

City of Coral Gables City Commission Meeting
Agenda Item E-3
December 6, 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

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 E-3 [11:35:51 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida creating Article VIII, under Chapter 14 of the City of Coral Gables Code prohibiting hourly hotel/motel rentals providing a repealer provision, severability clause, codification, enforceability and providing for an effective date. (Sponsored by Commissioner Lago).

Mayor Cason: Let's move onto E-3 and then we'll do E-4.

City Attorney Leen: Mr. Mayor, Item E-3 is an Ordinance of the City Commission of Coral Gables, Florida creating Article VIII, under Chapter 14 of the City of Coral Gables Code prohibiting hourly hotel/motel rentals providing a repealer provision, severability clause, codification, enforceability and providing for an effective date. This is a Second Reading item; it was sponsored by Commissioner Lago. Before I turn it over to him, I would just want to add that this item will be used to address hourly hotel/motel rentals on 8th Street, because it's a very

important ordinance. I think the Commission and the City Manager are showing tremendous leadership here and my office is excited to be part of this. We look to use E-2, which is the cease and desist letter in conjunction with E-3, and with that I'll turn it over to Commissioner Lago.

Commissioner Lago: Thank you Craig, I appreciate it. Mayor nothing has changed from First Reading. I just want to say thank you to staff, especially Craig and his colleagues for doing an exceptional job in preparing this ordinance and getting it through all the necessary channels. I look forward to hopefully implementing this ordinance. I think we already have in reference to the only existing motel that we have on 8th Street. I've had several conversations with both our Assistant City Managers and Craig and our City Manager on hopefully how we can introduce this ordinance and hope that our neighbors, our neighboring cities will also implement it so that it has an effect, not only in the City of Coral Gables, but across areas like 8th Street which are through several of the patrols that I've done in the evening with the City of Miami Police Officers, I've done four. It's a pretty treacherous situation that's going on there and we'd like to offer them as much support as possible, because even though it's not within our borders, we are talking about potentially within 30 to 40 feet of our borders. So I appreciate staff's effort and thank you.

City Attorney Leen: If I could add two things to that. There are motels that have hourly rates is my understanding across the street; and the one point that this allows is, obviously with Code Enforcement we can do it on our side of the street, but for across the street this allows us to treat these properties as a nuisance and so for example, because the City is on the other side of the street and its being affected by this, we could potentially file lawsuits raising nuisance actions, particularly against any sort of prostitution that is seen on 8th Street on either side, frankly, and also on these hourly rentals to the extent that it causes harm. So it just gives us another tool if law enforcement comes and says look, we need to take some action here, we are being harmed, its gets the City Attorney, for example, the ability to send the cease and desist letter and now it will allow us to also perhaps file a lawsuit or send a demand letter of some sort. In addition, as you mentioned Commissioner, it allows us to go to the City of Miami to see if they can work with us to adopt this ordinance.

Commissioner Lago: What I wanted to do with this ordinance was, I want to make sure we do everything in our power to protect our residents, and we are doing a lot of things, which I'll talk about later in regards to the Neighborhood Safety Aides, which have been incredible. In the last week I saw two examples in the North Gables where residents were serviced and they are extremely happy, and we received probably about four or five e-mails stating everything from finding my dog to an elderly person who was lost, to a criminal that was caught before a crime was committed, because they were wanted, but I think the essential part of this ordinance is just another tool in our toolbox to allow Frank Fernandez and Chief Hudak to put more boots on the

ground in North Gables and address the situation, because people are already aware. People who are using drugs and who are addicted to drugs they need to find a revenue stream to buy the drugs. Again, it's a common fact, and some of the petty thefts and the break-ins that we have in the City of Coral Gables are individuals who are looking for that cash revenue, that cash flow. So what we want to try to do is, I want to encourage, I'm using the word encourage, neighboring cities to adopt similar ordinances, because nothing good comes out of hourly rentals in a motel, it's a fact, there is no if, ands, or buts around it. And I've had a conversation with the Assistant City Manager Fernandez about making sure that we have the necessary forces on our borders in regards to 8th Street, because when you drive, I don't walk, when I drive down that neighborhood late at night, especially when I did it four times with the City of Miami Police, the prostitution is active, individuals looking for either to purchase drugs, either to engage in prostitution and I think that that's unsightly, even if it is only 30-40 feet away and not in our City borders. We need to do everything in our power to push this across other cities. Do you have any idea what we are working on?- can you kind of give people a little bit of background of what we have going on for the corridor and how this can maybe help you.

Assistant City Manager Fernandez: Commissioner thank you for the leadership in putting this ordinance, because I truly believe that speaking from experience and working with the City of Miami for 25 years that these hourly motels are a haven for drugs, prostitution, and illegal activity, there is nothing else that comes out of that. I'm not saying all of them, but I'm saying the vast majority from experience from the number of arrests that I've made on the other side of 8th Street, on the Miami side, they do create a haven for that type of activity. We do have limited activity taking place today, operational plans are in place for 8th Street; every two weeks we have a full complement of officers who are deployed out there throughout the late evening hours from 10 p.m. until 4 in the morning. We do high intensity traffic enforcement on 8th Street that's yielded significant results on the part of the Police Department; they've made several significant arrests, narcotics and other types of arrests. You mentioned the Neighborhood Safety Aides, great added value to the City in terms of crime reduction, the perception of crime, and as well as the value of reducing crime. You talk about package theft, people leave those packages out front or deliver them out front, the NSA's, the Neighborhood Safety Aides go by, they put them in an obscure location and leave a little tag behind saying they were there. Again, that adds value to the officer patrolling that neighborhood in making sure that we have omnipresence throughout. I think all these tools that you are putting together for us, for the department, and for the City are great tools that are going to add value to being safer, more innovative City to address these chronic problems.

Commissioner Lago: Just so I may add one last thing. It's interesting because on several of the arrests that I partook in, that I was obviously a bi-stander, I'm not a licensed police officer, but it was interesting to see because when I had a candid conversation with some of the individuals

that were arrested, they weren't obviously tried yet, but they were involved in suspicious activity, they all said that I asked them, how come you stay on one side of the street, how come you don't cross over 8th Street?- and the message is already getting out that we don't want to cross over 8th Street, we don't want to cross over to the Coral Gables side, things are being implemented, you have a lot of police presence and the City is being very proactive in ensuring that we protect the North Gables area. Thank you – great work by the way.

Mayor Cason: Do we have any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: Close the public hearing. Do we have a motion on E-3?

Commissioner Keon: I'll move it. Congratulations.

Mayor Cason: Commissioner Keon makes the motion.

Commissioner Lago: Second.

Mayor Cason: Commissioner Lago seconds – City Clerk.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

Commissioner Lago: And I ask you if you get the chance, the police would love to see my colleagues. I've ridden with Coral Gables, I've ridden with the City of Miami, to kind of get a different taste of different styles and different neighborhoods, let's be honest with ourselves, potentially if you go out there and you ride – the best time to ride is at night. I know it's tough, I know everybody has obligations, but if you ride from 9 o'clock till 3 or 4 in the morning, you get to see a different mix of activities.

City Manager Swanson-Rivenbark: And Mr. Mayor if I may, hearing what Mr. Leen said about being able to enforce across the street, recalling the issues that we had with mosquitoes and our friends at Palmetto Bay, what we'll do is we'll reach out to the municipality to City of Miami, we'll explain the ordinance, we'll explain our intent to enforce that ordinance, and we'll also at

the direction of the Commission send it to League of Cities, because I'm sure they'll be interested in this type of legislation as well.

Commissioner Lago: I appreciate it.

City Attorney Leen: Mr. Mayor let me raise something about that. Learning from the experience with Palmetto Bay, we did not, we are not going to be issuing tickets to these properties across the street, this is based on a nuisance theory, which is based on the common law. So if you have a property across the street that doesn't interfere in any way, I didn't think we were before, but it doesn't interfere in any way with the Code Enforcement jurisdiction of the City of Miami or Dade County or anyone, but there is a well-recognized theory that if you have a nuisance that's very close to property that is owned by the City of Coral Gables or the City of Coral Gables right-of-way and its causing harm to the City, we have a common law right to file suit and to ask that that be stopped whether that's in our jurisdiction or not, and we do that all the time. For example, with AB&B, even though a lot of what they are doing is in the City of Coral Gables, we've sent them a cease and desist letter in California telling them to stop doing what they are doing. So, I just wanted you to know that I did think about that a lot; I recognize what the City Manager has said. The idea here is we are not going to be going across the street and issuing citations, but this does give us the ability if there is an issue across the street and its harming our residents or harming a City park or the City right-of-way where people are coming across the street, we could file a lawsuit, and then that's up to the Judge; the Judge will determine whether the action is...

Commissioner Lago: That's in the same vain as what our City Attorney said, I'll be calling for a Sunshine Meeting with the Commissioner in that area, the City of Miami, and like I always do, I will invite all of you to attend and I think it would be great to get different perspectives and hopefully give them a little insight in reference to why we passed this ordinance and why its instrumental that they also follow suit.

[End: 11:46:10 a.m.]