

City of Coral Gables City Commission Meeting
Agenda Items F-6
November 9, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant City Attorney, Gus Ceballos

Public Speaker(s)

Agenda Item F-6 [Start: 4:41 p.m.]

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

Mayor Lago: F-6.

City Attorney Ramos: F-6 is a Resolution of the City Commission approving the general form and language of a surface parking lot invoice for Professional Parking Management. If you remember they were here last time. The Commission made various requests on the form. Mr. Ceballos has both the form and a PowerPoint with what the current code says, because we thought that would be helpful in evaluating the form.

Mayor Lago: Mr. Ceballos.

Assistant City Attorney Ceballos: Good afternoon again. If IT can go ahead and put up the PowerPoint. The PowerPoint is strictly just to give the Commission a general guideline of what is

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currently in the books and to make sure there is no question as to what exactly can and cannot be done within the city. So, 7484 basically gives you the requirements of what can and cannot be done on a surface parking lot. Specifically, what should be noted is that pay stations and signage has to be significantly different than a city lot. So, when you pull into one of these lots you should be able to easily identify that it is not your standard ornate City of Coral Gables parking lot. The signage should be prominent, should be at all entrances, should include all the fees and parking rates, and very importantly that the maximum amount that can be charged is \$45.00, which can then escalate to \$75 after 30 days or after whatever they deem is appropriate. Additionally, a 15-minute grace period needs to be granted over time and no invoices should be issued to anyone parking in handicap spot with an appropriate placard. There is a lot of discussion about towing and booting, for your convenience 7045, no vehicles can be towed unless they are blocking other parked vehicles or blocking the entrance or exit. So, the idea that somebody could tow a vehicle because it's parked in a spot over time, they paid no money whatsoever and they've been in the parking lot for two hours, currently our code does not allow them to be towed for that. Simply put. In regard to booting, booting can only be done if you are 60 minutes past any amount of time that you have actually paid. So, if you paid for one hour and you are there for three, there you could be booted, but operators have to be able to respond within 10 minutes or they need to give the city the ability to remove the boot if they fail to be there within 10 minutes, and they are capped at how much they can charge for that boot, which is only \$25. An important distinction that needs to be made is today, the only thing that's being approved is the language on a particular parking invoice. All those other things are not really up for discussion at this point. We can discuss it, if possible, changes down the road, but as of right now the only thing being discussed is the actual parking invoice. So, since the last meeting, if you notice in your Legistar item, one of the main distinct changes is that they moved that old language up to the very front, so its nice and prominent. Its no longer on the second page, its part of the dispute procedures, its right up front. Additionally, they have not changed the 30-day notice. What they did tell us was that they start the notice date five days from the issuance to account for their computer system and the mailing and things of that nature. So, for that reason, they didn't feel the need to change it. I don't believe that they are here, but they may be on Zoom. I'll have to defer to the Clerk if they want to chime in. So, this is basically the invoice that would be approved today. All of the other requirements they do meet, the \$75 is captured, the initial \$45. I believe it is distinct from the city issued invoices.

Vice Mayor Mena: Can I see that, sorry. Thank you.

Mayor Lago: What do you think?

Vice Mayor Mena: I hadn't looked at it.

Assistant City Attorney Ceballos: The real significant change is really that language. It got moved, so its prominent on the first page. They also sent a final notice, but its basically the exact same document, just says final notice.

Vice Mayor Mena: By the way, my understanding is it's the same operator as the other lot.

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Assistant City Attorney Ceballos: As which other lot?

Vice Mayor Mena: One that we dealt with last time, that's my understanding.

Assistant City Attorney Ceballos: They must have changed operators then, because I believe it's a different company.

Vice Mayor Mena: Wasn't there some language, sorry if I'm not seeing it on first blush that said that this was private as opposed to not government.

Assistant City Attorney Ceballos: Right here. This invoice is privately issued, is not issued by a governmental authority and is not subject to civil or criminal penalties. In a more prominent location than it originally was.

Commissioner Fors: There is language here, I'm sorry, let's finish.

Vice Mayor Mena: No, go ahead.

Commissioner Fors: There is language here that I pointed out last time that I had a problem with, perhaps was my biggest problem. Now I think arguably becomes the biggest problem because I think it was moved, if I remember correctly, to the very top, which states that unpaid parking charge notices. What's an unpaid parking charge notice? – its this document that we are looking at, right. That's an unpaid parking charge notice. It may result in the vehicle being booted or towed at the owner's expense in accordance with the City of Coral Gables code section 74.84.

Assistant City Attorney Ceballos: We can ask them to strike that language. At the end of the day, our code doesn't allow for that.

Commissioner Fors: Right. What this is saying is false, because its saying that Coral Gables section 74.84 through 74.86 means that they will be booted or towed if they don't pay this notice when they get it in the mail. That's not true.

Commissioner Anderson: That's a huge problem. Booting is a big problem period. You're in a doctor's office, you stay overtime, you go out to get booted after being there for that long or you're in an attorney's office and things take a lot longer. It happens.

Commissioner Fors: And now its at the very top.

Mayor Lago: Commissioner, you want to...

Assistant City Attorney Ceballos: Our original request was to move that entire section, but yes, when you read that language which in conjunction with our actual code...

Vice Mayor Mena: You have to at a minimum strike that sentence.

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Assistant City Attorney Ceballos: Go ahead and approve it with that caveat and I'll make sure that they go ahead and do that.

Mayor Lago: I don't feel comfortable approving anything. Actually, we were very clear that we wouldn't accept that, and they came back with the same language. So, I would like to make a motion to defer this item until this gets really cleaned up.

Commissioner Fors: I move to defer.

Mayor Lago: I think we need to send a clear message that enough is enough.

Assistant City Attorney Ceballos: Just to be clear, that's the one particular language that we need to go ahead and address. Just want to make sure that if we go back to them and they are given an opportunity to clarify any sort of pending issues.

Vice Mayor Mena: I would frankly like the part about this invoice is privately issued and not by a government authority should literally be the first thing at the top of the page.

Commissioner Anderson: That's a good idea.

Vice Mayor Mena: They can write whatever color they want. More than this parking charge notice do not ignore, because I really don't care about that. I care that people get this and immediately know this is not a government issued ticket. This is private.

Mayor Lago: Give as much emphasis that you are giving to parking charge notice to not ignore.

Vice Mayor Mena: First thing, above their logo.

Commissioner Anderson: That's a good location, because in advertising they say that's the corner people look at first.

Vice Mayor Mena: Yes, the first thing they see, and it should be obvious. That's the main thing. We can figure out the 30 days versus 45 days.

Commissioner Anderson: I would like a due date on there too, because it gets confusing for some people – 28 days, 29 days, 31 days.

Vice Mayor Mena: The other thing I would like, because I recognize your point that we are just talking about the approval of this document. Separate and apart from that, you put up a document at the beginning that talked about how the signage needs to be clearly different from the city and all these other items. Next time we talk, you need to put it as a separate item, that's fine, can you have photos of the lot and I want you to go, basically item by item and say, okay, signage has to

make clear that this is not a city lot. There should be a photo of their signage and how its different from the city's.

Assistant City Attorney Ceballos: Only in this particular lot?

Vice Mayor Mena: If there are others, that's fine, but this is the one that I'm familiar with and I'll be talking about. I think we talked a little bit about that back when we dealt with the other lot.

Assistant City Attorney Ceballos: The other lot had very similar signage.

Vice Mayor Mena: It did. I remember that.

Assistant City Attorney Ceballos: It had the same kind of edging. It was very confusing even for somebody who knows what to look for.

Vice Mayor Mena: Wasn't there also an issue in this lot that came up last time, was some sort of signage under the handicap.

Assistant City Attorney Ceballos: With the handicap, they said that they were going to be addressing it, but we can go ahead and bring that back just for the Commission's approval. At the end of the day, any violations of those issues, we can go through the code and fix the procedures.

Vice Mayor Mena: Correct. But what I don't want to lose sight of it. We could, again separate from the actual invoice itself, kind of like go through each item and show me a photo, here's what their sign says, here's how it's different.

City Attorney Ramos: So, this is my only concern. That part is fine.

Vice Mayor Mena: Yes.

City Attorney Ramos: Not approving this today, my concern is that they are probably still using the one they had before without all this language. So, what I would do today, is I would move with every condition you want to put in there, and that's what's approved. And if they don't use that one, then we have a problem.

Vice Mayor Mena: Then they have to come back.

Mayor Lago: Let's do this. It's getting late in the day. Mr. Vice Mayor, we are going to move forward, give us all the conditions that you and I think Commissioner Anderson, Fors and Menendez want.

Vice Mayor Mena: I'll take a first stab at a couple and if anybody wants to jump in. Strike the sentence that starts with, unpaid parking charge notices, altogether. Take the sentence immediately before that one that starts, this invoice is privately issued, and move that to the top of the page in

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some sort of brightly colored font. First thing on the page, above or adjacent to the logo, but top of the page. This is not top of the page.

Mayor Lago: Can you hold it up for the residents.

Vice Mayor Mena: Yes, sorry. So put it up here. I don't know what you think, either way. As long as it's at the top.

Commissioner Fors: I actually think it would be more conspicuous above parking charge notice.

Commissioner Anderson: I would say, put it in a box, because if you do warning labels on lots of products which I'm familiar with, you have to have not only a box, but a white space inside of that and emphasize...

Vice Mayor Mena: That's fine. Sorry, I know we are giving you mixed messages. We are trying to talk through it. I would almost make it, almost swap it with this, right, with the red. That's pretty clear.

Commissioner Anderson: Yes.

Vice Mayor Mena: That part should probably say something to the effect of, privately issued not issued by a government authority.

Assistant City Attorney Ceballos: I suspect they probably want to leave the red part, but we can put it above it.

Vice Mayor Mena: Fine. Commissioner Fors, Commissioner Anderson you're saying, here basically, in a box.

Commissioner Anderson: It can be in a box up in that corner too. Just like a warning label on a product.

Commissioner Fors: I think the box is a good idea, but I would also be fine with it being right above parking charge notice. The only thing I don't like is putting it all the way to the top, because I think that could be missed.

Commissioner Anderson: We can center it in the middle.

Vice Mayor Mena: So then put it in a box about the red parking charge notice, do not ignore line, bold, as bright as parking charge notice, do not ignore. In fact, maybe dumb that down, black and white that. No seriously. Make that black and white and make the other box red, and then strike the other – do on whatever you want to do on 30 versus 45.

Commissioner Anderson: I would like 45 and I want a due date, because for some folks they make a mistake if its February with 29 days, counting 30 days versus in August they might forget, oh my God, there was an extra day there.

Vice Mayor Mena: I'm fine with that. I have a question. I don't know if it would impact that at all. Why is it structured as, you owe \$75, but if you pay by this date its reduced? Why is that?

Assistant City Attorney Ceballos: I believe its an industry standard. Every notice I've seen has that same language. I agree with you. It doesn't make a lot of sense. It should be, you owe \$45, you don't pay within 30, it goes to \$75. For whatever reason it's always been structured like that.

Commissioner Anderson: I would convert it. Its too confusing. One could accidentally hit \$75, right.

Vice Mayor Mena: I suspect that they are putting data out there saying, we reduced our invoices an average of X percent, every time somebody pays it within 45 days.

Commissioner Fors: Or maybe its to avoid like, contractual penalty or something.

Assistant City Attorney Ramos: There might be some sort of requirement that the language be like that. We can look into it, but as of right now, it's just...

Vice Mayor Mena: I don't know if it really matters or not. It's a little odd that's all.

Commissioner Anderson: I think its confusing if someone's not really paying attention in reading and it happens, because that's what's in bold.

Vice Mayor Mena: Yes.

Commissioner Fors: I'm sure there is a reason for it.

Commissioner Anderson: Yes, they collect more money.

Commissioner Fors: It could be a practical reason. It could be a nefarious reason. It could be a psychological reason, I don't know.

Commissioner Anderson: So, I think that covers it.

Vice Mayor Mena: Did we make a decision on that. Are we going to invert that or are you going to research it and if its...?

Assistant City Attorney Ceballos: You can make the recommendation one way.

Vice Mayor Mena: Yes. And Commissioner Anderson wanted a due date, and you wanted a due date for the payment as opposed to.

Commissioner Anderson: I wanted a due date, because depending on how familiar you are with counting 30 days from a certain date, you may miss the date by one day.

Vice Mayor Mena: I'm okay with that.

Mayor Lago: Will someone make a motion.

Vice Mayor Mena: So, you're sure there is nothing else in there.

Commissioner Anderson: When you're finished.

Mayor Lago: Okay. I thought you were done. I'm sorry.

Vice Mayor Mena: We're pretty much done, I think. I just don't want to miss something else on the second page. Did we finally get clarity on how they are handling the disabled parking situation, because they mentioned that they have actual cameras, at least in this lot, they have actual cameras on entry, parking in the disabled space and the exit.

Assistant City Attorney Ceballos: They indicated in the last meeting that they have a technology that basically allows for them to know when you leave a parking lot, they can cross-reference that other camera and see whether you parked in the handicap spot or not.

Commissioner Fors: Maybe in an abundance of caution, you add something that says, if you have a valid disabled parking pass, you received this in error.

Assistant City Attorney Ceballos: If they are parked in the marked handicap.

Commissioner Anderson: If the vehicle had a placard, because if have a placard or tag you can park anywhere. Let's say all the handicap accessible parking spaces are occupied.

Assistant City Attorney Ceballos: Well, that would be a deviation from our current code. Something we can look into modifying the code, but right now the code prohibits charging a placard in a designated handicap spot, not all of their lot. So, if they have 20 spaces, one of them is handicap, if I park in a spot that is not the designated handicap spot even if I have a placard, I will have to pay parking.

Commissioner Anderson: Then we need to adjust that, because throughout the city its confusing. Someone with a disabled parking permit can park with no charge.

Assistant City Attorney Ceballos: The current law states only on the street.

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Commissioner Anderson: Only on the street.

Assistant City Attorney Ceballos: Only on the street. So, Florida statute says that you get X amount, I believe its four hours, if you are parked on the street, not in a city lot. Now the city may have a policy, I don't know if Kevin Kinney is here, city has a policy not to charge any placard users on a city surface parking lot, that's not a current legal requirement.

Commissioner Anderson: I think we should make it uniform. Its too confusing otherwise. Anytime you have something that's different, it's going to be confusing.

Commissioner Fors: We can discuss it, openly discuss that for sure, at the end of the day, by the way, I just want to make a note that the language is already in here about if you add a placard, etc. And again, we are just voting on the language of this notice, right. So, guess we can discuss the city's approach to private lots.

Assistant City Attorney Ceballos: Yes, you're correct, its right there in the dispute procedures, if you park in a disable parking spot.

Commissioner Fors: So, speaking only about the language in this notice, I don't have anything else.

Assistant City Attorney Ceballos: I can reiterate the four items. So, item one, strike the last sentence, specific reference to our code section; two, move the sentence starting with, this invoice is privately issued above parking charge notice. It should be a bold color, bright red, if possible, and black and white the parking charge notice; three, add a due date specifically for the 30-day time period; and four, look into the possibility of inverting the 45 and 75.

Mayor Lago: Question. Do we have to clean up any of the code in regard to this?

Assistant City Attorney Ceballos: No sir.

Mayor Lago: No.

Assistant City Attorney Ceballos: No. Not the way its currently drafted. The way it's currently drafted.

Vice Mayor Mena: I'm comfortable with that. On that sort of separate point, if we wanted to, could we just do away with the booting entirely?

Assistant City Attorney Ceballos: With what?

Vice Mayor Mena: Could we just do away with booting entirely?

Assistant City Attorney Ceballos: I think we would have to look into it.

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Vice Mayor Mena: Let's not go down there. We'll talk about that another day. I'm going to move it based on those.

Mayor Lago: Can I get a second.

Commissioner Anderson: Second.

Mayor Lago: Commissioner Anderson second. Mr. Clerk.

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Mayor Lago: Yes

(Vote: 5-0)