

City of Coral Gables City Commission Meeting
Agenda Item F-2
October 27, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

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

Public Speaker(s)

Mark Trowbridge, President, Coral Gables Chamber of Commerce

Agenda Item F-2 [Start: 9:48:50 a.m.]

A Resolution of the City of Coral Gables, Florida, urging the Miami-Dade Board of County Commissioners to amend the Miami the Miami-Dade County Code Chapter 31, Article VII, "Regulation of Transportation Network Entities, For-Hire Drivers and Vehicles," to allow ride sharing networks to operate in Miami-Dade County. (Sponsored by Commissioner Keon.)

Mayor Cason: We are going to move not to Agenda Item F-2, which is Commissioner Keon's item.

Commissioner Keon: Do I read it?

City Attorney Leen: I'll read it in. Item F-2 is a Resolution of the City of Coral Gables, Florida, urging the Miami-Dade Board of County Commissioners to amend the Miami the Miami-Dade

County Code Chapter 31, Article VII, “Regulation of Transportation Network Entities, For-Hire Drivers and Vehicles,” to allow ride sharing networks to operate in Miami-Dade County. This is sponsored by Commissioner Keon. I’ll give a brief introduction and turn it over to her and I believe Mark Trowbridge is here, he had told me he was coming, I understand the Chamber had expressed an interest in this item. My office is involved in this item was that Commissioner Keon had asked us to put a resolution together urging the County Commission, Miami-Dade County Commission to act relating to ride sharing companies and more commonly known as Uber, Lift, entities like that. And there are two parts to my presentation, first there is the resolution, which is urging the County, as I mentioned, to take action and to legalize Uber and Lift, similar to what Broward County recently did, and then there is a second part to it, which I’ll discuss in a moment, but first I will turn it over to Commissioner Keon regarding the item.

Commissioner Keon: Thank you. Recently, I don’t know if all of you have read it, where Broward County was able to work an agreement with amongst their county government and the other providers of transport systems, taxies, limos, and whatever in Broward County to allow Uber and Lift and some of these other companies to operate openly and to require the kind of background checks that we would feel would be appropriate for drivers to ensure safety and whatever. This has been an often debated issue within Miami-Dade County government. I know that there is concern, particularly for the taxi industry, but I think that there is enough service to go around and we are all served well by these Uber and Lift and these types of companies. So, I would like that we would urge the County to move forward on this and get it passed, come to agreement and have these operate legally within all of Miami-Dade County. In talking with Craig about it, I really feel and I’m sure my colleagues will agree, that this would be better dealt with on a regional basis by the County rather than individual cities and municipalities looking at these issues. I think when we looked at the regulation of taxies and whatever, Craig could you address that issue as to who has the right to regulate taxies, because at one time every municipality had its taxi service and eventually it worked into county government and a metropolitan form of government here, a lot of those things changed, we used to have our own bus system which we no longer have, we used to have taxi systems and they really are designed so that they connect between cities and they really are spread across the county and they are

coordinated through the county as a regional government, but there still are some provisions that I think are interesting and the regulations that Craig will talk about.

City Attorney Leen: Yes, thank you Commissioner. I was asked to look at what was the total permissible area or authority for the Commission to act in this area, if the Commission wanted to do something more than just urge, so I did research on the topic. Commissioner Keon is correct, used to be that cities regulated taxi cabs and for-hire transportation. In the 70's the county took control of that and there is a County Code provision propoting to take exclusive jurisdiction over taxies in Dade County. Now there are a couple issues though that I would just raise with you. First, and I'm obviously neutral on this question, so I'm just trying to fairly look at the situation and presenting it to you. The County's lack of enforcement or action in this area, for better or for worse leaves an issue for you to decides as the City Commission. Section 6.02 of the Miami-Dade County Charter says that each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation that those provided by Board of County Commissioners, in order that its individual character and standards may be preserved for its citizens. Now if this is an area and this is something that I would want to do more research on, if you wanted me to, but one thing that comes to mind is, if this Commission makes findings that Uber or Lift provide a real benefit to the citizens of Coral Gables, and particularly you can look at different areas of the City, downtown with businesses, with residents, with students at the University of Miami. If there is a real need for Uber and Lift and similar types of companies to do this is Coral Gables, and we believe that or you believe that the City would be providing a higher standard of service or regulation by allowing it, I believe that County Charter gives you authority to act. Now we'd have to look at that particular Code provision, I'd want to discuss it with the County Attorney. I'm sure the county would take the position that they have exclusive jurisdiction and the county often does in these types of areas, but because of the lack of the county's action here, there is room for the City to take action on a remedial basis to address a specific concern for its residents. The second issue I would raise is, the second is, in terms of enforcement and this is purely up to the Commission, but if the City did not want to be involved with enforcement of the county's essential prohibition on Uber and Lift, the City does not need

to. The City does not have to, for example, could direct its Police Department not to enforce the county provisions related to Uber and Lift, which you find in the County Code is that municipal departments are authorized and directed to do that, but ultimately that's up to the City Commission whether you would participate in that or not. I'm not suggesting you do or don't, but those are the two areas where I could see further research and potential action by the Commission if you desire and I would be happy to continue researching that and reach out to the County Attorney's Office. Obviously, the City has a very good relationship with the county, but this is a particular area that's come up. I know a couple of you have separately expressed concern about it to me and about the lack of regulatory action by the county to address this concern of the citizens.

Mayor Cason: Do we know where the county stands, Commissioner Keon, on this? I thought that Mayor was in favor of it.

Commissioner Keon: Well the Mayor is in favor of it. I think that it hasn't really had the full hearing through the transportation committees or the endorsement of enough of the Commissioners to actually move the issue forward.

Mayor Cason: It could be helpful to...

Commissioner Keon: I think there is some agreement that it is a good and necessary service here in Dade County, but I think its weighing all of the people that have vested interests in transportation, they haven't been able to sort through to the point where they can come to a consensus as to how they should move on this particular action. I would like us to urge them to do so. If they continue to not do so, I would like to see if you'll support having the City Attorney continue to research the issue and come back to us with alternatives that we could undertake that would make it permissible within the City. I know that it is a very frequently used service by students at UM. I think more and more young people are using Uber when they go out so they are not drinking and driving, which is certainly a benefit to the community as a whole. I think it helps take cars off the road. I think you have one person doing multiple pickups and drop-offs so maybe ten less cars on the road, so I think it helps a little with all of our transportation issues that we have within the City and I think that we need to, I think it is a good thing to promote some of

these innovative means of doing business and yet still see that they are regulated to the point that we can ensure the public safety to the best that we can. I think it would be best for the county to do this on a regional level so everybody is on the same plate, but if they continue to choose not to act for whatever reason then I would like us to look into what we can do as a municipality.

Mayor Cason: I'm very supportive. I think it's a reality, lots of people are using it, especially half the cost of a taxi. It helps the taxi services realize that they have to be competitive in terms of cleanliness in the taxies, attitude and all of these things. I'd certainly – a lot of people are using it that go to bars and don't want to drive, which is great.

Commissioner Keon: Which is good, I applaud them for having the good sense to not drive.

Mayor Cason: I think its helpful for us to tell the county that one of their main municipalities is, at least from my perspective, is supportive, so I'm willing to go with you.

Commissioner Keon: OK. Thank you. I know the Chamber is also – was also very supportive and the Chamber had passed a resolution amongst themselves in support of this type of service a while ago.

Commissioner Slesnick: Has the City's transportation committee looked at this or discussed this?- did they suggest we...

Commissioner Keon: No. I felt like its something that we can do. I would certainly give them the opportunity to look at it. As of now we are only urging the county to take action, so I don't think its not ready for our committee. If we decide to take action on our own I certainly think that its something that they could weigh.

Commissioner Lago: I agree with you 110 percent. When I saw that you had placed this on the Commission, on the item, excuse me, was actually very happy because I know many individuals who use Uber on a daily basis. Not only due to the fact that it's a very sustainable, very pro-environment, but due to the simple fact that it offers individuals who won't get into a taxi cab the opportunity to get home safe. A lot of individuals who may go out at night and don't want to drive for a multitude of reasons, you don't have the option of getting into a clean, safe

environment which raises the bar and requires a certain level of quality of their drivers because their drivers are vetted to an incredible level and so I think that its time that the county get on board and allow for this type of competition, this is only going to drive up the quality, and its only going to benefit the residents.

Commissioner Keon: Right. We don't have the sort of business center or the density that some place like New York or Chicago has where there are cabs on the street that it takes you two minutes to hail a cab and go wherever you want to go here in Dade County. You have to call a cab, you have to wait. I know I've missed two flights out at the airport because cabs were significantly late in picking me up, so I use Uber anyway to go to the airport now anyhow. We need to find those solutions that work for our community and our urban centers are kind of spread out. We don't have the density that places like New York and Chicago or whatever have, so its not going to work that way, its going to have to work differently. We need to find the solutions that work for the type of distribution of density and the types of cities and programs and the needs that the people that live within Miami-Dade County present. So, I think that Uber and Lift and not specifically those, but this type of company is just one more resource that will help improve our transportation opportunities and choices.

Commissioner Slesnick: Another noted support. I was at the B.I.D. meeting last Wednesday and one of its members either walks or uses Uber to get to everything, she has a car, but she never uses her car and she's under 35 age, and she uses Uber to get wherever she needs to go.

Commissioner Lago: Right – and within five minutes. You can go on your phone on your app and within five to ten minutes you have a driver that never happens with a cab drive, never.

Commissioner Lago: And the great part about it is you can also track where the driver is and you can also choose between different levels of quality in regards to the transportation. There are a lot of options and like the Commissioner stated, she has missed two flights. This tells you exactly when the cab is in route and what type of vehicle you want to use for transportation. Its just a simpler process which elevates the quality.

Mayor Cason: You've got to get up earlier. [Laughter]

Mayor Cason: Alright, do we have a motion on this? Mark do you want to – we are getting ready...

Mr. Trowbridge: Thanks much for the invite. I don't know what I missed with all of this.

Commissioner Keon: There was a "trick or treating" and a party a little earlier.

Mr. Trowbridge: Well, you know I'm avoiding candy, so, probably a good idea. Well thanks for the invite. I heard a little bit of what you all were speaking about, so I feel like we were preaching to the choir of Uber fans. So just a couple of quick thoughts, I think some of you might know that our Chamber passed a resolution back in May urging the legalization not only Uber but what we call peer to peer transportation, things like Lift, being a part of that as well. We haven't made a lot of progress at the county level, sort of getting our day before the County Commission. Fourteen different Chambers and business organizations have come together over the last year or so to really kind of push this agenda, not only related to Uber, but we were working with the taxi lobby, maybe working against them, if you will, on several other issues, including things like getting GPS, Sun Passes, credit card acceptance, creating an ambassador cab program, so we were promoting four different ordinances, three of which passed, but the Uber one had been sort of way-laid for many months, so we've been to Commission multiple times and at this point we are sort of stuck. So I want to thank Commissioner Keon, who is also a member of our Chamber Board for picking up the mantle and moving this forward. My hope is that, not only the county hears that, but other municipalities hear what we are talking about here today. Coral Gables I think has the unique challenge given we are kind of caught in the gap when it comes to the taxies. We are in a zone and so there is a set price and so I hear stories every single day from our hotel owners and hotel operators of patrons of theirs who have a very hard time getting a cab. They've been thrown out of cabs when folks say I'm going to Coral Gables that's an unbelievable way to welcome people to, not only South Florida, but our community and when 90 percent-plus of our travelers arrive via air and they are coming through MIA that's rather daunting. So whatever we can do to urge the county and urge others. I mean obviously, the Chamber, we advocate for businesses and free enterprise and folks to take and work within the rules to be successful, the problem is Uber has to work outside the rules right now and there was

an article that I sent to some of you yesterday that specifically talks about why are these the rules. So, I just want to commend you all for continuing to look at these things that affect the consumer on so many levels and I think anecdotally there are other positives to peer to peer transport, I just don't want to put it on Uber because other folks do what they do, but if you look at it we have a significant university right here on our front yard and the incidences of drunk driving and impaired driving are down because you look at their ability to call an Uber or call a Lift or call anybody besides getting behind the wheel. I talked to one of our Board Members last night whose mother is 85 and she uses Uber to go to the theater and to the opera. She lost her husband some time ago and this is the way she can still engage and have a social relationship and have a life that gets her out of her home. She doesn't want to drive or have to park, especially after dark, and so Uber is a lifeline to her to continue to appreciate and engage with the arts and live a full life.

Mayor Cason: And it also reduces parking needs.

Mr. Trowbridge: Absolutely.

Commissioner Keon: Absolutely.

Mr. Trowbridge: There isn't a day that we are not here or monitoring the Commission where I hear projects have to talk about transportation and traffic. I think there was a meeting a couple of days ago, it talked a lot about traffic; and so these are other ways to do that and address parking and congestion. Let me tell you, any other city that I'm in, I was in Chicago this summer and took an Uber, they have a modified rule where Uber is legal, but Uber can't operate at the airports, so there is a compromise maybe in there. I'm not advocating for that one way or another but there are ways to compromise, until we get an opportunity to talk about it and fully vet it. The article yesterday said that over the period of time that Uber has been in this community, they've been issued 3,300 citations, dozens of impoundments, that isn't the way to do business, that's begging for a resolution.

Commissioner Lago: Let me ask you just a quick question. What other municipalities have produced similar resolutions urging the county to consider Uber or Lift.

Mr. Trowbridge: In our community I don't know of any other municipalities that have done that.

Commissioner Lago: Let me give you my second question. Do you think that this resolution should also be sent besides to the county to all the 32 municipalities in this county, basically urging them, because I sometimes receive other resolutions from other cities and I think that a next step would be, not only the county, but also urging our fellow municipalities to say, listen, we are moving in this direction, help us take the next step. If all the municipalities passed similar resolutions, the county would take that step, they'll have no other choice.

Mr. Trowbridge: I would hope they would listen to that. I think that's a great suggestion. I would certainly help facilitate with those fourteen other groups that we had partnered with that run from Doral to Aventura to down south to south Dade, and really lead by Bill Talbert and the Convention Bureau kind of being the quarter back for this group, because we all understand that when you come through MIA, like I said, more than 90 percent of our visitors come through the International Airport, this is a challenge for us. If you are coming to the Gables they don't want that \$20-\$22 fare, they want a \$50-plus fare, and can you imagine tossing somebody out, they put their luggage in...

Commissioner Lago: And let me just be clear, I don't know Uber, Lift or public companies, I have no stock in any of these companies, but the interesting thing is, I have yet to meet anyone, no matter their demographic or their age that has something negative to say. Of course there is always going to be one ride that may not be happy, the quality of the car was not up to snuff, but I have yet to meet anybody, either here or when I've used Uber in New York that is against this type of opening up of the marketplace.

Mayor Cason: And you know why, its because for those who have used it, you get to rate the driver and the driver rates you. So if you got a bad driver who's surly like taxi drivers are, they get dumped.

Commissioner Lago: And that's a great thing that the Mayor just mentioned because when you do look for that option on the app, you can see what the rating of the car is, of the driver, are they

on time, do they provide a good service, so there are a lot of avenues and that individual if they are not up to par eventually they won't be driving an Uber or a Lift vehicle very long.

Mr. Trowbridge: I agree and I think some of the rhetoric that's out there is not truthful in terms of having to go through background checks and I can tell you how I know this, is that its part of our plan to go before the county, I wanted to encourage all of my colleagues, some of whom are fellow Chamber Presidents, to take Uber to that meeting. Now that meeting hasn't been set yet, so we haven't been able to do that visual, but I went ahead and became an Uber driver and while I haven't had a fare as of yet because I wanted to be fully legally operational so my car doesn't get impounded and then Vice Mayor has to give me a ride everywhere, I wanted to make sure that people understood the process. I went through a number of background checks and they would one by one give you that information and let you know, OK, you passed this hurdle, this hurdle, this hurdle, and so its an amazingly easy process and like you said, it's a very transparent process. When you get into an Uber you know what the driver kind of vehicle he or she is driving...

Mayor Cason: You have the name of the person.

Mr. Trowbridge: You have a name, they are tied to a vetted process. We've all got horror stories around the industry and like I said, we hear them on a regular basis, but we have an opportunity here and I want to thank you for picking up that mantle of leadership.

Mayor Cason: If you are arriving at the airport and you don't have the credit card with you or if you don't have cash, this is a system that its credited, there is no cash or credit card shown...

Mr. Trowbridge: Fifty percent of our visitors are international, a lot of times they don't have the money exchange as of yet, so when they are here they may not have American currency so go beyond just some of the ability to do that. We got the credit card issue through because we were able to show to the cab industry that people tended to pay the fare and tip higher than they did with cash, that was a real positive to the industry and then secondly was that they were working on the...issue and they didn't have to pay out for the credit card machines to be installed. Again, dialog can get to the point where you can figure out what the real issues are so that we can get

away from the citations. We are caught in the gap in Coral Gables, we are the closest downtown in terms of proximity to the airport and because we are inside that zone we deal with those issues every single day here and so again, I want to thank you all for talking about this issue and when its fully approved I'll be glad to drive you all anywhere you'd like to go in my Uber approved vehicle.

Commissioner Keon: Alright.

Mr. Trowbridge: No tips allowed.

City Attorney Leen: Mr. Mayor, if I may add something. I think probably at a future meeting I'll come back with my research, but this is one reason why you may want to invoke Section 6.02 of the County Charter, because as you know as a lawyer the concern I hear here is that there is this gray area, where people may be concerned about using this service even when it serves a public safety benefit because they are not certain of the law and really the county needs to make that clear so that its not enforced in an arbitrary way. The one thing that counties are not allowed to do is act in an arbitrary fashion. So this issue needs to be addressed one way or the other, I think the Commission has made it clear what its view is.

Mr. Trowbridge: And I thank you for that on behalf of the enterprise and remember Uber has also opened a significant office here, while its not in Coral Gables yet, it is down in the Brickell area and so they are investing here beyond just coming in and recruiting drivers and opening a business, they've opened an office as well Vice Mayor.

Mayor Cason: I think the Vice Mayor made a motion.

Vice Mayor Quesada: So moved.

Mayor Cason: Do we have a second?

Commissioner Lago: I'll second the motion.

Mayor Cason: Commissioner Lago seconds. City Clerk.

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

Vice Mayor Quesada: One item on this just real quick. I would ask that the Clerk sort of expedite this resolution to have the Mayor sign it while we are having this meeting, because we have a county representative here in the crowd and I would like to give him 25 copies of it so he can hand it out to the County Commissioners and the County Mayor when he gets back to City Hall later today, is that alright? Thank you.

Commissioner Keon: Would you like to introduce yourself. Well thank you for being here. Come on up.

Commissioner Lago: Come on up please.

Vice Mayor Quesada: I don't think he's allowed to give a position on this.

Commissioner Keon: No, he's just introducing himself and we are grateful that the county has someone here.

Mr. Freddy Peneda: My name is Freddy Peneda and I work for Mayor Gimenez with the office, so I'm under the Cone of Silence so I'm not allowed to comment on any of Uber or Lift ride sharing apps topic.

Mayor Cason: But you heard.

Commissioner Keon: Thank you. We are glad you are here. Thank you.

Commissioner Lago: It means a lot that you are here.

[End: 10:14:52 a.m.]