



To: Carmen Olazabal

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written to the right of the "From:" line.

RE: Legal Opinion Regarding Music Video Information

Date: May 1, 2015

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I have reviewed the matter and discussed with special counsel as well. Pursuant to section 2-201(e)(1) and (8) of the City Code, it is my opinion that the Venetian Pool is a non-public forum. The City administers the pool in its proprietary capacity and charges admission for entrance. The City also advertises the pool to families as a place to bring children, and this advertisement/brand helps the City attract residents and non-residents to the pool. The City is rightfully concerned about any use of the pool that would be inconsistent with its family-oriented theme, as that would undermine the brand it seeks to promote. It is my view that the City therefore has extensive discretion as to whether to allow a company to commercially use the pool, including to create a film or video. The City has the right to consider how such use would affect its branding of Venetian Pool. Here, the proposed use described by the applicant is adult-oriented and expressly indicates that the viewers would be "voyeurs." After reviewing the attached description and application, it is my opinion that City staff has discretion to reject the application as being contrary to how the City would like Venetian Pool portrayed. It is also my understanding that there is a prior precedent for such rejection

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Friday, May 01, 2015 6:56 PM  
**To:** Herbello, Stephanie  
**Cc:** Ramos, Miriam; Figueroa, Yanneris; Chen, Brigette  
**Subject:** FW: Music Video Information  
**Attachments:** Ray J Brown Sugar Summary.docx; Film Permit.pdf

Please place in the opinion folder.

**Craig E. Leen, City Attorney**  
*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)



CORAL GABLES  
1925

*Celebrating 90 years of a dream realized.*

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**From:** Leen, Craig  
**Sent:** Friday, May 01, 2015 6:55 PM  
**To:** Olazabal, Carmen  
**Cc:** Couceyro, Fred; 'Abby Corbett'; Ramos, Miriam  
**Subject:** RE: Music Video Information

I have reviewed the matter and discussed with special counsel as well. Pursuant to section 2-201(e)(1) and (8) of the City Code, it is my opinion that the Venetian Pool is a non-public forum. The City administers the pool in its proprietary capacity and charges admission for entrance. The City also advertises the pool to families as a place to bring children, and this advertisement/brand helps the City attract residents and non-residents to the pool. The City is rightfully concerned about any use of the pool that would be inconsistent with its family-oriented theme, as that would undermine the brand it seeks to promote. It is my view that the City therefore has extensive discretion as to whether to allow a company to commercially use the pool, including to create a film or video. The City has the right to consider how such use would affect its branding of Venetian Pool. Here, the proposed use described by the applicant is adult-oriented and expressly indicates that the viewers would be "voyeurs." After reviewing the attached description and application, it is my opinion that City staff has discretion to reject the application as being contrary to how the City would like Venetian Pool portrayed. It is also my understanding that there is a prior precedent for such rejection.

**Craig E. Leen, City Attorney**  
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Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)



*Celebrating 90 years of a dream realized.*

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**From:** Olazabal, Carmen  
**Sent:** Friday, May 01, 2015 3:07 PM  
**To:** Leen, Craig  
**Cc:** Couceyro, Fred  
**Subject:** FW: Music Video Information

Craig,

Attached is the film permit application we were discussing. Please review and let us know your opinion.

Thank you,

**Carmen Olazabal, P.E.**

Assistant City Manager for Operations  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Office: (305) 460-5204  
[colazabal@coralgables.com](mailto:colazabal@coralgables.com)



*Celebrating 90 years of a dream realized.*

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**From:** Couceyro, Fred  
**Sent:** Wednesday, April 29, 2015 3:33 PM  
**To:** Olazabal, Carmen  
**Subject:** FW: Music Video Information

Hello Carmen,

Please see the attached film permit request to film at Venetian Pool. The artist in question for this video is Ray J.

**Fred Couceyro, CPRP**  
**Parks and Recreation Director**

City of Coral Gables Parks and Recreation Division  
405 University Drive, Coral Gables, FL 33134  
T: 305.460.5604 • F: 305.460.5639  
<http://www.gablesrecreation.com>

## It Starts In Parks



Coral Gables is proud to be a 2009, 2010 and 2011 Playful City USA Community.

**City of Coral Gables Parks & Recreation Department Mission Statement:**

To enhance the quality of life for residents and guests of all ages through recreational opportunities and facilities that create memorable life experiences.

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**From:** Vester, Carolina  
**Sent:** Wednesday, April 29, 2015 2:03 PM  
**To:** Couceyro, Fred  
**Cc:** Vilar, Jose; Espino, Sarah  
**Subject:** FW: Music Video Information

Fred,

I have received a request to shoot a daytime music video at the Venetian Pool at some point with in the next two weeks. They are willing to schedule it on a Monday so as not to disturb operations and are willing to pay any additional fees. I have asked her for a summary of the shoot which I have attached in this email. Please let me know how you would like me to handle this request or if you need any additional information from them.

Thank you,

**Carolina Vester, AFO**  
**Venetian Pool Aquatics Supervisor**  
City of Coral Gables Venetian Pool  
2701 De Soto Blvd. Coral Gables, FL 33134  
T: 305.460.5344 • F: 305.774.7031

## It Starts In Parks

[www.venetianpool.com](http://www.venetianpool.com)



CORAL GABLES  
THE CITY & MUSEUM

*Celebrating 90 years of a dream realized.*

**From:** Rachel Berg [<mailto:rachb29@gmail.com>]  
**Sent:** Wednesday, April 29, 2015 1:48 PM  
**To:** Vester, Carolina  
**Subject:** Music Video Information

Attached is additional information on the shoot.

*Lots of Free Love*

Rachel Berg Co- Founder of Free Love  
C: (561) 350-8216

[FreeLoveFashion](#)

[Kottonzoo.com/FreeLoveFashion](http://Kottonzoo.com/FreeLoveFashion)

[Facebook.com/4REEL0VE](https://Facebook.com/4REEL0VE)

[Instagram.com/FreeLoveFashion](https://Instagram.com/FreeLoveFashion)

Ray J

“Brown Sugar”

Director: R. Malcolm Jones

Dates: 5/11 or 5/18 We are working to have a Monday shoot; So we don't disrupt the Venetian Pool operations.

Time: Daytime

Summary:

Brown Sugar opens at a secluded, vacation tropical oasis in Miami where women of all ethnicities represent their own brand of beauty.

When we first move through the space it feels enchanted, the perfect backdrop for Ray J to have his performance. Spending the day in paradise, the sunshine, fun playful shots in the waterfall, swimming underwater, teases viewers in this voyeuristic adventure. We cut to different locations, beautiful women of different ethnicities black, Latin, caramel, and dark skinned walking a runway, as he delivers the hook the women model behind him modeling in the water creating the backdrop. The sleek, sculpturesque outlines of the models reflections in the water create a look that is a sharp and photographic amongst Ray J's charismatic performance. We're voyeurs here; the vibe is mysterious, intimate while maintaining a crisp, commercial look. The shots feel big and cinematic.

We cut to a shot of Ray J driving off in an expensive vehicle, a Latin woman “brown sugar riding shotgun,” the sun beaming down on him.

FADE TO BLACK



# Film & Photography Permit

PERMIT #: **VP**

LEGAL NAME OF THE PERMIT APPLICANT (COMPANY OR INDIVIDUAL): **Battle Picture LLC** TODAY'S DATE:

CONTACT PERSON FOR THIS PERMIT APPLICATION: **Jai Santiago** CONTACT PERSON PHONE: **305 764 9260** CONTACT PERSON FAX: CONTACT PERSON EMAIL: **quetta.santiago@gmail.com**

PERMIT APPLICATION ADDRESS: **5645 Coral Ridge Dr Suite 258** CITY: **Coral Springs** STATE: **FL** ZIP: **33076**

PERMIT APPLICANT PHONE: **786 877 6271** PERMIT APPLICANT FAX: PERMIT APPLICANT EMAIL: **quetta.santiago@gmail.com**

IS THE CONTACT PERSON AN OFFICER OF THE LEGAL ENTITY?  YES\*  NO\*\*  
\*IF YES, ATTACH VERIFICATION FROM SUNBIZ.ORG.  
\*\*IF NO, GO TO NEXT QUESTION

IS THE CONTACT PERSON AN AUTHORIZED AGENT OF THE APPLICANT?  YES\*  NO  
\*IF YES, CONTACT PERSON (AUTHORIZED AGENT) MUST PROVIDE THE CITY WITH A LIMITED POWER OF ATTORNEY EVIDENCING THAT THEY ARE AUTHORIZED TO EXECUTE LEGALLY BINDING CONTRACTS ON BEHALF OF THE PERMIT APPLICANT.  
IF NO, THEN THIS AGREEMENT MUST BE EXECUTED (SIGNED) BY AN OFFICER OR AUTHORIZED AGENT OF THE LEGAL ENTITY.

CLIENT: **Ray J**

PLEASE PROVIDE A MAP OR PICTURE OF LOCATION SITE FOR CLEAR IDENTIFICATION.

LOCATION 1: **Entire Facility - Venetian Pool**  
NAME: ADDRESS:  
FILM: DATES: NO. OF DAYS: HOURS: START: END:

LOCATION 2:  
NAME: ADDRESS:  
FILM: DATES: NO. OF DAYS: HOURS: START: END:

LOCATION 3:  
NAME: ADDRESS:  
FILM: DATES: NO. OF DAYS: HOURS: START: END:

PRODUCTION TYPE:  STILL  MOTION PICTURE/VIDEO  FILM  MAJOR MOTION PICTURE  
CLASSIFICATION:  COMMERCIAL  INDUSTRIAL  TV  MULTIMEDIA  DOCUMENTARY  
 FEATURE  RESIDENTIAL  STUDENT PROJECT  OTHER

TOTAL PERSONNEL: **60** EST. EXPENDITURES: \$ **TBD**

TOTAL VEHICLES/EQUIP: **TBD** **TBD** **TBD** **TBD** **TBD**  
GENERATORS CARS TRUCKS CATERING VEHICLE VANS OTHER

INSURANCE CARRIER: **TBA**

DESCRIPTION:

PARKING REQUIREMENTS:

SPECIAL EFFECTS:  YES  NO; IF SO, PLEASE LIST ALL THAT APPLY

**Indemnification:**  
For and in consideration of the City of Coral Gables consent to allow the Applicant to conduct any type of filming and/or photography operations, productions and/or shoots within the limits of the City of Coral Gables, the Applicant agrees as follows:

The Permit Applicant jointly and severally, hereby hold harmless, indemnify and defend the City of Coral Gables, its representatives, officers, agents, affiliates, employees, the administration and elected and appointed officials from and against all liability, suits, actions, claims, costs, expenses or demands (including, without limitation, suits, actions, claims, costs, expenses or demands resulting from death, personal injury and property damage) or expenses of every kind and character, including reasonable attorney's fees, costs and appeals, arising or resulting in whole or in part, as a result of any tort, intentional action, negligent acts or omissions on the part of the Permit Applicant or any of the participants of the Event outlined in this application. This indemnification provision shall survive the termination of this contract and shall be in full force and effect beyond the term or termination of this contract, however, terminated. This indemnification provision includes claims made by the entitlement, if any, to immunity under section 440.11, Florida Statutes. Nothing contained herein shall be construed as a waiver of any immunity or limitation of liability the City may have under the doctrine of sovereign immunity of section §768.28, Florida Statutes.

Permittee agrees to all the terms and conditions of this permit, including provisions on the reverse side of this form and any attachments, agrees to obtain prior City approval for deviations from the information provided herein; and understands that failure to comply with these requirements may result in the immediate cancellation of production.

Weather Note: Renewable without fee, if weather conditions are unfavorable for shooting.

APPLICANT/TITLE \_\_\_\_\_ DATE: **4/28/15**

**NOTES:**

Large empty rectangular area for notes.

**OFFICE USE ONLY**

DATE RECEIVED: \_\_\_\_\_ DATE PERMITTED: \_\_\_\_\_

PARKING METER NUMBERS: # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_

HAVE BUSINESS OWNERS AND/OR RESIDENCE BEEN NOTIFIED?  YES  NO SHOT IN THE CITY OF CORAL GABLES?  YES  NO

REVIEWED BY:  POLICE  FIRE  TRAFFIC-ENGINEERING  MAINT. SERVICES  RISK MANAGEMENT  FILM LIAISON

PHOTO FEES: \$ \_\_\_\_\_

420-329-830

APPROVED \_\_\_\_\_

DATE \_\_\_\_\_

TOTAL FEES: \$

TYPE OF PERMIT:

- A. PUBLIC PROPERTY-STILL PHOTOGRAPHY
- B. PUBLIC PROPERTY-MOTION PICTURE/VIDEO
- C. RESIDENTIAL- LARGE STILL/COMMERCIAL/VIDEO
- D. RESIDENTIAL-MAJOR MOTION PICTURE



**◆ THIS COVER SHEET MUST BE PROVIDED WITH ALL INSURANCE DOCUMENTS ◆**

<p align="center"><b>Film Permit</b></p> <p align="center"><b>Cover Sheet</b></p> <p align="center"><b>For</b></p> <p align="center"><b>Evidencing Insurance to the City of Coral Gables</b></p>	<p><b>Legal Name of Permit Applicant (Individual or Company):</b> _____</p> <p><b>Insurance is being submitted for ongoing Filming Operations</b> (circle one): YES or NO</p> <p><b>Insurance is being submitted for a onetime Film Permit</b> (circle one): YES or NO</p> <p><small>(Circle YES next to onetime Film Permit if you do not anticipate performing any film shoots in the City during the next 12 months and this film shoot is a onetime event).</small></p> <p>Without limiting PERMIT APPLICANT'S indemnification of the CITY, and during the term of this Agreement, PERMIT APPLICANT shall provide and maintain at its own expense the below described programs of insurance. Such programs and evidence of insurance shall be satisfactory to the CITY and shall be primary to and not contributing with any other insurance or self-insurance program maintained by the CITY. Certificates or other evidence of coverage shall be delivered via email, fax or US mail to;</p> <table style="width:100%; margin-top: 20px;"> <tr> <td style="width:50%;"><b>Certificate Holder should read:</b></td> <td style="width:50%;"><b>City of Coral Gables</b></td> </tr> <tr> <td><b>Email address:</b></td> <td><b>Insurance Compliance</b></td> </tr> <tr> <td><u>cityofcoralgables@ebix.com</u></td> <td><b>PO Box 12010 - CE</b></td> </tr> <tr> <td></td> <td><b>Hemet, CA 92546-8010</b></td> </tr> </table> <p>Such certificates or other evidence of coverage shall be delivered prior to commencing performance under this Permit, and shall contain the express condition that the CITY is to be given written notice of at least thirty (30) days in advance of any cancellation, non-renewal or material change of any insurance policy.</p>	<b>Certificate Holder should read:</b>	<b>City of Coral Gables</b>	<b>Email address:</b>	<b>Insurance Compliance</b>	<u>cityofcoralgables@ebix.com</u>	<b>PO Box 12010 - CE</b>		<b>Hemet, CA 92546-8010</b>	
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