

City of Coral Gables City Commission Meeting
Agenda Item F-5
January 9, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Miriam Ramos
Deputy City Attorney, Cristina M. Suarez
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item F-5 [0:00:00 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending Chapter 74 of the City of Coral Gables Code to make the act of obstructing lanes of traffic in commercial and mixed-used zones a code enforcement violation with prescribed penalties; providing for repealer provision, severability clause, codification, and providing for an effective date.

(Sponsored by Commissioner Lago)

Mayor Valdes-Fauli: F-5.

City Attorney Ramos: An ordinance of the City Commission -- this is on first reading.

Mayor Valdes-Fauli: This is first reading.

City Attorney Ramos: An ordinance of the City Commission of Coral Gables, Florida, amending Chapter 74 of the City of Coral Gables Code to make the act of obstructing lanes of traffic in commercial and mixed-used zones a code enforcement violation with prescribed penalties; providing for repealer provision, severability clause, codification, and providing for an effective date. This ordinance is sponsored by Commissioner Lago. It's a public hearing item, and the Deputy City Attorney who drafted the ordinance is present to speak.

Commissioner Lago: Thank you. You know what I want to do? I want you, if you can, to give an explanation about this ordinance and what's coming over the next year, because I want my Commissioners to really understand what we're trying to achieve here and I don't want to get too longwinded here. I think I may lose some of the finer points.

Deputy City Attorney Suarez: Okay, good afternoon, Mayor and Commissioners. I know that -- actually, I wanted to say that Assistant City Attorney Stephanie Throckmorton has worked with you on drafting this ordinance before she went on maternity leave. And, what this ordinance does is it makes it a code enforcement violation for vehicles to stop in a lane of traffic and to block traffic. So, it gives -- it makes it a violation, and the violation would be -- can be given either to the driver of the vehicle or the registered owner of the vehicle in the commercial and mixed-use zones of the city. So, if a vehicle stops and blocks traffic in those zones, it's a code enforcement violation and the fine is \$100. In addition to that, I know that you have been working with the Parking Director and discussing bringing the parking enforcement in-house, which is a bigger project that will take some time and looking into bringing all of that enforcement, meaning the appeal of tickets and so forth, to be administered by the City.

Mayor Valdes-Fauli: I don't understand that.

Commissioner Lago: Yeah. Well, basically what -- we've been looking for like the past probably about a year and a half with staff and we've been trying to find a way -- because it was brought to my attention that we just -- we're in the process of finalizing the incredible remodeling of our downtown area. And, we're having is these 18-wheelers that are parking everywhere, and you're seeing that it's become more and more status quo for them to park in the median, for them to park on sidewalks, blocking ADA, blocking, you know, people who are walking throughout downtown, because they're trying to achieve one goal and that goal is to make their delivery. So, they're using big -- larger and larger and larger vehicles to make sure that they don't have to come back to their holding facilities because, again, it costs time and it costs a lot of money. So, when our -- I guess you would say not our police officers, but our...

Vice Mayor Keon: Code enforcement.

Commissioner Lago: Our Code Enforcement team would encounter one of these individuals; they would give them an \$18 ticket.

Vice Mayor Keon: For parking.

Commissioner Lago: A parking ticket. Again, they laugh at those \$18 tickets. So, we're trying to find a way to really try to control this type of behavior, which is, in my opinion, if you're in the downtown area early in the morning, it's pretty out of control. So, there's going to be a multiprong attack here, which this is the first phase. The second wave is going to be why are we using -- and I spoke to Kevin and he's been working on this for some time and he's getting the finer points of it. Why are we allowing the County to reap the benefits of all the money in regards to parking tickets? The number -- and don't hold me to it -- but it's around a million dollars that we could bring into the City of Coral Gables. We should be running this program ourselves. And, after speaking with Kevin -- I'm not going to hold him to it -- but he told me

that he could probably do this work with an additional few other staff members and probably do a better job than what we're doing with the County right now. So, we reap the benefits financially, and I think you'd offer a better service to the individuals that get a ticket here in the City. Third, you can also increase your ticket amount -- not to parking tickets, but to people who are violating the law. Because, I've gotten a lot of emails and phone calls from people who are disabled and in wheelchairs and tell me, listen, I can't cross the sidewalk, because on a certain street every single day you have a vendor that parks his vehicle either on the median or parks his vehicle on the sidewalk. And, that's been a continued issue that needs to be dealt with. And, the third issue -- it escapes my memory right now what I wanted to talk about.

City Attorney Ramos: It was really bringing the parking in-house. That's the ultimate goal. So, it's drafting the parking code first and then...

Commissioner Lago: Compliance...

City Attorney Ramos: Bringing it in.

Commissioner Lago: It's compliance. It's bringing the parking code in-house, but I think there was another point also we wanted to...

Deputy City Attorney Suarez: (INAUDIBLE) appeal of those tickets and the hearings...

Commissioner Lago: Oh, yes.

Deputy City Attorney Suarez: Brought in-house.

Commissioner Lago: Yes, yes. So, this is going to be a multistep process that I consulted with staff and I wanted to make sure that staff was okay with that.

Mayor Valdes-Fauli: Tell me about the tickets. I don't understand what you're trying to do.

Commissioner Lago: Well, what we're trying to do is bring people into compliance, because right now -- I figured out what the third part. The third part was finding an answer for these large trucks that right now are not using the Merrick designed alleyways in downtown. So, what is the answer? In whatever many meetings, we have come up with the idea -- I'm not sure who it was. I want to make sure I give him credit. That we -- the valet stations were not being used, let's say, from 5 in the morning until about 11 o'clock. Let's designate those areas. And again, this is very preliminary. Let's designate those areas for delivery areas for, let's say, Starbuck's. Just for example, if you drive down to Starbuck's right now and let's say you're going on Ponce and you're going south, I've seen people two and three blocks backed up, because there's an 18-wheeler that's in the middle of Ponce and people don't realize that vehicle's not down. That vehicle's making a delivery. So, the point of this is let's be able to fine these delivery drivers a reasonable amount that will curtail this type of behavior.

Vice Mayor Keon: Is there an ability to regulate delivery hours?

Commissioner Lago: We've talked about that.

Vice Mayor Keon: No, huh?

Commissioner Lago: And...

City Manager Swanson-Rivenbark: Other cities have that.

Vice Mayor Keon: Other cities have done it.

Commissioner Lago: But it's tough, though. It's tough.

Vice Mayor Keon: But I mean, unless you -- you know, if you're going to use the street to deliver, you know, then you can only deliver between, I don't know, 5 and 7 in the morning. I guess it's having people that are there and available to receive deliveries.

City Attorney Ramos: And, the idea was to have them not use the street ever, but rather, use the valet spots that are open until 11 am for loading and unloading in the morning.

Vice Mayor Keon: Right.

Commissioner Lago: And the other thing is...

Vice Mayor Keon: And you know something, they leave their trucks running.

Commissioner Lago: Yeah.

Vice Mayor Keon: They leave their trucks, you know, whatever and run in and do whatever they're doing, so it's not convenient for them to use the valet spots, so they...

Commissioner Lago: Just to bring you...

Vice Mayor Keon: Choose...

Commissioner Lago: Bring you up to speed because as you brought up the question, how did we start this? I think about a year and a half ago or two years ago, we started having discussions with Mark Trowbridge and we brought in the business community. Because we thought about, okay, so if you have this large truck that's making a delivery -- remember these conversations? If you have a large truck that's making a delivery in front of your property and they're 30 minutes in front of your property blocking traffic, blocking parking spaces...

Mayor Valdes-Fauli: That's wrong.

Commissioner Lago: It's wrong. It's wrong. And how do we address it? So, we started going the route of dealing with the resident -- with the -- excuse me, with the business owner and fining the business owner. And then we thought to ourselves, maybe that's not the best way to handle the situation. These businesses are already under a lot of stress as a result of Miracle Mile, Giralda and all the other projects that are going on in downtown. Let's find an alternate vehicle. And, the alternate vehicle is the first step that we're taking today.

Commissioner Mena: Why is it the driver or the owner and should it not be like one or the other?

Commissioner Lago: That's a good point.

Deputy City Attorney Suarez: So, sometimes the driver may not be available. They may be making the delivery, so there's a truck parked blocking a lane of traffic, in which case, the Code Enforcement officer would be using the license plate or the tag number and then issue a citation by -- and it would be mailed to the registered owner of the vehicle. And...

Mayor Valdes-Fauli: And, I think that if the owner knows that he or she can be or it can be responsible, they're going to make it -- they're going to make very sure that they advise the drivers that -- not to do it.

Commissioner Lago: I think the issue too is a lot of these drivers, they may not own the vehicle. So, they may use it for the day...

Commissioner Mena: Well...

Commissioner Lago: So, again, if you give a ticket to the vehicle and they don't own it, you know, what do they care?

Commissioner Mena: Well...

Unidentified Speaker: They do it with their employer.

Commissioner Mena: They're going to care.

Commissioner Lago: But I'm saying -- but again, when it's on your license or when you're actually getting a ticket -- a personal ticket, then I think you're a little bit more incentivized to make sure that that ticket doesn't fall through the cracks.

Deputy City Attorney Suarez: And it can be either/or or both.

Commissioner Lago: Yeah.

Vice Mayor Keon: I think UPS is one of the bigger offenders.

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: But, it's interesting if you...

Vice Mayor Keon: You're going to stop...

Commissioner Mena: You can ticket both for the same incident?

City Attorney Ramos: Yes.

Mayor Valdes-Fauli: Madam City Manager...

City Attorney Ramos: We do that for tree cutting all the time.

Unidentified Speaker: Right.

Mayor Valdes-Fauli: Some 20 years ago, we had a chief of police that started enforcing something like this against UPS and Federal Express and such. Do we have any records as to what happened with that?

City Manager Swanson-Rivenbark: I'm sure we can look back at some...

Mayor Valdes-Fauli: Can you?

City Manager Swanson-Rivenbark: Records on that. And, I just briefly looked online and there are several cities that do regulate...

Mayor Valdes-Fauli: Yeah, I think it's a very good idea.

City Manager Swanson-Rivenbark: In terms of hours, including New York City.

Mayor Valdes-Fauli: This is a public hearing, right?

City Attorney Ramos: It is, sir.

Commissioner Lago: And you'll be hearing...

Mayor Valdes-Fauli: (INAUDIBLE) members of the public.

Commissioner Lago: You'll be hearing in the next few months we'll be bringing the parking ordinance before us, and then it'll have a little more concrete numbers in regards to the cost savings that it'll bring to the City.

Mayor Valdes-Fauli: And this is first reading so, you know, if you can get that information before the...

City Manager Swanson-Rivenbark: Yeah.

Mayor Valdes-Fauli: Second reading, that'll be helpful.

City Manager Swanson-Rivenbark: We'll see. If we've got it, we'll get it.

Mayor Valdes-Fauli: Would you make a motion?

Vice Mayor Keon: This is only in the downtown area, right?

Commissioner Lago: Only in the downtown.

Vice Mayor Keon: What are you -- are you going to deal with the lawn service people that put up their cones and block up the residential streets?

City Attorney Ramos: No, we're (INAUDIBLE)...

Commissioner Lago: That is -- no, but there is a difference. I told -- in my opinion, people should be -- I tell my -- but again, I'm in a corner lot.

Vice Mayor Keon: Yeah.

Commissioner Lago: I have a large parking area. I don't tell them to park in the swale. I tell them to park in my driveway. So, I've come home or swung by the house and I've seen them not falling into compliance with what I tell them. Because, again, I don't want my...

Vice Mayor Keon: Right.

Commissioner Lago: Landscaper blocking up all of the street. I agree with you. I have a major issue with that and that is another issue that we need...

Vice Mayor Keon: Yeah.

Commissioner Lago: To tackle because...

Vice Mayor Keon: It drives people crazy.

Commissioner Lago: If you're driving...

Vice Mayor Keon: People complain about it all the time.

Commissioner Lago: If you're driving...

City Attorney Ramos: The problem is, if you're home and you have only one spot, where do they park?

Commissioner Mena: Yeah. That's not an issue for -- that's not an option for a lot of people.

Commissioner Lago: I know. That's what I'm saying. But, if you -- let's say if you're driving down towards 8th Street, you'll see that the area of North Gables, I mean, is riddled with landscapers that are, you know -- you're bobbing and weaving...

Vice Mayor Keon: That have...

Commissioner Lago: Through landscapers.

Vice Mayor Keon: The streets are all blocked up.

Mayor Valdes-Fauli: I haven't heard any complaints...

Commissioner Lago: No. This...

Mayor Valdes-Fauli: On that. I mean...

Commissioner Lago: Issue here, I have a lot of -- I do a lot of business...

Vice Mayor Keon: Yeah.

Commissioner Lago: In the mornings in the Gables, in downtown. And, if you just take a moment to go at let's say 7 -- between 7 and 8 o'clock in the morning, you'll see the amount of delivery trucks that are there obstructing traffic. And, if we were able to move those kind of -- with the addition of SMART parking and the addition of certain other, you know, options that we could take in the near future, you would really see downtown open up. But again, the issue also has to do with enforcement. We need to make sure that we have enforcement.

Vice Mayor Keon: Okay, I'll move it.

Commissioner Lago: Second.

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

Commissioner Mena: Yes.

Vice Mayor Keon: Yes.

Commissioner Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 4-0)