

City of Coral Gables City Commission Meeting
Agenda Item J-4
May 30, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena
Commissioner Frank Quesada

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Naomi Levi-Garcia, Government Affairs Manager

Public Speaker(s)

Craig Collar, Special Counsel for the City
Henry Iler, Planning Professional

Agenda Item J-4 [11:33:43 a.m.]

Discussion regarding the status of the annexation process

Mayor Valdes-Fauli: J-4.

City Attorney Leen: Yes, thank you Mr. Mayor. We have both of our professionals here today, Henry Iler, who is a planning professional, and then also Craig Collar, who was formerly the head of land use and zoning for the County Attorney's Office and now is one of our legal consultants, he's right here today. Just in a nutshell and I'll turn it over to the consultants, I'd also like to recognize Naomi Levi Garcia, who has also been working on this matter quite a bit and spearheading our efforts on behalf of the City Manager's Office. So as you all know, there are two areas, which the City has been looking at for annexation, one is Little Gables, and one is the High Pines-Ponce Davis area. As I've indicated in the past, both of these areas are being looked at and in some ways they are connected and in some ways they are separate. Originally,

when Coral Gables was looking at these two areas, we had thought that we would proceed with both of them and I remember that Commissioner Sosa had said, Commissioner Sosa is the County Commissioner for the Little Gables area, that if we go forward with Little Gables and we go forward with Ponce-Davis-High Pines that if one passes and the other doesn't pass, or if the other passes, however it turns out, we could proceed with one or both, so that's what we have done. We had a public meeting with Little Gables; there was actually a survey that was provided by Commissioner Sosa's office. The City had asked and Commissioner Sosa had agreed that there needed to be at least 66 percent support to go forward with the Little Gables annexation, I believe there was 68 percent support for that annexation, and our professionals are here today to talk about that. With Ponce-Davis High-Pines, we've been in contact with Commissioner Suarez who is the County Commissioner for that District; he has indicated that he is fine with us going forward with that. We've had one meeting so far, which was set up by the residents in that area, and we are looking at additional meetings. So, with that I would turn it over to our two professionals who can give you a point-by-point as to the matter. Madam City Manager, do you have anything to add?

City Manager Swanson-Rivenbark: And, as the professionals come forward, Commissioner Suarez also recognized that there may be differences of opinion within the neighborhood and that if it was more appropriate we could split the district, so certain areas more traditionally High Pines could elect not to annex, and those areas that are Ponce-Davis and larger could elect to annex, and he was quite comfortable with that.

Mayor Valdes-Fauli: I suggested to the City Attorney that we split the two annexations based on different facts in each one of them. I think that Little Gables have voted they want to proceed with this, and High Pines, Commissioner Lago was there at the meeting, and I think that there may be issues, not problems, but issues with the boundaries of the areas who want to be annexed or not. So, I thought that we should split them, since the issues are different in each one of them, and proceed or not proceed with one and the other separately; and I talked to Commissioner Sosa who will meet in these days with the people from Little Gables and then she was going to call for a meeting with me and her and with other Commissioners to propose the annexation and the floor is your gentlemen.

Mr. Collar: Good morning Mayor, Vice Mayor, members of the Commission, Craig Collar, Special Counsel for the City. I'm joined with Henry Iler, Consultant on the two annexations. Just a quick overview on the annexation requirements, I think you are all generally familiar with them. They are Charter requirements under the Miami-Dade County Charter regarding approval by the municipality, hearing before the Planning Advisory Board, approval by the County Commission, and because there are more than 250 electors in both areas, there needs to be a vote of the resident electors in each of the areas that are sought to be annexed. There are also

numerous code requirements, probably the most significant of which is requiring the 20 percent for the City to obtain 20 percent petitions of resident electors in the area in order to go forward with an annexation request to the County. With regard to Little Gables, as it was mentioned, there was a survey that – there was an initial public meeting that was held by Commissioner Sosa, there was a survey that was distributed and the City was looking for a strong mandate from the area of Little Gables and the area, instead of 66 percent which is the threshold that we had set, in fact came in at 68 percent. So, the residents of that area clearly are interested in seeing that area being annexed. Moving forward with this area, we will need to secure the 20 percent petitions from the neighborhood, and of course, we know and we've received actually a list of those people that were in support of the original survey, so we will need to get that. There needs to be as part of the County Code, there needs to be a public hearing before this Commission and mail notice needs to be done to the area to be annexed and 600 feet outside the boundary of the area to be annexed, and a resolution adopted by the Commission requesting the County for the annexation. There could be, if the City wants to have another community meeting in the Little Gables area or we could proceed to mail out a request for petitions.

Mayor Valdes-Fauli: This is the one that I'm talking about, I just mentioned with Commissioner Sosa and myself, and whichever Commissioner wants to participate, that would be that meeting.

City Attorney Leen: Mr. Collar could you clarify, the petitions can begin before the meeting with the resolution.

Mr. Collar: Yes, we could. The petitions would be distributed mailed before there would be a public hearing of this Commission, and because we need that as kind of a threshold requirement. So, you would want to get those petitions up front, and Henry, if I've missed something along the way you can jump in at any time.

City Attorney Leen: So Mayor, members of the Commission, one of the things we'll be asking you today is to authorize us to go forward with the petitions.

Mr. Collar: Correct. Now with regard to High Pines and Ponce-Davis, we are a little bit not as in the same timeline as we are with Little Gables. We have yet to send a survey out to the neighborhood to see what their interest is, and on June 6th there is going to be a meeting, a community meeting that's sponsored by the City at Riviera Presbyterian Church at 6:30 p.m., so we are going to have that initial meeting. Then we are going to send out the surveys and hopefully the surveys will give us an idea where the support in this area is, and the area could be tailored to where we believe the appropriate support is.

Mayor Valdes-Fauli: That's going to be my question, where are you going to send the survey to and how are you going to split geographically the area, so that we may get 100 percent of one part, and then zero percent in the other, and two of those is 50 percent and that doesn't reach the 66 percent threshold, so how are you going to split that?

Mr. Collar: You want to address that part.

Mr. Iler: We certainly hope we get 66 percent plus from the whole area, but....

Mayor Valdes-Fauli: Which we are not going to get.

Mr. Iler: maybe not. So, what we are going to do is we are going to get the survey results. We have initially divided the area into 16 sub-areas, about 40 acres each, and so we'll get the survey results for each sub-area, the ones where we have 66 percent plus, and that they are contiguous to the City and/or to another strongly supportive area, we'll basically draw our boundary around the 66 percent, and then the ones that are 50, 40, then they'll be out, so we'll complete the survey results and we can use that to figure out our 66 percent, but we are also going to use it to be our 20 percent petitions, so we only have to make one mailing.

Mayor Valdes-Fauli: Who is going to be present at that June 6th meeting?

City Manager Swanson-Rivenbark: We are going to have City departments to answer whatever questions; we'll put it on the Commission calendar for those that wish to attend. We had a good taste of some of the questions at the meeting at the Autobahn House that you and Commissioner Lago attended, and so we will be ready. We are also very interested in the map concept, because if we need to almost gerrymander where the support is, then that's what we would propose to you. On the issue of 66 percent, I need to be honest, that is not a legal requirement, we believe it is a sensible requirement, so that you don't have 49 percent of the people mad at you in this process; and so, it is informal, but we think it's important.

Mayor Valdes-Fauli: OK.

Commissioner Mena: Just so I understand, is it 66 percent of people who respond to the survey, or 66 percent of the population?

City Manager Swanson-Rivenbark: It's an excellent question. It's those that respond and all that does is provide an indicator that people want us to move forward. When you are doing your registered voters and it is only registered voters that are allowed to have the actual final vote,

then is it the number of those that cast their vote, as a percentage of total or how does that work out?

Mr. Iler: It's just like any election, it's a majority vote. Not a majority of those people that are registered, but a majority of those people that actually votes in the election, which typically for small areas is done as a mail ballot election.

Commissioner Mena: Right –, but for purposes of our understanding, that actual sentiment in the area, because whether they vote or not, they will be our residents if this happens. I would want to know, we need a really good grasp on not only the percentage of people surveyed who responded, but also those who didn't. I want to know what kind of sub-section we are actually getting. Are we only hearing from ten percent of the people who are going to become our residents?

City Manager Swanson-Rivenbark: Let us look at those figures to see how we can address that. What was surprising to some Gables residents was there are no vote of Gables residents in this process. It is those residents that would be annexed under the process, so we can tell you when we get back the survey it represented 47 percent of those that received the survey actually filled it out, and the majority of them voted this way. At least you'd know the population of those that chose to respond, and then you may ask us in our informal discussions go back and really try and push the non-responders to see what their sentiments are.

Commissioner Lago: Mayor, if I may, I want to make one point for clarification. I don't want to get too in the weeds. If we are sending out notifications, from what I've heard from several people that they may rent their home, are we sending out to that resident or are we sending it to the actual homeowner who may not live at that residence or who may live next door and they have several homes in that neighborhood or they may live outside the City or outside the state? I just want to kind of get an idea.

City Manager Swanson-Rivenbark: Registered voters that we targeted in High Pines...

Commissioner Lago: A renter gets that document and says, oh, this goes to the owner and just tosses it or its not important documentation.

Mayor Valdes-Fauli: I have talked to many people in Little Gables and they are very, very pro incorporation and they are going to make sure that nothing gets tossed out.

Commissioner Lago: I have meetings with them also Mayor; I don't think we have many concerns in Little Gables.

Speaker: Good morning Mayor and Commissioners, for High Pines and Ponce-Davis, the meeting notices went to the residences of registered voters. We actually used information from the Office of Elections for that particular precinct in the area; we sent notices to all the residences of those registered voters.

Mayor Valdes-Fauli: Thank you. Go ahead.

Commissioner Lago: That's a problem.

City Attorney Leen: It's a way all annexations are...

Commissioner Quesada:....homes typically is not rented for longer period of time...

Commissioner Lago: It's a problem, because at the end of the day the person, they are making a decision, which has financial implications.

Mayor Valdes-Fauli: Yes, but they are the registered voters and they live there, and they may have been living there for ten years or ten months – fine, but they are the registered voters and they are the ones that count in, so far as we are concerned.

City Manager Swanson-Rivenbark: From the County process, the County only looks at registered voters, so we are not trying to challenge their process, but we'll do additional outreach for those that want to come in and have input on it.

Commissioner Lago: I just want to make sure, because we are going to get phone calls from people who are homeowners saying, I never received notification or yes, I'm in favor of annexation, or no, I'm against annexation. How did my renter vote on this issue?

City Attorney Leen: One thing, it is required by law. It's one of these things that it's not even a County policy, it's a legal requirement.

Mr. Collar: The ultimate vote, the ultimate decision has to be by resident electors, it cannot be by property owners. And just to wind up with High Pines and Ponce-Davis, again the same thing, we will need the 20 percent, we are hopeful, and we need to submit to the County, which we've done, the question to make sure that they are able to use the survey as a way to substitute for a petition. So, we are hopeful to be able to get that.

Commissioner Quesada: Quick question. The meetings for Ponce-Davis date, time, location, can you repeat that?

City Manager Swanson-Rivenbark: June 6th, it's at Riviera Presbyterian Church...

Mr. Collar: At 6:30 p.m.

City Manager Swanson-Rivenbark: At 6:30. So 6:30, June 6th, Riviera Presbyterian, we picked that because its free parking, its plenty of space, and Riviera Presbyterian Church was very generous to offer it to us.

Mayor Valdes-Fauli: And, we are not packed into a little room like we were at the last meeting.

City Attorney Leen: Mr. Collar, the Mayor has asked, assuming the Commission agrees that Little Gables be expedited and that it be separated from High Pines Ponce-Davis, can you comment on that?

Mr. Collar: Yes. There is no problem with that; in fact they would be two separate votes anyway depending on what the result is. So they really are not linked in any way, so they'll be no problem going forward with the Little Gables area first versus the Ponce-Davis area.

City Manager Swanson-Rivenbark: The only thing that I would want to caution the Commission, it's our intention once those votes are secured, to give you a real date that we can tie it into the budget process, so that we will say effective 12 midnight on January 1 of this year, then that annexation would take place. We don't want people to have an expectation that once they vote then the immediate next week they are City of Coral Gables.

Mr. Collar: And, of course there is a whole County process that needs to go through, which could take up to nine months, so it's an indefinite period of time...

Mayor Valdes-Fauli: Let's expedite it in order to take all of them...let's do it as expeditiously as possible.

City Attorney Leen: So for clarification, would it be then the Commission's will that we go forward with the petitions and then set the public meeting.

Mr. Collar: We can start with the petitions and we can still set up public meeting sometime in that process.

Mayor Valdes-Fauli: The public meeting will take place in the first 15 days of June.

Mr. Collar: So, you want the public meeting within the first 15 days.

Mayor Valdes-Fauli: I don't know. I've been talking with Commissioner Sosa and she is very much for this.

City Manager Swanson-Rivenbark: She has been very supportive of this process and Commissioner Suarez has been as well.

Mr. Collar: So, we'll get the notice out very shortly.

City Attorney Leen: So, we will set a public meeting, we will begin the petition process, once that's done it comes back to the Commission for a public hearing.

Mr. Collar: And, in the interim we will need to get that 20 percent petition, correct.

Mayor Valdes-Fauli: Thank you.

Mr. Collar: Well we are going to have to get those notices for this meeting that we are going to expedite getting the notices out, but we have to get the notice to the Little Gables area of a community meeting within the next 15 days.

City Manager Swanson-Rivenbark: Can I just ask clarification. Mr. Mayor, I was under the impression that Commissioner Sosa and you were going to be convening a meeting open obviously to your colleagues...

Mayor Valdes-Fauli: Of course.

City Manager Swanson-Rivenbark: Is that the community meeting that you are talking about?

Mayor Valdes-Fauli: That's the community meeting I'm talking about. She is going to meet with them first.

City Manager Swanson-Rivenbark: I think we need to not have two community meetings.

Mr. Collar: One community meeting. I think we need to clear Commissioner Sosa what her calendar is.

Mayor Valdes-Fauli: We'll work if with our City Attorney; he'll communicate with you guys.

Vice Mayor Keon: And, how much notice do you need, two weeks?

Mr. Collar: I think it's helpful to the neighborhood to give them a couple weeks' notice, if possible. This is outside of the process, this community meeting, so there is no particular requirement on the notice or the timing of the notice. For practical reasons, I think it's helpful to give a neighborhood at least two weeks' notice from the date of the mailing, so we are going to move as swiftly as we can.

Vice Mayor Keon: I think you need to do it before schools out. Does the school calendar affect at all as far as people being here or travelling or vacationing or anything else?

Mr. Collar: Well, I think summer people do take vacations, I think that as a practical issue. Today is the 30th and we need to get that list, so we do have some practical issues about when we can get that notice out, so we are on a tight timeframe, but we'll get it done.

Mayor Valdes-Fauli: We'll get it done.

City Manager Swanson-Rivenbark: One other clarification Mr. Mayor. In Ponce-Davis and High Pines we went with registered voters as the notification. Are you allowing us to do the registered voters? I bring it up, because we had hundreds of letters returned when we had not used the registered voters list.

Mayor Valdes-Fauli: No, no, let's use the registered voters, of course.

City Manager Swanson-Rivenbark: It was a notification problem.

Mayor Valdes-Fauli: Of course.

Mr. Collar: Right – because there are property owners, there are multiple addresses that don't even exist that the Property Appraiser just simply assigns when there is a double lot or something like that, so the voter's list is a much better list.

City Attorney Leen: So, based on the instructions today that Mr. Mayor and members of the Commission, we are going to go forward with setting a community meeting for Little Gables where the Mayor and Commissioner Sosa will be convening it and the Commission of course would be invited and staff, and then also, we will be going forward with the petitions. Where we

are going to seek the 20 percent, once we obtain that we are going to set a public hearing with notice, as you've indicated, for the Commission.

Mayor Valdes-Fauli: Thank you very much.

Mr. Collar: Thank you.

Mayor Valdes-Fauli: Thank you.

[End: 11:54:34 a.m.]