

**City of Coral Gables City Commission Meeting
Agenda Item K-1
January 8, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Pat Keon
Commissioner Michael Mena
Commissioner Frank Quesada**

City Staff

**City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Finance Director, Diana Gomez
Parking Director, Kevin Kinney**

Public Speaker(s)

Agenda Item K-1 [11:50:26 a.m.]
Update regarding parking code.

Mayor Valdes-Fauli: Alright, City Attorney items.

City Attorney Ramos: Yes. K-1 is an update regarding the parking code. If you all remember, in May of last year, the City adopted two different ordinances, one setting a number of different parking violations, and two -- as part of our Code of Ordinances -- and two, setting a fine structure for those violations. And the effective date of those ordinances would become whenever we were

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ready to fully migrate away from the County. At the time, all of Miami-Dade County parking goes through the Miami-Dade County Clerk's Office for processing and it's all part of that system. So, since then, I know that the Parking Director's been working on steps to start with the migration. It is a long process. I think we estimated about 18 months. In addition to that, a couple of things have happened that I was asked to bring an update on. The first thing that happened is that the County Commission took up a long-awaited increase in fines. The -- there's many different parking violations, but the most common is an expired parking ticket, and that was traditionally \$18 and it has been probably for decades. In our ordinance where we increased those fines, we increased it to \$25. The County, in their most recent ordinance, which in fact was adopted by the County Commission in October, I believe, raised it to \$36 for a ticket. In addition to that, the County Attorney's Office reached out to our office and sent us essentially an opinion stating that they believe that the migration of parking into the City of Coral Gables and the divorce from the County was illegal and not permissible. In response, I penned, together with every member of my office, an opinion declaring why we believe that it is actually perfectly legal and permissible, under 6.02 of the County Charter, that both of those items have been shared with you in the last few months. So, today I come with two things. One is the Finance Director has put together a new number. So, in May, when this was initially considered, we looked at the then County numbers and the then City numbers. We now have an opportunity to look at the new County numbers versus the City numbers. And in order to hear out from the Commission what our plan is moving forward, given the fact that the numbers are different, together with the fact that we will be in almost surely for a litigation with the County -- I fully expect that when we go ahead and advise them that we will be migrating officially, that we will be probably challenged by the County legally. Again, I feel confident in our legal position. I believe we would prevail, but as we all know, that will take a significant amount of time and money in order to do so. So, with that, I'll turn it over to Ms. Gomez so that she can provide us with the new numbers.

Finance Director Gomez: Good morning. The numbers are updated to reflect the actual transactions for fiscal year 2018, so the counts -- we used the 2018 count numbers. And so, we looked at it using the City's ordinance of \$25 first year as well as ongoing because there's about

\$150,000 of first-year, one-time expenses. So, based on the counts, the revenue -- if we were to do it in-house at \$25 per ticket with all the other rates, as indicated in that ordinance, the revenues would be about \$1.7 million, year one. Expenditures in year one would be -- also be about \$1.7 million. That would be kind of like a wash year; \$6,000 negative, but this is average. We have an existing deficit of about \$450,000 in our current operations based at the \$18. So, based on the fact that we'd be at a wash position, we're actually gaining from a budgetary standpoint because we are currently covering a deficit of \$450,000. So now, it's in the positive, so we would be gaining that -- from a budgetary standpoint. In year two and ongoing, the revenue over expenditures would be about \$140,000. Therefore, the total swing would be about \$595,000. In my analysis, I did reduce it a little bit for change in behavior because if the ticket's going up a little bit more, people might be a little more careful. But at \$25, I only reduced it by 5 percent as an estimate. So, that's where we are if we take it in-house with the \$25. At the County, if the County processing, starting July 2019, when they start processing it, their \$36, which is actually \$32 plus a \$4 surcharge for school crossing guards. So, essentially, it's a \$36 ticket and that's what I based it on. The revenues would be -- to the City would be about 1.6 million -- \$1.65 million. The expenditures would be what they currently are because we wouldn't be processing or doing anything differently, so about \$1.3 million. That would leave a surplus of about \$350,000. Add that to our existing deficit of \$450,000, it gives us a total swing of about \$800,000 to the budget. But at \$36, I did reduce it by 15 percent for behavior just for conservatism because at \$36 people may pay a little more attention. So, it comes up a total swing of \$681,000, roughly, to the positive to the budget.

Mayor Valdes-Fauli: What's your...

Vice Mayor Lago: Do you...

Mayor Valdes-Fauli: Oh, I'm sorry.

Vice Mayor Lago: No, go ahead, Mayor.

Mayor Valdes-Fauli: What's your recommendation, Madam City Attorney?

City Attorney Ramos: I don't have a recommendation, sir. I simply want you to consider -- as I was asked to provide an update -- the numbers given the County's increase, the potential legal challenge. I don't know if the City Manager has anything to add and then direction...

Vice Mayor Lago: I know that we were...

City Attorney Ramos: From the Commission.

Vice Mayor Lago: I know that you're considering \$25 versus the County's \$36, but I also wanted to -- did you work out the numbers for \$36?

Finance Director Gomez: Sure.

Vice Mayor Lago: If we were to move up to the County. Because if we stick with the County, we're going to \$36, so there's no discussion about \$25. So, do you have the numbers...

Finance Director Gomez: Sure, yes.

Vice Mayor Lago: That we would make if we, as a city, stayed -- you know, became autonomous and just went up to the \$36 like every other municipality is going to.

Finance Director Gomez: Sure. So, the year one revenues would be about \$2.5 million. The expenditures would be the \$1.7 million, so there would be a revenue over expenditures of about \$750,000, plus the deficit that currently exists of 450, that's about a \$1.2 million swing to the positive. Let's reduce it by 15 percent. It comes to about just over a million dollars in the first year, and then you would add another \$100,000 -- \$150,000 to that in second -- year two and...

Commissioner Quesada: So, apples to...

Finance Director Gomez: Forth.

Commissioner Quesada: Apples to apples comparison at 36 bucks if we bring it in-house, we make more money?

Finance Director Gomez: Yes.

Vice Mayor Lago: So, let me just tell you really quick because I know that we don't want to -- we've already discussed this and we actually stated that we're all -- as a Commission, we're in favor of this. Any way -- any time that we, as a Commission, as a City can have more autonomy and can get away from the County, I will support it. We have done it with our passport agency. We lead. We have done it with our police and fire. We lead. We have done it with our garbage. We lead. We have done it with our transportation and our trolleys. We are the benchmark when it comes to that. When it comes to recycling, the same thing. When it comes to traffic management, we're on the precipice of probably delivering one of the most -- you know, one of the best, if not formidable traffic maintenance and calming initiatives probably in South Florida once we have that rolled out. So, I really think that moving in that direction not only is going to be financially a win for the City, I just think that we -- and you heard it from Mayor Bermudez before -- we need more and more autonomy from the County. We cannot depend on the County to provide any services that, in my opinion, are worth anything, that really provide any quality. They depend on us.

Mayor Valdes-Fauli: Yeah. I differ with you. I'm very much differing with you in this area.

Vice Mayor Lago: Okay.

Mayor Valdes-Fauli: I am very much in favor of having a say about us bringing things into our City, into our administration. But here, you have a very special situation which involves a court system, ticketing, arbitration or whatever it is. This is the setting up of a huge bureaucracy which is not the case in other municipalities. And it will endanger what we are trying to do and what you rightfully are advocating, which is our going in our own way. We will be challenged by the County so that this doesn't spread to the rest of the County, the other municipalities. And it is, as I hear from our City Attorney, a complicated lawsuit. And it endangers us in losing, and if we lose this one in this issue, we would lose all of the other ability to bring things in-house. So, I am very much afraid of taking this step, creating this -- number one, creating this huge bureaucracy. Two, it will take time to do it. Three, with a raise of up to \$36 in the County, we make money and there's a big swing in our favor. And four, if we do this, I think it would endanger the other things that we are rightfully and we are all rightly trying to do, which is to bring things into our fine City. So, I'm in -- I'm opposed to that.

Vice Mayor Lago: Let me respond to you. And again, I respect all your comments and I think you make a very good point. But in regards to huge bureaucracy, I've sat down with Kevin and I think we would be hiring maybe one additional person or two, at max. And just -- I just -- is that correct or am I far off from that?

Parking Director Kinney: Administratively, it would be an addition of one position, and then we would use our...

Mayor Valdes-Fauli: Yeah, but...

Parking Director Kinney: Our current code appeal...

Vice Mayor Lago: So, that's the first thing. And number two, in reference to -- when we talk about legal implications, the City of Coral Gables has never had an issue heading the legal route. We've done it with plastic bags and polystyrene. Right now, we're in the Third DCA dealing with

that issue and hopefully getting that approval so that we can continue to do what we're doing, and we're being fought in regards to that. And I think that we're fighting the good fight, and I think it's the appropriate fight. And when we talk about FP&L, when we talk about Facebook, when we talk about a litany of other lawsuits that we, as a City, have taken a stand on because we view it as important to what makes this City spectacular. So, that's the second issue. The third and one that I didn't bring up -- I brought it up to my -- to our City Manager and our City Attorney and staff during my agenda review. I don't want this money just for -- to go into the coffers, you know, to have more money for the City. I think this -- I think a big portion of this money, with this Commission's approval, if they're interested in, should go back to the residents. I think it should go back to the residents who pay a lot of taxes. And I'll give you an example. I think that if you live in the City of Coral Gables, we should promote City businesses in downtown. How would I do that? If you're a resident in the City of Coral Gables, you shouldn't pay parking the week of Christmas or the week of Hanukkah or the week of Thanksgiving. There should be times where we support our residents and the businesses in the downtown where people can go and enjoy our downtown, enjoy our new Miracle Mile, Giralda, the residents, enjoy the theater, enjoy Books & Books.

Mayor Valdes-Fauli: We're talking about...

Vice Mayor Lago: But I'm talking -- no, you got that money...

Mayor Valdes-Fauli: We're not talking about Christmas and whatever it is. We're talking about...

Vice Mayor Lago: No. But I'm just telling you what I envision a portion of that money to be used for.

Mayor Valdes-Fauli: We would be creating a...

Vice Mayor Lago: Which I think...

Mayor Valdes-Fauli: Big bureaucracy by substituting the County's court system and the County's ticketing system and the County's computers. It's not just one person, Kevin.

Vice Mayor Lago: No, but when you say...

Mayor Valdes-Fauli: It's just not...

Vice Mayor Lago: When you say bureaucracy, I mean, how -- what would be the bureaucracy?

Commissioner Mena: Can you address that, Kevin? I mean...

Parking Director Kinney: Well, I...

Commissioner Mena: What would that look like?

Mayor Valdes-Fauli: I can't believe that only one person is going to substitute the court system, the prosecution system, the ticketing system, the computers, the notification and everything else. I can't believe that, Kevin.

Parking Director Kinney: You can contract out the administrative process.

Mayor Valdes-Fauli: Okay, we contract -- okay, then we contract it out...

Parking Director Kinney: And that's part of the...

Mayor Valdes-Fauli: So, it is not just, you know, one person.

Vice Mayor Lago: But that would be budgeted, Mayor, for this.

Parking Director Kinney: Yeah. And what I would say is I...

Mayor Valdes-Fauli: Wait. And...

Parking Director Kinney: Started my career as an administrative hearing officer for animal control, parking enforcement...

Mayor Valdes-Fauli: We would have to contract it out.

Parking Director Kinney: And one person.

Mayor Valdes-Fauli: Is that included in the cost?

Parking Director Kinney: Yes, yes.

Mayor Valdes-Fauli: I am very much against it and I think we're running a big risk, at least in that litigation because we would be sued, and that would impair every other effort we are making in bringing things in-house into Coral Gables.

Vice Mayor Lago: Mayor...

Commissioner Quesada: Can I ask a question?

Vice Mayor Lago: I respect your comments, but this is not about the County's preference. This is about doing what's in -- in my opinion, what's in the best interest of the City. And I've been...

Mayor Valdes-Fauli: We're going to be sued and it'll be hundreds of thousands of dollars in legal fees.

Vice Mayor Lago: But we've been sued before and we've never...

Mayor Valdes-Fauli: No, but plastic bags has nothing at all to do with this.

Vice Mayor Lago: We've been sued by -- we've had millions of dollars in lawsuits in regards to FP&L, where we've...

Commissioner Quesada: Can I ask a question?

Mayor Valdes-Fauli: And that has nothing at all to do with competence between the County and the City. And this will endanger...

Vice Mayor Lago: It has to do when we're fighting for, you know, a corridor that was going to be, you know, intrusive and not, in my opinion, the most aesthetically pleasing option for the City of Coral Gables, and we fought that.

Mayor Valdes-Fauli: Can you -- Madam City Attorney, can you tell us what else this -- could be impacted?

City Attorney Ramos: So, the entire -- not the entire, but a large part of the opinion is based on 6.02 of the County Charter. 6.02 of the County Charter states essentially that municipalities can ask for a higher -- or can have a higher standard of zoning and a higher standard of service. And the service piece is the piece that we are harping on for this purpose.

Mayor Valdes-Fauli: Right.

City Attorney Ramos: The County made some other arguments that I don't believe are entirely relevant, but that is the biggest argument.

Vice Mayor Lago: So, when you talk about service, the very simple example is our passport agency, which when we get to the end of today's meeting, I'm going to give you an example of what occurred today -- what happened this weekend in our passport agency and we received this email from a resident -- not in the City of Coral Gables, but a resident who came here and their pleasant experience in regards to our passport agency.

Mayor Valdes-Fauli: I fully agree...

Vice Mayor Lago: So, this is...

Commissioner Keon: That's a federal issue.

Vice Mayor Lago: No, but this is...

Commissioner Keon: That's not a County issue.

Mayor Valdes-Fauli: Yeah, but that's a different issue.

Commissioner Keon: That's an entirely different issue.

Mayor Valdes-Fauli: Let's not confuse issues here.

Vice Mayor Lago: I'm not confusing issues.

Mayor Valdes-Fauli: The passport issue...

Vice Mayor Lago: We're talking about service.

Mayor Valdes-Fauli: Has nothing at all to do with 6.02 in the County Charter.

Vice Mayor Lago: We're talking about service.

City Attorney Ramos: So, 6.02 of the County Charter is also what we used to argue for traffic calming, to argue for more control of our local roads. There's a lot of different things that we use that particular section for.

Mayor Valdes-Fauli: Which we will endanger if we lose that litigation.

Vice Mayor Lago: How do you feel, Madam City Attorney? Let me see if it's changed since we had our meeting. Do you feel that we have a good handle?

City Attorney Ramos: I think we have an excellent legal position. But as we all know...

Vice Mayor Lago: There's always risk.

City Attorney Ramos: Courts do what they do. Right, there's always risk.

Vice Mayor Lago: Of course.

City Attorney Ramos: And if we lost, it would be a big loss is, I guess, my only point.

Mayor Valdes-Fauli: It would be a huge loss.

City Attorney Ramos: Although, I don't believe that the risk is large.

Vice Mayor Lago: Yes. But the -- she doesn't believe that the risk is large, and I have to go with what my City Attorney says and trust...

Commissioner Quesada: Can I ask a few questions?

Vice Mayor Lago: Her ability.

Commissioner Quesada: Can I ask a few questions? I know this is an item that we had brought up years ago and...

Vice Mayor Lago: We've been working on it.

Commissioner Quesada: Commissioner Lago really ran with it and he's done a great job on it. Financially -- so, the whole point is here, what we identified is that we felt like we were being overcharged by the County. Obviously, we took 25, 36 -- obviously, that's where the County is going. I think there's really two questions for this Commission at this moment. Number one is, are you willing to go up to 36, what the County is going to. Assuming that we are willing to go to the 36, the difference in revenue between the County and us is about \$500,000, approximately? It's from 651 to 1.15? Did I gather that correctly when you mentioned it?

Finance Director Gomez: Yes.

Commissioner Quesada: Rough.

Finance Director Gomez: Roughly, yes.

Commissioner Quesada: Rough. And so, we're talking about roughly...

Finance Director Gomez: The County at 36 versus the City at 36.

Commissioner Quesada: Correct.

Finance Director Gomez: Yes.

Commissioner Quesada: Assuming...

Commissioner Mena: (INAUDIBLE) said it was a million.

Finance Director Gomez: 681 versus 1.48 in the second...

Commissioner Quesada: The second year. And the first year will be a million.

Commissioner Mena: Plus the 450.

Finance Director Gomez: I'm sorry?

Commissioner Mena: Plus the 450.

Finance Director Gomez: No, no. That's after the 450.

Commissioner Mena: Okay.

Finance Director Gomez: Right, so the revenues over expenditures, if the County did it, it's about 350 plus the 450 that we're already in the hole, that would get you to the 800-ish, but we've reduced it for...

Commissioner Quesada: So...

Vice Mayor Lago: Because if you go with the County...

Commissioner Quesada: In order to...

Vice Mayor Lago: If you go with the County, you've got to get the \$36. There's no...

Commissioner Quesada: So, the question becomes, in order to try to find the middle ground here -- because my whole support behind this -- and I think yours as well is we make more money off of it. So, the question becomes, can -- in order to have this be a 5-0, can we keep it the same way and renegotiate the price with the County? Is that even a possibility or not?

City Attorney Ramos: So, you mean going to 36, but renegotiating the split?

Commissioner Quesada: Correct.

City Attorney Ramos: I do believe there is an opportunity to renegotiate the split...

Commissioner Quesada: So, why don't...

City Attorney Ramos: On how much we get from the County.

Commissioner Quesada: So, why don't we try to exhaust that opportunity first? Why do you shake your head? Why don't you like...

Vice Mayor Lago: No, because I mean, I...

Commissioner Quesada: Why don't you like that idea?

Vice Mayor Lago: Because I've been working on this for a long time, and I think that it's important to have it...

Commissioner Quesada: I agree.

Vice Mayor Lago: And I...

Commissioner Quesada: It's a million bucks.

Vice Mayor Lago: Listen, I deal with the County on the TPO. I represent this board on the TPO, the City on the TPO.

Commissioner Quesada: Yeah.

Vice Mayor Lago: I see the bureaucracy, since the Mayor was mentioning it, bureaucracy, and we fought that and we've lost on every front. We've lost on reasonable...

Commissioner Quesada: Oh, I agree with you.

Vice Mayor Lago: And we've lost...

Commissioner Quesada: I agree with you that if we do it in-house, it'll be less bureaucracy.

Vice Mayor Lago: It would be less bureaucracy.

Commissioner Quesada: I...

Vice Mayor Lago: The argument doesn't exist. And I think that we shouldn't fear the County.

Commissioner Quesada: (INAUDIBLE)

Vice Mayor Lago: And I...

Commissioner Quesada: No, I'm not fearing it.

Vice Mayor Lago: To the Mayor's point...

Commissioner Quesada: But let's try to make this a 5-0. Let's have an opportunity to try to negotiate that.

Vice Mayor Lago: The Mayor...

Commissioner Quesada: If we can't do it, then we come back for a vote.

Vice Mayor Lago: To the Mayor's point, it's been a lot of heavy lobbying from the County, and I know that all of us have gotten lobbied on this issue in reference to the Clerk and in reference to the County Mayor on this issue. But we need to have autonomy because look what happened in reference to traffic calming. And that was a very clear example where...

Commissioner Quesada: Yeah.

Vice Mayor Lago: If we're tied to the County, things take years and years and years, and I worked on that for years until our staff -- we were finally able to get an MOU. And Mr. City Manager, do you think it was necessary to have to wait three years to have an MOU signed, all the back and forth?

Mayor Valdes-Fauli: Absolutely not.

Vice Mayor Lago: The amount of County -- and the amount of County interference that was run as a result of, you know...

Mayor Valdes-Fauli: That was embarrassing.

Vice Mayor Lago: Certain issues.

Mayor Valdes-Fauli: That was a shame. That has nothing at all to do with parking enforcement. I agree with you that we need to have -- the County is an embarrassment to us and it is very aggressive. We look at our signs everywhere. And I put this off to the next meeting, but the County is an embarrassment. The County is against Coral Gables. But this is a particular issue that is a different issue. Let's follow your suggestion that we explore with the County different mechanisms and...

Commissioner Quesada: Give it two weeks. Let's give Miriam two weeks. If she's alright with negotiating that.

Mayor Valdes-Fauli: Miriam, what are you looking for here?

Commissioner Quesada: How are we going to get held up? How are we going to get held up on this? I -- because I agree with both of you and I disagree with both of you.

Vice Mayor Lago: Again, make the motion that you think is the most appropriate thing for the City.

Commissioner Quesada: Let's give it two weeks to try...

Vice Mayor Lago: I'll just tell you...

Commissioner Quesada: To (INAUDIBLE) certain situation to try to make more money off of it.

Vice Mayor Lago: What are they going to do? They're going to throw us a little bit of more money to make us happy?

Commissioner Quesada: Let me do one thing first.

Vice Mayor Lago: At the end...

Commissioner Quesada: Let me do one thing first.

Vice Mayor Lago: If anybody's bureaucratic and wasteful, it's the County.

Commissioner Quesada: I move for the City to adopt the \$36...

City Attorney Ramos: But wait. The ordinance is not on the agenda. It has not been noticed.

Commissioner Quesada: Oh, no? Okay.

City Attorney Ramos: We cannot do that today. I can bring it back.

Commissioner Quesada: Okay, because I think...

City Attorney Ramos: For an increase, but...

Commissioner Quesada: We need to know the answer -- hold on. I think we need to know collectively as a group the answer to that question before determining...

City Attorney Ramos: I agree. And I think you can...

Commissioner Quesada: What to do next.

City Attorney Ramos: Discuss whether the 36 is palatable (INAUDIBLE).

Commissioner Quesada: Because that's the only place where it financially makes sense for us to make the jump, at 36.

City Manager Iglesias: Commissioner, the...

Vice Mayor Lago: That's what I'm saying. And you're going to get the 36 anyway if you go with the County, correct me if I'm wrong. You cannot say -- let me just give you an example. This is what I'm saying about the autonomy. So, guys...

Commissioner Quesada: But we would automatically...

Vice Mayor Lago: Yeah. So, if we go with the County...

Commissioner Mena: (INAUDIBLE).

Vice Mayor Lago: If we go with the County...

Commissioner Quesada: That's not what he's saying.

Vice Mayor Lago: Yes.

Commissioner Mena: No, no, no. If you stay in the County's system...

Mayor Valdes-Fauli: Stay with the County.

Commissioner Quesada: Oh, yeah.

Commissioner Mena: It'll be 36. That's what he's saying.

Vice Mayor Lago: We're going to \$36.

Commissioner Mena: That's all he's saying.

Vice Mayor Lago: Yeah. You're getting...

Commissioner Mena: Because we can keep it and stay at 25 if we wanted...

Vice Mayor Lago: If you want to go with -- if you tell me today...

Commissioner Quesada: But then, financially...

Commissioner Mena: Right.

Commissioner Quesada: It makes no sense.

Commissioner Mena: Right.

City Manager Iglesias: Our current...

Vice Mayor Lago: Mayor, if you say...

City Manager Iglesias: Our current...

Vice Mayor Lago: If you say today -- excuse me, Mr. City Manager. If you say today, I would like to do \$28, \$30, \$32...

Commissioner Quesada: You have to leave the County.

Vice Mayor Lago: You got to leave the County.

Commissioner Quesada: Yeah.

Vice Mayor Lago: If you want to have more autonomy, you need to leave the County.

Commissioner Quesada: I'm clear on that now.

Vice Mayor Lago: So, when you talk about bureaucracy, you talk about waste, you talk about lack of leadership, it's -- you're talking about the County. You're not talking about the City of Coral Gables. We personify quality. We personify a city which is their number one interest is delivering on behalf of the residents and the business community. This is a simple, simple issue. It's not only about the money. If you want -- look, I don't even have a problem if this Commission told me today I would like to tie that money -- I'm just giving examples -- to the unfunded liability, or I would like to tie that money to education, to the seats at West Lab, or I would like to tie that money to whatever it is you want to tie it.

Mayor Valdes-Fauli: Yeah, but...

Vice Mayor Lago: My issue -- Mayor, just give me one second.

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

Vice Mayor Lago: One second.

Mayor Valdes-Fauli: Yeah.

Vice Mayor Lago: I've been working on this for many, many years and I just want a few moments to just articulate myself on this issue. So, if you tell me that you want the money for whatever issue benefits this community and this city, I don't have a problem with it. I just believe that we should never be in the hands of the County. And it's been shown that the County does not have the best interest of the City at heart.

Mayor Valdes-Fauli: Okay. Let me say something.

Commissioner Keon: You know, I...

Mayor Valdes-Fauli: The County...

Commissioner Keon: I don't -- go ahead.

Mayor Valdes-Fauli: The County has its role.

Commissioner Keon: I think so.

Mayor Valdes-Fauli: You know, we could run the airport, too, but that's a County role. And we can also dispose of the garbage and we can pick it and we give it to the guy -- we can also dispose of the garbage and we can have probably a more efficient operation than Virginia Key and the County. There are things that belong in the County because they are regional and this is a regional issue. This is a regional issue and they are doing -- they mistreated us with \$18, but if they go up to \$36, maybe we will make money and not engage a big bureaucracy. And you say we can subcontract it, yeah, but there are subcontractors and that's a big bureaucracy. This is a regional issue. This is not a local issue, and that's my point.

Vice Mayor Lago: I just -- I don't get it.

Commissioner Keon: Yeah. I have to -- I agree with the Mayor on this point. I don't -- I do think it is regional. I think that it is not as simple or will probably exceed the costs that you have estimated in order to take this in-house and run the program the way it has to be run. I mean, now somebody gets a ticket. They plead, you know, not guilty to that ticket or whatever, they go to the courthouse, they do whatever and -- or they -- there's a (INAUDIBLE). Where are you going to impanel these people?

Vice Mayor Lago: (INAUDIBLE) parking, not traffic.

Commissioner Keon: We're talking about -- even with parking.

Vice Mayor Lago: But we're not talking about traffic, though.

Commissioner Keon: We're talking about parking.

Mayor Valdes-Fauli: Even parking, if they dispute the parking ticket.

Commissioner Keon: But it's even a parking ticket, somebody disputes a parking ticket.

Vice Mayor Lago: But what is the percentage of disputes?

Commissioner Keon: Or whatever else.

Mayor Valdes-Fauli: Oh, come on. Let's...

Parking Director Kinney: Well...

Commissioner Keon: You know what, it's the same thing we had...

Mayor Valdes-Fauli: Make a motion, please.

Commissioner Keon: When we had the passport office downstairs and you...

Commissioner Quesada: So...

Commissioner Keon: Had all the people lining up to come in here. I just -- I don't -- I think they run a pretty good system in the County. And you know, yeah, I think there are things that are municipal issues, and we should assume. I agree with the Mayor and I do think that this is a regional program and I think it does help support the courts and whatever that are used for other things. And yes, there is a benefit for it. And I don't think that we should undertake it. I don't see it as a municipal issue.

Commissioner Quesada: So, I -- a few things. The current posture that we're in right now, there's really nothing before us. It was just a legal opinion.

City Attorney Ramos: Correct. So, if nothing's done, status quo. We continue to move forward. Kevin can (INAUDIBLE).

Commissioner Quesada: I understand, but as -- in order for me to make a motion on something...

Commissioner Mena: There's no motion to be made right now.

Commissioner Quesada: You just told me that I can't make a motion right now.

City Attorney Ramos: No, no, no. You can't make a motion to adopt an ordinance that raises a fee.

Commissioner Keon: We can...

City Attorney Ramos: You can make a motion for a resolution to do a million other things.

Commissioner Keon: We can make it...

Commissioner Quesada: Got it.

Commissioner Keon: You can make the motion...

Commissioner Quesada: Got it.

Commissioner Keon: To give direction to the City Attorney to discuss a different allocation of those fines back to the City.

Commissioner Quesada: So...

Commissioner Mena: I think we're sort of operating on the periphery...

City Manager Iglesias: Our current break-even is \$28. If we charge \$28, we make the same as the County at 36.

Commissioner Quesada: Assuming we bring it in-house.

City Manager Iglesias: Assuming we bring it in-house.

Commissioner Mena: But I think we're sort of operating on the periphery of the issue here. If I'm hearing correctly -- at least from the three of you -- it's more of a principle issue. You're -- I don't think Vice Mayor Lago is as concerned with the dollar threshold. Obviously, he would love for

us to make as much money on it as possible, but he wants control on this side and you and the Mayor are saying it's a regional issue and it should stay with the County, regardless of the dollar number.

Commissioner Keon: Well, I think we should...

Commissioner Mena: Is that what I'm hearing from the three of you?

Commissioner Keon: And I...

Commissioner Quesada: Yes.

Commissioner Keon: And I think you have the opportunity to renegotiate...

Mayor Valdes-Fauli: The dollar number is going to be adjusted.

Commissioner Keon: That, so yes.

Commissioner Quesada: I will.

Commissioner Keon: With that ability, yes.

Commissioner Quesada: I will tell you this. Commissioner Lago has swung me. I agree with what Commissioner Lago is saying, so it's up to you.

Commissioner Mena: I had a feeling that was going to...

Commissioner Quesada: I wasn't there before I came in here today. I'll be honest with you. But we've had some pretty bad dealings recently.

Mayor Valdes-Fauli: Horrible dealings.

Commissioner Quesada: And the bureaucracy side of it -- the only other thing that I potentially see happening -- if I am from Aventura, I come to Coral Gables to look at the sunlit sky -- I don't want to say the wrong term there. And I get a ticket, instead of going to downtown if I want to fight it, I have to deal with our magistrates...

Parking Director Kinney: Yes.

Commissioner Quesada: In here?

Parking Director Kinney: But the interesting thing about a civil fine is that it's an administrative process that is appealable to the court system, but you can get the decision made without appearing, so it can all be done online with our hearing officers. And then if you don't like the...

Commissioner Quesada: So, we can do Skype hearings for the...

Parking Director Kinney: Yes.

Commissioner Quesada: First time ever.

Vice Mayor Lago: So what -- just to address that -- and I know that Commissioner Keon said that's a federal issue, but it's an issue about quality and it's an issue about service.

Commissioner Quesada: Don't look at me.

Vice Mayor Lago: No, no. I'm talking about my colleagues.

Commissioner Quesada: You got to look -- you're talking to him.

Vice Mayor Lago: I'm talking about my colleagues.

Commissioner Keon: But if it's an administrative...

Vice Mayor Lago: And it's an issue about quality. Try to trek down to the downtown. You know it better than anybody. Try to trek down there and try to go to a hearing in regards to a parking citation.

Mayor Valdes-Fauli: Where will we have the hearings? Here?

Parking Director Kinney: Wherever the administrative hearings happen now.

Mayor Valdes-Fauli: No, but where?

Parking Director Kinney: I'm not sure where they happen.

City Attorney Ramos: Now?

Mayor Valdes-Fauli: In this...

Parking Director Kinney: Code Enforcement is...

City Attorney Ramos: Here, right on this dais.

Vice Mayor Lago: So, I think we -- I'm going to make a motion.

Mayor Valdes-Fauli: We're going to fill this up with...

Vice Mayor Lago: I'm going to make a motion to continue in the direction that we're headed.

City Attorney Ramos: You don't need one to continue, but you...

Vice Mayor Lago: Okay.

City Attorney Ramos: You're welcome to it.

Vice Mayor Lago: If anybody has any opposition...

Commissioner Mena: I just have a couple questions.

Vice Mayor Lago: Okay. I didn't know if you had anything.

Commissioner Mena: No, no. Diana, on -- I'm looking at the document here that lays out the 36 versus 25. Under expenditures, are you saying that the admin support, system and collections, all these things -- these line items I'm seeing, is that the contractor or...

Parking Director Kinney: Yes.

Finance Director Gomez: Yes.

Commissioner Mena: Outsourcing you budgeted for?

Finance Director Gomez: So, the hearing officer is 75,000. The administrative assistant is...

Commissioner Mena: That's in -- so, who's...

Finance Director Gomez: That's all included.

Commissioner Mena: In-house there, I guess, is the question. The one...

Parking Director Kinney: The administrative person...

Commissioner Mena: Right.

Parking Director Kinney: And we contract...

Commissioner Mena: That's the admin support?

Parking Director Kinney: With the hearing officer.

Finance Director Gomez: Right.

Commissioner Mena: So, you have a \$75,000 contract here is that what you're...

Finance Director Gomez: Yeah. Well, we based it on...

City Attorney Ramos: They bill by hour.

Finance Director Gomez: Once a week or -- and it's hourly, so one day a week at whatever the rate is and that's -- we came up with the 75,000.

Mayor Valdes-Fauli: We're going to fill this room with parking fines.

Commissioner Quesada: No, we'll just send them to your house.

Vice Mayor Lago: Yeah. Do we make any money right now if a parking ticket expires and it goes from \$18 to \$40 plus?

Commissioner Keon: That can be negotiated.

Vice Mayor Lago: No, no.

Parking Director Kinney: The costs all go to the County.

Vice Mayor Lago: Yeah.

Parking Director Kinney: We do get a share of the late fee.

Commissioner Keon: But they do the processing.

Mayor Valdes-Fauli: Okay. Shall we go on?

Commissioner Mena: And again, the only -- I guess the only question I have for really the two of you is I understand the point about concerns of how the County manages things. I guess the question is -- for me is, is there a concern with how the County is managing this? I understand they may fall short on traffic calming and all these other things.

Vice Mayor Lago: Well, the...

Commissioner Mena: We're talking about parking citations and parking citation enforcement. And I guess my question is, are we dissatisfied with the level of service the County's providing on this issue? You know, I...

Parking Director Kinney: For a few years, I was hounding them to update the equipment. We do have new equipment now, so generally speaking...

Commissioner Quesada: When you say "we," you mean the County?

Finance Director Gomez: The City.

Parking Director Kinney: Yes. Well, no. "We" as in the City...

Commissioner Quesada: Because he's asking about the actual processing.

Parking Director Kinney: Of Coral Gables.

Commissioner Mena: All of it.

Commissioner Quesada: The actual work that the County does.

Commissioner Mena: Yeah, everything that would change, basically.

Parking Director Kinney: Well, we don't have to worry about anything, to be honest, right now. Once it goes into the process, they handle the appeals. We do have to do an administrative review of every appeal, but I would say our working relationship with the Clerk's Office is good at this time.

Commissioner Mena: Is that -- is the infrastructure -- for lack of a better word -- that you're talking about that we would have to have going forward and over time we have to maintain that, is that in here as well?

Parking Director Kinney: Yes. There's an annual fee for the system that would manage...

Commissioner Mena: Where do I see that?

Finance Director Gomez: It's \$100,000 for parking enforcement system and then 100...

Commissioner Mena: Collections.

Finance Director Gomez: I'm sorry?

Commissioner Mena: That's the system and collections line item?

Finance Director Gomez: Yep, and there's \$150,000 for hardware purchase for the one-time purchase of the actual equipment.

Commissioner Quesada: But then it would obviously have to be -- create a reserve for future...

Commissioner Mena: That's the actual -- right.

Commissioner Quesada: Future...

Parking Director Kinney: Replacement.

Commissioner Quesada: Yeah. So, maybe you add another...

Parking Director Kinney: Replacement and upgrades.

Commissioner Quesada: X percentage that you feel fair how long that hardware's going to last to replace it.

Finance Director Gomez: The parking enforcement system, including collections and ongoing replacement, it's already in that \$100,000.

Commissioner Quesada: Hold on a second. Now, I see the Chief walking up. It's probably appropriate to ask him a few questions. Chief, simple question.

Police Chief Hudak: Yes, sir.

Commissioner Quesada: Does the thought of this scare you?

Police Chief Hudak: Not me. We just write the tickets. However, collecting is an issue, and I think that's something that we would have to vet out as well. Right now, if you don't pay your tickets to Miami-Dade County, anywhere in Dade County, there's a hold put on your registration that's an administrative hold that's put on from the courts, so there's almost like a clearance. So, like when we suspend someone's driver's license, before they can get their driver's license, they need what they call a D-6 clearance, which has to come from the courts before DHSMV...

Commissioner Quesada: We don't have that authority to place that (INAUDIBLE)...

Police Chief Hudak: No. What we do now...

Parking Director Kinney: That would not happen.

Police Chief Hudak: No, that would not happen.

Commissioner Quesada: (INAUDIBLE).

Police Chief Hudak: So, the collection -- and to the point -- the collection of this is going to be -- and I can't speak for exactly how it's going to be, but I'll use the red-light cameras. If we don't

collect on our red-light cameras on the notices, we send that and it becomes a uniform traffic citation for the State of Florida. If somebody doesn't pay that, their license is suspended. That's from the State of Florida. That's not from the City of Coral Gables. If they pay us the \$192 or whatever it is for our red-light cameras, that comes into us, that's it. We have an administrative process. These tickets would have to have -- we would have to have a sitting court clerk -- I'll defer to the City Attorney -- or a judge to decide whether we go forward or not on these. But if somebody had six or seven tickets, the scofflaws would be here for us. That would be -- we would be able to tow in our city. That does not necessarily mean that other cities without court action would be able to pick it up.

Parking Director Kinney: No. The only -- our...

Commissioner Quesada: Speak into the mike.

Parking Director Kinney: Our major enforcement would be through the scofflaw process. So, if someone had four or more unpaid citations, their vehicle would be impounded and they would have to pay it.

Commissioner Quesada: What if...

Commissioner Mena: Well, what if they have one or two and they don't pay it? Nothing happens?

Parking Director Kinney: It goes to a collection process, but they don't...

Vice Mayor Lago: The same as...

Parking Director Kinney: They can ignore that.

Vice Mayor Lago: The same as the parking tickets now. You go to a collection...

Parking Director Kinney: That...

Vice Mayor Lago: Process. You get it at your house.

Parking Director Kinney: That's what happens currently is you go...

Vice Mayor Lago: Because let me tell you why.

Parking Director Kinney: To a collection process.

Commissioner Quesada: But we don't have -- we can't place that restriction on the...

Vice Mayor Lago: Same situation. It's literally the same as now. When you...

Commissioner Mena: That's what he's saying.

Vice Mayor Lago: No, no. If you have -- when you have a parking ticket and it expires -- let's say you didn't get it on your car for some reason, you get it in the mail, a collection ticket. Isn't that a similar...

Parking Director Kinney: Yes.

Vice Mayor Lago: Situation we...

Parking Director Kinney: That would happen.

Vice Mayor Lago: Would have now.

Commissioner Mena: Yeah, but okay, and then you ignore that and then what?

Vice Mayor Lago: When you go to re...

Parking Director Kinney: As long as you don't wind up on the scofflaw list, you'll...

Commissioner Mena: That will require four or more.

Parking Director Kinney: Four or more is what I would recommend in our city.

Police Chief Hudak: In our city, in our city. If somebody doesn't pay four tickets in Coral Gables and parks on (INAUDIBLE)...

Commissioner Mena: But up to four, you have no remedy basically.

Police Chief Hudak: There won't be.

Parking Director Kinney: Well, a collection process.

Commissioner Mena: Yeah, but that's just mailing a notice to somebody's house. That's not...

Commissioner Quesada: So, let's do a practical example, okay. Hypothetically, I'm from Orlando. I drive into Coral Gables, I get a ticket, I leave. So, I get something in the mail a month later, two months later, hey, pay the ticket or you fail to pay the ticket, then what? I go, ah, I throw it in the trash.

Commissioner Mena: Yeah, forget it, right.

Commissioner Quesada: What happens next?

Vice Mayor Lago: It incurs interest.

Parking Director Kinney: It does go to a collection agency, so they will make attempts to collect the debt.

Commissioner Quesada: Got it.

Parking Director Kinney: But if you're...

Vice Mayor Lago: Which incurs interest.

Parking Director Kinney: Willing to just ignore the collection agency, essentially, nothing will happen unless you come back to Coral Gables and you wind up on the scofflaw list.

Commissioner Quesada: Well, I guess we can like sue them in small claims court.

Commissioner Mena: You get three more tickets. No, no, we're not.

Parking Director Kinney: Yeah, no, no, no. It's not -- that would definitely not...

Commissioner Quesada: And what happens on the County side now? The only difference is...

Parking Director Kinney: On the County...

Commissioner Quesada: There's a marking on the registration.

Parking Director Kinney: I will tell you, on the County, there's thousands of citations that are dismissed as uncollectable every year.

Commissioner Mena: Sure.

Vice Mayor Lago: So, you're in the same situation as that.

Commissioner Quesada: We're in the same situation then.

Parking Director Kinney: It's the same.

Police Chief Hudak: Individual.

Parking Director Kinney: Yes.

Police Chief Hudak: Individual citations are dismissed, but...

Commissioner Quesada: Why are you drawing a distinction? What else is there other than individual...?

Police Chief Hudak: Three or four...

Commissioner Quesada: Oh, got it, got it.

Police Chief Hudak: They could put a hold on the tag. They put a hold on the tag and when you go to renew...

Commissioner Quesada: And we won't be able to put a hold on a tag if it's three or four.

Police Chief Hudak: The County will.

Parking Director Kinney: No. Actually...

Police Chief Hudak: We would have to (INAUDIBLE)...

Parking Director Kinney: I need to check because I'm not sure the Clerk's Office actually puts a hold on parking tickets.

Commissioner Quesada: Alright, so...

Commissioner Mena: I think we need to, A...

Commissioner Quesada: This needs to be fleshed.

Commissioner Mena: I think this needs to be fleshed out. I'm -- right now, I'm fine with proceeding as we're proceeding, but I'd like more -- clearer answers to some of these questions. I'd like to know exactly what it'd look like. And before we even go that far, I mean, you're the Parking Director. What's your opinion?

Parking Director Kinney: So, Miami-Dade County is unique in the world as far as I can tell. Every city I'm aware of manages their own parking enforcement system.

Vice Mayor Lago: In Broward, West Palm Beach.

Parking Director Kinney: Yes.

Vice Mayor Lago: We're the only community that doesn't.

Parking Director Kinney: But this is clearly a policy issue. And I understand there's political issues involved in this. So, I do think we can have a system that is more friendly to our residents

because right now, if a resident gets a ticket and they want to appeal, it does involve going downtown. That's required. If you don't show up, you pay. In an administrative system, the administrative systems I've worked with prior, there's actually a box where you check I want to appear in person or please consider this based on my written statement and the administrative hearing officer can consider it. So, I do think there's the possibility that there's better service for our residents, but then some of the issues you've raised about, you know -- it is true that if we do our own, the only citations we'll be looking at are the ones in Coral Gables. Right now, you can get on scofflaw if you get one in Miami Beach, then one in Miami, then one in Coral Gables, then one in South Miami. Those are four that put you on the scofflaw. If we do it in-house...

Commissioner Mena: It's only in the City.

Parking Director Kinney: You've got to get four in Coral Gables.

Vice Mayor Lago: So, let's do this, Commissioner Mena, so we can move on to the next item, unless you have anything else you want to add. Why don't we defer this item to the next Commission meeting? We'll put it on the next agenda so that we can flush out some of the questions that you have, which I think are very valid questions or statements or points. And maybe staff can come and give us a little more information.

Commissioner Quesada: Enforcement and collectability.

Vice Mayor Lago: Yes. Enforcement and collectability, and I'd also...

Parking Director Kinney: And I'll find out about holding our -- registration.

Commissioner Quesada: Can you also bring that in writing as well, yeah.

City Attorney Ramos: Yeah. I'd like a motion to defer.

Vice Mayor Lago: Yes.

City Attorney Ramos: And then also a list of questions for Kevin.

Commissioner Mena: Defer what?

City Attorney Ramos: I think that would be helpful.

Vice Mayor Lago: So, the motion has been made to...

Commissioner Mena: Defer what?

City Attorney Ramos: The item to the next meeting.

Vice Mayor Lago: The item to the next Commission.

Commissioner Mena: Isn't this just...

City Attorney Ramos: Or continue it.

Commissioner Mena: Yeah.

Commissioner Quesada: This was -- this item isn't really...

Vice Mayor Lago: And I'd also...

Commissioner Quesada: It's just an update.

Vice Mayor Lago: Kevin, I'd also...

City Attorney Ramos: Have Kevin come back and give answers...

Vice Mayor Lago: Yeah.

City Attorney Ramos: At the next meeting.

Commissioner Quesada: I don't think it needs a motion.

City Manager Iglesias: I think the next meeting will be very -- quite -- the first meeting in February is best.

Vice Mayor Lago: Whatever mechanism you want to use.

City Attorney Ramos: An update from Parking. We'll put...

Vice Mayor Lago: Yes.

City Attorney Ramos: It on the next agenda.

Vice Mayor Lago: Whatever mechanism you want to use.

Parking Director Kinney: And will that...

Vice Mayor Lago: But you also...

Parking Director Kinney: Include trying to talk to the Clerk about...

City Attorney Ramos: I have not...

Parking Director Kinney: A bigger share?

City Attorney Ramos: Received that direction.

Vice Mayor Lago: And I don't -- I'm not going to give that direction.

Parking Director Kinney: Okay.

Vice Mayor Lago: So, I would also like for you to provide what other municipalities are doing, counties and cities throughout the State of Florida. Maybe you could do Monroe, Palm Beach, Broward. You don't have to go through every single municipality or county, but just give us kind of the ones -- our neighbors...

Parking Director Kinney: Yeah.

Vice Mayor Lago: So that we can get a little bit more information how we are the only county that runs it this way.

Parking Director Kinney: I think we did that once.

Vice Mayor Lago: Well, just give it to...

Parking Director Kinney: I'll...

Vice Mayor Lago: Refresh...

Parking Director Kinney: I'll find out.

Vice Mayor Lago: Refresh us again. Just send it to us. Send it to us, okay? So, we're going to move on from this item.