

Marked-Up Agenda - Draft

South Waterways HOA Advisory 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

Tuesday, May 14, 2024

6:00 PM

City Hall, Commission Chambers

<https://coralgables.zoom.us/j/88687811677>

CALL TO ORDER

ROLL CALL

Present - Sanabria, Campbell, Davis, Diaz, Faradji, Kurtner, Martinez
Absent - Schrager, Quevedo

PUBLIC COMMENTS

Chairperson Sanabria invited Chairperson Douglas Yoder and Vice Chairperson Nancy Sanabria of the Waterways Advisory Board to discuss the purpose of their board and share how the two boards can collaborate to assist one another. Chairperson Yoder shared that the Waterways Advisory Board was created approximately five years ago to encourage and review conditions on the Coral Gables Waterway and to address concerns regarding safety, security, navigability, public access, and water quality. They adopted a resolution as of a year ago that supports this cause, specifically addressing concerns regarding vegetation and mangroves. The board continues to work diligently and receives routine reports from the Marine Patrol who assist mainly in maintaining security conditions. The Waterways Advisory Board has also recommended that the Chief of Police and City Manager adequately equip the patrol with what they need to ensure that they are able to continue completing their duties.

Vice chairperson Nancy Sanabria agreed that the two boards can work together effectively regarding intrusive mangrove species in terms of trimming and pruning to enhance safety and resolve possible pending violation notices. Board member Diaz asked for clarification regarding the Gables by the Sea master permit to which vice chairperson Nancy Sanabria explained that they have a master permit held by the mangrove trimmer granted approximately 40-50 years ago for Gables by the Sea where the Mangroves are located at the entrance of the waterway and added that all homes aligned on the water way pay for mangroves located on private property to be trimmed. Board member Diaz added that he is engaging in a similar process for Cocoplum and would

like to have a similar result.

Board member Faradji asked if the board had considered camera installation along the waterways as a safety measure so that boaters cruise with more caution. Chairperson Yoder and vice chairperson Nancy Sanabria both confirmed that multiple discussions regarding surveillance on the waterways have been held, and it is an active item on the Waterways Advisory Board's agenda. They encouraged collaborative support from the South Waterways HOA Advisory Board. Vice chairperson Nancy Sanabria emphasized, in past discussions, the City Attorney mentioned it may be a violation of privacy to place cameras on the waterways. Board member Kutner disclosed the issue with protruding mangroves in Deering Bay due to the channel becoming narrower as it ages. He added that they do have cameras and they do assist with reviewing accidents along with collaboration from the FWC. Board member Davis then asked who issued the permit, vice chairperson Sanabria answered Miami Dade County, and board member Diaz clarified that Miami Dade County issues a permit that goes on an approval chain throughout different departments within the county line of approval and then to the City of Coral Gables Public Works Department and whomever else they deem necessary to approve the permit. Chairperson Sanabria asked that clarification on the permit approval process be elaborated in greater detail at the next meeting.

Board member Campbell questioned if the Waterway Advisory Board considers the cutler channel that meets Paradise Point and Deering Bay under their purview. Chairperson Yoder and vice chairperson Nancy Sanabria don't consider it a part of the Coral Gables waterway since Paradise Point is in Palmetto Bay. Board member Campbell clarified that the cutler channel is on Palmetto Bay's side, but it is utilized by two Coral Gables associations as well as by King's Bay owners. Not much insight into the owners of this waterway had been provided, therefore Chairperson Sanabria tasked Governmental Affairs Manager Fernando Weiner with finding information regarding the ownership of that cutler channel. Vice chairperson Nancy Sanabria added unofficial insight that the property in front of the old FPL that the developer now owns facing Paradise Point, not the waterway, belongs to the property owner, so contacting the owner of the property that was purchased from FPL may provide some clarification.

Chairperson Yoder concluded with the ongoing idea of communicating with different Homeowner Associations to communicate with waterways residents as a better method of communication. Chairperson Sanabria agreed to support this effort.

A. APPROVAL OF THE MINUTES

Chairperson Sanabria motioned to approve the minutes and board member Faradji seconded the motion with agreement across the board.

A-1

South Waterways Homeowners Association Advisory Board Meeting Minutes of April 2, 2024.

Attachments: [Meeting Minutes 4.2.24](#)

B. OLD BUSINESS

B-1 Discussion on gatehouse procedures and management (Facilitated by Board Member Davis & Mr. Paul Winkeljohn)

Paul Winkeljohn, Vice President and Partner with the Governmental Management Services Municipal Consulting, handles community development districts and taxing districts across the State of Florida. He is the original personnel who took over when the county transitioned the taxing districts to the city and was asked if he could assist in managing the tax rolls for the City of Coral Gables.

Board member Davis began by addressing security concerns, she recalled an incident of a driver with tinted windows and a stolen tag entering the community, and the guards were not able to get a photo of the driver because they wouldn't comply with lowering their window. Board member Davis has sent a proposal regarding the modification of hours and has inquired with the guards about an incident report booklet, due to the continuation of similar encounters. Mr. Winkeljohn informed the board that approximately six months ago, a BOLO (be on the lookout) program was voluntarily initiated, meaning all the gate guards, except for Gables by the Sea (contracted by Kent Security), are contracted by the same company Allied Security, but Kent to participated in the BOLO program. The arrangement created a reporting system that allowed Mr. Winkeljohn to keep a vehicle log of incidents, but down the line, the Police Department identified a frequency in a set of radios they no longer needed and distributed them to everyone at the gatehouses that enabled them to communicate with each other and a dispatcher live, which was all recorded and kept. Mr. Winkeljohn recounted that this method the guardhouses have enacted assisted with tracking vehicles, reporting them to the police and in some cases having repeated offenders turn around before approaching, and in which, they notify the other gate guards. Board member Davis shared that these stories should be communicated with the residents. Mr. Winkeljohn offered the informal solution of communicating with the relative HOA board members to immediately keep each other informed and reduce resident panic.

Regarding the installation of cameras on the waterways, Mr. Winkeljohn added, using examples like Cocoplum, Pine Bay and other districts, have expanded their district authority to include surveillance and security systems. This is ignited through a simple petition process that can be done through the city with approval, allowing municipal consulting to assist with a program involving surveillance entering the gates, expanding sensibility to deter and track. With the coordination of the gates, he would deem it a possibility with funding from the taxing district. Chairperson Sanabria asked if any other communities had these programs in place to which Mr. Winkeljohn explained that King's Bay does have a gate without the expansion, but Cocoplum, Pine Bay and Snappers Creek have expanded to have a patrol. This operates through the city's ordinance, depending on how the ordinance was written, it is an amendment which the city commission has the capability to authorize. A letter would be sent to Mr. Winkeljohn explaining the intent or purpose, which he reads, replies to with the next course of action, and reviews the policy of the program, and within a year or so it could be on the tax roll, and municipal consulting can install, maintain, and manage it for the HOA.

Chairperson Sanabria then asked, as homeowners, would they be able to monitor the cameras on their own. Mr. Winkeljohn advised that a staff member with insurance would monitor the camera footage and supporting information. Also, from the law enforcement standpoint, chain of custody attests that only one designated legally contracted person has obtained and modified received data. Even so it is public record, so portions can be given out.

B-2

Proposed Amendment to Sec.38-11. - Guardhouses; duty of driver.

Attachments: [Amendment to Sec.38-11. - Guardhouses; duty of driver.](#)

Board member Davis made a motion to amend the code for drivers to lower their vehicle windows from 1) 11:00 p.m. to 6:00 a.m., to 2) a 24/7 requirement.

Mr. Winkeljohn clarified that it is within the protocol for guards to ask drivers if they can assist them in finding where they are heading, as a response to board member Faradji who questioned if the guards are allowed to ask visitors where they are going. Board member Faradji seconded the motion. Board member Martinez shared that in Journey's End, a private community of approximately seventeen homes, they have an approved list of visitors who are asked to provide their driver's license which is photographed by the guard for entry. Board member Faradji asked why the city can't enact a similar procedure, Mr. Winkeljohn informed the board that this is done in other districts, but after speaking with the city attorney it was concluded that this may be too intrusive to visitor's privacy, and possibly subject to lawsuits. So, the board decided to amend the current language to 24 hours.

Board member Davis also mentioned that solicitation without a permit is not allowed in Coral Gables, and proposed to amend the supporting ordinance about solicitation and recommended attaching it to the guardhouses for those that linger on driveways. Board member Campbell distinguished the two possible topics of canvassers and solicitors, which Chairperson Sanabria asked to table until the next meeting.

All board members approved the amendment of the ordinance and board member Martinez abstained due to lack of information regarding the issue. Governmental Affairs Manager Fernando Weiner explained the next step of presenting the amendment of the ordinance to the commission for approval, and chairperson Sanabria agreed to be the representative from the board to present the item at the next commission meeting. Board member Faradji asked when the amendment to the ordinance would be implemented at the guardhouses, and Mr. Winkeljohn answered that the operative part is instantly implemented, but first the commission approval needs to be facilitated. He added that if a visitor were not to comply the guard would identify the vehicle and radio the other guards and dispatch, allowing police to respond accordingly.

B-3 Discussion on where contractors may park their vehicles during construction projects (Facilitated by Board Member Davis & city staff)

The board welcomed Terri Sheppard, Code Enforcement Field Supervisor, and she explained that typically, contractors may park their vehicles on any swale where there is not a no parking sign. When code enforcement notices that construction workers are parking on residential swale areas they try to guide

them back to the construction site. If code enforcement notices damage to the swale they report it over to Public Works and at the end of the construction, they are to be contacted for the final inspection to replace the sod. Board member Davis asked how Public Works would determine the contractor that caused the damage. Terri Sheppard explained that Code Enforcement and Public Works inspectors communicate with the construction sites, so they are aware of who damages what.

Board member Rick Diaz asked if building inspectors communicate with Code Enforcement and Public Works to inform them of the parking issue, since they are at the construction sites daily. Mrs. Sheppard clarified that each officer is assigned a zone, and they are responsible for periodic and monthly inspections of the construction sites in their zones, they also maintain contact with the contractor. She reiterated that any damage such as a broken sidewalk or to the city right of way is photographed, the contractor is informed that they can be cited for the damage and is reported to Public Works. She also explained that parking on the swale of the home the contractor is servicing is allowed, but not on the street.

Board member Faradji proposed making a motion to park on the street rather than the swale since the responsibility of the swale's maintenance falls on the property owner. Board member Davis added that in her community contractors were once parking on the street and it created multiple visibility issues and sometimes stopped emergency vehicles from reaching their destination due to the buildup. Chairperson Sanabria asked Terri Sheppard what her experience is in seeing the difference between parking on the swale and parking on the street, to which Terri added that parking on the street should be for loading and unloading purposes only and offers the solution of having contractors stagger their workers in or bus them in for work in residential areas. For situations such as lawn maintenance crews, they are to park on the property that they are servicing, not on the street.

Board member Davis informed the board that some residents have begun to replace the sod with rock because it doesn't tear and track. Terri added that approval from Public Works and a permit is necessary for that to be instated. Lorena Garrido provided the Public Works perspective and emphasized that there is a swale package option with more information on the public works website for anyone that has issues growing their grass due to a multitude of reasons such as trees, flooding, etc., and there are different types of plants and crushed rocks (oolite) that may be used to repair the sod, reiterating that its allowed depending on the type of rock and a permit is still required.

Board member Faradji suggested tabling the discussion, and Chairperson Sanabria requested that Public Works be present at the next meeting to give greater context regarding possible solutions. Board member Faradji's motion to table the discussion was seconded by Chairperson Sanabria.

B-4

Discussion about navigational markers (Facilitated by Board Member Martinez & city staff)

Attachments: [02.28.24-Study on Adequacy of Navigational Aids in Biscayne Bay](#)

Board member Martinez questioned if the Marine Patrol thought the markers that lead to the channels in Gables waterfront or coastal communities were sufficiently marked. Alexander Toledo of the Coral Gables Marine Patrol shared

that this has been an issue and that approximately one year ago they had someone go out and put their own solar power lights on each marker, and this is something he could not stress enough in terms of the danger. To note, all the channel markers are internationally regulated, everything seen in maritime is standardized throughout the world. All the markers must be standardized so that when approaching the markers the universal meaning is understood by all operators. This has been the rule since it was enacted in 1977 by the US through the Treaty of the Collision of Avoidance at Sea regulations. Changing markers in shape, color of light or where the light flashes and how many times it does flash can cause confusion due to conflict with the regulations to operators familiar with the traditional format. Mr. Toledo shared that the biggest problem he considers is operators operating their vessels with bright GPS screens that can blind others. Mr. Toledo believes more education on proper operations within the waterways is needed.

Board member Martinez asked if the markers are adequately lit with a light to which Mr. Toledo replied yes. He went on to explain that on each navigational chart each headpin will have a set of letters and numbers corresponding with that on the chart and that would describe the light's purpose. Mr. Toledo reiterated that everything from the color to the distance of the marker is regulated. Board member Kutner asked who was responsible for the maintenance of the headpin lights if one goes out or gets damaged. Mr. Toledo enlightened the board that usually the Coast Guard and FWC handles such requests, but in the case of Coral Gables some fall within the city's responsibility to take care of and some are private such as Snappers Creek (they handle their own maintenance), Matheson & Hammock (the county park handles their maintenance), Deering Bay (they handle their own maintenance), and Coral Gables Waterway is the city's responsibility.

Board member Diaz commented on the Gables Waterway five-foot marker compared to the height of the Gables Marina headpins. Board member Diaz asked about the reporting procedure. The reporting process would go as follows: the Marine Patrol receives a report about a lateral beacon not operational, the report would be forwarded to Public Works, and they have a contracted company that would go out and fix it; they usually have a barge they could pull up to it to either replace a piling or fix a light. These are permitted through the county and signs and boards are provided through the state.

Board member Campbell asked if the Coral Gables Marine Patrol patrolled all the city waterways, to which Mr. Toledo answered yes. Board member Campbell then asked if Kings Bay and Deering Bay were a part of the patrol, to which Mr. Toledo answered yes. Board member Campbell then confirmed that the board still needs to find the owner of the cutler channel to determine who is maintaining from the headpin out in the bay to the cutler channel to Paradise Point. To clarify, Mr. Toledo asked board member Campbell when he mentions maintaining does he mean just the channel markers, to which Mr. Campbell confirms just the markers. Chairperson Sanabria chimed in to add that the determination of ownership is not in Mr. Toledo's purview, but in Public Works purview.

Board member Faradji asked Mr. Toledo if staggered cameras would assist him in completing his job. He explained that it would benefit in gathering information, and that he has been under the impression that there is a camera

in the Gables waterway, but it is privately owned by the HOA and so does Gables Estates. Board member Faradji doesn't believe Mr. Toledo should rely on those cameras. Mr. Toledo shared the only issue with the cameras on the main waterway is they would be staggered on people's private property or docks and sea walls are private property.

Chairperson Sanabria then addressed where the Coral Gables Marine Patrol boats are located due to response time when thinking of response time south of Cocoplum, which despite speed would take a long time to reach Deering Bay, Kings Bay, and Gables by the Sea. As he has vouched in the past, Chairperson Sanabria proposed one boat be moved to Matheson and Hammock marina or Deering Bay as a better position for response time to communities south of Cocoplum. Chairperson Sanabria also asked about progress regarding the third vote and asked that Governmental Affairs Manager Fernando Weiner make a note to invite Chief Hudak and Mr. Toledo's supervisor for more information regarding the third vote. Regarding the response times, Mr. Toledo added the main factor that limits response times would be slow speed zones or no weight zones, and usually if there are no boats along the shore or docked, the marine patrol would take off. However, depending on location, like if they were in Deering Bay, he would be far in the marina, which would also make response time difficult. Board member Diaz understood that Deering Bay may be a stretch but believes Matheson & Hammock should be a fine middle ground considering it's a public park and the marine patrol are public officers. Other board members added that Matheson & Hammock currently has Miami-Dade police stationed there. In an effort to get FMP stationed in Matheson & Hammock, Mr. Toledo proposed the process of speaking with the county people that run the park and inquire regarding available spots, then based on availability discuss the concern with Chief Hudak. Fernando volunteered to speak with Chief Hudak to inform him of the board's main concern and receive his feedback regarding placing a Marine Patrol boat at Matheson & Hammock.

Chairperson Sanabria made a motion to request that the city manager contact the proper authorities in Miami Dade County to facilitate dockage in Matheson & Hammock for one of our Marine Patrol boats. Governmental Affairs Manager Fernando Weiner reminded the board that this is not a power within their capacity. Board member Faradji attempted to modify the language to include that the item goes before the commission to approve conversation with Miami Dade County. Fernando clarified that each item the board wants to achieve must go before the commission and they would act on those recommendations, even if it's a directive for the city manager; the board itself doesn't have the authority to direct the city manager in any aspect. Chairperson Sanabria modified the language of his motion, requesting the City of Coral Gables commission to contact the proper Miami Dade County authorities as per reference to allow a marine patrol unit boat stationed at Matheson & Hammock. Board member Faradji seconded the motion. The board was not in agreement with the chairperson, board member Martinez proposed speaking with Chief Hudak at the next meeting and going through the proper city protocol first. Board member Diaz commented that Fernando, as he volunteered, should hold the necessary conversations and report back to the board, as bringing this item forward to the commission might be too coercive. Fernando added that he could provide more information prior to the next meeting and believes they will have the necessary essentials to proceed.

Chairperson Sanabria retracted his motion and asked that Fernando be prepared to provide the answers and invite the Marine Patrol and Police supervisor to the next meeting.

B-5 Discussion on new board name (Facilitated by Chairperson Sanabria & city staff)

Potential names offered:

1. Coral Gables Coastal Communities (HOA) Board
2. Coral Gables Waterfront Communities (HOA) Board
3. South Coral Gables (HOA) Advisory Board

Board member Diaz asked to remove advisory from the name considering there is already a Waterways Advisory Board to distinguish the boards. Board member Faradji wished to remove waterfront or coastal from the name since the purpose of advisory remains. Chairperson Sanabria agreed. Board member Kutner proposed the removal of South. Board member Diaz recommended changing south to coastal since all the representatives of the Coral Gables HOAs on the board are coastal. Board member Kutner makes a motion to suggest a name change to Coral Gables Waterfront Communities (HOA) Board before the commission. Board member Campbell seconds his motion, the board is in favor by acclamation with the exception of board member Martinez who abstained from voting. Board member Diaz reiterated that this is a change due to the similarity with the Waterways Advisory Board and the confusion it caused amongst the HOAs. Chairperson Sanabria will present it before the commission at the next commission meeting.

C. NEW BUSINESS

C-1 Discussion on the Sunshine Law (Facilitated by Board Member Martinez & city staff)

Governmental Affairs Manager Fernando Weiner explained what sort of activity is and isn't permitted. The advisory board as a public body is allowed to have open meetings that must be noticed before the public 72 hours before the meeting. This is done via agenda publishing on the city website and once the meeting has concluded minutes are published for the public as well and inserted into the next meeting's agenda. However, there can be no private communications (phone, email, in-person, etc.) regarding board business or actionable items discussed or planned to be discussed during the meeting, no use of an intermediary to communicate information to other board members, and a decision can't be made in private outside of the public meeting.

Board member Faradji asked if items already voted on can be discussed, Fernando commented that the statute speaks about future action, so if they wish to discuss something that has been decided and that will not be decided in the future they can, but if there is an instance when they wish to return the next meeting, refute the previous item, and make another decision, it is something that shouldn't be discussed. He recommends that the board remain cautious as the intent of the monthly meetings is to discuss all items on a public forum and present actionable terms to the board.

C-2 Discussion on HOA's being cited for violations related to mangroves (Facilitated by Board Member Diaz & city staff)

Board member Diaz asked Terri Sheppard about violations for mangroves regarding removing HOA's from the violations. Lorena Garrido of Public Works added that an assessment of Cocoplum was conducted with the waterways advisory board, as other maps are being developed, with Cocoplum being the focus as of now, and the citations are from monthly water inspections completed by code enforcement and sometimes the marine patrol. Board member Diaz notified Terri and Lorena that the HOA was attached to private property violations, but the HOA can't touch anyone's property, there is already an officer assisting with his concern. Chairperson Sanabria asked that Fernando ensure a method of notification between code enforcement, public works and the HOA's regarding mangrove violations.

D. CHAIR COMMENTS

Chairperson Sanabria readdressed his concerns regarding the response time of the marine patrol at their current boat stationing.

Vice Mayor Anderson joined the meeting to openly answer any questions the board may have. Regarding mangroves, the vice mayor mentioned that within the upcoming budget there is an item that will be voted upon to decide how much money will be allotted to mangrove trimming. Board member Diaz asked if certain areas fall within what the city considers to be its responsibility. Vice mayor Anderson said she would find out more as the city progressed deeper into the budget books and get back to the board. Chairperson Sanabria shared that the board would like to suggest a name change at the next commission meeting due to the current name's similarity to the waterways advisory board and asked that the Vice Mayor be a sponsor for the item, to which she agrees and directs Fernando to proceed with proper procedure.

E. FUTURE MEETING DATES

Tuesday, June 18th, 2024. There will be no meetings in July and August unless necessary.

ADJOURNMENT

NOTE