

**City of Coral Gables City Commission Meeting
Agenda Item F-9
September 28, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

Assistant City Attorney, Gustavo Ceballos

City Clerk, Billy Urquia

Police Chief, Ed Hudak

Parking Director, Kevin Kinney

Public Speaker(s)

Agenda Item F-9 [11:15 a.m.]

A Resolution of the City Commission approving the general form and language of a surface parking lot invoice for Professional Parking Management.

(Lobbyist: N/A)

Mayor Lago: I want to -- F-9.

City Attorney Ramos: F-9 is a resolution of the City Commission approving the general form and language of a surface parking lot invoice for Professional Parking Management.

Mayor Lago: Chief.

Police Chief Hudak: Morning, Mayor, Commissioners. Part of the issues that we're seeing on the street with this -- in this resolution that's before you is the parking companies on private lots have gone into a different direction. Now they use video cameras in and out. There's no ticket on the alleged offender, whether it be private or parking vehicles. You then get a notice in the mail. You have 15 days to pay it, not 30 days, and it's an \$85 fine -- late fee by the time you get it. Depending on how the US mail works, whether you get it in time and to the registered car owner, probably about 75, 80 percent of the times it's an 85 charge. Again, we're -- our recommendation is that we should make people actually put physical tickets as we do as a government on people's cars. We have had several in the Police Department. One of my cars was actually there processing a crime scene and received a ticket through -- while we were processing a crime scene from the company. So, again, I think this has happened -- and it's happened to me personally as well. Some people put meter money in it. But if it's -- there is really no dispute because you're sending it to either Tulsa or Fort Lauderdale. The signs are remarkably similar to our signs, so you really don't know if you're in a City lot or a private lot throughout the City. These two areas that were specific we've talked about before, in the 1500 block of San Remo and another 1400 block garage in Madruga, where it's happened so....

Mayor Lago: Mr. Ceballos, anything else to add?

Assistant City Attorney Ceballos: I think the Chief covered pretty well. I will state this. So, the company has provided us with their new version of their notice. It was all on your agenda item.

Mayor Lago: Okay.

Assistant City Attorney Ceballos: I will state that they did reduce -- if it was 85, they did reduce it to meet our Code, so it is now per our Code, \$45 within the first 30 days. So, you do have -- if it was originally 15, you do have 30 days now, and it will go up to 75. In regards to the current conditions on site, I think they -- I'm going to go ahead and disagree with the Chief. I think there is an excessive amount of signage on that lot. That signage is -- frankly, it's a bit much if you ever park in that lot. My only concern with that particular lot is that they have signage that allows them to charge handicapped stalls with a placard. That would go against our current code.

Mayor Lago: I won't accept that.

Assistant City Attorney Ceballos: So, that will be one of the things I'll have to bring up with the company, but that's not addressing this particular...

Mayor Lago: Okay. I'm going to make an amendment to the resolution, which I'm hoping that one of you will move forward because we have a -- I want to keep moving. We have an 11:30 now coming up. That's unacceptable. If they're not willing to remove that, then we're going to have the same situation that Commissioner -- Vice Mayor Mean and I had to address a few years ago before anybody got on this Commission. I will stop them from doing business here in the City.

Assistant City Attorney Ceballos: If I may, I think that's a separate item, meaning...

Mayor Lago: I'm just telling you.

Assistant City Attorney Ceballos: Agreed.

Mayor Lago: I want you to send a very strong message from the Commission...

Assistant City Attorney Ceballos: Understood.

Mayor Lago: That if they keep going charging disabled individuals, veterans, there's no room for that here in the City of Coral Gables. We will crack down on them, and I will make it very impossible for them to do business here in the City. That is unacceptable.

Vice Mayor Mena: The -- for the benefit of my colleagues who weren't here at the time, we had this discussion about another lot here in downtown over sort of in front of the Colonnade. I forget what the cross street is, but -- where they were basically giving these invoices that look exactly like a parking ticket.

Mayor Lago: Three years ago?

Vice Mayor Mena: About two or three years ago, yeah. And so -- and that's what it looks like, right? At that site, they give it to you, I believe, on your windshield. What I don't -- I don't even like the resolution we came up with on that one, but I sort of compromised because I said it then and I'll say it now. This is like a predatory practice, right? People come in, if you pay on-site -- right? -- it's whatever -- I don't know what it costs. Let's call it -- it costs you \$10 or whatever to park for a couple hours or whatever it is. This is now people come, they park, they leave. They get an invoice in the mail based on a photo for \$35 I think you said?

Assistant City Attorney Ceballos: It's 75, but it's reduced for the initial 30 days...

Vice Mayor Mena: Right.

Assistant City Attorney Ceballos: At 45.

Vice Mayor Mena: It's, you know -- and the biggest problem I have with it, and I had -- when this came up the first time with the other lot, the challenge was that lot had an alley in the back, so

there was ingress and egress both from the front and the back. This does not suffer from that issue. This is a -- this property owner could very easily put a gate and you can't leave unless you pay...

Commissioner Anderson: Right.

Vice Mayor Mena: Just like a parking garage. But...

Mayor Lago: They're hoping...

Vice Mayor Mena: What I suspect it's more lucrative to just fire off invoices for 75 bucks in the mail, and people pay them because they don't -- they almost feel like it's a ticket and they're going to have a problem if they don't pay it. So, I have a tough time with this one.

Police Chief Hudak: So, and part -- and we do. We philosophically disagree on this from an enforcement side. They also have the same payment system that all of our City do. You go in, you put it on your app. You do it, you pay the company, and then you leave, and you don't -- you just don't get a ticket. In Coral Gables, if we get a ticket -- you get a ticket on your windshield, and you know if you have a few minutes left or whatever, or it was done. The catch to this is that with the camera system that they're using, the moment that that tag comes back in, if the bill for some reason did not go to the registered owner of the car, which could have been a company car, something like that, it can get towed or it can get booted as soon as it comes into the parking lot if there's an outstanding bill. So, that's the other part, and that is not our tow company. By this Commission, we regulate downtown, but I think they...

City Attorney Ramos: That may violate our towing and booting ordinance.

Police Chief Hudak: And that's where I think where it's not somebody physically seeing the car and running it. As soon as it comes in, even if the person pays again, if they're in arrears, there's

that extended possibility that that car can get booted because it owes the company. And there's no way for my people to verify that when we get into those disagreements.

Commissioner Anderson: Well, I...

Mayor Lago: So what...

Commissioner Anderson: I agree with Commissioner Mean's statement. I mean, it's -- I think they should have a gate there. I mean, even the language in here is not very clear. Within 30 days, you have to -- it has to be received. And it doesn't say from when. You know, this is -- as an example --dated 8/27, and our postal service is not what it used to be. I sent a priority mail envelope to Atlanta, and it took eight days to get there, so there's problems all over this thing.

Vice Mayor Mena: Yeah.

Mayor Lago: Commissioner, and Vice Mayor, so just to keep the agenda moving, I agree with both of your comments. I'm willing to defer this item to the next agenda.

Vice Mayor Mena: Yeah, I'd like to come back...

Mayor Lago: To make sure we can clean it up a little bit.

Vice Mayor Mena: Yeah, I'd like to come back with some more information about -- and I don't know, maybe you can deal with somebody on Public Works, or with Kevin on this, right? What's the cost associated with...

Mayor Lago: Putting in a gate?

Vice Mayor Mena: A simple gate parking system?

Parking Director Kinney: It actually is relatively inexpensive. And the particular lot we're talking about, I am extremely familiar with. For 10 years, the City ran the lot for the owner. The private companies, what happens is they come in and they offer a big number to the owners and say, "We can make you this much money."

Vice Mayor Mena: Right.

Parking Director Kinney: But they don't explain to people that that means, you know, we're going to use these predatory practices...

Vice Mayor Mena: Yeah.

Parking Director Kinney: To generate revenue.

Vice Mayor Mena: Yeah. I'm -- listen, I'm inclined if the cost is not astronomical -- and I just don't know what the numbers are.

Parking Director Kinney: So, what I would say in the industry...

Vice Mayor Mena: To just say that they need to put a gate.

Parking Director Kinney: Though is the camera systems are becoming very, very popular. In fact, they come and sell them to -- they come and present them to me. And in our situation though, it would always be an officer that's actually going to be there and issuing a citation, so he has the ability to do the double check.

Vice Mayor Mena: If the goal...

Parking Director Kinney: The automated systems with cameras are...

Vice Mayor Mena: If the goal is to get people to pay...

Parking Director Kinney: Yes.

Vice Mayor Mena: To park.

Parking Director Kinney: That's our goal.

Vice Mayor Mena: The gate -- right. The gate solves that problem 100 percent.

Mayor Lago: So, why don't we...

Vice Mayor Mena: If the goal is for this to be a profit center...

Parking Director Kinney: Yeah.

Vice Mayor Mena: Because you're engaging in this predatory practice where you send a ticket for \$75 if it's not paid, then you do what they're doing.

Parking Director Kinney: Absolutely, and we get...

Vice Mayor Mena: And that's my problem. And that was my problem with it last time, but last time, again, it was another challenge because they had the alley in the back.

Mayor Lago: So, why don't we...

Vice Mayor Mena: And so people could go out the alley.

Mayor Lago: So, Vice Mayor, why don't we bring this back and require that the owner install a gate?

City Attorney Ramos: I think the owner should be present or a representative at the next meeting.

Vice Mayor Mena: I agree, I agree.

Mayor Lago: Let's do that.

Vice Mayor Mena: But I want a real cost estimate on what that would cost because that would be...

Parking Director Kinney: Absolutely. I'll give you actual prices.

Vice Mayor Mena: It would be a point of ingress and a point of egress.

Parking Director Kinney: I'll give you actual prices. But I would say that even the City is trying to move away from gated systems because we want no friction for customers, but...

Vice Mayor Mena: So, what would the alternative be then?

Mayor Lago: But there's different -- I'm sorry, Vice Mayor.

Parking Director Kinney: Cameras, license plates.

Mayor Lago: Yeah, but wait, wait, wait, wait, wait, wait, wait.

Parking Director Kinney: But we have people there.

Mayor Lago: But let's take a step back. But let's take a step back. Let's take a step back. This is the government. This is the government. There's a person you could reach. There's a way to resolve the issue. You can come and sit down with the Manager. You can come and sit down with Mr. Kevin Kinney. Once you get these tickets, like the Vice Mayor said, the whole purpose...

Parking Director Kinney: Nobody answers the phone.

Mayor Lago: The whole purpose is to confuse and intimidate people into paying \$75. There is no...

Parking Director Kinney: And the people...

Mayor Lago: There's no accessibility for these individuals. And what happens is a lot of elderly people get caught up in these types of situations, and I know this very well. You want to know why? Because my mother had both of her hips replaced. She had a disability tag. And on 8th Street -- off 8th Street, she parked in one of these locations that looks just like a municipal parking lot, and she parked -- I used the same example last time. And she parked in a handicapped parking space. They came and they booted her car within five minutes. They were waiting in the alley for her.

Parking Director Kinney: Yes.

Mayor Lago: And this is the person who had a, you know, actual -- an aid to help her walk, and my father, who's a physician, was with her. So -- and she pulled out her card and said, "I just had this surgery," you know, please -- they said, "No, no, no. You got to pay. You didn't pay." And they were confused at that point. So, this is predatory, like the Vice Mayor said. I want to bring this back. Let them have their counsel and their representation here. And we're asking, if you

want to conduct business in the City, you've got to adhere to the following standards. It's very simple, and we can discuss this at the next Commission meeting. I want to move forward.

Vice Mayor Mena: Yeah. If you could just report back to us on that, and I could talk to you off...

Parking Director Kinney: Absolutely. And the Mayor's exactly right. They reach out -- even in these cases, they either call Police or they call Parking. And the first thought is, "Why did you do this to us?" And then I have to go through the explanation.

Mayor Lago: Yes. That is just wasting time with staff and taking away from, you know, practices that are, in my opinion, on the up and up versus that are not in the up and up. They're intended to confuse. Yes, Commissioner.

Commissioner Menendez: And I don't want to slow down, you know, the agenda, but I'd like to - after the meeting or -- for the City Attorney to perhaps brief me and anybody else what the City Commission can do when we do identify a business participating in predatory practices.

Mayor Lago: Okay.

Commissioner Menendez: There must be something that we as a City can do.

City Attorney Ramos: We adopted this ordinance and we're enforcing it.

Mayor Lago: Yes.

Commissioner Menendez: Okay, but -- alright. And then there seem to be other issues with the Code with the disabled parking and with the towing, so I think those are other issues that, you know, we've got a big problem on our hands. So, no compromising this time.

Commissioner Fors: By the way, Commissioner Menendez, I don't know if it was mentioned while I stepped out, but if I remember correctly, there's only three lots in the City...

Vice Mayor Mena: Right.

Commissioner Fors: That operate this way, so we're not even talking about a City-wide issue. To the...

Police Chief Hudak: I'm not sure if there's another one on Madruga. The crime scene vehicle got it in a Madruga garage, I believe.

Commissioner Fors: Okay.

Police Chief Hudak: But I think it's three or four.

Commissioner Fors: Okay. To the extent we're going to do anything beyond what we did the last time we took this up, to expedite the process, I don't want to show up here, start doing something and then have to defer because then we want to give an opportunity to the other owner of the similar lots.

Mayor Lago: So, get their ducks in a row.

Commissioner Fors: So, maybe we should...

Commissioner Menendez: Yes.

Unidentified Speaker: Have them all lined up.

Mayor Lago: Alright, so listen...

Parking Director Kinney: There's five lots in the City.

Mayor Lago: Well, let's make sure everybody's aware of what we're going to be discussing.

Assistant City Attorney Ceballos: My only concern is that I think we're talking about two separate items.

Mayor Lago: We are.

Assistant City Attorney Ceballos: One is -- I think you're leading to that -- is how to accept this notice or not accept this notice. Or option two, create an entire amendment to the Code that now requires a different type of parking system.

Mayor Lago: So...

Assistant City Attorney Ceballos: I think it's two different...

Mayor Lago: This is real simple. It's the latter. Let's move forward. Let's clean this up.

Vice Mayor Mena: I'm going to. -- this is a point of, for some reason, personal interest to me, but I will work with Gus and come back with a proposal...

Mayor Lago: Alright.

Vice Mayor Mena: That I think...

Mayor Lago: I need a motion to...

Vice Mayor Mena: Captures what we're talking about.

Mayor Lago: Place the Vice Mayor as the...

Vice Mayor Mena: No, you don't need a motion. I'll just...

Mayor Lago: No, no. I want to do it.

Commissioner Menendez: Motion.

Mayor Lago: Motion. Second? Let's get a vote on this.

Commissioner Anderson: Vote.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Vice Mayor Mena: No. Just kidding, yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: The Vice Mayor is now in charge. He's running point.