

City of Coral Gables City Commission Meeting

Agenda Item D-2 and H-3 are related

April 28, 2009

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

City Clerk Staff, Billy Urquia

Public Works Director, Alberto Delgado

Public Speaker(s)

Dale Davis, Representative of the Cutler Oaks Estates Homeowners Association

D-2 [Start: 10:09:35 a.m.]

Dr. Dale Davis in support of the Cutler Oaks Estates Homeowners Association’s request for modifications to an existing revocable permit to change twenty-four (24) hour live guard security service at that guard house, providing for the installation of certain passive infrastructure while maintaining public ingress and egress at all times into said subdivision.

Mayor Slesnick: We are going to just take the next two items in reverse order. We have a number of citizens here for D-2. This is Mr. Dale Davis, on behalf of Cutler Oaks Estates Homeowners Association requesting modifications to an existing revocable permit to change twenty-four (24) hour live guard security service at that guard house, providing for the installation of certain passive infrastructure while maintaining public ingress and egress at all times into said subdivision – Mr. Davis.

Dr. Davis: I believe Mr. Delgado has some posters outside to...

Mayor Slesnick: OK – very good.

Commissioner Cabrera: Dr. Davis you have some handouts.

Dr. Davis: Good morning, my name is Dr. Dale Davis and I represent Cutler Oaks Estates Homeowners Association, which is a cluster of fifteen (15) homes developed by Mr. Frank Sher in 1990. Our community is just down the road from the Fire House. This is our community of

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fifteen homes. I was one of the first residents building our home in 1991. When we moved in, there was no existing guard house structure. The existing guard house was constructed after permitting by Coral Gables in 1995, but there was actually no guard service due to a small number of families until the year 1999 or 2000. At that time we had half time guard service of twelve (12) hours. As the community became populated, the service expanded to 24-hour service. Due to our poor economy and financial hardship with some of our homeowners, we have had to elect to eliminate live guard service, since to thwart this fee; our meager fifteen homeowners have to pay twelve thousand dollars (\$12,000) per home per year, and that price may go up. In addition, this annual fee has become a deterrent in the sale of two of the existing fifteen homes. Since it provides an additional variable in the loan qualifications according to the homes respective realtors, as well as three realtors who are residents in our community, and they are in our audience; we have ten people from our neighborhood here in the meeting. We are attempting to eliminate this expense by replacing live guard service with a technological solution. We are requesting the following: here is a picture of the guard house, Old Cutler Road is on your left, the existing guard house is indicated, and there is an ingress and egress, both are controlled by guard gates; the ingress is now controlled by a guard who trips a switch, and the egress is automatic due to an automatic loop that is activated by pressure of the tire of the vehicle going out. What we would like to do is install a pressure sensitive loop such as we already have in the outgoing gate, to raise the gate for incoming vehicles. We would like to install tinted windows in the guard house to give the illusion of a presence of a guard; we'd like to install signage indicating that the premises are monitored by video surveillance. We will install a video surveillance system with cameras and a digital video recorder, and this will have the means to capture and burn a permanent record of a DVR, in case of any incident that's required. The video system will capture the car's license, and a photo of the car and the driver both incoming and outgoing. There will also be an off-site monitoring service, the same company that will install the equipment, which will record a permanent record available to law enforcement of this data. This will be recorded on a hard drive and be available for any event that's needed by law enforcement. The video will also enable real time from our own home computers for the use of a website and a password, so we can view the guard gate from our house or any computer in the world at any time. We have already met and voted on all of these, the vote was 9-6 to eliminate the guard service. A notice of today's meeting has been sent by e-mail three times and by mailbox flyer to all residents, and as I say, we have ten residents, households represented here in the room. We are now requesting the permission of Coral Gables to allow the gate arm to remain down until the car passes over the loop, thus there will be no restriction to passage of any vehicle. A battery backup system would be installed by our gate company, the Royce International Company, to automatically raise the gate in the event of a power failure. I've been in touch with Mr. Delgado of Public Works to obtain permission for this, and he requested that I show a presence in Dade County, and I've asked the Royce Company, and they have pointed out to me that three such places exist, one in Sunny Isles I, one in Sunny Isles II, and one in Indian Creek. In addition, at the University of Miami entrance on Stanford Road and Ponce, there is a system in place similar with a pressure sensitive gate, and Mr. Delgado actually pointed this out to me at a previous meeting in preparation for our presentation. I would be personally available as a contact person for any problems with the gate, and if I'm not available I would turn this duty over to someone else in the neighborhood. Our homeowners would greatly appreciate your approval of this proposal. I would be happy to answer any questions.

Mayor Slesnick: Thank you. Mr. Cabrera.

Commissioner Cabrera: Just a quick comment to all of you. I had the opportunity to go out to this community early on and meet with Dr. Davis and Mr. Pelaez, and discuss what they wanted to do, and I have to tell you from a first person experience, I can say that they have a physical guard there, but that guard allows anyone to come in and out of the property, and really all they do is I think, they log your license plate and the time you came in, I think that's pretty much the function of the guard.

Dr. Davis: That's quite variable, most of the time they don't.

Commissioner Cabrera: OK, well that's basically what they are supposed to do, and this is just a very nice community, and forgive me for repeating maybe part of your presentation, but if you already said this, I am going to say it again, each member of that community, the fifteen households each pay twelve thousand dollars (\$12,000) a year for that service, so it really has become cost prohibitive for most of the households, and I see this as a great alternative to ensuring some continued security while at the same time reducing the overall cost.

Dr. Davis: With the stability, not to elaborate, but we would reduce our cost to a tenth of our yearly cost.

Vice Mayor Kerdyk: What is the process to move forward on this?- what are the logistics involved of releasing the covenant and moving forward?

Commissioner Cabrera: I think it would be our approval of H-3, would be the proper...

Vice Mayor Kerdyk: No, I understand.

Commissioner Withers: It's with the County by ordinance, wasn't it?

Mayor Slesnick: Mr. Delgado.

Mr. Delgado: The idea is to issue an irrevocable permit with all of these conditions for them to actually allow them to install that system, which would be paid by them, maintained by the Association, and in case that they don't comply with any one of the requirements of that permit then we can revoke that permit or we can modify the permit, in this case we are modifying the permit.

Vice Mayor Kerdyk: I understand that from the standpoint of the City, but where does the County chime in on this issue?

Mr. Delgado: The County – we checked with the County and they have other locations in the County that use that type of system....

Vice Mayor Kerdyk: So they have....

Mr. Delgado: So they don't have, they just left that to our...

Commissioner Cabrera: They actually saw other municipalities or closed communities that did the exact same thing, so they are not setting a precedent.

Commissioner Withers: Did our original ordinance specify a guard and a guard house?- when we enacted the ordinance it allowed them to be a taxing district?- if so, do we have to amend that ordinance because they are no longer going to have a live guard there?

Mr. Delgado: It was a resolution, it was a resolution that was passed back in 1995, and in that resolution they were allowed to install when it used to be Shea Homes because Shea was the developer of that division, they were allowed to install at their house with the condition that they had to have a guard manning this guard house, or in case that the guard was not there, they have to leave the gate open, and they have been leaving the gate open for a while already. Now this will modify that resolution by allowing them to install that automatic sensor that will open automatically when a car approaches the location of the guard house or the gate.

Commissioner Cabrera: And in the event of a power outage the guard gate would open, wouldn't it?

Mr. Delgado: Yes, it will open automatically because it is a battery pack, and also we are going to have a contact person at the subdivision, that in case of any failure or any problem we would be able to reach that person immediately and actually open the gate until the problem is resolved.

Commissioner Cabrera: Mr. Mayor what I'd like to do if I may, can I ask Dr. Davis to have all of the neighbors that are in favor of this stand to show that you have participation from your community. Thank you very much for doing that.

Dr. Davis: Nine actually, two of the people who were against this are now standing.

Commissioner Cabrera: OK.

Dr. Davis: Because if we are allowed to keep the guard gate down, I think we'd have a hundred percent approval.

Commissioner Cabrera: Thank you, thank you ladies and gentlemen.

Mayor Slesnick: Actually for those of you who came today and spent time here if you'll, Dr. Davis give their names to the City Clerk, they'll be recorded as being present, and being here in favor. Is there anyone that wishes to speak against this....anyone?

Commissioner Withers: Don, let me express my concerns on this, and I think it's a real tough situation, but moving forward as a community when we have applications before us for gated communities, are we going to allow this as an option?- are we going to require manned guards at these?- because it significantly reduces the cost which might have been a deterrent to others wanted to be gated; this is a change in policy for us, we've always endorsed gated communities

with live guards and now we are going to technology, I guess, assisted system, but this is a shift in our philosophy, so I'd just like to have...I mean if Coco Plum comes to us, or Gables By the Sea comes to us, and Old Cutler Bay comes to us, and everybody comes to us and says we no longer want guards we want automated gates, is this something we are prepared to allow?

Commissioner Cabrera: You know, its interesting I thought about that, and that's a very good point that you bring up, and the reason I looked at this and decided to support it was, it is such a small community, and given the fact that there were only fifteen (15) houses, and given the fact that their expense was twelve thousand dollars (\$12,000) per household, I looked at it as a case-by-case decision, but I think you bring up an excellent point; I can tell you that if other communities much larger than this came to us to change it I would probably stay within the same concept that we have taken in the past, but that's the only reason why I feel differently.

Commissioner Withers: I agree.

Commissioner Cabrera: But I think you make a very valid point.

Mayor Slesnick: Any other comments? OK, if you flip to H-3, I need a motion on the resolution.

Commissioner Cabrera: So moved.

Commissioner Anderson: I'll second it.

Mayor Slesnick: Moved by Mr. Cabrera seconded by Mrs. Anderson, any further discussion?

Mr. Clerk

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Mayor Slesnick: Yes

(Vote 5-0)

Mayor Slesnick: Thank you all.

[End: 10:22:42 a.m.]

[Note for the Record: The Cutler Oaks Estate Homeowners present in the audience were: Lucy Robla, Pedro Pelaez, Grace Gunia, Alina Gallart, John Crotty, Dale Davis, Barbara Liberatore Blank, Laurie Friedman, Anthony (Tony) Khoury, Robert Spiegelman].