

City of Coral Gables City Commission Meeting
Agenda Item G-1
October 26, 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

Assistant City Attorney, Gus Ceballos

City Clerk, Billy Urquia

Public Speaker(s)

Russell O'Brien

David Fairbaugh

Agenda Item G-1 [11:38 a.m.]

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

(Lobbyist: N/A)

Mayor Lago: Moving on to Item G-1.

City Attorney Ramos: Did we vote on F-8, Mr. Clerk? Did I miss it?

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Agenda Item G-1 - Resolution of the City Commission approving the general form and language of a surface parking lot invoice for Professional Parking Management.

City Clerk Urquia: F-8, we did, yes, ma'am.

Mayor Lago: Yes, we did.

Commissioner Anderson: We did.

City Attorney Ramos: G-1 is a resolution of the City Commission approving the general form and language of the surface parking lot invoice for Professional Parking Management.

Mayor Lago: Mr. Assistant City Attorney, where are we on this?

Assistant City Attorney Ceballos: Good morning. So...

City Attorney Ramos: I'm sorry. Yeah, G-1. That's what you said, right?

Mayor Lago: Yes.

Assistant City Attorney Ceballos: Yeah.

City Attorney Ramos: Okay.

Assistant City Attorney Ceballos: So, if you guys recall, this item came back the last meeting or the one before, and the Vice Mayor and the Commission had decided to have somebody representative from the company attend the next meeting. We have them here today. Additionally, we also had some further discussions about possibilities of alternatives on-site. I think we've kind of addressed every option that's available at the moment. The current invoice remains the same. The one thing they will -- they have suggested that they would be amenable to is adjusting the time to allow for the notice to reach out to the person to make sure that the person, once they receive that ticket, have a minimum of 30 days before the additional charge is charged. They're here. They

have -- if you have any additional questions for them, and if you have any particular comments, we're here to address them to the best of our ability.

Mayor Lago: So, I do have a few questions. And I ask my colleagues to jump in, please. Do you represent any lots in the City of Miami?

Russell O'Brien: I'm sorry. Can you repeat that?

Mayor Lago: Do you represent any other properties in the City of Miami?

Mr. O'Brien: No, I do not.

Mayor Lago: I was hoping that you did just to give you a little further guidance because I've had some exchanges with similar lots and they weren't as favorable, and I wanted to understand what happened, but it's not your...

Mr. O'Brien: Well, let me correct you. I represent Professional -- correct myself, excuse me -- Professional Parking Management. And they manage a number of lots. However, I don't represent any other parking companies that have lots in the city if that makes sense.

Mayor Lago: Okay, does your client own the lot on 8th Street -- behind 8th Street and like 17th, 16th around there.

Mr. O'Brien: So, I have a representative with the company with me. He traveled here from Atlanta today to be before the Commission to answer any questions that you have. We are an enforcement company that enforces the lots. They don't own the actual property.

Mayor Lago: Okay.

Mr. O'Brien: But I'll have him answer and address any questions that you may have that I'm not able to answer.

Mayor Lago: You're an attorney, correct?

Mr. O'Brien: Yes, I'm with the law firm Conrad & Scherer. We had submitted the notice pursuant to Code Section 74-84984. And I've been working with Mr. Ceballos on the language. And so...

Mayor Lago: So, let me correct myself. I don't want to -- I'm surrounded by attorneys. It's so many of you guys, it's incredible. Thank God we're not charging by the...

Commissioner Anderson: Maybe we ought to get you a degree one day.

Mayor Lago: Thank God we're not charging by the hour here. Alright, so let me correct myself. I said if you owned. Let's take a step back.

Mr. O'Brien: Sure.

Mayor Lago: Do you manage a lot on 8th Street and 16th, 15th, around there, right off there. It's a surface parking lot. Do you manage the surface parking?

David Fairbaugh: We do not manage lots at those locations -- or at that particular location. We provide enforcement services and collection...

Mayor Lago: So, let me...

Mr. Fairbaugh: Services at the lot, so no, we don't.

Mayor Lago: Let me reiterate my statement. Do you have any involvement...?

Commissioner Menendez: Yes, that's the question.

Mayor Lago: How's that? Let's go broad.

Commissioner Anderson: You're getting better.

Mayor Lago: Let's go real broad and all encompassing. Help me out here. Let's cast a wide net.

Mr. Fairbaugh: So, ownership interest, is that what you're asking?

Mayor Lago: Ownership interest...

Commissioner Menendez: Any relationship.

Mayor Lago: Involvement; do you clean it? Do you sell insurance to it? Do you --? I don't know, just anything that has to do with it.

Commissioner Anderson: Directly or indirectly.

Mayor Lago: Tell me.

Mr. Fairbaugh: No, exclusively, we provide collection services through our license plate recognition technology, so that's what we provide, a service to the parking lot operator who operates on behalf of the owner.

Vice Mayor Mena: But for that lot?

Mr. Fairbaugh: For a third party.

Vice Mayor Mena: Do you do that particularly for that lot?

Mr. Fairbaugh: Yes, through a third party.

Vice Mayor Mena: But do you do that for this lot he's referencing on 8th Street?

Mr. Fairbaugh: I'm not exactly sure of the location -- of that particular location.

Vice Mayor Mena: Alright, well...

Mr. Fairbaugh: Do you know whose name is on that particular lot?

Mayor Lago: I don't.

Mr. Fairbaugh: Okay.

Mayor Lago: I just...

Mr. Fairbaugh: I'd be happy to get back to you, be happy to (INAUDIBLE).

Mayor Lago: Let me tell you why I asked.

Mr. Fairbaugh: Okay.

Mayor Lago: Okay. Because I was in that lot when my grandma -- excuse me -- with my mother when she had both of her hips replaced and she was in a walker. And she had a temporary handicap sign. We parked in that lot probably the first week it had transitioned from a -- to a-- it was a private lot that was now allowing people to park on the property. Before it was an empty lot of

some sort from what I remember, right off 8th Street, right off where the art galleries are, and the different restaurants are. And we parked in a handicapped parking space with the misunderstanding, like you have in all public scenarios where if you park in a public handicapped space, you don't have to pay for the meter. My mom has her back fused, and she had both of her hips replaced, so she has a viable handicapped tag, and my father's a physician. So, with that being said, when we got back to the car, the car -- and it was a matter of minutes, and she was in a walker. It was a matter of minutes. The car was booted. I asked you these things because we're seeing that type of activity throughout Miami-Dade County, where it's predatory in nature. And I have some concerns with that type of activity in our city where I have some sort of control. And it's something that we've been working on for some time now to ensure that it's not predatory in nature. I know you have to make a living and I know you're providing a service, but the concept that people are waiting one moment to just, you know -- they're waiting in a car across the street, they jump out, and they give a person -- there's no leeway. There's no 10 minutes; there's no 15 minutes, you know. Usually, that happens when it's a public setting, for example, the City of Coral Gables. You don't get a ticket in one moment, but I understand it's a private business and I get it. But there are certain things that we as a body have concerns over. And that is signage, that is the verbiage associated with the ticket. That is the billing procedures, the actual notification procedures. So, I don't want you to think that we're picking on you, because you're not the first one to come to bat.

Mr. Fairbaugh: I don't feel that way at all.

Mayor Lago: You're not the first one to come to bat. But I want to be very, very clear that if we don't come to some sort of agreement, I'm willing to remove all of you from the City.

Mr. Fairbaugh: Well, first of all -- and allow me to introduce myself. My name is...

Mayor Lago: And I just want to be very -- I want to lay the groundwork because there's a lot of people...

Mr. Fairbaugh: Complete agreement with you, sir.

Mayor Lago: There's a lot of people that come up and they call me, and they say, "Hey, listen, I know I got a parking ticket." "No, you didn't get a parking ticket." They don't understand; they're confused, especially elderly people. And that is where you hit me over the head, when you have an elderly person who comes up to me and says -- call me. They'll call my office, "I got this parking ticket." I've gotten to the point where the Manager can tell you and my chief of staff can tell you, I've paid the tickets for them because they don't understand what to do; they're not even sure. So, I want to be very clear with you, and I'm happy that you're here, by the way. But I want to make sure this is a pleasant experience. I don't want it to be...

Mr. Fairbaugh: It will be...

Mayor Lago: If somebody breaks the law, if somebody didn't pay their parking, they got to pay the fee. But it can't be deceiving; it can't be predatory in nature.

Mr. Fairbaugh: Well, first of all, I feel your pain. I'm David Fairbaugh. I'm a vice president of Professional Parking Management. I've been doing parking management for 35 years. I've seen everything in the parking world. And the story you told me; I literally hear every day. Because I'm in our call center in Atlanta, and we get these phone calls, we get these emails every day. And the situation you described; I literally hear that all the time. Now, as far as booting cars, we do not boot cars, and booting is a separate entity. Towing is a separate entity from what we do. We do license plate recognition technology. A vehicle enters the lot, we scan the tag. When the vehicle exits the lot, we scan it again. We look for any payments that were applied to that vehicle. And if there weren't any possible payments applied, a notice is mailed out several days later.

Mayor Lago: Yeah, but let's stop there. One second, let's stop there. So, you said that you don't do it. But there is somebody...

Mr. Fairbaugh: Yes.

Mayor Lago: Okay, there we go. This is the key. There is somebody waiting in a car a stone's throw away watching that person step out to get their dry cleaning, or a person like my mother, my father who are 70 years old, who think that they're -- foolishly, foolishly, they think that they're in a public lot, and they're walking out of the lot. They make it two-thirds down the block, and they get clobbered -- not a parking ticket. If you told me you got a parking ticket, it's fine, but the boot.

Mr. Fairbaugh: And I think -- and this is why our system is becoming very popular with the operators in South Florida and other states and many cities across the country because we're the kinder, gentler guys. We don't believe in -- if it's a violation or any kind of parking infraction, we don't impound the car. We're not booters. We're not towers. We don't impound the vehicle. We mail a notice to the last registered owner of that tag. And several days after the event, say your vehicle was parked, there was no payment, or there was no permit displayed, or whatever the case may be. So, we are the kinder, gentler guys. I'm with you. I am not a fan of...

Mayor Lago: But let's stop there.

Mr. Fairbaugh: Booting and towing cars.

Mayor Lago: Let's stop there again. Let's stop there and take a step back and say -- okay, you mail them something in the mail, but there is somebody in waiting in an alley to go and boot their car.

Vice Mayor Mena: No, we don't boot...

Mr. Fairbaugh: Not the locations...

Mayor Lago: Yeah, yeah, yeah. In other locations, you do do that. You do do that. Not here in the City because we don't allow that.

Vice Mayor Mena: Right, we don't allow it.

Mayor Lago: We don't allow that. We made sure of that. But in other cities, you do do that.

Mr. Fairbaugh: In other cities, there are -- again, it depends on the property management team as to how they want to enforce. Because they can enforce with a notice placed on a windshield. They can enforce with a letter in the mail, or they can enforce with a boot or a tow. It really depends on the property management, not the operator.

Mayor Lago: My point is simple. My voice -- before Commissioner Menendez jumps in. What you do in other cities, I have no control over, it's fine. I'm just saying that, you know, I want to make this a pleasant experience for everyone, even -- you think, wow, this guy wants to make it a pleasant experience when you pay for a parking ticket? I know that a police officer pulls me over and says, "Hey, you were going 60 miles an hour in a 40," I was going 60 miles an hour in a 40. You know, there's no game back and forth whether I was doing over the speed limit or not. I want people to be aware that if they are going to break the law and they're not going to pay for a parking space, they're going to get ticketed, and that's simple. That's all I want.

Mr. Fairbaugh: Yes.

Mayor Lago: That's all I want.

Mr. Fairbaugh: Yes.

Mayor Lago: And we talked about something that was -- that opened the door to something that was -- that I think would make the experience as pleasant as possible for you, and it would make

it as pleasant as possible for me, and that was putting some sort of gate system, arm that would come up and down, that would basically force that person when they drove into the lot to say, "Hey, hold on a minute. This is private. If I don't pay for this right now, I'm going to get myself into a situation where I'm going to be hit over the head with a significant..."

Vice Mayor Mena: But you can't leave. The point is if there's a gate, you can't leave without paying.

Mayor Lago: That's what I'm saying.

Vice Mayor Mena: You have to pay.

Mayor Lago: So, but you have...

Commissioner Anderson: It would solve the problem.

Mayor Lago: But you can make the decision as you're going in. As you're going into the facility, or into the surface parking lot, you're making that cognizant decision to say, "Hold on a minute." Oh, and if you didn't know, you're going to know immediately because while you're waiting for that door to go open, you're realizing you're going into some sort of private venue.

Mr. Fairbaugh: And I'll respond to that. In my many, many years of parking management, I have bought millions of dollars' worth of gate equipment and installed all kinds of operation. And we find that our industry is moving away from that towards the touchless technology, where there's no pay stations, there's no gates, there's no tickets that you pull. It goes to touchless. You pay with your phone from the convenience of your car...

Vice Mayor Mena: Right.

Mr. Fairbaugh: For safety reasons and for -- and I noticed on your sign here at Coral Gables, you talk about a beautiful city. Gates and bollard posts and curbs, those things aren't pretty. They don't contribute to the streetscape, where our cameras are virtually invisible. Unless you look for them, you don't even know they're there. They're virtually -- every sign, every parking space has a sign, and the bumpers can be painted saying, you know, be sure to pay. There's signs everywhere. And so what we choose to do and what the operators that use us as a group to collect is they choose to not put gates in because they take up spaces that could be used for parking. And if a gate is broken on the exit, every vehicle leaves without paying, and it costs the operator a lot of money. So, not only do they have the expense of putting equipment in, but they lose all the revenue if the gate gets broken. And so they're moving away from that and moving towards a more visually pleasant, appealing, more spaces to sell, parking operation and using it with the touchless handheld technology.

Vice Mayor Mena: But there's also a revenue -- a big revenue consideration here -- right? -- which is, I think the following. And I have a question, which I had met with Gus on this topic, and I had some questions. We never kind of circled back on two of them. One was, you obviously scan on the way out and you get, okay, this tag left without paying, right?

Mr. Fairbaugh: Right.

Vice Mayor Mena: I assume you scan on the way in as well?

Mr. Fairbaugh: That's correct.

Vice Mayor Mena: So, the person has to have been -- you know, in other words, if I drive through and there's no parking and I leave, I'm not getting a ticket -- right? -- because you know I was there for two minutes.

Mr. Fairbaugh: There's grace periods.

Vice Mayor Mena: Right.

Mr. Fairbaugh: Yes, sir.

Vice Mayor Mena: If I go to this lot and I'm there for an hour, how much can I pay on my phone?
How much do I pay?

Mr. Fairbaugh: It depends on different locations.

Vice Mayor Mena: Say it's...

Mr. Fairbaugh: The rates are different. Let's say five bucks for the hour.

Vice Mayor Mena: Let's say it's five bucks.

Mr. Fairbaugh: Say five bucks.

Vice Mayor Mena: Let's say it's ten bucks, whatever. If I'm there for an hour and I leave without paying, the first invoice I get is for how much?

Mr. Fairbaugh: \$45.

Vice Mayor Mena: Right, and that's part of the issue I have because you could send -- you know what time they came in and you know what time they left, you could send an invoice for the hour that they were there -- right? -- if you wanted to.

Mr. Fairbaugh: Well, it's a considerable amount of cost for the equipment and for the look-ups and for the...

Vice Mayor Mena: Right.

Mr. Fairbaugh: Mailing and all that. There is expense involved. And parking when you pay in arrears is always more expensive, and I'll give you an example. If you have a parking meter, an old school meter, you put the coins, turn the dial, your time clicks up. The person who rides around in that little buggy that has to put the ticket on the car, that person costs money, the buggy costs money.

Vice Mayor Mena: Sure.

Mr. Fairbaugh: The paper they do, the court time...

Mayor Lago: You don't have to pay for that though.

Mr. Fairbaugh: And everything else. So, that -- they don't charge you for the time you didn't put the...

Vice Mayor Mena: Right.

Mr. Fairbaugh: Quarter in the meter. They charge you the fee of the notice, which is whatever the City has determined, which is always more than what the parking is.

Vice Mayor Mena: But they don't get a ticket -- the parameters of the ticket here are not the same as the ticket they would get in that instance.

Mayor Lago: Yeah.

Mr. Fairbaugh: Yeah.

Mayor Lago: Yep.

Vice Mayor Mena: They're more punitive than -- and let's -- and look, let's back up even further. Let's be honest. A lot of people park in municipal parking spaces and they don't pay because they think they'll get away with it, and that's the risk calculus they make every time they park at a meter. And they say, "You know what, I'll get a ticket every five times," and it's 18 bucks or whatever it is, and alright, great. The issue here is that people come into these lots, and they really, genuinely believe that it's a City lot because it kind of has the look and feel of a City lot, the signage. And so, you know, it troubles me a little bit that the -- that's what's always troubled me about this is that while I appreciate the point you're making about the gates and the aesthetic and the overhead and all that, you know, I feel like -- I worry that it's taking advantage of people who think it's a municipal lot as basically a revenue driver, you know. It's good business for these people not to pay for this lot owner. It's great business actually.

Mr. Fairbaugh: And as you mentioned, you know, people always try to beat the parking guy.

Vice Mayor Mena: Right.

Mr. Fairbaugh: That's -- you know, everyone's...

Vice Mayor Mena: No, no.

Mr. Fairbaugh: We've all done it. We see the guy leaving the lot. "Oh, I can stay here for 30 minutes."

Vice Mayor Mena: Right.

Mr. Fairbaugh: He won't be back in time to catch me.

Vice Mayor Mena: Right.

Mr. Fairbaugh: And everyone's done it; we're all guilty of it. But unfortunately, the property owners and -- they lose revenue as this happens. And so our method now is we capture all that traffic, and the payments are all...

Vice Mayor Mena: But you capture a huge multiple of that revenue. If your goal was just to capture the revenue, you could do that...

Mayor Lago: Easily without sending...

Vice Mayor Mena: Bull's eye because you know when I came in...

Mayor Lago: You have the technology.

Vice Mayor Mena: And you know when I came out.

Mayor Lago: You charge them just for that amount.

Vice Mayor Mena: And you can invoice me for that exact amount. And if I don't pay it in 30 days, you can have a penalty.

Mr. Fairbaugh: How would I recapture the cost of the overhead to do that?

Vice Mayor Mena: Well...

Mr. Fairbaugh: I would have to charge more than the parking fee or raise the parking fees higher, which would be prohibitive for people parking.

Vice Mayor Mena: Well, right, but I'm assuming the over...

Mr. Fairbaugh: (INAUDIBLE) it in, so...

Vice Mayor Mena: I'm assuming the overhead for mailing and for this is not \$25 a ticket -- right? -- which is the balance between, let's say, 10 bucks and the 35.

Mayor Lago: And not only that, if I may add, you also don't have a person in a cart. You don't have all the -- about 80 percent of all the health insurance and pensions and gas and insurance and maintenance on the vehicle and purchasing the vehicle. You don't have the manpower.

Mr. Fairbaugh: But what we do have...

Mayor Lago: I find the delta pretty significant in regards to difference between...

Mr. Fairbaugh: What we do have, sir, is we have an enormous investment in software and technology.

Mayor Lago: So do we.

Mr. Fairbaugh: And that has to be recaptured as well.

Vice Mayor Mena: Sure.

Mr. Fairbaugh: And you have -- and the situation is we also don't have the negative interactions with a person who's putting a notice on a car, or a booter, or a tower; those interactions that can go south very quickly that you don't want to have in a city like this.

Mayor Lago: But that's also a benefit to the parking attendant that you don't even have on-site. You don't have -- they don't have (INAUDIBLE)...

Mr. Fairbaugh: By not having that person to there as a target or as a symbol of the bad guy, those interactions go away. And I will say this, when we do get the appeals -- and there's an entire paragraph if you look on our notice. There's an entire paragraph of how to make an appeal or dispute a notice. And they can email, they can call. They can submit all the information. For example, in the case that you spoke of with your family, if someone had gotten a notice from us in the mail and it was a handicapped parking, we would immediately remove it with an apology, and say, you know, it was a -- "We're sorry that it happened."

Mayor Lago: Would you like to know how you handled that? How -- not you, but the entity that still runs that lot handled it?

Mr. Fairbaugh: What'd they do for you? I do not know.

Mayor Lago: Zero. They looked at -- my mom showed a card basically showing that she had just gotten her hip replaced. It was for airport travel. She showed, obviously, that she has her back fused. And then my father showed that -- had his white coat with his physician's name on it, and said, "I'm a doctor." And you know, they said, "Listen, we don't care what you are and what information you have. You owe us \$200 for the boot. We won't take the boot off until you pay the \$200." So, we had no other choice but to pay the boot. And we had to -- and we were on our merry way. But I'm just telling you that there's an opportunity here. There's an opportunity. We can go back and forth on fees and the deltas, and you know, the experience, and how it's more pleasant. You have a technology that I would love to see applied throughout the City. I would love to get rid of the ability for people to have to pay for parking in the City, literally get rid of it. You don't have to pay for anything. You park your car, and it sends you a bill every month of how many times you were in the City. And I'm pretty sure that if I did that, I'm pretty sure I would make more money than we are by hitting people with tickets because of the collection, the follow-

through, the meter maids, the maintenance, the gas, the insurance, the vehicles, the pensions, you know, all the things that come along with a government running their ticketing agency. If I could do what you do, which is basically just hitting you with a fee for an hour and 15 minutes that you're there, and then you go on your merry way, the clock turns off; I have no enforcement.

Mr. Fairbaugh: We could do that for you. I'm sure we could.

Mayor Lago: I wish. I'd love to see that. I'd love to see that. But when you use the excuse -- the reason why I bring that up is because when you use the excuse of the fact that you have to hit us with -- hit them with a ticket, because if not, it would be -- the fees would be -- you know, you would have to raise your ticket fees, I mean, come on. You're not going to change my mind that you guys make a lot of money, and actually hope that people leave without paying their tickets, without paying their parking, because that's the way you guys make probably a big bundle or a big chunk of your money.

Commissioner Fors: Are you...?

Mayor Lago: And I don't have a problem with that. And I don't have a problem with that. I don't have a problem with that because this type of business is allowed in the Code. But what I do want to do is make sure that it's as clear as possible, as night and day, for when somebody who's going to come into that lot, they understand that they're going under their own fruition, and it's at their peril, and that they're not going to get hit over the head with a parking ticket and say, "Hey, wait a minute. Why did my car get booted?" Or "Why did I get this massive ticket in the mail? I didn't know this wasn't a City parking lot."

Mr. O'Brien: If I could, Mr. Mayor, so we've been working for our notices to comply with the Code. And I've been having -- I have a great relationship with your Assistant City Attorney. And whatever we can do to adjust the notice or address any concerns that you have, we're happy to do that.

Mayor Lago: Can you put that arm?

Mr. O'Brien: We can discuss an arm as a possibility. I'm not exactly sure about the -- how that process happens. But if an arm is what's necessary, then we can (INAUDIBLE)...

Mayor Lago: Let me ask you -- just give me one second. Madam City Attorney, if I would like to legislate an arm being required in all these parking -- surface parking lots, including the City's parking lots, can I do that?

City Attorney Ramos: We would have to look at it carefully. At some point, government has to be careful about regulating how a business conducts their operation.

Mayor Lago: That's why -- but that's why I said even the City parking lots.

City Attorney Ramos: But the City's are ours, so it's our proprietary (INAUDIBLE)...

Mayor Lago: I understand. But I would like to say that we're going to comply with the same stringent requirements that we're putting forth on the private sector.

City Attorney Ramos: We could definitely do it on ours. I would have to look a little deeper on whether we could do it on a privately owned lot.

Mayor Lago: Okay. I'm just -- look, we're in a Sunshine setting here, so I'm taking advantage of this. I'm more than willing to do that. And I think Kevin would actually like that too because it would actually maybe potentially alleviate some of his staff to concentrate more in other areas of the City that maybe they don't have time to do because they're dealing with our surface parking lots. So, there's a win-win for a lot of different people. So, I just want to put that out there if anybody want to have that discussion. We can have that discussion right now too.

Vice Mayor Mena: Do you have the ability when you scan a tag to determine or any other way to determine who was utilizing the handicapped spaces on the lot, whether -- like is a tag tied to the...

Mr. Fairbaugh: Well, there's two things.

Vice Mayor Mena: To a permit?

Mr. Fairbaugh: Two ways to do that actually. One is that we have a camera that looks directly at the handicapped parking spaces. And so...

Vice Mayor Mena: You do? So you can reconcile the two.

Mr. Fairbaugh: When those spaces are utilized, those tags are completely pulled from the system. So, if I pull into the lot, I pull into the handicapped space, I got a tag. I saw you come in the entrance. I saw you park in the handicapped space. And then when I saw you leave, it all ties together and that's not issued a notice; that's just kicked, so there is nothing. And then for example, let's say there was a placard, but the person was unable to use the space because all the spaces were occupied, it's -- unless they have it on their tag, it's virtually impossible for us to see it.

Vice Mayor Mena: Right.

Mr. Fairbaugh: But then in that case, they call us, they email us, they say, this is -- we had a handicapped placard, and we remove the notice. I mean, it's unfortunate what happened...

Vice Mayor Mena: So, are you charging for those?

Mr. Fairbaugh: No.

Vice Mayor Mena: You're not?

Mr. Fairbaugh: No, we take those out because the City Code doesn't allow us to.

Commissioner Fors: What's your collection rate on these notices, the parking charge notice?

Mr. Fairbaugh: It depends on the community. But I will say in general, our two biggest communities are Georgia and Florida right now. Georgia -- Florida pays at a higher rate than Georgia does. But I would say in the ballpark right now, on first or second notice, 50 percent of the first two notices, like the 45 and...

Commissioner Fors: And do you presently send non-paid notices to collections?

Mr. Fairbaugh: They will eventually age to collections, yes, but that's about 90 days.

Commissioner Fors: Okay.

Mr. Fairbaugh: They receive six letters in between.

Commissioner Fors: Alright. And we've been told by other operators that they don't send theirs to collections, although they threaten to in their notice. I'd be curious to know if everybody's really -- or who's sending it to collections, who's not. Alright, so it does end up in collections, okay.

Vice Mayor Mena: Does the...?

Commissioner Anderson: Are you done with your comments?

Vice Mayor Mena: Does the proposed invoice -- I don't remember now -- state, "If you've received this invoice and were parked in a disabled space..."

Assistant City Attorney Ceballos: I do not believe so.

Vice Mayor Mena: "It's been sent to you in error and that you are not responsible for..."

Commissioner Anderson: It doesn't.

Assistant City Attorney Ceballos: No, it doesn't.

Vice Mayor Mena: Or anything of the sort?

Assistant City Attorney Ceballos: It does not.

Vice Mayor Mena: Well, it should, if that -- if he's telling me...

Commissioner Menendez: (INAUDIBLE).

Vice Mayor Mena: Yeah, if he's telling me that that's the practice, then I'd presume it would be okay for that to say some such language.

Commissioner Anderson: It should because not all the placards are as visible. It depends on where and how someone displays them, you know. It depends on whether you hang it, where you lay it, and how that camera is angled, and you know, the sun and how...

Vice Mayor Mena: I'm mostly...

Commissioner Anderson: It hits the glass.

Vice Mayor Mena: I'm mostly focused on the actual space, the designated spaces, because he's telling me they do see who's in the space...

Mr. Fairbaugh: We call it an exclusive camera.

Commissioner Anderson: I know.

Vice Mayor Mena: So, at a minimum, get that, right?

Commissioner Anderson: Well, I know, but it depends on the sun. You might not see the placard, you know, or something in that nature.

Vice Mayor Mena: But it's not -- but I think the point is, is not the placard; it's the license plate.

Commissioner Anderson: No, no.

Mr. Fairbaugh: We are constantly looking for (INAUDIBLE)...

Commissioner Anderson: My husband has one.

Mr. Fairbaugh: Tags (INAUDIBLE)...

Commissioner Anderson: It's not on the plate.

Vice Mayor Mena: No, no, no. I understand that. I think what he said is, they image your plate coming in -- your license plate. They have cameras on the handicapped designated spaces, which see your license plate, and therefore, if that car leaves without paying and it's the same license plate, they should not receive an invoice.

Commissioner Anderson: Right.

Vice Mayor Mena: Regardless of a placard, even if the placard's in the glove compartment.

Commissioner Anderson: Yeah, if you're filming the placard, though, it only goes to the driver's license number; it doesn't go to the tag, so that might not coordinate when they're doing the processing. But I have a few other questions for you too.

Mr. Fairbaugh: Yes, please.

Commissioner Anderson: So, including, do you even have notice above the handicapped space that they do not have to pay, so they're aware at that point in time...

Vice Mayor Mena: Right.

Mr. Fairbaugh: I will make sure...

Commissioner Anderson: They do not have to pay?

Mr. Fairbaugh: That our locations in Coral Gables has it. I will make sure of that.

Commissioner Anderson: Okay.

Mr. Fairbaugh: Absolutely.

Commissioner Anderson: You said you don't do booting, but does it ever reach a point in the processing where a car can be booted that is receiving an invoice from your system?

Mr. Fairbaugh: It depends on the operator, because again, we work under their protocols. So, if we have a chronic violator, a chronic scofflaw, we will report that to them and say, "We had this person receive five notices in the past five weeks. This is their tag." If you would like to escalate it, then it's up to the operator to determine if they want to boot or tow the vehicle the next time they don't pay. That's completely up to the operator at that point.

City Attorney Ramos: We also have a booting...

Vice Mayor Mena: That's not in Coral Gables.

City Attorney Ramos: We also have a booting and towing ordinance that they have to comply with.

Commissioner Menendez: Can I piggyback on your question, add a follow-up to your question? Does your company have an affiliate or anybody in your company have an affiliate company that does booting or towing? I mean, because I know in a lot of businesses, people have multiple entities that do different parts of the larger work.

Vice Mayor Mena: But we don't allow that. I just want to be clear.

Commissioner Menendez: Well, I'm just -- no, because...

City Attorney Ramos: There's very specific circumstances under which we allow booting and towing. They have to comply with that.

Commissioner Menendez: I know, but the Mayor asked a line of questions, and I wasn't satisfied with the answers, and it's related to booting and towing. Does your company have an affiliated company or someone in your company have an affiliated company that does booting and towing?

Mr. Fairbaugh: In the state of Florida, not to my knowledge. I have not heard anything.

Commissioner Menendez: But outside?

Mr. Fairbaugh: It's possible in another state, but not in Florida.

Commissioner Menendez: Okay.

Assistant City Attorney Ceballos: If I may. And just for the purpose of clarification because I keep hearing booting and towing, so in the City of Coral Gables, you cannot tow a car in a private surface-metered parking lot for simply parking in a parking space and not paying.

City Attorney Ramos: Correct.

Vice Mayor Mena: Right.

Assistant City Attorney Ceballos: You cannot tow.

City Attorney Ramos: And if you boot them, it has to be under certain circumstances. And the maximum fee to remove the boot is \$25.

Assistant City Attorney Ceballos: Yeah, so the only scenario where you're going to get towed in a private surface parking lot is if you park your car in a manner that blocks the entrance, blocks the exit, or blocks another vehicle from getting in and out of their existing parking space. That is the only scenario where our current Code allows for that.

Commissioner Anderson: Alright, a couple more follow-ups here.

Mr. Fairbaugh: Yes.

Commissioner Anderson: Your notice says if payment is not made within 30 days of notice date. Notice date is not mailing date, and the mail is not on time either.

Mr. Fairbaugh: Correct.

Commissioner Anderson: I mean, I sent a priority mail envelope that I expected to get to Atlanta in two to three days; it took a week. So, that...

Mr. Fairbaugh: And I know your sense of urgency and (INAUDIBLE)...

Commissioner Anderson: So, this concerns me.

Mr. Fairbaugh: Yes.

Commissioner Anderson: You know, it could be sitting on your clerk's desk. She could -- he or she could be out sick. It turns in that they get two days, three days, maybe a week to take care of something. People are not expecting that type of turnaround time. It needs to be...

Assistant City Attorney Ceballos: I believe...

Commissioner Anderson: Made within 30 days of mailing.

Mr. Fairbaugh: If I might. We put that in there because we want a sense of urgency. We want people to respond. But our clock does not start ticking until five days after.

Commissioner Anderson: But they don't know that.

Mr. Fairbaugh: So, that's the five-day mailing period that we've built in.

Commissioner Anderson: So, are you telling me that you print these five days ahead of time to give your clerks enough time...

Mr. Fairbaugh: No.

Commissioner Anderson: To get it mailed in a post office?

Mr. Fairbaugh: No, our clock -- our 30-day clock -- let's say you got a notice on the 1st.

Vice Mayor Mena: There's 35 days.

Mr. Fairbaugh: Our clock starts counting on the 6th, five days later. So, the 30 days for us -- if you go to our website or you mail anything in -- the 30 days started on the 6th, not on the 1st. Usually, your notice was incurred on the 1st; our clock does not begin for five more days because we want to build in that time to get the notice delivered to give you the full 30 days.

Assistant City Attorney Ceballos: Our recommendation from our discussion is to change the 30 days to 45 days; make it simple, make it easy.

Vice Mayor Mena: Is that consistent with the other lot?

Assistant City Attorney Ceballos: That is not consistent, but the other lot does not have an ALPR system, so you get notice because the ticket gets put on your windshield.

Vice Mayor Mena: On your windshield.

Assistant City Attorney Ceballos: That's the difference. So, if we make it 45 days, that 15 days is a significant amount of time to account for their five days, the mailing, making sure you're getting that notice. That's our -- that was our recommendation.

Vice Mayor Mena: Mayor, just to get you up to speed, because I know you stepped out and I know it's an important topic for you, they've indicated they don't issue invoices to the individuals that park in the designated handicapped spaces.

Mayor Lago: Thank God.

Vice Mayor Mena: So -- which is good. So, we've talked about adding language to the invoice that says, "If you were parked in the designated handicapped space and have received this invoice," you know...

Commissioner Anderson: It's an error.

Vice Mayor Mena: "Call us. It was an error," whatever magic language it needs to have. Bottom line is, do not charge people parking in the handicapped spaces.

Mayor Lago: Can we also add that to the other lots that currently are potentially giving tickets to people who park in the handicapped parking space?

Assistant City Attorney Ceballos: So, currently, our Code does not allow that.

Vice Mayor Mena: Right.

Assistant City Attorney Ceballos: Our Code specifically says, "If you are parked in a handicapped spot with a placard" -- regardless it is public or private -- "you don't have to pay."

Mayor Lago: Good, alright.

Commissioner Anderson: And the other...

Vice Mayor Mena: I was just getting him...

Commissioner Anderson: And one other thing...

Vice Mayor Mena: Up to speed on that one point because -- yeah.

Commissioner Anderson: One other point, Mayor.

Mayor Lago: I guess they're complying with the Code.

Assistant City Attorney Ceballos: Yes.

Mayor Lago: So, they're not doing...

Assistant City Attorney Ceballos: I was not aware of that...

Vice Mayor Mena: Right.

Assistant City Attorney Ceballos: That process. That's new information to us. If that's their process, then they are compliant with the Code.

Mayor Lago: They're not doing us any favors. They're actually complying with the Code.

Assistant City Attorney Ceballos: Correct.

Commissioner Anderson: Right. The other...

Mr. Fairbaugh: If I might add one thing here though. You talked about putting barrier gate arms up. I don't know how we would accommodate handicapped parking at that point. If I have to pull a ticket to come in, I have to pay somehow to get out, if I have a placard. Whereas if it's no gates, you pay by phone or you just have your placard...

Mayor Lago: No, there's a way of doing that.

Mr. Fairbaugh: It's frictionless.

Mayor Lago: There's a way of doing that.

Mr. Fairbaugh: But...

Mayor Lago: I mean, you could always -- I mean, you just told me that you have a place where you get a lot of phone calls, some sort of, you know...

Mr. Fairbaugh: So, they would pay...

Mayor Lago: Phone bank so they could press a button, and they could call and say, "Hi. Listen, I have a handicap." You have a video camera. They show their placard and that it's up to date. There's multiple ways to do it. And we have -- with right now, I mean, for example, who would have thought five years ago that you would have a camera at your front door that could be linked to thousands and thousands of cameras and could potentially be the result that many crimes are resolved throughout South Florida as a result of their -- What do you call it? The Ring doorbell.

Commissioner Anderson: Through camera.

Mayor Lago: So, technology is advancing every single day. There's an answer for everything.

Mr. Fairbaugh: And if I might add, we have already in the past six months here in South Florida, helped -- assisted the police to solve numerous cases where they have asked us if we had video footage from our cameras, and we've provided it to them, and it's resolved a number of cases for them in the South Florida area.

Mayor Lago: Can I ask you a question?

Mr. Fairbaugh: Yes.

Mayor Lago: What's your delinquency rate in regards to the parking tickets that you give?

Mr. Fairbaugh: We -- I'm sorry, you missed that. You were out -- you stepped out.

Mayor Lago: I was getting a glass of water.

Mr. Fairbaugh: I appreciate that. Our payment rate on the first two notices...

Unidentified Speaker: Commissioner Fors asked that.

Mr. Fairbaugh: Is -- runs in South Florida about 50 percent across...

Mayor Lago: 50 percent?

Mr. Fairbaugh: About 50 percent across South Florida, yes.

Mayor Lago: Mr. Kinney, will you be a gentleman and please come up here?

Commissioner Anderson: While he's coming up, Mayor, the other thing is they're going to be adding a sign above the handicapped space to let people know that they don't have to pay.

Mayor Lago: Perfect. Mr. Kinney, what's our delinquency rate?

Parking Director Kinney: Well, when we go to collecting on fines, it's through the County. But generally speaking, we get about 85 percent on the first pass.

Mayor Lago: That's pretty impressive. It's a big difference. It's a lot of money.

Mr. Fairbaugh: I've done municipal parking before, and he's got a very high number.

Mayor Lago: No, but I'm saying...

Mr. Fairbaugh: I've done it.

Mayor Lago: That's a lot of money on your of how much money...

Mr. Fairbaugh: Yes.

Mayor Lago: You're -- of how much you're collecting. No, forget us. I wish -- listen, you want to be honest? I wish we were getting your rates. Think about it, how much more money will we make if you had a 50 percent delinquency rate? That's pretty impressive how much money they're making.

Commissioner Anderson: Well, yeah, but...

Mayor Lago: Without the meter maid, without the insurance, without the gas, without the car, without the pension, without the education, without the liability insurance, without the workers' comp, without the GL. I can keep going on this for hours. I mean, guys, we're making...

Commissioner Anderson: You could, and...

Mayor Lago: I mean, this is a big money business...

Commissioner Anderson: And a confusing...

Mayor Lago: On a property that requires zero maintenance; no landscaping, no cleaning, no painting. I mean, guys, this is the -- I'm looking in -- I'm looking to get in. I'm looking to get in. I want to buy a lot. Tell me what we need to do.

Parking Director Kinney: Mr. Mayor, I...

Mayor Lago: What are we doing?

Mr. Fairbaugh: (INAUDIBLE) those things. They do pick up the trash. They do keep the lights burning. They do fix the pavement. They do all those things that any other parking lot does. So, I got to step up for them.

Mayor Lago: But a 50 percent...

Parking Director Kinney: That's true.

Mayor Lago: Delinquency rate is pretty impressive. I'm telling you that.

Commissioner Anderson: So, I have another follow-up question. You pay by phone on these lots, correct?

Mr. Fairbaugh: Yes.

Commissioner Anderson: What do you do to remind people to pay? You send them a text message, or you just let the time run out?

Mr. Fairbaugh: They have Pay By Phone, the same one the City uses. It does the same thing.

Commissioner Anderson: Same thing.

Mayor Lago: So...

Commissioner Anderson: So, it sends a text message, your time is running out. You will be fined.

Mr. Fairbaugh: Well, it just says, "Your parking session is over -- expires in ten minutes. Would you like to extend it?" And you can extend it on your phone.

Mayor Lago: Commissioner...

Mr. Fairbaugh: You don't have to go back to the lot. You just extend it on your phone.

Mayor Lago: I just have one last comment that I wanted to make on that point.

Commissioner Anderson: Sure.

Mayor Lago: Why do you think your delinquency rate is so high?

Vice Mayor Mena: Or the payment rate is so low.

Mr. Fairbaugh: Well, the payment...

Mayor Lago: No, but I'm saying -- no, but I'm asking you why. Why do you think? Just...

Mr. Fairbaugh: I think our payment rate is good because we have photographic evidence of the vehicle that comes in the lot and the vehicle leaves the lot. We have evidence they were in the parking lot for the period of time. And we've sent them the notice, and we've told them that we're going to continue to send the notices, which we do.

Mayor Lago: Why do you think people don't pay?

Mr. Fairbaugh: And...

Vice Mayor Mena: Yeah, I think he's saying, why is it so low.

Mr. Fairbaugh: Why they don't pay? A couple reasons.

Mayor Lago: He knows exactly...

Mr. Fairbaugh: No, I know. I know.

Mayor Lago: He knows exactly what I'm saying.

Mr. Fairbaugh: A lot of people think it's not legitimate.

Vice Mayor Mena: Right.

Mayor Lago: You know what I think it is? You want to know what I think it is? I think it's that a lot of people are confused.

Mr. Fairbaugh: And that's the second part.

Mayor Lago: And you benefit from the confusion, your entity, your client. Your client benefits from the confusion, and that's where my concern comes in, and that's why I can't support any of these types of ventures. Because it's preying on the elderly people, and to me, to me, that's unacceptable. Preying to the people who don't speak English, preying to the people who maybe don't speak Spanish, preying to people who are tourists, and they come in here, and they say, "Oh, you know, this looks like a parking lot." Coral Gables has ten of these surface parking lots. Look how beautiful the Coral Gables parking lots look. They think that they're parking in a Coral Gables parking lot; they're not. So, it's a confusing moment. You're talking about my parents who are world-class educated people, physicians, got bamboozled on a surface parking lot on 8th Street in a community that they grew up in since they came to this country with nothing. So, if they can get caught and not understand this, I'm pretty sure that a person who doesn't understand, who doesn't even have that type of education is going to fall victim or prey to this type of activity. So, I just - - there's a reason why we're at 85 percent and you're at 50; because people have faith and trust when they see the City of Coral Gables. They understand there's a process. There's a process to go to the court. You know, you have to pay a ticket. The ticket is put in the car. There's a whole step by step by step process that they used to it. You're kind of flipping the game on people.

Commissioner Anderson: I have one more thing...

Mr. Fairbaugh: (INAUDIBLE) point.

Commissioner Anderson: I'm going to add to that though. That if you can only pay by phone...

Mayor Lago: Yeah.

Commissioner Anderson: And you don't have a phone, or like my father, just you know, has one of these flip ones that can't pay by phone, guess what? You're going to be getting one of these bills, okay. And if you're confused about it, then you're going to be getting the hefty rate.

Mr. Fairbaugh: And you both bring up an excellent point. And if you'll give me just a moment here to tell you what we have done. We are the tip of the spear. We are the biggest operator at doing license plate recognition technology in our business. We issue more notices; we manage more properties. As such, we are learning under fire. We're the guys that take all the heat. We're the guys that had the news stories and had the people come after us and say, "What are you doing?" You know, we got to fix codes; we got to do these things. We're the biggest ones, and we're the first ones. So, yes, have we made missteps? I would say we have. But to your point, we have just engaged a public relations firm that's going to help us when we move into these new communities to educate the public, to improve our signs, to do the surveys, to talk to people to eliminate the problem you just spoke of because we've learned of this the hard way.

Commissioner Anderson: But there's two choices to pay when you go to the County space. You can either go to one of those little kiosks and pay and get a little ticket, or you can pay by phone. It sounds to me like there's only one choice here, and that's you pay by...

Mr. Fairbaugh: It depends on the location. Most have a kiosk. Most in the South Florida area have a kiosk as well as pay by phone. But there are a number that do not have a kiosk, and I will tell you that that's true. So, yes, it is confusing (INAUDIBLE).

Vice Mayor Mena: Does this location have a kiosk?

Mr. Fairbaugh: I'm sorry?

Vice Mayor Mena: Does this location have a kiosk?

Mr. Fairbaugh: I'm not...

Vice Mayor Mena: I don't believe it does, right? I don't think so.

Commissioner Anderson: No.

Mr. Fairbaugh: But most locations do have two forms of payment at least. And then as far as a handheld device goes, we are integrated with virtually every kind of handheld pay application there is out there and website. We're integrated with all of them. So, if you have Pay by Phone, ParkMobile -- of course, it depends on who the operator is as to which ones they accept, but we have some operators that accept five different kinds of mobile payment, and we integrate with all of them.

Commissioner Fors: I have a quick point regarding the invoice and disputes...

Mr. Fairbaugh: Sure.

Commissioner Fors: Procedure. It says, "Unpaid parking charge notices 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 through 74.86." Now, based on the Attorney's summary of those sections, that's not true, right?

Assistant City Attorney Ceballos: You could be booted. It just doesn't happen very often in the City of Coral Gables.

Commissioner Fors: Could you be booted for unpaid parking charge notice?

City Attorney Ramos: Only after 60 minutes, only if they have an attendant present, and it's only \$25. But yes, there are conditions under which that could happen.

Assistant City Attorney Ceballos: Just not towed.

City Attorney Ramos: But not towed. So, "towed" should be struck.

Mr. Fairbaugh: That's easily remedied. We'll fix that right away.

Commissioner Anderson: What would it take to put a kiosk in this area?

Mr. Fairbaugh: I'm sorry?

Commissioner Anderson: Are you willing to put a kiosk in the area, so people have more than one way to pay?

Mr. Fairbaugh: It's up to the operator, but I will certainly heartily recommend it (INAUDIBLE) this Commission has...

Mr. O'Brien: What about the operator versus the enforcement and the owner? Because that's always the (INAUDIBLE)...

Commissioner Fors: Very quick, before you do, I mean, the fact is that once you get a parking charge notice, you've left the parking lot a long time ago. So, I feel like what this implies is that you could be booted...

Vice Mayor Mena: Next time.

Commissioner Fors: Or towed next time or in the streets if you don't pay this parking charge notice.

Vice Mayor Mena: That's a good question.

Mr. Fairbaugh: I don't know that that implies it in the street, but people who receive these notices, it tells where they parked. And right at the first sentence of the notice, it says where they parked.

Vice Mayor Mena: Right, but you can't boot them. They've left already...

Mr. Fairbaugh: Right, but...

Vice Mayor Mena: By the time they get this notice that says that.

Mr. Fairbaugh: But unpaid notices -- if you notice, it says unpaid notices -- they have a history, as we spoke of earlier...

Vice Mayor Mena: You can boot them.

Mr. Fairbaugh: Then the operator may decide after how many -- I don't know; it's up to them -- if they want to call the booting company, but it's clearly...

City Attorney Ramos: Not in Coral Gables.

Mr. Fairbaugh: Up to them. It's not...

Vice Mayor Mena: Not in Coral Gables.

City Attorney Ramos: Not in Coral Gables.

Commissioner Fors: Not in accordance with Section...

Parking Director Kinney: And it cannot...

Vice Mayor Mena: No, but if they did...

Parking Director Kinney: Be done in the right-of-way.

Vice Mayor Mena: It outside Coral Gables and they got these invoices, they can go there and boot them -- right? -- for the unpaid tickets?

City Attorney Ramos: I guess, yes.

Commissioner Anderson: Yeah, Fort Lauderdale.

City Attorney Ramos: I guess if they were in the City of Miami or in the County or somewhere else, yes.

Commissioner Fors: And it wouldn't be -- but it wouldn't be in accordance...

Mr. Fairbaugh: We're at the mercy of the operator. It's what they want to do, their protocols as far as their rates, their times...

Vice Mayor Mena: They want to make money.

Mr. Fairbaugh: Their...

Vice Mayor Mena: They want to -- let's be clear. They're a private entity, and they want to make money.

Commissioner Fors: And if you did that, it wouldn't be in accordance with our section, which I feel like reference to our section also could give the impression that the City sanctions the business operation, when in fact, we're not huge fans of it.

Commissioner Anderson: Good point.

Assistant City Attorney Ceballos: Just for clarification, there is a pay station on site.

Vice Mayor Mena: There's a -- there is?

Assistant City Attorney Ceballos: I happen to have taken these photos back in September when I had actually been to that parking spot.

Vice Mayor Mena: Is it still there?

Assistant City Attorney Ceballos: And there are some changes that need to be made, like it says handicapped must pay on the handicapped placard.

Mayor Lago: What's -- come on, what was that?

Assistant City Attorney Ceballos: That may need to be adjusted. But there is a pay station on site on this particular lot.

Commissioner Anderson: Is there any way we can spell out what the requirements are going to be for this beyond just looking at this...

Mayor Lago: I think we have...

Commissioner Anderson: Notice?

Mayor Lago: I think -- Commissioner, I think we've got some work to do here.

Commissioner Anderson: Yeah.

Mayor Lago: I'm not ready to vote on this today.

Commissioner Anderson: No.

Mayor Lago: I need to -- I mean, if you want to vote, I'll vote. It's a no.

Commissioner Anderson: Yeah.

Mayor Lago: So, I mean, I think that we need to really work on this. There's a lot of unanswered questions. To me, it's a little bit ambiguous, and I'm not going to -- I'm just tired of getting phone calls on parking tickets based on what's happening on these lots. So, I need to really understand what's the plan moving forward on how to make this as transparent as possible. And you want to sit down and have a conversation with the Manager, I welcome it; with the Commission, I welcome it. But this needs to be as simple as almost basically parking on the street. I don't want people to feel they're being taken advantage of, and that's just my statement on it.

Commissioner Fors: And whatever we do is going to probably be applied uniform to the other folks as well, not just them. It won't be specifically about them. So, I think that's what we want to look at, right?

City Attorney Ramos: Yeah, so there's two different things, right? There's whether you approve this particular -- which is what's on today, their proposed "citation," quote, right? And then separately, whether you want to look at the ordinance and add additional provisions to the ordinance.

Commissioner Fors: I'll move -- I mean, this exhibit, this specimen that's provided here, I'll move to -- personally, I would move to not approve it based alone on the reference to our Code section and booting or towing for not paying this particular notice.

City Attorney Ramos: Would you do the alternative; approve it with that struck?

Vice Mayor Mena: And the handicapped...

City Attorney Ramos: And the handicapped language?

Commissioner Fors: No, I think that broadens it.

Commissioner Anderson: And the 45 days.

Commissioner Fors: And then now we get into other things that I think we need to look at more carefully.

City Attorney Ramos: Alright, so we'll bring it back.

Mr. Fairbaugh: We are clear...

Assistant City Attorney Ceballos: I mean, I can -- I'm confident I can make those particular changes to the satisfaction of the Commission without having to come back, but that's strictly up not you. The only recommendation that also would be the change of 30 days to 45 days. And

another staff recommendation that I personally think -- if you look at the dispute procedures on the second page, there's a big block letter that says, "Failure to pay this parking notice will result in the matter being referred to collections and possible further legal action. This invoice is privately issued. It is not issued by a governmental authority and is not subject to civil or criminal penalties." I would like that I think should be...

Vice Mayor Mena: At the top.

Assistant City Attorney Ceballos: Front and center...

Vice Mayor Mena: Yeah.

Mayor Lago: Yep.

Assistant City Attorney Ceballos: Up here, but I think that's...

Mayor Lago: Listen...

Vice Mayor Mena: Yeah, we talked about that when we met.

Assistant City Attorney Ceballos: We spoke about that.

Vice Mayor Mena: Yeah.

Assistant City Attorney Ceballos: That's the reason why. Those are the changes that I propose. I can include the additional language about the no payment in the handicapped spot and...

Mayor Lago: Yeah, but I want to bring it back.

Assistant City Attorney Ceballos: But we can bring it back. That's not a problem.

Vice Mayor Mena: What do you...?

Commissioner Anderson: Bring it back.

Vice Mayor Mena: What happens to the --? Well, I don't want to get down this...

Mayor Lago: I want to bring it back, if you don't mind, Vice Mayor. Let's bring it back. I want to clean this up. I want this presented to the Commission. I want it presented to staff. I want our Police Chief to review it. I want Kevin to review it. I want Mr. Kinney to review it, the City Manager. I don't want -- I'm not going to be rushed to vote on this today, zero, zero. This is -- before I do that, I shut the lots down. Because at the end of day, it's just gotten to the point where we've -- how many times are we going to discuss this? And I just can't continue to have this discussion. I've been pulled over on the street, walking on the street, by an elderly person that told me that they got a ticket that they paid for that they felt they shouldn't have paid for it. And you know, when you're talking about somebody who's on Social Security, and they're telling you that they can barely afford to pay their groceries, how expensive things are now, and then we're hammering them over the head with a huge citation, I mean, you've got to have a conscience for the love of God. I mean, I can't do this.

Commissioner Fors: I think it also does you a disservice for us to be rushed on it. I think...

Commissioner Anderson: Right.

Commissioner Fors: We should take this time to take a comprehensive look at the whole thing. It's not just about you; it's about the other folks too. And we'll come back with our final statement on, you know, what we're fine with, what we're not. And obviously, the City Attorney will keep us in line of what we can do and what we can't do, and we'll find something in the middle.

Commissioner Menendez: I have a request for the Administration and for the City Attorney. So, before it comes back, could you all -- I guess with the input of the Mayor and everyone else -- that perhaps come up with a bullet point issues of concerns so we can zero in on those issues. So, maybe by the time we bring it up again, we can sort of zero in on maybe the one or two things that are left to, you know, resolve. But I want to better inform myself or educate myself on the pitfalls of this. And only through the help of the Administration and the City Attorney's Office do I think I can do a better job.

Mayor Lago: Perfect. With that being said, let's put this on, I guess, the next Commission for a discussion.

Assistant City Attorney Ceballos: November 9?

Mayor Lago: That's fine. We'll be ready?

Assistant City Attorney Ceballos: I -- from what I've been discussed, I don't see an issue with that.

Mayor Lago: Okay, perfect. Then I look forward to it. Thank you very much, gentlemen.

Commissioner Fors: Thank you.

Mr. Fairbaugh: Thank you very much for your time and your input because we take this, and we take it elsewhere. It's not just here.

Mayor Lago: Thank you.

Mr. Fairbaugh: The things I learned here today are going to be carried elsewhere and used there because I've been doing this for a long time. I learn from everybody, so thank you.

Mayor Lago: Thank you for your time.

Commissioner Fors: Thank you for coming.

Mayor Lago: I appreciate you.

Commissioner Anderson: Thank you.

Mayor Lago: Have a wonderful day.