

City of Coral Gables City Commission Meeting
Agenda Item E-6
February 23, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

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

Public Speaker(s)

Agenda Item E-6 [12:14:38 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida regulating the towing and booting of vehicles in privately-owned, metered surface lots; providing for enforcement; providing for a repealer provision, severability clause, and providing for an effective date. (Sponsored by Commissioner Keon).

Mayor Cason: Let's move onto Item E-6.

City Attorney Leen: Thank you Mr. Mayor. Item E-6 is An Ordinance of the City Commission of Coral Gables, Florida regulating the towing and booting of vehicles in privately-owned, metered surface lots; providing for enforcement; providing for a repealer provision, severability clause, and providing for an effective date. This was sponsored by Commissioner Keon. It's a public hearing item. I'm going to turn it over to the Deputy City Attorney and to the Director of Parking to be able to talk about this item. I would just note that the County does have an ordinance regarding these matters, but it expressly allows the City to have its own regulations. Also 6.02 of the County Charter will allow us to do that as well. I'll turn it over to them.

City Manager Swanson-Rivenbark: And before they present. We are so glad this issue came forward because I know each of the Commissioners received multiple complaints about a private lot that look like a City lot, immediately behind Seasons 52 that was actually privately managed and people got booted. This City does not boot, correct?- as a public parking management program we were not the booters, but we were the ones that were getting – it was attributed to us. Since then we have taken over the management of that lot, and so you'll see over time a full redesign that will yield an additional twelve parking spaces. But we are managing that lot now, so that if people were disappointed that they had been booted before and frustrated, come back to that lot its City prices, so its less and there is no booting going on. So thank you for the leadership that both staff has provided and the Commission in making sure that those changes happened.

Deputy City Attorney Ramos: Mr. Kinney and I have worked together to draft the ordinance you have before you on First Reading. It accounts for three different things, signage, towing, and booting. As far as signage, it requires that the signs in private lots have different colors, different shapes and different markings. Also that it expressly states that it's a private lot not a City lot, and that it states the rates of the hours of operation and the number for the operator. So all of those things will be required on signage. As far as towing, no towing will be allowed unless the vehicle is either blocking another vehicle or the entrance or exit.

Mayor Cason: Question on the lot. Is a lot the same as a garage, or is that separate?

Deputy City Attorney Ramos: This only deals with surface lots not garages. And then the third component is booting, so booting will only be allowed by private lot owners after the person's been there for sixty minutes past the time that they had on their meter. Only \$25 maximum will be charged for the removal of the boot. They must respond within ten minutes and they must give the City the ability to remove the boot, so both parking and police are after hours; and a violation of any of those things result in a fine of \$500 the first time, \$1,000 the second time, and then if there is a subsequent violation we may revoke their business license and then of course the City Manager may reinstate it if good cause is shown. Also they must reimburse the person who was booted or towed, towed I think is where it would apply, for the cost of recovering their vehicle as well as any transportation that they had to take to get to the place where they were recovering their vehicle from. And I'll turn it over to Mr. Kinney.

Mr. Kinney: The goal we were shooting for is just to be able to allow these businesses to have a workable business model, but still not allow them to do anything that we would deem or would appear to be predatory, and that's why we put a cap on what they could charge for removing a

boot, \$25 is essentially where we think is an appropriate price to have somebody come out and just remove a boot.

Mayor Cason: Does that cover the sixty minute charge that they would have paid, if they paid for the lot, basically?

Commissioner Keon: Probably even more.

Mr. Kinney: The other thing was our experience at the lot that was previously mentioned is there was somebody actually sitting there, and if your time expired there would be a boot on your car.

Deputy City Attorney Ramos: Waiting for...

Mr. Kinney: Whether it was intended to be predatory or not, it had the appearance of being predatory.

Mayor Cason: How many private lots are there in the Gables?

Mr. Kinney: Well there are two different types of private lots. There are the ones that are charging and that's what we are trying to get at here, charging by the hour, but there are also many business lots...

Mayor Cason: And church lots too I suppose.

Mr. Kinney: Which as long as they have signage and they meet the signage requirements and the person doesn't belong there, they are still going to be able to remove vehicles that don't belong.

Mayor Cason: So will churches have to change their signs to comply with this or just commercial?

Deputy City Attorney Ramos: Well we've also included a waiver provision, 74.144, which allows particular entities which could be a church, the University of Miami, for example, to enter into a separate agreement with the Commission delineating their procedures, that's a big enough location.

Mr. Kinney: So the group that we are trying to get at here, we know there are some coming. In fact, a month we had the discussion with the Postal Service parking lot and we have entered into an agreement there, but at this moment in time the private lots that are used for public parking

are actually being managed by us, which is a good solution for us because then we control the customer experience, but not everybody is going to agree to have us operate their lot.

Mayor Cason: So we will have the key to unboot and then there will be a sign that says call this number, if you've been booted and we have to be there in ten minutes?

Deputy City Attorney Ramos: They have to be there in ten minutes. If they don't appear in ten minutes they get fined, and then it gives them an alternative to call the non-emergency number and we'll go out and remove it.

Mr. Kinney: So there are two phone numbers on the sign. The first one is where the operator and they are required to be out there in ten minutes. If the person, nobody shows up in ten minutes they can call the dispatch number and the City will send somebody.

Mayor Cason: So, if its four in the morning, they are supposed to be out there in ten minutes?

Mr. Kinney: Yes. If they've got a boot on a car at four in the morning, they need to be able to respond.

Mayor Cason: They could put the boot on at 8 in the evening and the person comes back at 4 in the morning, so the operator has to get up in the middle of the night.

Mr. Kinney: If they are going to go home at midnight, then they need to take the boot off.

Commissioner Keon: How they go about being notified that someone is overdue seems a bit predatory, the practice. Think we know that they encourage maybe someone that's working in a restaurant nearby to keep an eye on it and call them. A lot of the practices are really quite predatory.

Mayor Cason: So we run all the private lots, so the boot is mute for the moment?

Mr. Kinney: At this moment in time, yes.

Mayor Cason: OK.

Mr. Kinney: But there are some that are coming.

Commissioner Keon: They are coming and they would like that business, so now they know coming in.

Mr. Kinney: Even the ones we operate now by agreement with private owners, they are often private companies that come to them and say, we'll pay you more.

Mayor Cason: Is the Chamber and the B.I.D. on board with this?

Deputy City Attorney Ramos: We have not discussed it with them. We can between First and Second Reading.

Mayor Cason: Marina do you want to say anything?

Mr. Kinney: She doesn't like boots either.

Mayor Cason: I'm sure, but just for the record.

Ms. Foglia: Hello, my name is Marina Foglia, Executive Director of the Business Improvement District. Our organization is in full support of these measures taken. I still have not seen all the details, I look forward to, but yes we are in support of this measure. We receive many complaints from many of the businesses, and it was brought to our attention and when we saw that this rule was going to be placed, we definitely are in support of this. Thank you.

Mayor Cason: Thank you. Do we have any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: Close the public hearing. Discussion? Motion?

Commissioner Lago: I'll make the motion.

Vice Mayor Quesada: Second.

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

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

Deputy City Attorney Ramos: I'd like to note for the Vice Mayor that the quasi-judicial hearing was largely worked on by Yaneris Figueroa, Assistant City Attorney and I want to give her credit for that.

Mayor Cason: Thank you.

[End: 12:23:36 p.m.]