

City of Coral Gables City Commission Meeting
Agenda Item E-3
August 25, 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
Police Chief, Ed Hudak

Public Speaker(s)

Agenda Item E-3 [1:47:43 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida prohibiting the unauthorized entry into an automobile within the City of Coral Gables, Florida, allowing for a stay away order and minimum mandatory sentence and providing for a repealer provision, a severability clause, codification and providing for an effective date.

Mayor Cason: E-3.

City Attorney Leen: Mr. Mayor, Item E-3 is an Ordinance on First Reading. It's an Ordinance of the City Commission of Coral Gables, Florida prohibiting the unauthorized entry into an automobile within the City of Coral Gables, Florida, allowing for a stay away order and minimum mandatory sentence and providing for a repealer provision, a severability clause,

codification and providing for an effective date. It's sponsored by Mayor Jim Cason; it's a public hearing item. The Deputy City Attorney is here to speak on the matter, but before she begins, I've spoken with the Director of Public Safety. I know that the Chief of Police and Ms. Ramos have spoken with the State Attorney's Office. I just want to give you some of my own comments. This is in consultation with the Mayor as well; I know these are his comments also. The purpose of this ordinance, it's a very interesting ordinance, I think. I think its forward-looking ordinance. What's special about it is, of course there is very serious crimes that exist, and burglary of a residence or anything like that is extremely serious and it's normally treated as a felony. We found just based over the last couple of years, I know this issue has come to the Commission a few times, that sometimes the unauthorized entry of an automobile, although it could conceivably be a felony in certain circumstances or certainly a misdemeanor, it is not really received the same treatments sometimes and maybe falls through the cracks occasionally. I remember there was one instance where an individual had gone into a number of cars and come back, I think it was Chief Weiner at the time that mentioned that there were three times they had seen the person, and so the concern of this ordinance, the purpose of this ordinance is really in response to the Commission's mandate that we try to take every action we can to reduce crime, and it's the Mayor's sponsored item, is to make a mandatory minimum sentence of 30 days for an unauthorized entry into an automobile, and that could be for a first offense, that could be for their first offense total, its 30 days. It shows that this is not something tolerated. In addition, it gives the option to the person to accept, instead of the 30 days in jail, a stay away order. They would be accepting the stay away order and assuming they accept it, they would not be able to enter a residential district, a single family residential zone district in the City for two years. Now if they go ahead and violate that stay away order or they commit a second unauthorized car entry, they would then face a 60 day mandatory minimum. One other thing that this ordinance does is that it makes it, in order to commit an unauthorized automobile entry it's simply the knowing entry into an automobile without permission. So, it's the minimum standard to address what you want to address, which means that if you do this, it's very easy to meet this definition and it directly addresses the concern that you raised, and I think it sets, it tells people and it lets it be known that the City of Coral Gables doesn't tolerate this type of behavior.

Mayor Cason: This Chief, if you wanted to talk a little bit about this particular crime among the crimes in the Gables is the most prevalent, car-hoppers.

Chief Hudak: Yes sir. Yes, as far as share numbers, I believe what we have and we've seen from time to time is that it maybe a few cars within a block, two different cars in a driveway. It's a crime of opportunity under darkness. The ones we've come across have been juveniles as well as adults, homeless people have been the profile of the victim, so-to-speak, but if it's not just one or two cars. There are certain types: there are the mothers dropping off at school or the persons are visible, the gas stations, but as far as clumps of these types of incidents, yes, we do see that in that same general area, as we continue to identify and we move our resources around to try to address that in the middle of the night.

Mayor Cason: So do you think this will be helpful?

Chief Hudak: I do. Every tool we have is helpful. I think this is going to work and it just gives us another tool in the tool box to continue to combat it from other people that are coming into the jurisdiction. I think along with what we have been doing and the watch orders have gone in that same direction.

Commissioner Slesnick: Are you clarifying that something's taken or disturbed in the car? I mean I used to turn off micks for people when they saw cars in parking lots ten years ago, five years ago. After a rain storm its dark and they go into the shopping center and leave their lights on in the car.

Chief Hudak: Right. Now what we would see at night would be at 2 o'clock in the morning, the lights are on and we don't turn them off, we usually knock on the door and wake somebody up to see if anything was missing. Still a predominantly amount of the car-hoppers that we've talked about, the cars are unlocked, so to catch them in the act, to catch them with property, it gives us a much more prosecutable case. So again, this ordinance would be a tool for us to work with the Justice Advocate to continue to enhance and give us options, because once that property is

returned to the individuals it's hard for them, it's hard for a lot of our residents to do the traveling so we are working with the State Attorney's office, as the City Attorney said, to try and streamline how they can fill out an affidavit and prosecute to go forward. If its juveniles, it's the juvenile justice system, but we can also use this as another tool to really get that word out that Coral Gables is not a sanctuary for car-hoppers.

City Attorney Leen: And Mayor, one other thing to mention about that, which I like about this ordinance in terms of tools, is that we are working with the State Attorney, they told us they are going to focus on these crimes and these are quality of life crimes for Coral Gables. But there is always a possibility that one will fall through the cracks, like the person who three times did this, and this gives the City the ability to prosecute the offense as well as a municipal ordinance violation.

Mayor Cason: Even if the State Attorney doesn't want to take it, this gives us the chance to be proactive on it.

City Attorney Leen: Yes. So if the Commissioner were ever like, why did this happen?- we want something done, my office, Miriam, the Deputy City Attorney Miriam Ramos is a former prosecutor, she knows about prosecuting crime, so it gives us the opportunity to prosecute this ourselves.

Mayor Cason: Go ahead.

Deputy City Attorney Ramos: I just wanted to add two things. Good afternoon everyone. One thing is that if you chose the stay away order option it's also a \$500 fine, so it's not just a stay away order. And the second thing is, under the Repeat section it doesn't have to be that you've already been convicted and you are doing it again. So, if you hit ten cars in one night and we can prove more than one you would have the 60-day minimum mandatory attributable to you.

Mayor Cason: OK. Great.

Commissioner Slesnick: I'd like to say one more thing. One of my neighbors over in South Greenway lives in a gated yard and their car was broken into last night, so I don't know if this is happening more frequently, but someone last week I knew their car was broken into also, and I applaud you that the crime rate is down 20 percent in Coral Gables, I appreciate that very much and people aren't as attuned and worried about crime as much as they used to be, but still it's an intrusion into your privacy.

Chief Hudak: And again, the beginning of the school year, as we've seen in historical patterns as how we deploy. I believe through the summer months we'll see six months from now that our numbers continue to go in the right direction. I think a lot of that has to do with, if I were to show you the watch order lists, we've actually dedicated two officers on mid-nights just to hit all of those houses where people are on vacation, I think a lot of it has to do with the community involvement, as well as our getting the message out there that we do this. We are getting very positive feedback that somebody goes out of town for a while, the neighbors see us coming by, so I think the visibility is there. In the last couple of days we have seen an uptick of one or two, I've noticed that, I think we have anticipated that, with school in session there is a lot more pedestrian traffic, people in and out, so they can kind of blend in to what's walking in the neighborhoods, but we are continuing to put programs in place to address those issues in and around the high schools, in and around the grade schools, as the director and I have talked about and continue the back to school program, welcome back to try and educate our traffic people as well. We are also looking at – and I can roll into this the DUI check point, which I know some of you have gotten e-mails about. Not only did we make six DUI arrests on a Wednesday night, but we also took an AK-47 off the street and three other arrests, credit card frauds, so we will definitely change the starting time of those and that was an error on our part, and as I've told some of the people that have contacted you, that's on us. We weren't supposed to start barricading off the street or putting out the barricades until seven, it's started at five, so it was a huge inconvenience and we realized that and that was a mistake on us. Again, six DUI arrests along with a lot of other things, and I use that as an example to roll into other crimes that we come across by doing those traffic related issues.

Commissioner Lago: Chief, I also wanted to go off with Commissioner Slesnick mentioned. I want to commend you for a great job in regards to the trajectory of crime in the City. We've seen a complete turnaround over the past year, so I want to commend you on that. I was fortunate enough; I've gone every single time since I've been elected to the DUI check point. That was an issue that you mentioned, but you know what, we live and learn.

Mayor Cason: You were driving along at that time?

Commissioner Lago: No, I was not. I was not. I stopped by around eight...

(Laughter)

Commissioner Lago: What I was saying was, I ended up going to the DUI check point again, we live and learn in reference to that little mistake, but I wanted to commend your staff and all the agencies that were involved because it was seamless, you guys did a great job. I was there for probably about an hour and-a-half, it was very productive. So congratulations.

Mayor Cason: Continue to remind people that they won't break into your car if you don't have something for them to break into get.

Commissioner Lago: And to also lock your doors. Please lock your doors.

Mayor Cason: They are victim-assisted crimes, we have to admit that.

Chief Hudak: Yes. There is the unlocked portion where they are just looking to get whatever small items they can and if you do lock your car doors and I believe the one that comes to mind last night, there was a gun in the trunk, the door was unlocked, as long as they can try those trunks and they can get in and if you lock your car doors, obviously don't leave anything in there that you don't want to give up, that can be seen; and back to school issues, we have some of our

unmarked officers as well working those drop-offs over the next couple of weeks. This is that time to kind of educate the parents as we go along to what's happening. And Commissioner, I thank you for the recognition, but I also want to recognize the Justice Advocate who was there for the duration. We had the first individual who refused to present their driver's license, so as we continue to move forward on that and that was a video tape we expect to see on You Tube, which is just testing the balance of law, so it was nice to have our Justice Advocate, the State Attorney's Office on hand. We had about 82 officers at the check point itself from all different...This is that interlocal participation where we send officers up to their check points and this is the beginning of the traffic jam and I've heard from a lot of people and I take full responsibility for that. We shouldn't have started as early as we did, we'll do better.

Mayor Cason: Thank you.

City Attorney Leen: Mr. Mayor, if I could say something about that just to elaborate. There is an individual who came down to our DUI check point and drove through it with their window closed and under this theory that he had, which has been rejected by many different people, that he could just drive through DUI check points and doesn't have to lower his window. And what the City has done and I've been in consultation with the Public Safety Director, with the Chief of Police, I know the Mayor has been involved, the City has taken a very strong stand related to that, that's not to be tolerated, because what that person is doing ultimately is they are undermining a DUI check point which serves a very important public purpose and it's just wrong, it is very wrong.

Mayor Cason: And we have residents sending e-mails congratulating you for doing this, because...

Commissioner Lago: Yes. I didn't receive one negative e-mail. What I received was e-mails of praise and what a great effort and what a great job that the City has done, especially the Police Department.

Commissioner Keon: We got a few about the traffic tie-ups, texts.

Commissioner Lago: I didn't get any.

Chief Hudak: We got a few phone calls as well.

Mayor Cason: After this I'm going to go to F-3, which is related to crime. This is a public hearing; do we have any cards on this one?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: Now we'll close the public hearing. Do we have a motion on E-3?

Commissioner Lago: I'll make a motion.

Mayor Cason: Commission Lago makes the motion. Second?

Commissioner Slesnick: Second.

Mayor Cason: Commissioner Slesnick seconds. City Clerk.

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 2:01:07 p.m.]