

**City of Coral Gables City Commission Meeting
Agenda Item F-3
September 28, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick
Governmental Affairs Manager, Naomi Levi-Garcia**

City Staff

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

Public Speaker(s)

Agenda Item F-3 [12:30:06 p.m.]

Discussion item expressing support for prohibition on hourly room rates for hotels and other overnight accommodations in Coral Gables as indicated in City Attorney Opinion 2016-064.

Mayor Cason: Let's move into F-3, because that's related as well, that's a discussion Commissioner Lago.

City Attorney Leen: So if I may introduce it Commissioner Lago then I'll turn it over to you. This is a discussion item expressing support for prohibition on hourly room rates for hotels and other overnight accommodations in Coral Gables as indicated in City Attorney Opinion 2016-064, sponsored by Commissioner Lago. The Commissioner came to me several weeks ago, and informed me that he would like to prepare an ordinance making it illegal to have hourly rates in Coral Gables; and he was particularly concerned, because of a complaint that had been raised about a hotel on Eighth Street that's in Coral Gables and a concern that it was renting essentially,

it's a hotel or a motel, but it was using hourly rates, that was a concern. So what happened was, we looked into the matter and determined that the Zoning Code already prohibits that and actually asked Naomi Levi to take a look at that, and put together a special counsel to me, put together a, please note Ms. Levi typically works for the City Manager, she's the Governmental Affairs Manager, but from time to time I can use her for special projects, so I asked her to take a look at this; and so she wrote a memo to me, I looked at it and I adopted it as a City Attorney opinion, which I issued, and what it basically said, and Ms. Levi you may come up and talk about it as well, what it says is that it doesn't reference hourly room rates in Coral Gables, we have a very strict Zoning Code, it says daily, monthly – daily, weekly, monthly, but it mentions nothing about hourly, so that's illegal in Coral Gables. Naomi did you have something you wanted to add to that?

Ms. Levi-Garcia: Its Naomi Levi-Garcia technically now.

City Attorney Leen: Pardon me, Ms. Levi-Garcia.

Ms. Levi-Garcia: The Zoning Code is very specific; the opinion focused on Articles 4 and 8, hotels are defined as being able to provide occupancy on a daily, weekly, monthly basis, and the Zoning Code also discusses the commercial limited district, which encompasses that area that maybe of some concern on Southwest 8th Street between Granada and LeJeune Road, and in speaking about overnight accommodations, it specifically says that they can charge fees that are on a daily or weekly basis. So there is a lot of evidence in the Zoning Code that prohibits this and I think this opinion can be used to kind of re-enforce what's already in the Zoning Code.

City Attorney Leen: So what happened was, so I received this, I reviewed it; I issued a City Attorney opinion. In addition, that particular hotel, the police went to that hotel, pardon me, motel and told them that they – we sent a cease and desist actually from the Deputy City Attorney that they could no longer do hourly rates. That was precipitated when an officer went over there and asked and it was undercover, and it was determined that it was, they had an hourly rate, and then we went back and they stopped doing the hourly rate.

Mayor Cason: So that means if you want to stay there for an hour you have to pay for the day.

City Attorney Leen: Yes.

Ms. Levi-Garcia: They cannot offer rates on an hourly basis.

Vice Mayor Quesada: Even though Commissioner Lago is discriminating against people who want to take naps in the middle of the day, I'm going to support him on this one.

[Laughter]

City Attorney Leen: Commissioner Lago, one other thing was that we've done all that, but then what's come up and this is what Commissioner Lago is going to discuss today is, we thought it would be useful first of all for the Commission to express support for this and continue enforcement, but then the issue came up and I'll turn it over to him, is more of a policy issue about what else can we do to address this, particularly across the street.

Vice Mayor Quesada: Is that why you are so cranky, you don't take naps?

Commissioner Lago: I just don't take them at that motel. Let me explain to you and I brought this up before when we were speaking...the reason why I wanted to bring this up and I appreciate your support, because I think this is two-fold and Naomi, great work, great work on helping and assisting the City Attorney in reference to this. I think there comes a point where we can't just legislate and I think Commissioner Keon took a bold statement, bold step, excuse me, in reference to how we attack the mosquito issues that we were having in the City and with our neighboring City, that took a lot of guts, and I think it set a precedent and now you see a lot of other cities and we were leaps and bounds ahead of Zika before anybody else. Why did I bring that up? I bring that up, because as I mentioned before when we were meeting with the police, I've ridden with the City of Miami on several occasions and I've happened to go on details that deal with prostitution rings in the City of Miami side, and on one occasion I've actually seen a prostitute be picked up and they drove into the City of Coral Gables, turned around and left the City with the person who picked them up, and we ended up subsequently catching them and arresting them. They had a stolen gun in the car, they had narcotics in the car, and obviously they were committing prostitution which is obviously illegal, but we can't just live in a bubble in the City of Coral Gables when we know that less than 30 feet away you have crime that's being committed and we know that every time you have that type of activity, there is other nefarious activity that are associated with it. So what I want to do besides passing this ordinance with your support is, I'd like to urge the City adjacent to us, the City of Miami to push for an adoption of a similar ordinance in their neighborhoods, because again, I was in the sting and I was probably for a few hours on multiple occasions watching what occurred in those neighborhoods, and those motels that are on Eighth Street are surrounded by single-family residences and you can see not only the prostitutes, but you could also see the drug dealers, and you can see the pimps associated with that, and the sex offenders that are in that area. So we can't just think about the City of Coral Gables and it's been just way too long, in my opinion, that that type of activity has been going on, not in our neighborhoods, but 30 feet from our neighborhood, and you've got to think about the residents that live right there. So what I would like to do is, besides asking for your support of this ordinance, which again, it's already basically in place as Naomi mentioned.

Ms. Levi-Garcia: Yes, it's technically a City Attorney opinion interpreting what's existing in the Zoning Code.

Commissioner Lago: Yes. So what I would like for you to also see if you can support me in requesting that the City of Miami take the necessary steps.

City Attorney Leen: Commissioner one thing. We met, Commissioner Lago, myself, City Manager, and the two Assistant City Manager, we all met and the ordinance that he is thinking of sponsoring would be one that would, in addition to the City Attorney opinion would make it a clear municipal ordinance violation for a manager of a hotel to rent hourly and that that would be something that the police could go there and order them not to do it, and if they continue to do it the person could be arrested or fined. In addition, if the hotel itself was doing that they would receive a fine that could be significant, the fine would be more significant and then the third time the fine would be very significant and they would lose their certificate of use.

Mayor Cason: OK. So that's something that – do we need to do anything now, because....

City Attorney Leen: A motion could be done.

Vice Mayor Quesada: So moved.

Commissioner Lago: So moved and I would also like for your blessing to bring this before the City of Miami and ask them to work in conjunction with our staff to kind of limit this type of behavior.

Mayor Cason: Alright, the Vice Mayor made that motion with that included and Commissioner Slesnick seconded – City Clerk.

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 12:38:20 p.m.]