



MEMORANDUM

Supplement to:
Agenda Item No. 5(B)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 23, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Supplemental information to ordinance amending the Code to require District Commissioner consent to proposed annexations of areas within the boundaries of the Commissioner's district

The accompanying supplement was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



SENATOR JAVIER SOUTO
COMMISSIONER DISTRICT 10

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MEMORANDUM

To: Chairman Joe A. Martinez
Board of County Commissioners

From: Commissioner Javier Souto

Re: Proposed Annexation by a City of an Unincorporated Area Without Concurrence of the District Commissioner (Add-On Agenda Item 14A2)

Date: September 6, 2012

I would like to clarify a discussion during the August 23rd meeting of the Board of County Commissioners regarding the annexation of territory that falls fully within the boundaries of my Commission district, District 10, within the Unincorporated Community of Fontainebleau. During the discussion of Item 10A3, at approximately 4 hours 16 minutes into the August 23, 2012 webcast transcript of the meeting, I discussed publicly how I learned of this plan through the media.

On June 5th I received a call from one of my constituents to ask if I had seen an article that appeared in The Miami Herald entitled: "Sweetwater looking to annex land, FIU campus," which discussed a meeting by the City of Sweetwater on Monday June 4th, to discuss the Sweetwater City Commission vote to annex the Florida International University College of Engineering and Computing campus located at 10555 West Flagler Street, as well as a portion of Flagler Street between 110th Avenue and 102 Avenue and a portion of SW 8th Street between 117th Avenue and 102 Street. The desire to incorporate Flagler Street and SW 8th Street is to take enforcement jurisdiction from the Florida Highway Patrol and Miami-Dade County Police Department, and install red light cameras in front of the University and along Flagler where they can produce upwards of \$1 million at each location annually, since the City already

had red light cameras within their municipal boundaries on their side of Flagler and 107th Avenue, but not West bound in the Unincorporated area. The article quoted the Mayor of Sweetwater and the months of discussions with FIU officials and others regarding the annexation of lands which fall completely inside the Unincorporated Municipal Service Area and completely within County Commission 10 District, which you all know is my district. This telephone call and newspaper article in The Miami Herald was the first introduction that I had that the Mayor of this City had an interest in annexing land that was entirely in my Commission District. Although the City of Sweetwater was set to vote on the issue on the evening when this newspaper article appeared, after many months to push this through and many meetings with many public officials, nobody had reached out to express interest or garner my support or concurrence to move forward with this plan to take land from the district that I am elected from, a single member district as determined by Federal Judge Graham when he created the 13 districts with clear boundaries.

As you all know, I am one of only two County Commissioners with a district that is completely unincorporated, therefore I wear two hats, one as a County Commissioner for Countywide issues and one as the only municipal –official, other than our County Mayor, to oversee the UMSA Budget; oversee Zoning and CDMP matters; oversee legislative items related to Municipal Code for Zoning and Code enforcement issues; and oversee the level of municipal service delivery by the Police Department, Fire Rescue, Parks Department, Public Works Department, Solid Waste, and Water & Sewer for the residents of Fontainebleau, Westchester and Kendall. Just as the Mayor and City Commissioners for the City of Miami, City of Miami Beach, City of Coral Gables, City of Homestead, City of Hialeah or any other municipality would expect a neighboring city desiring to annex a portion of their city to reach out to them for permission and concurrence, as the only local official overseeing the provision of municipal services and representing the residents that live in the area, I would have expected the same respect for my taxpayers and constituents and for me as the County Commissioner for the community of Fontainebleau where this parcel sought to be annexed is located (Flagler Street & 107th Avenue).

I am sponsoring an ordinance, which as you recall, I requested from the dais on August 23rd. The ordinance amends Section 20-4.1 of the Code of Miami-Dade County to provide that: "Notwithstanding any provision of the Code to the contrary, no proposal or petition to annex a part of the unincorporated area shall be filed, reviewed or processed by staff or the Clerk of the Board or considered by the Planning Advisory Board or the Board of County Commissioners, unless each County Commissioner whose district is wholly or partially contained in the boundaries of the area proposed to be annexed consents to consideration of the proposed annexation. Such consent shall be in writing and filed with the Clerk of the Board of County Commissioners." This is similar to the process required by the Home Rule Charter that one city must seek consent from a neighboring city if it desires to annex a portion of territory that falls in the neighboring city's boundaries. Residents of the Unincorporated Municipal Service Area pay city taxes that support the UMSA budget, receive municipal (city) services from Miami-Dade departments, and elect their County Commissioners to represent them on legal, municipal and zoning type matters; and as such deserve the same level of respect that we afford our own cities. No one in this body would accept a petition by a city to annex territory from a neighboring city without concurrence or knowledge of the impacted city; and we should not accept any less respect for the communities of UMSA, their homeowner associations and their elected representative for municipal issues.

Attachments

cc: Mayor Carlos A. Gimenez
Bob Cuevas, County Attorney

The Miami Herald

Posted on Mon, Jun. 04, 2012

Sweetwater looking to annex land, FIU campus

By Rodolfo Roman
The Miami Herald

Sweetwater could possibly look into annexing unincorporated areas north of the city.

Commissioners will have a chance to vote on a proposed annexation resolution that would add a non-residential portion of land at its meeting at the commission chambers, 500 SW 109th Ave., at 8 p.m. Monday June 4.

The annexation will include the Florida International University College of Engineering and Computing campus, 10555 West Flagler St. Also, the addition will include a piece of Flagler between 110th Avenue and 102nd Avenue and a portion of 8th Street between 117th Street and 102 Street. There are no residential homes in the possible added area.

The city has already expanded. In 2010, the city annexed areas roughly bounded by Northwest Seventh and 25th streets, 107th Avenue and Florida's Turnpike extension.

Adding the land will help the city highlight the university, said Robert Herrada, Sweetwater chief of staff.

"We already have an established alliance with FIU — within months we are breaking ground on student housing within the city, and we envision Sweetwater becoming a university city," he said. "Aside from the proximity to FIU, we have Keiser University, Phoenix University and Strayer University within our boundaries."

The land is owned by the state, and FIU president Mark Rosenberg has written a letter of support for the annexation, said Mayor Manny Maroño.

Recently, the city changed zoning to mixed-use residential and commercial on two lots located on Southwest Seventh Terrace and 109th Avenue, which would be where the student housing is located.

The addition brings a closer safety bond between the city and the school, said Maroño.

"Annexing FIU's College of Engineering and Computing along with the pieces of 8th Street and Flagler creates a direct link between FIU's College of Engineering and Computing and Sweetwater," he said. "We will have jurisdiction over those roads and will be better able to control traffic and ensure pedestrian safety."

Plans for acquiring FIU's Modesto A. Maidique campus, 11200 SW Eighth St., hasn't been contemplated he added. The annexation has been in the works for about 8 months.

If approved, the proposed annexation would then have to be submitted to Miami-Dade County.

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The Miami Herald

Posted on Mon, Jun. 11, 2012

Sweetwater set to annex new land, part of FIU

By Rodolfo Roman
The Miami Herald

The Sweetwater City Commission unanimously approved a resolution to add a non-residential portion of land at its meeting Tuesday.

The annexation will include the Florida International University College of Engineering and Computing campus, 10555 West Flagler St. Also, the addition will include a piece of Flagler between 110th Avenue and 102nd Avenue and a portion of Eighth Street between 117th Street and 102 Street. There are no residential homes in the added area. It has been in the works for about eight months.

Mayor Manny Maroño said the city will now have police jurisdiction in the annex area, which will provide safety to Florida International University students.

"The biggest benefit we can provide is to continue police services between the two campuses," he said after the meeting in an interview. "I am concerned for the students. We are going to have a lot more students, and they walk through our city."

When the fall semester begins, traffic is expected near the Modesto A. Maidique campus and the College of Engineering and Computing campus, so this would provide an opportunity for Sweetwater police to assist in controlling it, he added.

The city has already expanded. In 2010, the city annexed areas roughly bounded by Northwest Seventh and 25th Streets, 107th Avenue and Florida's Turnpike extension.

The land is currently owned by the state, and FIU president Mark Rosenberg has written a letter of support for the annexation, said Maroño.

Residents who live near the newly annexed land received a notice about the public meeting and were confused about the location. Rosa Maria Garcia Mason, who lives in the Fontainebleau area, said she wouldn't like to be added to Sweetwater.

"We don't want to be a part of your city. We are proud of your city," she said. "We are very happy with you and your services, but we don't want to be a part of that."

Maroño gave her and residents his word that the city has no intention of annexing east of the city.

"We have no interest in going east," he said. "That's a highly concentrated area. There are a lot of people who live in that area in Fontainebleau. It's complicated. It will require a lot of services, like police services and maintenance. It will take away from what we do now."

But Maroño said that in the future, he would possibly look into extending west of the city, where there is commercial and vacant land.

As for acquiring the FIU Modesto A. Maidique campus, 11200 SW Eighth St., he said that it would be too complex and that the city isn't interested.

Recently, the city changed zoning to mixed-use residential and commercial on two lots located on Southwest Seventh Terrace and 109th Avenue, which would house the student housing. This is just a stepping stone for the city, as it wants to be known as a university city.

"You want to call it marketing, but what we are becoming is a university town. So we would like to have FIU in our town physically; with one other campus, that's what it's going to do," he said.

The annexation will now have to be submitted to Miami-Dade County.

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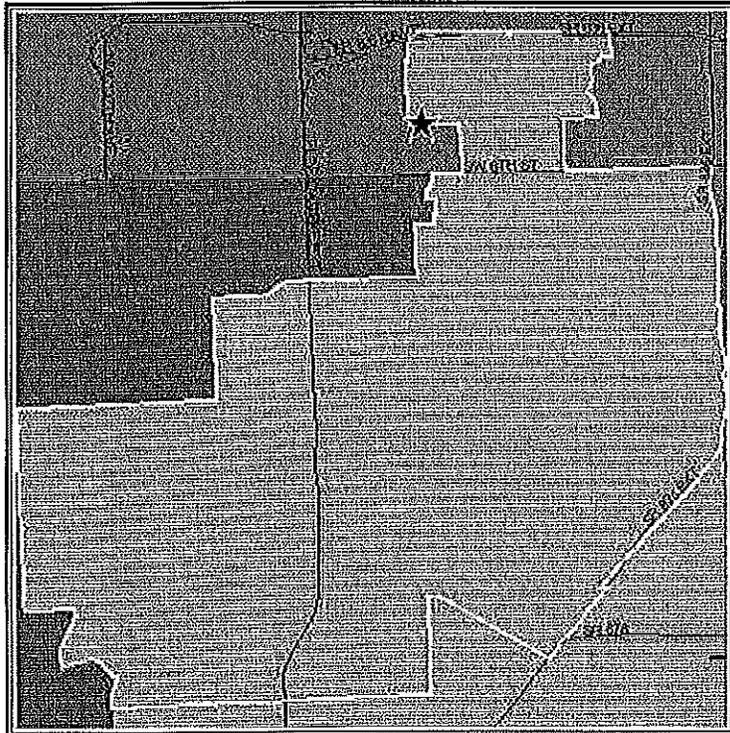
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