attorney, there's nothing we like better when there's a judge who may disagree with what the law provides, but they enforce it because that's what they're required to do. Now, given you have a proposed meaningless ordinance, but I can understand where it was coming from. You know, this is a tragic thing that happened in Parkland. But denying Mr. Mas Canosa and the other residents or potential business owners that would want to come into Coral Gables to open a business would not have stopped what would have happened. It won't make any impact on it. And all that it would serve to do is punish the innocent, the law-abiding. Because if the AR-15 was banned, murder's banned too. That's against the law and that hasn't stopped these mass shooters. What's the common denominator? Why are schools targets? Because they're gun-free zones to protect our children when, in fact, they have the exact opposite. When I looked at the proposed ordinance, there was mention of Aurora, Colorado. Colorado has a concealed weapon permit law, much like Florida. But they also have a provision where a business can opt out. So, for example, here locally, Publix can say no concealed carry, and they're within their right to do that. In Aurora, the theater selected opted

out. That would-be crazed -- no, it wasn't would-be. That crazed person selected a target where he would know he'd have the least resistance and could effect the most damage. So, what I also heard up, which surprised me, is instead of wasting our money, time, effort and energy on litigation that would be costly and probably most likely we could lose -- it would benefit me -- but instead of putting resources into that, what I heard from the Commission up here is let's look into our schools. How do we prevent this? Look, AR-15s have been here, but we didn't always have school shootings. And unfortunately, what happened in Parkland, if anything, that's an argument for an expansion of the Second Amendment, not for a restriction, because we had police officers there that didn't engage. Parkland, my understanding, did. And we also had this person who was brought to law enforcement 39, 40 times, apparently, and nothing was done; FBI, twice. So, instead of spending our resources on proposing an ordinance that we will challenge, let's put it in something productive and useful. What's really going to protect our schools? Because like many of the board members here, I'm sure you have children or you had -- your children are grown now. I'm a late starter, so I got little ones, and this plays into my mind, but I am a gun owner and I do well on the AR-15. We need to put our -- and I would ask that -- it looks to me, from what I've heard, that instead of wasting the time in the ordinance, that the Commission take the resources and what you do have and let's protect those schools, getting those resource officers there. Because if I'm a would-be crazed killer, we don't go to the -- you don't hear about it happening in malls often. You definitely don't hear about it happening in courthouses, where emotions are high. You don't hear about mass shootings there. You know why you don't, because they're well protected. You don't hear about it in malls so often. I mean, they happen and they have them, but very rarely do you hear about the crazy person going to the mall and doing carnage, damage. It's because he doesn't know who's armed, who's got a concealed weapon permit.

Mayor Valdes-Fauli: Thank you, sir.

Mr. Flasterstein: I thank you for your time. It sounds to me as though the Commission's moving in the right direction. I hope you do move into the right direction and think about what you can do and spending resources productively, instead of unproductively. Thank you.

Mayor Valdes-Fauli: Thank you. I'd like to conclude with my comments, and then I'll entertain a motion. Yes, we live in under the rule of law. I'm a lawyer. I've been a lawyer for many years and -- but some of the biggest improvements, some of the biggest steps taken in this country have been based on civil disobedience. I'm talking about integration. I'm talking about Rosa Parks. We're not going to the back of the -- blacks, African-Americans. They're not going -- as they were called then. African-Americans are not going to the back of the bus anymore because of Rosa Parks, and she violated the law. Blacks, as they were called then, African-Americans, are sitting in counters. They go to restaurants. They use the same bathrooms we use because heroic kids -- and they were kids -- in the '60s disobeyed the law. I think that there is a merit in civil disobedience, and this is one of those steps where our Legislature is cowardly, I think. They are sold to the NRA and it takes cities or individuals or communities, such as ours, to do something. Yes, we need to take measures. You mentioned deaths by knives. Because a person with a knife can kill one person at a time. Here -- 150 in Las Vegas or 50 in Orlando or 17 people, 14 children in Marjory Stoneman Douglass school in Broward County. Mental health is very important, mental health treating, and other measures. And one of those measures has to be to take these instruments of mass destruction, these instruments of war outside of the hands of the public. Those who have them will have them, and they have them, but it is, I think, obscene for a disturbed kid to be able to go and buy one of these weapons, one of these semi-automatic weapons. We have six pages of definitions in our ordinance, so it's not just semi-automatic. We have six pages of definitions, very well-crafted definitions that speak to what we are talking about. To me, this is a matter of dignity. It is a matter of integrity. It is a matter of the safety of our children. It's a matter of doing what we think is right. I think the Legislature -- the legislators who voted for this are prostitutes. The legislators who did this, they really are prostitutes. They sold themselves to the NRA. They refuse to do something. It has to do, maybe, with Citizens United, where there were unlimited contributions by scum such as the

NRA. And we, the City of Coral Gables, in my opinion, have to do something. I would like to make a motion -- and pass the gavel to someone. I would like to make a motion, and if it's seconded, then we'll take a vote.

Commissioner Lago: Well, I mean...

Mayor Valdes-Fauli: No, no. I made a motion. Let's see if there's a second. And if not, it'll die.

Vice Mayor Keon: I'll second your motion.

Mayor Valdes-Fauli: Alright.

Commissioner Lago: It's a motion for discussion, right?

Mayor Valdes-Fauli: Yes, but we've discussed it enough, but...

Vice Mayor Keon: Well, it's a motion...

Mayor Valdes-Fauli: You have the floor, if you want.

City Attorney Ramos: It's a motion...

Vice Mayor Keon: With a first and a second, and now you can discuss.

Commissioner Lago: I mean, again, it's...

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

Vice Mayor Keon: Yes, you can say -- yes, you can discuss.

Commissioner Lago: No, no, let's go. If he wants...

City Attorney Ramos: Commissioner...

Vice Mayor Keon: You can discuss.

City Attorney Ramos: Commissioner, you can certainly speak before the vote is called.

Commissioner Lago: I just...

Vice Mayor Keon: Then we'll call a vote, but you can discuss, yes.

Mayor Valdes-Fauli: Go ahead.

Commissioner Lago: I just think...

Vice Mayor Keon: That's the purpose of discussion.

Commissioner Lago: I think we're just looking at this in a way that -- and the reason why I took my time, the few minutes that I was allotted, to speak about mental health and about schools was because my two colleagues spoke so eloquently in regards to the legal aspects and the ramifications. Again, that's another deterrent for me and a major deterrent because I don't want to be in a legal battle that -- what we should be attacking is preemption. We shouldn't waste our time attacking something, in my opinion, that, again, is fruitless. Now...

Mayor Valdes-Fauli: But we attack preemption by doing this.

Commissioner Lago: But let me explain it to you. Okay, when you talk about assault weapons, the horrific Virginia Tech shooting, which was the biggest and most grandiose shooting in school history, was done with two pistols, was not done with an assault weapon. So, okay, so you ban assault weapons -- yes, it was. I have it right here.

Vice Mayor Keon: But weren't they assault...

Commissioner Lago: I have it right here. No, no, no, no.

Vice Mayor Keon: Weren't they pistols that were...

Commissioner Lago: It was two pistols. It was two pistols. You can read it.

Vice Mayor Keon: Okay. I (INAUDIBLE).

Commissioner Lago: The Virginia Tech shooter who killed 33 students in the deadliest school shooting in history used two pistols, not a rifle, okay. So, I'm telling you this because, okay, great, you want to ban assault weapons, let's ban them. Thirty-three people still would have died in Virginia in the Virginia Tech shooting.

Mayor Valdes-Fauli: Fine.

Commissioner Lago: But it's not fine.

Mayor Valdes-Fauli: And somebody died in the Coral Gables High School with a knife.

Commissioner Lago: But it's not fine. That's what I'm -- again, but we need to address this on a much broader, you know, realm. It can't be just in this vacuum where we're discussing only

assault weapons. It's other major issues. And like you said, there has to be accountability on all fronts. And again, let's take a vote on it. If anybody else has any other comments, I mean...

Commissioner Quesada: Well, there's already a second to vote on it, but Mr. Mayor, I just want to...

Mayor Valdes-Fauli: Yes.

Commissioner Quesada: Address -- I want to be clear about this. I would love to vote for this. I want to vote for this. Paying the \$5,000 doesn't bother me. The risk of being removed from office doesn't bother me. What bothers me and my biggest concern here is opening ourselves up to plaintiff's attorney's fees because, I'm telling you, the PIP lawsuits all work on attorney's fees. The ADA lawsuits all work on attorney's fees. All it takes is, you know, 15 or 20 individuals to apply for a permit to open up a gun shop, we reject them, they sue, and the City, not me, not you, but the City is going to have to pay those attorney's fees, and each one of those cases could be 100 or 200 or \$300,000. Before you know it, we're a few million dollars in the hole.

Vice Mayor Keon: (INAUDIBLE).

Commissioner Quesada: That is the risk that I'm not willing to take for -- on behalf of the residents because I'm not going to do something that's going to be a huge financial damage to the City, even though I would love to do it. But that's why I specifically mentioned that provision, 790.33(3)(f).

Commissioner Mena: That is a major risk. You're right, but...

Mayor Valdes-Fauli: Alright. So, we -- go ahead. I'm sorry.

Commissioner Mena: I think it's about more than just risk versus reward analysis. Again, I can't say this enough. It's the only thing that the two gentlemen who came up and spoke that I agree with them on, which is the rule of law. It is what it is. It's what makes America what it is and what makes this a democracy. I have a very hard time standing by and just ignoring our system of laws. Civil disobedience, with all due respect, is something that has been carried out by citizens of this country and is happening as we speak. Our students from Parkland, people all over the country, marches, that's happening. This is not a bus and this is not students from Parkland. This is an elected body. And if an elected body in the United States of America takes the rule of law and throws it out the window, that's really problematic. I find most of what the two gentlemen said, frankly, abhorrent. I don't agree with you, and that's okay because this is the United States of America and we can disagree. Frankly, listening to much of what you said makes it harder for me to take this position, it really does. It's what's frustrating about this. But again, I cannot ignore the fact that we have a State Legislature whose authority -- I agree with your critical comments about how they've handled this, but it's their authority to legislate these issues. Commissioner Keon, to be a little more specific as to some of your comments about the Draconian measures in the statute, I'm all for challenging the constitutionality of those. I agree with you. I think I have some faith that our court system on the aspects that penalize elected officials would agree with us, and I'm all for following suit with the City of Weston and some of our other local cities, but that's the second part of the equation. The first part of the equation is, pure and simple, preemption, which is a bedrock of the federalist system that we have. And so, there's two different things. So, that's where I am on this. Again, it's very frustrating. I've been thinking about this issue since we left the last meeting, probably nonstop because I hate to be in this position, but it's the position we're in. And I think we have a duty that's greater than our own feelings about this topic to abide by the laws that we have before us and to do whatever we can within the confines of those laws to effectuate change in a positive manner on this topic.

Mayor Valdes-Fauli: Thank you. Will you call the role?

Commissioner Lago: We have a motion on the floor.

Mayor Valdes-Fauli: There's a motion and second.

Commissioner Mena: No.

Commissioner Quesada: No.

Vice Mayor Keon: Yes.

Commissioner Lago: No.

Mayor Valdes-Fauli: Yes.

(Vote: 2-3)

Mayor Valdes-Fauli: Thank you.

Commissioner Quesada: Mr. Mayor, I have a few -- just follow-up motions based on what I stated, if that's alright with you. I would move us to have staff create a school specific safety zoning legislation for our review. That's the first motion.

Vice Mayor Keon: Can I ask you under the state statute that allows schools to be -- you know, to do the -- our zoning doesn't. Does our zoning apply to schools?

Commissioner Quesada: Yes. Our zoning -- we can regulate safety measures through zoning. That was a part of the memorandum that I had asked...

Vice Mayor Keon: We can...

Mayor Valdes-Fauli: We have that here.

City Attorney Ramos: In private schools.

Commissioner Quesada: Yeah. That was given to us.

Vice Mayor Keon: In private schools.

City Attorney Ramos: In private schools.

Vice Mayor Keon: Not in public?

Commissioner Quesada: Private schools, correct.

Vice Mayor Keon: Oh, private schools, okay.

Commissioner Lago: You're talking about private schools.

Commissioner Quesada: I'm talking about...

Vice Mayor Keon: Okay, you're talking about private schools.

Commissioner Quesada: Anything that's not public schools. Anything we have...

Commissioner Lago: Yeah, because that was...

Commissioner Quesada: We can regulate.

Mayor Valdes-Fauli: Yeah, but wait, wait. That's Item H-4. Why don't we -- you want to take it up now?

Commissioner Quesada: Okay, because I just have four that -- based off our conversation...

Vice Mayor Keon: Yes.

Commissioner Quesada: What everyone said...

Vice Mayor Keon: Go ahead.

Commissioner Quesada: Let me just run right through them.

Commissioner Lago: Okay.

Commissioner Quesada: If that's okay with you.

Mayor Valdes-Fauli: Yeah. We'll go to H-4. Go ahead.

Commissioner Quesada: So, then on H-4, that's the motion.

Mayor Valdes-Fauli: No, no, go ahead.

Commissioner Quesada: Oh.

Mayor Valdes-Fauli: Let's take H-4 now.

Commissioner Quesada: Well, then H-4 is to have staff go to the schools and make...

Commissioner Mena: That's not H-4.

Commissioner Quesada: Site-specific safety recommendations to us to legislate. That's it, to come back to us.

City Attorney Ramos: There's another aspect of H-4, which is...

City Manager Swanson-Rivenbark: But H-4 -- I'm sorry.

Mayor Valdes-Fauli: H-4 has to do with zoning, but...

Commissioner Lago: Yeah.

Mayor Valdes-Fauli: Yeah, let's make it a part of this, yes.

City Attorney Ramos: The other aspect of H-4 is to look at our pre-2007 Zoning Code and research whether bringing back the regulations that regulated firearms together with adult uses, pawn shops and others in our industrial district would pass muster under the exemption of 790.33. That's the other angle of H-4.

Commissioner Quesada: Okay, well, it's not my item, H-4.

Commissioner Lago: That was the goal of the discussion that we had -- Commissioner Mena and myself had discussed with the City Attorney.

Commissioner Mena: Right.

Commissioner Lago: And we bundled, so...

Vice Mayor Keon: I think that when that Zoning Code was...

Commissioner Quesada: I'm sorry, I'm sorry. Can you repeat that? The goal was what?

Commissioner Lago: Okay.

Commissioner Quesada: You don't have to rephrase it. I just didn't hear it. I apologize.

Commissioner Lago: Okay. The purpose of H-4 is very simple. It's to -- when you had the zoning rewrite in 2007...

Commissioner Quesada: Yep.

Commissioner Lago: For some reason, it was wiped clean as a result of the industrial area basically transforming into what it is today.

Commissioner Quesada: Yep.

Commissioner Lago: So, for some reason, that was not included in the zoning rewrite. We want to see how we can include, obviously, uses...

Commissioner Quesada: Got it.

Commissioner Lago: Like our City Attorney just mentioned...

Commissioner Quesada: Got it.

Commissioner Lago: And bring that back.

Commissioner Quesada: Okay.

Commissioner Lago: Which would allow us a little bit of more control.

Commissioner Quesada: Perfect. I'm in favor of that.

Vice Mayor Keon: I think that...

City Attorney Ramos: It would be helpful to have a motion on the resolution for site specific recommendations for private schools, and then a separate motion directing the City Attorney's Office to look at zoning angles.

Commissioner Quesada: Okay, so then as to my motion to private schools, so moved.

Commissioner Lago: Can I ask you just -- can I add...

Commissioner Quesada: Yeah, of course.

Commissioner Lago: An amendment to that? Just like what we did on Friday in reference to the public schools, why don't we invite the private schools to the City, that way we have everyone in one room instead of having -- there's a lot of schools in the City of Coral Gables.

Commissioner Quesada: But there's -- I think there's that critical aspect of having our staff going to the schools and analyzing them, so maybe they do that first, then they come back and they listen to their recommendations.

Vice Mayor Keon: Gone to eight.

Commissioner Lago: Eight of them? Okay, perfect. Okay.

Vice Mayor Keon: Can I -- I know that Riviera Presbyterian Preschool called the City could be almost a year ago and Frank Fernandez went out and met with staff and met with them and did a security assessment of the school and gave them...

Commissioner Quesada: Our staff has done a great job.

Vice Mayor Keon: I mean, but they have been doing that, so maybe it is good to codify it.

Commissioner Quesada: Okay, but here's what I want to make sure.

Vice Mayor Keon: But -- yes.

Commissioner Quesada: Here's what I want to make sure. I think staff has done a spectacular job before this happened with Parkland. But I want to make sure that we legislate it so that if there's a new operator in the future, a new school pops up, they have to abide by our Code, you know, and the safety mechanisms are in place.

Commissioner Lago: Are you considering maybe applying what we're applying -- what we're requesting from the School Board. Again, I...

Commissioner Quesada: I'm open to everything.

Commissioner Lago: I'm saying...

Commissioner Quesada: The point is...

Commissioner Lago: Connectivity of the CCTV...

Commissioner Quesada: Everything, everything.

Commissioner Lago: Cameras and all that stuff.

Commissioner Quesada: Everything, yeah.

Commissioner Lago: Okay.

Commissioner Quesada: I want to hear...

City Attorney Ramos: I think, Commissioner Lago...

Commissioner Quesada: The strict as possible solution and then let's see what's reasonable to implement.

Mayor Valdes-Fauli: Make a motion and we'll...

Commissioner Quesada: Yeah, so that's the motion.

City Attorney Ramos: There's a motion. Is there a second?

Commissioner Lago: So moved.

Mayor Valdes-Fauli: Second. No, I can't second. You, second.

Vice Mayor Keon: He second.

City Attorney Ramos: Commissioner Lago...

Vice Mayor Keon: He seconded.

City Attorney Ramos: Seconded.

Commissioner Lago: Yes.

Mayor Valdes-Fauli: Will you call the roll, please?

Commissioner Quesada: Yes.

Vice Mayor Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: H-3, the discussion regarding...

Commissioner Quesada: No, hold on.

City Attorney Ramos: (INAUDIBLE)

Commissioner Quesada: There was a second aspect...

Mayor Valdes-Fauli: Oh, okay.

Commissioner Quesada: As to looking at the zoning in the...

Unidentified Speaker: H-4.

City Attorney Ramos: Looking at the pre-2007...

Unidentified Speaker: 4.

Mayor Valdes-Fauli: H-4.

City Attorney Ramos: Zoning Code and whether we should bring that back and if it -- whether it's under the exemption of 790.33. It would be a resolution directing my office to do so.

Commissioner Quesada: So moved.

Commissioner Lago: Second.

Commissioner Mena: Second.

Commissioner Lago: Commissioner Mena.

Commissioner Mena: Second.

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

Vice Mayor Keon: Can I -- before you do that...

Commissioner Lago: Yeah.

Vice Mayor Keon: We sat on the Planning and Zoning Board -- or I sat on the Planning and Zoning Board when that was done. And what they did was just put a lot of those -- they were considered retail operations as opposed to being separate. So, it wasn't that they were taken out of the Code or disallowed under the Code. They were just considered retail.

Commissioner Mena: Yeah, I think...

Vice Mayor Keon: So, if you want them, you know, to be...

Commissioner Quesada: Bring it back based on...

Vice Mayor Keon: A controlled use or...

Commissioner Quesada: Based on these conversations...

Vice Mayor Keon: Yeah.

Commissioner Quesada: To bring it back and look at it in that light.

Vice Mayor Keon: Whether, you know...

Commissioner Mena: And it is not -- I think, to be clear, it is not just gun stores. It's a variety of different...

City Attorney Ramos: Correct.

Commissioner Mena: Types of stores.

Vice Mayor Keon: Right.

Commissioner Mena: It's very similar to what we had previously on the books.

City Attorney Ramos: Correct.

Commissioner Mena: Which we believe fall squarely within the exemptions of the statute.

City Attorney Ramos: Correct. Commissioner Lago, regarding your two school items...

Commissioner Lago: Yes.

City Attorney Ramos: I believe they're reporting back to us on April 24.

Commissioner Lago: April 24, 27?

City Attorney Ramos: The second meeting.

Commissioner Lago: Yes.

City Attorney Ramos: So, we should hold off until then to move those forward.

Commissioner Lago: Yeah. I don't have an issue with it. It's fine, but I...

City Attorney Ramos: I believe that we're doing -- staff is doing some research as to connectivity of -- the ability to connect, number one; and number two, a budget, which Commissioner Mena asked for at the workshop on Monday.

Commissioner Lago: And I'd like to make sure that...

City Attorney Ramos: For the police officers.

Commissioner Lago: Maybe it should go through the City Manager's Office. Maybe we can follow up with it maybe in about a week, not wait until the day before and say, hey, where's our memo, as requested, and make sure that they're aware that they're supposed to not only provide a memo, but they're also supposed to come to the Commission and present their findings and what their plan of action is in regards to the City of Coral Gables. One of the questions was when are they going to deliver on the RCOs.

Commissioner Quesada: What's an RCO?

Vice Mayor Keon: What's an RCO?

Unidentified Speaker: School...

City Attorney Ramos: The school resource officer.

Commissioner Lago: Resource officer.

City Attorney Ramos: How long does it take them...

Commissioner Lago: SRO. Sorry, SRO.

City Attorney Ramos: How long it would take them, and then we would look at how much the additional eight or nine officers would cost.

Commissioner Quesada: Perfect.

Commissioner Lago: Because right now you have nine schools that are bare.

Commissioner Mena: The shooting -- the shooter in Maryland today was shot by an SRO at the school.

Commissioner Lago: Yeah.

Mayor Valdes-Fauli: Alright.

Commissioner Mena: Today.

Commissioner Lago: So, imagine -- again, I haven't read the full breakdown of what happened today, but thank God he was armed.

Commissioner Mena: Yeah.

Commissioner Quesada: So, then the motion that has been seconded...

Vice Mayor Keon: Call the roll.

Commissioner Quesada: Is on the analysis of the 2007 Zoning Code.

Commissioner Lago: Zoning Code.

Vice Mayor Keon: Yes.

City Attorney Ramos: Bringing it back.

Commissioner Quesada: And to look at it again based on the discussions we've had today.

City Attorney Ramos: Right.

Commissioner Mena: And it has to go through P&Z and come back to us.

Commissioner Quesada: Correct.

City Attorney Ramos: Correct.

Mayor Valdes-Fauli: Alright.

Vice Mayor Keon: Call the roll.

Mayor Valdes-Fauli: Call the roll.

Vice Mayor Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: H...

Commissioner Quesada: I had just two more motions on this.

Mayor Valdes-Fauli: Yeah, go ahead.

Commissioner Quesada: The third motion -- and this goes to H-3.

Mayor Valdes-Fauli: That's what I was going to call for.

Commissioner Quesada: Yeah. So, I am going to move this dais to institute a lawsuit to challenge the constitutionality of Florida Statute 790.33 as we, as the officials, are being prevented from doing our elected office -- in carrying out the duties of our elected office with threat of personal liability.

Commissioner Lago: So moved.

Commissioner Mena: To be -- yeah, just to clarify...

Commissioner Quesada: Yeah.

Commissioner Mena: I'll second.

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Mena: Just as a point of clarification, I think the idea -- I just want to make sure I'm clear on what you're suggesting is to collaborate with the City of Weston and they had -- their City Attorney, which is Weiss Serota, basically.

Commissioner Quesada: Yes. However...

City Attorney Ramos: Well, they are...

Commissioner Quesada: Let me clarify. Yes, monitor, but I want our own counsel. I don't want to piggyback on them. We've typically left our City Attorney to be the one to decide who we use as counsel in these cases, but I strongly encourage her to use Abby Corbett.

City Attorney Ramos: So, my recommendation is that so far, the City of Weston, South Miami, Miramar, Pompano Beach, Miami Gardens, Pinecrest and Miami Beach have all joined the Weiss Serota lawsuit. However, Miami Beach is having a parallel lawsuit, essentially, but they're collaborating with Weiss Serota. The recommendation of my office is for us to do the same thing. And the counsel I've chosen to do that on our behalf is Abby Corbett, who's present, and she's available to speak, if you all want to hear from her.

Commissioner Lago: Let's follow that route.

Commissioner Quesada: So, hold on...

Mayor Valdes-Fauli: Let's do that.

Commissioner Quesada: Just a procedural question. The Miami Beach -- do they have a separate lawsuit that's been consolidated or...

City Attorney Ramos: I'm going to ask...

Commissioner Quesada: Is it the same lawsuit, different counsel?

City Attorney Ramos: I'm going to ask Ms. Corbett to speak to that.

Abigail Corbett: Hi.

Commissioner Mena: Hi.

Commissioner Lago: How are you?

Ms. Corbett: Abby Corbett...

Commissioner Quesada: It sounds almost like an MDL.

Ms. Corbett: Right. None of the lawsuit's been filed yet. None of the...

Commissioner Quesada: Got it.

Ms. Corbett: Been filed yet. And you're right, there's no existing case that's directly on point, although the Marcus v. Scott case came pretty close to challenge -- did challenge the penalty provisions. And in fact, the circuit court struck down the removal by the Governor provision on

state constitutional grounds, so we think we have a very good argument for the same reasons. The rest of the penalty provision was not taken up for reasons I won't bore you with. But to answer your original question, there are a number of cities that have already stated that they're going to join a joint suit and there are many more that are actively considering it today, yesterday, tomorrow.

Commissioner Quesada: Got it.

Commissioner Lago: Yeah. The list is going to grow.

Commissioner Quesada: I want to make sure we're out in front of it and...

Ms. Corbett: The list is going to grow.

Commissioner Mena: Do we have to make that decision now? Like whether it's separate or joining or...

Commissioner Quesada: Well, I think the point is, let's get ours filed and then we can figure that out.

City Attorney Ramos: Can you explain what Miami Beach is doing exactly?

Commissioner Quesada: Because we can either consolidate...

Ms. Corbett: Yeah, I can't really speak...

Commissioner Mena: Yeah, but we can combine efforts.

Ms. Corbett: Very clearly as to what Miami Beach is doing. But basically, the general landscape is that there's going to be a joint suit, but that doesn't mean that the individual cities can't have their own separate counsel.

Commissioner Quesada: So...

Ms. Corbett: Weiss Serota happens to represent a number of...

Commissioner Quesada: Here's what I want -- an amendment to our motion. Speak to the other cities. Come up with what you think the best approach for us to take is, and then just advise us...

Ms. Corbett: Absolutely.

Commissioner Quesada: Before you file.

Ms. Corbett: We're already in very close contact with...

Commissioner Lago: So, you...

Ms. Corbett: Jimmy (INAUDIBLE).

Commissioner Lago: So, you -- so, Abby's in a complementary role to that lawsuit to Weiss, or she's just advising us?

City Attorney Ramos: So, I think -- I mean...

Commissioner Quesada: She's representing us.

Commissioner Lago: Okay, perfect.

Commissioner Quesada: Yeah.

City Attorney Ramos: And I already have my recommendation. My recommendation is to join that lawsuit because I think there's a benefit to having numbers, to having...

Commissioner Quesada: Got it.

City Attorney Ramos: A bunch of cities together, but that we maintain our own counsel. And if we, for example, disagree with a particular strategy or a particular motion, we can file our own. Abby, correct me...

Commissioner Quesada: Perfect.

City Attorney Ramos: If I'm wrong.

Mayor Valdes-Fauli: Very good.

Ms. Corbett: That's correct. And...

Mayor Valdes-Fauli: Very good.

Commissioner Quesada: Okay. I think that's clear.

Mayor Valdes-Fauli: Thank you.

Commissioner Lago: Thank you.

Ms. Corbett: One important point, the City and I would be representing the City. Also, we'd like to have at least one Commissioner or the Mayor, or it could be all of you, to be a plaintiff as well.

Mayor Valdes-Fauli: I would like to -- yeah.

Ms. Corbett: Because that helps with standing because some of these rights are constitutional rights that you all personally possess.

Commissioner Quesada: I nominate the Mayor.

Commissioner Lago: The Mayor.

Mayor Valdes-Fauli: Thank you.

Ms. Corbett: Wonderful. Thank you.

Vice Mayor Keon: So, do we have to make a recommendation to that, or do we just have to affirm what you said?

City Attorney Ramos: No, it's just a resolution directing my office to proceed with the lawsuit. And then...

Commissioner Quesada: And I think you have...

City Attorney Ramos: I've explained what my recommendation is.

Commissioner Quesada: And I think you have a motion from...

Commissioner Lago: And a second from Commissioner Mena.

Commissioner Quesada: Lago and a second from Mena.

Mayor Valdes-Fauli: Will you call the roll, please?

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Vice Mayor Keon: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Commissioner Quesada: And Mr. Mayor, here's my last motion. The motion is for staff to organize for us a statewide petition to amend Florida's Constitution pursuant to the Florida -- there's some rules and regulations you follow to revise or replace portions of Florida Statute 790.33, to ban the sale, either public or private, of fully and semi-automatic weapons.

Vice Mayor Keon: Thank you. I'll second that.

Commissioner Mena: Wait. I'm not sure I follow what you just suggested.

Commissioner Quesada: Okay, so currently right now, as we heard earlier, you know, right now you can -- it's not assault weapons. It's almost like an amorphous term. I want to be a little bit more specific. But the point is, what we were trying to achieve here in the City of Coral Gables, we're preempted by the state statute. If we get more than 700,000 signatures -- I think is the last time something went on the ballot statewide -- roughly -- I think you got to get seven or eight percent of the previous election's registered voters to sign on the petition, then you can get a

question on a statewide ballot. Now, I'm going to ask the City Attorney's Office -- if this passes -- to confirm the proper procedural process and requirement of it.

City Attorney Ramos: I already researched it, so I have it.

Commissioner Mena: Why don't you put it on the next agenda?

Commissioner Quesada: Huh?

Commissioner Mena: Why don't you put it on the next agenda?

Commissioner Lago: Frank, but let me ask you...

Commissioner Quesada: Because I'm putting it...

Commissioner Mena: It's a week from today.

Commissioner Lago: Why don't you -- if you put it on the next agenda, it's going to be -- you have questions -- you're saying -- is it only sale? What about...

Commissioner Mena: Yeah. I need more information.

Commissioner Lago: It's 15 million...

Vice Mayor Keon: (INAUDIBLE)

Commissioner Quesada: Okay.

Commissioner Lago: I ask you to put it on the next agenda.

Commissioner Quesada: I will -- I want to try to make a motion now, so I'm going to do it now, but I guess I'll make it a little bit more broad.

Commissioner Lago: So...

Commissioner Quesada: For staff to look into the requirements of what it would take for us to start a petition to get a question on the ballot statewide to ban the public and private sale of both fully and semi-automatic weapons in the state of Florida. It would be achieving what we were trying to achieve with the City ordinance. However, because we are preempted, to see if there is that will within the entirety of the state, then it'll make the ballot and it'll pass. And if there isn't, then it won't.

City Attorney Ramos: I will bring a memo to you next meeting.

Mayor Valdes-Fauli: Alright.

Commissioner Quesada: So, do we need -- so, my motion is for staff to take a look into that, but I would like to know if other members of this Commission would like staff to move forward on that analysis.

Vice Mayor Keon: I would.

Commissioner Lago: I mean, I don't feel comfortable moving forward right now. I want to do my own personal research because I mean, it's pretty broad...

Commissioner Quesada: Perfect. Would you like staff to research as well?

Commissioner Lago: Yeah.

Commissioner Quesada: So that we can vote on whether we would push for a petition next meeting or not.

Mayor Valdes-Fauli: I think staff should move forward and, you know, we can do whatever we need to do on our own.

City Attorney Ramos: So, the motion is for us to conduct the research.

Mayor Valdes-Fauli: Right.

Commissioner Quesada: And on the next Commission meeting, I would like to have that question -- I would like you to tell us -- advise on the procedure, and I'm going to ask you to draft a question pursuant to what my intent is for us as a Commission to consider next meeting. Either we'll agree with it in whole, disagree or we'll amend at that meeting.

Mayor Valdes-Fauli: Based on what we have researched on our own.

Commissioner Quesada: Correct. What our staff has researched, what we've researched on our own, and we'll have our...

Mayor Valdes-Fauli: Right.

Commissioner Quesada: A lively discussion next meeting, which is...

Vice Mayor Keon: I'll move it.

Commissioner Quesada: A week from today.

Vice Mayor Keon: I'll move your item.

Mayor Valdes-Fauli: Alright. Is there a second?

Commissioner Quesada: Second.

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

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Vice Mayor Keon: Yes.

Commissioner Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Commissioner Quesada: Mr. Mayor, thank you. No more from me.

Mayor Valdes-Fauli: No? Oh. Items H-6...

City Attorney Ramos: Item H-6 is a resolution...

Mayor Valdes-Fauli: Through H-10, Vice Mayor, these are yours.

Vice Mayor Keon: These are all items -- I'd like Assistant City Manager Frank Fernandez, could you come up for a minute?

City Attorney Ramos: If I might, Item H-6 is a resolution of the City Commission of Coral Gables supporting the Resolution of the International Association of Chiefs of Police, which supports legislation that prohibits the possession or transfer of certain firearm accessories. H-7 is

opposing the conceal carry reciprocity legislation. H-8 is opposing the sale of armor-piercing and tracer ammunition. H-9 is opposing the removal of silencers (suppressors) from the National Firearms Act of 1934. And H-10 is supporting the use of the National Violent Death Reporting System.

Vice Mayor Keon: All of these items are items that have been brought forward by the International Association of Police Chiefs. And our Assistant City Manager is on the board of that organization, and specifically, your role on that board is?

Assistant City Manager Fernandez: Yeah. I've been a member of the AICP since 2000. I sit as the Chairman of the Firearms Committee. And these resolutions have been passed by the committee. And the requirement for the resolution, 29,000 members around the world, around the country actually get to vote on this. So, it's a resolution passed by and supported by the IACP.

Mayor Valdes-Fauli: Mr. City Clerk, can we vote on these every item or does it have to be one by one?

City Clerk Foeman: I would recommend a one by one.

Commissioner Quesada: So moved on H-6.

Mayor Valdes-Fauli: Okay.

Commissioner Mena: Second.

Mayor Valdes-Fauli: All those in favor, say "aye."

The Commission (Collectively): Aye.

Commissioner Quesada: So moved on H-7.

Commissioner Mena: Second.

Mayor Valdes-Fauli: All those in favor?

The Commission (Collectively): Aye.

Commissioner Quesada: So moved on H-8.

Commissioner Mena: Second.

Mayor Valdes-Fauli: All those in favor?

The Commission (Collectively): Aye.

Commissioner Quesada: So moved on H-9.

Commissioner Mena: Second.

Mayor Valdes-Fauli: All those in favor?

The Commission (Collectively): Aye.

Commissioner Quesada: So moved on H-10.

Commissioner Mena: Second.

Mayor Valdes-Fauli: All those in favor?

The Commission (Collectively): Aye.

Vice Mayor Keon: Could we have those, please, would you send them to the Governor or our state and local legislatures?

City Attorney Ramos: Yes, ma'am.

Assistant City Manager Fernandez: Thank you.

Vice Mayor Keon: Legislators. Thank you.

City Attorney Ramos: I'd just like to mention that I received notification that the County Commission did refer our Little Gables annexation application to the PAB, which was the first step in the process. That occurred today at the County Commission meeting.

Mayor Valdes-Fauli: Great, thank you. And I'd like to, before we conclude, say something regarding the Capri meeting this morning. Lot splitting is very controversial. Don't make lot splitting part of any settlement or any compromise or anything like that ever again, please.

City Attorney Ramos: Okay. Can I get further direction from the rest of your colleagues?

Mayor Valdes-Fauli: Huh?

City Attorney Ramos: I'd like to hear from the rest of your colleagues to make sure I have a majority with that direction, sir.

Vice Mayor Keon: Yeah, I don't...

Commissioner Quesada: I'm sorry. You broke up. You want to hear us on what?

City Attorney Ramos: The Mayor asked that...

Mayor Valdes-Fauli: My suggestion that lot splitting not be made a part of any compromise or settlement.

Commissioner Quesada: Agreed.

City Attorney Ramos: And I just wanted to make sure that I had a majority of the Commission with that direction.

Commissioner Quesada: (INAUDIBLE) the procedure gets thrown out the window.

Mayor Valdes-Fauli: Yeah.

Commissioner Quesada: That's part of the compromise is they have to....

Mayor Valdes-Fauli: Don't do it.

Commissioner Quesada: Go through the lot split procedure.

Mayor Valdes-Fauli: I, as Mayor, tell you, don't do it.

Vice Mayor Keon: Right. But we can -- I mean, I would suggest that they go through the lot splitting...

Commissioner Lago: Process.

City Attorney Ramos: Process, sure.

Vice Mayor Keon: Process instead of...

Mayor Valdes-Fauli: But not...

Vice Mayor Keon: Making it as a part...

Mayor Valdes-Fauli: As part of a compromise.

Vice Mayor Keon: Of a compromise.

Commissioner Quesada: Exactly.

Commissioner Lago: That's why I requested for the next Commission meeting, when this comes before us again, I want it from staff, even if it doesn't meet the requirements. I want staff to tell me it doesn't meet the requirements.

Commissioner Mena: I think we need to know what the option is for the garage part of it, if there's (INAUDIBLE)...

Commissioner Lago: Yeah, but that detail...

Commissioner Mena: (INAUDIBLE) gone to...

Commissioner Lago: That detail -- that could be...

Mayor Valdes-Fauli: The option is for them to go...

Commissioner Lago: Negotiated.

Mayor Valdes-Fauli: (INAUDIBLE)

City Attorney Ramos: I don't anticipate bringing the same settlement agreement to you again.

Commissioner Lago: Okay.

Vice Mayor Keon: Thank you.

Mayor Valdes-Fauli: Thank you.

Vice Mayor Keon: Can I ask -- I also would ask of the Manager and staff, related to F-2 that was passed today on the traffic studies, if you could just provide us with the administrative order for that so that I can clearly see what your process is now considering, you know, with this particular piece of legislation; one, so that it can be made available to developers so that they know that we are -- we will name their traffic advisors, but also, to look at how the peer review process is used in this, so it's very clear. So, it can be available to both residents and developers so that everyone knows what the process is now for traffic studies so that it is in writing.

Mayor Valdes-Fauli: Thank you.

Vice Mayor Keon: Thank you.

Mayor Valdes-Fauli: Anything else?

Commissioner Lago: Are we done for the...

Mayor Valdes-Fauli: Meeting adjourned.

Vice Mayor Keon: Oh, I do have one more. I do have one more question.

Mayor Valdes-Fauli: Okay, meeting un-adjourned.

Vice Mayor Keon: I would ask -- can I -- one more.

Mayor Valdes-Fauli: Go ahead, go ahead.

Commissioner Lago: One more.

Vice Mayor Keon: I know that we had -- there's been a long discussion about -- or there had been a plan with -- relating to the study along the redevelopment of South Dixie Highway that hasn't -- seemed not to have moved forward. Do we know why that hasn't moved forward? I thought it was at the request of the community in that area. Is that right? Is there a reason why it hasn't moved forward?

City Manager Swanson-Rivenbark: So, included in our status reports, it shows that we did have a meeting with them in December. We were waiting for them to respond back. They have yet to respond, so this is in reference to the Riviera Neighborhood Association.

Commissioner Lago: You're talking about...

Vice Mayor Keon: Oh, okay.

Commissioner Lago: The US-1 corridor.

Vice Mayor Keon: Yeah, yeah.

Commissioner Lago: We voted to...

Vice Mayor Keon: Okay.

Commissioner Lago: That project -- that study had been shelved, and then we brought it back.

Vice Mayor Keon: Right. But I -- but it's been brought back quite a while ago and they had asked in September -- when did you ask for the -- oh, in December, if they wanted to move forward with it.

City Manager Swanson-Rivenbark: We've had a couple of meetings with them.

Vice Mayor Keon: Yeah. It was my understanding that they weren't ready to move forward or what was the outcome of that -- of your meetings with them?

City Manager Swanson-Rivenbark: I'm pulling it. I know that the Planning Department was waiting to hear back from them. And each time we approached them, I understand that they were not ready yet to gather their thoughts.

Vice Mayor Keon: Okay. If...

City Manager Swanson-Rivenbark: That they were going to work as a neighborhood to bring back some points...

Vice Mayor Keon: They want to work as a neighborhood...

City Manager Swanson-Rivenbark: And that has not happened yet.

Vice Mayor Keon: Okay. If they want to work as a neighborhood first together before they move forward with the study, can we move staff resources to work with the community north of 8<sup>th</sup> Street, between 8<sup>th</sup> and...

Mayor Valdes-Fauli: (INAUDIBLE).

Vice Mayor Keon: Flagler to -- because they are ready to look at some planning initiatives for public improvements in their neighborhood. So, if we could -- instead of having staff just wait, could we move them there and let them start to work with them and come up with some proposals that we can look at so that we have information and whatever available for public improvements for consideration in the next budget process for that area? Because if we start now, we may have some data and whatever for there.

Mayor Valdes-Fauli: Very good.

City Manager Swanson-Rivenbark: So, just as clarification on Commissioner Lago's initiatives, 12/28, staff has continued coordination with residents. RNA representatives have requested more time to finalize internal discussions prior to public meetings. Staff is monitoring this request. Again, they reached out 2/5/2018, met with the RNA president and she requested more time for internal discussions among interested neighbors.

Vice Mayor Keon: Okay, so all I'm asking is that if they're waiting and they need time and they're not ready to move forward with staff, can you move the staff resources to the north so that they can work on...

Commissioner Lago: I don't have an issue at all.

Mayor Valdes-Fauli: Very good.

Commissioner Lago: I don't have an issue with that.

Vice Mayor Keon: Okay.

Commissioner Lago: Can you do me a favor, Madam City Manager? Just notify the residents in Riviera that, again...

Commissioner Mena: The ball's in their court.

Commissioner Lago: Yeah. The ball's in your court and we got to move. We can't continue to sit there and contemplate when they're going to make a move...

Mayor Valdes-Fauli: Okay.

Commissioner Lago: Or make a decision.

Vice Mayor Keon: Do we have a signed contract with DPZ on the commercial zoning code that we talked about?

Mayor Valdes-Fauli: Alright.

City Manager Swanson-Rivenbark: I'll find out. I believe that has been already executed.

Vice Mayor Keon: Okay.

City Manager Swanson-Rivenbark: But let me double-check.

Vice Mayor Keon: Okay, thank you.

Mayor Valdes-Fauli: Alright. Anything else?

Vice Mayor Keon: No.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Thank you.

DRAFT