

City of Coral Gables City Commission Meeting
Agenda Item F-3
April 8, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

City Manager, Patrick Salerno

Assistant City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Major Hudak, Police

Public Speaker(s)

Agenda Item F-3 – Discussion Items [Start: 12:52:52 p.m.]

Discussion and/or action related to Commission inquiries for information to City staff.

Mayor Cason: OK. Mr. Lago your items.

Commissioner Lago: I know everybody has had a long day, so we'll make this brief. I'm going to defer F-1, F-2, F-3 I'm going to modify. I'd like to see if Major Hudak and his staff may come before us. I would just like to hear from the Major in reference to, we received several phone calls from the business owners and some residents in regards to concern on Ponce, triangle visibility issues, they want your background information into what's going on in your opinion as per there's been in excess of accidents in the area.

Major Hudak: Good afternoon Commissioners, my staff from the Specialized Enforcement Division is Lt. Miores, who is the Commander of the Unit, Sargent Garcia, you probably won't

recognize once you see him on the motorcycle. He is the Supervisor for motorcycle officers and Sargent Escobar is our Traffic Homicide Supervisor, who handles the red light cameras and anything else. So all of the data we provided you all last week was also part and parcel to the instructions that were given to them to pull that out. Back in November a lot of the issues and we are kind of at it in its totality of the accidents. This is the team of my supervisors that puts that together. I would say back in November an issue was raised that came to the City Manager's office through the Chief of Police to me to look at some of the issues along the Ponce corridor, so-to-speak, and we looked at individual intersections. Lt. Mieres did a lot of the data on that, as far as was there an increase in what was going on. Subsequent to that, I believe it was in March, further documentation was requested for further analysis was done from the December 3rd memo that was generated by Lt. Mieres to myself. We then further looked at everything upon request from that corridor in the City, which was from Antilla to Miracle Mile. We did see an alarming increase in the accidents, but then we did the factoring on our own the construction during those time phases. So the first thing that was presented was the actual four year comparison. We did not use any data from 2014 because it takes us about two and-a-half weeks to actually process an accident report, and I know Carmen understands that from Friday trying to rush that through because those reports are actually dictated how we do them by the state with the crash reports, so it goes through myriad, not just our regular report. The supervisor actually approves them, it goes through our record section, so it takes a while, because of that we didn't use anything in 2014, so in a snapshot analysis we wanted to use everything that was clear. We knew 2013 was cleared out and that was the memorandum that was generated back with the increase from 2010 to 2013, in that corridor specifically and the notation is that its 250 feet either side of the intersection that is because that is the way the accident reports are written. I know I'm getting kind of technical on you is that, every accident report is never at a cross street. It has to be so many feet or so many miles from the closest intersection. That's the way the State of Florida has the report, that's the way we have to write it. The data that was collected was 250 in either direction from every intersection from Antilla to Miracle Mile, and as we came up with the increased over that period of 174 percent.

Commissioner Lago: OK. Let me ask you, not ask you, because I know that the Commission itself is our number one objective when you talk to the residents is public safety and making sure that we provide safe streets. I'm going to pass it over to Carmen just really quickly because I want to get from her, because I know that staff has been working diligently to obtain information and to provide a study which will hopefully address these accidents which have been occurring in the location that you mentioned. Carmen.

Assistant City Manager Olazabal: Well, I'm going to start with what I think is most important, which is that we have a consultant looking at this intersection very carefully and provide recommendations. They met last week with the County and they were examining to see what are

the alternatives for what we have in that intersection and in the corridor and what measures that we can take to improve safety if needed and just to be overly cautious. So those actions were taken and we are going to have a second meeting this week to discuss the actual steps that are going to be taken. As to the memo just wanted to provide some clarification. The construction – getting involved its showing 15 intersections but the construction happened on only 9 of those intersections, so you have to be careful when reading this data and assuming – it's not 174 percent intersection increase its 274 percent, but if you are going to try to make a correlation with the construction you need to be looking at intersections that were in the construction and that's from Salamanca to Alcazar, so what's really interesting about this and why we shared also with the consultant is that if you look at only that portion of the corridor you see an increase of 245 percent. If you look at the rest of the intersection, we are showing 6, or the remaining intersections that we see on this chart the increase is actually more, its 300 percent. So we are concerned, we certainly want to make sure that our streets are safe and we are going to take the precautions and the actions necessary, but what I also want to say is that there may be other reasons why we are seeing accidents in these places and it's possible that its caused by increased traffic or how people are driving or....

Commissioner Quesada: We're not certain yet because the consultant is still looking at it.

Assistant City Manager Olazabal: The consultant has been looking at it and you see an increase on the other intersections as well, we didn't see any changes during that timeframe.

Mayor Cason: I think one of the interesting things too is I was there, we were talking after the latest one that happened about a minute before. I was looking at the trees and so on, and we have been talking to a traffic consultant who said there are up to 32 possible reasons why an accident could occur in those versus 8 for roundabouts, so we have to be careful between causality rather than correlation and I asked how this fit in overall with the accidents in the City and I understand that we have in the City in the last year we've had 3,096 accidents.

Major Hudak: That's correct. We've seen a decrease in the accident increase of tickets, the red light cameras, for instance, these intersections are not our biggest intersections. They are not in our top 5, U.S.-1 is, LeJeune and U.S.-1 is actually worked, what we call, our step details, walk the boxes, and we've also worked with the County from the Police side to change the synchronization, so in the last, I would say, 3 to 4 weeks you'll probably see a better flow of traffic along U.S.-1 and now we are working the Ponce corridor and the 5400 Block to do that, and the City Manager is correct in saying when we looked at these numbers we focused on the data that we pulled from within our own records. The other data that was sent through the packet that Commissioner Lago requested was a 20 month period where we looked pre-median, during construction, and then the post median, but only 17 months of that. Some of the stuff and Mayor,

our reports aren't quite complete yet, however, the one thing we do have from that accident at Madeira from both accidents at Madeira is that we have video. We used our traffic-homicide guys to do the video and we actually found videos of the accidents, including the one that we were all out on where we have video from our trolley. We have video from one of the – the same camera that was used previous for the drug store issue, where you see the individual's actions, and from the police side, not with the consultant because I'm not familiar what the consultant is doing, is we did a laser like we would a traffic-homicide and we've done an animation to see exactly what the person is seeing and that's to scale. So every tree and everything else like that; and we concur, we've never said from the Police Department, we haven't come to a definite saying that the trees are causing the problem. As the Mayor said, there are several causes that can, a line of sight, the triangle and visibility; we take into account when we do that. There is definitely an increase in the density on Madeira itself, now that unit that is just east of the location is now fully occupied, so we have more people coming out back.

Mayor Cason: And you've got 396 Alhambra which has been developed with over 1,000 people. I noticed on one of your studies that 23,000 cars pass by Segovia and Alhambra Circle that's about 360,000 just there, and I would bet on Ponce and those cross streets you have a million cars in a year.

Major Hudak: That number is possible even if we look at the red light cameras and just show what the red light cameras have done since 2009, and I'll save you from going all back to 2009, but on average in total last year the red light cameras were people were cited and paid were 5,953 tickets in the red light cameras, and 2012 was 8,116, that's compared to 2011 when we first started it the program issued 11,282 tickets. Now those are the five cameras that we have. Our biggest violators U.S.-1 and Riviera and Jefferson in that area, and the one at Alhambra and LeJeune.

Mayor Cason: I guess the thing is, if you look also at the number of citations you've given, you've given 23,108 citations in one year for traffic citations. We discussed speeding before, we've discussed the red light cameras. I think those if I'm not mistaken, 96 percent of the people that get a red light ticket never get another one because they've learned from it.

Major Hudak: Correct – and we saw there was an increase, in doing the analysis on U.S.-1, what we saw first was as people started to stop we had a lot of rear-end collisions. The Lieutenant has done a lot of research on our distracted driving, which you know the state passed the law about texting and driving. It doesn't have the teeth as law enforcement that we would like to have, because it's what we call a secondary offence, but with the funding that we have we do, the DUI check points and our tickets the numbers you quoted there are actually to date. So we expect to be higher than that, but we are averaging about, I should say, 2010 we wrote 20,764; 2011 –

17,417; 2012 – 20,035; and 2013 – 19,873, that's not including what we've done so far. Our crash rate has stayed consistent from within 3,585 to 3,079, and understanding that's not every crash, that's just the reports that we've written, so it has to be over \$500. We estimate and it was time consuming to actually try and go through every accident report. I really want to take my hat off to Sargent Escobar because he literally looked at all the reports to do our data on Ponce to find out where in fact what was the issue, looking at the diagrams. So we stand by the numbers on that, we're not saying and we've never said, we said there is a line of sight issue and it was clear in the memo, we believe there is a line of sight issue. When you look at our animation, if you look at the videos where there is a gentleman on a bicycle that is lucky because the accident literally happened and he was stuck in the middle median.

Mayor Cason: One of the things that I think is important is the traffic consultant moving forward with trying to get to the thing – what can we do about it?- or if there is anything we can do about it is to take a particular look at the VROW's as you call them.

Major Hudak: The violation right-of-ways.

Mayor Cason: Right – because I think it's very important because a lot of things may not be in there, I mean which way are they going?- what time of day?- what color car?- was it dusk?- and can you tell whether they were texting, talking on the phone?- the baby screaming at them? Generally accidents seem to be caused by people not by things.

Major Hudak: And Mayor to address that – yes – somebody gets a citation, but as the reports say and you stated very eloquently that there are several different factors that cause it. So even though we are writing you a careless driving ticket the issue is to legally cross through an intersection where there is a stop sign you have to have the right-of-way and proceed all the way through to the other side, so you have to have a clear vision in both directions to go, and that's the way the law says to safely proceed. What we're finding is people are coming to the middle and stop as evidenced in the videos where they get half way and they stop because they can't see the coming down, you now have parked cars coming out as well, and when they accelerate through, even though it was a non-contact hit and run, we know what the call was because we have the video, and they went to the center of the intersection. They continued the van was on the outside went into the store. The same thing on the other way coming out, the lady pulls up, the trolley stops, there is another car coming south and she stops, when she makes a left hand turn around the bicyclist who is standing on the median, the car comes up and that's when she flips.

Commissioner Lago: I mean we can go on for days in regards to this. First off, I just wanted to put this to rest because I know we've been here a long time and I don't want to take up everyone

else's time. I wanted to first off commend Major Hudak who has done an incredible job and his staff for truly working with me over the past two weeks in regards to this issue. I can't thank you enough, but more importantly thank you for working with the residents, which is the key. There's been some pretty interesting horrific accidents recently on Ponce and right now we hope to do with the help of Carmen, hopefully in the next two weeks we'll be able to find out from our consultant in regards to what are the issues that are resulting in these accidents, in the increase in accidents. So again, thank you very much for your assistance on my behalf you guys have done a stellar job, I can't thank you enough.

Major Hudak: It's an ongoing – Commissioner we appreciate it. We have 9 motor men and 5 traffic-homicide guys...in the City, so this is one part of it, but I mean U.S.-1....

Commissioner Lago: The key right now is just let's get to the bottom of it, let's find out what the issue is and see what the consultant has to say and address the problem, so that we can reverse the trend of going in a positive manner.

Commissioner Quesada: Can we cite drivers for careless driving when they're texting and driving?

Mayor Cason: If they admit it, right?

Major Hudak: If they admit it and it's a criminal investigation, the difference is – what we would have to do...

Commissioner Quesada: The practical effect is what you're telling me no?

Major Hudak: Yes. The answer is no. What we can do is when they come up and – basically what we found is and these are spontaneous utterances that somebody will tell one of the traffic-homicide guys or the traffic investigators, I looked up and they were stopped. Now the one person that we did cite for texting and driving was a serious accident, I believe the Commissioner actually got pictures of it, from University Drive and this is where an individual, child in the car, texting, coming up University, swerved over and hit another car head-on, and now he was charged because I believe he actually admitted and stated that he was doing that.

Commissioner Quesada: Unless they admit it then you can't do anything about it.

Major Hudak: Unless they admit it, we can't, it's not a primary offence.

Commissioner Quesada: So since I've been here on the Commission we haven't legislated any traffic types of ordinances. This question is for the City Attorney, can we strengthen that Florida Statute on texting while driving as long – when you are driving in the jurisdiction of Coral Gables?

City Attorney Leen: Generally those provisions can't be modified by ordinance because they are based on state law; however, you know there is a public safety element to whether someone can be texting while driving, that doesn't just relate to the driving itself. I could look at it, why don't I take a look at it and see if we can find a way to draft it so that it...

Mayor Cason: And on the cell phones.

Commissioner Lago: And also something – the other day when I attended a public forum, I mentioned to the residents that Commissioner Quesada had come up with an interesting idea. I don't know if you had been working on it, lowering the speed limits throughout the City, and I received 100 percent approval from the residents and it was to 50 residents in the room. So that could be something I'm saying a mixture of strengthen the laws in reference to texting and using a phone while driving, and also reduction of speed within the City boundaries I think it's something that will hopefully pay dividend.

Commissioner Quesada: Just to update you and the rest of the Commission, I have staff looking into that since it was first brought up about a month ago.

Commissioner Lago: The residents were very excited about it.

Mayor Cason: To what extent that we can unilaterally on certain streets change the speed limit, you're looking into that?

Commissioner Quesada: There is also when you travel between jurisdictions there are laws and other concerns. So again, staff is putting their report together for us...

City Attorney Leen: And the County has certain uniform controls over that so usually we get the County's agreement and they can be agreeable to that, but I know that the Commissioner is looking into it, I can assist in any way you like.

Mayor Cason: And actually we have a whole neighborhood, which is Gables-by-the-Sea, which has asked almost unanimously everybody on two streets to lower the speed limit, I think we are looking into that as well.

Commissioner Lago: I was telling you Mayor, I was pleasantly surprised that every single resident at that meeting that I brought it up as saying, I gave Commissioner Quesada credit, I said he is looking into the matter, they were all for it, it was in reference to Miller and Alhambra that area.

Mayor Cason: Can I ask you that we discussed it at the last accident, the question your general views on is speeding is a real issue or is it exaggerated, is it in the eye of the holder?

Major Hudak: We have found when we've done the studies and we've done numerous studies with our speed trailer, speed sign, we're working on trying to get some more technology which is much more overt, which gives all of us a true picture of what the speed is. We haven't found speed to be a major issue within the parameters of the posted speed zone, so if there is no sign in a neighborhood its 30 miles an hour, to drop that down to 25. We don't have concerns but understand that we will have to do more enforcement if we drop that speed limit sign. On average we give the officers discretion between 6 and 7 miles an hour. Ideally, to give an example, 4300 Granada, Mr. de la Hoz, has been living – I know he talks to me a lot, he does, I swear, coming off Granada they are not quite getting up to what the motorcycle guys, and I will admit we get sneaky. The motorcycle guys who hide behind trees to get a true accurate picture, they are not getting up to the speed they have. We are find a lot of volume issues because the volume of the circles and everything else, however, if you go over the bridge on Granada it drops down on either side to 20 miles an hour, so most of our citations in 43 and 4400 Blocks on Granada are people coming over the bridge and it's not heinous violators. It's somebody doing 35-40 miles an hour which is a ticket as well. Our main consultant or our main, excuse me, focus is working with the schools because that has been an issue both in this corridor. We really kind of took it about 3 years ago to the schools and to the parents, LeJeune Road wasn't so much speeding during the school zone, it was people stopping to drop off their children. Their high school kids, we started citing people for blocking and doing that. So to answer your question, we can lower the speed limit in certain areas understanding the enforcement expectation from your constituents is going to be that we're out there to do that and we are trying to keep up with that. We have not – other than Coral Way, U.S.-1, Bird Road, in the off hours, we see a high rate of speed, we don't see higher rates of speed, I should say. Eighth Street does not seem to be a problem because there is so much traffic all the time there. You'll get a few people that will run through it; we are working radar, we're working with the mid-night shift units because the motorcycles are usually done by 8 o'clock at night, and then we work these areas as quickly as they come in, we work them – the Chief of Police does community meetings, we're pretty good with the 5 guys that we have on crash cars and the 9 motormen to get that out there as quickly as possible and we try to turn around as fast as we can.

Mayor Cason: Just one more question for my own edification. Given the way Coral Gables is narrow and long, like everybody in the south of Miami-Dade have to go through Coral Gables, what percentage of the red light camera runners and of the tickets issued are the people that don't live in Coral Gables?

Commissioner Lago: You want to get back to us on that?

Commissioner Quesada: How much 90?

Major Hudak: We focus on about 90 percent of the people that come through.

Commissioner Lago: That's what I thought.

Major Hudak: And I think that's probably, that's probably gone higher because the people that do live in Coral Gables have figured out where they are, and I know there are plans and we've worked obviously with the Chief and with the Manager's office to try and look at expanding that program. We now have a legend reviewing those; we have a retired 37-year police officer from Miami-Dade County reviewing those.

Mayor Cason: I think when we looked at the zip codes of the people that are going through the red light cameras it was like 80 percent were not Coral Gables zip codes, which give you – and just like Alhambra Circle that's 23,000 cars, the vast majority were people getting to work or coming back, so a lot of times they are speeding.

Major Hudak: And a lot of our issue Mayor is, a lot of the complaints we've got, 500 Madeira, things like that is, as people start to back up on these main arteries there is not much we can do on Coral Way it's a designated historic street, so they start to go through the neighborhoods, so we started to work the neighborhoods. Off of U.S.-1, we haven't seen as much traffic on Ponce, but we believe that was part of the timing issue that the County addressed for us upon our request throughout the entire corridor. LeJeune Road and Red Road are the only south corridors going down that way. There is not a whole lot we can do, however, when you get over onto off of Miller that goes south from there, there is an issue and we try and catch those during rush hours and it's very systemic the movement of the County does pass through the City.

Mayor Cason: Thank you very much.

City Attorney Leen: Mr. Mayor one thing. So what I'm going to do at the next meeting, I'll coordinate with the Chief and with Carmen and I'll try to put together your options as to texting while driving what can be done about that. One thing that I would suggest, based on what you've

said is, remember with the guns in the backyards, we enforced state law to the fullest extent possible. One thing I do believe you can do and I'd be curious what the police say, but I think it achieves your goal is, you could say that even though you can't ticket someone for texting while driving itself except for as a secondary offence, as the primary one, if you see someone driving carelessly, crossing the line, or doing one of the violations and you can perceive that it's because they are texting while driving, the police officers could be encouraged to use their discretion in those cases to pull the person over for the primary offence, particularly at night you can often perceive.

Commissioner Quesada: That's why I asked him the careless driving question, which the answer is no.

City Attorney Leen: The issue is though it can't solely – so if they are driving and they are not going, swaying, or something like that, it can't solely be because of the texting.

Commissioner Quesada: I understand. It really doesn't matter what we are pulling them over for, I'm just making sure we are correcting the bad behavior.

Major Hudak: And that's the bigger issue. We would love to see from the police department and I'll speak from my own – my boss is behind me, I'm not going to – but we would like to see more teeth in the state law that when we are driving by somebody and we see somebody texting, now seat belts are the same way, it was a secondary offence now it's a primary offence and what we do is we put Sergeant Escobar, he just picks out the cars and they get a ticket down the street. It is saving lives, our accident rates are down, our citations are probably going to eclipse what we've done in 2013 at the rate we are going because we have more of the officers engaged in writing tickets on a regular basis, so that's not just my squad that's the Uniform Patrol Division and everything else, we're out there and we're working it. We'd like to see that done better really, on the texting the only time we can charge is if they spontaneously admit to it.

Mayor Cason: Got it. Thank you very much.

Commissioner Lago: Thank you sir, thank you team.

Mayor Cason: Great job, really appreciate it.

Vice Mayor Kerdyk: Thank you.

[End: 1:19:08 p.m.]

