

City of Coral Gables City Commission Meeting
Agenda Item F-3
June 11, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli

Vice Mayor Vince Lago

Commissioner Pat Keon

Commissioner Michael Mena

Commissioner Jorge Fors

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

Assistant City Attorney, Gustavo Ceballos

City Clerk, Billy Urquia

Public Speaker(s)

Anthony De Yurre

Mike Gierlach

Sophia Guzzo

Maria Cruz

Agenda Item F-3 [0:00:00 p.m.]

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

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(Sponsored by Vice Mayor Lago)
(Sponsored by Commissioner Mena)

Mayor Valdes-Fauli: Alright, F-3.

City Attorney Ramos: F-3 is an ordinance of the City Commission of Coral Gables, Florida, amending Chapter 74, "Traffic and Vehicles" of the City of Coral Gables to provide additional definitions and prohibit privately-owned, metered surface parking lot operators from issuing parking violations to motor vehicles parked in said privately-owned, metered surface parking lots, and Chapter 1, "General Provisions", Section 1-7 entitled "Penalties" to include additional penalties for violations of Chapter 74; providing for repealer provision, severability clause, codification, and providing for an effective date. Assistant City Attorney Ceballos will present, and it is a public hearing item.

Assistant City Attorney Ceballos: Good morning, Mr. Mayor, Vice Mayor, Commissioners. Before you, you have an ordinance that is amending Chapter 74, which will prohibit privately-owned metered surface parking lot operators from issuing parking tickets. This all stems from numerous complaints which the City has received and I suspect the vast majority of you have received in regards to certain private parking lots issuing these citations. In regards to the ordinance that you have before you, I've made some minor edits. I'm going to go ahead and hand those out. It's really just -- I'm going to go ahead and read it into the record. The first whereas clause, we're adding a bit of a definition. The last line will end after elapsed. It will say which have a high likelihood of confusion in their appearance as they appear to be issued by a governmental agency, hereinafter referred to as non-city issued tickets. In the rest of the whereas clauses, whenever you see a fake parking violation, basically, that language is now being rewritten and it will now read "non-city issued tickets." I will go ahead and hand those out. Additionally, there will be an amendment to Section 1-7. We'll basically create a fine for violating parking lots, so we'll be able to -- \$500 for the first fine; \$1,000 for the second violation. If you have any questions, please let me know.

Mayor Valdes-Fauli: Alright. There are three members of the public that wish to speak. Shall we take them up?

Vice Mayor Lago: Yes, sir.

Commissioner Mena: Sure.

Mayor Valdes-Fauli: Okay, Anthony De Yurre.

Anthony De Yurre: Anthony De Yurre, 1450 Brickell Avenue. I'm here on behalf of my client, City Parking, Inc. The president, Mike Gierlach, of City Parking, Inc. came into town to speak to you today specifically...

Mayor Valdes-Fauli: Anthony, get...

Mr. De Yurre: Sorry. Anthony De Yurre, 1450 Brickell Avenue. I'm here on behalf of City Parking, Inc. City Parking, Inc. operates a lot in the City of Coral Gables. And the president of the company came into town to speak to the Commission today, and I'd like to allow him to present himself first, if that pleases the Commission. Thank you.

Mike Gierlach: Good afternoon, Commissioners. I'm Mike Gierlach. I am with City Parking. Our company operates approximately 30,000 parking spots in both Florida and Georgia. As Anthony just said, we do have a lot here in Coral Gables. I come to you to ask for you to revisit this ordinance because, obviously, we need a way to enforce our parking. And we do issue -- do have a company issue for us private parking invoices. Our company is one of the larger operators throughout the state of Florida and in Georgia. Like I said, we operate about 30,000 spots. My big thing is trying to do the least amount of enforcement as possible. As you know, parking needs enforcement. Otherwise, you've got a Wild West. Everybody's going to pull into your lot, not

pay to park if there's no recourse. I am not a big fan of booting or towing. We try and avoid that at all costs. At the end of the day, these are our customers. We want them to be returning customers. But you do have to enforce the property in some manner. You know, there are -- we have gone through our numbers as a company. Since January, we have had approximately 5,000 appeals and/or voids requested from the company we use. Of those 5,000 voids and appeals we have, they have granted about 3,950 of them. So, it's a way for us to say, yes, there was an error. Yes, there was not an error. It's not an immediate, you get booted, you get towed, you've got to pay for it.

Commissioner Mena: How many were not appealed during that same time period?

Mr. Gierlach: I'm not 100 percent sure on that.

Commissioner Mena: You know what percentage pay late fees?

Mr. Gierlach: I'm sorry?

Mr. De Yurre: The total amount of -- if it pleases the Mayor, I'll just speak directly to that question. The total numbers are -- and these are the 30,000 spaces that they operate across the two states -- approximately 30,000 notices for failure to pay or some other failure on the lot. Obviously, there can be a variety of them. And 5,000 appeals of which approximately 3,950 were granted for a number of reasons, including, the ticket falling off the dash, fat fingering, which is, you know, just a short way of referring to putting in the wrong license plate claim. And there is a process in place with instructions on the notices. But I'd like to just -- I can answer specific questions for you in more detail. I just wanted to allow Mike to speak for just two seconds.

Commissioner Mena: Sure.

Mr. Gierlach: Yeah. We're one of the companies that would prefer to use technology and simplify things. And I think that's what this allows us to do.

Commissioner Mena: Wouldn't an arm gate do that?

Mr. Gierlach: An arm?

Commissioner Mena: Yeah, an arm.

Vice Mayor Lago: Or an attendant.

Commissioner Mena: You pay, the arm goes up, you leave. If not, you can't leave, then...

Mr. Gierlach: Arm gates are extremely expensive.

Commissioner Mena: How expensive?

Mr. Gierlach: I think the last time we looked at putting in an arm gate -- and it was in a garage -- was approximately \$93,000. That was just for the equipment.

Vice Mayor Lago: But wouldn't the cost be recouped -- and again, it's your business. I don't want to overstep, but...

Commissioner Mena: Our parking...

Vice Mayor Lago: Wouldn't the cover be -- wouldn't the money be recouped by having a parking attendant and, you know, an arm gate and basically charge -- instead of charging what you're charging on an hourly basis, which is a lot more than Miami-Dade County parking rates are, just charge a flat rate, \$10, \$15. Or is it -- what's the reasoning behind this type of...

Mr. Gierlach: Arm gates are...

Vice Mayor Lago: Confusing citation?

Mr. Gierlach: Arm gates are generally for garage use and they're typically to keep people out, not keep people in. They're usually used on places where you have reserved parking that is for an entire building or something like that. Yes, you have gates that you can pay on the way out that require...

Commissioner Mena: No, but I mean, you have a lot them.

Mr. Gierlach: Yeah.

Commissioner Mena: And I...

Mr. Gierlach: You do.

Commissioner Mena: And I got to disagree with the fact that it's just to keep you out, not to -- because when you go out, there's an arm too. There's two different arms.

Mr. Gierlach: There is, and...

Commissioner Mena: So, it's for both.

Mr. Gierlach: But there is also a lot of problems with those. I mean, it's something that is, you know, requires maintenance and all that kind of stuff. But generally, it does -- it is to keep people out. If you take off gates from a garage, which we have recently done in the City of Miami at a six-story garage, our revenues have gone way up. If somebody sees an arm, they generally will

not pull in there if there's an option to pull into something that does not have an arm. Additionally, if you put in that kind of gated equipment, you basically have to make sure that the whole property is surrounded by a wall or something so that you can't go around that. In the instance of this lot that we have here in Coral Gables, that's impossible. There's entrances out the back. You'd have to basically put gates across an alley. I'm quite certain you are not going to let me do that.

Commissioner Keon: No.

Mr. Gierlach: So, you know, in some situations, it just doesn't work. This happens to be one of them. It's also not as effective. I mean, you -- I'm sure the City of Coral Gables uses pay stations on their city streets and in their garages as well. That's the kind of technology we use.

Commissioner Mena: I'm pretty sure we have arm gates in all of our garages.

Vice Mayor Lago: We do.

Mr. Gierlach: Yeah.

Mayor Valdes-Fauli: Can we listen to the other person that wishes to speak?

Commissioner Mena: I -- you still have some questions?

Vice Mayor Lago: Yeah.

Commissioner Mena: I still have some questions.

Mayor Valdes-Fauli: Okay, okay, please.

Commissioner Mena: Yeah.

Vice Mayor Lago: So do I.

Mayor Valdes-Fauli: Go ahead.

Commissioner Mena: You know, you talked to -- I think the phrase you used was private parking -- was it invoice?

Mr. Gierlach: Yes.

Commissioner Mena: Okay. This is one of your tickets. It doesn't say invoice anywhere, right?

Mr. Gierlach: That does not. We have worked with some staff, I believe, to -- Anthony's worked with them, so...

Commissioner Mena: But is it fair to say -- I'm asking you just now as a layperson -- that this looks like a parking ticket?

Mayor Valdes-Fauli: Of course, it does.

Mr. Gierlach: Sure.

Commissioner Mena: I mean, the style, the format, everything about it is designed to look like a parking ticket, right?

Mr. De Yurre: To address Commissioner Mena -- just because it's a question that I can provide some background on. We've been working with the City Attorney's Office, in particular, and we've gotten two specific requests. Number one -- and if you want to go to it, there's a package that was handed out. Just go to the last two sheets of it and you can see that the current Miami-

Dade County citation, the second -- which is the second to last sheet, Officer Lago is no relation to Vice Mayor Lago.

Vice Mayor Lago: That's awesome. Actually, when I met with you last night, I thought that was the funniest thing I've ever seen.

Mr. De Yurre: That is just a sheer coincidence that...

Vice Mayor Lago: Hey, you never know. Listen, maybe somebody in my family...

Commissioner Mena: But this is the ticket?

Vice Mayor Lago: Could be involved in some sort of enforcement.

Mr. De Yurre: Yes, yes. I want to make...

Commissioner Mena: And this is one of your invoices?

Mr. De Yurre: So, the proposed form is on the final page, which has no color, specifically outlines the invoice is not issued by the City of Coral Gables. Now, prior to us discovering that this...

Commissioner Mena: This is what you're referring to, just to be clear.

Mr. De Yurre: Correct, correct. So, us -- prior to us discovering this item was on the agenda, we have been working hand in glove, a lot of communication, a lot of emails, phone calls with the City Attorney's Office. What do you want us to do? We are happy to comply with the requirements of the City. The two requirements we got were change the color to blue, which required us to call our vendor who provides the ticketing and the (INAUDIBLE) to make sure...

Mayor Valdes-Fauli: Hello.

Mr. De Yurre: To make sure that we can -- they could accommodate the request from the City Attorney's Office. And then the next question was, is there any particular language that belongs in the government realm that you don't want to see in this. And the word "citation" was the offensive language, which we removed. And so, we provided the new form, which was blue, and which was parking violation. I was surprised to see it on the agenda, but that doesn't change the fact that we'll continue to work and create whatever form the City of Coral Gables deems fit in order to distinguish it. And this is what we proposed to the City, so it specifically states not even the word violation, which we were not told was offensive. If it is, we'll remove it to use the word violation. We explicitly added language that says this is only for the -- this is not from the City of Coral Gables. There are approximately half a dozen signs currently on the site that distinguish it as a private property. To the extent that the City wants larger signs, more signs, we'll put more signs. I believe I had a conversation with...

Vice Mayor Lago: Can I ask you a quick question?

Mr. De Yurre: Yes, sir.

Vice Mayor Lago: And this is the conversation that we had yesterday. The reason why I put this on the agenda -- and it's a complete coincidence that Commissioner Mena also had these same concerns...

Mr. De Yurre: Sure.

Vice Mayor Lago: That's why we're cosponsoring it together -- was because this happened to my family, to my mother. When she got both of her hips replaced, she was walking with a walker and she parked in a handicapped parking spot. And I don't think it was -- I'm not sure if you own this lot, but it was outside of the City. It was on 8th Street. And what ended up happening was it was

a handicapped space inside a lot and everything looked exactly the way that this lot looks. It looks very similar, with a pay station. It looks very similar to a municipal-run lot or facility or program. She ended up paying for the hour. I think she went over maybe five, ten minutes. On the way back to the car, it takes time. She has a walker. She had a walker, excuse me, two years ago. And when they got back, they booted her car. You know, the issue was -- yeah, it was her error. I admit it. It was her error. She did not read the sign. She forgot to really pay attention on the possibility that that wasn't a municipal-run parking lot. She was confused. It happens to the best of us. But the idea -- she thought that she was obviously safe from having to buy a ticket in a handicapped parking space. We don't force people to pay for tickets in handicapped parking spaces. My understanding is that on your lots, if you are handicapped and you have all the necessary documentation and you park in that lot, you will get a ticket. Obviously, you can't get towed here in the City of Coral Gables or booted because we outlawed that, but you will get a ticket which could amount to -- could be something to the tune of \$45. I'm probably getting these citations, these confusing citations on a monthly basis, one or two a month from residents. I just got one two days ago, which I showed to you last night.

Mr. De Yurre: Yeah.

Vice Mayor Lago: We need to find a better way to handle this.

Mr. De Yurre: Absolutely.

Vice Mayor Lago: If you don't...

Mr. De Yurre: A hundred percent.

Vice Mayor Lago: If we -- because the idea that this is working is not in the best interest of the City. Many people are paying these citations when they shouldn't. It's voluntary. I asked you

yesterday are you willing to put up a sign that says you do not have to pay this citation. That was something that was not...

Mr. De Yurre: We're willing to add language in there that tracks other legislation that's been passed in other states which says specifically this is not reported to the DMV. This does not create an issue with your license or registration. This cannot create a lien on your car.

Vice Mayor Lago: But this is a revenue stream for you.

Mr. De Yurre: That is a...

Vice Mayor Lago: Or you...

Mr. De Yurre: It creates payment for people so that they actually pay at the lot when they go. The biggest problem we have at the Aragon lot is people go to (INAUDIBLE) and the restaurant. They don't pay. They go in for 30 minutes and leave it outstanding. Now, but to the -- quickly, to the two points, Commissioner -- Vice Mayor Lago. Number one, that's a failure of regulation and we're working with the municipality to create a structure that's narrowly tailored to deal with the issue. And so, we are ahead of that. We're trying to be proactive. We have been proactive in working with the City Attorney's Office. This has kind of been -- it just tracked outside of that, and so we're more than happy to -- and we favor regulation because there is another operator that operates -- that owns a lot behind what was the old George's and Sports Grill, closer to South Miami. And I believe I had a conversation with Police Chief Hudak about some issues he had at that particular lot, you know. And I think that we are a professional operator. We have 30,000 spaces. We will do whatever the City decides it needs to narrowly tailor regulation to accommodate the fake ticket issue, the confusion, making it explicit, number one, that we'll use the County -- the new County rates that are going into effect. We will implement a grace period in agreement with the City of Coral Gables.

Vice Mayor Lago: By the way, when you say you'll implement the County, it's \$32. It's \$32 for -- if you go over your time in regards to a citation, a violation.

Mr. De Yurre: Right.

Vice Mayor Lago: But the City doesn't receive -- obviously, it's a private lot. I understand that. The City does not receive any funds from these citations or violations.

Mayor Valdes-Fauli: Let me ask a question. Is there a problem in the Commission with this blue parking...

Vice Mayor Lago: Yes.

Mayor Valdes-Fauli: Invoice?

Commissioner Fors: Yeah.

Commissioner Mena: Yeah.

Mayor Valdes-Fauli: Okay. Go ahead. Let's address that.

Commissioner Mena: Yeah.

Mayor Valdes-Fauli: Let's address that.

Commissioner Mena: I -- there's a few things I just want to say really quickly, and I really do want to hear from my colleagues on this because I'm obviously one of the cosponsors and I...

Mr. De Yurre: And I'm sure everybody has...

Commissioner Mena: I would like to hear your...

Mr. De Yurre: Their own story about getting...

Commissioner Mena: Everybody has their story, but here's the thing. I feel like, you know, there's a lot of like wordplay and color play here and that's nice. It looks like a ticket. Like I don't know what else to say.

Mr. De Yurre: If you put it...

Commissioner Mena: It looks...

Mr. De Yurre: Put the orange...

Commissioner Mena: I get invoices all the time.

Mr. De Yurre: Put the orange citation...

Commissioner Mena: I've never gotten an invoice that looks like this.

Mr. De Yurre: Put the orange citation from the County next to it.

Commissioner Mena: It's a different color, I get it.

Mr. De Yurre: And we...

Commissioner Keon: It's the shape.

Mr. De Yurre: Notwithstanding...

Commissioner Mena: It's a different color.

Mr. De Yurre: If Commissioner...

Commissioner Mena: It's the shape, the format. It's a different color. Listen, I appreciate that you guys have done things in response to our City Attorney reaching out to you.

Mr. De Yurre: And we're doing it in a vacuum. We're doing it in a vacuum, so we're saying we...

Commissioner Mena: No, no, no.

Mr. De Yurre: Want to work with you guys...

Commissioner Mena: I hear you.

Mr. De Yurre: To do whatever you want.

Commissioner Mena: But let me make something clear. And I just -- I want to -- I don't like to mince words. I feel like what was being done -- I hear the words proactive. You've been reactive to our City Attorney addressing these issues with you. I think what you were doing before was frankly deceptive, I really do. This is deceptive. It's a parking violation. It was the same color, the same format. You used the same pay system. It's -- I'm -- I am a City Commissioner who deals with these issues. I got one of these tickets and I sent it to our Parking Department because I thought it was one of ours. Because the reality is...

Mayor Valdes-Fauli: Of course.

Commissioner Mena: That's the truth. Because the reality is nobody's -- you know, I appreciate that it says, you know, on the signs it says private. Nobody's reading these signs when they go into a lot. They think it's a City lot. They go in. It's the same pay by phone. They pay, and then they get what they think is a ticket. And I appreciate -- I genuinely do appreciate your efforts and I know you've been doing these in response to some of the comments you've gotten from our City Attorney. What I'm saying is, I still don't think it's enough. I'm open to hearing from my colleagues whether they think that's -- that we can take some other approach. I'm open to that discussion. But I will say I still think this -- at the end of the day, it still looks like a ticket.

Vice Mayor Lago: Would you like to hear from the Chief?

Commissioner Mena: Yeah.

Vice Mayor Lago: I spoke to the Chief last night and he had his own opinion in regards to his encounter with this parking citation.

Commissioner Mena: And one last thing I just want to clarify because I wanted to ask the question to be fair. I asked our parking personnel what it cost to put in an arm gate and I was told 20,000, with all the technology and everything. I don't know -- I'm not in your industry, but I asked the question.

Mr. Gierlach: I'm going off of the last one that...

Commissioner Mena: Right.

Mr. Gierlach: We got (INAUDIBLE).

Mayor Valdes-Fauli: Yeah, but the arm doesn't work because they have an entrance on an alley too.

Commissioner Mena: We could talk about that.

Vice Mayor Lago: (INAUDIBLE) landscape.

Commissioner Mena: The last point, which hasn't been addressed yet, which I think is important here. The escalating fines I think are also egregious. I mean, two weeks later -- four weeks later, they've doubled so that somebody who didn't pay a ticket, maybe they got confused, I don't know. But somebody who didn't pay a ticket, even on the new sample...

Commissioner Keon: Right.

Commissioner Mena: It goes from \$32 to \$81.

Vice Mayor Lago: By the way, when you go to collection on a ticket, just so you know...

Commissioner Mena: Eighty-one dollars.

Vice Mayor Lago: The max of your collection is 60-some -- 60 and change is the number, around that.

Mr. Gierlach: So, when we...

Vice Mayor Lago: Until they send you to collection.

Mr. Gierlach: So, when we were looking for an enforcement company to do this, we found two options here. There was this company. There was also a company that was headquartered out of

Denver. We went with this company because the Denver company was immediately \$75, which they do in a lot of cities around this country. I didn't want a \$75 initial rate. Obviously, that's a little too much.

Commissioner Mena: Isn't this your ticket?

Mr. Gierlach: Yes. And I think that's the one that you showed me.

Commissioner Mena: That was the overnight.

Mr. Gierlach: So, that...

Commissioner Mena: Your representative explained to me that this was somebody when you closed the lot that...

Mr. Gierlach: Correct.

Commissioner Mena: Parked anyway.

Mr. Gierlach: Correct. That is an unauthorized...

Commissioner Mena: How would they have known that the ticket would be \$75 before they did that?

Mr. Gierlach: They wouldn't know what the ticket price is.

Commissioner Mena: Right.

Mr. Gierlach: But they would -- they also knew that the lot was closed.

Commissioner Mena: Sure. Agreed, agreed. Just like when somebody overstays. They know they paid an hour and they didn't pay -- they didn't get back in time.

Mr. Gierlach: At the end of the day, these people are the ones who have done something wrong.

Commissioner Mena: Right. But -- right. But that person...

Mr. Gierlach: There are consequences for that.

Commissioner Mena: But that person -- let's just use it as an example. That person could have gotten a ticket at this very lot a week earlier, and it would have been \$32. And then this time, it would be \$75, and it would escalate to \$112. I just don't understand...

Mr. Gierlach: And it's still (INAUDIBLE)...

Commissioner Mena: Where the authority comes from...

Vice Mayor Lago: That's why I told you...

Commissioner Mena: To be able to do that. I think it's questionably like -- I don't know if it's usury or what it is, but for...

Vice Mayor Lago: If you put an arm...

Commissioner Mena: A fine to increase...

Mayor Valdes-Fauli: It's overreaching.

Commissioner Mena: By 100 percent in a few weeks...

Mr. De Yurre: To that...

Commissioner Mena: It's incredible to me.

Mr. De Yurre: That \$75 ticket -- okay, that \$75 ticket, the City told us -- because when we took over the lot, it was not up to Code, even though it was operated by the City of Coral Gables. The owner of the lot decided to move along because the upgrades weren't made to the lot. So, he leased with my client, City Parking. Okay, we went in. The City of Coral Gables requested certain upgrades. We spent \$80,000 on the historic lights, another \$20,000 on asphalt, striping, upgrades. The City was very adamant that until the life-safety issues were resolved on the lot, there could be absolutely zero parking there in the evenings.

Commissioner Mena: All true.

Mr. De Yurre: Zero. We coned off the lot. We bagged and put signage over -- so you literally couldn't pay. And so, we had to get aggressive at least to scare off people from doing that because it was a life-safety issue based on conversations with the City staff. And so, that person, okay, went into a coned off lot with bags and signage that said the lot is shut down. You cannot park. And the only reason you see \$75 is because of the life-safety issues that were raised to us from the City of Coral Gables. That is specifically that ticket. What we were proposing to do -- and again, we're proposing these things in a vacuum. We want to work with the City of Coral Gables. In a vacuum, we came up with something that said this is a private lot. This is not a Coral Gables ticket. The rates that you see, the \$32, \$58 and \$81, those are the County rates that you will be seeing in October, okay? So, that's not the 75 bucks. The 75 bucks is what the other company...

Commissioner Mena: But this -- this is the new one.

Mr. De Yurre: That is the new form.

Commissioner Mena: It's 32...

Mr. De Yurre: Again, in a vacuum, based off of some quick comments because we heard about it...

Commissioner Mena: No, but I'm just going off your rates.

Mr. De Yurre: Wednesday or Thursday.

Commissioner Mena: Your rates. It's \$32...

Mr. De Yurre: \$32, \$58, and \$81.

Commissioner Mena: \$58 two weeks later.

Mr. De Yurre: Those are going to be...

Commissioner Mena: Then it goes to \$81...

Commissioner Keon: Those are the County rates.

Commissioner Mena: A month after that.

Vice Mayor Lago: Yeah, but yesterday...

Commissioner Mena: After that.

Vice Mayor Lago: For example, yesterday's parking ticket that was given -- I showed you this.

Mr. De Yurre: The blue one.

Vice Mayor Lago: The blue one.

Mr. De Yurre: That's the current one being used.

Vice Mayor Lago: It was \$45.

Mr. De Yurre: Right.

Vice Mayor Lago: Then by 7/6, it's \$75.

Mr. De Yurre: Correct.

Vice Mayor Lago: No ticket -- and I've gotten tickets that have gone to collections before. I'm not proud of it, but it's happened before. And then after that, it's \$105. When you have this situation...

Commissioner Mena: Where is that?

Vice Mayor Lago: This is Izakaya. This gentleman paid \$5.50 for an hour. There isn't one meter -- and please, correct me if I'm wrong. There isn't one meter in the City that I know of, and the County, a meter on the street or on -- the reason why I keep bringing up this meter issue is because -- I don't want to say elderly -- everybody gets confused. I walked into this meter -- I walked into the situation with my mother and I didn't pay attention.

Mr. De Yurre: But there's no regulation...

Vice Mayor Lago: I didn't pay attention.

Mr. De Yurre: There's no regulation there.

Vice Mayor Lago: We -- she parked her car...

Mr. De Yurre: Completely wrong.

Vice Mayor Lago: In the handicap and I walked away. And I'm as much to blame for this than she is.

Mayor Valdes-Fauli: Yeah, but let's focus on the issue.

Vice Mayor Lago: Yeah, but I'm just saying, but this is...

Mayor Valdes-Fauli: Let's hear from...

Vice Mayor Lago: What's happening.

Mayor Valdes-Fauli: The Police Chief. And then when...

Commissioner Fors: Alright.

Vice Mayor Lago: But Commissioner, finish.

Police Chief Hudak: So...

Commissioner Fors: I'll say -- after the Chief, I'll say a few things.

Police Chief Hudak: As a personal side, yeah, I've got one of those tickets. And first of all, I got...

Vice Mayor Lago: I couldn't believe it when he told me yesterday.

Police Chief Hudak: It was \$105 is what they want for a -- and it was not that lot. It was the one on -- down south. I think the bigger issue, whether it's signage or not. I mean, we're regulated on how we get this information. The first thing I asked myself was how did they obtain my home address, which is blocked.

Commissioner Keon: Yeah.

Police Chief Hudak: And you know, government agencies can use that information to go through that. I don't know how the private sector is getting the information to bill us, whether it be off the tag or not.

Mayor Valdes-Fauli: And that's something we should investigate.

Police Chief Hudak: So, I think it's something -- and again, to go along with the ordinance, I think those are some of the safeguards that this body should discuss about how we're going to do that. The second part of this is it is all about the advertising and the signage going into the lots. Certain lots only have it on the parking bumper. There is -- on certain disabled parking bumpers, you have to pay. Well, 90 percent of the people that are pulling into a parking space (INAUDIBLE) are looking not to hit the other cars. They're not looking necessarily at what it says. This body has taken -- you know, from the police side, the bigger issue we had was the booting, was the towing, which is why we regulate one tow company for everything that the City does as well as the University of Miami does so we can control some of the highway antics that were going on. Once it's touched, it's half price. We have to explain that. We get a lot of these phone calls. This was

-- you know, specifically, down on Sunset, it was a City-issued enforced lot. When it changed, the signage changed very little. You know, by statute, the towing -- the towing statute signs are in place, but we don't have as much, in my opinion, as much notice that you're in a private lot as we should because they really do mimic our city lots. So, as much as we allow police cars not to pay, unmarked cars, certain City-issued cars, things like that, those will not be honored in these private lots and they could -- they won't be towed, but you know, then when we get into the spaces that we're using. So, I believe signage on the way in, whether it does not emulate anything that looks like a current City parking sign, as well as along with the citations, with the posted rate per hour and with the signs and -- would be, I think, kind of grabs everybody's attention. You don't know what you're paying until you go up or do it on your phone.

Commissioner Fors: Right, right. I think that the two main problems we have for this -- and I'm not going to beat a dead horse. The two main problems we have with this is the fact that the citations are misleading. They are given a color of government authority. And secondly, the escalating rates without notice, as the Chief just said. The only place authority could come from to escalate rates like this is if somebody signs a contract or has enough notice to be held to the consequences of not doing something. Given that those are two big issues that we really, at the end of the day take with this, I look at the ordinance that we've written, and it still permits this property owner to put a piece of paper on the windshield as a consequence of not paying enough time for your parking or not paying at all. The ordinance doesn't speak about capping what they can or can't charge or what notice they have to give if they do want to charge on an escalating basis. And it still permits for the property owner to essentially place a piece of paper on the windshield if you haven't paid for your parking. What it says they can't do is -- it says here -- it says they can't issue a "notice of violation." What does that mean? Does that mean a paper that says notice of violation? Or does notice of violation have a more substantive definition? It says they can't -- also, they can't issue a citation or ticket. What exactly is that? I think that needs to be defined because I do believe, at the end of the day, that the property owner can elect -- although I don't think it's the best idea -- to -- instead of using an arm or instead of using an attendant,

invoice people for not paying. I don't think they have a right to make that invoice look like a government issued ticket.

Mr. De Yurre: Fair enough.

Commissioner Fors: Or the right to escalate fees in the manner that they're doing without the person, you know, reasonably agreeing to it, which I'm sure they wouldn't, if they did read the adequate notices that were placed. So, I think, in terms of this ordinance, we should consider being much more clear on what -- it sounds to me like they are going to continue to pursue the enforcement measure of simply placing a piece of paper on your dashboard. If that's what they're going to do, rather than go back and forth about whether this looks like a parking ticket or it doesn't -- which I think it does and I think I was mentioning to Commissioner Keon under our breath that a large part of the reason it looks like a parking ticket is the shape. Perhaps, we consider for lots like this one, devising a City approved form, which will look nothing like a parking ticket.

Mr. De Yurre: Perfectly fine.

Commissioner Fors: May not -- I mean, it won't be the shape of that parking ticket, and that way, we won't have to get into whether something has a high likelihood of confusion or whether it's a "notice of violation", "citation," "ticket." We just have -- all have an understanding, A, that if you own a private lot like this one on Aragon and you choose to, instead of using an arm or instead of using an attendant, you choose to simply invoice somebody -- because that's what it is. At the end of the day, you're both private parties. That's what private parties do to each other; they invoice each other. That you may use this form to do so. And it'll be something that we are all confident will not be misleading in any way. And then secondly, we ensure that your fee structure is something that reflects on an agreement between private parties and not a gotcha escalating fee with only two weeks in between each increase in fees. That's just an idea. Either way, at the end of the day, I think that this ordinance, as written, is going to lead to a lot of problems. And we

have to define exactly what we have a problem with, instead of being here four times a year looking at a different version of these and deciding whether they're, you know, a notice of violation issue.

Mr. De Yurre: (INAUDIBLE) engage in a discussion.

Assistant City Attorney Ceballos: Commissioner, if I may. To address a couple of your comments, I do think we do have a lot of room here. I think we can narrowly tailor and create some sort of form. There's many different options to kind of get to where we all want to go. In regards to the definitions of notice of violations, citation and ticket, I went ahead and looked at a couple of other municipalities. Most of this language actually comes from language that was already adopted by the City of Miami.

Commissioner Fors: But wasn't that adopted on an emergency basis?

Assistant City Attorney Ceballos: It was, it was. It was done on an emergency basis, an emergency ordinance.

Commissioner Fors: It was prepared a lot faster than...

Assistant City Attorney Ceballos: No denying...

Commissioner Fors: An average ordinance.

Assistant City Attorney Ceballos: No denying that, sir. I went ahead and I also looked at the County Code, which is obviously substantially larger. I cannot find any of those terms as a defined term. It's kind of just one that's open for interpretation. If we want to define that -- once again, I think we have a lot of room here where we can kind of narrowly tailor this. So, whatever the wish of the Commission, I'll be...

Commissioner Fors: And I want to...

Assistant City Attorney Ceballos: Glad to work on that.

Commissioner Fors: I want to pass legislation that prevents what they're doing as they're currently doing, no doubt about it. I just want to make sure that once we do it, we don't have to go back to it again.

Mayor Valdes-Fauli: Before we continue this, why don't we hear from the other -- the members of the public that wish to speak, and then we'll continue this discussion, taking into account what they wish to say. Sophia Guzzo.

Mr. De Yurre: Sophia Guzzo. I'll introduce as my summer associate at Bilzin Sumberg. She put her name...

Mayor Valdes-Fauli: Hi.

Mr. De Yurre: Down in case there was an issue with the two minutes. I would request her two minutes from the Mayor, but now that you...

Mayor Valdes-Fauli: What?

Mr. De Yurre: Called her name, I want to just introduce her here today. She's here on a tagalong. This is her first -- she's a...

Mayor Valdes-Fauli: You're not going to let her speak?

Mr. De Yurre: Oh, she can speak, but I want to introduce her first.

Mayor Valdes-Fauli: Oh, okay.

Mr. De Yurre: She's a Coral Gables resident her whole life. Lord graduate, Vanderbilt undergrad, Harvard Law. And we're very lucky to have her at Bilzin Sumberg this summer. And if there are any words you would like to add, please feel free.

Mayor Valdes-Fauli: Come on. Say something.

Sophia Guzzo: I'm just very glad to be here. Thank you.

Mayor Valdes-Fauli: Thank you.

Ms. Guzzo: Thank you.

Vice Mayor Lago: And we're happy to have you.

Mayor Valdes-Fauli: Thank you, Sophia. Thank you very much. And Maria Cruz wishes to speak too, of course.

Commissioner Fors: By the way, I have received one of these tickets at Aragon, and my brother as well.

Commissioner Keon: I read the sign on Aragon that said everybody that comes in here has to pay. And I was like...

Mayor Valdes-Fauli: Every time we have...

Commissioner Keon: Whose parking lot am I in and left.

Mayor Valdes-Fauli: Every time we have an issue that concerns the public, Maria...

Commissioner Keon: I left.

Mayor Valdes-Fauli: Makes a (INAUDIBLE).

Maria Cruz: Maria Cruz, 1447 Miller Road. I never thought I would have so much fun in a City Commission meeting as I've had today. Something kind of -- well, very interesting. They're citations, but they're not citations. They're violations, but not violations. They look like tickets, but they're not tickets. You know, if it walks like a duck, quacks like a duck, it is a duck, okay. Now, I also find very interesting that now we're going to send notices to addresses that we're not supposed to be able to access because we're not a public entity, and we're going to tell them they don't have to pay. So, who's going to pay? Only the people that do not read the notice? I would assume that if you get to that point you would have on the top of the notice something that says, "This is a courtesy notice. You do not have to pay." Or else, they're going to have 550 paragraphs in very small letters, so people do not get to the point where it says you don't have to pay. Okay, I have a problem with the issue of we can't secure the lot. You know, I go downtown a lot, and you know, you drive into those little parking lots, they have an attendant. And the attendant makes sure you don't go in unless you pay. There's no doubt about it. This would all be so very easy if they were willing to pay somebody to sit there and collect their money. Simple. No big deal. Now, I love the fact that you got a price of 20 grand and they got a price of 90. It was going to be gold engraved, diamonds in their signs. Obviously, I'm not moved by the fact that the City required they improve the lot. Hello. That's the cost of doing business, you know. Anybody who does business in the Gables knows that you have to go by the rules. Now, I have an issue with the signage. If we're going to put so many signs, wouldn't that look wonderful in our City Beautiful to have more signs? Signs on top of signs to make sure that they can collect their \$105 price. Amazing.

Mayor Valdes-Fauli: Thank you, Maria. Other questions from the Commission?

Commissioner Keon: I agree with Commissioner Fors. You know, I'd like you to -- I would be willing to have them -- I guess, between first and second reading, you know, I would like an invoice that doesn't look like a ticket. It's not the same shape. It's not -- that it really doesn't look like a ticket at all. You know, I also think that, you know, as a private entity, they're entitled to be paid for the parking space they have. You know, I don't think it should be -- you know, I don't think it should -- the rate shouldn't be usury, but they're entitled to -- you know, if somebody wants to pay that rate to, you know, be in that space, that's their choice. But it does need to be clearly -- there needs to be signage that is clearly visible to anybody on entry to that lot that this is a private lot and the pay rates may be different than the City. This is a private lot.

Mayor Valdes-Fauli: My -- I agree...

Mr. De Yurre: Thank you, Commissioner.

Mayor Valdes-Fauli: With you and I agree with Commissioner Mena that this sign...

Commissioner Keon: Right. So, I'd like you to...

Mayor Valdes-Fauli: Because you have changed it, but it is misleading.

Commissioner Keon: Right.

Mayor Valdes-Fauli: But I would have no problem with your having a -- you know, you're parked in a private parking lot...

Commissioner Keon: Right.

Mayor Valdes-Fauli: And you overstayed your -- you know, have a square or yellow or yellow and...

Commissioner Keon: They can say that.

Mayor Valdes-Fauli: You overstayed your...

Commissioner Keon: Your remittance.

Mayor Valdes-Fauli: Whatever you paid, and you owe us extra -- more money and send it here.

Vice Mayor Lago: So, what's...

Mayor Valdes-Fauli: As opposed to something that very -- looks very, very much like...

Commissioner Keon: Yeah. So, that...

Mayor Valdes-Fauli: A parking ticket.

Mr. De Yurre: I would labor...

Commissioner Keon: So, that would be all I ask is that you clearly designate that this is private lot so...

Mayor Valdes-Fauli: Right.

Commissioner Keon: People know.

Mr. De Yurre: I will labor to satisfy the Commission.

Vice Mayor Lago: Let me ask you a quick question. Are you willing to not charge individuals who are handicapped and have the proper documentation and park in a handicapped space?

Commissioner Keon: No.

Mr. De Yurre: I can discuss that -- if that's one of the requests from the Commission -- with him -- my client and his partners.

Commissioner Keon: I don't think that private parking lots are required to do it. I think you're required to provide handicapped parking, but you're not required to not...

Mayor Valdes-Fauli: Right.

Commissioner Keon: Have someone pay for handicapped parking. You can pay, yeah.

Mr. Gierlach: We generally will not enforce a handicapped spot with any kind of enforcement, whether it's...

Commissioner Keon: Okay.

Mr. Gierlach: A ticket, a boot or a tow. That is not typically something we do unless there's some other violation that is coupled with it.

Vice Mayor Lago: Because there's that misconception. What ends up happening is -- and I know the error is the person who's not reading the sign.

Mr. Gierlach: Right.

Vice Mayor Lago: But especially a lot of elderly people, and it happens to a lot of people who have problems with their vision.

Mr. Gierlach: Sure.

Vice Mayor Lago: They just -- again, like myself. I walked in. I thought I was in a standard parking lot and I just walked away once we parked in the space. So, you know, I'm the one that bears the fault there. I have no problem admitting that. But also, it's a little bit ambiguous to a certain extent where everything, like Maria said, you know, it looks like a duck. It quacks like a duck.

Mr. Gierlach: We -- I mean, we take...

Mayor Valdes-Fauli: And it's a dog.

Vice Mayor Lago: It's a dog. It's a dog.

Mr. Gierlach: We take a lot of time to sign our stuff.

Vice Mayor Lago: And also, my...

Mr. Gierlach: And it does clearly state that we would never boot, never tow. Obviously, we can't even do that here in the City of Coral Gables, but...

Commissioner Keon: You can boot.

Mr. Gierlach: Anywhere that we operate.

Vice Mayor Lago: But we're going to amend this between first and second reading.

Mayor Valdes-Fauli: Yes.

Vice Mayor Lago: What language are you willing to proffer on these citations or invoices, whatever you want to call them...

Commissioner Mena: Not citation.

Vice Mayor Lago: That it's going to say something to, listen, if you don't pay this -- very clear, very upfront, you know, if you don't pay this, it's not going to go against -- points against your license. It's not going to...

Mr. De Yurre: There is statutory language we can...

Mayor Valdes-Fauli: You'll take their first...

Mr. De Yurre: Borrow...

Mayor Valdes-Fauli: First born?

Mr. De Yurre: To use. No. No, children are involved.

Vice Mayor Lago: Can you dumb it down instead of just statutory language? You know, can you make it as simple as possible?

Mr. De Yurre: Yeah. Yeah, abso...

Vice Mayor Lago: If you do not pay this invoice...

Mr. De Yurre: No, no. I referenced statutory language because somebody...

Commissioner Fors: Nothing will happen.

Vice Mayor Lago: Yeah, nothing will happen, simple.

Mr. De Yurre: Somebody thought of these issues and they regulated it, and we welcome the regulation, which we've done in other municipalities, and so I can use the same language that will make it very clear that it's not -- it's a non-lienable offence. It can't put points on your license. It can't be recorded at the DMV. Just to the satisfaction -- again, I'll labor to satisfy the Commission.

City Attorney Ramos: If we're going to go the route of allowing a particular form that has all of that language, then my recommendation is we redraft for first. We bring it back in July...

Mayor Valdes-Fauli: Right.

City Attorney Ramos: With an ordinance that says we will allow only this, rather than we will prohibit this.

Vice Mayor Lago: But let me just put this on the record just so you know. I'm in favor of not allowing any type of citation/violation on these lots, similar to what the City of Miami did. But I'm willing to bend to get a better result for the residents and the business community.

Mayor Valdes-Fauli: Alright.

Vice Mayor Lago: But I still think that it's egregious, in my opinion, what's going to happen because it's still going to be a mechanism to incur fees.

Mayor Valdes-Fauli: Well, it's a private parking lot. I mean, it's private property and they deserve to be compensated as long as that compensation or that mechanism doesn't mislead people to think that it is a municipal -- I don't have any problem in private parking lots charging, but it should not be misleading. Why don't we put this off until the next...

Commissioner Mena: I also...

Mayor Valdes-Fauli: Commission meeting.

Commissioner Mena: Yeah. Yeah. I also don't think it should be frankly a penny higher than what the City charges.

Mayor Valdes-Fauli: Fine.

Commissioner Mena: Because part of the problem is, again, I'm looking at your pictures and I appreciate that...

Unidentified Speaker: I'm sorry.

Mr. De Yurre: It's on one sign. I'm sorry.

Commissioner Mena: You know, I have to super zoom and you can see privately. To the extent somebody has ever read one of these signs, which I have probably never done in my life, to be fair, that's why you have things like a handicapped logo because you don't need to be able to read to know that's a handicapped space. You might not even speak English. If you're driving in, like this picture, you can't read that when you're driving in that lot.

Commissioner Keon: No, but when you pull into the space...

Commissioner Mena: Look at this.

Commissioner Keon: In each space on the wall of the building...

Commissioner Mena: Not over here.

Commissioner Keon: Is a sign that says...

Commissioner Mena: Not over here.

Mr. De Yurre: There's a...

Commissioner Keon: No, no, no. On the building itself...

Commissioner Mena: Over here.

Mr. De Yurre: We will...

Commissioner Keon: Yeah, on the building, as you pull...

Mr. De Yurre: We will labor...

Commissioner Keon: Into the space.

Mr. De Yurre: We will labor to satisfy the Commission...

Commissioner Keon: Yeah.

Mr. De Yurre: To the extent...

Commissioner Keon: I was surprised.

Mayor Valdes-Fauli: Alright, let's...

Mr. De Yurre: The signage, notice...

Commissioner Keon: I didn't know what it meant.

Mr. De Yurre: Absolutely.

Mayor Valdes-Fauli: We will bring...

City Attorney Ramos: In the redraft...

Mayor Valdes-Fauli: This back in July. And you've heard the comments. You've heard the concerns.

Mr. De Yurre: Absolutely.

Mayor Valdes-Fauli: Let's give it a big effort.

City Attorney Ramos: In the redraft, we can add a cap on what they can charge, to your point, Commissioner Mena, and also, talk about...

Mayor Valdes-Fauli: Sure.

City Attorney Ramos: Posting the rates on a sign at the lot.

Vice Mayor Lago: How do you want to handle it now while we wait for the next Commission meeting? Do you want to leave it at status quo or do you want to potentially freeze this kind of activity that's currently going on?

City Attorney Ramos: I don't know that we have a mechanism without having an ordinance in place to do anything right now. I mean, we can ask this particular lot provider who's here in good faith to work with us in the meantime, but absent that...

Vice Mayor Lago: Okay.

Mr. Gierlach: (INAUDIBLE) tell us what you would like to see until that happens, we'll make it happen.

Vice Mayor Lago: I'd like for you...

Commissioner Mena: What's the...

Mr. Gierlach: (INAUDIBLE) person.

Commissioner Mena: We talked a little bit about the arm gate, you know. Some people have mentioned -- Maria's not the first -- having a parking attendant.

Commissioner Keon: It's controlling the cash.

Mr. Gierlach: Our business model is unattended parking, taking even garages that used to be attended and making them unattended. You know, everybody thinks, oh, you're getting five bucks an hour, you're making all this money. On the back end of parking, you're not making a lot of money. There's a lot of associated costs with liability insurance, those kind of things that make parking -- you know, it comes in volume, which is why we are decent where we're at because we

have a large volume of spaces. If you have a (INAUDIBLE) off lot, yeah, you can do a parking attendant because that's probably the most reasonable. You're probably not paying a lot of fees that we are paying. We're trying to keep our costs down. Attendants are expensive. Worker's comp, the whole nine yards. That's why we use a machine to do it. It just works the best for our business model.

Vice Mayor Lago: But the citation that you're putting out there or invoice -- maybe is the appropriate language -- it's a revenue generator for you obviously. It produces money.

Mr. Gierlach: Not for us. We need enforcement to keep people paying. If I could get 100 percent of the people to pay and never had to issue a citation, violation, invoice, whatever you want to call it, boot or tow a car, that'd be my optimum business model.

Commissioner Mena: But you just...

Mr. Gierlach: But that doesn't happen.

Commissioner Mena: But you just told me out of 30,000 citations issued, violations...

Mr. Gierlach: On our property. We use a third-party company.

Commissioner Mena: Right, right. But out of the 30,000 violations...

Mayor Valdes-Fauli: Okay.

Commissioner Mena: You had 5,000 appealed and then whatever happened with those. But there's another 25,000 that were presumably paid...

Mr. Gierlach: Correct. Well, either...

Commissioner Mena: And some percentage...

Mr. Gierlach: Not paid, not appealed.

Commissioner Mena: Not appealed, okay. Whatever percentage of those were paid, whatever percentage of those were paid with late fees at maybe double or triple the rate, so I mean, it definitely generates revenue for you. I don't understand how you say it doesn't.

Mr. Gierlach: But not for my company. We use a third-party company. That third-party company provides parking management as part of that. That revenue goes to them so that they can operate that business. Just like if you were to get booted. I don't get any boot revenue. If you get towed, I don't get any tow revenue. That goes to the company operating the tow company...

Commissioner Keon: It goes to the enforcement company.

Mr. Gierlach: Or the booting company.

Mayor Valdes-Fauli: Okay. Why don't we -- let's put it off until the next meeting and...

City Attorney Ramos: We will redraft and bring it back...

Mayor Valdes-Fauli: We will redraft it.

City Attorney Ramos: On first reading.

Commissioner Mena: I just -- I'm actually going to make...

Mayor Valdes-Fauli: Let's go on. It's...

Commissioner Mena: No, no. I sponsored the item.

Commissioner Keon: You're concerned about what's happening...

Commissioner Mena: So...

Commissioner Keon: Between now and then.

Commissioner Mena: I sponsored the item, so I'm not ready to go on.

Commissioner Keon: No.

Assistant City Attorney Ceballos: And if I may -- could I provide some clarification...

Commissioner Mena: Yeah.

Assistant City Attorney Ceballos: To some questions that were raised? First of all, we do still allow booting in the City with a limited scope.

Commissioner Keon: We do allow booting.

Assistant City Attorney Ceballos: So, that enforcement mechanism still exists in the City.

Commissioner Mena: Right.

Assistant City Attorney Ceballos: Addition to the question of the handicapped, the Florida Statute basically, what it does is provides limited free parking for on-street parking. It does not apply to surface lots. It does not apply to parking garages, even City-owned lots.

Commissioner Keon: Right.

Assistant City Attorney Ceballos: We, as a city, may choose and other municipalities have -- may have the choice of not enforcing that, but technically, a handicapped spot, if it's not on the street itself, is not protected under Florida Statute for free parking.

Vice Mayor Lago: So, I mean, it's up to you. I mean, again...

Commissioner Keon: You know, I would rather have them do these things than go to -- than boot people's cars and they could still boot. I think it's an hour. Is it an hour after?

City Attorney Ramos: After one hour.

Unidentified Speaker: One hour.

Assistant City Attorney Ceballos: After one hour.

Commissioner Keon: After one hour you can still boot.

Mr. De Yurre: I haven't seen it on the Family Feud yet, but if you ask 100 out of 100 people, you could probably be told I'd rather get an invoice...

Commissioner Keon: I'd rather get a ticket than...

Mr. De Yurre: Than towed or a boot.

Vice Mayor Lago: Is that A, B, or C, the answer?

Mr. De Yurre: A, a hundred out of a hundred.

Vice Mayor Lago: Hundred out of a hundred?

Commissioner Keon: A hundred out of a hundred.

Vice Mayor Lago: I just want to make sure.

Commissioner Keon: So, if...

Mr. De Yurre: Commissioner had certain -- I want to recognize Commissioner Mena if he had further questions that I can help him out with, or I can meet with him specifically, as I can meet with all of you to address your questions. Again, I will labor personally on this matter to resolve any issues that you have.

Commissioner Keon: But it's his ordinance and he needs to speak to it before he's...

Commissioner Mena: Yeah. But listen...

Commissioner Keon: Comfortable in having it go away.

Commissioner Mena: Listen, my concern here is I'm not -- I still think the best approach here is not to have any paper citation/violation/invoice, et cetera.

Vice Mayor Lago: And I second you on that.

Commissioner Mena: You know, so I'm willing to -- listen, there's five of us here. So, if three of you disagree, then great. I'm willing to defer, if you all want to consider that as an option, but I

still -- you know, you could pay somebody \$12 an hour, whatever it is, \$10 an hour to be there. You could put in an arm, I'm told, for \$20,000.

Commissioner Keon: Well, I think the arm is actually more by the time you get the -- you bring the electric to it and you do all of the things you need to do.

Commissioner Mena: I asked our Parking Director for that information. That's the information that I got.

Vice Mayor Lago: It's not...

Commissioner Keon: I think that's the cost of the apparatus.

Vice Mayor Lago: I install them.

Commissioner Mena: I don't know.

Vice Mayor Lago: I install them...

Mr. De Yurre: It's a slippery slope.

Vice Mayor Lago: I install them in my projects. It's not.

Commissioner Mena: So...

Vice Mayor Lago: The issue -- the big issue here is the mechanism needed so when you put your pay -- your bill into the machine, it calculates how long you've been there. That's expensive and running all that. That's expensive, but the arm is not. That's just a function. That's not the cost issue here. And it's -- by the way, in the long-term, it may be an expense upfront, but it pays

significant dividends over the life of the project. So, I mean, it's not \$90,000. I mean, I've installed them at banks. I've installed them in schools.

Mr. Gierlach: (INAUDIBLE) quote was high, I have no idea.

Commissioner Fors: And Commissioner Mena, I think you still have to redraft this because...

Commissioner Mena: No, no. I'm -- that's fine.

Commissioner Fors: Even -- yeah, even under this, I mean, they are permitted to use the measure of putting a piece of paper on the windshield. You know, that's a different issue if we want to ban -- if we can prohibit any piece of paper of any sort. I don't think we can. I haven't thought about it because this, from the get-go, permitted it. One thing I will note for our City Attorney and I'll say it in front of the Commissioners -- after we get out of here, I'm not allowed to speak to them about it -- is I love the idea of using the -- a sort of trademark infringement like standard of likelihood of confusion. I discussed that with our City Attorney before this meeting. But I would say that even gauging the sentiment of the other Commissioners here, we've written here a high likelihood of confusion. I mean, I think that even sets too high of a standard. I think there should be a reasonable or something like that. You can think about it, but a reasonable likelihood of confusion, not -- I think we're concerned with just...

Assistant City Attorney Ceballos: We can definitely make that change.

Commissioner Fors: More than just the high likelihood.

Assistant City Attorney Ceballos: If this passes today, we can definitely make that change between first and second.

Vice Mayor Lago: That's fine.

Commissioner Keon: Yeah.

Commissioner Mena: Sorry. Let me ask another silly question.

Mr. De Yurre: Yes, Commissioner. There's no silly questions.

Commissioner Mena: Who pays the -- who gives the citation?

Mr. De Yurre: That third-party management company that...

Vice Mayor Lago: Roving?

Mr. De Yurre: Operates in...

Commissioner Mena: You're already paying somebody...

Mr. De Yurre: In those lots.

Commissioner Mena: To be there and give tickets.

Mr. De Yurre: It's a third party that does the enforcement.

Vice Mayor Lago: By the way, they're...

Mr. De Yurre: It's a professional company that -- so, there are really two main companies that do it. One's out of Denver and the other one's the one that we use. The one out of Denver charges \$75 as their fee. This one charges \$42.

Commissioner Mena: The \$75 is their fee for what?

Mr. De Yurre: To -- that's their starting rate for private parking lot enforcement.

Vice Mayor Lago: Let me ask you a question.

Commissioner Mena: For a day, for...

Mr. De Yurre: For a number of things. Remember, they're operating 30,000...

Mr. Gierlach: (INAUDIBLE). Just like the one we use, there is another that operates (INAUDIBLE).

Mr. De Yurre: And if you look at it from their -- their argument is obviously this is better than getting towed or booted. And this is our way for operation. Now, remember, we're not talking about just surface lots. We're talking about office buildings. We're talking about condominium associations, both which they operate. And in those instances, you have a lot of people parking in reserved spaces incorrectly. And so, there are all kinds of scenarios, you know, that we can go through in the parking world that they do that. Now, the company we use is \$45, which is what we negotiated them down to. We've had preliminary discussions with them about still managing our lots given the volume that we have and going down to the new County rate.

Vice Mayor Lago: Quick question.

Mr. De Yurre: Yes, sir.

Vice Mayor Lago: Do you have somebody on site at this lot during working hours, when the lot is open?

Mr. Gierlach: No. It is unattended parking.

Vice Mayor Lago: So, they're roving, and they happen to stumble upon somebody who has been past their allotted time?

Mr. Gierlach: They check the lot on a regular basis.

Vice Mayor Lago: So, it's not somebody who's basically sitting in a car in an alley waiting, counting down the minutes?

Mr. Gierlach: No, no, no.

Vice Mayor Lago: But it just seems to happen that way, doesn't it? It seems to be very predatory, I'm sorry.

Mr. De Yurre: It happens, of course.

Mr. Gierlach: I know that these people go to different lots throughout the area, and that doesn't happen. I'm telling you that doesn't happen.

Vice Mayor Lago: You want to defer?

Commissioner Mena: Yeah. Look, I'm willing to defer. Obviously, we need to flesh out some of the language and make sure that we're all clear on exactly...

Assistant City Attorney Ceballos: I just want to make sure...

City Attorney Ramos: The direction I need is are we continuing to go with this ban idea or are we looking to go with a...

Vice Mayor Lago: I have...

City Attorney Ramos: Permissive -- we will only allow you to place a form that we approve...

Vice Mayor Lago: I would like...

City Attorney Ramos: On the car?

Vice Mayor Lago: I would like for you, if you can, to speak to my colleagues. Speak to Commissioner Keon, Commissioner Fors and the Mayor, speak to everyone. I would like to proceed with the ban on this. If my colleagues don't agree, then we move in a different direction, but it's perfectly fine.

Commissioner Fors: No. I'd like to proceed with ban what they're doing now.

Vice Mayor Lago: Yes.

Commissioner Fors: I think...

Commissioner Keon: But I'd like...

Commissioner Fors: We should all think about the possibility of since our ban still permits some form of leaving a paper, then consider the possibility of doing a preapproved form that can be used, which looks nothing like anything of the sort.

Mr. De Yurre: Fake parking tickets.

City Attorney Ramos: And to that point...

Mr. De Yurre: Has morphed in itself too. It's in the new language now as well.

City Attorney Ramos: To that point, the impetus for making this illegal is that it is misleading.

Commissioner Mena: Yeah.

City Attorney Ramos: I think if it is clearly an 8 ½ by 11 piece of paper that says, "This is an invoice. You parked here, and this is how much you owe," I think that it's likely we cannot prohibit that, as long as...

Commissioner Mena: I also think a very...

City Attorney Ramos: It's not misleading.

Commissioner Mena: A very clear -- if we go that route, a very clear statement about what that individual's rights and obligations are, vis-à-vis, that invoice.

Vice Mayor Lago: Does this work?

City Attorney Ramos: Agreed.

Vice Mayor Lago: Does this barcode work?

Mr. De Yurre: Can you scan physically that one?

Vice Mayor Lago: Yeah.

Mr. De Yurre: I think I pulled it off of...

Vice Mayor Lago: I don't think so.

Mr. De Yurre: I pulled it off -- I don't know.

Vice Mayor Lago: Okay.

Mr. De Yurre: I mean, this is a rough...

Vice Mayor Lago: That is...

Mr. De Yurre: I don't have the answer to that question. I'm sorry.

Vice Mayor Lago: That goes...

Commissioner Mena: That's a good question.

Vice Mayor Lago: That gives credence...

Commissioner Mena: That's a good question.

Vice Mayor Lago: To Commissioner Mena's comments before, okay, and this is the problem.

Mr. De Yurre: But physically, that one -- I'm sorry. Does that physical barcode on that work?

Vice Mayor Lago: It doesn't.

Mr. De Yurre: That was something done...

Commissioner Keon: But there is a barcode that he said...

Vice Mayor Lago: There is.

Commissioner Keon: That would work on the invoice that they...

Commissioner Fors: Is the barcode fake on the ones you use now? That's the question.

Mr. De Yurre: No. I understand. We'd have to ask the parking management company to answer that question.

Vice Mayor Lago: I have a few concerns. This looks like a ticket. It smells like a ticket. Our Chief -- the Chief wants to know how did you get the address. You shouldn't be able to get this information. It's private information.

Commissioner Mena: But that's his address because...

Vice Mayor Lago: I know, I know.

Commissioner Mena: That's different, right?

Vice Mayor Lago: But it's still interesting to know how...

Commissioner Mena: Right.

Vice Mayor Lago: He got the address.

Commissioner Mena: If I get a person's address -- it's publicly available based on...

Vice Mayor Lago: And also...

Commissioner Mena: Your tag, right.

Vice Mayor Lago: This looks like a ticket. Elderly people, people who are hard of sight, you know, they're going to confuse this and they're going to pay the ticket and they're going to park by mistake and...

Mr. De Yurre: Now, listen, we'll do everything we can, but let's...

Vice Mayor Lago: Let's work for...

Mr. De Yurre: Baseline. Work together...

Vice Mayor Lago: The next Commission meeting.

Mayor Valdes-Fauli: Are you sure we want to get off the first...

Mr. De Yurre: It's private property, and we want to figure it out.

Mayor Valdes-Fauli: Well, let's continue.

City Attorney Ramos: If we are essentially...

Commissioner Mena: No. We're going to defer.

Vice Mayor Lago: We'll defer.

Mayor Valdes-Fauli: I'm enjoying it very much. Let's continue.

Commissioner Mena: No, we're deferring. We just need to give the City Attorney direction.

Mayor Valdes-Fauli: You're deferring it?

City Attorney Ramos: So, if we are essentially adopting...

Mayor Valdes-Fauli: We deferred it half an hour ago.

City Attorney Ramos: This with the idea of an approved form, you can adopt on first today. It's not substantially changing. Between first and second, we can bring back the additional language about the approved form and an approved form for you to look at...

Vice Mayor Lago: And some samples.

City Attorney Ramos: With all of that language.

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: We could absolutely do that. It won't delay it then to the end of August.

Commissioner Keon: The form as well as what's required on the lot.

Vice Mayor Lago: And the fees.

Commissioner Keon: Is that what you're asking?

Commissioner Mena: Right.

Vice Mayor Lago: The fees.

City Attorney Ramos: And a cap on the fee.

Commissioner Keon: Right. And the signage that's required -- that will be required on the lots...

City Attorney Ramos: Yes.

Commissioner Keon: To make it reasonably...

Vice Mayor Lago: That form...

Commissioner Keon: Very clear.

Vice Mayor Lago: That form has to say this is not a City citation. You are not entitled to pay this invoice.

Commissioner Keon: Well...

Vice Mayor Lago: You don't have to pay the invoice.

Mayor Valdes-Fauli: You're not compelled...

Vice Mayor Lago: You're not compelled.

Mayor Valdes-Fauli: To pay.

Vice Mayor Lago: Excuse me. You're not compelled to pay this invoice.

Commissioner Keon: Well, you're not compelled by the City to pay it.

Vice Mayor Lago: Yeah, but I mean, people get confused.

Commissioner Keon: It's their property. How do you allow them to get paid for the use of their property?

Vice Mayor Lago: How are they going to enforce it? Are they going to show up at your house and force you to pay the...

Commissioner Fors: They could sue you.

Vice Mayor Lago: Are they going to sue you?

Commissioner Fors: Over a hundred bucks.

Commissioner Keon: They're not going to sue you over a \$32 ticket.

Commissioner Fors: If -- and just to get an idea when you start thinking about it, when I think of an invoice in my head, I think of a standard QuickBooks invoice, and maybe it needs to look like that.

Unidentified Speaker: Yeah.

Vice Mayor Lago: Postcard.

Commissioner Keon: I don't know, but...

Commissioner Fors: Postcard.

Vice Mayor Lago: (INAUDIBLE) understand it.

Commissioner Keon: Work it out.

Mayor Valdes-Fauli: I think we have now discussed this...

Vice Mayor Lago: Enough.

Mayor Valdes-Fauli: Enough. Let's continue the discussion.

City Attorney Ramos: You're taking a vote on first reading.

Mr. De Yurre: (INAUDIBLE).

Mayor Valdes-Fauli: Huh?

City Attorney Ramos: Are we voting on first?

Vice Mayor Lago: So moved.

Commissioner Mena: Second.

Commissioner Fors: I'm...

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

Commissioner Fors: Can we -- can -- all the address -- I mean, all the concerns that have been...

Mayor Valdes-Fauli: Deferred.

Commissioner Fors: Addressed here, we would be able to incorporate them between first and second reading?

City Attorney Ramos: Yes.

Commissioner Fors: Okay.

Mr. De Yurre: It's faster. We'll create the solution for you.

Commissioner Fors: Yeah.

Mr. De Yurre: Quicker.

Vice Mayor Lago: We'll have it on second reading, and then we'll review it and we'll make the changes.

Commissioner Mena: Okay.

Commissioner Fors: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: No.

(Vote: 4-1)

Mayor Valdes-Fauli: Alright. Let's go on.

Mr. De Yurre: Thank you very much.

Vice Mayor Lago: Thank you.