

City of Coral Gables City Commission Meeting
Agenda Item J-1
August 29, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant City Attorney, Christina Suarez

Public Speaker(s)

Craig Collar, Special Counsel for the City
Naomi Levi, Government Affairs Manager

Agenda Item J-1 [2:04:00 p.m.]

Report on Special Taxing Districts

Mayor Valdes-Fauli: Next item is J-1, report on special taxing districts.

City Attorney Leen: Thank you Mr. Mayor. I've ask Craig Collar to come and to speak with us. Craig, as you know is our Special Counsel on annexation matters, so if it's OK with you Mr. Mayor after he speaks about this, he'll also speak about the current status of annexation, which I know you've directed us to, particularly as to Little Gables to expedite. So, he's here to report to you on the progress. As to special taxing districts, as you know Craig used to work, Mr. Collar used to work at Miami-Dade County, the County Attorney's office, so he has a lot of knowledge about these special taxing districts. What recently happened was there was a County Charter Amendment that allowed for cities to take over County special taxing districts and what do we

mean by that?- we are specifically talking about the guardhouses that you see along Old Cutler. Those are actually presently controlled by the County and there is a special taxing district which the County administers that funds those guardhouses and the County administers them for the special taxing district. What this allows is for the City to take those over, which serves a number of benefits and there is staff here that can talk about it, but this Commission's already made it clear that you want this to happen. In fact, you voted on the matter in the past and unanimously directed that we go forward, but just to briefly recap. What this would allow is for the City to have in each guardhouse, by the guardhouse and we have a guardhouse ordinance that provides special protection to those areas late at night, so that that actual guardhouse operator when the car comes up the person has to lower the window and say where they are going. Common sense ordinances that has been adopted in the past, the problem is that it's only being enforced at guardhouses where the City has control, so the County has not enforced that ordinance. The County has allowed signs to be put up informing the driver that they have to comply with the ordinance, but the County is not itself enforcing it. The other thing this does in addition to allowing enforcement, the guardhouse ordinance is, it allows for each of those security guards to come under the jurisdiction of our Director of Public Safety and the Police Department. So the Director of Public Safety, he always talks about force multipliers, it allows us to control the guardhouses and those security guards, it gives us more eyes and ears and he can talk to you about it better than I, but it sounds to me like a very, very helpful thing. So, this Commission has directed that we proceed with that. Craig, can you talk about the status and what's going to be happening?

Mr. Collar: Sure. Mr. Mayor, Madam Vice Mayor, members of the Commission good afternoon. I submitted to you a report on basically the process for obtaining a transfer of the special taxing districts and it's unfortunately a rather torturous process, and because in order to collect these fees as we do property taxes there is a process that has to go through, there is a timing situation, there needs to be a vote of the security taxing district people. So to coordinate this, the County is suggesting that we need to get started very soon to get certain advertisements done and pre-advertisements done. In this packet, the County has been great about providing information on the various taxing districts and their spreadsheets, which provide a roadmap to the City on how much they cost, how much the charge, how much the County is paying the security personnel, it's pretty detailed. I believe that we have one taxing district, Cristina, that's been requested and then there is a second one that we want to request, you want to explain that.

Assistant City Attorney Suarez: Yes. So Old Cutler Bay, the Commission previously adopted a resolution expressing an interest in having that one transferred and then this morning on the Consent Agenda two more resolutions were adopted, one for Snapper Creek Lakes and Hammock Oaks, expressing interest in having the transfer.

Mr. Collar: That sort of starts the ball rolling with the County. Unfortunately, one of the districts which is Gables by the Sea really covers two cities; a portion of Pinecrest and a portion, mostly Coral Gables, but the way the Charter for Dade County was amended for Miami-Dade County, showing my age, is that it has to be within one City in order to get the transfer. So, we are trying to brainstorm what we can do with Gables by the Sea, so we may need to get back to you on that particular special taxing district.

City Attorney Leen: I've looked at the situation, I believe it can be done through some sort of interlocal agreement or there are different ways making it a special taxing district just in Coral Gables and then having agreement with the other individuals in Pinecrest to contribute or something like that. We believe there are ways to do it; we plan to advance that to the County.

Mr. Collar: Right – and I've reached out to the County on that to see what would be the best way to handle that; and honestly, I think the County actually has an interest in seeing these transfers, so they've been very helpful so far.

City Attorney Leen: So Item J-1, there is a report from Craig, which is what he has been talking to you about, which has the process, also Cristina from my office is the point person from my office and she is working with Craig and sort of overseeing the process, so we are proceeding. Can you just briefly go over the timeline?

Mr. Collar: Sure. Perhaps the most critical issue...

City Attorney Leen: Let me say one thing, the goal is to have these all done by the next fiscal year, is that correct Madam Manager?- we are waiting until next October.

City Manager Swanson-Rivenbark: October 1, 2018 are the dates associated with Snapper Creek and Hammock Oaks.

Mr. Collar: Right, the others will have to be done the following year, because there is so much to be done. I don't think the County is willing to undertake the votes that will be required to really be done in January, so I think they are willing to take on those two taxing districts. I think they are not ready to be able to transfer the rest.

City Attorney Leen: There are three, there are three now.

Mr. Collar: There are three now.

City Attorney Leen: Yes...

Mr. Collar: OK. Well I mentioned it to them, so I'll pitch the third.

City Manager Swanson-Rivenbark: Mr. Mayor, I would welcome the authority to pursue more aggressively the others, because we have received a great amount of feedback from the homeowners associations actually wanting the assessment districts to happen to be managed by the City, very positive results.

Mayor Valdes-Fauli: Yes, everything I've heard goes in that direction that's makes a good idea.

Mr. Collar: And discuss with state, we can certainly try, but I think the problem is it's the County cannot get it together to be able to get...see here's the critical thing and this is why – there is actually going to be a public hearing and that's really the next step in the process. There has to be a public hearing before you to collect the special taxing districts as you would collect property taxes and that's got to be advertised for four weeks prior to the hearing and all this needs to be accomplished in the early part of the year, because the Tax Collector and the Property Appraiser has to prepare these Trim notices that go out, the notices that you all just may have gotten in the mail, as far as what's on your tax bill. But we will try, but I think the County is very concerned about taking on too much for this.

City Manager Swanson-Rivenbark: Well even if the County would approve a consultant to work for the County that the City would pay for, I really think that this is an important issue and it's worth the push.

Mr. Collar: OK. We'll try.

Mayor Valdes-Fauli: Very important.

City Attorney Leen: So, what I would suggest is, at the next meeting we should have the resolutions for all the other special taxing districts ready to go, and then at the very least we will proceed with the three, but we are going to take the position we want the County to proceed with all of them.

Assistant City Attorney Suarez: Before we bring it to the Commission for the resolution, we've been requesting from the special taxing districts that have reached out to us, some kind of document, a letter or a resolution of their association saying that they want to be transferred, so it's not a technical requirement, but it's something that we understand that the Commission wanted to know if they were interested in doing it, so we could, I guess, request that from all the others.

Commissioner Mena: I think that if we could impress upon them the urgency that we need to move quickly if they want to have it done by the next fiscal year, I think most of those HOA's are going to be supportive, I'd be surprised if any of them are not interested.

City Attorney Leen: So, Cristina could you make it your top priority to reach out to those and tell them that we need them on the next agenda or they are going to run out of time with this fiscal year.

City Manager Swanson-Rivenbark: And if I may, we can reach out to Pinecrest or you to their attorney or me to the Village Manager, I would believe that our friends at Gables by the Sea would really like us to figure out how to solve that multi-jurisdictional issue.

City Attorney Leen: Yes. OK. So, that's this issue and I think we've already have approval from the Commission to proceed as to all of them previously. Do you need any further vote?

Assistant City Attorney Suarez: I was going to say that if the Commission wants to adopt a resolution directing us to precede it would be expressing interest and that's the first step to get the County process going.

Mayor Valdes-Fauli: Do I hear a motion.

Vice Mayor Keon: I'll move it.

Commissioner Mena: Second.

Mayor Valdes-Fauli: All those in favor say aye.

All: Aye.

Mayor Valdes-Fauli: Opposed. Adopted.

City Attorney Leen: Thank you Mr. Mayor. Now the second issue is annexation. We were asked, the Mayor has risen with me and all the Commissioners individually are very interested in this, as is the City Manager as is our office is the annexation process. Little Gables as you know, we've had community meetings with, there was a large meeting also at the Youth Center. So, I've committed to the Mayor as has the City Manager that we are going to move forward with all deliberate speed. We want you to provide us a status report and a timeline for how that's going to proceed.

Mr. Collar: Well with respect to Little Gables, we've got quite a number of petitions.

Mayor Valdes-Fauli: Tell me how many, because I hear that and then we are lacking 20...

Mr. Collar: Perfect timing for Naomi.

Government Affairs Manager Levi: Good afternoon Mayor and Commissioners. So, signed petitions for Little Gables we have 349 that have been verified, received, another 59 pending verification.

Mr. Collar: Let me explain that term verification. What we are verifying here is that in fact the list that was given to us by elections; they are indeed on the list. When the petitions get filed with the County, which will occur a little bit in October, the Supervisor of Elections is going to, because we can't do this, match up signatures with petitions. The problem that you can experience with that and that's why we want to get as many petitions as we can is, people's signatures change over the years and sometimes the petitions get disallowed, because the signatures don't match, even though it's the same person because that individual hasn't updated their signature. So, we want to try to get as many petitions as we can, so that when we go to the County if there are a few or a number that don't match up, we'll have enough to cover it.

Mayor Valdes-Fauli: How many do we need?

Government Affairs Manager Levi: We only need 20 percent and right now we have close to 23 percent.

Mayor Valdes-Fauli: What is 20 percent?

Mr. Collar: I think it's about 320. My colleague at the County who is the attorney for elections said, you really want to try to get about ten percent over that. When you get 30 percent that would be helpful to us to eliminate the problem of bad, not bad signatures but signatures that have changed over time.

City Attorney Leen: Can I clarify one thing. If one of those signatures is found not to match, they let the person know, don't they?- and they can go and update the signature.

Mr. Collar: One of the actions we can do is get the forms to update your signature, approach them, have them sign it, if it becomes necessary and they can update their signature that is an option to us. Hopefully it won't be necessary, but we do have that option to us if that's the case.

City Manager Swanson-Rivenbark: And so if I may, I just want to explain an earlier process was, we wanted to make sure that Little Gables, just like we want to make sure for High Pines and Davis-Ponce that they want to come into our community. So, as a straw poll we mandated a 66 percent yes, we want to be annexed, informal poll. Commissioner Sosa was so supportive, she managed that and the results actually came back 68 percent. So not the registered voters, but of the community did they want to come in and be a part of Coral Gables. So strong showing, strong mandate, and so now we are into the registered voters for the requirements of annexation, 20 percent of the registered voters in the area to be annexed have to fill out that petition to move the process forward.

Government Affairs Manager Levi: Which are 325 voters.

Mayor Valdes-Fauli: 325.

Government Affairs Manager Levi: And we are out about approximately 400, but you know we had a soft deadline of August 15th, I do want to assure the Commission we are still accepting petitions as they trickle in and they have been trickling in.

Mayor Valdes-Fauli: OK. And then the next step is?

Mr. Collar: So the next step would be, once we get those petitions in, then we have to hold a public hearing before this Commission...

Mayor Valdes-Fauli: Here.

Mr. Collar: Here – where there is an advertisement, a mailed advertisement that goes out, or mail notice I should say, that goes out to all the people within the area proposed to be annexed and 600 feet outside the radius of the area to be annexed. That public hearing, we anticipate is going to take place in October. Then approximately two weeks after that date, we would be filing the petition with the Clerk of the Board of the County Commission, along with filing the petitions with the Department of Elections, and then the County process begins, which I have in the outline. Basically it needs to be reviewed by the Planning Advisory Board, they make a recommendation, there is a resolution that goes on committee agenda, the County Commission that directs whether the County Attorney should prepare the appropriate ordinance, that gets to the Commission, the Commission adopts that resolution, the County Attorney's office prepares the ordinance and it goes through the process and the end point is a vote of the electorate in that annexed area and I've set forth the timeline. Typically the County's process can take anywhere from 6 to 9 months, depending on how quickly they work on it. With regard to High Pines and

Ponce-Davis, we are doing things a little bit different there. We are sending out the, basically a survey and a combined petition and that's going to go out sometime in mid to late September.

Government Affairs Manager Levi: Right – and that cuts out a step basically, so that's expediting High Pines and Ponce-Davis, whereas we took separate steps for Little Gables, we sent out the survey, we got it back, we calculated, then it was followed by petition for High Pines, Ponce-Davis we are combining that form.

Mr. Collar: At that point we are going to assess the level of support and then calculate an appropriate boundary based upon the support that we get in that area. Then it will go through the same process, there will have to be a public hearing before the Commission and then we will file that annexation petition before the County.

City Attorney Leen: Craig one clarification, could you advise the Commission when the notice is going to go out for the Commission's public hearing in October?

Mr. Collar: I believe that we anticipate – you have a second mailing in October, I think the 24th I believe, so the concept is we want to try to get that notice sent out between 10 or 15 days...

Mayor Valdes-Fauli: OK. I would like for you to not only try, but get it sent out, alright.

Mr. Collar: Yes. We are going to have it sent out in time, so that you can have that hearing.

Mayor Valdes-Fauli: OK.

City Attorney Leen: Why is it October 24th as opposed to an earlier hearing?

Mayor Valdes-Fauli: Why not the earlier one?

Mr. Collar: The earlier hearing is on October 10th, which means that we would have to send out that notice somewhere in mid-September.

Government Affairs Manager Levi: We do have our next Commission meeting, we do have a formal update of the feasibility report to the Commission, so we were hoping to give you time to digest that information.

Mayor Valdes-Fauli: So, you can send that at the next Commission meeting, which is early September, right?

Commissioner Mena: No, she is saying they are going to give us the feasibility report at the next Commission meeting, now we have an opportunity to look at it.

Government Affairs Manager Levi: And, then you would have your hearing in October, so that was the ideal timing.

Mayor Valdes-Fauli: Let's try to get the hearing the first meeting in October.

Mr. Collar: Pardon?

Mayor Valdes-Fauli: Let's try to get the hearing the first meeting in October.

Mr. Collar: OK. We will do our best.

Vice Mayor Keon: A lot of people, a number of people that live in that area, you have people that come and go and leave for the summer, most of them are back by beginning of October and particularly for the Jewish holiday, when do the Jewish holidays fall? I would like us to not have that meeting until after people are back, because usually they come back the beginning of October, so I want to be careful in how soon in October we have a meeting to be sensitive to people coming and going.

City Attorney Leen: Mr. Mayor what I suggest is that we commit to doing it in October at one of the two meetings, but we will try to see if we can do it in the first meeting, but if we can't we'll do it at the second meeting, but we won't go farther, sounds like we already have the petitions.

Mayor Valdes-Fauli: Good – good.

City Manager Swanson-Rivenbark: Vice Mayor Rosh Hashanah is September 21...

Commissioner Mena: First two weeks of October.

City Manager Swanson-Rivenbark: Yom Kippur is September 30.

Vice Mayor Keon: End of September first week or so in October.

Mayor Valdes-Fauli: So, we can do it the second week...

City Manager Swanson-Rivenbark: I think we are comfortable with those dates.

Vice Mayor Keon: Thank you.

Mayor Valdes-Fauli: Thank you.

Commissioner Mena: I have a couple of questions unless you have more. I actually had two questions, but Naomi just answered my first one regarding the feasibility report. With respect to the properties on Eighth Street in Little Gables, the commercial properties, whether it be a motel, cemetery, the mobile home park, etc., do we have a plan for how those are going to be handled and if we do or don't, I'm sure it's been discussed, but has there been any talk of potentially talking to the City of Miami who obviously has jurisdiction on the northern part of Eighth Street and therefore deals a lot, for example with all those motels and would it make sense to carve out some of these commercial properties, which may be we don't necessarily want to bring into the City of Coral Gables?

Mayor Valdes-Fauli: Can I answer that?

Commissioner Mena: Sure.

Mayor Valdes-Fauli: I don't think it makes sense, because just like we are incorporating in Little Gables or trying to because we surround it, if we carve those out we are going to have exactly the same problem and not having any jurisdiction on those undesirable properties and yet they will be very contiguous and surrounded by us, so I think that we should acquire jurisdiction and then determine what we want to do with them, whether it's to forbid a hourly motel or whatever, but I think it would behoove us to have that in our jurisdiction, so that we can do things with them.

Commissioner Mena: I can only speak for myself, but I would want to have a better idea of what we plan to do before annexing these areas and just taking them on. I would want to know beforehand what our plan is.

Mr. Collar: The way I just address one, if I might – one of the problems we would have in leaving any area out is one of the guidelines of the County is that when you annex an area it should not leave an enclave.

Commissioner Mena: It wouldn't be an enclave if it went to City of Miami.

Mr. Collar: If it went to the City of Miami, if you make that arrangement.

City Attorney Leen: We did tell them at the public meeting that one of the reasons we were doing this was to get control of that area, so that we could regulate it by applying our hourly rental ordinance and a couple of other things.

Commissioner Lago: If I may, we have several pieces of legislation, one of them being a joint enforcement task force between City of Miami and the City of Coral Gables, which allows jurisdiction for us to monitor 100 feet into the City of Miami and they also have that same capabilities, in reference to prostitution and I think maybe ACM Fernandez can speak better to that, but we also have an ordinance, which we took upon which is the hourly motel rate, which we got away from that and now we are requiring or we are actually doing random checkups to make sure they are complying with the daily rate. I understand exactly what you are saying and I know that certain people are not happy with the fact that they are going to potentially be annexed by the City of Coral Gables and have to deal with our legislation, but I think that if we start carving people out we are going to end up in the same situation as we did before. We are going to have the City of Coral Gables abutting to the City of Miami, kind of like the issues that we are having on 37th Avenue and Monegro, which is another area we can discuss in the near future. We are going to end up in the same place that we are right now minus the fact that we won't have a line of demarcation, for example, the demarcation on Eighth Street.

Mayor Valdes-Fauli: Yes, if we have authority over them, we don't have authority over those...

Commissioner Lago: I understand what you are trying to achieve and I agree with you that we need to fine tune our approach, but there is legislation already in the books, which basically addresses these commercial areas to a certain extent – the motels.

Commissioner Mena: The motels are one aspect of it and there is also the mobile home park.

Commissioner Lago: The mobile home park is an issue.

Vice Mayor Keon: The mobile home park is I think an even a bigger issue and think when you come back with a feasibility study, you should have your recommendations as to what your plan is for that mobile home park, you know with their ability to either continue to operate as a mobile home park or if there is an agreement with the property owner to phase out that mobile home park and what the intent is, what the plan is going forward on that. Isn't it owned by one individual?

City Manager Swanson-Rivenbark: Yes – and we met with him, I met with him myself, we'll meet again. Our interest was knowing what his interest was before we would recommend whether or not the City should annex. Elderly individuals live in that mobile home park, he's

very interested in making sure that they are well cared for, but he is also interested in a mixed age neighborhood that he has approximately three acres and we said that we would welcome the opportunity to plan with him not at our dime, but our talent, what he could be looking at that would honor the residents that are there, fold them into safer better housing as a part of a multi-generational housing development.

Vice Mayor Keon: Is he looking to develop that property?

City Manager Swanson-Rivenbark: He wants to make sure that the seniors are not displaced and he is not opposed to development, he has done development in downtown Miami, he is familiar and capable to do it.

Vice Mayor Keon: Would we have him placed in our feasibility study what you anticipate the land used to be in that...

City Manager Swanson-Rivenbark: I'm hearing from you all you would like to make sure that we have a position statement on the mobile home, working with the owner. One of our employees has a direct connection with him and we'll ask them to set up another follow up meeting.

Vice Mayor Keon: OK. But, would we extend the existing land use and zoning that is in that area of our City that approximates that area to that area, it's all single family low density. That's what it is.

Mayor Valdes-Fauli: No, we wouldn't. That area is tied in and the commitment has been made to that area like it was made to Snapper Creek and to other areas that whatever was built there legally under the County Code could be grandfathered in.

Vice Mayor Keon: I understand that. The issue to me is only with regard to the trailer park, because that is a non-conforming use currently under our code, so we would have a plan for land use and code recommendations for that particular area only.

City Attorney Leen: Yes and I should add, we've always said that we will adopt a site specific that will allow what they currently allow, but we've never extended that to the mobile home park. We've always kept it as an open question, because one thing we could do is it could be grandfathered, but we also could say that that use has to be eliminated within a certain amount of years or something like that or we could work with them to some sort of incentive program or something.

City Manager Swanson-Rivenbark: We understand when we bring back we have to have that.

Vice Mayor Keon: We understand that when the feasibility study comes that will be addressed in the feasibility study. Thank you.

Commissioner Mena: And my second question. You mentioned, I think the petition of about 600, what was it 600 feet outside the area?- what is that, like a city block or something?

Mr. Collar: Well the code, the County code says 600 feet and that the notice gets sent to those persons outside for the hearing gets sent out 600 feet outside the annex area; they don't have a right to vote, they don't have – but they get the right to get the notice of this hearing. They will also get notice of a hearing, the same radius when it goes before the Planning Advisory Board for the County, the same notice.

Commissioner Mena: Yes, I think you know, setting separate and apart from the process you described which we have to undertake, I think we need to be mindful of providing notice to our current residents about these hearings. My impression so far of this process is that it's been very thorough with respect to getting the feedback of people from the areas to be annexed, which obviously is critical, but we represent the current residents of Coral Gables and I think it's important that we have their feedback as well.

Mayor Valdes-Fauli: My experience is that they are very much in favor of it.

Commissioner Mena: You know I've heard mixed reviews, depends who you ask, but I think it's important that we get some clarity on that, because at the end of the day this is a huge decision for the City and it's going to impact them.

Mayor Valdes-Fauli: Yes.

Commissioner Lago: I think for the existing residents that I've heard from, some of them are in favor, some are just concerned about whether services would suffer or are we going to meet the continued needs of the residents in the commercial areas.

Commissioner Mena: I think that's a fair concern.

Commissioner Lago: A very valid concern. Again, our job is obviously to make it happen, to make sure that we continue with the quality of service.

Mayor Valdes-Fauli: Thank you very much. Thank you.

Government Affairs Manager Levi: I have one follow up question for the Commission. In terms of the public hearing that we are going to have in October, there is an option of maybe having that hearing in the evening or having it separate and apart from a Commission meeting, which may increase participation from our residents if that's something you are interested in.

Mayor Valdes-Fauli: I'm very pleased with the meeting we had at the Youth Center, we could have something like that again.

Commissioner Mena: A good turnout.

Mayor Valdes-Fauli: Yes, a very good turnout.

City Manager Swanson-Rivenbark: Notice at like 6:30 (p.m.), so if the Commission is willing we'll post it for 6:30 (p.m.) and we'll check the availability. This was in the Youth Center gymnasium, so we could house many, many seats, and so we'll work for that similar location.

Mayor Valdes-Fauli: Thank you, thank you very much sir.

[End: 2:34:18 p.m.]