

City of Coral Gables City Commission Meeting
Agenda Item F-3
July 9, 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 Jorge Fors

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

Assistant City Attorney, Gustavo Ceballos

City Clerk, Billy Urquia

Parking Director, Kevin Kinney

Public Speaker(s)

Anthony De Yurre

Michael Gierlach

Agenda Item F-3 [9:55 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending Chapter 74, "Traffic and Vehicles" of the City of Coral Gables Code to provide additional definitions and prohibit privately-owned, metered surface parking lot operators from issuing parking violations to motor vehicles parked in said privately-owned, metered surface parking lots, and Chapter 1, "General Provisions", Section 1-7 entitled "Penalties" to include additional penalties for violations of Chapter 74; providing for repealer provision, severability clause, codification, and providing for an effective date.

(Sponsored by Vice Mayor Lago)

City Commission Meeting

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Agenda Items F-3 - Ordinance amending Chapter 74, "Traffic and Vehicles" of the City of Coral Gables Code to provide additional definitions and prohibit privately-owned, metered surface parking lot operators from issuing parking violations to motor vehicles parked in said privately-owned, metered surface parking lots, and Chapter 1, "General Provisions", Section 1-7 to include additional penalties for violations.

(Sponsored by Commissioner Mena)

Mayor Valdes-Fauli: F-3.

City Attorney Ramos: F-3 is an ordinance of the City Commission of Coral Gables, Florida, amending Chapter 74, "Traffic and Vehicles" of the City of Coral Gables Code to provide additional definitions and prohibit privately-owned, metered surface parking lot operators from issuing parking violations to motor vehicles parked in said privately-owned, metered surface parking lots, and Chapter 1, "General Provisions", Section 1-7 entitled "Penalties" to include additional penalties for violations of Chapter 74; providing for repealer provision, severability clause, codification, and providing for an effective date. There are a number of changes between first and second reading. If you all remember, during first reading, the Commission had several concerns. They listened to parking lot operators that also had concerns, and we addressed those, we believe, in the second reading of this ordinance. And Assistant City Attorney Gustavo Ceballos will present those to you.

Assistant City Attorney Ceballos: Good morning, Mr. Mayor, Vice Mayor, Commissioners.

Vice Mayor Lago: Good morning.

Assistant City Attorney Ceballos: Assistant City Attorney Gus Ceballos. To address most of the comments that you had provided on the first reading, one of the main ones, I believe, was your concern, Commissioner Fors, from the likelihood of confusion from high. We brought it down to reasonable. One of the large changes, if you'll notice in the fifth page, there's a significant section that's been added to that basically allows us to have a form created so we're no longer going to ban the issuance of these citations or violations or fines, whatever we choose to call them. But now they will have a strict guideline they have to follow. They'll have to be submitted to the City in order to get approval. It'll have to be approved. That form will be approved before they're allowed to issue it. That is the major changes. If you have any questions, please let me know.

Mayor Valdes-Fauli: All of the changes have been incorporated?

Assistant City Attorney Ceballos: All these changes -- I haven't -- we haven't received any sort of new forms that have been submitted yet. So, once we do, we kind of have to take it on a case by case basis.

Vice Mayor Lago: So, I had just one question. I spoke to the attorney last night via text message, Mr. De Yurre. And I had requested information in regards to if he was going to be here today in regards to discuss handicapped parking. That was one of the items that I had brought up before, which is an issue that had happened to actually my mother in the City of Miami, where she was confused and parked on one of these lots in a handicapped spot and was actually hit with a ticket. His comments were -- I asked, you know, are you going to include, you know, the disabled parking will not require to purchase a...

City Attorney Ramos: To pay for the use.

Vice Mayor Lago: To pay for the parking. One of the quest -- he said -- he said that was the standard. He -- excuse me. I told him that was the standard that I was looking for. And he mentioned the fact that he thinks that currently the City charges on surface parking lots for the City for a disabled individual. Is that true? My understanding was that it was not, that if you were disabled, you did not have to pay for...

City Attorney Ramos: My understanding...

Vice Mayor Lago: Handicapped parking.

City Attorney Ramos: Is that's only on street parking, but I'll let Mr. Kinney answer that.

Vice Mayor Lago: I just want to make sure.

Parking Director Kinney: Municipal or any government-owned facilities in the Code -- in the Miami-Dade County are not allowed to charge for...

Vice Mayor Lago: Handicapped parking.

Parking Director Kinney: With the exception of the airport. The airport (INAUDIBLE)...

Vice Mayor Lago: But everywhere else...

Parking Director Kinney: (INAUDIBLE) else.

Vice Mayor Lago: Outside of the airport, if you are handicapped and you have all the proper documentation and you park in a handicapped space, you do not pay for parking, correct?

Parking Director Kinney: If you're on City property or government property, yeah. Private garages, private vendors are allowed to charge.

Vice Mayor Lago: So, I know that I sponsored this and I know that we've been working on it. I don't want -- I will be voting no today unless that change is made so that handicapped individuals who go and park on this surface parking lot are not required to park (sic). Because what they're charging on an hourly basis is -- over \$5 an hour, which is more than double than what the City charges. In some cases, even almost triple. So, I want to make sure that we take that into consideration. And especially, most of the people that park in the handicapped parking spaces are elderly, they're handicapped. They make the error of parking in a surface parking lot that they thought was public, which is really private, and they're the ones that get booted or they're -- which we no longer allow booting. I understand that, but they're the ones that get hit with some of the...

Mayor Valdes-Fauli: The issue.

Vice Mayor Lago: Largest fines.

Mayor Valdes-Fauli: The issue on handicapped is accessibility and not necessarily price or, you know, exempting the -- they need accessible parking, and that's what that handicapped provides. I mean, this is an issue that we -- I think that we discussed it for two hours the last time. I would like to get it...

Vice Mayor Lago: I'm ready to vote on it.

Mayor Valdes-Fauli: And it was the misleading nature of the "tickets." And that is solved -- our City Attorney is going to have to approve it. I would like to move on with his...

Commissioner Fors: Can we even legally require a private parking lot to provide free handicapped?

Assistant City Attorney Ceballos: That's something we'd have to look into, but I don't see any sort of preemption from the state that would prohibit it. Currently, the state -- the only Florida Statute protection of this is not even for surface parking lots. The City parking lot that has a surface lot could charge for handicapped. It is only...

Commissioner Mena: But we don't.

Assistant City Attorney Ceballos: On the street parking.

Vice Mayor Lago: We don't.

Assistant City Attorney Ceballos: We don't because we have a policy.

Vice Mayor Lago: So, I'm saying...

City Attorney Ramos: I think there's actually a County Code provision that...

Assistant City Attorney Ceballos: Yeah.

City Attorney Ramos: Doesn't allow it.

Parking Director Kinney: No. There's two different issues.

Vice Mayor Lago: But I want to make...

Parking Director Kinney: State law says on-street parking.

Vice Mayor Lago: Yes.

Parking Director Kinney: They get four hours free, anybody with a disabled permit. County Code says any government facility, off-street facility, you cannot charge. Those are the two Code provisions that are in existence.

Vice Mayor Lago: I don't want to belabor the point anymore. I just want to be very clear. I'm ready to take a vote on this. I was just asking for consideration from my colleagues on the dais if they're interested in taking up this one issue.

Commissioner Mena: I -- no, and I -- as the cosponsor of the item, I think there's a -- there's -- when we talked about this last time, there's two major issues here. One is, when you pull into the lot, you think it's a public lot. This ordinance really doesn't solve that. So, then the second part

of the issue was they were giving just blatantly deceptive tickets that looked like parking citations. And that's the sort of softest way I can say that.

Mayor Valdes-Fauli: But that has been solved.

Commissioner Mena: This attempts to -- yeah, but the problem is if you are disabled and you have a handicapped parking permit and you pull into the lot, you think you're in a City lot. You think you can park for free. You park, and then you get this invoice at a higher rate, even on the initial sort of citation rate is going to be \$32, right?

City Attorney Ramos: Right.

Commissioner Mena: So, there's still a problem there because, again, the first part of this, which is, anybody -- and we have the pictures -- I don't have the pictures with me this time, but there's no question that when you pull into this lot, it looks like a public lot. Everybody that pulls into the lot thinks it's a public lot. If you walk up to and read the obscure sign on the wall -- and I understand there's some language in here about how they have to display it and...

Assistant City Attorney Ceballos: We attempted to adjust that.

Commissioner Mena: Nobody reads those signs ever. Because when you pull in, it looks like a public lot. And so, I understand Vice Mayor Lago's point on that front. While I would typically sort of be reluctant to impose that kind of requirement on a private entity, in this case, I think it's important because there's confusion on the outset, which is that people are pulling in thinking it's a public lot and that they don't have to pay because we don't charge and the rest of the City...

Vice Mayor Lago: Handicapped spaces.

Commissioner Mena: For handicapped...

Unidentified Speaker: Commissioner...

Commissioner Mena: Spaces, right.

Unidentified Speaker: I believe the parking director looked at this particular lot in question and there is signage for handicapped spots specifically that says people parked in these spots still must pay.

Commissioner Mena: But nobody reads.

Mayor Valdes-Fauli: Everybody reads it.

Commissioner Mena: Nobody -- I have never...

Mayor Valdes-Fauli: I read it.

Commissioner Mena: Read the sign -- the small print on the sign in my life. You pull into a space, there's a giant, blue handicapped logo. There's really nothing else to read. That's why we have that logo. That's why that logo is uniform throughout the country because it's a universal sign that regardless of whether you even speak English -- because it's only in English -- means handicapped. They don't -- nobody reads the fine print on these signs. It's ludicrous...

City Attorney Ramos: So, let's separate...

Commissioner Mena: To think that they do.

City Attorney Ramos: Those two issues for a moment. We attempted to address through signage. I don't know what other vehicle's available other than...

Commissioner Mena: Agreed. I appreciate that.

City Attorney Ramos: But we did add that. Now, with regard to handicapped, you're welcome to add it. The only thing that I would caution maybe is that it was not in the published version of the second reading.

Vice Mayor Lago: That's fine.

City Attorney Ramos: And so...

Vice Mayor Lago: May I add something...

City Attorney Ramos: There was...

Vice Mayor Lago: Madam City...

City Attorney Ramos: Yes.

Vice Mayor Lago: Madam City Attorney.

City Attorney Ramos: Of course.

Vice Mayor Lago: I'm sorry to cut you off. I apologize. We have the attorney here representing the lot owner. I sent him a message last night. He stated that this is basically the standard. That's now been obviously proven that it's not the case, that people do not charge -- cities do not charge for handicapped parking (INAUDIBLE) the County. It's only at the airport. So, now, I would like to proffer from the attorney that maybe he can come back and say, listen, this is something that we're willing to do. We want to be good stewards. We want to be good neighbors here in the

City of Coral Gables. We want to do what's right. So, if they're willing to take that up in regards to handicapped parking, I don't have any issues and we can move forward.

City Attorney Ramos: So...

Vice Mayor Lago: As long as the cosponsor's...

City Attorney Ramos: Obviously, we don't need their...

Vice Mayor Lago: Fine with it.

City Attorney Ramos: Consent, but it would be beneficial to hear...

Vice Mayor Lago: Yeah.

City Attorney Ramos: From them.

Vice Mayor Lago: That's fine.

City Attorney Ramos: My concern was that Mr. De Yurre was not present and had expressed an interest in speaking on this item last time. Now that he is present, then I think we should go ahead and address the handicapped issue.

Vice Mayor Lago: Good morning, sir.

Mayor Valdes-Fauli: (INAUDIBLE), Mr. De Yurre.

Anthony De Yurre: Good morning, Mr. Mayor, City Commissioners, Vice Mayor Lago. Anthony De Yurre, 1450 Brickell Avenue. I went outside, and I saw there was a handicapped spot outside

City Hall. I just wanted to check before the item started. That's why I was outside for a moment. I didn't see anything out there, except to say that there is a handicapped sign. So, I'm not aware of whether it's free or not. But in the private lot that the City of Coral Gables has on Aragon, about ten feet from our lot, that's operated by the City of Coral Gables, it says on three different signs handicapped parking must pay. And then on one sign, it says handicapped parking doesn't have to pay. So, I'm a little confused myself.

Vice Mayor Lago: So, let's hear from Mr. Kinney in reference to that.

Parking Director Kinney: That's a privately-owned lot. We manage it for the Sabias, who are a couple that live in the City. They specifically -- and they have a quadriplegic son. The handicapped space is free to anybody with a handicapped permit. But if you park in one of the other spaces, they would like to be paid for that. And so that -- Mr. De...

Vice Mayor Lago: So, the handicapped...

Parking Director Kinney: Yurre is...

Vice Mayor Lago: So, the handicaps are actually free?

Parking Director Kinney: Actually correct. The handicapped space is free. It says right on the space...

Vice Mayor Lago: Okay.

Parking Director Kinney: This is free for anybody with a disabled permit. And then there's three large signs in other locations that say, if you park in these spaces, even with a disabled permit, please pay at the machine.

Vice Mayor Lago: So, we have a private lot in the City that is currently offering disabled parking for free.

Parking Director Kinney: The handicapped space...

Vice Mayor Lago: Yeah. And it's not...

Parking Director Kinney: In that lot is free.

Vice Mayor Lago: And it's not an issue, correct?

Parking Director Kinney: We've had no difficulty there.

Commissioner Keon: But you have other spaces where they do have to pay. Is that what you're saying?

Parking Director Kinney: In the regular spaces in the Sabias lot.

Commissioner Keon: Oh, oh, oh.

Vice Mayor Lago: Yeah, regular. Regular spaces.

Commissioner Keon: Oh, oh.

Parking Director Kinney: In the City facilities...

Commissioner Keon: Regular ones, I see.

Parking Director Kinney: If you parked in any City-owned facility...

Commissioner Keon: Right, right.

Parking Director Kinney: You show your ID and your permit, and you get out for free.

Commissioner Keon: Right, okay, okay. I understand.

Vice Mayor Lago: This...

Mayor Valdes-Fauli: Okay. Let me make a comment.

Vice Mayor Lago: Thank you, sir.

Mayor Valdes-Fauli: There's a law called Parkinson's law, which says that the smaller the issue, the more time...

Commissioner Keon: Chair.

Mayor Valdes-Fauli: It takes to be discussed. Make a motion. I mean, make a motion and we'll do it if you feel that strongly about it. If you feel that strongly about it, we'll do that.

Vice Mayor Lago: I just wanted to make -- I wanted -- I'll make a motion. I just wanted to make sure that the attorney...

Mayor Valdes-Fauli: Okay, please.

Vice Mayor Lago: Could speak...

Commissioner Mena: I think it's also important...

Vice Mayor Lago: On the issue.

Commissioner Mena: I think it's also important to...

Mayor Valdes-Fauli: We have Mr. Michael...

Commissioner Mena: I think it's also important to discuss this because we've completely changed what was proposed on the first reading, so this is really the first time we're discussing what's before us at this time. And this is not...

Mayor Valdes-Fauli: Michael Gierlach.

Commissioner Mena: This is not what I originally sponsored, to be clear. What I originally sponsored was to ban the issuance of private parking tickets.

Mayor Valdes-Fauli: That's correct.

Commissioner Mena: This does not do that.

Mayor Valdes-Fauli: Which we...

Commissioner Mena: So, I think it's important that we have the discussion again. The reason -- and the only reason -- let me be clear -- that I'm considering this as a compromise is because of the unique nature of one of the main lots at issue here, which is that it gives away to our alley. And so, I sympathize with the lot owner because otherwise, but for that unique situation, we could just have a gate or an attendant and I would have no problem, frankly, imposing that. But that doesn't really work for this particular lot, and I sympathize with that situation. So, this is a compromise. I want to see what these invoices look like. But I'm not going to hesitate to come

back to this if this compromise approach doesn't work out. I have here the -- these are the photos from last time. I know you passed out new photos now, which are great close-up photos of the signs. But the issue is -- and I think you had one last time -- this is what you pull into, you know. This looks like a City public lot when you pull in. I appreciate that, yeah, when you pull over there, if you go read this sign, you know, and close up, yeah, you can -- maybe some people do that. Maybe I'm the minority that doesn't walk up and read the fine print on a sign. I don't read the sign. I pull in. I park. I think I'm in a public lot. And then this situation that he's describing, I can appreciate the fact that if none of our public lots charge for handicapped, that a handicapped person may not pay because they don't think they have to. So, I understand what the concern is there.

Vice Mayor Lago: Commissioner, I mean, imagine a person in a wheelchair who's trying to get out of a car in a tight lot. They're trying to get the wheelchair out. Are they looking at that sign? They're used to not having to pay. And the lot already looks -- like Commissioner Mena mentioned -- it looks like a standard City lot. So, I just want to hear your side of the issue and see if you're willing to proffer and we can move forward from that.

Commissioner Mena: And just -- and I -- again, just to be clear, this is -- was the prior iteration, right? This is not the invoice...

Mr. De Yurre: Correct.

Commissioner Mena: Right?

Mr. De Yurre: That's the prior iteration.

Commissioner Mena: This is not...

Mr. De Yurre: The blue -- that is the...

City Attorney Ramos: An...

Mr. De Yurre: Prior iteration.

City Attorney Ramos: An invoice has not yet been submitted to our office for approval.

Commissioner Mena: Anything in this shape, with this look, with this layout, with this color...

Vice Mayor Lago: Barcode.

Commissioner Mena: Anything that looks like a park -- this looks like a parking ticket. I -- you know...

Mr. De Yurre: If you go to the next page, some of the comments were specifically addressed regarding removing barcodes.

Commissioner Mena: Can we change the shape?

Mr. De Yurre: The shape is...

Commissioner Mena: The color at the top.

Mr. De Yurre: Is standard. And we changed the color...

Commissioner Mena: It's standard for tickets.

Mr. De Yurre: It's standard for any machine that issues a piece of paper -- a handheld remote machine.

City Attorney Ramos: The ordinance...

Mr. De Yurre: And so, there's no...

City Attorney Ramos: Now reads that it must be different in dimension, not just in...

Commissioner Mena: That doesn't work.

City Attorney Ramos: Look.

Mr. De Yurre: So, we can make it -- we can make it longer, and we can put it in an envelope. And the envelope can say on the outside -- any language the City requires in regards to it being a private property and a private ticket which is repeated at least two or three times on that particular invoice that you held up. We're amenable -- let me be very clear. We're amenable to submit as required for review because the last thing we want to do is have our ticket confused with the City of Miami-Dade County citation, which is why we originally requested the change -- the language on it to say -- to state violation, to change the color from orange to blue, and -- which we did. And we're willing to continue to do, okay, anything within reason that the City requests in regards to both signage, in regards to the language of the notice and invoice. The issue of the handicapped, I think we need to clarify with the Parking Director. Because at the other lot, if -- only the handicapped spot that's designated handicapped is free. But if you park in another space and you're handicapped, you have to pay. And those were the -- that's photography that I disseminated to the Commission just in case the issue came up because I know Commissioner Lago -- it was important to him, the issue of handicapped. So, if it's a matter of the designated handicapped space then -- would be free, I think that the one issue is just, you know -- I think that one still we have to massage a little bit. I need to speak to the client to make sure that we can work that out internally. I think there's a way to get there. Commissioner Mena, to your comment, signage, the signage that the City would request, we would provide. The language that the City would like, we will provide.

We can create a longer ticket. We can put it inside an envelope that specifically says in large, fine print. We can do it in -- right on the outside, on both sides of it, that it's a private lot. We already changed the color and we've already changed the language. We're amenable to anything that allows us to operate in the lot and comply with our contractual obligations.

Commissioner Fors: I think it's important that we separate the three different issues, that we sort of bounce back and forth. First is the -- what I think prompted it all was the confusing nature of the "tickets" that were being issued. I personally think that this is more than a compromise. I think it sufficiently addresses that, and it does require it to be an invoice -- I mean, inside an envelope, I'm sorry. Although, I do like the idea of printing something on the envelope as well. I hadn't thought about that. Secondly, which I think is an equally important issue is the fact -- as Commissioner Mena states -- that the lot does or can be confused with a public lot. I believe we attempted to address that in this ordinance with signage specifying to folks that it's not a public lot. I really don't have any better ideas of how to address that issue other than to be more specific about what type of signage other than signage period advising the people -- the consumer that it's not a public lot. The third issue is the provision of a handicapped spot without charge. For me, it's not even a -- something that's up to our discretion. I think I'm in favor of it if we can legally require the private property owner to provide the handicapped spot for free. Sure, it's a standard to provide free handicapped parking and not charge for the first four hours. It's a standard for public property. But I don't know that it can be said it's a standard for private property. And I think before we decide to force them to provide handicapped for free -- which I'd love to do if we can -- we need to determine if we can.

City Attorney Ramos: Also, I want to hear from Mr....

Mayor Valdes-Fauli: Well, we -- let me...

City Attorney Ramos: Kinney. Where's Kevin?

Mayor Valdes-Fauli: Let me say something here. Commissioner Mena and Commissioner Lago -- Vice Mayor Lago started this in a very, very, very proper and justified issue of confusing signs, confusing citations, making a citation look like a City citation, which was totally improper and totally unfair. Now, we have changed the issues three times in the middle of this discussion. And now, we have -- and the fourth issue, which is handicapped -- you know, whether it looked like a park -- let's make up our minds and see what -- tell him what we want. Do we want to close the lot? Let's close it, but let's tell them -- the issue was changing the color, the size, the shape. Let's make it star-shaped or let's make it Mickey Mouse-shaped citations so that it's not confused, but we're going all over the field on this issue. Let's make up our minds and deal with it. Make a suggestion and make them comply with it. And if they don't, let's close the lot. But let's stop -- we discussed this for two hours the last time because of the size and shape of the citation, which is the proper thing. And now, we're into half an hour on this one changing the issues constantly.

Commissioner Mena: I don't...

Mayor Valdes-Fauli: Let's make them close the lot if we're not comfortable with it.

Commissioner Mena: I don't agree at all with what you just said.

Mayor Valdes-Fauli: Well, I do.

Commissioner Mena: Well, I understand that.

Mayor Valdes-Fauli: Look at the record.

Commissioner Mena: I'm happy to. I stand by my record at all times. This is the second time we read this. It's second reading. Every ordinance has a second reading, so this is only the second time we've discussed this. The ordinance...

Mayor Valdes-Fauli: An hour...

Commissioner Mena: The ordinance...

Mayor Valdes-Fauli: For over an hour and a half.

Commissioner Mena: The ordinance has been completely changed. It started off as an ordinance to ban the issuance of private tickets. That is not what it is now. So, the issues we're discussing are actually being discussed for the first time. The issue of the handicapped -- in all fairness, Vice Mayor Lago did bring it up last time very clearly and we talked about it. And this was an effort to come back and discuss it again. It was not addressed, really, I think with the revisions and, you know, there are still some issues to work out. Now, this is the ticket. This is what we had last time, and this is what we're having this time.

Mr. De Yurre: We can take the blue off the top.

Commissioner Mena: This doesn't cut it for me.

Mr. De Yurre: We can take the blue off the top, if you want.

Commissioner Mena: This just doesn't cut it. It still looks like a ticket.

Mr. De Yurre: And it goes inside an envelope.

Commissioner Mena: Probably because it's being issued by the same machine that issues tickets, right, basically? Same type of machine. That's why it prints in that shape?

Mr. De Yurre: We went to our suppliers, and they informed us that they can print any length. They can create envelopes, but they can't change the width because they're meant to be handheld. We've tried within, you know, any bound of reason to acquiesce to the requests that were made from the Commission. Again, to the point this started out as fake tickets that were orange that were meant to deceive, we don't want to do that. And in fact, we like bright lines so that we know that we're within the bounds of the law.

Commissioner Fors: Do you have any idea -- sorry, if you mentioned it already. I missed it. But do you have any idea what your plan is if this is passed today since it does require different dimensions? You said longer only?

Mr. De Yurre: Yeah. We can make...

Vice Mayor Lago: It doesn't require different dimensions.

Commissioner Fors: Excuse me?

City Attorney Ramos: It does.

Commissioner Mena: No, it does.

Vice Mayor Lago: How are they going to do it with the machine?

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Lago: Did you already find a solution for that or...

Mr. De Yurre: Well, we -- well, the County citation is actually a pretty short piece of paper.

Vice Mayor Lago: Are you using...

Mr. De Yurre: So, we can...

Vice Mayor Lago: Other cities...

Mr. De Yurre: We can make -- excuse me?

Vice Mayor Lago: So, you're going to cut the size of the citation? I mean, the width is going to be the same, correct?

Mr. De Yurre: The width is pretty close. I don't know if it's the exact width. What you're going to have is you're going to have a much longer citation. It's going to be distinctively longer, and it's also going to be placed in an envelope on the vehicles.

Vice Mayor Lago: Let me ask you a quick question.

Mr. De Yurre: And it says private parking.

Vice Mayor Lago: I want to...

Mr. De Yurre: Yes, sir. Yes, Commissioner -- yes, Vice Mayor.

Vice Mayor Lago: Make sure that my cosponsor, you know, is amicable to this. Why don't we defer this item, okay? And let's continue conversations. I want to address one issue that Commissioner Fors mentioned about whether we have the right to, you know, ask or request that you don't charge on the handicapped parking spaces. We absolutely do, and I (INAUDIBLE) belief of that. Because before, you were booting and we outlawed that. And the City of Miami took even a more drastic route and they don't even allow you to ticket in any of the surface parking

lots. So, I think we're being very flexible in allowing you to continue to operate your business, you know, making money on the people who come to our downtown, charging two times -- in some cases, even almost three times the amount that the City charges. But what we're trying to find out -- it's \$5.15. You can -- Mr. Kinney, how much do we charge, like \$2? What are we charging?

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Lago: What are we charging? No, not the lot.

(COMMENTS MADE OFF THE RECORD)

Vice Mayor Lago: On the surface parking. On the surface parking.

Parking Director Kinney: Surface parking, the base rate is \$2. In the downtown...

Vice Mayor Lago: Okay.

Parking Director Kinney: We've got the 50 cents.

Vice Mayor Lago: Okay. So, I mean, you're pretty much...

Commissioner Keon: Two-fifty an hour.

Vice Mayor Lago: You're pretty much around there. So, my point is very simple. We -- we're trying to find a way to make sure that we, you know, get to the finish line so we can coexist, but we need to do it in a reasonable, respectful way that is not predatory, in my opinion.

City Attorney Ramos: So, I need direction on two things.

Vice Mayor Lago: And if you want to -- I'm more than willing to defer this, but I want clarity at the next Commission meeting addressing Commissioner Mena's issues and my issues in regards to handicapped parking spaces. I would hope my colleagues...

Mayor Valdes-Fauli: The word...

Vice Mayor Lago: I would hope my colleagues, you know, they back me on this, and I want to hear their comments in regards to it to make sure that we're heading in the right direction and that we don't come back next month and we're still in limbo.

City Attorney Ramos: Clarify...

Mayor Valdes-Fauli: The word predatory is cannibalistic, and I think it's too strong a word for this issue.

Vice Mayor Lago: Well, listen, when you're...

Commissioner Mena: No.

Vice Mayor Lago: In a situation -- and I'll give you an example. When you're in a situation like my mother was, who had just -- both of her hips replaced and she had a decal and she parked and it was her fault because she parked in a private parking lot -- and it's also my fault because I was with her and because every single person took it for granted, like Commissioner Mena mentioned, because everything matched, the colors. There's even a machine where you pay. We thought to ourselves, she has a handicapped decal. She's not breaking the rules. We're parking in a handicapped parking space. We walked away and guess what happened? Her car was booted. Two years ago, I think it was. So...

Mayor Valdes-Fauli: That was wrong.

Vice Mayor Lago: Oh, yeah, it was wrong. But that, to me, is...

Mayor Valdes-Fauli: (INAUDIBLE).

Vice Mayor Lago: Predatory, especially...

Mayor Valdes-Fauli: (INAUDIBLE).

Vice Mayor Lago: Well, that's why I'm making sure that a handicapped individual who makes that mistake of parking in a private lot thinking that it's a public lot, again, does not come back to their car and they're in a wheelchair and they have a citation. No longer a boot because we don't allow it, but a citation of potentially up to \$75.

Mayor Valdes-Fauli: Okay. Will you make a motion that we...

City Attorney Ramos: I need direction on...

Mayor Valdes-Fauli: Defer this?

City Attorney Ramos: Two things, if we're going to defer. One is that the conversation last time was about confusion in handicapped parking spots.

Vice Mayor Lago: Yes.

City Attorney Ramos: And we attempted to address that with signage. It sounds like now we're moving to look at whether we can actually prohibit them charging in a spot.

Vice Mayor Lago: Yes.

City Attorney Ramos: Okay. So, we will look at that...

Vice Mayor Lago: I made it very...

City Attorney Ramos: And bring it back.

Vice Mayor Lago: I made it very clear in the beginning that I will not support -- or since I'm cosponsoring -- if we do not address that. And I think that's critically important, especially, to the elderly community here, who are -- you know, have issues with sight...

City Attorney Ramos: And we will look at that and bring it back. The second direction we need is, initially, we were going -- our office was going to approve the form. But it sounds to me like this Commission wants to see a sample. So, are you directing me next time to bring back a sample?

Commissioner Mena: Yeah. And I want to be as clear as possible on that.

Mayor Valdes-Fauli: Okay, Mr...

Commissioner Mena: Longer and different color...

City Attorney Ramos: Agreed.

Commissioner Mena: Is not going to get me there.

City Attorney Ramos: Agreed.

Commissioner Fors: And I still...

Commissioner Mena: Longer and different color, it still looks like a ticket. This is an invoice.

City Attorney Ramos: Agreed.

Commissioner Mena: This is what an invoice looks like to me. I've never gotten an invoice in this shape or this color. Invoices are, you know, go to QuickBooks and print out an invoice.

Mayor Valdes-Fauli: Michael Gierlach...

Mr. De Yurre: I can't do that.

Commissioner Mena: If you can't do that...

Mr. De Yurre: We can't do that shape. I just can't do that shape. And...

Commissioner Mena: You guys can't do that shape. You can't do an arm gate. You can't do an attendant.

Mr. De Yurre: We -- no, no. We can do...

Commissioner Mena: There's a lot of things...

Mr. De Yurre: We can do a lot of things.

Commissioner Mena: You can't do and I'm trying to compromise with you.

Mr. De Yurre: Understood, understood.

Commissioner Mena: Because otherwise, I'm just going to ban it outright because that's my personal view.

Mayor Valdes-Fauli: Okay.

Commissioner Mena: So...

Commissioner Fors: I'll remind the Commission about the idea -- which maybe it's something we could explore -- we're deferring this -- of having a preapproved City form that is regarded ahead of time as approved, and that, I think, is how we get to complete -- to Commissioner Mena and Commissioner Lago being completely comfortable with it. Maybe you say you can't do something in the shape of a traditional invoice. Show us what you can do.

Vice Mayor Lago: Show us.

Commissioner Fors: We can make a preapproved form.

Mr. De Yurre: Absolutely, absolutely.

Commissioner Fors: You know you can do that (INAUDIBLE).

Vice Mayor Lago: Look, I don't want to defer this. I don't want to talk about this again. I want to get this resolved. What Commissioner Fors mentioned right now, guys, you have a month. Show up with five different examples that makes Commissioner Keon happy, that makes the Mayor happy, that makes us happy and we'll come to an agreement. That's it.

Commissioner Keon: Are we...

Vice Mayor Lago: And help me out with a handicapped parking space.

Mayor Valdes-Fauli: Excuse me. We have Michael Gierlach -- Gierlach?

Mr. De Yurre: Yes. Mr. Gierlach is here.

Mayor Valdes-Fauli: Who wishes to speak.

Mr. De Yurre: Yeah.

Michael Gierlach: I mean, as Anthony said, we're amenable to what we need to do to work with you guys. At the end of the day, we want to enforce our lot. We need some kind of enforcement. As you've said, we can't boot. We never have booted there, at least while we have controlled that property. We can't tow. We need some kind of enforcement in that lot. We have to be able to do something. Without it, it's very difficult to be able to operate that lot here in the City. It's -- you know, it's a contractual thing we have. We took over that lot when we were able to do something and now we can't. That's pretty harsh on us. I mean, that interferes with our stuff. And I don't really want to get there, but again, we're very amenable to being able to do something here. We have to be able to do something, I would say.

Vice Mayor Lago: Can I get you on the record to say that you agree with Commissioner Mena's comments about the size and dimensions of the ticket, and also, the issue of the fact that the handicapped parking space should be...

Mr. Gierlach: The handicapped, we can discuss. We -- that is something that, again, we're very amenable to talking about.

Vice Mayor Lago: Okay.

Mr. Gierlach: It's something that we can take a look at.

Vice Mayor Lago: What about the shape and size of the tickets, the way that -- the way the invoice looks, excuse me?

Mr. Gierlach: I don't have a problem with it. The problem is the company that we use to do it. They can't carry around a full-fledged printer.

Vice Mayor Lago: But I have a feeling -- and I have good -- I have faith in you. And I think that next month, when you show up, you're going -- you're going to have sent the Commission five or four different examples and options that are going to appease us and we're going to get through this, and we're going to be good business partners.

Mayor Valdes-Fauli: Okay. Will you...

Mr. Gierlach: We certainly will...

Mayor Valdes-Fauli: Make a motion...

Mr. Gierlach: Commit to getting you...

Mayor Valdes-Fauli: That we defer this?

Mr. Gierlach: Some examples.

Vice Mayor Lago: So moved.

City Attorney Ramos: I need to be...

Mayor Valdes-Fauli: Second?

Vice Mayor Lago: Go ahead, Madam City Attorney.

City Attorney Ramos: I just wanted to be clear for the record we do allow booting after one hour, and they can only charge \$25 to remove it. So, that is available to them. I just wanted to put that on the record.

Vice Mayor Lago: Yeah.

Mayor Valdes-Fauli: Okay, second?

Commissioner Keon: I'll second it.

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

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Commissioner Fors: Yes.

Commissioner Keon: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you very much.

Commissioner Keon: I don't...

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: I don't have a problem with your using an automated ticket of some sort, as long as it is so distinctively different that the shape is not a factor.

Mayor Valdes-Fauli: Okay. Now, we have F-4...

Commissioner Keon: But we'll see.

Mayor Valdes-Fauli: And F-5.