

**City of Coral Gables City Commission Meeting
Agenda Item E-7
November 15, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick**

City Staff

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

Public Speaker(s)

Manny Guarch, Special Counsel

Agenda Item E-7 [2:55:19 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida creating Article VIII, under Chapter 14 of the Coral Gables Code prohibiting hourly hotel/motel rentals, providing a repealer, severability, codification, enforceability and providing for an effective date. (Sponsored by Commissioner Lago).

Mayor Cason: E-7, another Ordinance on First Reading.

City Attorney Leen: E-7 is an Ordinance on First Reading. An Ordinance of the City Commission of Coral Gables, Florida creating Article VIII, under Chapter 14 of the Coral Gables Code prohibiting hourly hotel/motel rentals, providing a repealer, severability, codification, enforceability and providing for an effective date. This is sponsored by Commissioner Lago. Before I turn it over to Commissioner Lago and the Deputy City Attorney, I just wanted to say

that to some extent this relates to the prior ordinance too, because one way that this can be enforced is through cease and desist letters, but what this ordinance does is it focuses on the motels often on 8th Street and we do have one in the City of Coral Gables, and if we ever go forward with an annexation we may have more, and there are also ones across the street; and what this does is it gives the City tools to make sure (1), that they are not hourly rentals that are being done there, and (2) that there is not human trafficking and prostitution. And so this is a first step and I'm going to turn it over to Commissioner Lago to explain his vision on this, but this will be a first step for the City being able to vigorously have all these tools to use to enforce our laws. I want to be clear, our Police Department, because I've learned about this, our Police Department already does an excellent job along 8th Street on our side, I want to be clear about that; and when we raised the fact that there was one motel on our side that was doing these hourly rentals, they took care of it and they addressed it and we sent a cease and desist letter too. So this is additional tools, so that we can go after and focus on 8th Street and try to clean that up on both sides frankly. So with that I'll turn it over to Commissioner Lago.

Commissioner Lago: Thank you Craig. I came up with a concept of presenting this ordinance and I had the pleasure of working with Miriam and Craig on this, and it was due to the simple fact that I went undercover on four instances with the City of Miami Police and I really got to encounter what's going on, on the other side of 8th Street and it's something that we sometimes don't really talk about, but there is a completely different world where prostitution exist, drug use exist, like Craig mentioned human trafficking, and I was caught off guard by the fact that we actually have one motel in the City of Coral Gables that was entertaining or was, I wouldn't say fulltime, maybe we can clarify that Mayor, I'm not sure if the Police is here, Mr. Fernandez or the Chief, but they can give us more information, but we actually did find that they were involved in hourly rates, which is in complete contrast to what the City of Coral Gables stands for, and it's something that I wanted to bring to your attention, because that's something that we are allowing one motel to embark on, and I want to make sure that we cut that immediately, and that if we do approve this ordinance today, I wanted to extend this ordinance and possibly present it to the City of Miami, because I was taken aback by the fact that less than 30 feet away from the City Beautiful you have a lot of activities that we would never allow in our own City, a lot of seedy activity, and when you see the women that are involved in this, especially with your, I don't know if this is the appropriate word, but pimps that are out there human trafficking and prostitution it tugs at your heartstrings that's happening less than 30 feet away where there is a residential neighborhood in the City of Coral Gables; and the four encounters that I had undercover stings with a Major in the City of Miami, we actually arrested several prostitutes and "Johns," they had illegal weapons on them and they also had drug paraphernalia and actual prescription drugs, and actual different types of narcotics on them. So again, it's a simple ordinance, we really don't have the issues that the City of Miami has, but we have one example

and I want to make sure that we put this in the books that if any hotel or motel considers potentially embarking on this they know better.

Mayor Cason: Any public speaker cards?

City Clerk Foeman: No Mr. Mayor.

Commissioner Lago: Can you give a little more clarification?

Deputy City Attorney Ramos: Sure. On the particular motel that you were talking about sir, Police had discovered that there were hourly rentals occurring there. So we issued a cease and desist letter, because it does in fact violate our Zoning Code and there is a City Attorney opinion that states that it's in violation of our Zoning Code already, and so the cease and desist letter cited that provision and then gave them a very short period of time to comply, an undercover officer then went to the motel and they were no longer doing it at that time.

Commissioner Lago: With a fine since we changed the Code would now a first time offense being \$15,000, correct?

Deputy City Attorney Ramos: So now what we are doing is we are codifying into our City Code what already exist in our Zoning Code, which wouldn't necessarily have fines of that nature; and so what it does is two things, (1) it really places the onus on the employee that works kind of at the front desk there as well, so if the employee that's there accepts payment for one hour then we would first issue a warning and then the person would be subject to arrest or \$500.00 fine; and then of course to the owner or operator again, the first time would be a warning, the second a \$1,000 fine, and the third a \$5,000 fine, but more importantly, and we work closely with the Assistant City Manager Mr. Iglesias on this, a revocation of the Certificate of Use.

City Attorney Leen: Yes. We worked with Mr. Iglesias on that and with Director Fernandez on the \$500 or 60 days in jail for the person that's at the desk.

Deputy City Attorney Ramos: Correct.

City Attorney Leen: And then tell them about number three.

Deputy City Attorney Ramos: And then of course if we are able to prove, if we are able to link that any individual in the business is found to help facilitate prostitution, human trafficking, drug use, or any other illegal activity, then it's a \$15,000 fine, because we consider it to be irreparable.

And so this really gives a hammer to our Police Department, and to us as well when we issue our cease and desist letters to get this behavior to stop.

City Attorney Leen: Two other edits. I took a close look at this again yesterday and I just had two additional edits I think will help us. Where it says, 14-230(a) Hourly Rentals Prohibited, I would like it to just say it is illegal to rent hotel/motel rooms on an hourly basis, remove within the City of Coral Gables any ordinance we adopt applies in the City of Coral Gables that there are times, and we did this with the mosquito ordinance where you can apply it outside if the harm is being felt inside, so I would just like that removed. In addition, and that's what we did in the mosquito case, we just didn't reference the geographical location. Number two, (D) Injunction, I would like to add an injunctive remedy. I wanted to say that the City Attorney is authorized to file a civil action to enforce this article, and shall be entitled to attorney's fees and cost in doing so; any civil action brought into this section shall be expedited.

Mayor Cason: We close the public hearing. Any more discussion?

Commissioner Keon: In two, under the third is where you – there is a revocation of the Certificate of Use for the business, can you do that in three also?- where it says, any individual or business, founder, facilitator of prostitution, human trafficking...

Deputy City Attorney Ramos: Sure – of course.

Commissioner Keon: How do you feel about that?

Commissioner Lago: I have no issue, it's perfectly fine.

Commissioner Keon: I mean I will pull their use immediately.

Commissioner Lago: To me there isn't anything you can do right now to change this ordinance that is not strong enough in my opinion, because once you've been out there at two or three in the morning and you see how these women are being taken advantage of and its within 30-40 feet from a neighborhood in the North Gables, I have no issues with whatever changes this Commission wants to make to strengthen the ordinance.

Deputy City Attorney Ramos: Another consideration actually was just brought up by Special Counsel who is in the room is the consideration of having it subject to forfeiture.

Mayor Cason: Having what?

Deputy City Attorney Ramos: Having the property subject to forfeiture.

Commissioner Lago: You are sending a direct, direct strong message right there. Listen, I'm with you.

City Attorney Leen: I think we should add that. We have a forfeiture ordinance.

Deputy City Attorney Ramos: Mr. Guarch.

Mr. Guarch: I was speaking with Ms. Throckmorton about it. If the property is used in the commission of a felony, which is human trafficking, if it's subject to FCFA.

Mayor Cason: Already.

Mr. Guarch: Right. You don't necessarily have to authorize it in the ordinance, but it's an important consideration.

Commissioner Lago: But what about prostitution?- because you are saying human trafficking, prostitution...how about drug use, everything?

Mr. Guarch: Right. The defense is depending on the quantity whether there is trafficking going on there or not.

City Attorney Leen: Yes, but I would like to include it anyway, because some of these things are not felonies. For example, if they do an hourly rate that's not a felony, so I think that we should always include the forfeiture in this too, just so we have as many tools as possible.

Mayor Cason: Between now and Second Reading.

Commissioner Lago: And I just also want to make sure that once we have that on Second Reading, I don't know if my colleagues have any other input, but I want to make sure that we disseminate this to our neighboring communities, to all the cities that abut the City of Coral Gables to make sure that they become a partner, because we can pass this law and again, they'll avoid our City, but at the end of the day if they are conducting business, this type of seedy activity within 30-40 feet of our borders. Again, whether they come to commit crimes, whether looking for property, whether looking for valuables, they come to the City of Coral Gables. With your support I'll love to be able to send this to our neighboring communities to hopefully get their buy-in.

Mayor Cason: No problem. Alright, who wants to make a motion on E-7?

Commissioner Keon: I'll move it.

Commissioner Lago: Second.

Mayor Cason: Commissioner Keon makes the motion, Commissioner Lago seconds – City Clerk.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 3:05:20 p.m.]