

**City of Coral Gables City Commission
September 23, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Patricia Keon
Commissioner Vince Lago
Commissioner Frank Quesada**

City Staff

**Acting Interim City Manager Cindy Birdsill
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Interim Police Chief, Ed Hudak**

E.-6.

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES CREATING SECTIONS 26-44 THROUGH 26-46 OF THE CITY CODE ESTABLISHING A CRIME PREVENTION PROGRAM CONCERNING ALARM SYSTEMS FOR THE BENEFIT OF THE RESIDENTS OF THE CITY OF CORAL GABLES; PROVIDING IMMUNITY FOR THE CITY AND ITS OFFICIALS, POLICE OFFICERS, EMPLOYEES, AND AGENTS, FROM ANY LIABILITY RELATED TO THE ESTABLISHMENT, IMPLEMENTATION, OR OPERATION OF THE PROGRAM, AND REQUIRING WAIVER OF LIABILITY RELATED THERETO; ALLOWING RESIDENTS TO AUTHORIZE ALARM BUSINESSES TO IMMEDIATELY CONTACT THE CORAL GABLES POLICE DEPARTMENT FOR ALARM DISPATCH FOLLOWING AN UNANSWERED CENTRAL MONITORING VERIFICATION CALL; FURTHER AMENDING FALSE ALARM FEE PROVISION ENCODED IN SECTION 26-37(A) OF THE CITY CODE IN RELATION TO THIS PROGRAM; AND URGING THE LEGISLATURE AND GOVERNOR TO ADOPT

LEGISLATION ALLOWING PROPERTY OWNERS TO BYPASS THE REQUIREMENTS OF FS 489.529; AND PROVIDING FOR SEVERABILITY, CODIFICATION, REPEALER, AND AN EFFECTIVE DATE.

Mayor Cason: Let's go on to agenda item E-6.

Commissioner Quesda: You said E-6? I'm sorry?

Mayor Cason: E-6. This is the Emergency Ordinance on first reading, relating to establishing a crime prevention program concerning alarm systems.

City Attorney Leen: Mr. Mayor, I will read this one because this will be both the first and second reading. It's an emergency ordinance, so the second reading's being waived. This is an emergency ordinance of the City Commission of Coral Gables creating Sections 26-44 through 26-46 of the City Code, establishing a crime prevention program concerning alarm systems for the benefit of the residents of the City of Coral Gables, providing immunity for the City and its officials, police officers, employees and agents from any liability related to the establishment, implementation, or operation of the program and requiring waiver of liability of related thereto; allowing residents to authorize alarm businesses to immediately contact the Coral Gables Police Department for alarm dispatch following an unanswered central monitoring verification call; further amending false alarm fee provision encoded in Section 26-37(a) of the City Code in relation to this program, and urging the Legislature and Governor to adopt legislation allowing property owners to bypass the requirements of Florida Statute 489.529; and providing for severability, codification, repealer, and an effective date.

Mayor Cason: Okay, this is also a public hearing. Do we have any speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: Any discussion?

Commissioner Keon: I'll move it.

Mayor Cason: Do we have a motion?

Commissioner Lago: I'll make a motion.

Commissioner Keon: I'll move it.

Mayor Cason: Commissioner Lago makes a motion; Commissioner Keon seconds it. City Clerk.

Commissioner Lago: Yes.

Commissioner Quesada: Yes.

Commissioner Keon: Yes.

Vice Mayor Kerdyk: Yes.

Mayor Cason: Yes.

Mr. Foeman: Second roll call.

Commissioner Quesada: Yes.

Commissioner Keon: Yes.

Vice Mayor Kerdyk: Yes.

Commissioner Lago: Yes.

Mayor Cason: Yes.

City Attorney Leen: And Mr. Mayor, just for purposes of the residents who don't know about this, this program, which has just been established by the City Commission, will allow them to enroll in the system that we're establishing to this -- and basically, they'll be in a database. They can put their name in there. And this will allow them to have two things: One, they will be able to have four false alarms calls instead of two, under the idea that now it's going to be you know, there may be more false alarms because of this, but what the programs does, though, is it should

decrease response times by quite a bit. Because now under the current statute, when an alarm goes off, the call goes to central monitoring, and they're going to call the home, and then they're going to make two or three additional calls to different numbers that they have. And what we've been informed is that this can take, and Chief if you'd like to step up here. This could take five to seven minutes, we've been told.

Commissioner Lago: Just before the Chief says anything in regards to this issue, I want to make sure that we take advantage of this ordinance and that we notify the residents that we do everything in our power, either to through E-News, through maybe even sending out some form of letter or having the Police do something. I think we need to try to make sure that we use all our possible outlets to get this information out there so that the residents take advantage of this, because this is key. Because if response times are cut, let's say, by two or three minutes because this ordinance passes today, which obviously it will, it did, excuse me. It'll give the Police the ability to catch individuals in the act. It'll allow us to really resolve a lot of cases that may go on, you know, as unsolved because the criminals got away due to the fact that all these calls were made and response times lagged, not because of police, but because there was a protocol that had to be in place.

Commissioner Keon: Do we have a database on the people in the City that have alarms? Don't you have to have a permit when you have an alarm put in?

Mayor Cason: Yeah. You have to --

Police Chief Hudak: We have registered alarm, and that's the database that we have when an alarm when a residents registers it. Obviously, if somebody's audible alarm goes off, we don't get the call. That's when we work with Code Enforcement to make sure that if there's a citation for a violation -- 'cause they all have to be registered with us.

Commissioner Keon: Right. Do we have the means or is it possible to notify everyone that has an alarm registered in the City that --?

Acting Interim City Manager Birdsill: We can look into that.

Commissioner Keon: Pardon me?

Acting Interim City Manager Birdsill: We can look into that. I don't know the answer to it.

Commissioner Keon: Okay. Maybe you can look into that.

Police Chief Hudak: Sort of like a mass mailer.

Commissioner Keon: We do know that we have a database containing the names of the people that largely will be affected by this, that we could easily find the way, to notify them. And just let us know.

Police Chief Hudak: We have -- and I have to look at actually, if there's any, you know, mis-identifications as far as the current residents. But with some of those alarm companies, I think we can get that done through the Manager's Office.

Mayor Cason: What's through all of the alarm companies in this? Do we need to get them together and talk to them about what we've just done?

City Attorney Leen: Well, yes. Now based on what the Commission has done, we have a law which we can go to the alarm companies with. What it's called is the Quick Response Burglary Prevention program. And we can inform the alarm companies that now after they make the first call to the home, which is required by statute, any subsequent call needs to be immediately to the Police Department. Based on the agreement of the homeowner, they can make the Police the second person. They can basically designate the Police Department as the next person to be called. Now, I do want to be clear. This program is being set up -- it's a voluntarily program. People are agreeing to participate in it. They're designating the Police as the second call. In doing that, they're waiving any claim related to the City. Because the idea here, this is being done to try to reduce crime. And there was a little bit of a concern that the City might be taking on more liability, so that's why you're going to see -- that's why there are provisions in the ordinance that

decreases. Also, I know that this Commission is not that concerned about that issue when we're talking about reducing crime. You've told me that individually. That's another reason we're doing this. But I do want you to know there are provisions in here setting up immunization and things like that, that do protect the City. Finally, the last part, which I thought was important, is that we do have two additional things we're doing. Someone participates in this program, like I mentioned, they get an additional two false alarms before they have to pay a fine. Under the idea that the Police are going to be responding quicker to the house, so it's more likely there will be a false alarm. That's true; there's not going to be four calls made to see if this is a false alarm. There's going to be one.

Commissioner Lago: Is that on a yearly basis, four calls?

Mr. Leen: They get four instead of two.

Commissioner Keon: A year.

Mr. Leen: And then the other thing this does is we're urging the Legislature and Governor to basically change the law, so that the first call can be to the Police Department.

Commissioner Keon: In preparing the administrative orders to put this into effect, when someone files for a permit for an alarm, can we give them the information -- we could provide that as part of packet or include that with the permitting information about...

Acting Interim City Manager Birdsill: Sure, we can have fliers available.

Commissioner Keon: Well, I'd like to make it a part of the actual permit itself that, you know, under whatever the ordinance is, you have the number -- the ordinance that, you know, you can enroll in a program where the second call will go immediately to the Police Department and they can check it off. So, this isn't a you know, they can make that decision. It's part of the permit. They can make the decision.

Unidentified Speaker: And Commissioner, also, I -- because of text messaging, I -- the Finance Director, Diana Gomez, has let me know that we have a database on registered alarms, and we can send mailers to those people.

Commissioner Keon: Okay. We can send mailers to them, but I really would like to make it part of the permit, so a check at the bottom of every e-mail (electronic) or every online thing you said that agree before they let you go forward.

Commissioner Lago: That's a great idea.

Commissioner Keon: Please incorporate it in the permitting paper.

Commissioner Lago: That's a great idea, because when you go get a permit -- when the company -- whatever company you decide on to provide you with that service, they make you get a permit in regards to a low voltage permit.

Commissioner Keon: Right.

Commissioner Lago: So you go out there, you get a low voltage permit, you pay for it; there could be another page, maybe another document, a release of some sort, which not only not only releases you, but also provides you with the information or the option to opt out or opt in.

Commissioner Keon: Right. Well, you can opt in as the police as your second or opt out as a the police as your second and including that if you enroll in this program, you get four a year. So it's very clear to people. It's very easy for them to do and hopefully it'll help.

Mr. Leen: And Mr. Mayor, you know, what you've done today, this is the most aggressive law now in Florida on this issue, so I mean, the reason we brought this to you -- I did this in conjunction with the Manager's Office and the Chief, and we're bringing this to you and we're probably going to be bringing some other laws to you over the next several meetings of things that we see that are causing problems in the response to crime. So this was done directly in response to your directive

to come back to you, and I just wanted to express my appreciation to the Manager's Office and to the Chief and to each of you for being some supportive of this and for your ideas related to it.

Mayor Cason: Okay, thank you.

Police Chief Hudak: Thank you.

Commissioner Keon: I'd like to commend our City Attorney and thank him for always being able to look at these issues and these items and find a way to help us make it a better city.

City Attorney Leen: Thank you.

Commissioner Keon: Thank you.

Mayor Cason: Thank you, Craig.

Commissioner Lago: Great work.