

City of Coral Gables

405 Biltmore Way
Coral Gables, FL 33134
www.coralgables.com



Meeting Minutes

Tuesday, June 18, 2024

6:00 PM

<https://coralgables.zoom.us/j/88379717135>

City Hall, Commission Chambers

Coral Gables Waterfront Communities Homeowners'

Association Board

Chairperson Gonzalo Sanabria

Vice Chairperson Toni Schrager

Board Member Lance Campbell

Board Member Aimee Davis

Board Member Rick Diaz

Board Member Eileen Higgins Faradji

Board Member David Kutner

Board Member Roberto Martinez

Board Member Alex Quevedo

Members of the public may join the meeting via Zoom:
<https://coralgables.zoom.us/j/88379717135>

CALL TO ORDER

ROLL CALL

Present: 7 - Chairperson Sanabria, Vice Chairperson Schrager, Board Member Davis, Board Member Higgins Faradji, Board Member Kutner, Chairperson Martinez and Board Member Quevedo

Absent: 2 - Board Member Campbell and Board Member Diaz

A. APPROVAL OF THE MINUTES

A motion was made by Chairperson Sanabria, seconded by Board Member Higgins Faradji, that this motion be Approved on Consent Agenda . The motion passed by unanimous vote.

Yeas: 7 - Chairperson Sanabria, Vice Chairperson Schrager, Board Member Davis, Board Member Higgins Faradji, Board Member Kutner, Chairperson Martinez and Board Member Quevedo

Absent: 2 - Board Member Campbell and Board Member Diaz

- A.-1. [24-7629](#)** South Waterways Homeowners Association Advisory Board Meeting Minutes of May 14, 2024.

Attachments: [May 14 Meeting Minutes](#)

B. PUBLIC COMMENTS

The mayor visited the board and shared his support to hear their initiatives, ideas and concerns. Board member Faradji asked the mayor for clarification regarding the process of getting their vote of 24/7 supervision of incoming visitors at the gates of residential communities located on the waterways instated. She inquired about the process after the commission votes. The mayor voiced his support of the legislative change at the gates of Coral Gables residential communities, and explained there are some elements of the legislation to address, but he is willing to bring the item forward at the commission meeting. The board is to modify the language of the legislation with the provision of the city attorney to not jeopardize the current ongoing process. Deputy City Attorney Stephanie Throckmorton elaborated that once the commission passes the item, it would become an amended ordinance and the implementation would be further discussed as far as how it is adopted and in what form it is adopted. The final step to changing the guardhouse ordinance is a second reading of the ordinance, which has yet to happen. Board member Davis expressed that the residents voiced a mutiny and a want of privatization of streets. The board found that the amendment of the guardhouse ordinance is a healthy medium between the resident ask and reducing hostility toward the city for lack of action. The mayor reiterates that he supports the board's amendment but wishes to overcome the legal ramifications first. The mayor hosts open office hours on Friday's beginning at 2:00 p.m. and can also be reached at 305-303-0115.

Chairperson Sanabria explained the issue of speeding solid waste trucks to Lorena Garrido, representative of the Public Works Department. He added that this recurring instance has become hazardous to pedestrians, cyclists, and children in the community. Chairperson Sanabria asked Lorena to discuss this with Public Works director Hermes Diaz to address the concern. Lorena complied and informed the board that each of the solid waste trucks contains cameras, which can be reviewed in the case of specific concerns or negligence.

C. OLD BUSINESS

- C-1 Rework of Resolution of the South Waterways Homeowners' Association Advisory Board recommending that the City Commission amend Section 38-11 of the City Code (Facilitated by Chairman Sanabria & City Staff)**

Deputy City Attorney Stephanie Throckmorton clarified the guardhouse ordinance being addressed and reminded the board that their request to modify the name of the committee was approved on first reading by the commission during the last commission meeting. Upon finalization of the item via assumed adoption on second reading, the name on the agenda will be changed. From the legal standpoint, Stephanie reiterated it is a very limited and narrowly tailored ordinance, which the then city attorney felt comfortable initiating because of its limited nature and scope. The legal perspective has always been to expand upon the ordinance and have it be less narrowly tailored and less specifically crafted to those late evening and early morning hours, which would subject the city to some considerations and liabilities for the ordinance, given that public roads are being discussed not private roads.

To expand upon that the City Attorney's Office will defer to the policy makers and the Chief of Police's expertise. Stephanie clarified the liability of the amendment when she explained the concern about stopping public drivers on public roads without suspicion and leaves further explanation to the Chief of Police. Chief Hudak reiterated what Stephanie explained by stating that in either the private or the public sector, when it comes to public roads, which are public right of way, constitutionally, setting up a guard gate to screen people entering solely for the reason of them identifying themselves would not be allowed. With the specific concerns of after hours, the volume of traffic, and the reasonableness of someone being in a specified area, arise a different level for a statute referred to as loitering and prowling, which is an enforceable statute that the police officers can prohibit based on provision from the security company. The Chief mentioned the radios Mr. Winklejohn mentioned at the last board meeting that replaced the BOLO system the guardhouses previously used and allows for communication between the guardhouses and police dispatch. The Chief shared that the occurrence has been at night, when visitors can't get into these guarded communities, police have caught them in residential areas, hence moving the problem outside of the communities. Without speaking for other departments, Chief Hudak shared the only solution known to him, is for these communities to make their streets private. The costs will rise exponentially and doesn't oblige the police department to patrol those roads, since private streets are responsible for their own security. The Chief explained that the taxing districts are now in Coral Gables because while they were managed by the county, they would not inform the guard companies to stop anyone. At the time since the county was the taxing district, the guard companies only took orders from the county. Now that the taxing districts are controlled by contract through the city it enables the city to give them the orders.

On a tangent, the Chief informed the board that the situation regarding the solid waste truck speeding issue is being handled, as has been discussed at least at his level. In reference to the privatization of streets, board member Faradji asked since privatized roads aren't obliged to be patrolled by city law enforcement, can police patrol the public roads more often, to which the Chiefs answered yes. He further explained, if there is a patrolling issue that is a conversation he could have with the board and assigned officers. The Chief said to the board members, if residents are complaining about the lack of police presence, that is something to discuss with him, not necessarily the guards, since the police have a method of knowing who is in what neighborhood as far as the police are concerned, when they are there and when they are not. With their current technology, they can watch the police car or the camera along with area checks, so when they

are in the neighborhoods they check off on the radios. The crime suppression team officers that travel in unmarked cars, have been making more arrests per unit in the last three months than other teams. The Chief notified the board that 70% - 80% of the cars stolen South of Sunset have the keys in them. He does clarify that the police can do a better job of informing residents to ensure they take their keys with them and lock their vehicles.

In 2015, the commission mandated the Chief to ensure that there are always two cars South of Sunset. The city is split into twelve zones of which at least one officer is always present and responsible for that zone. The downtown district will be handled by Major Baublitz's team since the area is now flourishing and with the addition of the high rise, population has increased, hence reducing response times, indicating a need for dedicated officers. The Chief addressed another concern as he explained there must be a legitimate reason to stop a suspicious person. This means if there is someone that doesn't look as if they belong to that officer, the officer is going to drive by that person if they are just walking because if they do anything else it is considered profiling, which police departments can't and will not do. However, if a security guard notices strange activity after hours, they can call the police department and the police can then stop the individual and find out who they are without the intent to arrest. The Chief clarified that the issue with the ordinance is the hours specified within it, and operationally, the guards would be tasked with stopping everyone at the gate. The Chief shared that some homeowners' associations have paid for and had license plate readers installed at their guard gates for the price of \$50,000, which notifies the police department and allows them to identify the drivers. The Chief informed the board that when the city was geo-fenced with the CCTV system in 2014, he notified and approached all homeowners' associations to offer them the opportunity of purchasing the system. The police department checks licenses plates as soon as drivers pass Fire House 3, the Cocoplum Circle up Le Jeune road, Miracle Mile, 8th street, US1, and several parks. Originally, Cocoplum was the only community that implemented the system, which recently underwent upgrades allowing the city's police department real time prime center to receive notification. Vice Chairperson Schragger asked if those suspicious drivers entering the communities are usually in stolen cars, to which the Chief clarified that they are stolen, but not necessarily reported stolen. It could be a vehicle that was stolen within a couple of hours and might not yet be reported in the system. However, it's not only stolen vehicles, but it's also suspended driver's licenses and similar cases, that are reported to the officer in real time due to the geo-fence, well within the department's three-minute response time. In the case of auto thefts, the city police department will not pursue stolen vehicles because it results in larger liabilities held against the city, the police department, and the officer themselves. If a life is lost in the process of that pursuit or an accident is caused, it would have to be a violent forceable felony.

Deputy City Attorney Stephanie Throckmorton reiterated the concern was in 2014 when the ordinance was drafted, as the Chief mentioned, there was a discussion with the county due to enforceability of the ordinance, since the guardhouses were owned by the county. The point made was that the public safety interest that was being served was very narrowly tailored in the ordinance to be addressed because from 11:00 p.m. to 6:00 a.m. it's not home maintenance or construction staff, visitors for a dinner party, or a friend coming over for dinner, it's a suspicious hour to be driving around in an enclosed neighborhood. Since

the ordinance was so narrowly tailored there is justification on the city's end and from a public safety perspective to uphold that ordinance because of the limited time period. So, the concerns legally are that a blanket entry check, meaning visitors roll down their windows and inform the guard of their destination, this is not to say it doesn't have adequate justification and public safety purposes, but is something to be reviewed carefully to ensure the city is doing everything it can to act in a legally defensive way.

Board member Davis asked if there can be a better distinction made between the roads and the route to which they lead such as the roads that lead only to residences enclosed areas. Deputy City Attorney Stephanie Throckmorton clarified that all public roads are public roads and there is not a distinction that can be made legally between a dead end, cul-de-sac, or Le Jeune, those are all public roads that are treated and policed equally. The only distinction, as the Chief has mentioned, is public and private roads. The city does not discriminate on types of roads and how stops are enforced or policed. The Chief stated that his job is to connect with Mr. Winklejohn and the gate guard companies to receive the same level of uniformed service throughout the day from the guards that the communities are asking for. Deputy City Attorney Stephanie Throckmorton added, as Mr. Winklejohn stated prior regarding the different levels of service, the different taxing districts and the communities that don't have special taxing districts in the city are all things to be aware of when considering costs such as the ALRP camera costs, etc., which are often born by the special taxing districts. Stephanie continued reiterating that as Mr. Winklejohn mentioned, they may not have the authority to engage in other practices outside of their purpose. So, a lighting district can't all of a sudden create a guard gate, a guard gate district may not have the ability to have a patrolling officer. Those are all legal considerations, all very specific and very individual, but as the Chief mentioned some may work better than others in preventing certain instances.

Chairperson Sanabria asked Deputy City Attorney Stephanie Throckmorton if anyone was obligated to roll down their window, to which Stephanie clarified according to the ordinance one has a legal duty to do so from 11:00 p.m. to 6:00 a.m., and lack of compliance will delay entry and is a code enforcement violation. Chief Hudak proposes the example of a vehicle approaching a guardhouse at 2:00 a.m. refusing to roll down their window and enters the street, the ordinance allows the guard to call the police department for a suspicious vehicle as opposed to the same situation occurring at 2:00 p.m. during a time the ordinance does not cover. Board member Faradji proposed the idea of allowing guards to ask incoming visitors where they are going between the hours of 6:00 a.m. to 11:00 p.m. without a legal duty to roll down their windows and without the requirement of contacting the police department unless a crime is detected. The Chief announced if the associations wish to have their guardhouses stop and identify upon entry, they can, but that is not in violation of the ordinance. The ordinance does not have to be amended if the homeowners' association sets the rules upon everyone's agreement. However, a sign cannot be placed requiring visitors to roll down their windows and state their destination for entry. Stephanie stated that she would work with the police department to review if this solution is possible, and it would not require the ordinance be amended, but creating a policy and a procedure that enforces that through the special taxing districts would be another situation.

Board member Faradji asked for more security. Deputy City Attorney Stephanie Throckmorton noted that the current ordinance does not necessarily automatically mean that failure to comply initiates a call to police, it is a municipal code violation, similar to putting your trash out early. It is a code violation to not comply with the ordinance, it may indicate some suspicion on the part of the guardhouse. Chief Hudak added that a code violation is something after hours that the police department responds to that handles not only suspicion, but also an ordinance violation. During the day, code enforcement handles all code violations. The Chief asked the board if everyone that resides in the neighborhoods affected by the ordinance will be asking the same questions, or will they remove the pass gates for residents' entry. The Chief asked this for the purpose of uniformity and equality because the moment the gate malfunctions and someone that is not a resident enters the gate behind a resident it can cause an issue. The board disagrees with the need to remove the resident's entry. Mr. Winklejohn explained that the guards attempt to interact with everyone, but residents have preregistered decals and the guards become familiar with them, which is why more attention is usually directed toward the visitor side of entry.

Stephanie clarified that if this is a request the board wishes to make again to the commission to consider the ordinance, that decision can be made during the meeting. She reinformed the board that she and the Chief are there to assist with any tweaking to the resolution, if they wish for any language to be altered, but if the amended ordinance being proposed is to remain the same, it can be brought before the commission again as is for the same discussion to take place during the commission meeting. Board member Faradji asked the Deputy City Attorney her recommended edits, to which Stephanie answered as an attorney on behalf of the city and the Chief, she wouldn't edit the ordinance. The Chief agrees that the ordinance has worked and the other issues the residents have is a more robust conversation about how the police department works during daylight hours. Board member Davis recommended to the board that they withdraw their request to amend the ordinance based on the information shared by the Police and Legal representatives, but expressed the need to communicate these concerns to the residents of Coral Gables who are requesting privatization of streets as a response to reduce crime. The Chief recommended that the board members direct their homeowners' associations to the Neighborhood Crime Watch meetings, which the Chief attends regularly, and would be happy to address resident concerns. Stephanie reiterated to the board from the City Attorney perspective, they feel confident in the current ordinance, to do something else will require them to look very carefully at drafting an ordinance that meets legal requirements.

Board member Faradji asked the Chief if officers can train the guards to which he confirmed they already are. Board member Davis asked if tinted windows surpassing legal permission would instigate a call to the police department due to suspicion. Chief Hudak shared that matters as such are above the purview of the guards. A case like tinted windows has to be witnessed and determined by an officer, not a guard. The Chief reminded the board that the energizing program of the ordinance is if there is a faction of things that take place to call and notify the police if someone is suspicious. Even if suspicious drivers do not enter and drive away, the guards still radio the other guards and utilize a different channel to notify police dispatch. In such cases, those same suspicious drivers have been caught in different areas such as Pinecrest and other

neighborhoods.

Board member Davis motioned to no longer present an amendment to the ordinance before the commission. Board member Martinez seconded the motion, and there was agreement across the board. There is an amendment to the motion, to table the item until further discussion. All board members agreed by acclamation.

C-2 Discussion regarding stationing a marine patrol boat at Matheson Hammocks
(Facilitated by City Staff)

The Chief informed the board that the police department has an entire team that focuses on crime watches, if improvement of crime watches in their areas is of their main concern. The Chief encouraged collaboration with the crime watch team to address some of the neighbors' concerns and have the crime watch team work alongside the guards to reduce resident concerns.

The Chief began the discussion by explaining that there are two marine patrol boats and an inflatable. They are currently in the process of receiving grant funds. Major Baublitz elaborated through the direction of the Chief of Police and Chief Hanlon, Sergeant Antezana has been working on a grant, the Waterways Assistance Program application, and there was a presentation held on Saturday, June 22nd, 2024, hosted by Sergeants Luna and Antezana. With the grant money and the city's budget, the department plans to purchase a SeaVee boat, which would be the third boat for the marine patrol unit. Chairperson Sanabria asked when the SeaVee boat would be in service. Major Baublitz answered considering the specifications that need to be met, once the funding is approved and the order is placed, approximately one year for the boat to be in service.

Chairperson Sanabria asked the Chief to discuss the idea of stationing one of the boats at Matheson Hammock. The Chief explained that the marine patrol currently works from the Cocoplum Marina, and that is where the offices have historically been for the last three decades due to an ongoing agreement. The Chief shared that getting out to the water is shorter than the channel going into Matheson Hammock. The marine patrol is in Matheson Hammock on a regular basis even though it is the responsibility of patrolling by Miami Dade Police Department since it is a county park. Two things to consider that the Chief discussed with Chairperson Sanabria were if there were an emergency, getting to Matheson Hammock to the marina could be difficult on the weekends at best, even with the lights and siren going the opposite direction, whereas at Cocoplum there are other avenues to get into the development before they arrive. Second, the travel time, which the marine patrol tested, takes longer to get down to the South end and come out of the channel from Matheson Hammock than from the lesser used Cocoplum area as far as getting the police where they need to be. The Chief added after hours there is a guard at Matheson and that determines whether they can get into the gate or not, while at Cocoplum, they can easily pull their cars up to the boat and depart. Traveling to Matheson could be a problem since the gate is controlled by the county. A key could be provided, but it is not definite that the county would provide a key because when there have been past issues requiring a key, a guard ranger has always been present. The City of Coral Gables Police Department is in an interlocal agreement with Miami-Dade County for the horse patrolling area as well, so there will be times when the patrols are increased. However, to drive to where the marinas are in Matheson Hammock as opposed to half the distance of traveling to the Cocoplum Marina and less channel time to get to the open water may pose difficulty.

Chairperson Sanabria shared a video depicting a boat speeding through the Gables by the Sea main channel. He added that proper signage and patrolling used to be provided to the community to enforce the waterway regulations but is no longer present. So, he doesn't believe that departing from Cocoplum Marina will allow for a faster arrival to the waterway communities such as Gables by the Sea than departing from Matheson Hammock. Major Baublitz informed the board that the FWC is located at Deering Bay, the county is located at Matheson Hammock, and Coral Gables Marine Patrol is located at Cocoplum Marina, in the

case of needing assistance with an emergency, they are reliable resources to resort to for assistance in arriving in a timely manner to handle the emergency. It is important to remember that the Marine Patrol patrols all of the Gables waterways, meaning, just because you may not see them doesn't mean they aren't patrolling, they just might not be in your area at the time. The marine patrol has a standard response time of ten minutes. In the case of isolated incidents where people are speeding, they have received similar complaints from residents, but with the provision of some information, they will follow up on the complaint. A citation cannot be issued to the offender because the officer did not witness it themselves, but they can go to them and share the concern as a warning. The Chief shared that the marine patrol officers' boats have GPS' that can be tracked. So, he will find out their locations and let Mr. Sanabria know their patrolling tactics, and as mentioned earlier, they two conduct area checks. Major Baublitz encouraged the board to reach out to him regarding their concerns at jbaublitz@coralgables.com or Sergeant Antezana at gantezana@coralgables.com or even the Specialized Enforcement Division at specializedenforcementdiv@coralgables.com.

Chairperson Sanabria asked about the signage and called Lorena Garrido as the Public Works Representative to elaborate since the marine patrol collaborates with Public Works for signage. Lorena explained that an emergency procurement purchase order has been completed and they are currently in route to get the signage replaced and installed. There were some channel markers that needed replacement with no weight zone markers being one of them.

C-3 Discussion regarding ownership and maintenance of Cutler Channel (Facilitated by City Staff)

Lorena shared that the cutler channel is not under the jurisdiction of the City of Coral Gables, so she reached out to Miami Dade County to receive more detail. It could be under their jurisdiction or the South Florida Water Management District's, but more information would be required to find greater details of whose jurisdiction the channel may fall under. Board member Kutner asked who was responsible for the markers and headpin lights in the waterways, to which Lorena confirmed it falls under the scope of Public Works and reiterated her previous statement about the emergency procurement purchase order to replace the previous markers with no weight zone being one of them.

C-4 Discussion regarding contractors parking on swale/street (Facilitated by City Staff)

This item was deferred since the code enforcement representative was unable to attend the meeting.

C-5 Discussion on solicitors and canvassers (Facilitated by City Staff)

Board member Davis presented this item due to the ordinance regarding solicitors and a situation in the Sunrise Harbour community of a man visiting door to door promoting his services, which made the residents uncomfortable. In the case of an instance like that, the Police Department is to be contacted. Board member Davis asked for the definition of the ordinance. Chief Hudak explained that political or religious canvassers can walk up to doors and knock. However, as an ordinance in the city of Coral Gables people cannot go door to door and solicit with the exception of something that is political or religious. Real Estate solicitors with a permit signed by the City Manager are allowed to knock on doors, the police department is notified. Chairperson Sanabria asked Lina Santiago to provide a list of permitted solicitors to the board members, so they are aware of permissible solicitors in the city.

C-6 Discussion on how HOAs can be notified about Mangrove violations (Facilitated by City Staff)

This item was deferred since the code enforcement representative was unable to attend the meeting.

D. NEW BUSINESS

D-1 Updates on beautification and miscellaneous requests made by Board Member Faradji (Facilitated by City Staff)

Board member Faradji asked if plants, landscaping, or a statue can be put on a lane divider with an island on Old Cutler. Lorena Garrido shared that Old Cutler is under the jurisdiction of Miami Dade County so they would have to find out who maintains that area. She added that a picture would really help. Lorena's email is lgarrido@coralgables.com.

Board member Faradji asked Lorena when the road construction on Old Cutler would be complete. Lorena shared that they have been in contact with the county and the rain has slowed progression toward their estimated completion date for the project, but they are working on mitigating the flood areas caused by the recent increase in rain.

Board member Faradji asked if there could be a rotating service to fill the swales with oolite. Lorena explained that they do utilize lime rock for deep trash pits, and there are over 5,000 in the city. When they become deeper Public Works fills it with the lime rock and makes a 70/30 mix to compact the pits. There is currently a list of approximately 2,000 trash pits to fill, so the department does have a backlog and there is a contractor assisting in the process. The most delicate cases will be handled and addressed by the Solid Waste Division of the Public Works Department. Lorena asked the board to share the addresses and locations of concern with her. The Neighborhood Service Aids and internal inspectors report any issues they see around the city. The Citizen Request Portal (311) is also available to report service requests and complaints (<https://311.coralgables.com/s/register-and-login>). Board member Faradji asked if the swale project can become more automated, to which Lorena answered upon completing backlogged requests she believes the project will become more efficient.

**D-2 Update on request to increase police presence in board member's communities
(Facilitated by City Staff)**

The Chief informed the board that they can increase the number of officers patrolling communities. It doesn't necessitate him increasing physical bodies stationed there, but they can modify their patrolling strategies. He will provide the board with the year-to-date crimes compared to last year, everything South of Sunset.

E. CHAIR COMMENTS

Chairperson Sanabria extends his gratitude to all board members and city staff that contribute to the initiatives of the South Waterways HOA Advisory Board.

F. FUTURE MEETING DATES

Chairperson Sanabria motions for no meetings in July or August. Board member Kutner seconded the motion, agreement across the board. Chairperson Sanabria motioned for all future meetings to begin at 5:00 p.m. rather than 6:00 p.m. Board member Davis seconded the motion, and all board members were in favor. Chairperson Sanabria motioned to hold the next meeting on Monday, September 9th, 2024. Board member Davis seconded the motion, and all board members were in favor.

Lina reminded the board members that there is ongoing construction on the third floor of city hall and the future meetings may be moved to the CMR in the Police and Fire Headquarters until construction is complete. Upon that change, she will inform the board with proper notice prior to the meeting.

The next meeting will be held on Monday, September 9th, 2024, at 5:00 p.m.

ADJOURNMENT

Vice Chairperson Schrage motioned to adjourn the meeting. Board member Martinez seconded the motion, all board members were in favor.

7:52 p.m.

NOTE