

City of Coral Gables City Commission Meeting
Agenda Item F-5
October 8, 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

Agenda Item F-5 [2:17: 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.

(Sponsored by Vice Mayor Lago)

(Sponsored by Commissioner Mena)

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Mayor Valdes-Fauli: G-3.

Vice Mayor Lago: Yes, sir. Miriam...

Commissioner Mena: (INAUDIBLE) F-5.

Vice Mayor Lago: You want to do F-5?

City Attorney Ramos: F-5 and G-3 -- actually Mr. Resnick...

Vice Mayor Lago: Yes.

City Attorney Ramos: Is about to walk in, and he's the expert on both.

Vice Mayor Lago: Okay. Or we could go to F-9, maybe.

Commissioner Mena: No, no, no.

Vice Mayor Lago: Did we do F-9 already?

Mayor Valdes-Fauli: No, let's do F-5 and...

Commissioner Mena: F-5 is...

Mayor Valdes-Fauli: Yeah.

City Attorney Ramos: I'm sorry. I was talking about F-9.

Commissioner Mena: Yeah.

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Vice Mayor Lago: Oh yes.

Commissioner Keon: F-5, oh, yeah.

Vice Mayor Lago: Mr. De Yurre, good to see you.

City Attorney Ramos: F-5 is 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. This is a second reading item. Mr. Ceballos, can you walk us through the changes between first and second?

Assistant City Attorney Ceballos: My pleasure. Good afternoon Mr. Mayor, Vice Mayor, Commissioners. We've seen this item already. I believe this is the third time we're seeing it. There's additional changes. I'm just going to go over the real quick changes from the last version that we saw. If you a look at the actual text of the ordinance under 74-84(b), it's, once again, requiring that signage be placed at all entrances to any of these surface parking lots. Additionally, the mobile applications, which we've had multiple issues come up before where the term Coral Gables is used in the application that may insinuate somehow that it is associated with the City of Coral Gables. We're going to request that that language not be part of the mobile permitting -- or not the mobile -- the actual Pay by Phone application will no longer state Coral Gables. Further down in the ordinance, under Section I, we've removed the requirement that these invoices be placed inside of an envelope. Our concern was that there's just going to be additional litter, so that language has been removed. Additionally, it is no longer the City Attorney's Office that is going to be reviewing the general form of language of these invoices. It will come back directly to this

Commission. So, on a case by case basis, if it needs to be any sort of modifications or changes to the language of the invoice, it would come back to this Commission. There's also been a 15-minute grace period prior to the issuance of any invoices for overtime parking. And I believe this was already included in the previous version that no invoices shall be issued to vehicles parked in designated handicapped spots when they have an appropriate placard. So, those are all the changes that I have from the last version. Please let me know if you have any questions or concerns.

Mayor Valdes-Fauli: We discussed it in the past. Do I hear a motion?

City Attorney Ramos: This is a public hearing item. I believe Mr. De Yurre...

Commissioner Keon: Oh.

City Attorney Ramos: Wishes to speak.

Anthony De Yurre: Oh, I just want to bring to the Commission's attention, we did have, in the interim, between the first reading and the second reading, we had one particular client of ours -- because they're our clients and we're trying to provide them with services, parking -- raise an issue. And I just want to make sure that we timely responded to them, gave them their appeal and a refund of the money. I believe that everyone was satisfied with that, including the client. I did bring with me a form of the signage and the parking invoice. Should that be dealt with today or should have been dealt with at a separate...

City Attorney Ramos: You can deal with it today, but I'd like a motion on this ordinance, and then separately...

Mr. De Yurre: Okay.

City Attorney Ramos: They can approve your particular sign.

Mayor Valdes-Fauli: Alright. Do I hear a motion?

Commissioner Mena: We're voting on the ordinance, and then we'll separately review...

City Attorney Ramos: Yes.

Commissioner Mena: The actual -- gotcha.

City Attorney Ramos: Correct.

Commissioner Mena: No problem. I'll make the motion.

Vice Mayor Lago: Second.

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

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Commissioner Keon: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Let's take up I-3, 4 and 5, which...

Commissioner Mena: No, no.

Commissioner Keon: Oh, wait, wait, wait, wait. He has to do the next part of his item.

Mayor Valdes-Fauli: Okay.

Mr. De Yurre: My apologies. So, we had met with the City Attorney's Office and had subsequent conversations. We have gone from -- and I'll put this in the record. This is the County ticket here on the left. This is the invoice that we've prepared on the right-hand side. It does state in it specifically that it shall be done in accordance with the specific City Code sections that were required by the City Attorney's Office. The one -- and we also added a high-resolution image of the vehicle on it, so there's just no confusion whatsoever if, in fact, this was issued on -- as a ticket on your vehicle or not. The one item that we got feedback from our corporate counsel, because my client runs 30,000 parking spaces, is that they -- from a consumer law standpoint, they have to invoice you out at the higher number and then, if you pay in a timely basis, only charge you the lower amount. They can't invoice you the lower amount today and then increase it after the fact. And it's a consumer law issue that we have to deal with. For us, you know, I was completely agnostic about it. But I got told that that's a requirement that they have specifically in consumer protection law and they deal with it across many different states. It might not just be a state issue in Florida, but also a federal issue that they deal with. The only other point that I would say is the window of time that they request is a 15-day window from the City to allow them for that payment. And again, we don't do collections, but if people go to a 30-day window, they just forget to pay and there's really no enforcement for us. Those are the two requests that I make in changes on the form that's been reviewed by the City Attorney.

City Attorney Ramos: So, the ordinance that was just adopted has a 45-day and then escalating to 75 and 30 days for failure to make payment. So, I mean if you were to write it in a way that's a 75, and then reduced to 40, I don't know that that would necessarily violate the ordinance, if the Commission's willing to approve that form. But the 30 days is 30 days, not 15.

Mr. De Yurre: Any day that would be helpful -- we're finding now in enforcing 30 days, people just don't pay. We don't have collection efforts. This is on an honor system, and so we just want

to put a date there that people will remember. If you want to split the baby, I'll take anything that we can have.

Commissioner Mena: So, what they receive is going to -- you held it up, but...

Mr. De Yurre: Yeah.

Commissioner Mena: You're saying it's going to say the higher amount?

Vice Mayor Lago: Amount, yeah.

Mr. De Yurre: Yeah. It has to say the higher amount first, and then a reduced amount if paid within the period of time.

Vice Mayor Lago: Why? Again, it's consumer protection. Why...

Mr. De Yurre: Well, again, I'm only dealing with the land use zoning, government entitlement issues here. I had to defer to their corporate counsel, and since they operate in multiple states, there is both federal and state law that is consumer protection driven that you can provide a reduction, but you cannot provide an increase. It's up to us to provide whatever -- we have any flexibility we want to provide a reduction, and so it's less challengeable before the courts.

Vice Mayor Lago: I mean, to me, I just think it's not, you're not trying to be misleading. You're not...

Mr. De Yurre: No.

Vice Mayor Lago: I'm not blaming you for that. I'm just saying the person, when they read it, they're going to see one fee.

Commissioner Mena: Right.

Vice Mayor Lago: They're going to see one fee. When you get a normal, standard parking ticket, we all know that's \$18. It's \$18, and if it goes over 30 days, it jumps up to 40, \$45, some odd -- I just...

Mr. De Yurre: It's different than your -- than the standard. It's what I was told to request for purposes of compliance. It'll be the same amounts at the end of the day. But they're really stuck between a rock and a hard place. And there was a lot of debate internally with the client on it and they gave me the final direction that, you know, look, we don't -- we want to be within the law in every instance possible, and to make the request here today.

Vice Mayor Lago: Gus, can you provide some guidance?

Assistant City Attorney Ceballos: As of right now, this information was brought to our attention today, a few hours ago, so we haven't really looked at it. Originally, when the invoice was proposed to the City, probably months ago, it did -- it was in that fashion where basically it indicated your citation is \$75. If you paid within 30 days, the reduced amount is 45. We didn't really...

Vice Mayor Lago: Let me...

Assistant City Attorney Ceballos: We had the same...

City Attorney Ramos: But when we spoke...

Assistant City Attorney Ceballos: Thought process.

City Attorney Ramos: Two weeks ago, we said it would be the other way around.

Vice Mayor Lago: Let me confer with...

Mr. De Yurre: And I've been working on that since.

Vice Mayor Lago: My cosponsor on this issue. What do you want to do?

City Attorney Ramos: I love Mr. De Yurre; nothing against you, man.

Vice Mayor Lago: Do you want to defer?

Commissioner Mena: I hate to.

Vice Mayor Lago: I know. This is not clear.

City Attorney Ramos: So, the ordinance is adopted. You can defer the approval of...

Commissioner Mena: Yeah, that's what I'm saying.

Vice Mayor Lago: Yeah, yeah, yeah, yeah. That's what I'm telling him. I don't want to leave him out there hanging, you know, in the wind.

Commissioner Mena: The ordinance was already approved. All right, so then here's what my suggestion is. Can you guys get -- or can you come back to discuss with -- if you could point him in the direction of the consumer law.

Mr. De Yurre: Yeah. I can work with the corporate counsel...

Commissioner Mena: That....

Mr. De Yurre: Because I requested it and I haven't gotten it back in time. I've just been given the direction.

Vice Mayor Lago: If it exists.

Commissioner Mena: I want you to brief me on the consumer laws that his corporate counsel is referencing. And I'm actually very curious now about what the nexus of those consumer laws are.

Assistant City Attorney Ceballos: Will do.

Commissioner Mena: They probably exist for a reason that probably is related to all of this.

Mr. De Yurre: All right. Well, thank you very much.

Vice Mayor Lago: Alright.

Mayor Valdes-Fauli: Alright.

Vice Mayor Lago: Thank you, gentlemen.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: So, it's deferred?

Commissioner Mena: No, we approved the ordinance.

Vice Mayor Lago: We approved it. But just enacting...

City Attorney Ramos: The ordinance is approved, and there's no other item. When he's ready to...

Vice Mayor Lago: Enacting Mr. De...

City Attorney Ramos: Bring it back.

Vice Mayor Lago: Yurre's request.

City Attorney Ramos: We'll bring back the approval.

Commissioner Keon: Oh, the approval of your form.

City Attorney Ramos: Of the language, yeah.

Commissioner Keon: Oh, of the...

City Attorney Ramos: Of the language and the form, and the ticket, how it's going to look.

Commissioner Keon: Oh. Oh, okay.

Assistant City Attorney Ceballos: There were two asks by Mr. De Yurre. The other ask was the 15 to 30 days. That was approved today.

Vice Mayor Lago: Yes.

Assistant City Attorney Ceballos: I don't know if there's any appetite to reconsider that. That's up to the Commission.

Vice Mayor Lago: I think we should discuss it when you come back.

Assistant City Attorney Ceballos: Sounds good.

Mayor Valdes-Fauli: We can't let go of this issue. I mean, it's too important and we've discussed it 17 -- already, so we have come to the 18th. Alright.

Mr. De Yurre: I'm here at the pleasure of the Commission.

Commissioner Mena: Alright.

Mr. De Yurre: Thank you very much.