

City of Miami

*City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com*



Meeting Minutes

Thursday, September 25, 2008

9:00 AM

PLANNING & ZONING

City Hall Commission Chambers

City Commission

*Manuel A. Diaz, Mayor
Joe Sanchez, Chair
Michelle Spence-Jones, Vice-Chair
Angel González, Commissioner District One
Marc David Sarnoff, Commissioner District Two
Tomas Regalado, Commissioner District Four
Pedro G. Hernandez, City Manager
Julie O Bru, City Attorney
Priscilla A. Thompson, City Clerk*

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M - MAYOR'S ITEMS

D1 - DISTRICT 1 ITEMS

D2 - DISTRICT 2 ITEMS

D3 - DISTRICT 3 ITEMS

D4 - DISTRICT 4 ITEMS

D5 - DISTRICT 5 ITEMS

*Minutes are transcribed verbatim. Periodically, agenda items are revisited during a meeting.
"[Later...]" refers to discussions that were interrupted and later continued.*

9:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE

Present: Commissioner González, Commissioner Sarnoff, Chair Sanchez, Commissioner Regalado and Vice Chair Spence-Jones

On the 25th day of September 2008, the City Commission of the City of Miami, Florida, met at its regular meeting place in City Hall, 3500 Pan American Drive, Miami, Florida, in regular session. The meeting was called to order by Chair Sanchez at 9:25 a.m., recessed at 12:15 p.m., reconvened at 2:47 p.m., and adjourned at 5:51 p.m.

Note for the Record: Commission González entered the Commission chambers at 5:36 p.m.

ALSO PRESENT:

*Julie O. Bru, City Attorney
Pedro G. Hernandez, City Manager
Pamela E. Burns, Assistant City Clerk*

Chair Sanchez: Want to take the opportunity to welcome you to our historic City Hall. Welcome to our September 25, 2008 [sic] meeting of the City of Miami Commission in these historic chambers. The meeting of the City Commission today -- are in the presence -- the Commissioners are Michelle Spence-Jones, Vice Chair, Commissioner Tomas Regalado -- Commissioner Angel González will be here briefly. He's running a little late. -- Commissioner Marc David Sarnoff, and myself, as your Chair. Also on the dais, we have our City Manager, Pete Hernandez, and our City Attorney, Julie O. Bru, also, our clerk, who's present today filling in, is Pamela E. Burns, acting -- Assistant City Clerk. We'll open up the meeting with a prayer. We'll have the prayer done by Vice Chair Spence-Jones, followed by the pledge of allegiance by Commissioner Sarnoff.

Prayer and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS

PR.1 08-01099

PRESENTATION

Honoree	Presenter	Protocol Item
2nd Place -	Mayor Diaz	Certificates of Merit
Priscilla Suarez Aleman		
3rd Place-Alexander Roca		
Laura Garcia		
Sheena Klimoski		
Monica Socorro		
Johad Ellis		
Karyn Ortiz		
Regional Winners of 2008		
Art Beat Competition		
Volunteers for Operation		
Hope for Haiti		
Miami Dolphins		
Goodwill Ambassadors	Mayor Diaz	Welcome Gifts
(City of Miami)		
Goodwill Ambassadors	Commissioner	Certificates of
(Miami-Dade County)	Spence-Jones	Appreciation
Dolphin Stadium		
Florida Marlins		
University of Miami		

08-01099 Protocol.pdf

1. Robert Parente, on behalf of Mayor Diaz, recognized Mabel Morales (Miami-Dade County Public Schools) and Jim Hunter (New World School of the Arts), for their participation in the 2008 Art Beat Competition; further paying tribute to Carol Ann Patitucci (Chicago), Josue Jacobo (Houston), Andy Hernandez (Los Angeles), and Omotayo Akinbolajo (Washington, DC), the regional winners of 2008 Art Beat Competition; further acknowledging Don Rossi Nucho, director of the Latino Art Beat Contest.

2. Mayor Diaz paid tribute to Francisco Gabuardi by presenting him with a certificate of merit for his extraordinary performance as both the 2008 Regional and National 1st Place Winner in the Latino Art Beat competition; further recognizing his artistic genius and outstanding contribution to the elevation of creative expressions in South Florida.

3. Commissioner Regalado paid tribute to representatives of CHARLEE (Children Have All Rights: Legal, Educational and Emotional), an agency that's provided 25 years of demonstrated commitment in support of a nurturing and protected environment for children and for providing a safe haven for 1,000 children in foster care, adding hope to the lives of very special children.

Chair Sanchez: We'll go ahead and now make the presentations and proclamations.

Presentations made.

MAYORAL VETOES

NO MAYORAL VETOES

Chair Sanchez: All right. That concludes the regular agenda. We'll go to the PZ (Planning & Zoning) items. We do have some items that'll probably be --

Pamela E. Burns (Assistant City Clerk): Excuse me, Mr. Chair.

Chair Sanchez: -- coming in the afternoon.

Ms. Burns: We have no mayoral vetoes.

Chair Sanchez: I do apologize.

Ms. Burns: Just wanted to --

Chair Sanchez: I forgot to state for the record this morning that we have no mayoral vetoes on -- for the record. All right. That takes care of that. Anything else I left out in the morning?

Ms. Burns: No, sir.

Chair Sanchez: Okay.

APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

Motion by Vice Chair Spence-Jones, seconded by Commissioner Sarnoff, to APPROVED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, to APPROVED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

Chair Sanchez: So we move on with the agenda. Let's have -- we need a motion to approve the minutes of the following meetings. We need a motion to approve the minutes --

Vice Chair Spence-Jones: So move.

Commissioner Sarnoff: So --

Chair Sanchez: -- for the Planning --

Commissioner Sarnoff: -- second.

Chair Sanchez: -- & Zoning Commission meeting on July 24, 208 [sic]. A motion has been proffered by the Vice Chair, second by Commissioner Sarnoff. Any discussion on this item? Hearing no discussion on the item, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Madam Clerk, we have approved the Planning & Zoning Commission meeting for July 24. We also need to approve the budget workshop on August 25, 208 [sic]. Need a motion.

Commissioner Sarnoff: So moved.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Motion by Commissioner Sarnoff, second by Vice Chair Spence-Jones. Any discussion on the motion? Hearing no discussion, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries, 4/0.

ORDER OF THE DAY

Chair Sanchez: All right. The order of the day is the agenda that's in front of us. Just for information, today's PZ (Planning & Zoning) item. We also have scheduled, which was properly advertised, our second reading of the budget, which will begin at 5:05, promptly, p.m. That's item BH.1 through BH.19 will be heard at that time.

"[Later...]"

Chair Sanchez: Now we will begin the regular Commission meeting. The City Attorney will state the procedures to be followed during the Commission meeting. Madam Attorney, you're recognized for the record.

Julie O. Bru (City Attorney): Mr. Chairman, thank you. Members of the Commission and Madam Clerk, Mr. Manager, any person who is a lobbyist must register with the City Clerk before appearing before the City Commission. A copy of the Code section about lobbyists is available in the City Clerk's office. You should also know that the material for each item on the agenda is available during business hours at the City Clerk's office and online. Formal action may be taken on any item that's discussed or added to this agenda. All decisions of the City Commission are final, except that the Mayor may veto certain items within ten calendar days of the Commission action, and the Commission may override the veto by a four-fifth vote. Anyone wishing to appeal any decision made by the City Commission for any matter considered at this meeting may need a verbatim record of the item. Please, no cell phones, beepers, or other noise-making devices are permitted in the Commission chambers. Please silence those devices now. Any person making offensive remarks or who becomes unruly in the Commission chambers will be barred from further attending Commission meetings. Persons may address the City Commission on any items where a public hearing is required and on items where public input is solicited. Persons wishing to speak are requested to inform the City Clerk of the desire to speak, indicating the item number on the agenda. Any person with a disability requiring auxiliary aids and services for this meeting may notify the City Clerk. The lunch recess will begin at the conclusion of deliberation of the agenda item being considered at noon. And I believe the Chairman has already indicated that we do have P&Z (Planning & Zoning) items today that are scheduled to begin after 10 p -- 10 o'clock, and we have a budget hearing later on today after 5.

Chair Sanchez: All right.

"[Later...]"

Chair Sanchez: Let me make a recommendation, as your Chair. It's been a long day. It's been a tough day. So let's just go ahead and all the remaining items that are left over on the agenda, let's roll them over to the next --

Commissioner Sarnoff: So moved.

Chair Sanchez: -- City Commission meeting. There's a motion by --

Vice Chair Spence-Jones: Second.

Commissioner González: Second.

Chair Sanchez: -- Commissioner Sarnoff, second by Commissioner González. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right --

"[Later...]"

Vice Chair Spence-Jones: Huh?

Chair Sanchez: We've already adjourned the meeting.

Pamela E. Burns (Assistant City Clerk): Right. And my question --

Chair Sanchez: Madam Clerk.

Ms. Burns: -- was on the other items that -- are you continuing that or deferring those other items not discussed tonight?

Chair Sanchez: We are continuing them to the next Commission meeting.

Ms. Burns: To the next P&Z (Planning & Zoning) meeting?

Chair Sanchez: Yes. No, no, no, no, no, no, no. These are blue pages, so these could go to the next regular Commission meeting.

Ms. Burns: So that's going to be October 16?

Chair Sanchez: Yes, ma'am. Anything that was not picked up on this meeting will automatically roll over to the next meeting.

Ms. Burns: Okay. Thank you.

Chair Sanchez: Okay?

CONSENT AGENDA**CA.1 08-00354**

*Department of
Public Works*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT RIGHT-OF-WAY DEEDS, IN SUBSTANTIALLY THE ATTACHED FORM(S), FOR THE EXPANSION OF SOUTHEAST 3RD STREET, MIAMI, FLORIDA, BETWEEN SOUTHEAST 2ND AVENUE AND SOUTHEAST 3RD AVENUE FROM MET II HOTEL, LLC AND MET II OFFICE, LLC; APPROVING AND AUTHORIZING THE RECORDATION OF SAID RIGHT-OF-WAY DEEDS IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE CITY MANAGER TO DIRECT THE CITY ADMINISTRATION TO AMEND THE CITY OF MIAMI MUNICIPAL ATLAS TO DESIGNATE THE PROPERTIES IDENTIFIED IN SAID RIGHT-OF-WAY DEEDS, AS OFFICIAL PUBLIC ROADWAY; FURTHER AUTHORIZING THE CITY MANAGER TO DIRECT THE CITY ADMINISTRATION TO NOTIFY THE MIAMI-DADE COUNTY PROPERTY APPRAISER OF THE CHANGE IN STATUS AND OWNERSHIP OF THE PROPERTY IDENTIFIED IN SAID RIGHT-OF-WAY DEEDS.

08-00354 Legislation.pdf
08-00354 Exhibit 1.pdf
08-00354 Exhibit 2.pdf
08-00354 Exhibit 3.pdf
08-00354 Exhibit 4.pdf
08-00354 Summary Form.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0530**CA.2 08-00360**

*Department of
Purchasing*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED AUGUST 13, 2008, PURSUANT TO INVITATION FOR BIDS NO. 90057, FROM AWARDS D/B/A TROPHY WORLD, FOR THE PROVISION OF TROPHIES AND PLAQUES, FOR AN INITIAL PERIOD OF ONE (1) YEAR, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE-YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

08-00360 Legislation.pdf
08-00360 Summary form.pdf
08-00360 Award Recommendation.pdf
08-00360 Tabulation of Bids.pdf
08-00360 Invitation For Bid.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0531

CA.3 08-00429

*Department of
Police*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE PROJECT ENTITLED: "FY 2008 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM," CONSISTING OF A GRANT AWARD FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, IN THE AMOUNT OF \$195,848, TO EQUIP CITY OF MIAMI POLICE DEPARTMENT PUBLIC SERVICE AIDE VEHICLES WITH MOBILE COMPUTING SYSTEMS, INCLUDING THE PURCHASE OF LAPTOP COMPUTERS AND WARRANTIES; AUTHORIZING THE ALLOCATION OF THE CITY OF MIAMI'S MATCHING FUNDS, IN THE AMOUNT OF \$20,691.40, TO PAY FOR A PORTION OF LAPTOP WARRANTIES, FROM THE GENERAL FUND, ACCOUNT NO. 00001.191602.896000.0000.00000; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO IMPLEMENT THE ACCEPTANCE OF SAID GRANT AWARD, IN SUBSTANTIALLY THE ATTACHED FORM, AND ANY OTHER NECESSARY DOCUMENTS IN ORDER TO COMPLY WITH SAID GRANT AWARD.

08-00429 Legislation.pdf
08-00429 Exhibit 1.pdf
08-00429 Exhibit 2.pdf
08-00429 Exhibit 3.pdf
08-00429 Summary Form.pdf
08-00429 Local Solicitation.pdf
08-00429 JAG Grant.pdf
08-00429 Budget Narrative.pdf
08-00429 Budget Justification.pdf
08-00429 Budget Narrative 2.pdf
08-00429 List of Attachments.pdf
08-00429 List of Attachments.pdf
08-00429 Memo 1.pdf
08-00429 Memo 2.pdf
08-00429 Web Page.pdf
08-00429 Standard Assurances.pdf
08-00429 Assurances and Certifications.pdf
08-00429 Local Solicitation Web Page.pdf
08-00429-Summary Fact Sheet.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0532

CA.4 08-00641

RESOLUTION

*Department of
Police*

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED AUGUST 13, 2008, PURSUANT TO INVITATION FOR BIDS NO. 89049, FROM OPEN COMMUNICATIONS INTERNATIONAL, INC., FOR THE PROVISION OF LANGUAGE LINE TRANSLATION SERVICES, FOR THE DEPARTMENT OF POLICE, FOR AN INITIAL PERIOD OF ONE (1) YEAR, WITH THE OPTION TO RENEW FOR FOUR (4) ADDITIONAL ONE-YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

08-00641 Legislation.pdf
 08-00641 Summary Form.pdf
 08-00641 Award Recommendation.pdf
 08-00641 Tabulation of Bids.pdf
 08-00641 Invitation For Bids.pdf
 08-00641-Summary Fact Sheet.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
 Absent: 1 - Commissioner González

R-08-0533**CA.5 08-00795***Department of
Parks and
Recreation***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE WAIVER OF THE DEPARTMENT OF PARKS AND RECREATION STAFF COSTS AND THE DEPARTMENT OF POLICE SPECIAL EVENTS DETAIL FEES IN THE TOTAL AMOUNT OF SIX THOUSAND FIVE HUNDRED AND NINETY DOLLARS AND TWELVE CENTS (\$6,590.12), AS STATED HEREIN, FOR THE USE OF THE LITTLE HAITI SOCCER STADIUM ON AUGUST 2, 2008, FOR THE HAITIAN NATIONAL SOCCER TEAM SCRIMMAGE EVENT, SPONSORED BY NEW WORLD OF SPORTS, THE APPLICANT.

08-00795 Legislation.pdf
 08-00795 Summary Form.pdf
 08-00795 Application For Permit.pdf
 08-00795 Special Events Detail.pdf
 08-00795 Email .pdf
 08-00795 Memorandum.pdf
 08-00795 Special Events Detail 2.pdf
 08-00795 Email 2.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
 Absent: 1 - Commissioner González

R-08-0534**CA.6 08-01000***Department of
Public Facilities***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A SOVEREIGNTY SUBMERGED LANDS LEASE ("LEASE"), IN

SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI ("CITY") AND THE STATE OF FLORIDA, BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND ("STATE") FOR THE USE OF APPROXIMATELY 10,671 SQUARE FEET, MORE OR LESS, OF STATE-OWNED SUBMERGED LANDS LYING ADJACENT TO THE CITY'S UPLANDS ("UPLANDS") PROPERTY LOCATED AT 236 AND 298 SOUTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA, FOR USE BY THE CITY OR ITS LICENSEE, GARCIA BROTHERS WHOLESALE, INC. UNDER AN EXISTING REVOCABLE LICENSE AGREEMENT ("LICENSEE") AS A WHOLESALE/RETAIL COMMERCIAL LOBSTER/FISHING BUSINESS, COMMENCING MAY 5, 2008 THROUGH MAY 4, 2013, FOR A TERM OF FIVE (5) YEARS; PROVIDING FOR LICENSEE'S PAYMENT OF AN INITIAL ANNUAL LEASE FEE OF ONE THOUSAND, FIVE HUNDRED AND FIFTY-THREE DOLLARS AND TWENTY-ONE CENTS (\$1553.21), ADJUSTED ANNUALLY THEREAFTER, AND A ONE-TIME TWENTY-FIVE PERCENT (25%) SURCHARGE, IF APPLICABLE, PLUS SALES TAX, AS APPLICABLE, AS SET FORTH IN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("DEP"), ADMINISTRATIVE RULE 18-21.011, AS MAY BE AMENDED, AND SUBJECT TO ANY RESTRICTIONS SET FORTH BY DEP FOR THE USE OF SAID PROPERTY, AND PROVIDING FOR THE TERMINATION OF THE EXISTING TEMPORARY USE AGREEMENT ("TUA") SIMULTANEOUSLY WITH ENTERING INTO THE LEASE; WITH TERMS AND CONDITIONS AS MORE PARTICULARLY SET FORTH IN THE LEASE; FURTHER AUTHORIZING THE CITY MANAGER TO MAKE NON-SUBSTANTIVE AMENDMENTS TO SUCH LEASE AS NEEDED AND TO EXECUTE ANY SUBSEQUENT LEASE RENEWALS AND TO EXECUTE ALL NECESSARY DOCUMENTS FOR SAID PURPOSE, SUBJECT TO APPROVAL OF LEGAL FORM AND CORRECTNESS BY THE CITY ATTORNEY.

08-001000 Legislation.pdf
08-001000 Exhibit 1.pdf
08-001000 Exhibit 2.pdf
08-001000 Exhibit 3.pdf
08-001000 Exhibit 4.pdf
08-001000 Summary Form.pdf
08-001000 Pre Legislation.pdf
08-001000 Pre Summary Form.pdf
08-001000 Temporary Use Agreement.pdf
08-001000 Pre Legislation 2.pdf
08-001000 Pre Summary Form 2.pdf
08-001000 License Agreement.pdf

Motion by Commissioner Regalado, seconded by Chair Sanchez, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0536

Direction by Commissioner Sarnoff to the City Manager to provide a status report to the Commission in 60 days in reference to Garcia Brothers Wholesale, Inc.'s completion of the list of items as set forth in the license agreement for the property located at 236 Southwest North River Drive.

Chair Sanchez: We take CA.6, which has been pulled for discussion. Commissioner Sarnoff, you're recognized for the record on CA.6.

Commissioner Sarnoff: Lori, it's my understanding that this is a transfer -- or maybe you should explain what it is.

Laura Billberry (Director, Public Facilities): This is a submerged land lease between the City and the State of Florida for the submerged lands that are adjacent to the upland that we own at 236 Southwest North River Drive. Currently, the Garcia Brothers are the ones utilizing that site pursuant to a revocable license agreement with the City. At this point, this is a submerged land lease that replaces a temporary use agreement we had with the State, previously approved by the Commission at the end of last year. Pursuant to our license, while the agreement, per the State, has to be with the City because we are the upland owner and has a month -- an annual fee, excuse me, of approximately \$1,500, that fee will be paid by the Garcias, pursuant to our license agreement with them.

Commissioner Sarnoff: It's my understanding, through the license agreement, that they were required to do a number of items, which I think total up to about 20 or \$25,000. That includes pressure cleaning the exterior of the building, repair, repave, restripe the parking lot, repair the existing chain-link fence, repair the business sign, and repair interior lights and exterior floodlights in order for them to maintain the use of the premise. Have they done that?

Ms. Billberry: They have not completed the striping, but they've completed the other items and have spent approximately \$35,000 to date.

Commissioner Sarnoff: Are you relieving them of the obligation of restriping the parking lot?

Ms. Billberry: No.

Commissioner Sarnoff: When will they accomplish that?

Ms. Billberry: They wanted to get all the traps out. They should be able to be doing it about this time, and we've talked with them about completing that.

Commissioner Sarnoff: Well, if we vote for this today, then we'd have no leverage over them, correct?

Ms. Billberry: This is actually an agreement between the City and the State, so this is to our advantage actually to have this agreement. Our license agreement is really separate and apart from this and we can always revoke it with 30 days notice.

Commissioner Sarnoff: And how long have they been on notice to finish the parking lot?

Ms. Billberry: I -- that I would have to check.

Commissioner Sarnoff: How long have they had the use agreement?

Ms. Billberry: They have had the license agreement -- but I'd have to check on the date of the actual license agreement. However, they were not required to make the improvements until we were able to get the agreement from the State for use of the submerged lands. The temporary use agreement was dated September 4, '07, so that's when really their clock started ticking.

Commissioner Sarnoff: So they've had almost a year --

Ms. Billberry: Correct.

Commissioner Sarnoff: -- a little less than a year to do this.

Ms. Billberry: Correct.

Commissioner Sarnoff: Can we bring this back, Mr. Manager, in 60 days to see where they are on the completion of the list of items?

Pedro G. Hernandez (City Manager): Yes, Commissioner. In essence, as Lori mentioned, it would be sort of -- it's not directly related, but we'll be glad to come back and provide a status on the Garcia improvements --

Commissioner Sarnoff: Okay.

Mr. Hernandez: -- to the site.

Chair Sanchez: Need a motion. Need a motion for the item.

Commissioner Regalado: Did you say to defer that for 60 days or approve that?

Commissioner Sarnoff: No. I'm not saying -- I'm not -- no. I'll vote.

Commissioner Regalado: Okay. I'll move it.

Chair Sanchez: Okay. There's a motion. Need a second. I will pass the gavel and make a second on the item.

Vice Chair Spence-Jones: All in favor?

The Commission (Collectively): Aye.

Chair Sanchez: Okay, takes care of that item. Okay. That takes care of the consent agenda.

CA.7 08-01079

Office of Grants Administration

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE PROJECT ENTITLED: "VISTA SUPPORT" AND APPROPRIATING FUNDS, CONSISTING OF A GRANT FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE ("CNCS"), IN AN AMOUNT NOT TO EXCEED \$27,753, FOR A ONE-YEAR PERIOD, FOR THE OFFICE OF GRANTS ADMINISTRATION; ACCEPTING THE RENEWAL GRANT FOR THE AMERICORPS*VISTA ("VISTA") PROGRAM FROM CNCS, IN THE AMOUNT OF \$533,842; AUTHORIZING THE ALLOCATION OF THE CITY OF MIAMI'S REQUIRED MATCHING FUNDS IN THE AMOUNT OF \$75,700, FROM THE MAYOR'S ANTI-POVERTY INITIATIVE TO VISTA; RE-ALLOCATING SAID FUNDS OF \$75,000, FROM PROJECT 15500.101000.891000 TO PROJECT 15500.150001.481000, FOR SAID PURPOSE; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN SUBSTANTIALLY THE ATTACHED FORM, TO IMPLEMENT THE ACCEPTANCE OF SAID GRANT AWARD.

08-01079 Legislation.pdf

08-01079 Exhibit 1.pdf

08-01079 Exhibit 2.pdf

08-01079 Summary Form.pdf

08-01079 Letter.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0535

Adopted the Consent Agenda

Motion by Vice Chair Spence-Jones, seconded by Commissioner Regalado, including all the preceding items marked as having been adopted on the Consent Agenda.

The motion carried by the following vote:

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

END OF CONSENT AGENDA

Chair Sanchez: All right. Let's move on to the consent agenda. Is there any items that the Administration wishes to pull from the consent agenda? We'll get to the regular agenda, but from the consent agenda, Mr. City Manager, is there any items that you'd like to pull from the consent --?

Pedro G. Hernandez (City Manager): No changes.

Chair Sanchez: No changes.

Mr. Hernandez: No -- nothing to be pulled.

Chair Sanchez: All right. From the Commission, any items from the consent agenda wishing to be pulled for discussion?

Commissioner Sarnoff: CA.6, Mr. Chair.

Chair Sanchez: CA.6 has been requested by Commissioner Sarnoff to be pulled for discussion. The remaining of the agenda -- can I have a motion to approve the remaining of the consent agenda?

Vice Chair Spence-Jones: So moved.

Commissioner Regalado: Second.

Chair Sanchez: Motion is made by the Vice Chair, second by Commissioner Regalado. Any further discussion on the item? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

PUBLIC HEARINGS**PH.1 08-00793***Department of
Public Works***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PLAT ENTITLED "CANNER," A REPLAT IN THE CITY OF MIAMI OF THE PROPERTY DESCRIBED IN "ATTACHMENT 1," SUBJECT TO SATISFACTION OF ALL CONDITIONS REQUIRED BY THE PLAT AND STREET COMMITTEE AS SET FORTH IN "EXHIBIT A," ATTACHED AND INCORPORATED, AND THE PROVISIONS CONTAINED IN SECTION 55-8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND ACCEPTING THE DEDICATIONS SHOWN ON THE PLAT; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE PLAT; AND PROVIDING FOR THE RECORDATION OF THE PLAT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

08-00793 Legislation.pdf

08-00793 Exhibit 1.pdf

08-00793 Exhibit 2.pdf

08-00793 Exhibit 3.pdf

08-00793 Exhibit 4.pdf

08-00793 Summary Form.pdf

08-00793 Memo Public Hearing.pdf

08-00793 Notice Public Hearing.pdf

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones

Absent: 1 - Commissioner González

R-08-0537

Chair Sanchez: All right. Let's continue the agenda. Let's go to the first -- PH.1. PH.1. We could hopefully get a lot of this done. A lot of these items are not controversial, so let's see if we could move along and try to gain some ground with this budget [sic].

Stephanie Grindell (Director, Public Works): Stephanie --

Chair Sanchez: All right. PH.1 is from the Department of Public Works. You're recognized for the record, Madam Director.

Ms. Grindell: Stephanie Grindell, director of Public Works. PH.1 is a resolution accepting the plat of Canner, which is located at the southwest corner of North Miami Avenue and Northwest 3rd Street.

Chair Sanchez: All right. It is a public hearing. We need a motion and a second on PH.1.

Commissioner Sarnoff: So moved.

Chair Sanchez: Motion is made by Commissioner --

Vice Chair Spence-Jones: Second.

Chair Sanchez: -- Sarnoff, second by the Vice Chair. Before we open it up for discussion, it is a public hearing. Anyone from the public wishing to address this item, please step forward and be

recognized. Seeing no one, the public hearing is closed, coming back to this Commission. No further discussion on the item. It is a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Madam Clerk, PH.1 has been approved, 4/0, with the absence of Commissioner González.

PH.2 08-01065

***Office of
Transportation***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S EMERGENCY FINDINGS, THAT IT IS MOST ADVANTAGEOUS FOR THE CITY OF MIAMI TO WAIVE COMPETITIVE SEALED BIDDING PROCEDURES, PURSUANT TO SECTIONS 18-86 AND 18-90 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; APPROVING THE USE OF COMPETITIVE NEGOTIATIONS, FOR THE PURPOSES OF NEGOTIATING AN AGREEMENT FOR TRANSPORTATION SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO THE GRANT AGREEMENT BETWEEN THE CITY OF MIAMI AND ACTION COMMUNITY CENTER, INC., PURSUANT TO RESOLUTION NO. 05-0572, ADOPTED SEPTEMBER 22, 2005, FOR PUBLIC TRANSPORTATION SERVICES, CAPITAL IMPROVEMENT PROJECT ("CIP") NO. B-71201; PROVIDING FOR A ONE-YEAR EXTENSION (OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009); ALLOCATING FUNDS, IN AN AMOUNT NOT TO EXCEED \$300,000, SUBJECT TO BUDGETARY APPROVAL, FOR FISCAL YEAR 2008-2009, FROM CIP NO. B-71201.

08-01065 Legislation.pdf
 08-01065 Exhibit 1.pdf
 08-01065 Exhibit 2.pdf
 08-01065 Exhibit 3.pdf
 08-01065 Exhibit 4.pdf
 08-01065 Exhibit 5.pdf
 08-01065 Exhibit 6.pdf
 08-01065 Exhibit 7.pdf
 08-01065 Exhibit 8.pdf
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 08-01065 Exhibit 10.pdf
 08-01065 Exhibit 11.pdf
 08-01065 Exhibit 12.pdf
 08-01065 Exhibit 13.pdf
 08-01065 Exhibit 14.pdf
 08-01065 Exhibit 15.pdf
 08-01065 Exhibit 16.pdf
 08-01065 Summary Form.pdf
 08-01065 Emergency Finding Memo.pdf
 08-01065 Memo Public Hearing.pdf
 08-01065 Notice of Public Hearing .pdf

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0538

Chair Sanchez: All right. PH.2.

Lilia Medina (Assistant Transportation Coordinator, City Manager's Office): Good morning. PH.2 is a resolution extending a fourth amendment to Action Community Services for the transportation services for the disabled and the elderly. The source of the funding is from the Mayor's poverty initiative, and the amount that has been identified to date is \$200,000.

Pamela E. Burns (Assistant City Clerk): I'm sorry. We need your name for the record, please.

Ms. Medina: Lilia Medina, Office of Transportation.

Commissioner Sarnoff: So moved.

Chair Sanchez: All right.

Vice Chair Spence-Jones: Second for discussion.

Chair Sanchez: There's a motion by Commissioner Sarnoff; second has been made by the Chair [sic]. Before we open it up for discussion, it is a public hearing. Anyone from the public wishing to address this item, please step forward and be recognized. Good morning.

Beverly Tamayo: Good morning. My name is Beverly Tamayo. I work at Action Community Center Transportation, and I live at 3351 Northwest 20th Street. I was aware it was a little bit more, the amount, so --

Chair Sanchez: What was you aware -- what amount are you aware to?

Ms. Tamayo: I -- because we were asking for a little bit more.

Chair Sanchez: What's a little bit more?

Ms. Tamayo: Like 390, I believe.

Chair Sanchez: Three-ninety? Well, the -- what's on this resolution is two hundred thou -- well, \$300,000 -- not to exceed \$300,000. But it's my understanding that it is \$200,000 that we are proffering to you.

Ms. Tamayo: The problem is that we cannot -- I mean, with three -- we have now three --

Chair Sanchez: Okay.

Ms. Tamayo: -- and we're doing -- we're suffering. We had -- before the cuts, we had seven drivers. I only have three drivers now. I cannot serve the whole City of Miami with three drivers.

Chair Sanchez: Okay. Well, in the briefing, my understanding was -- through my briefing, it was \$200,000, and the City would do everything it could within its power to try to come up with \$300,000. We understand that the County has reduced your funding, and that has been a burden, but the County has reduced its funding to a lot of agencies, based on the situation that we're faced with. Not only is the County reducing, we're reducing. However, here, I think that we have gone out of our way to try to accommodate you to try to come up with the \$300,000.

Vice Chair Spence-Jones: Mr. --

Chair Sanchez: All right. So we'll bring it back -- anyone else from the public wishing to address this item? If not, the public hearing is closed; it comes back to the Commission. Vice Chair Spence Jones, you're recognized for the record

Vice Chair Spence-Jones: Lilia, I just want to ask you a question. What did we -- just so that I'm clear -- give last year?

Ms. Medina: The amount in the budget was 319,000. In addition, the Commissioners did proffer \$40,000 out of your own budgets to accommodate a shortfall that was about \$90,000. The County also kicked in, earlier this year, 40,000. So the total budget that they received from the City --

Vice Chair Spence-Jones: Last year.

Ms. Medina: -- this current fiscal year was 359,000.

Vice Chair Spence-Jones: Okay. So basically, this year we're saying --

Ms. Medina: Two hundred thousand. Up -- and it could be up to 300,000. At this time, what has been identified is 200,000.

Chair Sanchez: Commissioner Regalado.

Commissioner Regalado: Thank you very much, Mr. Chairman. I think -- and I have to agree with the Chairman that the City has taken most of the responsibility for Accion, and we should because I have seen the list of clients, and all of them are from the City of Miami, most of them from Commissioner González, Commissioner Sanchez, Commissioner Sarnoff. We have some clients in District 4, but I think that this is a citywide issue. The County is proposing \$56,000 now for your budget, and we're still -- have the possibility of coming up with an additional money at midterm of the budget year. And the worst case scenario would be that we would have to use the TPT money, the transportation -- half-a-cent sales tax for transportation. And the reason that this will be the worst case scenario is because you all participated -- and Assistant City Manager Bill Anido, and you, Lilia -- you were at our office with Robert Cuevas, the County attorney, that he was very gracious in coming here to City Hall and met with us. And he opined -- and the City Attorney was also present, the Office of the City Attorney -- that we could use funds from transportation. If we do that, we then have to set some routes. So that would be the worst case scenario. But one thing is for sure, the City of Miami has never abandoned, never will abandon Accion, and you know, now, at least you can go back -- you and Pilar -- and say, well, you know, we can continue. One thing is for sure, number one, we need to keep lobbying the County Commissioners because, you know, you serve five County Commissioner districts with Accion. The County Commissioners have discretionary funds, and this Commission doesn't have it, but we took from our budget, each of us, money, and I think that we all should lobby the County Commissioners of our city because those resident are as much resident as the County as residents of the City, and the County needs to share responsibility. And Mayor Alvarez also has to share responsibility. It's not only the City of Miami. But one thing is for sure, the City will never let Accion die and -- because this is a service. We are here -- we sit here to protect our residents, so I think that what the Administration is proposing is the right thing for now, but it doesn't mean that you're going to have to cancel the service because you never have. You never had to cancel the service. While we sit here, all of us -- and this is not about district. This is about the City. All of us here in this board have come to the rescue for Accion. So I -- personally, I would ask Chairman Barriero and Commissioner Sosa and Commissioner Gimenez and Commissioner Edmonson and Commissioner Rolle to take a look and see if they can come up with some money because, you know, a penny here, a penny there, it's always a help. So I just want to say that you need to understand that we are --

Ms. Tamayo: What do I tell my clients -- excuse me -- now next month? Because what I -- I know that now, starting the fiscal year, we're not going to have that money. I'm going to have to cut. I don't know how. I have three drivers now. I'm going to have to do two. I really don't know. And in the office, I only have two part-timers and two full. It's like -- you know, the gas is killing us, it really is.

Commissioner Regalado: But I don't think you should need to cut now. I mean, cutting now will be a mistake, if you ask me. Because you know that every year, you know, either from the County or from the City, you get emergency help and --

Ms. Tamayo: Yeah, but not -- this is -- like 200,000 is -- I mean, we -- I don't know what's going to happen.

Commissioner Regalado: What you see here is up to \$300,000, what means that the Administration understand that there's the possibility of us coming back at some time and adding money from other sources. And you know, I think that you should leave here assured that the service is not going to end.

Ms. Tamayo: Thank you. Thank you all.

Chair Sanchez: All right. You know, the burden should not fall on the City alone. I mean, this agency provides services through the entire city. And as the Commissioner stated, they have come in front of this Commission, we've always supported them. They've been around for 31 years. They do provide a service to our constituency. And last year, when they came in front of us in dire strait, I believe that four Commissioners out of five gave \$10,000 towards their organization. They went to the County, and I believe the County also gave them some money, some of the Commissioners. But you know -- I know times are tough, and I don't want to fund them to fail, but that's -- we're going through some economic times in this City. You know, through tough times, we have to make tough decisions, and I believe the \$200,000 allocation, not to exceed \$300,000, can keep them going to see if they get some type of funding from other agencies or other governments throughout the United States. And now, a lot of these companies are going out to the private sector to raise money. You know, you got to get creative in raising money. You can't depend on government alone. All right. There's a motion and a second. No further discussion. It's a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Madam Clerk, PH.2 passes, 4/0, with the absence of Commissioner González.

ORDINANCE- FIRST READING**FR.1 08-01062****ORDINANCE****First Reading***Department of Code
Enforcement*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ENTITLED "BUILDINGS," BY CREATING A NEW ARTICLE IV, ENTITLED "REGISTRATION OF VACANT, BLIGHTED, UNSECURED OR ABANDONED STRUCTURES," TO CLARIFY THE PROCEDURES REGULATING VACANT, BLIGHTED, UNSECURED AND ABANDONED STRUCTURES WITHIN THE CITY OF MIAMI; AMENDING CHAPTER 2/ARTICLE X OF THE CITY CODE ENTITLED "ADMINISTRATION/CODE ENFORCEMENT," MORE PARTICULARLY BY AMENDING SECTION 2-829, ENTITLED "SCHEDULE OF CIVIL PENALTIES," TO PROVIDE FOR PENALTIES FOR FAILURE TO COMPLY; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-01062-Legislation SR-SUB.pdf

08-01062-Memo-City Attorney-Substitution.pdf

08-01062 Summary Form SR.pdf

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be PASSED ON FIRST READING PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones

Absent: 1 - Commissioner González

Chair Sanchez: All right. We move on. We go to FR.1. All right, FR.1.

Mariano Loret de Mola: Loret de Mola, Code Enforcement director. This ordinance that is over here today is amending Chapter 10 of the City Code, entitled "Buildings," by creating a new Article 4, entitled "Registration of Vacant, Blighted, Unsecure and Abandoned Structure," and to clarify the procedure regulating the vacant, blight, unsecure and abandoned structure within the City of Miami; also, it's amending Chapter 2, Article 10, entitled "Schedule of Civil Penalties," and this is in regard to the penalty for failure to comply. This ordinance, I think, is - - we needed this ordinance for a long, long time, and finally, we got something that came in right on time because all the problems with vacant and unsecure and abandoned properties that we have in the City at the present time. This establish a program to identify and register the vacant and blighted and unsecure properties, and it also establish the responsibilities of the owners, provide for administration and penalties, and allow the Miami City Police to enforce trespassing the abandoned properties. There is also another issue over here that I would like to mention that this new ordinance will bring in. Also, this ordinance has a special -- the liens related to violations of this ordinance will be created as a special assessment. And also, the security of abandoned property, in this ordinance, in cases of public health or public safety, the City will be allowed to secure the properties is included in this ordinance, too. Basically, the cost of this ordinance, the implementation of this ordinance, based on the collection of the money for the registrations and penalties, I think it will offset the cost of this ordinance. The implementation and -- will be -- the personnel that will be implementing this ordinance is the Code Enforcement and the Building Department inspectors.

Chair Sanchez: All right. Let's get a motion and a second --

Commissioner Sarnoff: So move.

Chair Sanchez: -- for the purpose of discussion.

Vice Chair Spence-Jones: Second for discussion.

Chair Sanchez: The motion has been proffered by Commissioner Sarnoff, second by Vice Chair Spence-Jones. Before we open it up for discussion, anyone from the public wishing to address FR.1, which is an ordinance on first reading -- it'll come back to us on second reading -- any public participation? If not, the public hearing is closed, coming back to the Commission. Vice Chair Spence Jones, you're recognized for the record.

Vice Chair Spence-Jones: Thank you, Mr. Chairman. First, I want to commend the Administration for doing such a great job in pulling, or at least attempting to pull together, something to kind of address this issue of abandoned properties. I know, Mariano, we've been talking about this in my district for at least the three years that I've been up here, and I know that all the Commissioners have, you know, the same issue. We want to improve the quality of life for the residents in the City. There's just a couple of things in here I want to make sure that I put on the record. I do know that it's going to be coming back in front of us, so I want to make sure these things are included. For one, my first thing is the vacant lots. I think that we need to include the vacant lots in this particular ordinance because I think it's really important that we have this included because they're -- at least in my district -- as much as an eyesore than the abandoned properties. And as a part of that, I really -- I've been pushing, you know, Mariano, about the fencing issue, as a part of the abandoned, vacant lots, so I want to make sure that's included. The other concern I have with this particular ordinance is the registration requirement, and I mentioned this to the City Manager regarding this issue. I do believe that homeowners will be hit harder with this than the condo owners 'cause to my understanding, this means that every vacant property in the City of Miami has to be registered. So that means if I live here six months out of the year -- I'm just using this only as an example -- and I leave, I have to register this property. So that means everybody knows in the City that I'm not there for six months out of the year, which means I'm now opening myself up to possibly people breaking in my house or whatever the case may be. I think we really need to hammer that part of it out. And then not only that. I mean, all of the vacant condos that are going to be left here in the City of Miami, I mean, that within itself is going to, you know, be a big issue. I think that if we are going to put some sort of registration process in place, we have to think of a strong PR (Public Relations) campaign to let the public know that they even have to register their properties because they're not going to know it. And quite frankly, that means not just sending information to NETs (Neighborhood Enhancement Teams) and e-mailing (electronic) it out. There has to be a serious campaign put in place, because I'm telling you, there're going to be people -- lots of people complaining about this because they're not going to know to register. The other thing that I have a concern with, which is what I wanted to mention, was this -- the amount associated with even handling the process, you know, meaning from the standpoint of who's going to do all of these registering? I understand in the beginning, it's -- if they don't register -- I mean, they don't have to pay to register, which is great, but if they don't know to register, then -- and they get fined for whatever reason, they get fined that \$250, they just going to -- I just feel like, at the end of the day, this is going to become -- I think it really needs to be flushed out before we vote on it the next time. Because not only are you going to need to have a strong enough campaign to let people know that it's happening, but you're going to have to have bodies in the shop, and already, we don't have enough Code Enforcement -- you don't have enough Code Enforcement staff to even address the issues that we already have, correct? So now my question becomes, who's going to be managing this process?

Mr. Loret de Mola: The process will be managed -- right now, Code Enforcement and the Building Department works together on unsafe structures and unsecure structures. I mean, I take care of the unsecure structures; Building take care unsafe.

Vice Chair Spence-Jones: I'm just trying to save you in the end, Mariano, 'cause in the end, you're going to get blamed because if --

Mr. Loret de Mola: Yeah.

Vice Chair Spence-Jones: -- all these people -- if this information is not out -- first of all, you're going to get blamed from the citizens because they're going to say they didn't know nothing about the process, and you know you're not going to have enough money to promote it to make sure that all the residents know about it; just know it's not going to happen, okay, so then you're going to get the blame when they start getting all these fines. And then I'm going to tell you that I'm going to be complaining if my district, for whatever reason, is now becoming targeted, and for whatever reason, they're getting citations left and right and then I'm looking in other areas and they're not getting citations left and right, and the people in my district are now losing their homes, or whatever the case may be, having liens. So -- you know, so all I'm saying is I just think -- and I do -- I appreciate the City Attorney's Office giving me copies of other cities and municipalities that have something similar. I just think that this really needs to be flushed out before we vote on it because we are going to have a headache in the end, and that's just really my opinion on it. And I really just think that, you know -- I don't know, Madam City Attorney, if you guys can work through the issues on this, but I think it has a lot of holes that need to be addressed, and that's my -- really -- I know the intent. We're moving in the right direction, taking the right steps to make it happen because, quite frankly, I mean, I'm excited about having this in place, Mariano, because you know I have big issues in my district regarding these properties. I just want to make sure, in the end, we're not going to have a bigger issue managing the process, and that's really my only comment.

Chair Sanchez: I've been here for quite some time now, and I've heard many of the Commissioners complaining about the situation that these abandoned homes and what they do to a neighborhood. I mean, whenever you have abandoned homes in a neighborhood, you really are inviting in a certain element that destroys the quality of life, so this is a step in the right direction to take this legislation and really put the burden on the owner of the property. One is, that we can now identify a warm body of the person who owns that property and is responsible for securing and maintaining that property, so that's a step in the right direction. And then the other step that I like is that the cost of doing the work can now be placed on a special lien. As you know, Code Enforcement can apply whatever fines, but whenever those liens are taken to court, you usually get zippo because you're not up there. This puts you up there where now they have to pay the lien, they have to pay whatever they have to pay, and we're able to collect money. Now I do agree with the Vice Chair on one thing. I've read the ordinance. I think that it needs -- the language needs to be tightened up a little bit, okay. I think we could do that by second reading. But having said that, I believe that Code Enforcement will now have the teeth to go out there and really secure a lot these properties. Before, we did not have those teeth. You went out there, and yeah, you know, you ran them down, and if you were able to find the phantom owner who lived in Belize or Paris -- but now you do have the language to do that. So I think it's a step in the right direction. However, I do think that we need to tighten up the language when it comes back. Commissioner Sarnoff?

Commissioner Sarnoff: Thank you, Mr. Chair. I learned that much of this ordinance was first proposed by former Commissioner Haskins, so I think she should get some -- a lot of credit for thinking of this and creating what I think is the -- certainly the basis for a great ordinance. You know, I think just two tweaks in this, and it's a pretty good ordinance. No, I think it's a great ordinance. Because if we put a definition of what is abandoned -- because you do need to have some sort of defining point as to what is an abandoned property. Whether it's three months of the year, whether it's six months of the year -- and that triggers the requirement to register and that registration is free, is really no onus on the person. I was -- I think another thing we could do to tweak it to make it a little bit easier -- 'cause believe it or not, numerically, most of the abandoned properties will be in District 2.

Vice Chair Spence-Jones: Huh?

Commissioner Sarnoff: Absolutely. Sure, absolutely.

Vice Chair Spence-Jones: Excuse me?

Commissioner Sarnoff: Most --

Vice Chair Spence-Jones: In District 2?

Commissioner Sarnoff: They will all -- I will bet you that I will have 200 percent --

Vice Chair Spence-Jones: Of abandoned properties?

Commissioner Sarnoff: -- of the abandoned prop -- sure. Think about it. If you think about all the condominiums that are --

Vice Chair Spence-Jones: Well --

Commissioner Sarnoff: -- unocc -- Let me finish.

Vice Chair Spence-Jones: You're right, you're right.

Commissioner Sarnoff: You're right. So I'm merely thinking like a lawyer, I apologize.

Vice Chair Spence-Jones: You're right.

Commissioner Sarnoff: I will have every almost abandoned property in the City of Miami, and I think it could make something easy or do something to make it easier on these condos. If you allow the condo association to register, I think that would take a lot of the onus on -- off of either a developer or a person who acquired the property or a bank. Now, I didn't think that there was a problem with condos yet with regard to abandonment, and then I learned -- and I'm sorry he's not here -- Commissioner Gonzalez, in a brand-new condominium project, had an entire condominium ransacked -- and I don't mean one, I mean the entire building, with the loss of appliances, the loss of refrigerators, everything. So obviously, it could become a problem, and it's something that should not be exempt, but I think compliance can be made more practical and more easy for the condo owners by allowing the condo association to register. Now, with regard to enforcement, my hat's off to the City Attorney, and my hat's off to Code Enforcement to find a way to prime a bank is what I call the nuclear solution. Banks will become responsible for the properties that they have foreclosed upon once they learn that they can be primed with the City special assessment. Now, don't anybody think this is going to happen overnight because under your ordinance, Mariano, you have a one-year waiting period before you can prime a bank, so there are a lot of constitutional protections afforded to people who think they have a first mortgage or a second mortgage. I am absolutely so pleased with your efforts on this that I think this will -- is the single biggest or the silver bullet that could change the City of Miami in terms of abandoned property. I agree with Commissioner Spence-Jones that vacant lots should somehow be included. I also believe that if you go out there and you continuously cut the grass or maintain that lot, that you should imperil that property owner who sat in Iowa or sat in Washington D.C., or sat in Montana -- and I've checked. Everybody I've described actually owns property in District 5 -- and does nothing to maintain their lot. Well, you know what? If the City goes in there and has to pick up a picket fence or a cyclone fence, as I like to call it, and we have to repair it or we have to go in there and persistently and continuously cut that lot, then so bet it. They should lose that lot. Because everybody a social responsibility to one another and that is to maintain their real property. You expect it of your neighbor, you anticipate it of your neighbor, and it is your -- you are your brother's keeper. You're -- you, whether you are here in -- living here, or whether you are here in absentia, which means that you just happen to live somewhere else and own some property, you have a social responsibility in the City of Miami to maintain your property. It's the right thing to do for your neighbor. It's the right thing to do for your neighborhood. It's the right thing to do for your community, and the City of Miami now expects it. So Mariano, my hat off to you.

Mr. Loret de Mola: Thank you.

Chair Sanchez: Well, Vice Chair Spence-Jones, and then followed by Commissioner Regalado.

Vice Chair Spence-Jones: I'll yield to -- Regalado hasn't had a chance to speak. I'll yield to you.

Chair Sanchez: Commissioner Regalado, you have the floor.

Commissioner Regalado: Thank you. I just also want to join in thanking Mariano, Julie, and the Administration for working on this. It is the right time because now we have the peak of the crisis. It is true that this has some time periods, but I think that, to me, the most important thing of this ordinance is the chilling effect, the effect that it sends to the banks, the real estate people, and some owners that are not interested in properties. And it has a chilling effect because it's also psychological, as a protection, another protection for the residents. Two days ago, last Tuesday, we were at a home, with the Police Department, Major Caceres and the Commander Irizarry, talking to a resident whose house had been -- all the windows destroyed by rocks, and we went there. And across the street, there is an abandoned house. In that abandoned house, the police went in and they found the source of the rocks in the driveway, in the patio, in the garden of the house. And just the fact that I mentioned that we were discussing this Thursday, it gave the residents of that home a hope that things will be better. To me, the priority, of course, is to have the yard clean because the -- an unkept yard, it's -- what it does, it attracts people -- bad people that try to get into the home and try to congregate and use the home for drugs and ransack and vandalism, and it affects the neighborhood. That lady at that home on 43rd Avenue is living in fear because, every night, somebody throws a rock through her window, and she even have the shutters down, all around the house. So I just want to make sure, Mariano, that after second reading, the priority will be to come in and clean. And you know, if the -- if we pass the bill, we need to pass the bill. But a clean, abandoned house attracts less bad people than a dirty, overgrown, abandoned house. So I really thank you for the work you done.

Mr. Loret de Mola: Thank you. Commissioners, the deal with the vacant lots, we do have an ordinance already in place with vacant lots, which we can probably do the same thing with the assessment so the liens on that property, or the vacant lot properties, could be special assessments, and that will give us more tools with the lot-clearing regulations, right. If -- because these regulations, basically, right now on buildings is not talking anything about lots. It's basically only buildings, and we do have a lot clearing ordinance that we can tight it up, and that will be better than combine both of them, and that's my recommendation, all right.

Vice Chair Spence-Jones: Mr. Chairman.

Chair Sanchez: Yeah.

Vice Chair Spence-Jones: Okay. I would suggest -- because, yes, we do have that ordinance, but both you and I know that somehow it's -- it seems like there's a lot of great energy behind making this particular ordinance happen. I'm just --

Mr. Loret de Mola: Remember, the lot clearing --

Vice Chair Spence-Jones: -- asking that --

Mr. Loret de Mola: Yeah. We'll --

Vice Chair Spence-Jones: -- between now and the next reading, we figure out a way to either correct the one that we have --

Mr. Loret de Mola: I think that --

Vice Chair Spence-Jones: -- from that perspective to make sure that it's going to work --

Mr. Loret de Mola: Yes.

Vice Chair Spence-Jones: -- to make sure that they're also registered, because that one doesn't allow for you to register those either, the vacant, abandoned lots. But we don't have to figure that out today, Mariano.

Mr. Loret de Mola: Okay, all right.

Vice Chair Spence-Jones: I'm just saying I would like for you to consider it. I just want to say this in closing. Again, everybody's already commended you to death for finally getting this done, and the same thing goes for me, once again. I just want to be very clear, 'cause I know D2 (District 2) made a comment on the record about D2 -- which is true -- has the most aban -- vacant properties, that is, because of the condos, but definitely not the most abandoned one.

Mr. Loret de Mola: Yeah.

Vice Chair Spence-Jones: There is a difference between the two, correct?

Mr. Loret de Mola: There's a difference between the definition of vacant and abandoned, yes.

Vice Chair Spence-Jones: Okay. So I just want to make sure that we're clear that there is -- you know, I still think because there's a difference between vacant and abandoned, that we really need to make sure that the teeth in this particular ordinance make sense.

Mr. Loret de Mola: Mr. Chairman -- Madam Chairman [sic], I would like to take the opportunity -- I mean, this -- it was not only Code Enforcement the one that work on this one. We got people from NET, Rasha -- remember, Rasha from NET help us; Hector Lima from the building Department and Carbonell, his deputy. From the Legal Department, I got three lawyers working continuously with me, and also, we got Julie overseeing everything.

Commissioner Sarnoff: Wait, Mariano. You haven't won the academy award yet.

Mr. Loret de Mola: No, but that's --

Commissioner Sarnoff: At the second reading, you can thank everybody.

Mr. Loret de Mola: No, but I want to thank -- it was a lot of work and -- I mean, Kimberlee Smith, Victoria Mendez, and now we got (UNINTELLIGIBLE) --

Commissioner Sarnoff: Always thank your mom, by the way.

Mr. Loret de Mola: Yeah, right. My mother and my father. No, but there is --

Vice Chair Spence-Jones: God.

Mr. Loret de Mola: -- some -- let me mention this one. There was an association, Buena Vista Association, and they had two excellent, young fellows that worked with us, Jerome Chiller (phonetic) and Dennis Pradell (phonetic), and they came and gave us tremendous idea about this one.

Chair Sanchez: Well, they were -- they've been working on that for quite --

Mr. Loret de Mola: They've been working on this and with us. All right.

Chair Sanchez: All right. No further discussion on the item. It's an ordinance on first reading, it'll come back to us in second reading. The public hearing was open and closed. We have a maker and a motion and a second. Madam Attorney, read the ordinance into the record, followed by a roll call.

Julie O. Bru (City Attorney): Thank you, Mr. Chairman.

The Ordinance was read by title into the public record by the City Attorney.

Chair Sanchez: All right, roll call.

Pamela E. Burns (Assistant City Clerk): Roll call.

A roll call was taken, the result of which is stated above.

Ms. Burns: This item has passed on first reading, 4/0.

RESOLUTIONS**RE.1 08-01063*****Bayfront Park
Management Trust*****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, REQUESTING THAT MIAMI-DADE COUNTY LIMIT THE USE OF THE AREA KNOWN AS "PARCEL B" LOCATED EAST OF THE AMERICAN AIRLINES ARENA TO PARK AND OTHER GREEN SPACE, HELD IN TRUST FOR THE EDUCATION, PLEASURE, AND RECREATION OF THE PUBLIC, PROTECTED FROM ABUSIVE COMMERCIAL DEVELOPMENT AND EXPLOITATION; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN AND TO POST A COPY OF THIS RESOLUTION TO THE CITY OF MIAMI'S WEB PAGE.

08-01063 Legislation.pdf

08-01063 Memo.pdf

08-01063 Gaming Vessel Update.pdf

NO ACTION TAKEN

A motion was made by Commissioner Sarnoff to approve item RE.1, but failed for lack of a second.

A motion was made by Commissioner Sarnoff to defer item RE.1, but failed for lack of a second.

Chair Sanchez: All right. Item RE.1, we're going to go ahead and table 'til this afternoon.

"[Later...]"

Chair Sanchez: All right. We take up --

Vice Chair Spence-Jones: PZ (Planning & Zoning) --

Chair Sanchez: Want to take RE.1? RE.1. We'll take up RE.1.

Tim Schmand: Tim Schmand, Bayfront Park, 301 North Biscayne Boulevard, Miami, Florida. The Bayfront Park Management Trust, at its August 5, 2008 board meeting, passed a resolution recommending that the Miami City Commission pass a resolution requesting that Miami-Dade County limit the use of Parcel B to park and other green space held in trust for education, pleasure and recreation of the public, protected from abusive commercial development and exploitation. For those of you who are unfamiliar, Parcel B is the piece of land immediately east of American Airlines Arena on Biscayne Bay.

Chair Sanchez: All right. That is RE.1. Commissioner Sarnoff, you're recognized for the record.

Commissioner Sarnoff: Yeah. Thank you, Mr. Chair. Parcel B -- and I'm going to ask the City Manager to correct me if I'm wrong 'cause this is the facts I've been provided. There was an agreement between the City of Miami and Miami-Dade County, I think it was dated January 8, 1998. I think we called it the interlocal and cooperation agreement. The City of Miami sold the site that is now home to the American Airlines Arena, and I believe we received \$37 million. At that time, throughout the newspapers, we all envisioned a green necklace gracing the City of Miami. We've seen artist renderings. We all know the access to the waterfront, both visually and physically, is probably one of Miami's most precious assets. In fact, the Mayor, I believe -- maybe the words are not hired, but challenged the University of Miami to come up with a seven-mile waterfront plan, and I know it includes that. We all envisioned walking past river walks, bay walks, open access along the Miami River and on Biscayne Bay. We're attempting to

create a visual and physical access in Coconut Grove. The City and multitude of residents have participated in a four-year process to get everyone's best idea to improve the waterfront. I think we all remember the ads in the Miami Herald and other publications showing a beautiful green soccer field east of the proposed American Airlines Arena. And the American Airlines Arena is there, and we're still waiting for the soccer field, or at least the attractive green space. The Bayfront Trust unanimously passed a resolution asking the City of Miami Commissioners to pass a resolution asking the Board of County Commissioners to respect the Parcel B site. Quite frankly, I mean, I've met where the Bay of Pigs Museum and Library, Pete Hernandez has met with them. We've had some very, I thought, fruitful discussions. We've sort of hit an impasse because we were trying to get them actually on Biscayne Boulevard. We thought that'd be a great opportunity for them. We equally thought there would be an opportunity for them to have a reason, such as possibly some sort of a statue or monument out by that particular green space area so that there could be circulation amongst and around the various museums, MAM (Miami Art Museum), Museum of Science, and then having them on Biscayne Boulevard or thereabouts. The purpose and the point of this resolution was to protect Parcel B. I know a lot of citizens wanted it to be protected that way, and I'd just ask my Commissioners to join me in supporting this resolution in protecting Parcel B.

Vice Chair Spence-Jones: Mr. Chairman.

Chair Sanchez: All right. RE.1, we need a motion. If there's no second, there's no discussion on the item. Is there a second?

Commissioner Regalado: I will second for discussion

Chair Sanchez: Okay, second --

Pamela E. Burns (Assistant City Clerk): Excuse me.

Chair Sanchez: -- for the purpose of discussion. At this time, Vice Chair Spence-Jones, and then Commissioner Regalado.

Vice Chair Spence-Jones: I guess -- I mean, we went from -- and maybe I just didn't get properly briefed from our team. We went from land to Bay of Pigs. So it -- was it -- so is the attempt to send a message to the County -- to Miami-Dade County that the City wants this land to be reserved for green space so that the Bay of Pigs don't have it? Is that what --?

Commissioner Sarnoff: No. I think it's -- the point is to respect what was the intent behind the conveyance, and that was to keep it green space.

Vice Chair Spence-Jones: Okay, but -- 'cause you mentioned Bay of Pigs?

Commissioner Sarnoff: Well, they have been --

Vice Chair Spence-Jones: Was that -- was a part of --

Commissioner Sarnoff: Right.

Vice Chair Spence-Jones: I mean, that part of the discussion, I guess I somehow missed in my briefings about the Bay of Pigs.

Commissioner Sarnoff: Well, they --

Vice Chair Spence-Jones: So was that an issue?

Commissioner Sarnoff: -- have been in -- yeah, they have been in negotiation with some of the

County Commissioners with regard to putting that particular museum on that site.

Vice Chair Spence-Jones: Okay.

Julie O. Bru (City Attorney): Commissioner, you're looking my way. In the briefings, I didn't mention Bay of Pigs because this resolution does not mention Bay of Pigs.

Vice Chair Spence-Jones: Bay of Pigs.

Ms. Bru: So this is the --

Vice Chair Spence-Jones: Okay. That's all --

Ms. Bru: -- first that I hear now of Bay of Pigs.

Vice Chair Spence-Jones: Okay, so that was one. And then -- and I'm just putting it out there. It's only because of -- from experience of the last three years. I mean, we've been asking the County to do so much with the land that they already have, and they never listen anyway, so I mean, what -- is this just -- is the purpose of the reso. (resolution) to send a message that this is what our Commission feels needs to happen? Because, I mean, I've got land all throughout my district that is County-owned land that I've been asking for affordable housing on and they haven't heard me yet. So is this more of a matter of principle?

Commissioner Sarnoff: Well, I think it's a statement by this Commission that the Parcel B would remain more or less an open access border -- green space for the citizens of Miami.

Vice Chair Spence-Jones: Okay. I just wanted to -- you do understand what I'm saying about the County?

Chair Sanchez: All right, Commissioner Regalado.

Commissioner Regalado: Thank you, Mr. Chairman. Maybe you don't know, but maybe you know because you are the best, but the question here is what started first around Parcel B. Was it the plan for the parking or was it the plan for the museum?

Mr. Schmand: Those two items never came up in the discussion at the Bayfront Park Management Trust. This is based on a resolution that the Trust passed at a meeting, passed unanimously, and they asked me to bring it to you. Whether it was parking or Bay of Pigs, I don't recall those issues. I'd have to listen to the tape.

Commissioner Regalado: No. I'm just saying. And I remember the sale of that land. The City was in the midst of bankruptcy and it was sold to the County then to build the American Airlines Arena, and we just sold it. We -- they have full authority, and I do remember that there were some talks regarding the future of that parcel and there were some expectations, but the County never was dormant. So I don't know. I always thought that the best place for the museum was the Freedom Tower. That's just me. I don't know the mechanics of what they're done in the County, but you know, you have leverage now. The Manager has not signed the letter of understanding with the County on the museums in Bicentennial Park. And, well, you know, it's always --

Commissioner Sarnoff: Everything's on the table.

Commissioner Regalado: Everything is on the table. But I'll tell you something. I don't know -- I really don't know if the intent of the County -- I'm not trying to be cynic here or anything, but I really don't know if the intent of the County is to have a parking for American Airlines Arena or to have a museum to remember the Bay of Pigs. Because, you know, regardless of what we think

or decide or the cost, the fact of the matter that the Bay of Pig [sic] was a turning point in the United States and in Miami. Because of the Bay of Pig [sic], some people say a beloved president was shot. Because of the Bay of Pig [sic], the Cuban exodus began and it changed the face of Miami forever. So whether you like Cubans or not, the Bay of Pig [sic] is part of the history of the City of Miami, and it should be remembered. It must be remembered. But I still don't know if the agenda of the County is to please the Miami Heat building and parking or to honor the Bay of Pigs veterans. I don't know -- frankly, between us and the County, the County is batting nine and we're zero. And just go ahead, man -- but I don't foresee that you're going to hit a home run here.

Chair Sanchez: All right. Listen, if -- you made a second for the purpose of discussion. I think you're going to withdraw your second, so why don't you just do that now. We save the time.

Commissioner Regalado: No, no, no, no, no, no. I'm not withdrawing my second.

Chair Sanchez: Okay.

Commissioner Regalado: I'm ready to vote.

Chair Sanchez: Okay.

Commissioner Regalado: And actually, I think that the County should get a message. I think that the County should get a confrontational message from the City of Miami and -- so I'm voting yes, not because I don't like the museum. I think we should do the museum. Anyway, we're paying, us, the City of Miami resident, for the next 57 years, for museums in Bicentennial Park, so why not another museum

Vice Chair Spence-Jones: And that was going to be my --

Chair Sanchez: Vice Chair Spence-Jones --

Vice Chair Spence-Jones: I'm sorry. That was --

Chair Sanchez: -- you're recognized for the record.

Vice Chair Spence-Jones: -- going to be my point was the point that we don't want to have museums on waterfronts, you know, because that -- we have -- we want the green space preserved for that purpose. I mean, it's very difficult for me to make a decision about somebody else's personal struggle, you know. So, as an African American, you know, Virginia Key Beach, it's on a waterfront, you know, and it was significant to African Americans, and you know, and I fully support it; you guys fully support it. So -- and that's on green space. So now we have the Museum of Science, the Museum of Art, and now Cuban Americans. I mean, this is something that's significant to them. I mean, you guys are Cuban Americans sitting up here. I mean, I don't want to be making that decision because I would want to have support from you guys on the same type of issue. So, if we are not responsible for making the decision no matter what because it's not our land, I just don't think that it makes -- I personally would not want to make that decision, I really would not because, at the end of the day, my community's personal struggles, I don't want them to be forgotten. And if I felt that -- or if my community felt that having it on a waterway was important to us or to them, then I would support it. I mean, I just don't understand -- and again, may -- it's your own personal struggle, so I don't -- you know, I can't speak for what it has meant or what it represents to your culture, but personally, we've got a lot of museums on the waterfront, a lot of them.

Commissioner Regalado: And if I just say --

Chair Sanchez: All right.

Commissioner Regalado: -- one thing, Mr. Chairman. I don't -- there's something I don't understand from the County. I know I'm not that bright, but it's different -- it's difficult to understand the County. If we have a museum park, why don't have the museum in the Museum Park? Can you answer that, Commissioner? I mean, is it --? We have a museum park.

Commissioner Sarnoff: Right.

Commissioner Regalado: And the County is proposing to build a museum, but not a museum park, close to Museum Park.

Commissioner Sarnoff: Correct.

Commissioner Regalado: Should it be Museum Park? Should we change that to say we strongly suggest that you consider Museum Park for the site of the Bay of Pig [sic] museum?

Commissioner Sarnoff: Well, I think you know that there's been controversy for the siting of the museums adjacent to, what was it, 395?

Commissioner Regalado: Right.

Commissioner Sarnoff: The 395, and I don't know that there'd be any more room to site a museum on 395. And it's controversial enough to take four acres --

Commissioner Regalado: Yeah, and I agree with that. But my point is, why should we take the heat because Bicentennial is ours and nobody complains to the County on Parcel B?

Vice Chair Spence-Jones: All right. Nobody complained.

Commissioner Sarnoff: Well, I don't know that no one is not complaining. I think it's --

Commissioner Regalado: It passed.

Commissioner Sarnoff: -- but I think, as you know, it's a lot more difficult to reach out and touch a County Commissioner than it is to reach out and touch a City Commissioner. Just the physical layout of the dais and how --

Vice Chair Spence-Jones: Mr. Chairman, I have not had any complaints. I didn't even know this was an issue.

Chair Sanchez: Okay. Let's wrap this up and put it to a rest. Commissioner Sarnoff, do you want to close it off?

Commissioner Sarnoff: I -- you know, this is just a statement by the City requesting that Parcel B be utilized as green space, or I think the exact wording is in the actual -- that Tim read into the record.

Chair Sanchez: Well, I have the resolution in front of me that was passed at Bayfront Park, and it says request that Miami-Dade County limit the use of Parcel B to park and other green spaces held in trust for the education, pleasure, and recreation of the public, protected from abusive commercial development and exploitation. That's basically what it says here.

Mr. Schmand: That's correct.

Chair Sanchez: All right. Okay.

Commissioner Regalado: So -- but -- that's the Bayfront Trust resolution?

Commissioner Sarnoff: Yeah.

Commissioner Regalado: So a museum fits because it's about education.

Vice Chair Spence-Jones: No, it doesn't.

Chair Sanchez: That's why -- you know, listen --

Commissioner Regalado: Well, I didn't know about the resolution --

Chair Sanchez: All right.

Commissioner Regalado: -- the wording of the resolution.

Chair Sanchez: Okay. In conclusion, as Chair --

Vice Chair Spence-Jones: But it just says protected from abusive commercial development. I mean, that's --

Chair Sanchez: All right.

Commissioner Regalado: That's the parking.

Chair Sanchez: Look -- moving along. It's very simple. We did not like -- we don't like when the County tells us what to do with our property; we didn't like it when they tried to tell us what to do with our Fire Department. We don't like it when they tell us to do things pertaining to our business. We have no business telling them what to do with their properties. That's up to them. That's just my opinion in that. We want to build relations with the County, we certainly don't do it by getting in their businesses. We should respect each other and work together on this issue. So there's a motion and a second.

Mr. Burns: Mr. Chair, would you clarify who was the mover of this item, please?

Chair Sanchez: Commissioner Sarnoff, and it was second by Commissioner Regalado. All right. All in favor --?

Commissioner Regalado: Look, look. Mr. Chairman, I don't want to put this board in a difficult position. I just don't think that this is healthy to be among us with this --

Chair Sanchez: All right.

Commissioner Regalado: -- discussion. After all, we should be before the County Commission asking them why they're doing this. I just think, I really do -- I would vote for it but only if we have information from the Manager and from the County that this issue is being addressed within the framework of the discussion of Museum Park. If you can tell me that, I'll vote. If not, I withdraw my motion -- my second, waiting for the Manager to tell me if this will be in the next days, before you sign the letter of understanding, part of the discussion.

Chair Sanchez: Mr. City Manager, your guess is as good as mine.

Vice Chair Spence-Jones: Why do you -- what's that look on your face?

Pedro G. Hernandez (City Manager): Well, because, in essence, we're negotiating with the County -- or working with the County and the museums reference science and art museums at

Museum Park. And, Commissioner, you are tying -- you're saying that -- you're tying this discussion to the -- our negotiations with the County on Museum Park?

Commissioner Regalado: Absolutely, yes. It's a museum. It's land on the waterfront. It's part of the whole downtown area. It makes sense to be part of the discussion.

Chair Sanchez: Do you have a response? If not --

Mr. Hernandez: No, no. I will. Number one, I don't think -- the master plan that was approved for Museum Park does not include any additional spaces for any additional museums. I think that that park is taxed out, is burdened as much as it can be with two museums and the rest, the remaining 20 acres, are meant to be a park. So I --

Commissioner Regalado: Mr. Manager --

Mr. Hernandez: -- would not support that.

Commissioner Regalado: -- I didn't say you to get the museum there. I said Museum Park is for a museum. What I said is if there were part -- this will be part of the discussion. And it means that you can accomplish what he wants to do in your discussions with the County.

Mr. Hernandez: In essence, you're saying for us to, when we negotiate with the County, say, as part of our discussions on Museum Park and those two museums, we want you to do this on Parcel B?

Commissioner Regalado: Right.

Mr. Hernandez: And say leave it as open space.

Commissioner Regalado: Right, exactly.

Vice Chair Spence-Jones: Leave it as open space and not -- and you do not -- and they cannot put Bay of Pig [sic] -- 'cause let's be -- let's put it all out there. You want -- what he's asking you to do --

Chair Sanchez: All right.

Vice Chair Spence-Jones: -- is when you're negotiating this agreement with the County on existing Museum Park, he wants you to go into that meeting and say -- to say that in order for this deal to happen for Museum Park, that Bay of Pigs cannot be behind the American Airlines Arena. Commissioner Regalado wants you --

Mr. Hernandez: Okay.

Vice Chair Spence-Jones: -- to say that as a part of his negotiations.

Mr. Hernandez: Personally, I don't think that that's proper, correct at this point in time in the negotiations. However, if that's the will and the desire of the City Commission, I'll bring it up.

Commissioner Regalado: No, no. It's just a suggestion. I'm withdrawing my second because --

Chair Sanchez: Okay.

Commissioner Regalado: -- I think that it's -- that this is an issue that is very divisive. But Mr. Manager, when the County talks to you, they don't even talk softly and use a big stick. They talk loudly and use a big stick, and it is a shame that we can sometimes not talk to them different.

And, you know, I can sit here and tell you the stories about the County and the City that you know, but I think, you know -- I just think that I -- I hope that some day we can talk with the County on the same level and the talks are not going that well for us.

Chair Sanchez: For the record, you withdrew your motion.

Commissioner Regalado: Yes.

Chair Sanchez: So there is no motion on the floor. So, therefore, RE.1 fails for the lack of second. All right, thank you.

Mr. Schmand: Thank you for --

Chair Sanchez: Moving along.

Mr. Schmand: -- your time, Commissioners.

"[Later...]"

Commissioner Sarnoff: Well, there was a motion to defer it.

Chair Sanchez: Okay, hold on. If there's a motion to defer -- Commissioner Sarnoff makes that motion. There's a policy here every Commissioner respects. The Commissioner -- the first time there's a request for deferral, he gets a deferral, of course, if there's a second. All right, so is there a second for deferral?

Mr. Echemendia: It's not happening.

Chair Sanchez: Is there a second for deferral?

Mr. Echemendia: No.

Chair Sanchez: I would -- it's still going to die, so all right. There's no second. All right.

RE.2 08-01061

*Department of
Purchasing*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED JULY 9, 2008, PURSUANT TO INVITATION FOR BIDS NO. 80066,5, FROM SHARP BUSINESS SYSTEMS, FOR THE PROVISION OF LEASE/RENTAL OF MULTIFUNCTIONAL COPIERS, FOR AN INITIAL PERIOD OF THREE (3) YEARS, WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL YEAR; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

08-01061 Legislation.pdf
08-01061 Summary Form.pdf
08-01061 Memo.pdf
08-01061 Tabulation of Bid.pdf
08-01061 Web Page.pdf
08-01061 Invitation For Bid.pdf

Motion by Vice Chair Spence-Jones, seconded by Commissioner Sarnoff, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0546

Chair Sanchez: RE.2 is accepting a bid. That's coming to us from Department of Purchasing. All right. We could get through the regular agenda and make some ground here.

Glenn Marcos: Thank you, Commissioner. Glenn Marcos, Purchasing director. The following item before you is a recommendation for award to Sharp Business Systems for the leasing and rental of multifunctional copiers. This is a contract that will stand for a contractual period of three years, with options to renew for one additional year. We ended up receiving two bids on this, and the lowest responsive and responsible bidder is Sharp Business Systems. I also would like to put on the record that Sharp Business System [sic], the actual copiers that's been proffered to us, reinforces their commitment to the environment. It is a green initiative, of course, that will delight the Mayor and the City Commission. And I also want to go ahead and put for the record some of the green elements. Our copiers will be Energy Star qualified. There will be state-of-the-art toner cartridges that will be one-fifth of the size of the conventional toner cartridges, which requires less packaging material and significantly less power consumption. There will be organic photoconductive drums within the units, and of course, it's going to be a high-speed product, delivering energy savings through external heat fusing technology.

Chair Sanchez: And citywide cost is \$344,210. All right. Need a motion.

Vice Chair Spence-Jones: So moved.

Commissioner Sarnoff: Second.

Chair Sanchez: There's a motion by Vice Chair Spence-Jones, second by Commissioner Sarnoff. Any further discussion on the item?

Commissioner Sarnoff: Yes, sir.

Chair Sanchez: Discussion. You're recognized.

Commissioner Sarnoff: I'm just curious, Glenn, because my law office has been in negotiation with its copier company, and to my surprise, our copier costs are going down by a third, and that's just as a result of the business environment, the fact that businesses are hurting and people are not -- they need to move their copiers, and they need to move their -- they just need to do business. My question to you is, have you found that same type of business environment with the City?

Mr. Marcos: We have found a trend where the actual cost is not increasing. I'm not sure whether the cost -- I'm not -- I won't say that it's going down. I'm not -- but I'm willing to say that it's not going up. It's remaining steady.

Commissioner Sarnoff: If it's not going down, why is the City not experiencing what the private sector's experiencing?

Mr. Marcos: Well, it all depends on the actual copier.

Commissioner Sarnoff: We're getting a better copier than we have now.

Mr. Marcos: Well, we have multiple models here. And overall, depending on the model, Commissioner, overall, I'm not prepared to say this. If I would know what copier model you have, then --

Commissioner Sarnoff: No, it's not --

Mr. Marcos: -- I would say that maybe that's a possibility.

Commissioner Sarnoff: I don't want to do a this or that. But my question to you is, you know, the business environment is not good, and as a result of the business environment not being good, people are making business deals that they hadn't been making in years. My question to you is, are you, as a City, experiencing what the private sector is experiencing, which is a reduction in cost?

Mr. Marcos: Again, I would have to take a look at the prior contract and look at the current contract. But as far as what you're experiencing with your copier model versus our copier model, I would have to take a look at that. So if-- what I can do, Commissioner, I can go back to the past contract, which was with Toshiba, take a look at that analysis, and I can tell you for sure whether there's been quite --

Commissioner Sarnoff: Could you do that later on this afternoon?

Mr. Marcos: Absolutely.

Commissioner Sarnoff: Okay.

Mr. Marcos: If you can give me maybe a good 15, 20 minutes, I can go back and --

Commissioner Sarnoff: I'll make a motion --

Mr. Marcos: -- check the records.

Commissioner Sarnoff: -- to table this then.

Mr. Marcos: Okay.

Chair Sanchez: All right. Well, we don't need a motion. We'll table it 'til this afternoon.

Commissioner Sarnoff: Okay.

Chair Sanchez: All right. Marcos, just on it -- the Sharp and Toshiba bids were only \$12,000 apart --

Mr. Marcos: That is correct.

Chair Sanchez: -- on a one-million-dollar bid for three years, correct?

Mr. Marcos: That is correct. The actual lowest responsive and responsible bidder, which is Sharp Business Systems, submitted a bid of \$1,032,630 --

Chair Sanchez: Right.

Mr. Marcos: -- compared to Toshiba Business Solutions, which is -- which was \$1,044,047.20

Chair Sanchez: All right. Okay, so the item has been tabled 'til this afternoon, Madam Clerk.

Mr. Marcos: Thank you.

“[Later ...]”

Chair Sanchez: Moving on to -- let's -- can we bring back up the item that you tabled, Commissioner Sarnoff, which was RE.2? Are you okay with it?

Commissioner Sarnoff: Yeah.

Chair Sanchez: All right. Let's make a motion.

Commissioner Sarnoff: Could you just go on the record, Glenn, and tell us the savings?

Mr. Marcos: Thank you. Glenn Marcos, Purchasing director. The actual information that was requested by Commissioner Sarnoff is that, yes, there is a savings between the current contract -- hopefully, once it's approved by the City Commission -- and the previous contract, of \$114,000 over the next three years.

Commissioner Sarnoff: Thank you, Glenn.

Pamela E. Burns (Assistant City Clerk): Excuse me. Mr. Chair --

Chair Sanchez: RE.2.

Ms. Burns: -- RE.2, I know we had indicated previously that it was tabled to the afternoon.

Chair Sanchez: All right. We could always re -- make a motion to reconsider the tabling. We didn't even vote on the table.

Commissioner Sarnoff: Right.

Chair Sanchez: So what are you suggesting? We could vote on it now.

Ms. Burns: I just wanted to bring it to your attention.

Chair Sanchez: Okay.

Commissioner Sarnoff: I make a motion to untable it.

Chair Sanchez: All right. We don't need it. All right. Need a motion to approve RE.2.

Vice Chair Spence-Jones: So moved.

Chair Sanchez: There's a motion by --

Commissioner Sarnoff: Second.

Chair Sanchez: -- Vice Chair, second by Commissioner Sarnoff. Discussion on the item? Hearing no discussion, it's a resolution, correct?

Mr. Marcos: Yes, it is.

Chair Sanchez: All in favor, say "aye."

The Commission (Collectively): Aye.

Mr. Marcos: Thank you.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

RE.3 08-01095**RESOLUTION**

*District 3- Chair
Joe Sanchez*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), URGING MIAMI-DADE COUNTY TO CODESIGNATE SOUTH MIAMI AVENUE FROM SOUTHWEST 17TH AVENUE TO U.S. 1, MIAMI, FLORIDA, AS THE "MOST REVEREND AGUSTÍN A. ROMÁN WAY;" FURTHER DIRECTING THE CITY MANAGER TO INSTRUCT THE DIRECTOR OF PUBLIC WORKS TO WORK WITH MIAMI-DADE COUNTY AND ANY OTHER AGENCIES TO ENSURE THAT ALL CO-DESIGNATION PROCEDURES ARE COMPLETED BEFORE THE END OF CALENDAR YEAR 2008, IN ANTICIPATION OF A CEREMONY DEDICATING "THE MOST REVEREND AGUSTÍN A. ROMÁN WAY " TO MARK THE RETIRED AUXILIARY BISHOP OF MIAMI'S 50TH YEAR IN THE PRIESTHOOD; FURTHER DIRECTING THE TRANSMITTAL OF A COPY OF THIS RESOLUTION TO THE HEREIN DESIGNATED OFFICES.

08-01095 Legislation.pdf

08-01095 Exhibit 1.pdf

Motion by Chair Sanchez, seconded by Commissioner Regalado, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sanchez, Regalado and Spence-Jones

Noes: 1 - Commissioner Sarnoff

Absent: 1 - Commissioner González

R-08-0541

Motion by Vice Chair Spence-Jones, seconded by Commissioner Regalado, that this matter be RECONSIDERED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones

Absent: 1 - Commissioner González

08-01095**RESOLUTION**

*District 3- Chair
Joe Sanchez*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), URGING MIAMI-DADE COUNTY TO CODESIGNATE SOUTH MIAMI AVENUE FROM ALATKA STREET NORTH TO U.S. 1, MIAMI, FLORIDA, AS THE "MOST REVEREND AGUSTÍN A. ROMÁN WAY;" FURTHER DIRECTING THE CITY MANAGER TO INSTRUCT THE DIRECTOR OF PUBLIC WORKS TO WORK WITH MIAMI-DADE COUNTY AND ANY OTHER AGENCIES TO ENSURE THAT ALL CO-DESIGNATION PROCEDURES ARE COMPLETED BEFORE THE END OF CALENDAR YEAR 2008, IN ANTICIPATION OF A CEREMONY DEDICATING "THE MOST REVEREND AGUSTÍN A. ROMÁN WAY " TO MARK THE RETIRED AUXILIARY BISHOP OF MIAMI'S 50TH YEAR IN THE PRIESTHOOD; FURTHER DIRECTING THE TRANSMITTAL OF A COPY OF THIS RESOLUTION TO THE HEREIN DESIGNATED OFFICES.

08-01095 Legislation.pdf

08-01095 Exhibit 1.pdf

Motion by Chair Sanchez, seconded by Commissioner Regalado, that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sanchez, Regalado and Spence-Jones
Noes: 1 - Commissioner Sarnoff
Absent: 1 - Commissioner González

R-08-0541

Chair Sanchez: Okay, RE.3. RE.3 is my item, and I'd like to pass the gavel. It is a -- urging the -- it's a resolution of the City of Miami, with attachments, urging Miami-Dade County to co-designate South Miami Avenue from Southwest 17th Avenue to US 1, Miami, Florida, as "Most Reverend Agustín A. Román Way." The history of this gentleman, we all know. He has served us here for quite some time, as the leader of our community when it comes to the shrine of Our Lady of Charity on Biscayne Bay. He's coming up on his 50 years of priesthood, and I know of no one more recognized throughout our community than Monsignor Román. And this is basically asking the County -- I know that the County's also working on this -- to name this street after him, for his 50 years of service as a spiritual leader for hundreds of thousands of people in our community. He served in Chile for a brief time after leaving Cuba. As a matter of fact, the history -- he was expelled, along with 132 other priests, from Cuba by the communist regime, and he went to Chile for a very short period of time, coming to Miami, and he has established himself here in (UNINTELLIGIBLE). And therefore, I think it's just and appropriate that this government, local government, recognize his efforts to our community. So I would proffer a motion urging the City and work with the County to name the street after his name.

Vice Chair Spence-Jones: We have a motion. Do we have a second?

Commissioner Regalado: Second.

Vice Chair Spence-Jones: All in favor?

Commissioner Sarnoff: Well, I have a discussion on this.

Vice Chair Spence-Jones: Oh, discussion.

Commissioner Sarnoff: First off, this is in the Grove, and your designation is wrong. It's not from South Miami Avenue to US 1. It would be --

Chair Sanchez: South Bayshore Drive.

Commissioner Sarnoff: -- Bayshore -- right, South Bayshore Drive.

Chair Sanchez: Well, I stand corrected on that. From US 1 --

Commissioner Sarnoff: Correct.

Chair Sanchez: -- 17th Avenue to South Bayshore Drive.

Commissioner Sarnoff: Right. And my question to you is, wouldn't we be better served by designating the 3601 block, which is directly in front of his church, to be the proper designation for his particular place? And if you're going to start working your way through the Grove and designating streets after, if you will, priests or rabbis or whoever you will, I'm not sure that that's an appropriate use or appropriate way of designation. I'm not going to support you in this because I think it's more appropriate to designate the street in front of his particular church. And to designate all the way from South Bayshore Drive all the way to US 1, I don't think is an appropriate use of -- I have a separation of church and state issue, and I don't think it's an appropriate manner or means to do so in the Grove. So -- and I also think there's an issue in the Grove with regards to an ordinance that prevents this, but --

Vice Chair Spence-Jones: Okay. We did have a motion and we did have a second for

discussion, right?

Chair Sanchez: Commissioner --

Vice Chair Spence-Jones: We also have an amend -- this is going to be the -- it's also going to be amended, too, the address, correct?

Chair Sanchez: Yeah. I thought I stated -- maybe I made a mistake and he got it. But yeah, it's -- the address is on -- it's the -- it's on the resolution, from Southwest 17th Avenue to US -- US 1 from 17th Avenue to --

Commissioner Regalado: No, no. Seventeen, Bayshore to US.

Commissioner Sarnoff: Right.

Chair Sanchez: Correct.

Commissioner Regalado: That's the correct thing.

Chair Sanchez: From US 1, 17th to South Bayshore Drive, yes.

Commissioner Sarnoff: Right.

Chair Sanchez: That's the proper --

Commissioner Sarnoff: That's not what it says, written, but that's what you're meaning.

Chair Sanchez: Yes, sir.

Commissioner Regalado: Can I --?

Vice Chair Spence-Jones: You're recognized, Commissioner Regalado.

Commissioner Regalado: No. And I think the Chairman means well, and I think -- I understand your concern because I think that there is an ordinance --

Commissioner Sarnoff: There is.

Commissioner Regalado: -- especially on Bayshore, that you cannot change that because I have tried to find out in the past, and there is an ordinance. You have to change the Code of the City of Miami. But he's talking about 17th Avenue. I don't know if that in -- that ordinance include Bayshore, but I think it's about the Grove. I don't -- I'm not sure, but I know that there is an ordinance and you need to change the Code. But Mr. Chairman, let me propose that maybe the (UNINTELLIGIBLE), the Union Cubanos in Exilio, which is the arm of Our Lady of Charity, is working with the Archdiocese of Miami to do something similar in the road that goes into. And you know, if we could get -- if you could get the support of the County to name the 36 [sic] block, because this is where all the visibility -- 'cause everywhere comes to Our Lady of Charity from north and south and they use I-95. And it would be more visible in front of the church on the south than going through the process of 17th Avenue. Either way, I will support because I think that this is not about church. This is about a person that has made a mark in Miami. I remember, just for the record, that -- and I was there. In Fort Chaffee, Arkansas, when the Mariel refugees riot and also in the Atlanta jail, in Atlanta, Georgia -- and I went there too -- when there was a riot and the jail was burning, and it was in national news, 1980, the person that was able to quiet the riot down and avoid many, many casualties was Monsignor Román. So it's not even about him being a bishop. It's that he has been a stabilizing force in Miami-Dade County and the City of Miami. Had not been he a bishop, he will still deserve the

street because Monsignor Román has taken on very a lot of social issues in Miami-Dade County, and it's a person that needs to be recognized, but I think that there are alternative. By the way, I'll support any of them.

Chair Sanchez: I appreciate it.

Vice Chair Spence-Jones: Commissioner Sanchez --

Chair Sanchez: Well, first of all --

Vice Chair Spence-Jones: -- I know you want to be recognized. I just want to make one comment just on -- and I know -- do know that there's, you know, issues and concerns, most of the time, that you have regarding church and state. I do want to just, you know -- for me, it's -- sometimes we have to look at people that transcend that, and one person that clearly comes to my mind is Dr. Martin Luther King. You know, he was a religious leader, yes, you know, but quite frankly, we know that he's done -- gone -- his work has gone beyond the church. So I really can't really speak for, you know, the person that we're doing this for today, but I'm sure their particular community and what they've done -- I mean, what he's done in their particular community warrants that. So I will respect, you know, supporting Commissioner Sanchez and Commissioner Regalado on it because, quite frankly, if they feel strong and the community feels strong enough that the reverend has transcended church, then I think that he should be acknowledged in whatever way that they feel. I do want to acknowledge that you have an issue or concern with how far it's, perhaps, going down in that particular area, so hopefully, we'll be able to address it. But I'm going to turn it over to Commissioner Sanchez to --

Chair Sanchez: Thank you, Vice Chair. First of all, it is not a church and state issue. Second, if you drive around this city, you're going to see a lot of streets that have been named by -- for individuals that have played a very important role in our entire community; some streets that have been named after people that have been removed because later on they have found out that these people did not require -- or did not deserve to have a street named after them. But let me tell you something, if you talk about (UNINTELLIGIBLE) or you talk about the Shrine of Our Lady, it is in the Grove. Monsignor has affected and touched the lives of many people in this community. As a matter of fact, a lot of the people that go to this church live in the Grove. So a lot of Commissioners here have named streets throughout the City, and in fact, in my district, and I've always supported them if I think the person is worth receiving that prestigious recognition of having a street named after them. This individual, I could stand here for hours addressing the things that he's done for our community. Our office has worked with his office. He is requesting that street, and that's why I'm presenting this resolution. We are working with the County and the Commissioner who represents that district to get that street named after him, and I will not change my resolution and ask each of you to support me in naming this street after a gentleman who deserves this in our community for everything that he's done for everyone in our community, so --

Commissioner Sarnoff: Commissioner, all I'll say to you is that there's an overlay in the Grove that precludes naming of streets as a result of an ordinance in the City of Miami to preclude this very issue.

Chair Sanchez: Well, you could fight that if you want.

Commissioner Sarnoff: I'm not going to fight it. I'm telling you --

Vice Chair Spence-Jones: Okay.

Commissioner Sarnoff: -- you'd be violating the ordinance.

Chair Sanchez: All right.

Vice Chair Spence-Jones: Okay. We had a motion.

Chair Sanchez: Call the question.

Vice Chair Spence-Jones: Okay. But we had a motion -- Madam City Clerk, we had a motion and a second on the item, I think. Did we have an amendment on the item?

Chair Sanchez: No. There's no amendment.

Vice Chair Spence-Jones: Okay. There's no --

Chair Sanchez: It states as the resolution reads.

Vice Chair Spence-Jones: -- okay, so there's no amendment on the item. So had a motion and a second. All in favor?

Chair Sanchez: Aye.

Commissioner Regalado: Aye.

Vice Chair Spence-Jones: Aye. All -- anyone opposed?

Commissioner Sarnoff: Yes.

Vice Chair Spence-Jones: Okay. Let the record reflect that there was one opposition.

Chair Sanchez: Okay. Thank you.

Pamela E. Burns (Assistant City Clerk): We would show then, 3/1, approved, but I thought it may have been modified due to the --

Chair Sanchez: No modifications.

Ms. Burns: -- name of Bayshore Drive versus South Miami.

Vice Chair Spence-Jones: No modifi -- he said --

Chair Sanchez: No modifications.

Vice Chair Spence-Jones: -- cations.

Commissioner Regalado: Yeah, yeah. On the motion, there is a modification.

Chair Sanchez: There is no modification. It's from 7th -- it's 17th Avenue, from US 1 to Bayshore Drive. Maybe it doesn't even touch Bayshore Drive. It's just a portion of Bayshore Drive.

Commissioner Sarnoff: It's not Miami Avenue. It's Bay -- and that's the -- that's another issue. You don't seem to know it well enough, but it's Bayshore Drive to US 1. The street you're naming is 17th. And you will find --

Commissioner Regalado: Because the resolution says South Miami Avenue.

Commissioner Sarnoff: Correct.

Commissioner Regalado: *On the -- read on your -- in the agenda. It says South Mi -- it's wrong. That's why she's asking --*

Chair Sanchez: *Can we hold on?*

Commissioner Sarnoff: *The written resolution is incorrect because you don't even know the streets in the Grove.*

Vice Chair Spence-Jones: *Okay. We're just going to confirm the address.*

Chair Sanchez: *The address is the address that is on the resolution. That's the address that I'm supporting. That's the address that we're voting on.*

Ms. Burns: *And that's South Miami Avenue, as stated in the current legislation?*

Chair Sanchez: *Exactly.*

Ms. Burns: *Thank you.*

Chair Sanchez: *I was -- I stand corrected as to the address.*

"[Later...]"

Chair Sanchez: *Ladies and gentlemen, the City of Miami Commission meeting is back in order. We do have remaining of the PZ (Planning & Zoning) items that we'll take up. We're back. Roll call, we have all the Commissioners, except Commissioner González, who is not feeling well. Hopefully, he'll be here for the budget hearing, which is scheduled at 5:05, here at City Hall. Let's go ahead and continue with the order of the day. I'd like to take an item out of order, which is item RE.5 [sic], just for the clarification of the location, making an amendment to it. I would have somebody make a motion to reconsider, and then we'll --*

Mr. Burns: *I'm sorry, Chair. That was RE.3?*

Chair Sanchez: *Yes, RE.3.*

Vice Chair Spence-Jones: *I'd like to make a motion to reconsider.*

Chair Sanchez: *RE.3.*

Vice Chair Spence-Jones: *I'd like to make a motion to reconsider.*

Chair Sanchez: *There's a motion to --*

Commissioner Regalado: *Second.*

Chair Sanchez: *-- reconsider RE.3. Second has been made by Commissioner Regalado. I will pass the gavel. And this is for clarification. I would like to amend --*

Ms. Burns: *Excuse me, Mr. Chair. We need a vote on the motion to reconsider.*

Chair Sanchez: *All right. All in favor, say "aye."*

The Commission (Collectively): Aye.

Chair Sanchez: *Anyone in opposition, having the same right, say "nay." Motion carries. Pass the gavel. I'd like to make an amendment to that resolution. The resolution reads as follow --*

it's just a clarification of location. A resolution of the City of Miami Commission, with attachments, urging Miami-Dade County to codesignate South Miami Avenue, from Alarka Street north to US 1, Miami, Florida as the "Most Reverend Agustin A. Román Way." And basically, since we are asking the County to codesignate, I can't believe that our City Code Section 54-137 would apply. Madam Attorney, would you elaborate on that?

Julie O. Bru (City Attorney): Mr. Chairman, when we reviewed this resolution for legal sufficiency and correctness, we determined that this is simply a resolution of this board urging the County to undertake certain actions in a road that is county jurisdiction. Therefore, the regulatory scheme that applies within the City of Miami to the City of Miami Commission does not apply to the County. So, to answer your question, it does not apply.

Chair Sanchez: Okay, and the reason why I bring that -- and I'm glad that one of the Commissioners noticed that the section for the City applied -- was the following reason. Whenever we present a resolution or any legislative action, we refer to our staff, and that goes through our Legal Department, who crafts the legal aspect of the resolution or the legislation, and then it is followed through whatever department. In this case, this resolution went to the City Attorney department, they crafted it. It also went to Public Works. They had it there for, I believe, ten days, to be able to identify any mistakes that might have been made in the legislation. Now, we also have an opportunity here -- and I think it's one of the things that we lack here at this Commission, is communication. When we have the opportunity to sit down with different departments and bring out the issues pertaining to these legislations. If this issue would have been identified and brought out to the Attorney, this action would have never been -- have to take place here. So, once again, you know, I am -- I'm a little, I would say, disgusted at the attempt that was made here, both by the departments that did not catch this -- and, you know, rarely do we have the opportunity to present a naming, a codesignation of a person who has really done so much and given so much of his life to this community. And through this whole discussion, I think that we have not only embarrassed ourselves, but I think that really we tainted our professionalism as well as the integrity of this Commission. So based on the amendment now that should not have any problems because basically all we're doing is asking the County to codesignate this street, I would ask that it be supported by all my colleagues in a vote. So therefore, I will make a motion.

Vice Chair Spence-Jones: So we had a motion. Do we have a second?

Commissioner Regalado: Second.

Vice Chair Spence-Jones: All in favor? Any opposed?

Commissioner Sarnoff: Yes, and let me explain why. It still was the intent of the Grove to be held separate from any of the other parts of the City with regard to the naming of their streets. You still have an inaccurate description with regard to your street. It is not South Miami Avenue. It is South Bayshore Drive, but that's -- maybe that is, in and of itself, a descriptor of the lack of knowledge as to the Grove. I just don't think it's appropriate for you to have named the street with such a large footprint on 17th Avenue, which is a historic street in the Grove. It certainly violates the embodiment of the Ordinance 54-137, which protected the Grove from other Commissioners or even the Grove Commissioner, or even the District 2 Commissioner from coming in here and changing names of streets. So, you know, I just want to go clearly on the record that I would have supported had you just named the street directly in front of the church, but you chose not to do that. You chose to name a large swath of the Grove, of 17th. You still don't have the correct easternmost street, but again, I never think debate makes anybody look bad, and I see nothing wrong with debating an issue such as this.

Chair Sanchez: Could I have Public Works come up? Stephanie? Stephanie, I had to get my staff to look at the county to clearly identify the road that Alarka Street, north of that is South Miami Avenue, correct or not correct?

Stephanie Grindell (Director, Public Works): Actually, the name change officially is 336 feet south of Alarka.

Chair Sanchez: All right, so --

Ms. Grindell: That's where South Miami Avenue --

Chair Sanchez: Okay, so -- but my statement --

Ms. Grindell: -- the name starts.

Chair Sanchez: -- would be that that would be South Miami Avenue --

Ms. Grindell: Yes.

Chair Sanchez: -- not South Bayshore Drive?

Ms Grindell: That's correct.

Chair Sanchez: South Bayshore Drive would be --

Ms Grindell: South of there.

Chair Sanchez: -- south of--

Ms. Grindell: Yes.

Chair Sanchez: All right. I'm not going to continue to debate this, so I thank all my colleagues -
-

Vice Chair Spence-Jones: Okay, we --

Chair Sanchez: -- for their support.

Vice Chair Spence-Jones: Okay, who's -- okay, I'm assuming I'm still chairing. So we had a motion and a second, and we voted on it. We had three yeses, and let the record reflect that there was one no.

Ms. Burns: That's correct, and we will show this -- RE.3 as modified.

Chair Sanchez: As modified.

Vice Chair Spence-Jones: Okay.

RE.4 08-01097

***Department of
Employee Relations***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RATIFYING THE MEMORANDUM OF UNDERSTANDING AMENDING ARTICLE 43, SECTION 43.11 OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MIAMI, FLORIDA, AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL-CIO, LOCAL 587, FOR OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2010 TO EXTEND THE SPECIFIC DEADLINE OF SEPTEMBER 30, 2008 FOR 180 DAYS (MARCH 29, 2009).

08-01097 Legislation.pdf
08-01097 Exhibit 1.pdf
08-01097 Summary Form.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0539

Direction by Chair Sanchez to the City Manager to schedule a workshop presentation for the Commission pertaining to the City of Miami's past history and future forecast relating to pensions.

Chair Sanchez: Mr. City Manager, at your request for point of privilege, what was the items that you wanted to take up out of order?

Pedro G. Hernandez (City Manager): Mr. Chairman, if you could take up RE.4 and RE.5, they deal with extensions to MOUs (Memorandums of Understanding) with the Fire and Police Departments reference the development of a stabilizing plan and pension stabilization fund.

Chair Sanchez: All right. All this is an extension of 180 days to give you and the unions an opportunity to continue to negotiate?

Mr. Hernandez: Yes, sir, that's it. And as a matter of fact, the last two days, we've had, I would say, intensive meetings, and even though we don't have a solution, we have options that need to continue to be explored, so it would be very significant to us to be able to have the additional time to continue to work with Fire and Police.

Chair Sanchez: All right. Need a motion.

Commissioner Sarnoff: So move.

Chair Sanchez: There's a motion by Commissioner Sarnoff. Is there a second?

Commissioner Regalado: Second. Discussion.

Chair Sanchez: Second by Commissioner Regalado. Discussion on the item.

Commissioner Regalado: Mr. Manager, we all knew that we have a September 30 deadline, right, for coming up with something to stabilize the pension?

Mr. Hernandez: Yes, sir.

Commissioner Regalado: You know, the stock market's taking a beating on these days and we don't even know what's going to happen this afternoon and tomorrow. Is it not the right policy to try to do it now, as soon as possible, so we can move money from the pension fund from -- and -- because we don't know what the next 180 days are going to bring. I mean, not even, you know, a magician can predict. And I think we should really be concerned that if we don't do this now, when we know that we can do it, we just don't know about the future.

Mr. Hernandez: Commissioner, the economic situation, what's happening in the market the last few days, last week, weighed very heavily on all of us as we sat around the table and discussed the issues. We have some solutions, but those solutions require some legal analysis and additional financial review before we can move forward. Our plan is to bring something back to

the City Commission as soon as we can. We don't plan to wait around the 180 days. We'll continue to meet, as we have this week, to have a solution, but it's not -- we have options that we have to continue to explore. It's viability, but they're not ready today.

Commissioner Regalado: Okay. Can we hear from the union, if we may? Because I think it's important that at least, you and them are -- I mean, everybody understand what is at stake here because of the market. I mean, we are on the threshold of 10,000 now, after being at 12,000. And you know, every mutual fund is -- has taken a beating very heavily, so my concern is if we don't do it now, do we know what impact would that be on the solution that you brought several months ago?

Armando Aguilar: Good morning, Commissioners. Armando Aguilar, president, Miami Fraternal Order of Police, 710 Southwest 12th Avenue. I'm a little bit concerned with the fact that we ratified this contract in April '07 and we've only met a handful of times on this issue, two of those times being this week. Now, at the eleventh hour, we're trying to rush this through. The City did make some proposals, we're going over them. And as the Manager said, we're trying to work to get this accomplished. My opinion, it should have been done a long time ago when the market was doing a lot better, but I'm still optimistic that we can come to some kind of resolution quickly.

Commissioner Regalado: Okay. Thank you.

Chair Sanchez: Any questions? Mr. Aguilar, do you foresee us coming to some type of an agreement on the pension stabilization within the next 180 days?

Mr. Aguilar: Well, sir, that's hard to say. And the reason I say it's hard to say is because depending on what options we take, there might be some legal issues that we have to address. And being that we have Christmas coming up, that we have to do -- get -- we have to get ourselves in the agenda of a judge to resolve a couple of legal issues that have to be ironed out before we can ratify this agreement. So 180 days might just barely make it.

Chair Sanchez: All right. Mr. City Manager, my question to you is, do you believe that -- and this question is really to both of you -- both sides are acting in good faith to try to come to a -- an understanding as to the crisis that we face not only in our nation but in our local governments as to the increasing cost and pension cost to our taxpayers?

Mr. Hernandez: Mr. Chairman, Commissioners, I think that the last couple of days we had very, very good meetings. Both sides were open-minded. I think that we all realize the severity of the issue that we're dealing with; that if we don't address the issue of the pensions properly, it will have a, I would say, tragic impact on the City of Miami. So it's that serious, and I think that both sides realize it, and we're being very open in looking at solutions, and we -- I would like to be able to give you a progress report, hopefully, within the next 60 days or so, on what we're working on.

Chair Sanchez: All right. You believe that the City's acting in good faith?

Mr. Aguilar: I believe we still have to iron out a lot of things. I know they have the best interest -

Chair Sanchez: No, no. Do you believe the City is acting in good faith? He just stated that you're acting in good faith.

Mr. Aguilar: I think we still have to work some things out before I could answer that. I don't agree with some of the things they're proposing and the way it's being proposed.

Chair Sanchez: All right. Well, at the end of the day, if you guys can't come to an agreement,

then the -- you know, it boils down to this legislative body to solve those issues that affect us. I know that, based on contractual agreement, they have to be negotiated by both sides. I've been there. I have been a part of contract negotiations, but I could tell you that both sides need to understand that, you know, just today, being it's a gloomy day out there, it's a gloomy day for this great nation of ours, and really, when it affects us, it affects the entire world as to the financial crisis that we're all in. So I'm hoping that with 120 days, you'll be able to somehow come to some agreement. If not, I think maybe a little bit more time may allow for you to come to an agreement, something that we could all accept here at this dais.

Mr. Hernandez: Mr. Chairman, we have a reality that we have to deal with. We have a crisis that is nationwide. Our revenues at the local level will not be growing. We have to be very careful in identifying maybe new revenue streams, but they're not plentiful. At the same time, pension costs are spiraling and could be spiraling out of control, as a result of what's happening in the market. And simple math will tell you, we cannot afford that, period. And I know the unions are aware of that. They're being open-minded and we hope to bring back solutions that are realistic.

Commissioner Sarnoff: Mr. Manager -- I'm sorry, Mr. Chair.

Chair Sanchez: No, go ahead. You're recognized for the record, Commissioner Sarnoff.

Commissioner Sarnoff: Are we at a point in time where, moving forward with new hirees, that it's time to consider that cities, maybe such as our own, cannot afford to fund benefits programs, and that many employees have to act like the private sector and allow the market conditions to affect them in their 401(k)s, and maybe waking up today, they have 201ks, and maybe waking up tomorrow, they have one-and-a-half-oh-one ks? But my question to you is, even the concept of pensions in general, can they be afforded into the future when cities' revenue streams continue to diminish? And my understanding is for every point drop in the market, that has an end result on the cost to the city on what it will cost us to fund the shortfall in the projection for the revenue for -- to pay the pensions.

Mr. Hernandez: Commissioner, I think that the unions, they need to have a plan, or we're obliged to provide a plan. It doesn't have to be exactly the same plan they have today. Prospectively, we could be looking at different plans for new employees, if we're forced to do that, which will have a long-term, I think, beneficial impact to the City. It's very difficult, yes. Every time that the market goes down, yes, it has an impact in the following year's contribution by the City. And we were discussing even an idea, a concept, at this point, just a concept, where both parties, in essence, share in the pain of assuming payments that exceed a certain threshold. And we had never, you know, gone into that area before, where I'm now facing that and that was presented to the unions yesterday, and they do recognize the situation.

Mr. Aguilar: Commissioner, this is -- one of the ideas behind this is to be able to stabilize the pension cost. Had the City done this years ago, which we suggested it, you wouldn't be in this mess that you are right now because, historically, it's been way below 37 percent of payroll. But unfortunately, we try to do things in the eleventh hour, and at the end of the day, you will have some bad years and you'll have some good years. But by stabilizing the pension costs, you'll be able to at least estimate what it is you're going to pay in any given year, and that's what we're trying to accomplish here. We don't want to kill the goose that laid the golden egg, but at the same time, I don't agree with our employees having to give more and more, when I think we came up with a viable solution. Obviously, that's a matter of us agreeing on, but I think we've gone above and beyond, and I don't agree with taking it off the backs of the employee, which is always the City's solution at the end of the day.

Commissioner Sarnoff: But I don't know -- my question is, I don't know what backs are left of the taxpayers. I --

Mr. Aguilar: Well --

Commissioner Sarnoff: -- mean, inevitably -- let me just give you my thought and you're welcome to respond however you'd like. I don't know how much more you can put on the backs of the taxpayers. I don't know at what point we shouldn't just hand you the gavel and have a police department, a fire department, and if you have anything left over, sanitation. Because, inevitably, that's where we're going to get to. With -- I saw the projections for next year. This year's budget's tough. Next year budget is a backbreaker, and I don't think they factored in what I think will be -- well, I shouldn't make my predictions 'cause it could very well be a 20 percent further reduction in the stock market. Could be.

Mr. Aguilar: Absolutely. I mean -- and we don't know what's going to happen, but that's one of the reasons we're trying to stabilize the pension cost and it will be a significant difference from what you've been paying. I don't want to get into the details of what's been put on the table, but I can assure you that the employees do recognize that this is something that has to be done and we have offered the City some things that I think are more than extravagant, but I'm not going to do it by cutting salaries or by hurting retirees. That's one thing that I will never agree to.

Commissioner Sarnoff: No. I don't think -- and I don't think anybody here suggested that. I think somebody --

Mr. Aguilar: Yes, they have.

Commissioner Sarnoff: Okay. Well, I'm not privy to the negotiations nor should I be privy to the negotiations. My question was a little different. And my question is right after you see the apocalypse, which to me, was this week, and may continue, and you try to look for the sunrise, and that means a new day, is -- do you foresee a new day where pensions are no longer pensions, are no longer defined benefit programs, but they become more attuned to a 401(k)?

Mr. Aguilar: Well, actually, studies have been done on that, and they're actually reversing their opinion on businesses and cities that have gone to 401(k), where it's now actually costing them more. I think history has a way of repeating themselves [sic], and historically, we have done very well with our pension and with our investments. As I said, had we done this in the past, we wouldn't be in this mess right now. There are years where you paid a million dollars into the pension, which is peanuts in comparison to what you're paying now. Had you had a stabilization before, you'd have a ton of money saved up, but the City never saved for a rainy day and always does things in a desperate manner at the end of the day, when things get bad.

Commissioner Sarnoff: And I -- when you say "we took the money," if I recall correctly, that was late '80s?

Mr. Aguilar: Correct.

Commissioner Sarnoff: So I don't think anybody was sitting up here in the '80s.

Mr. Aguilar: No, no.

Commissioner Sarnoff: So at what point in time do we move forward from what happened in the '80s? At what point in time do we come to the reality check that there's no more money?

Mr. Aguilar: Well, if the City would have had to pay the money that was owed to us in the '80s - - once we had to sue the City because they were actually taking the money and using it in your general fund. Had we charged the City at that time for what they owed, the City would have been bankrupt. So again, we decided to forgive the City a substantial amount of money in order to keep both the City going and the pension going. And now we are trying to stabilize the cost. One more time, trying to get something that is not only helpful to the officers and the firefighters,

but to the taxpayers, but there's got to be an even keel somewhere along the line.

Commissioner Sarnoff: Well, it's like Commissioner Sanchez said, you might have to come in front of this Board.

Chair Sanchez: Commissioner Regalado, you're recognized for --

Commissioner Regalado: Yes.

Chair Sanchez: -- the record, sir.

Commissioner Regalado: Thank you, Mr. Chairman. I mean, it's always been the policy of this Board to say, well, we have to move on and we have to just turn the page. But you just mentioned something, and you just mentioned something that goes back to the '80s, and the City has not been able to learn from the mistakes that were made by other people. We shared that mistake because we follow in their footsteps, but my point has been that, you know -- and what is happening in the stock market is nothing new. It's cycle -- it's a new cycle, and it will come back. Because after 9/11, what we saw was the biggest drop in the market and then it came back up to 12,000, and I -- maybe I agree with you that it could go down 20 percent. I have been following the news so much. But my point, Mr. Manager, is that we need to understand what are the priorities. And you know, had six month ago you met every day with them, maybe we wouldn't be in this situation. Maybe we wouldn't. It didn't postpone -- you cannot postpone a crisis because it'll always be there. And I just wish that we can -- you can bring something really quick without the need of taking an action that then we all regret because what we done in approving new contracts -- and we understood that that was an increase in the budget is to try to have better services for the residents of Miami, which is the only goal that we should achieve and want. So I just hope that at least you can resolve this situation because, you know, you don't want to have one day the meeting that they're having this afternoon in the White House. You know, it's either you do it tomorrow or it goes down everything. And you know, I know that you have too many things, and the mega plan, and capital improvement, and all that, but this is a priority. This is the future. This is the budget for the next ten years, and I just hope that you focus on this issue and at least try to resolve the things that are not resolved.

Mr. Hernandez: Commissioner, I agree, but you know, up to now, we really haven't had any substantial solutions. All that we have had is different ways of measuring things, different methodologies to show results in a different way, and it's like gambling with the City's future. And I wasn't about to enter into something that would be like going to Vegas. I couldn't do that for the City, so we're looking together for more solid solutions that we can see in black and white.

Chair Sanchez: All right. Need a motion on the 80-day [sic] extension. Is there a motion for the 80-day -- 180-day extension?

Commissioner Sarnoff: I think I made it.

Pamela E. Burns (Assistant City Clerk): Excuse me. Mr. Chair, we have a motion and a second on RE.4.

Chair Sanchez: All right. I do apologize. Could you state for the record who made the motion and who second it?

Ms. Burns: We show a motion by Commissioner Sarnoff, a second by Commissioner Regalado.

Chair Sanchez: All right. No further discussion on the item. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Mr. City Manager, the Chair is going to request that you and your staff put together a workshop for this Commission pertaining to the pension. I think it's paramount that each Commissioner up here understand where we're at and where we're heading with the pension. So through your office, go ahead and schedule a workshop, a presentation as to future forecast and projections of the budget. You select a date, get with all the Commissioners, see when they're available, and let's have a workshop as to the pensions of the City of Miami, a complete history, okay, so everybody knows -- is aware of what has happened in the past and where we're heading into the future, okay?

Mr. Hernandez: Okay, Mr. Chairman.

RE.5 08-01098

*Department of
Employee Relations*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RATIFYING THE MEMORANDUM OF UNDERSTANDING AMENDING SECTION 44 OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MIAMI, FLORIDA, AND THE FRATERNAL ORDER OF POLICE, LODGE 20, FOR OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2010, TO EXTEND THE DEADLINE OF SEPTEMBER 30, 2008 FOR 180 DAYS (MARCH 29, 2009).

08-01098 Legislation.pdf

08-01098 Exhibit 1.pdf

08-01098 Summary Form.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0540

Chair Sanchez: All right. Moving on to RE.5.

Armando Aguilar: Sir? Oh.

Chair Sanchez: RE.5, is there a motion for RE.5?

Commissioner Sarnoff: So move.

Chair Sanchez: There's a motion. Is there a second?

Commissioner Regalado: Second.

Chair Sanchez: Motion has been made by Commissioner Sarnoff, second by Commissioner Regalado. No further discussion on the item. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." RE.5 has been approved, 4/0.

Mr. Aguilar: Thank you, sir.

RE.6 08-01100**RESOLUTION**

*Department of
Public Facilities*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH HYATT EQUITIES, LLC ("HYATT"), TO PROVIDE AUTHORIZATION FOR HYATT TO PROCEED WITH THE ENGINEERING AND DESIGN ("PHASE I") OF THE REPLACEMENT OF THREE CENTRIFUGAL CHILLS, A COOLING TOWER AND ASSOCIATED EQUIPMENT AT THE MIAMI CONVENTION CENTER ("CENTER") LOCATED AT 400 SOUTHEAST 2 AVENUE, MIAMI, FLORIDA; SAID AGREEMENT FURTHER PROVIDES THAT IN THE EVENT THE CITY OF MIAMI ("CITY") AND HYATT DO NOT EXECUTE AN AMENDMENT TO THE HYATT LEASE TO EXPAND THE HYATT LEASE AREA TO INCLUDE THE AREAS CURRENTLY UTILIZED BY THE CITY AND THE UNIVERSITY OF MIAMI, OR ENTER INTO A MANAGEMENT AGREEMENT, ON OR BEFORE JUNE 30, 2009, THE COST OF PHASE I SHALL BE SPLIT BETWEEN THE CITY AND HYATT, EACH PAYING 50% OF THE COST, PROVIDED THAT THE CITY'S CONTRIBUTION FOR REIMBURSEMENT WILL NOT EXCEED \$100,000; ALLOCATING FUNDS FROM THE 2009 RENTAL REVENUES TO BE PAID BY HYATT TO THE CITY; WITH TERMS AND CONDITIONS AS MORE PARTICULARLY SET FORTH IN SAID LETTER AGREEMENT.

08-01100 Legislation.pdf

08-01100 Exhibit 1.pdf

08-01100 Summary Form.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

R-08-0542

Chair Sanchez: All right. We move on. Next item on the agenda. RE.4, we voted on. RE.5.

Vice Chair Spence-Jones: We voted on.

Chair Sanchez: RE.6, Department of Public Facilities.

Laura Billberry (Director): Lori Billberry, Public Facilities. This is a resolution authorizing execution of a letter agreement with the Hyatt to provide authorization for the Hyatt to do the engineering and design for the replacement of three centrifugal chillers, a cooling tower, and associated equipment at the Miami Convention Center. Our lease with the Hyatt requires the City to provide working chiller and related equipment, and the existing equipment is approximately 26 years old and at the end of its useful lives -- life. In accordance with the lease, the cost of these improvements are to be shared 50/50 between the Hyatt and the City. As part of a proposed negotiations with Hyatt, although incomplete, they are agreeing to take on a hundred percent of these costs. However, given that our negotiations are incomplete, they are willing to pay a hundred percent of the design at this time, and the City would only reimburse Hyatt if we're unable to execute an agreement by June 30, '09, to be effective January 1, 2010, for the expansion of the Hyatt's area. The total estimated cost of this design work is about \$200,000, and the overall chiller replacement is about two and a half million, of which we would be responsible for 50 percent in the future.

Commissioner Sarnoff: So move.

Chair Sanchez: All right. There's a motion on RE.6. Need a second.

Commissioner Regalado: *Second.*

Chair Sanchez: *Second. It is a resolution, requiring no public input. All in favor, say "aye."*

The Commission (Collectively): *Aye.*

Chair Sanchez: *Anyone in opposition, having the same right, say "nay." Motion carries. That was RE.6.*

RE.7 08-01064

*Office of the City
Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY RYAN CHRISTOPHER FLETCHER, HENRY HARRIS, AND CHARLES WILLIAMS WITHOUT ADMISSION OF LIABILITY, THE TOTAL SUM OF \$51,000 IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, IN THE CASE OF RYAN CHRISTOPHER FLETCHER, ET AL., VS. CITY OF MIAMI, ET AL., IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO. 07-22954-CIV-ALTONAGA, UPON EXECUTING GENERAL RELEASES OF THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS AND DEMANDS; ALLOCATING FUNDS FROM THE SELF-INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 05002.301001.545000.0000.00000.

08-01064 Legislation.pdf

08-01064 Cover Memo.pdf

08-01064 Budget Signoff.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado
Absent: 2 - Commissioner González and Spence-Jones

R-08-0543

Chair Sanchez: *We move on to RE.7. RE.7 is from the Office of --*

Julie O. Bru (City Attorney): *Mr. Chairman, RE.7 is the --*

Chair Sanchez: *-- the City Attorney, a settlement.*

Ms. Bru: *-- it's a resolution requesting authority to settle a claim in the amount of \$51,000. This is a civil rights case. It is against the City of Miami and seven individual police officers. The claims arise out of an arrest that took place on November 15, 2003 that was during the FTAA (Free Trade Area of the Americas) event. It involves three plaintiffs. They were charged with -- arrested for obstructing the sidewalk. The allegation is that instead they were taken to the police department and questioned by the FBI (Federal Bureau of Investigation) for six hours with respect to their political affiliations. Therefore, they're claiming violation of the First Amendment, Fourth Amendment. The settlement amount takes into consideration the fact that the plaintiffs would be able to recover attorneys' fees if they prevail on their false arrest claim under Section 1983, and I anticipate that those fees could be in the range of 75,000 to \$100,000. Therefore, we're recommending settlement in this matter.*

Commissioner Sarnoff: *So moved.*

Chair Sanchez: All right. Is there a motion?

Commissioner Regalado: Second.

Chair Sanchez: Is there a motion?

Commissioner Sarnoff: So moved.

Chair Sanchez: Motion is made by Commissioner Sarnoff, second by Commissioner Regalado. RE.7, it's a resolution. It is a settlement for 51,000 in full and complete settlement. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

RE.8 08-01078

*Office of the City
Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY JESUS PICHARDO, WITHOUT ADMISSION OF LIABILITY, THE TOTAL SUM OF \$72,500 IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, IN THE CASE OF JESUS PICHARDO VS. CITY OF MIAMI, IN THE CIRCUIT COURT IN AND FOR MIAMI-DADE COUNTY, CASE NO. 07-37967 CA (31), UPON EXECUTING A GENERAL RELEASE OF THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS AND DEMANDS; ALLOCATING FUNDS FROM THE SELF-INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 05002.301001.545000.0000.00000.

08-01078 Legislation.pdf

08-01078 Cover Memo.pdf

08-01078 Budget Signoff.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Regalado

Absent: 2 - Commissioner González and Spence-Jones

R-08-0544

Chair Sanchez: RE.8.

Julie O. Bru (City Attorney): RE.8, Mr. Chairman, is also a settlement. We're recommending a settlement in this case in the amount of \$72,500. This is a state tort law claim. This is an automobile collision involving a police officer. With respect to liability, the officer did not object to a finding that this accident was preventable, and he was fined 90 days suspension of his take-home vehicle. This is your typical eggshell plaintiff case. This individual ended up in the hospital with complications which resulted in a 28-day hospitalization at Jackson Memorial Hospital. His medical out-of-pocket expenses exceed \$100,000, and therefore, we're recommending a settlement in the amount of \$72,500.

Commissioner Sarnoff: So moved.

Chair Sanchez: All right. RE.8, there's a motion by Commissioner Sarnoff, second by -- need a

second.

Commissioner Regalado: Yeah, second.

Chair Sanchez: You second it?

Commissioner Regalado: Yeah.

Chair Sanchez: All right, second by Commissioner Regalado. Discussion on the item? Hearing no discussion on RE.8, it is a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

RE.9 08-01096

***Office of
Sustainable
Initiatives***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE RECOMMENDATIONS OF MIPLAN, THE CITY OF MIAMI ("CITY") CLIMATE ACTION PLAN, ATTACHED AND INCORPORATED, DESCRIBING THE TARGET REDUCTIONS OF GREENHOUSE GAS EMISSIONS OF 25% BELOW 2007 LEVELS BY 2015 FOR CITY GOVERNMENT, TARGET REDUCTIONS OF 25% BELOW 2006 LEVELS BY 2020 CITYWIDE, AND RECOMMENDING ACTIONS TO ACHIEVE SAID REDUCTIONS; FURTHER DIRECTING THE CITY MANAGER TO IDENTIFY APPROPRIATE RESOURCES AMONG CITY DEPARTMENTS AND AGENCIES TO ENSURE THE PROMPT AND SUCCESSFUL IMPLEMENTATION OF MIPLAN, AS MAY BE AMENDED FROM TIME TO TIME.

08-01096 Legislation.pdf

08-01096 Exhibit1.pdf

08-01096 Summary Form.pdf

08-01096-PowerPoint Presentation-Robert Ruano.pptx

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones

Absent: 1 - Commissioner González

R-08-0545

Chair Sanchez: RE.9. RE.9, this is the sustainable initiative.

Robert Ruano (Director, Grants & Sustainable Initiatives): Yes.

Chair Sanchez: All right. How long is this presentation going to be?

Mr. Ruano: It's very quick.

Chair Sanchez: Okay.

Mr. Ruano: Two minutes tops.

Chair Sanchez: Recognized for the record on RE.9.

Mr. Ruano: Thank you. Commissioners, Robert Ruano, director of Grants and Sustainable

Initiatives. The resolution before you is to adopt the recommendation of MiPlan, the City of Miami's climate action plan. As you may recall last year, you passed a resolution to -- supporting the US Mayors' Climate Protection Agreement, and in that resolution, it required the City to come up with a climate action plan, and these are the results. The plan is an effort to reduce greenhouse gas emissions for the City of Miami. We followed the ICLEI (International Council for Local Environmental Initiatives) template. It's an organization -- international organization for sustainability that works with local governments. The participants involved in creating the plan were the Green Commission subcommittee, a committee called the Climate Action Committee. We had employees represented from every City department, which met about approximately five times. We also worked with City department directors and sent them -- sent this plan to everybody for recommendations and changes. We also hired a private consultant that worked with Governor Mitt Romney in Massachusetts, who's an expert on sustainability and energy. The reason why we're here -- and if you look at the slide, if you look at the world, the hotspots basically are the red. If you look -- the vulnerability, the sea level rise. If you look at Miami, obviously, or the tip of South Florida, we are only, in some cases, two feet above sea level, which obviously makes us most at risk. In Florida itself, South Florida is the region most at risk. So, it shows that we definitely need to lead by example and make a difference. This is an example of Miami, with just a four -- downtown Miami, with just a 4-foot rise in sea level, and this is obviously just the flooding consequence, but obviously, there's going to be saltwater intrusion issues and a number of other issues that are associated with climate change. We -- for the purpose of this plan, we surveyed, inventoried our emissions. If you look for citywide emissions, electricity was -- we lost --

Pamela E. Burns (Assistant City Clerk): I'm sorry. We've lost quorum.

Commissioner Sarnoff: Could we go back to where the flooding in the streets were? That looked good.

Mr. Ruano: That looked good?

Mayor Manuel A. Diaz: Did you see your house?

Commissioner Sarnoff: 'Cause I -- no. I wanted to find out that building that wasn't flooded 'cause I may just think about --

Commissioner Regalado: Look, again --

Commissioner Sarnoff: -- to see where the new water pump was.

Commissioner Regalado: -- District 2. You have a problem, man.

Commissioner Sarnoff: You guys keep taxing us. You keep taking things away. Now you want to flood us.

Commissioner Regalado: And then flooding. And I thought that Flagami -- I mean, Flagami floods without, you know, the North Pole issue, floods already. So I think that we need to cut more of the emissions to save Flagami, you know.

Mayor Diaz: Okay, Robert.

Commissioner Regalado: No quorum.

Mayor Diaz: You have a quorum.

Mr. Ruano: Continue? Oh.

Chair Sanchez: All right. We have a quorum. We're back in order.

Mr. Ruano: All right. Continuing, this is the inventory that we did of the citywide emissions by source. You see electricity being the biggest emitter at 52 percent; gasoline, at 34 percent, and those are the issues -- those are the areas where we'll get, essentially, the best bang for our buck if we target those areas, and that's what the plan will do. You look, diesel, six percent, and other fossil fuels at five. And then government emissions by source, electricity -- following the same kind of trend -- at 54 percent, and 37 percent for gasoline, with diesel at 8 percent. Our goal is to reduce 25 percent -- reduce our emissions 25 percent of 2006 levels by 2020, and if we were to stay the course, essentially, our emissions are on the left, where the four is, going off to the right -- if we stayed the course of what we're doing now, we would essentially be going all the way up on the right there. And if you see down where it curves down, at 2020, that's what our plan is. Obviously, as you see, the major reductions will be in buildings reductions and transportation reduction. For buildings, we have a number of initiatives, or goals, in buildings. The first being existing government buildings, looking at our buildings -- looking at how they're operating first, doing energy audits for those buildings, and then doing energy retrofits. Existing private buildings citywide will always -- also be a concern. We have a number of draft ordinances already in the works and some other initiatives to work with private developers to build green and look at green renovations in their buildings. New buildings that are being constructed also will be a big concern to make sure that they're green buildings. We also want to form an alliance to address energy efficiency. Right now, the City of Miami emits -- or uses about one percent of the electricity in Miami-Dade County. We've already talked to a couple of entities, but just for example, if we were to team up with the University of Miami and Miami-Dade County, we would have quite a big block, about 15 percent of the energy consumption, in which case, we could go to the Florida Power and Light or the Public Service Commission to get leverage and maybe change some rules that are currently limiting the use of renewables. We want to work on the heat island effect by promoting and, hopefully, requiring white roofs or light-colored asphalt.

Commissioner Sarnoff: Can -- for the people --

Mr. Ruano: Sorry.

Commissioner Sarnoff: -- that don't know what the heat island effect is --

Mr. Ruano: I'm sorry.

Commissioner Sarnoff: -- can you tell us what it is?

Mr. Ruano: Yeah. Essentially, with -- obviously, if you have a darker surface, it's going to absorb the heat during the day, release it at night, obviously, make the area around it a lot hotter. And that's why, you know, in industrial areas, you're typically a lot hotter than in a neighborhood, where you have a lot of trees and a lot of foliage.

Chair Sanchez: Hasn't Chicago passed legislation where you can't have the black-top roofs?

Mr. Ruano: Yes, sir. It's -- it passed quite a few years ago. For any new renovations, they cannot put a black tar roof.

Commissioner Sarnoff: And also, black top has now been replaced by green top, by red top, and I believe they have a 20- to 30-percent reduction in the heat. But I think what the viewers need to hear is -- I noticed it about 6 to 7 o'clock at night. Do you ever notice at 5 o'clock it's actually cooler, there may be more of a breeze, but come 7 -- about 7 o'clock, you start it feeling getting hot. What's happening is the ground, and especially the black top, is releasing the heat because the air has cooled sufficiently that the exchange is occurring and you're in the middle of it, so you're in that little mini sauna between 7, 8 o'clock here in Miami, and that's what you want to

do away with, which is that heat island.

Mr. Ruano: Yes. And it has an added benefit. A lot of these roofs are also very insulated, so they have an added benefit of making the AC (Air Conditioning) in the building work less or -- and not as hard. Around energy, we are going to be looking at distributor generation, essentially, looking at other ways to produce power and not just relying on the grid. We'll be promoting renewable energy sources, such as photovoltaic or a, I think, low-hanging fruit, which is solar hot water. And then we will be working with our utilities -- and that's why the alliance is part of it -- to make sure that the emissions that they produce continually get greener and greener and not have things such as coal. On transportation, which is also a very big initiative, we'll be working to promote alternative transportation, essentially, mass transit, bicycling, walking, so that people are not getting in their cars every time they have to do short trips. For City operations, particularly, promoting telecommuting, compressed workweeks and flexible hours, which are also issues that are -- that the Commissioners -- many Commissioners have brought up. Higher fuel efficiency in vehicles, which is already -- an example of that is the green fleet ordinance that was passed earlier this year. I'm happy to say that the City has already started to do -- already in the process of converting a lot of its vehicles and saving a lot of fuel, and in some cases, a lot of dollars in the process. Alternative fuels, the City is already -- GSA (General Services Administration) is already at B10 -- I'm sorry, biodiesel -- a 10 percent blend of biodiesel; is looking to increase that to B20 in the next several months, and increase it over the year. And then, obviously, we have to do education and outreach with this initiative. The land use section refers to promoting mixed use, and particularly, development around mass transit so that people don't have to get in their car for short trips, and also, making cities more walkable. Adaptation -- the adaptation section is essentially beginning the process of planning for climate change impacts. The plan is based on mitigation, basically, reducing the effects. Further on in several years, we need to start talking about adaptation, what is going to happen when there is a sea level rise, when there's increased hurricanes. That's a discussion that we need to have in the next several years. And with that, concludes my presentation. I believe the Mayor wanted to say a few words.

Chair Sanchez: Mr. Mayor, you're recognized for the record.

Mayor Diaz: Thank you, Mr. Chairman. I just really wanted to congratulate Robert and his entire staff, and the Green Commission and your leadership as the chairman of that Commission, Commissioner Sarnoff's staff, and all the City departments that have worked and embraced this -- MiPlan, my plan, which is, I think, pretty historic, I think, for our City. One of the things that Robert didn't mention is that we -- we've been able to inventory our greenhouse gas emissions at the moment. And for your information, they currently exceed 4.8 million metric tons. And if we do nothing, that'll become 5.7 million metric tons by the year 2020, and Commissioner, your house and mine will both be underwater, in District 2, not District 5.

Commissioner Sarnoff: I think you're first, though, so I'll have the waterfront property first.

Mayor Diaz: District 5 has a moat around it, so there won't be any flooding in District 5, but -- and so --

Vice Chair Spence-Jones: One good thing, huh?

Mayor Diaz: -- I -- and the goals that have been set are realistic goals, and if -- and, obviously, this is an evolving document. This is not something that we're going to vote on today, and obviously, never look at again. This is something that we will need to continuously, with your leadership, working with our staff, continue to develop ways in which we can achieve these goals, and I think it sets a good example. It's interesting -- also, for your information, the Greater Miami has lower greenhouse gas emissions per capita than any other urban area in Florida and less than two-thirds of the hundred top largest metropolitan areas in the country, so we're not doing bad to begin with, but of course, all of you know we need to do better. And in

the case of Miami in particular -- because I will tell you -- and Commissioner, I'm sure you've seen this on some of your trips, perhaps -- the rest of the word is looking at what we're doing. Because all you have you to do is look at that map and realize that we're ground zero for climate change. And so, whether it's England or Germany or other cities in America, they're looking because, naturally, Miami should be a leader in this effort because we're most at risk. So with this today, I think we begin a very good process and it puts us in a leadership position in fighting global climate change. Thank you.

Chair Sanchez: All right. Commissioner Sarnoff, you're recognized for the record.

Commissioner Sarnoff: Yeah. Mr. Mayor, there's a certain irony. And I heard this, and I don't know if you could verify it, but Los Angeles received accolades for their greenhouse emissions. And you would think, everybody commuting to LA (Los Angeles), how could they ever do that? It turns out, they don't use AC. Now why do I mention that? I don't think we'll ever get off AC, so I think we're always going to be an air conditioned city, but we have to work in every way possible to reduce our commuting because it's a given that we're going to have buildings that are refrigerated one way or another, and how we can make them more efficient, you know, I give Robert a lot of credit, and we need to work towards that. But I have two other issues I'd like to discuss. Have we considered new hires, people, that will be hired in the City of Miami that they actually live within the City of Miami to reduce their commuting so that we don't have a great many people coming from Miramar or coming from Broward County -- and I know a few coming from Palm Beach County. Is there any type of incentive package or have we -- do we create a criteria that rates people so that living in the City of Miami is a plus, so that we are hiring people within the City, Mr. Manager?

Pedro G. Hernandez (City Manager): Commissioner, I don't think that we have considered it to that degree to this point, to actually make it part of the criteria in the selection process. We haven't.

Commissioner Sarnoff: I think it's something we should consider. 'Cause if you're looking for quick fixes -- and I'm not trying to say you need to reduce or you're going to hurt your qualification of the person. You know, obviously, if you have a more qualified person, you need that person, I understand. But it should be part of our criteria because, if you think about it, it's green immediately. Immediately, you've reduced a 30-, 50-mile commute to a 5-, 10-mile commute, and I could also sell you on the concept -- and we can also move them into a nice condominium unit in District 2, or any other district, and their commute is significantly reduced. The other issue I wanted to bring up, and it's more for -- to curiosity's sake. Recently, Mr. Mayor, we had Florida Department of Transportation redoing Biscayne Boulevard, and I think the Manager knows we're about to do North Bayshore Drive, and we're getting a number of e-mails (electronic), why don't we have bike paths there. What we had were citizens deciding many years ago, before me, and maybe even before the Mayor, they decided they wanted wider sidewalks. But when you take a wider sidewalk, you no longer have the opportunity for a bike path. So, certainly, Biscayne Boulevard, which is more than on its way to being completed, we're not going to have bike paths going up and down Biscayne Boulevard, and maybe that wasn't the right place. North Bayshore Drive, we've now, I think, as of yesterday, decided we're not going to, unfortunately, have bike paths, because, again, another issue of room. I think, and I, you know, kind of applaud the Mayor on this, we are looking for the right streets to put bike paths in. This is a very bikeable city for seven or eight months a year. I mean, say what you want. I drive a Smart Car. Other Commissioners drive cars that are fuel efficient. There's nothing like elbow grease, and there's nothing like leg power, whether it's walking or whether it's on a bicycle, and we can do it here very readily, certainly, six months of the year, and I don't think -- we could almost wear the suits that we're in. The other six months of the year, okay. You come here in something of a petrol-propelled vehicle, one way or another. But I just -- I think we need to look for every opportunity we can and understand that some people made some choices because I know that some people have been criticized, why isn't there a bike path on Biscayne Boulevard? And that's because the citizens chose years ago -- and I don't know if this

is before any of you here -- but they chose to have the wider sidewalk and not have the bike path. Now, that certainly leaves us with the opportunity for Northwest 2nd Avenue, which I think has an excellent opportunity for a bike path, and maybe even be safer for bikers. But I wanted to bring that up, and I certainly applaud Robert, the Mayor, the City Manager's efforts, and I hope we go after some of the low-hanging fruit, Mr. Manager, 'cause I think some of the low-hanging fruit is the hiring of people who live in the City of Miami, whenever and wherever possible. Thank you.

Chair Sanchez: Commissioner Regalado.

Mr. Ruano: I just -- if I could address that. The latest -- and that's something that has also been going on, probably, for the last five months. We have a Bicycle Action Committee under the direction of the Mayor, and it's a subcommittee of the Green Commission. The latest map that we have, actually -- and you're right about Biscayne Boulevard. We've actually -- and I think Capital Improvements has already started designing certain segments around Northeast 2nd Avenue, so it goes -- it's parallel --

Commissioner Sarnoff: Right.

Mr. Ruano: -- and it'll go all the way up. So we are making amends from our past, I guess.

Commissioner Sarnoff: I just wanted everybody also to know that it wasn't anybody in the City that chose not to put the bike paths on -- it's a Florida Department of Transportation road. But a lot of people said, why didn't you put -- you're redoing F -- you're redoing Biscayne, why didn't you put bike paths on there? And my understanding, and I think the Mayor's will be, because they chose the wider sidewalks.

Mayor Diaz: Yeah. And I think on 2nd Avenue, if I'm not mistaken, we are working to get bike paths included in the new 2nd Avenue plan. We've been able to successfully get FDOT (Florida Department of Transportation) to change their plans on Coral Way and add bike lanes. South Miami Avenue, you guys were discussing a little while ago, to me, is a classic, beautifully done street that accommodates cars and accommodates bike paths. Our biggest challenge, quite frankly, certainly since I got here, and again, Pete, this is no offense to you, but it's the struggle against engineers and traffic engineers, public works, our own Public Works, the County's public works, and that's really where we all have to come together because the mentality has been, the training for years has been that it's all about cars and it's how you get a car from Point A to Point B and no one else need worry about having access to a street. If we can change that mentality, that's a paradigm shift in the way urban planning will be done in Miami. And to their credit so far, I will tell you, in the years that I've been here, there has been a huge improvement in the way that FDOT and some of our traffic engineers, civil engineers have been looking at creating urban, livable neighborhoods and streets, so progress has been made.

Chair Sanchez: Commissioner Regalado, you're recognized for the record.

Commissioner Regalado: Thank you, Mr. Chairman, and thank you, Robert, and thank you for the briefing. We -- it was very interesting and there was a good exchange of thoughts. I do want to say, number one, Mr. Manager, that on -- I have been reading in the Neighbors that you have -- are proposing a bike path for Coral Way, and some of the residents of the buildings and the businesspeople in the area that we represent are concerned because they think that they going to take away parking from them, what happened in 27th Avenue with the island. And we need to -- before we do something, we need to consult because, you know, the main issue in Coral Way with the business and the residents on the building, it's parking. So I don't know -- I have not been inform of anything that you're trying to do, but since we serve from 17 to 37th Avenue, we have gotten several questions that we are not able to answer.

Mr. Hernandez: Commissioner, this is a project by the FDOT that, when we reviewed their

initial typical section, their plans, we noted that the bike lanes could be added without impacting the present parking that you have there. It goes from Five Points towards downtown -- Right, Robert? -- in that direction. So since they're -- the goal here is that --

Commissioner Regalado: Yeah. I didn't know that because --

Mr. Hernandez: Right.

Commissioner Regalado: -- on the articles on the media it didn't specify.

Mr. Hernandez: It wasn't clear, but the position -- the philosophy that we have is that -- and I think the County's the same -- every time that you have a project, you have to look at the opportunity of providing the bike facility in every case.

Commissioner Regalado: And the other thing, if -- for those of us who have gone to Buenos Aires, you see that the taxi fleet in Buenos Aires and in Mendoza, it's all natural gas, and the conversion is very cheap, \$1,000 per vehicle. And, you know, it's a trend. In Rio, they're doing the same, but with ethanol. But in Buenos Aires, all the taxis are functioning, and they have been able to reduce the oil consumption in more than 40 percent throughout the city. We do not have authorities over -- on the taxis, but we do have a fleet in the City of Miami. And the other thing that I wanted to congratulate you is, although it's a long term, the possibility of the garbage processing plant. This is the trend of the future. You know, this is -- basically, because you know, until China and India sign the Kyoto protocol, there's not much we can do. These are the biggest polluters in the world. The United States has not signed it, but what I'm saying is that, you know, it's wrong. Underdeveloped countries are the biggest polluters, and so whatever we do is good, but it doesn't solve the problem, but if we can solve our problem, in terms of the garbage processing plant and in terms of natural gas being used as opposed to fuel, it would be very difficult. The other thing is that -- like we discussed, Harvey Ruvin is heading this County task force, and he's coming up with very good idea. If we can partner with him, it will be great.

Mr. Ruano: Yes. Commissioner, you'll be happy to know that we are working with him in several of his committees. If I could address one thing about that, 'cause I don't want anybody that's listening to get scared. Even on the project, the Coral Way project, no parking will be removed. It's actually -- if you look at the most segments, it's almost looks like a bike lane already. All they will do is just kind of resurface the road, restripe it, and no parking will be removed.

Chair Sanchez: Okay. On this -- want to take the opportunity -- I think a lot of people have been praised on this, but you know, you've talked about Los Angeles, and you've talked about Seattle. I mean, the City of Miami has really stepped up to the plate and needs to be recognized for the efforts that we're taking on sustainability. I mean, just look around, I think that when we -- we're -- you know, we're doing things that are really reaching out abroad. You know, I hear people, when I talk to them, hey, you know, I hear about the solar panels. I hear about what you're doing in the City. And this -- my plan, which is basically the climate action plan that we're putting forward together, really addresses all the elements that are going to provide us with a clear effective plan to reduce the greenhouse gases. You spoke about improving cooling and lighting efficiency in our buildings. I mean, I walk around our building and see that we changed our lights. I know that's been a significant savings to the City, just like every City facility, we should implement that. We are doing it as it is, so increasing use of the renewal energy, that's something that we're also looking at. So this entire plan, if you look at it, it's a good concept for us to really go out there and get more bang for our buck, and really accomplish the goal of reducing 25 percent before 207 [sic]. Now, they spoke about the biking lane, which is something that we are promoting. It's my understanding that the bicycle action plan will be coming to the Commission October 16 --

Mr. Ruano: Correct.

Chair Sanchez: -- and we'll address that. As you know, if you look at other cities, and best -- you learn best when you travel to other cities who do have a very good plan in place. Chicago has a great city, where you could basically commute and bicycle. It's very, very bicycle friendly. You have places where you could lockup your bike. You have places where you could go in and shower and have a locker so you could get from Point A to Point B. Miami needs to be a very friendly bicycle city. I mean, it's just great when you walk -- when you drive down Key Biscayne on a Saturday or Sunday, or any other day, and you see so many people bicycling. I mean, some of these are professional bikers who really gear up and go out there and race. But there's just family individuals riding along the bicycle path and stuff, and I think we could accomplish that when we're able to connect different parts of the City where, you know, you could go out with your family and go from Coconut Grove to Little Havana, from Little Havana to Overtown, from Overtown to Wynwood, come back to Allapattah and enjoy the beauty that we have in our city. One of the things that I'm going to be proposing later on -- and I have a pocket item -- is on that bicycle action plan, is that -- and I will be making a proposal to encourage that any street improvement projects that are taking place in the City should automatically study the addition of bicycle lanes or striping of bicycle lanes in the City. That's something that we're really moving forward to trying to accomplish and get people to, maybe six or seven months out of the year when it's not that hot, go out there and ride your bike. Not only is it good for your health, but also, it's good for our environment. So I just wanted to take the opportunity to praise your staff, Robert, and the City, and the initiative, and the Green Commission, who have been laboring so hard to get this moving, so kudos to you guys. I think we're doing a great job on CO2 emission and sustainability. All right. The MiPlan is going up for a vote. There is a motion and a section. There is no motion?

Ms. Burns: No. We do not have a motion.

Chair Sanchez: Commissioner Sarnoff is making a motion.

Commissioner Sarnoff: So moved.

Chair Sanchez: There's a motion by Commissioner Sarnoff, second by Commissioner Regalado. I think we've discussed the item. It is a resolution, not requiring a public input. RE.9 is going for a vote. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay."

RE.10 08-01069

*Office of the City
Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO TRANSFER AN ADDITIONAL PORTION OF THE COMMON FUND IN AN AMOUNT NOT TO EXCEED \$46,437.06, ABOVE AND BEYOND THE \$369,692 ALREADY AUTHORIZED BY RESOLUTION NO. 07-0418 AND RESOLUTION NO. 08-0348, FOR A TOTAL OF \$416,129.06, TO THE CLASS ADMINISTRATOR, EPIQ SYSTEMS, FOR PRINTING, POSTAGE AND PUBLICATION OR OTHER NOTICE COSTS SUBJECT TO DETERMINATION BY THE CITY ATTORNEY THAT TERMS AND CONDITIONS CONSISTENT WITH THE APPROVED SETTLEMENT ARE MET; ALLOCATING FUNDS FROM THE GENERAL FUND-FUND BALANCE.

08-01069 Legislation.pdf

08-01069 Cover Memo.pdf

08-01069 Budget Signoff.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.

Votes: Ayes: 4 - Commissioner Sarnoff, Sanchez, Regalado and Spence-Jones
Absent: 1 - Commissioner González

R-08-0547

Vice Chair Spence-Jones: RE.10.

Chair Sanchez: RE.10.

Julie O. Bru (City Attorney): Yes. Mr. Chairman, RE.10 is a resolution that concerns the ongoing attempts to finalize the settlement in the class action that was filed challenging the constitutionality of the fire fee. I have Scott Cole from the firm of Scott Cole and Kissane here to address any questions that you have about these ongoing legal proceedings. But, basically, this item seeks to authorize the Finance director to expend additional funds for the purposes of the mailing, the notices, and the publication, specifically, the amount of \$46,437.06. As you know, last year when we approved -- when you approved this settlement, you authorized us to expend up to \$200,000 for the mailing and the notice and the publication. We subsequently came and asked for additional funding. At this time, you have authorized an amount of \$369,692. So I will be asking you to approve this resolution with a slight modification that I'd just like to read into the record now. The authorization would be subject to determination by the City Attorney that the terms and conditions consistent with the approved settlement are met. So with those modifications, I would ask for you to approve this, and I would now turn over the floor to Mr. Scott Cole to address any questions and to brief you on the status of this final process in this settlement.

Scott Cole: Good morning, members of the Commission. Scott Cole, 1390 Brickell Avenue, Miami, Florida. As the City Attorney stated, we are asking for additional funds, as is typical in the class action process. And what this additional \$46,437.06 is for is we had done an initial mailing of a notice to almost 179,000 identified property owners or former property owners. A number of those came back as undeliverable, which we anticipated in the process. They're undeliverable for many reasons, the most obvious is that Miami is a transient city and people move to, as you said, Commissioner Sarnoff, in one of the other discussions, Montana or Iowa and still own property in the City of Miami. Those folks don't leave forwarding addresses with the tax collector or the Department of Revenue. So what this additional money is for is for a skip trace and a national address search to locate these individuals and then do a second mailing to them so we can try and get them involved in the process, and it is consistent with this body's directions to us many, many times to get as many people the notice as possible and get as many people as much money back as quickly as possible. We would ask for it at this time because the last time for anybody to turn in their refund form is October 21. It must be postmarked by October 21. Obviously, if we wait any later, there may not be enough time for those folks to send in the refund, so this is just our -- probably our last attempt to try and locate people who have not responded to the notices we've sent out and have come back to us as undeliverable.

Chair Sanchez: All right. Questions? Commissioner -- well, Commissioner Regalado.

Commissioner Regalado: Scott, one of the concerns of several residents that have contacted us is that they keep getting one set of papers for different properties, but some of the properties have the same addresses -- well, different folios, but they, like, duplicate, so people are a little confused with this kind of mailing because they don't know which one to fill. They -- I guess that they -- some of the people that own property have gone back to their account or something to check the folio number, but it seems that there is some discrepancy in the folios and -- the same address, but different folio numbers. Who's doing that? Is that the company or the City?

Mr. Cole: Well, I've spoken to some of those people, and I've assisted where possible, but it's very clear on the form that if the people disagree with what's on that form, maybe an incorrect folio number, an incorrect amount, or an incorrect address, they simply need to get another form, fill in as much information as possible that they have, and they can submit that and the administrator will consider it. And to answer your question, the administrator, that third-party company that was retained and appointed and approved by the court, they are handling that. I have gotten a lot of those issues referred to me, I think, when they call your respective offices or they call the City Attorney's office or the City Manager's office. They've come to me, and I've e-mailed (electronic) and followed up with the administrator, and they are supposed to address that, but it is incumbent upon the people seeking a refund to have to do at least a minimal amount of effort, and it's very clear that it -- all they need to do is get another copy of a form. I've personally sent them to them. They're on the Web site. They're available. The administrator will mail them to them; fill out whatever additional things that they think is missing, and then it will go to them. And then they will accept that as part of the refund process.

Commissioner Regalado: The other issue is this is -- this money is not to pay the mistake that the company original -- the company took care of their mistake --

Mr. Cole: Absolutely.

Commissioner Regalado: -- by themselves.

Mr. Cole: It's not to pay their mistake. They ate that cost --

Commissioner Regalado: Okay.

Mr. Cole: -- by court order.

Commissioner Regalado: So -- and by court order, we need to do another set of mailing, but the only question that people ask is, when are we going to get the money.

Mr. Cole: The fairness hearing has been concluded. It was concluded last Thursday. The -- we are now waiting for the judge to approve the settlement. If the judge approves the settlement, which we are hopeful and anticipate he will do, we are still on track to -- the last date we have is October 21 for the folks to send in their refund forms. All the other dates have passed, and then the administrator has up to 120 days to mail out the checks. They have to wait until October 21 to see how many people have sent in the documents. We don't anticipate it'll take anywhere near that long to send out checks, but -- in fact, we are asking them to send them out as soon as possible, and they have indicated to us they will attempt to do that. But -- assuming it's approved by the court, right after October 21, they'll calculate the amounts due and owing, and they'll send out the checks, so we're hopeful November or December.

Commissioner Regalado: Thank you.

Chair Sanchez: All right.

Commissioner Regalado: Thank you, Mr. --

Chair Sanchez: Commissioner Sarnoff.

Commissioner Sarnoff: Yeah. I was telling everybody Christmas. Am I wrong?

Mr. Cole: No, sir.

Commissioner Sarnoff: Okay. This court has not ruled on the fairness hearing, yet?

Mr. Cole: No, Commissioner Sarnoff, they have not.

Commissioner Sarnoff: Was there a hearing yesterday?

Mr. Cole: No.

Commissioner Sarnoff: No? Okay.

Mr. Cole: The last one was last Thursday.

Commissioner Sarnoff: Okay.

Chair Sanchez: For those that are --

Mr. Cole: You know, I apologize. Back up. There was -- I'm sorry. You're correct. There was a telephone conference where the judge asked us to submit findings of fact and conclusions of law.

Commissioner Sarnoff: Are the --

Mr. Cole: But not a hearing. The judge asked us for that.

Commissioner Sarnoff: -- plaintiffs' counsel still seeking additional attorneys' fees than what the judge has awarded?

Mr. Cole: No.

Commissioner Sarnoff: So that's --

Mr. Cole: One of them -- I'm sorry to interrupt you. -- submitted an objection to the preliminary approval of fees, but that was never brought up at the fairness hearing.

Commissioner Sarnoff: So is -- has the judge -- is it -- in your opinion, the judge has ruled as to the amount of fees that they're entitled to?

Mr. Cole: Yes. The only evidence brought forward at the hearing was they should get less, by one of the objectors. And it was as to the multiplier issue.

Commissioner Sarnoff: Okay, 'cause my recollection of the judge's orders was that he said if anybody had any issues with my preliminary ruling, I would consider further argument on that. Has he -- is that now a closed issue?

Mr. Cole: That -- he -- yes. Your recollection of the order is correct. The time for argument was at the fairness hearing, and the only issue brought up -- and it was a small -- I mean, a couple sentences of argument, drop the multiplier down. So I do not anticipate any more; I don't anticipate any less, but based upon what occurred, if it's anything, it may be less.

Commissioner Sarnoff: Okay. Thank you.

Chair Sanchez: Counsel, for the viewers that are watching, could you elaborate on the fair hearing -- the fairness hearing?

Mr. Cole: Yes, Commissioner -- Mr. Chairman, I'm sorry. What occurs in any class action is the court is a fiduciary toward the class members, who, obviously, we can't have 179,000 people go into court and argue a case. Not -- a class action is not like a normal court case. The court acts as a fiduciary to those absent class members. We have class representatives and class

counsel who did testify and provide evidence. But what the fairness hearing is for is to -- for the court to make a final determination that the settlement is fair, reasonable, and adequate, and the process that we have undertaken over this past year, the notice, the publication, the 800-number, the Web site addressing some of the concerns that Commissioner Regalado brought up, have been appropriate. And the court has now taken all the evidence, over seven days of testimony, the court heard from approximately 19 witnesses in the attorneys' fees portion and in the fairness hearing portion, and the court is now taking the issues and will issue an order saying fair or not fair, and the court will issue the reasons why. And the court has asked us for the proposed findings of fact and conclusions of law by October 3, so we anticipate an order some time shortly thereafter that.

Chair Sanchez: All right. Any further questions on this item? All right. If not, it's a resolution. Need a motion and a second.

Commissioner Sarnoff: So moved.

Chair Sanchez: There's a motion --

Commissioner Regalado: Second.

Chair Sanchez: -- and a second. The motion has been made by Commissioner Sarnoff, second by Commissioner Regalado. No further discussion on the item. We are voting on RE.10. It's a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries, 4/0. Madam Attorney, you're recognized for the record.

Ms. Bru: Mr. Chairman, I just would like to take the opportunity, now that Mr. Scott Cole is here, to publicly thank him and his firm for the excellent work that they did for the City in the case involving Mr. Braman's challenge to our global agreement and the plans for the development in Miami. They did assist in the representation, and they did so on a pro bono basis, and I think it just should be recognized, their input into the attempts of the City to be able to uphold the decision of this Commission.

Chair Sanchez: Okay, thank you.

Commissioner Sarnoff: And that, and they're going to be renaming the firm from -- to Cole Scott and Kissane.

Mr. Cole: Exactly. Thank you all.

PART B: PLANNING AND ZONING ITEM(S)

Chair Sanchez: Let's go to PZ (Planning & Zoning) items. What are the PZ items that the Administration will be deferring? And if there anyone here to defer any of the PZ items, please step forward and be recognized so we could get them out of the way. For the record, I believe PZ.1, PZ.2, PZ.3 are -- will be deferred. Correct?

Pedro G. Hernandez (City Manager): Yes.

Chair Sanchez: Hold on.

Mr. Hernandez: And 1, 2, and 3 are being deferred by the Administration because, at this point, we're in noncompliance with the State reference the EAR (Evaluation and Appraisal Report).

Chair Sanchez: Okay.

"[Later...]"

Chair Sanchez: PZ.11, it's an ordinance on second reading.

Elvis Cruz: Point of order.

Pamela E. Burns (Deputy City Clerk): Excuse me. Madam City Attorney, were we going to read into the record the PZ (Planning & Zoning) order of the day and swear in any witnesses?

Chair Sanchez: Oh, I do apologize for that. Madam Attorney, read the procedures for the PZ item, followed by swearing in all those that'll be testifying in front of this legislative body.

Maria J. Chiaro (Deputy City Attorney): PZ items shall proceed as follows. Before the PZ agenda's heard, all those wishing to speak will be sworn by the City Clerk. Staff will briefly describe their request, whether an appeal, special exception, vacation, text amendment, zoning change, land use change or MUSP (Major Use Special Permit) and make its recommendation. The appellant or petitioner will then present the request. The appellee, if applicable, will present its position. Members of the public will be permitted to speak on certain petitions. Petitioner may ask questions of staff, and the appellant or petitioner will be permitted to make final comments.

Chair Sanchez: All right. Okay.

Vice Chair Spence-Jones: Is there any --?

Chair Sanchez: Anyone who'll be addressing this Commission, please stand up and be sworn in.

Ms. Burns: Would you please stand and raise your right hand, please?

The Assistant City Clerk administered oath required under City Code Section 62-1 to those persons giving testimony on zoning issues.

Ms. Burns: Thank you. Please be seated.

PZ.1 08-00223ct

ORDINANCE

Second Reading

TO BE DEFERRED BY ADMINISTRATION TO A DATE TO BE DETERMINED

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN OF THE CITY OF MIAMI, BY AMENDING, ADDING, AND DELETING GOALS, OBJECTIVES, AND POLICIES OF THE ELEMENTS OF THE CITY'S COMPREHENSIVE PLAN AS REQUIRED BY CHAPTER 163, PART II, FLORIDA STATUTES, TO INCORPORATE THE RECOMMENDATIONS CONTAINED IN THE 2005 EVALUATION AND APPRAISAL REPORT (EAR) OF THE CITY'S COMPREHENSIVE PLAN; AND INCORPORATE THE REPORT ON "RESPONSE TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) REPORT OF JULY 18, 2008"; PROVIDING FOR TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

08-00223ct CC SR Legislation (Version 5).pdf

08-00223ct EAR Attachment - November 2008.pdf

08-00223ct CC SR 11-13-08 Fact Sheet.pdf

08-00223ct-Submittal-Brenda Kuhns Neuman.pdf

08-00223ct-Submittal-Miami River Commission.pdf

08-00223ct-Submittal-Miami River Marine Group.pdf

08-00223ct-Submittal-Errata Sheet.pdf

08-00223ct-Submittal-Andrew Dickman.pdf

08-00223ct-Submittal-Map.pdf

08-00223ct-Submittal-Letter-Andrew Dickman.pdf

08-00223ct-Submittal-E-mail-Andrew Dickman.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval with modifications to City Commission on April 30, 2008 by a vote of 8-0. Also, recommended denial to City Commission of the proposed Miami River Sub-Element as presented by the Planning Department by a vote of 6-2.

PURPOSE: This will allow required amendments to the Comprehensive Neighborhood Plan based on the EAR recommendations.

INDEFINITELY DEFERRED

PZ.2 08-00400lu

ORDINANCE

First Reading

TO BE DEFERRED BY ADMINISTRATION TO A DATE TO BE DETERMINED SUBSEQUENT TO THE ADOPTION OF THE EVALUATION AND APPRAISAL REPORT (EAR) RECOMMENDED CHANGES

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH

ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY LOCATED AT APPROXIMATELY 2744 SOUTHWEST 7TH STREET, MIAMI, FLORIDA, FROM MEDIUM-DENSITY MULTIFAMILY RESIDENTIAL TO RESTRICTED COMMERCIAL; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Approximately 2744 Southwest 7th Street [Commissioner Tomas Regalado - District 4]

APPLICANT(S): Rodolfo LLeonart, President, on behalf of Rollert Investments, Inc.

FINDING(S):

PLANNING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on May 21, 2008 by a vote of 5-3. See companion File ID 08-00400zc.

PURPOSE: This will change the above property to Restricted Commercial.

INDEFINITELY DEFERRED

PZ.3 08-00400zc

ORDINANCE

First Reading

TO BE DEFERRED BY ADMINISTRATION TO A DATE TO BE DETERMINED SUBSEQUENT TO THE ADOPTION OF THE EVALUATION AND APPRAISAL REPORT (EAR) RECOMMENDED CHANGES

AN ORDINANCE OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S) AMENDING PAGE NO. 33, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM R-3 MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL WITH AN SD-12 SPECIAL BUFFER OVERLAY DISTRICT TO C-1 RESTRICTED COMMERCIAL FOR THE PROPERTY LOCATED AT APPROXIMATELY 2744 SOUTHWEST 7TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Approximately 2744 SW 7th Street [Commissioner Tomas Regalado - District 4]

APPLICANT(S): Rodolfo LLeonart, President, on behalf of Rollert Investments, Inc.

FINDING(S):

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended denial to City Commission on June 9, 2008 by a vote of 5-0. See companion File ID 08-00400lu.

PURPOSE: This will change the above property to C-1 Restricted Commercial.

INDEFINITELY DEFERRED

PZ.4 05-00624mm RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 5, 9, 13, 17 AND 22 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **CAPITAL AT BRICKELL** (F.K.A. SMA) PROJECT, TO BE LOCATED AT APPROXIMATELY 1420, 1430, 1434 & 1438 SOUTH MIAMI AVENUE, 1401 & 1429 SOUTHWEST 1ST AVENUE, 26, 44 & 54 SOUTHWEST 14TH STREET, AND 21, 37, 45 & 65 SOUTHWEST 14TH TERRACE, MIAMI, FLORIDA; TO BE COMPRISED OF THE FOLLOWING CHANGES: 1) TO DECREASE THE MULTIFAMILY RESIDENTIAL UNITS FROM 832 UNITS TO 542 UNITS AND 364 NEW HOTEL ROOMS; 2) TO INCREASE THE OFFICE SPACE FROM 108,543 SQUARE FEET TO 209,022 SQUARE FEET; 3) TO REDUCE THE RETAIL SPACE FROM 47,853 SQUARE FEET TO 11,048 SQUARE FEET; 4) TO PROVIDE 6,856 SQUARE FEET OF RESTAURANT AREA; AND 5) TO DECREASE THE OFF-STREET PARKING SPACES FROM 1,274 TO APPROXIMATELY 1,053 PARKING SPACES. THE NORTH TOWER WILL HAVE A NEW MAXIMUM HEIGHT OF 682 FEET, AND THE SOUTH TOWER A NEW MAXIMUM HEIGHT OF 633 FEET; PROVIDING FOR CERTAIN FLOOR AREA RATIO ("FAR") BONUSES; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

05-00624mm PAB Reso.PDF
05-00624x ZB Reso.pdf
05-00624mm Zoning Map.pdf
05-00624mm Aerial Map.pdf
05-00624mm Projects in the Vicinity.pdf
05-00624mm Front Cover.pdf
05-00624mm Inside Cover.PDF
05-00624mm Table of Contents.pdf
05-00624mm I. Project Information.pdf
05-00624mm I.A. Letter of Intent.PDF
05-00624mm I.B. Major Use Special Permit & Special Exception Applications.PDF
05-00624mm I.C. Approved Major Use Special Permit Resolution No. 05-0484.pdf
05-00624mm I.D. Zoning Write-Up.PDF
05-00624mm I.E. Zoning Atlas.pdf
05-00624mm I.F. Project Data Sheet.PDF
05-00624mm I.G. Deed-Computer.PDF
05-00624mm I.H. State of Florida Documents.pdf
05-00624mm I.I. Directory of Project Principals.pdf
05-00624mm II.A. Project Description.PDF
05-00624mm III. Supporting Documents.pdf
05-00624mm III. Tab 1. Minority Construction Employment Plan.pdf
05-00624mm III. Tab 2. Traffic Impact Analysis.pdf
05-00624mm III. Tab 3. Site Utility Study.pdf
05-00624mm III. Tab 4. Economic Impact Study.pdf
05-00624mm III. Tab 5. Survey of Property.pdf
05-00624mm III. Tab 6. Drawings Submitted.PDF
05-00624mm MUSP Analysis.pdf
05-00624mm Miami-Dade Aviation Department Letter.pdf
05-00624mm School Impact Review Analysis.pdf
05-00624mm Disclosure to Support or Withhold Objection.pdf
05-00624mm Special Exception Fact Sheet.pdf
05-00624mm Special Exception Analysis.pdf
05-00624mm Special Exception ZB Reso.pdf
05-00624mm CC Legislation (Version 2).pdf
05-00624mm Exhibit A.pdf
05-00624mm Exhibit B.pdf

LOCATION: Approximately 1420, 1430, 1434 & 1438 S Miami Avenue, 1401 & 1429 SW 1st Avenue, 26, 44 & 54 SW 14th Street, and 21, 37, 45 & 65 SW 14th Terrace [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): N. Patrick Range, II, Esquire, on behalf of Cabi SMA, LLLP and City National Bank of Florida Under Trust Agreement 2401-1967-00

FINDING(S):

PLANNING DEPARTMENT: Recommended approval with conditions*.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on January 16, 2008 by a vote of 9-0.

ZONING BOARD: Recommended approval to City Commission on June 9, 2008 by a vote of 5-0.

*See supporting documentation.

PURPOSE: This will allow a substantial modification to the previously approved **Capital at Brickell** (f.k.a. SMA) project.

INDEFINITELY DEFERRED

A motion was made by Commissioner Sarnoff, seconded by Commissioner Regalado, and was passed unanimously, with Commissioner González absent, to indefinitely defer item PZ.4.

Chair Sanchez: Okay. All right, any other items? How about PZ.4?

Patrick Range: Yes, Mr. Chair.

Chair Sanchez: Okay.

Mr. Range: I would like to request a defer on PZ.4 until -- indefinitely.

Chair Sanchez: Okay. What are we look -- indefinitely?

Pamela E. Burns (Assistant City Clerk): We need your name for the record, please.

Mr. Range: I'm sorry. Patrick Range, with offices at 1221 --

Chair Sanchez: Okay.

Mr. Range: -- Brickell.

Chair Sanchez: Need a motion to continue --

Commissioner Sarnoff: So move.

Chair Sanchez: -- indefinitely.

Commissioner Sarnoff: Deferral, I think is what he asked.

Chair Sanchez: Deferral.

Commissioner Regalado: Second.

Chair Sanchez: The motion has been made by Commissioner Sarnoff, second by Commissioner Regalado. No discussion on the item. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Any other --

Ms. Burns: Excuse me, Mr. Chair. We're deferring this until what date?

Mr. Range: I'd like --

Vice Chair Spence-Jones: It's indefinitely.

Mr. Range: -- to defer it indefinitely. They're making some changes to the program, and we're not going to be ready to come back for some time.

Ms. Burns: Our records will reflect indefinitely then.

Chair Sanchez: Okay.

PZ.5 05-00141sc RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE NORTHEAST 30TH STREET AND NORTHEAST 31ST STREET, NORTH OF NORTHEAST 2ND AVENUE, SOUTH OF THE F.E.C. RAILROAD AND NORTHEAST 1ST COURT BETWEEN NORTHEAST 30TH STREET AND NORTHEAST 31ST STREET, MIAMI, FLORIDA.

05-00141sc Planning Analysis.PDF
05-00141sc Public Works Analysis.pdf
05-00141sc Plat & Street Committee Analysis.pdf
05-00141sc Application & Supporting Docs - SUB.PDF
05-00141sc ZB Reso.pdf
05-00141sc CC Zoning Map.pdf
05-00141sc CC Aerial Map.pdf
05-00141sc CC Legislation (Version 2).pdf
05-00141sc Exhibit A.pdf
05-00141sc CC Fact Sheet.pdf

LOCATION: Approximately NE 30th Street and NE 31st Street, North of NE 2nd Avenue, South of the F.E.C. Railroad and NE 1st Court between NE 30th Street and NE 31st Street [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Lucia A. Dougherty, Esquire, on behalf of Biscayne Venture, LLC, Casam 3110, LLC and Amazonia Investment Group, LLC

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval with conditions*.

PLAT & STREET COMMITTEE: Recommended approval with conditions* on May 1, 2008 by a vote of 5-0.

ZONING BOARD: Recommended approval to City Commission on July 14, 2008 by a vote of 8-1.

*See supporting documentation.

PURPOSE: This will allow a unified development site.

NOTE: This file is related to 04-01284, approved by the City Commission on December 9, 2004.

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones
Absent: 2 - Commissioner González and Regalado

R-08-0548

Chair Sanchez: PZ.5. PZ.5 is a resolution vacating, abandoning -- closing, abandon -- vacant

and abandoned public -- yeah. All right.

Roberto Lavernia (Chief of Land Development, Planning Department): Good morning. For the records, Roberto Lavernia. PZ.5 is a request to close and vacate and abandoning a piece of street on Northeast 30th Street and Northeast 31st Street, north of Northeast 2nd Avenue, south of the FEC (Florida East Coast) railroad, and northeast of 1st Court, between Northeast 30th Street and Northeast 31st Street. Planning Department is recommending approval; Plat and Street Committee recommending approval, with conditions, and the Zoning Board recommended approval.

Chair Sanchez: All right. It's a noncontroversial item, I believe. Anyone here to speak on this item, in favor or in opposition? Okay, no one's here, for the record. Marc, this is in your district.

Commissioner Sarnoff: Yeah, so move.

Chair Sanchez: All right.

Vice Chair Spence-Jones: Second.

Chair Sanchez: There's a motion and a second.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Great presentation. Could you just put your name for your clients on the record?

Iris Escarra: Iris Escarra, 1221 Brickell Avenue. Thank you.

Chair Sanchez: Okay.

Commissioner Sarnoff: Could I just ask a question?

Ms. Escarra: Sure.

Commissioner Sarnoff: Will there be room or will there be plans made for a future FEC corridor station here?

Ms. Escarra: There is a plan, and we've proffered -- and I put it into the record that we'll be doing a streetcar stop onsite and we're providing an easement, and we've also proffered, as part of the public purpose, to build the streetcar stop.

Commissioner Sarnoff: Is it the streetcar or the FEC corridor?

Ms. Escarra: It's my understanding it's the streetcar.

Commissioner Sarnoff: My understanding it's the FEC corridor.

Chair Sanchez: Streetcar.

Ms. Escarra: It's the streetcar.

Commissioner Sarnoff: And where's the FEC? It's right --

Ms. Escarra: It runs (INAUDIBLE) --

Pamela E. Burns (Assistant City Clerk): I'm sorry. We're not recording you.

Chair Sanchez: All right. We need to have all documents in the record, please. State your name and address before you speak. Thank you.

Ms. Escarra: FEC runs behind us, and it's the streetcar stop that we're improving on our site. We're providing an easement through the property to access the other side, but not necessarily an FEC stop.

Commissioner Sarnoff: Okay.

Chair Sanchez: All right. There is a motion and a second. Any further discussion on the item? If not, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Madam Clerk, we just voted on PZ.5, and it passed, 3/0, with --

Ms. Escarra: Thank you.

Chair Sanchez: -- Commissioner Regalado not present and Commissioner González.

PZ.6 06-01433xt

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING AN EXTENSION OF TIME FOR A SPECIAL EXCEPTION REQUIRING CITY COMMISSION APPROVAL, TO ALLOW PARKING ON R-3 PROPERTIES WITH SD-12 OVERLAY TO SERVE ADJACENT COMMERCIAL USES, WITH A TIME LIMITATION OF TWELVE (12) MONTHS, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 6443 BISCAYNE BOULEVARD, 621-625 AND 645 NORTHEAST 64TH TERRACE, MIAMI, FLORIDA.

06-01433xt Extention of Time Letter & CC R-07-0549.pdf

06-01433xt Analysis.pdf

06-01433xt Zoning Map.pdf

06-01433xt Aerial Map.pdf

06-01433xt Original ZB Reso.pdf

06-01433xt Application & Supporting Docs.pdf

06-01433xt Plans.pdf

06-01433xt Zoning Substantial Compliance Plans.pdf

06-01433xt CC Legislation (Version 1).pdf

06-01433xt Exhibit A.pdf

LOCATION: Approximately 6443 Biscayne Boulevard, 621-625 and 645 NE 64th Terrace [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Adrienne F. Pardo, Esquire, on behalf of Grec Luis Development, Ltd., Contract Purchaser, and Grec/Luis II, Ltd. and Terra Urbana, Ltd., Owners

FINDING(S):

PLANNING DEPARTMENT: Recommended approval of the extension of time and denial of the original Special Exception request.

ZONING BOARD: Recommended approval to City Commission of the original Special Exception request on November 13, 2006 by a vote of 6-1.

PURPOSE: This will allow an extension of time to a previously approved Special Exception requiring City Commission approval for a multifamily structure with a parking garage.

INDEFINITELY DEFERRED

A motion was made by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, and was passed unanimously, with Commissioner González absent, to indefinitely defer item PZ.6.

Chair Sanchez: Any other items on the PZ (Planning & Zoning) agenda that we could defer?

Patrick Range: Yes, Mr. Chair. I'd also like to defer item PZ.6. Again, Patrick Range, with offices at 1221 Brickell.

Chair Sanchez: Okay. So you want this indefinitely or six --

Mr. Range: I'd like --

Chair Sanchez: -- months, five months?

Mr. Range: Yeah. I'd just like to leave it open, indefinitely.

Chair Sanchez: Okay. Need a motion --

Commissioner Sarnoff: So move.

Vice Chair Spence-Jones: Second.

Chair Sanchez: -- and a second. The motion is made by Commissioner Sarnoff, second by Vice Chair Spence-Jones, to defer indefinitely. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Mr. Tucker.

Mr. Range: Thank you very much.

Chair Sanchez: Thank you.

"[Later...]"

Chair Sanchez: Okay. Let's take up PZ.5.

Elvis Cruz: Mr. Chairman, point of clarification, please, if I may?

Chair Sanchez: Reference?

Mr. Cruz: PZ.6 was continued. However, that's at a request for an extension of time. To put an indefinite extension -- excuse me, an indefinite deferral on an extension, would that not make the extension automatically expire?

Chair Sanchez: No, not really.

Pamela E. Burns (Assistant City Clerk): And we need your name for the record, please.

Mr. Cruz: Elvis Cruz, 631 --

Chair Sanchez: All right.

Mr. Cruz: -- Northeast 57th Street.

Chair Sanchez: All right. Thank you for putting in the -- that into the record. No. Mr. -- Madam Attorney, can -- you want to answer that? I don't believe it does. Okay. All right. Thank you.

PZ.7 08-00700xc RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A SPECIAL EXCEPTION REQUIRING CITY COMMISSION APPROVAL, AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, UNDER CONDITIONAL PRINCIPAL USES IN PR PARKS, RECREATION AND OPEN SPACE DISTRICT, TO ALLOW THE CONSTRUCTION OF A DOCK MASTER OFFICE BUILDING FOR THE MARINA ADMINISTRATION, WITH A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED SUBJECT TO CONDITIONS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1275 NORTHEAST 79TH STREET, MIAMI, FLORIDA.

08-00700xc Analysis.PDF

08-00700xc Zoning Map.pdf

08-00700xc Aerial Map.pdf

08-00700xc Application & Supporting Docs.PDF

08-00700xc Plans.PDF

08-00700xc ZB Reso.PDF

08-00700xc WAB Reso.pdf

08-00700xc CC Legislation (Version 2).pdf

08-00700xc Exhibit A.pdf

08-00700xc CC Fact Sheet.pdf

LOCATION: Approximately 1275 NE 79th Street [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Jack Kardys, Director, Miami-Dade County Park and Recreation Department

FINDING(S):

PLANNING DEPARTMENT: Recommended approval with a condition*.

ZONING BOARD: Recommended approval with a condition* to City Commission on July 14, 2008 by a vote of 7-1.

WATERFRONT ADVISORY BOARD: Recommended approval to City Commission on September 15, 2008 by a vote of 6-0.

*See supporting documentation.

PURPOSE: This will allow the construction of the **Pelican Harbor Marina** dock master office building.

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones

Absent: 2 - Commissioner González and Regalado

R-08-0549

Chair Sanchez: Okay. Let's go -- next item is PZ.10 -- no, PZ.11.

Pamela E. Burns (Assistant City Clerk): PZ.7.

Chair Sanchez: No. PZ.7 -- oh, I'm sorry. Yes, PZ.7. All right, PZ.7, allowing the County to build a dock master building in Pelican Harbor Marina, up on 79th Causeway.

Roberto Lavernia (Chief of Land Development, Planning Department): Yes, sir.

Chair Sanchez: Okay.

Mr. Lavernia: It's a special exception, requiring City Commission approval for a dock master office building for the marina administration for the Pelican Harbor Marina dock master office building. The Planning Department recommend approval with a condition; the Zoning Board recommend approval, and the Waterfront Advisory Board recommend approval to the City Commission.

Commissioner Sarnoff: So move.

Mr. Lavernia: The condition --

Vice Chair Spence-Jones: Second.

Chair Sanchez: All right.

Mr. Lavernia: -- just to put it on the record.

Chair Sanchez: Well, put the conditions into the record.

Mr. Lavernia: Only one. Plan of the existing and proposed façade, sign specification and paint color samples shall be submitted for the review and approval by the Planning Department prior to the issuance of any building permit.

Chair Sanchez: All right. There's a motion and a second. It's a resolution. Any further discussion on the item? If not, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. Listen, go back to the County and tell them we treat you very nicely here, okay?

Unidentified Speaker: Thank you.

Unidentified Speaker: I will.

Chair Sanchez: All right. Bye-bye. Thank you so much.

Commissioner Sarnoff: We have (UNINTELLIGIBLE).

PZ.8 08-00701xc RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A SPECIAL EXCEPTION REQUIRING CITY COMMISSION APPROVAL, AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, UNDER CONDITIONAL PRINCIPAL USES OF PR PARKS, RECREATION AND OPEN SPACE, TO ALLOW THE CONSTRUCTION OF A RECREATIONAL BUILDING STRUCTURE AND SAID SITE AMENITIES, WITH A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED SUBJECT TO CONDITIONS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 7025 WEST FLAGLER STREET, MIAMI, FLORIDA.

08-00701xc Zoning Map.pdf
08-00701xc Aerial Map.pdf
08-00701xc Application & Supporting Docs.PDF
08-00701xc Plans.PDF
08-00701xc ZB Reso.pdf
08-00701xc CC Analysis.PDF
08-00701xc CC Legislation (Version 2).pdf
08-00701xc Exhibit A.pdf
08-00701xc CC Fact Sheet.pdf

LOCATION: Approximately 7025 W Flagler Street [Commissioner Tomas Regalado - District 4]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval with conditions*.

ZONING BOARD: Recommended approval with conditions* to City Commission on July 14, 2008 by a vote of 8-0.

*See supporting documentation.

PURPOSE: This will allow the construction of a recreational building structure with amenities for the **Robert King High Park**.

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones

Absent: 2 - Commissioner González and Regalado

R-08-0550

Chair Sanchez: PZ.8.

Vice Chair Spence-Jones: 8.

Chair Sanchez: PZ.8.

Vice Chair Spence-Jones: Commissioner Regalado.

Chair Sanchez: Yeah, but that's not a -- all right, PZ.8. It's a resolution, construction of a recreational building structure site at Robert King High Park.

Roberto Lavernia (Chief of Land Development, Planning Department): Yes, sir. This is also a special exception, requiring City Commission approval. The Planning Department recommend approval with condition. The Zoning Board recommend approval. The conditions being that plan of existing and proposed façade, sign specification, and paint color samples shall be submitted for the review and approval by the Planning Department prior to the issuance of any building permit; provide a continuous canopy of shade tree to provide comfort for pedestrian along all street frontages, and enhance the landscape buffer along the side perimeters by providing layers of planting, including trees, palm, shrubs and ground cover.

Chair Sanchez: Okay.

Mr. Lavernia: Thank you.

Chair Sanchez: This -- Commissioner Regalado supports this. Can I get a motion?

Commissioner Sarnoff: So move.

Vice Chair Spence-Jones: Second.

Chair Sanchez: There's a motion by Commissioner Sarnoff, second by Vice Chair Spence-Jones. It's a resolution. Any further discussion? Hearing no discussion on this item, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

PZ.9 07-00345xc

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S) APPROVING A SPECIAL EXCEPTION, REQUIRING CITY COMMISSION APPROVAL, AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, UNDER CONDITIONAL ACCESSORY USES ON PR-PARK, RECREATION AND OPEN SPACES DISTRICT, TO ALLOW THE CONSTRUCTION OF AN OFFICE BUILDING FOR THE BOAT/BROKERAGE AND MARINA BOAT ADMINISTRATION, PER THE LEASE AND DEVELOPMENT AGREEMENT, WITH A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED, SUBJECT TO CONDITIONS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 2640 SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA.

07-00345xc Analysis.PDF

07-00345xc Zoning Map.pdf

07-00345xc Aerial Map.pdf

07-00345xc Letter of Intent.pdf

07-00345xc Application & Supporting Docs.PDF

07-00345xc Plans.PDF

07-00345xc ZB Reso.PDF

07-00345xc & 07-00345ww WAB Reso.pdf

07-00345xc CC Legislation (Version 3).pdf

07-00345xc & 07-00345ww Exhibit A.pdf

07-00345xc CC 12-11-08 Fact Sheet.pdf

LOCATION: Approximately 2640 S Bayshore Drive [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Santiago D. Echemendia, Esquire, on behalf of Grove Harbour Marina and Caribbean Marketplace, LLC, Lessee; City of Miami, Owner

FINDING(S):

PLANNING DEPARTMENT: Recommended approval with a condition*.

ZONING BOARD: Recommended approval with conditions* to City Commission on September 8, 2008 by a vote of 5-2.

WATERFRONT ADVISORY BOARD: Recommended approval with conditions* to City Commission on September 9, 2008 by a vote of 6-0. See companion File ID 07-00345ww.

*See supporting documentation.

PURPOSE: This will allow the construction of an office building for the boat/brokerage and marina boat administration for the **Grove Harbour Marina and Marketplace** project.

NOTE: File previously known as 07-00345x.

CONTINUED

Chair Sanchez: Okay. Which -- Madam Clerk, I think that concludes our -- didn't we table an item to the afternoon? I think those have been taken care of.

Pamela E. Burns (Assistant City Clerk): Everything else has been taken care of. Beginning with PZ.9 is where we start this afternoon.

Chair Sanchez: Okay. Let's take up -- what's going to be --? Let's take up PZ.9 and PZ.10. They're together, right?

Santiago Echemendia: It's -- they're companion items.

Chair Sanchez: They're companion items.

Mr. Echemendia: It's 9 and 10, companion.

Chair Sanchez: PZ.9, let's go. All right.

"[Later...]"

Chair Sanchez: PZ.9, let's go. Let's hear it.

Santiago Echemendia: Thank you, Mr. Chair. I think staff is going to go first.

Roberto Lavernia (Chief of Land Development, Planning Department): Good afternoon. For the record, Roberto Lavernia, with the Planning Department. This is a special exception, requiring City Commission approval in order to allow the construction of an office building for the boat brokerage and marina boat administration per the lease and development agreement. The Planning Department is recommending approval with a condition; Waterfront Advisory Board recommend approval with condition, and the Zoning Board recommend approval with condition. Planning condition is sign specification and paint color samples shall be submitted for the review and approval by the Planning Department prior to the issuance of any building

permit. Thank you.

Chair Sanchez: All right. Mr. Applicant, how much time are you going to need? Tucker?

Mr. Echemendia: Hopefully, about 15, 20 minutes, maybe --

Chair Sanchez: Fifteen, twenty minutes.

Mr. Echemendia: -- half an hour at the most.

Chair Sanchez: Tucker, you will have ample opportunity. Okay.

Mr. Echemendia: If you just give us a --

Chair Sanchez: And of course, you're saving time for --

Mr. Echemendia: -- minute to get set up, Mr. Chairman. Santiago Echemendia, 1441, on behalf of Grove Harbour Marina. I'm accompanied by my colleague, Amanda Quirk, who's handing out a packet for you review; Allen Lima of Grove Harbour Marina, who's the principal, sitting right behind me, and we have Juan Berry, who is the architect. We've -- and thank you for not deferring us. We have been in the process for -- since 2007. We appreciate the opportunity. I think that you will get, at the very least, an opportunity to see what we're talking about, and you always have -- if, at the end of the hearing, you decide that the best thing is to defer, you have that opportunity, but with the benefit of seeing our presentation, so we appreciate that. This is an aerial perspective. As you can see, what you have in the front there is the Fresh Market, the Grove Harbour Marina, a little bit, I guess, in the bottom is the Merrill Stevens historically-designated hangar. You have Shake-a-Leg just a little past, as you can see the enormous size of that facility and the proximity that it has to the water. Way at the end, beyond the dry docks, a little speck that you see that is a green roof, that is what we're talking about. That is the existing dock master facility way out there, the little kind of light green roof, that's the existing dock master facility, which we propose to raze and replace with the new proposed facility. This gives you a different perspective. It shows the continuous bay walk from Monty's that comes around, goes through the marina and actually ends up at the dock master facility. This is a closer version of what we're talking about to give you that perspective. By way of background, where you see that current dry dock facility, that was the approval -- there was a previous special exception that was approved. It was appealed by the Coconut Grove Civic Association. I'll get into a little bit more detail about that further on. Our client prevailed at the circuit court and at the Third District Court of Appeals. It was the exact type of application, a special exception, in the PR, and what they ended up doing was modifying that to allow for that additional dry dock space that you see there. Another aerial perspective, this is a close-up of the existing dock master facility. It's -- as you can see, it's quite deficient relative to kind of the state-of-the-art marina facility that we have. I do want to bring your attention that we are a tenant of the City's. We have been a good corporate tenant. We've been paying some very substantial fees for at least five years now, and indeed, we would be a tenant in this facility as well. That facility is sorely lacking in toilet facilities, shower facilities. It's a very kind of cramped space up top that is just the dock master facility, so we look forward to improving that. This is an aerial perspective and a superimposition of the proposed facility. It is a three-story facility with the first floor being almost entirely open. The reason that we're before you on the special exception is that it's to allow this type of facility in a PR, but relative to the waterfront waiver, the waiver of the setback, the only thing that encroaches in 22 feet, 22, 6, are the columns. The actual -- the open -- it's going to be an open promenade, which we committed to retain as an open space, open to the public, and it is also worth noting that -- and this is an important point -- the existing facility is only set back 18 feet, so it's actually set back less than the proposed facility. This is a rendering showing the proposed facility. As you can see, we've made ample efforts -- I mean, this morphed from a 38,000 square-foot facility to a 31,000 square-foot facility to now a 21,000 square-foot facility. When you go through the numbers,

what you really have is about approximately 10,000 square feet of enclosed space because most of it is not counted towards FAR (Floor Area Ratio). You have all of that open space in the bottom. I'll walk you through the particulars, but as you can see, we made every effort to maintain the bottom floor as open as possible to be consistent with some of your goals, policies, and objectives. Again, the request is a special exception under PZ.9 for the dock master building, including boat storage and amenities, as per the lease and development agreement. There's been some discussion as to whether it is required, is it not required. The lease agreement -- and it's in your packet -- does speak to amenities. These are amenities that obviously you don't have a state-of-the-art facility without showers. And indeed, the City, in its own dock master facility, has showers and has toilets. We have had our toilets in port-o-lets for a number of years now, and we believe that the citizens deserve better than that. That will also be opened to the public. The waiver of the waterfront charter, of course, and these are very much companion items, as Lourdes typically says, and that is because the special exception is tied to a site plan that has the setback. You can't necessarily approve the special exception without also approving the waterfront waiver as part of a companion item, if you will. This shows you the -- and it's not just another aerial -- it is, but there's purpose behind it, and that is there were some questions regarding where the parking is going to be -- from where is the parking going to be provided. The parking is going to come from all of that parking that you see in the front, and the calculation is that, for purposes of this building, we are required 260 spaces and are providing 278. In terms of chronology, the application was filed in February '07. It was deferred at the July 14 Zoning Board hearing at the City's request. The waterfront master plan was adopted shortly thereafter. We then came back to the Zoning Board, which board recommended favorably, with a vote of 5/2. It is also noteworthy that staff is recommending favorably. There was one condition in front of the Zoning Board. I believe it was the chair of the Coconut Grove Village Council who stood up and asked that there be a condition pursuant to which we would provide public access in the open space beneath the intended structure and maintain area. That's how the condition reads from the Zoning Board resolution. I think there's also -- my colleague, Amanda Quirk, and she have been having discussions, as well as our architect, regarding moving the landscaping back to preserve an open view corridor, et cetera. I think we've reached agreement on that. We then went to the Waterfront Advisory Board. That was -- again, I think we've been more than collegial. I think, you know, Mr. Lima, who recently passed away, has always been a good corporate citizen and friend of the City's; and his son, following in his footsteps, decided, let's go ahead and go to the Waterfront Advisory Board, even though we don't have to. That was also at the behest of the Manager, and we went ahead and went in front of the Waterfront Advisory Board, and wouldn't you know it, we got a unanimous recommendation by the Waterfront Advisory Board, and I believe their chair is here today as well. We then went to the Coconut Grove Village Council. They recommended for denial, but there were two motions. I must say that one of the board members is also a member of the Coconut Grove Civic Association, which appealed the first special exception, and I'll get into that a little bit. It's not that relevant. It's -- but bottom line is that they passed a second motion, which indicated, really, that their reservation related more than anything to the fact that it wasn't within the waterfront master plan. And I think that you will hear from Enrique Nuñez, who is the manager -- or the project manager on the waterfront master plan, and indeed, I have a quote from him in the paper, that it was never contemplate -- in other words, we currently have a placeholder in the waterfront master plan. It's shown there. It was always contemplated that there'd be a dock master facility there. It is there now. The current speck that you see -- and it's in your packet, and I'll get to that in a second -- is a reservation for the dock master facility. So, in fact, it actually is there. The proposed facility is not because it had not been approved. There's an overlay as well, is that from a planning perspective, they were really planning for City open land and what to do about it. This is a piece of property that's been a marina facility. It's under lease for 40 years for a marina facility. So it wasn't really Sasaki's role to be planning what goes on our property, which is under lease for 40 years with certain requirements, etcetera, etcetera, so I won't speak for Enrique, but I have -- we have interacted with him, engaged with him, engaged him in light of the various comments that have been made, and I look forward to possibly asking him some questions on rebuttal, if not in the main presentation. The lease and development agreement was originally approved in 1999. It provided for retail

facilities of approximately 10,000 square feet, and I'll get to why we're really at approximately 10,000 square feet. The fueling facility, the marketplace, which I think nobody disagrees, has been a great addition to the Grove, the bay walk. Then there was a resolution that was approved shortly after that, which was a special exception. That was for 114,000 square feet of buildings. That was approved, and approximately a 38,000 square-foot dock master facility. That approval by this City Commission was appealed by Tobin and the Coconut Grove Civic Club versus Grove Harbour Marina. Tobin is the same person who has now hired our esteemed colleague Mr. Gibbs just last night to again oppose the application, a different application, but after losing at the circuit court level and after losing at the Third District Court of Appeals, they're here dragging us through the process again on a special exception. We modified that, and that modification of the 38,000 square feet was replaced by dry dock storage. It was done pursuant to a non-substantial modification determination. I think it is important -- and I'll get back to the Coconut Grove Civic Association and the concern that -- and I'll leave that for later. I hope I do not have to get into it from a perspective of collegiality, but I also have to balance that with protecting my client's interests in light of the fact that Tucker is probably going to appeal this either way. The vice president -- and it's in your tab -- of the Coconut Grove Village Council, during the time of the appeal, was Commissioner Sarnoff's chief of staff, so we are concerned about that. I don't want to go too much more into it, other than if you go to tab 7 -- one of these tabs has the -- 4, I'm sorry. Tab 4 not only has the case, but also has the Secretary of State confirmation; Ron Nelson, vice president, Ron Nelson, vice president, and more recently, his wife, president. So, obviously, we know that the Commissioner tries -- all the Commissioners try very hard to be impartial. We know that Commissioner Sarnoff makes every effort to be impartial. We do have a concern because of how active his chief of staff has been in the previous appeal, and I have some fact evidence that I'll continue to get into if I have to further on in my presentation. The current proposal is an open plaza of 5,400 square feet. The dock master's facility is 820 feet. The marine-related services, the retail, the boat -- the brokerage is 10,958, which is consistent with that marine retail facility of approximately 10,000. Then you have the circulation and structure, the halls, lobbies, 3,900, for a total of 21,000 square feet, which includes 5,400 square feet of plaza. This is the facility that we're talking about again. Your staff's favorable recommendation is that it's within the scope and character, accessory to a major public facility. It is appropriate for the PR zoning. It's related. It's approved under the lease and development agreement. They go on and on with no reservations and recommending favorably. This shows you -- this is the site plan that shows you that basically it's all open. What you see there, those little, kind of round with the chairs, those are all tables. The only thing you have encroaching in the setback are the columns, and then you have the actual structure, which is the toilet facilities, etcetera, that is reflected there. The companion request is the waiver of the 50 feet. It's actually -- it's 50 feet above the first floor. At the first floor, the only thing you have within the 50 feet are the columns at 26, and the criteria is the reduction is allowed if you're providing public benefits, such as direct public access, which we have committed to do, and public walkways. I want to note that there was a similar -- not -- somewhat similar application that was approved in February on a waiver at South Bayshore Drive to allow for 20 feet, 18 and 36 feet. The public benefits on the open plaza is that open plaza. We're providing a larger bay walk promenade area. Instead of 22 feet, the bay walk is connected to 5,400 square feet of open plaza for public use. It provides a continuous improved bay walk consistent with the waterfront master plan. This is -- I think this is more -- this shows the continuity at least relative to Monty's, where you see kind of that bay walk, it continues. Shake-a-Leg, of course, is a fairly large structure right there on the waterfront, and then it continues as you can see it on the other side, comes around over to our facility. Going back to Enrique Nuñez, he was quoted in the paper on September 14, 2008. "The building was left out of the master plan because it was too large and would have obstructed the boardwalks, said Nuñez, the City's urban planner. But now that Grove Harbour has reduced the scope of the building and added public access to the ground floor, Nuñez said the project is no longer a problem. At this point, it does not negatively impact the principles of the overall waterfront master plan." I think it's important to have him amplify on the record that, in fact, there is a placeholder for us depicting the facility that was there, and it was improper, from a planning perspective, to show something greater that wasn't approved at the time; doesn't necessarily

mean we're inconsistent, quite the contrary. The waterfront master plan was adopted by resolution in 2008. One major goal was pedestrian connectivity and continuous improved bay walk from Peacock Park to Kennedy. Again, we have the placeholder on the plan for the dock master facility. Some of the other facilities planned on the waterfront -- it's kind of interesting. Some of the opposition that we've heard articulated relates to that -- the setback from the waterfront. Why is this facility on the waterfront? Well, firstly, obviously, I'm no dock master, but as I understand it, a dock master facility has to be kind of right at the edge to be able to oversee, if you will, kind of the marina operations visually, like you were air traffic control, but for boats, let's say. The dock master then -- the other thing that to me is a bit ironic is that in the City's own master plan, the City's own dock master facility, if you look at the master plan, it's in tab -- oh, it's the next slide. You look at eight, six, five, those are City facilities. The eight, which is supposed to be the City's proposed dock master facility, actually looks like it's on the bay walk. I mean, I know that the rendering is an imperfect rendering, it's a land-use plan map, but I mean, you can't help noticing that it's large and it's almost encroaching on the bay walk. That is supposed to be the City's facility, which is reflected in the April 2007 master plan. As you noticed, it's commensurate with the size of ours; however, does not really have an open promenade. It has no openings on the first floor, unlike our facility, where we've made every effort to morph it down to what it is today.

Commissioner Sarnoff: I'm sorry. I have to ask you a question.

Mr. Echemendia: I'm sorry.

Commissioner Sarnoff: Where did you get that from?

Mr. Echemendia: This one is from the draft Sasaki plan from April --

Commissioner Sarnoff: Right. They used that as --

Mr. Echemendia: -- 2007.

Commissioner Sarnoff: -- an exemplar building, saying they had no input or desire to express what the building should be sited, where it should be placed. I mean, were you at that meeting?

Mr. Echemendia: No, Commissioner. I've been prepared by my staff that has told me, and we've gone through these discussions.

Commissioner Sarnoff: So you're not making a representation to this Commission that that's the building that Sasaki suggested be put there? They were using it as an exemplar of buildings in other places.

Mr. Echemendia: You're abs -- Well, it's a building in the Sasaki plan that looks to be a dock master facility to be exemplar of buildings in other places, if you'd like. I don't disagree with that.

Commissioner Sarnoff: Right, but you -- didn't you say a moment ago that that's what was intended to be built here in the City of Miami? Did I mishear you?

Mr. Echemendia: No, you didn't. It was my impression, Commissioner, that, in fact, that is supposed to be -- in fact, in my conversation with your chief of staff, Ron Nelson, he indicated to me, no, Santiago, that is not the Grove Harbour dock master facility. That would be the City's proposed dock master facility, and it's not in the latest plan. It's in the April 2007.

Commissioner Sarnoff: So you're saying my chief of staff told you that's what Sasaki said they're going to build?

Mr. Echemendia: No, Commissioner. What -- and let's -- let -- I'd like to kind of get over this issue. If you want me to restate what this represents, I'd be happy to do that. What I believe this represents, it says -- by Sasaki. I didn't write this myself -- bay walk at dock master facility. It's not our facility, so it must be the City's. I don't know. I'm reading from the document.

Commissioner Sarnoff: Well, I'm suggesting --

Mr. Echemendia: Let the document speak for itself.

Commissioner Sarnoff: Well, this document says nothing.

Mr. Echemendia: It says --

Commissioner Sarnoff: Because I was at the Sasaki --

Mr. Echemendia: Okay.

Commissioner Sarnoff: -- presentation, and Sasaki said this is merely an exemplar of what could be built. But Sasaki wasn't retained. No architects were retained. No builders were retained. No siting has been done for any dock master facility or any other facility with regard to the Sasaki plan. Is that not a true statement?

Mr. Echemendia: Fair enough. Mr. Sarnoff, the only --

Chair Sanchez: Let's -- listen --

Mr. Echemendia: -- thing --

Chair Sanchez: -- let's move on with the presentation.

Mr. Echemendia: Agreed. -- I'm saying is it says dock master facility. I know it's -- I understand what you're saying. I'm just saying here is the Sasaki plan that shows dock master facility, and I think the record speaks for itself on that. That's all I'm saying.

Pedro G. Hernandez (City Manager): Mr. Chairman, if I may. Enrique Nuñez, who is the manager for the master plan, has just told me that the reason for that slide was to show the bay walk, that the building is just an example of how a building would look.

Chair Sanchez: All right.

Commissioner Sarnoff: That's exactly what I recall.

Mr. Hernandez: But the emphasis was the bay walk.

Commissioner Sarnoff: Right.

Mr. Echemendia: And that's not a problem. I agree with that.

Commissioner Sarnoff: I don't want you misleading this Commission.

Mr. Echemendia: No, I'm not misleading anyone, Commissioner.

Chair Sanchez: All right. Move on.

Mr. Echemendia: Trust me. I'm not misleading -- I'm reading from what it says in the document, no intent.

Commissioner Sarnoff: It's just in the position you put it in your reference to it, you were suggesting that that's what the City intends on building.

Mr. Echemendia: I stand corrected, Commissioner. Thank you.

Chair Sanchez: All right.

Mr. Echemendia: The -- that said, the land-use plan map does indicate eight, I believe, is the -- it actually says in the legend, the City's proposed dock master facility, and in the map, it appears to encroach on the bay walk. You then have our facility that is, again, we've morphed it to be something less. So, based on staff's favorable recommendation, as well as the favorable recommendations from the Zoning Board, the Waterfront Advisory Board, we would respectfully urge you to approve the application. Now I do -- I need to reserve some time for rebuttal. I want to incorporate by reference everything below from all of the proceedings below, including a public records request that we made, which we haven't gotten answers to, so by reference, I'd like to -- to the extent those come out after this hearing, I would like those incorporated by reference to the extent that we made the request before this hearing transpiring. And with that, I would reserve a little time for rebuttal and --

Chair Sanchez: Do you have anyone be testifying on your side, experts, anyone?

Mr. Echemendia: They may on rebuttal, not at this point. We do have our architect here, and I think we're going to state --

Chair Sanchez: Well, if they don't testify now, then they're going to have to testify when we open up to the public hearing, and they're limited to two minutes in the public hearing.

Mr. Echemendia: Mr. Chairman, I think the record speaks for itself in terms of --

Chair Sanchez: All right.

Mr. Echemendia: -- competent substantial evidence.

Chair Sanchez: So you rest and you --

Mr. Echemendia: I would reserve some ---

Chair Sanchez: -- reserve some time for rebuttal.

Mr. Echemendia: -- time for the rebuttal, including an issue that's not truly a rebuttable -- a rebuttal issue, I do want to preserve -- I want to be judicious in how I enter into this issue, and it relates to, you know, impartiality required in quasi-judicial proceedings and the role of the Commissioner's chief of staff, which I don't --

Chair Sanchez: All right. Wait, wait, wait.

Mr. Echemendia: -- want to get into now, but I want to --

Chair Sanchez: But you're getting -- let me tell you --

Mr. Echemendia: -- reserve the right to raise.

Chair Sanchez: -- into some deep waters with that because, basically, what that boils down to is violation of Jennings Rule.

Vice Chair Spence-Jones: Yes.

Mr. Echemendia: No, no, it's not violation of Jennings. We're preserving the record because this gentleman will probably file an appeal. I don't want to be remiss to my client without preserving the record. I want to be as collegial and respectful of the Commissioner as possible. It doesn't relate to the Commissioner.

Chair Sanchez: Okay.

Mr. Echemendia: It relates to the Commissioner's chief of staff. It's not a personal issue, but, unfortunately, apparently to him, it's become; and there's record evidence in here --

Chair Sanchez: All right.

Mr. Echemendia: Should I go into that now or do I save it --

Chair Sanchez: No, no, no, no, no, no.

Mr. Echemendia: -- for later?

Chair Sanchez: We're not going to go into that.

Mr. Echemendia: Okay. Thank you.

Chair Sanchez: All right.

Mr. Echemendia: But I'll --

Commissioner Sarnoff: Wait. Madam City --

Mr. Echemendia: -- reserve the right to make that issue.

Commissioner Sarnoff: -- Attorney, Mr. Chair. Two things have been brought up. One is I'm supposed to instantaneously be able to consider what was brought up in previous proceedings. I have a failure and an inability to do it within this time frame. How am I supposed to respond to that?

Maria J. Chiaro (Deputy City Attorney): To incorporate it in the record is the standard practice. The lower boards' material --

Commissioner Sarnoff: The ruling or everything that happened at that ruling?

Ms. Chiaro: The petitioners can ask that it be incorporated, and then if there is an objection, at a time of an appeal, we can take an objection.

Commissioner Sarnoff: Well, I have an objection to it because I was not privy to the fir -- I wasn't privy to any of the hearings, and if --

Ms. Chiaro: So you may state on the record that you do not consider any of the proceedings from the lower boards, only the findings and only that which is in the packet before you.

Commissioner Sarnoff: Correct. And I want to be clear on the record, and I don't know what any other Commissioner has done. I'm merely basing whatever I'm doing upon the evidence presented to me here today. I'm aware of two rulings. I'm aware of a Zoning Board ruling, and I'm aware of the Village Council's 7/1 ruling against this. Those are the two rulings I'm aware of.

Ms. Chiaro: I don't believe the Village Council ruling is in your packet.

Commissioner Sarnoff: I have a letter from Michelle Niemeyer that indicates that --

Chair Sanchez: All right.

Commissioner Sarnoff: -- and I'll share that with the Commission.

Ms. Chiaro: And so, I presume then that you are adding that to the record?

Commissioner Sarnoff: I'll give it to the -- Madam Clerk. But I -- what I want to be sure of is I'm not privy to what was said. I'm not privy to what was presented. I'm not privy to the evidentiary hearing. I'm not privy to the findings, other than has been presented to me from either of those two bodies.

Ms. Chiaro: And that you do not consider those, nor are you required to. However, the petitioner can ask that it be included in the record.

Commissioner Sarnoff: But I want to be clear that my rulings will not be predicated upon those.

Ms. Chiaro: So stated.

Mr. Echemendia: So state -- Mr. Chair, let me just finish then, 'cause I think it's going to be difficult to get --

Chair Sanchez: All right.

Mr. Echemendia: Well, let me save it for rebuttal. I think it's better.

Chair Sanchez: Okay. Counsel?

Tucker Gibbs: Good afternoon. My name is Tucker Gibbs, with law offices at 2980 McFarlane Road, in Coconut Grove, and I'm representing Gerald Tobin and Susan April regarding this project. I wanted to -- since the issue of the history of this project has --

Chair Sanchez: Whoa, whoa, whoa, wait, wait.

Mr. Gibbs: -- been brought up --

Chair Sanchez: Tucker, I have to interrupt you. You have not filed anything. You're a party to this. You've --

Mr. Gibbs: Am I a party?

Ms. Chiaro: No.

Mr. Gibbs: I filed my lobbyist registration form.

Ms. Chiaro: My concern is the limitation on members of the public, the two-minute response, members of the public.

Chair Sanchez: Right, but has he filed anything yet? I mean --

Ms. Chiaro: Not that I am aware of.

Mr. Gibbs: I haven't filed a lawsuit against the City, no. What Mr. Echemendia is talking about is a lawsuit that was filed --

Chair Sanchez: Well, if you haven't filed, then --

Mr. Gibbs: The lawsuit --

Chair Sanchez: -- you're here as ---

Mr. Gibbs: -- he's talk -- I'll --

Chair Sanchez: No, wait. Tucker, hold on, hold on.

Mr. Gibbs: Okay.

Chair Sanchez: Let's try to get some control here. You're not going to run this meeting, okay?

Mr. Gibbs: No. I'm just trying to answer your question.

Chair Sanchez: Okay. You -- since you're not here -- you haven't filed a lawsuit.

Mr. Gibbs: Right.

Chair Sanchez: Who are you representing?

Mr. Gibbs: Gerald Tobin and Susan April, who are citizens of Coconut Grove, who live here in Coconut Grove, who have a --

Ms. Chiaro: So this is by way of public comment?

Mr. Gibbs: Abso --

Ms. Chiaro: So any limitations that the City --

Chair Sanchez: Right. So, Tucker, reasonable time, not 20 minutes.

Mr. Gibbs: Absolutely. I don't have very much to say on this.

Chair Sanchez: Well, just work with me. How much time do you think you need?

Mr. Gibbs: I figure three --

Chair Sanchez: Two minutes?

Mr. Gibbs: -- to five minutes, at the most.

Chair Sanchez: Okay. You got it.

Mr. Gibbs: Mr. Echemendia talked a little bit about the history, and I wanted to sort of clarify some issues. Yes, in the year 2000 -- I think it was 2000 -- the Coconut Grove Civic Club and Gerald Tobin did file a lawsuit about this project. That lawsuit, as Mr. Echemendia has said, was resolved. It's over. It's done. My clients did not prevail and the City went forward. So that project and that lawsuit is not an issue here. It has nothing to do with the application today, has nothing to do with why my clients are here today. Ron Nelson was vice president of the Coconut Grove Civic Club, which was a party to the lawsuit when it was filed in the year, whatever it was, 2000, 2001. That's also not an issue here. The fact that somebody's a vice president of a

corporation that filed a lawsuit doesn't make that person any more important or any less important. It's interesting because Frank Balzebre was the president of the Coconut Grove Civic Club at the same time, and I suspect -- and Mr. Echemendia's not going to complain, when he has to get County permits, that Mr. Balzebre, who was the president of the Coconut Grove Civic Club, was involved in a lawsuit seven years ago that he lost. So, again, I think this is kind of silliness. The issue is the office building today. And Mr. Echemendia had the -- and I'm glad he brought this issue up in one of his -- in one of those cards he presented. He talked about the lawsuit, and then he said, special exception Resolution 01-601, which was the --

Chair Sanchez: Which page is that, Tucker?

Mr. Gibbs: It's page 7 on tab 1. It's the one on the bottom. It says special exception Resolution 01-601 was modified in November 2002 to remove 38,000 square-foot building and replace it with additional dry storage. The office building Mr. Echemendia speaks of today, today's office building, he says that was approved back in Resolution 01-601.

Mr. Echemendia: That's not what I said.

Mr. Gibbs: And yet he's saying the resolution was modified to delete that office building and allow them to have additional storage. That, to me -- apparently, that's what he is saying, and maybe I'm wrong, and I'm not going to speak for Mr. Echemendia, but the point is that the project today is not the project of yesterday. The project today stands on its own merits. It isn't part of that lawsuit. This particular office building was not blessed by the court, was not approved by a special exception back in 2001. In addition, just one last word on Ron Nelson. November 2002, when Mr. Nelson was the vice president of the Civic Club, the Civic Club didn't oppose this modification of this resolution. Mr. Nelson didn't come up here and object to it, so I don't know how bias fits in. He had a lawsuit. He lost his -- he didn't have a lawsuit. The Civic Club had a lawsuit. They lost the lawsuit, and they didn't fight this addition to this project. What I'm trying to say is it's -- all the stuff is -- I don't know how to put it, but it's kind of a lot of smoke. Because the real issue here is is this -- does this project meet the requirements for a special exception? And as Mr. Echemendia said, before you even can get to that question, you have to deal with the question of the City's Charter. And the City's Charter is very specific. It says you can't build a structure or building within 50 feet of a seawall. The City of Mi -- and that's a charter amendment, and I don't know how many of you all -- I know Commissioner Regalado may remember Dan Paul and this amendment. This was a big deal that Dan Paul got this on the ballot, and the people of the City of Miami voted no structures within 50 feet of a seawall. And there was a reason for that. It was to protect the waterfront. And you all adopted your Sasaki plan, which talked in very general terms about what to do with this particular waterfront. When you look at the charter section, the charter section specifically says the above setback and side yard requirements may be modified by the City Commission after design and site plan review and public hearing, which is what we're having now on item 10, only if the City Commission determines that the modifications requested provide public benefits such as direct public access -- I don't know how this building provides direct public access -- public walkways -- I don't know how this building provides additional public walkways -- plaza dedications -- I don't think there's any plaza dedication here that isn't already there -- covered parking up to floodplain -- not applicable -- or comparable benefits which promote a better urban environment and public advantages or which preserve natural features. My point is you all have to evaluate whether this building is worthy of being placed within a sacrosanct 50-foot setback from the waterfront. Now, Mr. Echemendia is very creative in saying -- but the only -- the building doesn't encroach into the 50 feet, just the columns of the building. I'm amazed at that comment. It's a building. It may extend over this public bay walk and, yes, people may be able to walk under it but, come on, guys, it's a building. And to say that this building is not a building just defies any kind of logic. You can look at the pictures and see. This is also an office building. Mr. Echemendia refers to the dock master's office. I don't think we would be here complaining about it if it was just a dock master's office because a dock master's office doesn't have to be three stories tall. A dock master's office doesn't have to include office uses. You want

an office use, go to an office building. In this economy, there are plenty of office buildings with plenty of space. There is no need for the office building there at this point. There is no -- this -- there's no addition to the public benefit by having an office building there. You want to have a dock master, you want to have toilets, you want to have showers, fine. You can do that. Do it 50 feet away. In their original plan, that's where they were. They were 50 -- they were over 50 feet away from the waterfront. They didn't ask for this charter exemption when they made their original plan. Put this where they originally said they were going to put it. Don't put it here.

Mr. Echemendia: There's a dry dock there, by the way.

Mr. Gibbs: Parking. I wanted to end this with parking. Mr. Echemendia said something that I don't think he realized he said, and I just wanted to clarify this. He said there were 260 spaces for this building and 278 for -- and I don't understand the 260. Clearly, I don't think he meant there were 260 spaces for this building because this building, as an office building, I don't think needs more than what, 10 or 15. I'm not even sure. So my question is -- and my -- I don't know if it's staff or Mr. Echemendia -- how much parking is there now for the site, number one? How much parking is dedicated to the uses that are existing on that site now? And how much parking is required for the uses they are anticipating for this office building, and does that meet the number of parking spaces that they have? In other words, is this going to require you all to approve a project that needs more parking than they have? And I'm sure they have an answer to it. I -- it just wasn't made clear. They have a certain number of parking spaces. I just want to make sure they have -- the use meets those parking spaces. But if I could have those questions answered, I'd appreciate it.

Chair Sanchez: All right.

Mr. Gibbs: This project is in violation of your Charter. It's an extraordinary -- you all have an extraordinary vote to waive a Charter provision that was adopted by the people of the City of Miami. Please do not take that lightly. This can be built somewhere else on their property. Please protect the bay walk. Please protect the ability of people to walk on that bay walk unobstructed, and think about the Charter amendment and those people who voted for it. And please vote to say no on item 10 and no on item 9. Thank you.

Chair Sanchez: All right, thank you. Rebuttal --

Mr. Echemendia: Well, I --

Chair Sanchez: -- and then we'll open it up to the public.

Mr. Echemendia: I'm sorry. I was going to wait for the public and then do my rebuttal at the end after the public.

Chair Sanchez: All right. Public hearing. All those that'll be -- first of all, has everybody been sworn in? If you have not been sworn in -- Jack, let's get you sworn in. All right. All those speaking for or against the record -- or the project, please stand and raise your right hand and be sworn in by the City Clerk.

Pamela E. Burns (Assistant City Clerk): Raise your right hand, please.

The City Clerk administered oath required under City Code Section 62-1 to those persons giving testimony on zoning issues.

Ms. Burns: Thank you.

Chair Sanchez: Okay. Not everyone at once. Ladies are always first. Jack, you're --

Michelle Niemeyer: The boys are shoving me to the front.

Chair Sanchez: -- a gentleman, Jack. You're a gentleman. Ladies always first.

Ms. Niemeyer: Michelle Niemeyer, 3053 Day Avenue, and I'm here today in my role as the chair of the Coconut Grove Village Council. We had an extensive discussion about this project at our meeting on September 18. I've circulated a letter. I don't know if all the Commissioners got a copy. Did you?

Chair Sanchez: No, I did not.

Ms. Niemeyer: Okay. May I approach? Essentially, our discussion consisted of a couple of major topics. I think it's fair to say that the plans that were presented to us, we didn't have any horrible outcry about the building itself. We didn't have any horrible outcry about the concept of the design. What we had a problem with -- and this is why I'm here today -- was we liked the idea of the public realm extending under the building and expanding the bay walk providing with a larger public space. That was a good thing. However, we just spent four years and many hundred thousands of dollars and a lot of people's time and effort to put together the waterfront master plan. There were a number of members of the Village Council who felt that the waterfront master plan's integrity would be compromised if the first thing that would happen after it was passed was for a building that wasn't on the master plan to be approved, especially considering that the building was asking for a special exception really on two counts; one being the setback from the bay walk and the other being an office use in the waterfront. We had a number of members who were opposed to the construction of any kind of offices, other than the pure dock master office at the waterfront location. So that was the source of ultimately what we decided. And the decision that we came up with was a two-fold recommendation. The first prong of the recommendation was to ask the Commission to deny the special exceptions that are being sought by Grove Harbour. The second prong was that we request of the City of Miami that it consult with Sasaki Associates regarding this plan and determine whether the building that's being proposed should be considered add -- to be added to the waterfront master plan. There were comments that, you know, if it was a mistake, if it was an oversight, if it should have been considered and included in the waterfront plan, fine, but it should be done with the right kind of public process and through the waterfront planning process, and then made in addition to that plan. So that's what I'm here to ask for today. Thank you.

Chair Sanchez: Thank you. Next speaker.

Michael Butler: Michael Butler, 2580 Lincoln Avenue, Coconut Grove. I'm opposed of the plan. I'm opposed of giving them the waiver on the 50 feet. Presently, they have a small dock master's office there, and it serves the purpose. People can walk around the dock master's office, they have space on both sides, and it's within the 50-foot easement, but that is -- that's pre -- that's been there. That's -- historically, that building is okay. It can be there, that small dock master's office, and that's fine 'cause people can walk around it. Yes, they have the right to provide some amenities for their patrons; bathrooms, locker rooms, shower rooms, changing rooms. I don't think anybody has objections to that. But let's understand what this building is. This is 20,000 square feet. On their drawings, they talk about administrative offices, executive offices, retail space for boat and rental brokerage. Let's remember, this is a duck. And if it quacks like a duck, it is a duck. This is an office building. They want to build an office building within 50 feet of the water's edge, which is in violation of the charter and it's in violation of everything that I know of. We want to keep the waterfront for the citizens of Miami, not for Grove Marina. I just want to talk briefly about the vetting process 'cause counsel brought up the Zoning Board. I was at the Zoning Board meeting, and yes, counsel made his point and opposition made their point. What struck me about the Zoning Board meeting is that probably four of the Zoning Board people who sat on that board were not even aware that the waterfront master plan had been approved by the City Council [sic]. They were not even aware that the waterfront master plan had gone through 40 charrettes and the input from the citizens of the City and the citizens of the

Coconut Grove. They were clueless. So how does the Zoning Board approve or disapprove this particular item when they're not even aware of what's going on around them? On -- to continue on, July 24, the Commission voted for the Sasaki plan. They voted for the waterfront master plan. And I'll -- if you'll just indulge me -- a guiding tool for the future development of Coconut Grove waterfront, creating an image and character for the defined waterfront area, public open space, and a continuing vitality of Coconut Grove. To put an office building on water's edge is ludicrous. It smacks everybody in the face -- asking to put it there smacks everybody in the face who worked with the Sasaki group, with the Commissioner, all the 40 charrettes we held, all the people who had input into this, now they're turning around and say, we want to put an office building right here and we don't care what you people think. I think that's wrong. I think they will say we have rights because we had a permit on file and we have a right to go forward with this. Well, I'm sorry. The people of Miami, you as Commissioners, we have a right to our waterfront, and the people of Miami have a right to expect the Commission to back up this resolution on the 24th.

Chair Sanchez: Thank you, sir.

Mr. Butler: Thank you.

Chair Sanchez: Thank you. All right. Next speaker.

Charles Alyn Pruett: Good afternoon. Alyn Pruitt, 2901 South Bayshore Drive, member of the Coconut Grove Village Council, was also a member of the Working Waterfront Committee that participated in the preparation of the Coconut Grove waterfront master plan. Speaking this afternoon as a member of counsel really to reinforce but not repeat what Michelle Neimeyer has said about our deliberations of the other evening. It's very clear to me -- and I made these points at the Council meeting -- that the Commission must uphold the Coconut Grove waterfront master plan. As has been said, if the first item out of the box in response to that master plan is in apparent conflict with that master plan, it raises the whole question of the integrity of that master plan and of the City's dealings with the residents of Coconut Grove. Therefore, I urge, as Michelle has said, that the Commission develop a process -- that the Commission actually deny this project as it has been presented today and develop a process by which it can be reviewed within the context of the Coconut Grove waterfront master plan. That's the rational thing to do. It's the right thing to do. It's the right process to follow as we think about it in that context. Thank you.

Chair Sanchez: Thank you. Next speaker.

Jack King: My name is Jack King. I live at 4031 El Prado Boulevard, in Coconut Grove. And I'm a member of the City of Miami's Waterfront Advisory Board. And I apologize for not being at the meeting where this was heard, or I would have voted against it. I was at the Zoning Board meeting the night before, and it was amazing that the Zoning Board had literally no idea what had happened in the Grove, as far as the Sasaki plan and all that went along with it. Like to read you something. This comes from the agreement between Grove Harbour Marina and the City of Miami. It's in the -- actually in their documents. And summary of market analysis. It says the four basic components of Grove Harbour Marina and Caribbean Marketplace are wet slip, dry boat storage, boatyard, and marketplace were developed from our market analysis. So that's what we thought we were going to get with this. Somehow or another, we've gotten some other things that don't really belong there. I think Tucker told you about the lawsuit and how it ended and why the original building that was further to the north was taken out, probably the luckiest thing that ever happened to Grove Harbour Marina. They didn't have to build a building. They put up dry stack storage. Prices in storage went sky high. They did really well, and that's fine because they're supposed to do really well. I have only one copy of this. This -- I'd like to pass it around to y'all, and it actually came from Commissioner Sarnoff's office because he has the documents. This is the original site plan that was approved. There's nothing in this area down here. Nothing was in the 50-foot setback anywhere. Just so you know, you

can -- And now, where are we with what's happening? All right. Right now, Grove Harbour Marina has about 50,000 square feet of retail and office space completed, ready to go; 21,000 square feet -- and these are rough things. Don't hold me to this. I'm not a -- I'm a journalist. I'm not a --

Chair Sanchez: The largest is the Fresh Market?

Mr. King: What?

Chair Sanchez: The largest is the Fresh Market?

Mr. King: Of 21,000 square feet for Fresh Market. All right. They have another 7,000 square feet in retail on the north side of the south hangar, and I think about half of that is full. I don't know. It looks like there's another tenant going in there, but part of that's taken. And then on the south side of the south hangar, there are three floors of office space, and that's, you know, roughly 22,000 square feet. As I walked through there the other day, it's pretty empty. There's not much in there. I'm not sure why we need another office building on the waterfront, why we need another office building in a park. I mean, this is actually, you know (UNINTELLIGIBLE), this is parkland. It just doesn't make any sense to me economically, and certainly, it doesn't make any sense to the people in the Grove and the people in the waterfront. It serves no purpose, all the things that, you know -- the components that you have to comply with in the Charter, I don't believe are complied with at all. There's just no -- there's no reason for it, and I keep looking for a reason. I mean, there just nothing there. Initially, the bathrooms were in the -- on the south side of the big hangar. That's now boat storage that's been taken out, and actually, it's also retail space too. And that was all plumbed for that at one time. It was ready to go. It was in bad shape at the time, I fully agree with that, but there were no provisions made for -- after the other building was taken out, there were no provisions made for bathrooms anywhere, and they certainly are needed, but not in the middle of an office building.

Chair Sanchez: All right. Thank you, Jack. Anyone else from the public wishing to address this item, please step forward. Stuart.

Stuart Sorg: My name is Captain Stuart Sorg. I'm a Seal. I'm retired from the United States Navy, and I live in Coconut Grove. I'd like to clear the record for a minute. Ms. Niemeyer came to -- Ma'am, Michelle, please pay attention, darling.

Vice Chair Spence-Jones: I'm listening. I just had to ask him a question (INAUDIBLE).

Mr. Sorg: All right. Okay.

Vice Chair Spence-Jones: (INAUDIBLE). I'm listening.

Mr. Sorg: Michelle came to the Waterfront Board, and when she came to the Waterfront Board, she thought this whole project was fantastic. That's what she said. It was in the paper. Now she came today and she's against it. Now, this is what goes on in national politics; one day you're for it and one day you're not for it. I appreciate Jack King being here because he knows now the Waterfront Board voted unanimously for it, but he hadn't been to a Waterfront Board meeting probably in months, as the Commissioner knows. Well, let me just say right now that I think anyone who would be against this project would definitely be against motherhood and apple pie. We need it. This whole project that Mr. Le Mas put together, including the Fresh Market, has done more to enhance the Coconut Grove waterfront than anything that's ever been built. It's just going to tie in beautifully with the whole project of the Dinner Key master plan years ago whether -- we're going to put in there 225 managed moorings, a new dock master's office. I've been around here for 50 years, and I've seen the growth and development of this waterfront. And the people that you've just got on that list right there have come together because they are interested in preserving what is known as the Coconut Grove waterfront. Everybody else has an opinion, they have a boat, they sail, all sorts of things, but that's not what the question is. How

'bout [sic] the people that have been here for 40 years who built this project up, why don't they have the right to make a decision on what goes on their own waterfront? And people are talking about what is this worth? There are 1,500 boats, over 1,500, right here in the Coconut Grove, Kennedy Park to Peacock Park. We have a lot that's coming about. This is going to be one of the greatest areas in America, and Mr. Le Mas is making a genuine contribution to that, and I support him very strongly. We saw the whole plans. I couldn't see where anybody couldn't walk on the bay walk. It sits way back off the waterfront itself. It's on a little canal-type thing. It's ridiculous. I want to make one statement though. I reviewed the Coconut Grove Waterfront Master Plan with many people, and I'm not a lawyer. I know Mr. Sarnoff; I respect him very much 'cause he's a lawyer and I listen to what he says. The key to that master plan was -- and our magnificent City Manager, I'll do everything for him. He's great. He craft -- was -- used great craft in wording the resolution, which said it was in principle, and it was for a guideline for the future. There was nothing in that master plan that was cut in stone that said anything had to be done now or in the future, and I think that's -- I think the City Attorney can back that up. There's nothing there that said it had to be done. It's only a guideline as to what should be done. And I'm not going to stand up here and preach much longer, but we need development on the waterfront that ties in. We've got an entire business community. We just formed a committee -- entire business community that works to enhance to make Coconut Grove the best place of all. And let me just talk for a minute about regattas. We're talking about regattas, bigger regattas that come in from everywhere, but they're not going to be coming to any building that sits on the (UNINTELLIGIBLE) Dinner Key Marina. They're going to be coming to the Coconut Grove Sailing Club as it rest where it is, Coral Ridge Yacht Club, Biscayne Bay Yacht Club. You don't have regattas from all over the world come into a concrete building sitting on the side bulkhead. They come to the yacht clubs themselves. And all I can just say is this is all a big package coming together, and I've got every compliment in the world to Mr. Lima. I think he's doing right, and I hope you take a moment and give him credit for what he's doing. He's making this Coconut Grove waterfront magnificent, exactly what it is. Just a moment. I remember when they first started with this, and I was chairman of the Waterfront Board then, and I opposed it --

Chair Sanchez: Stuart --

Mr. Sorg: -- and it was -- there was --

Chair Sanchez: -- in conclusion, Stuart.

Mr. Sorg: Pardon?

Chair Sanchez: In conclusion.

Mr. Sorg: Huh?

Chair Sanchez: In conclusion.

Mr. Sorg: Oh, in con --

Chair Sanchez: In other words, wrap it up, my friend.

Mr. Sorg: Okay, good. Thank you, sir.

Chair Sanchez: Okay.

Mr. Sorg: In conclusion, I opposed it very much, and there was a big story in the paper because I opposed it; and at that particular time, he was borrowing money and it was very -- it was at 25 percent interest, a million or so dollars. I didn't want it, and I thought it was the worse thing could happen. I think now it's one of the greatest opportunities we've ever had, and I certainly encourage you to give consideration and to pass it. Thank you.

Chair Sanchez: Thank you, Stuart. Okay. Anyone else? If not, that concludes the public hearing. Rebuttal, and then it comes back to the Commission for deliberation.

Mr. Echemendia: Yes. Thank you, Mr. Chairman. Just a few comments. There was some reference that it's an office building. It's very much -- the toilet facilities, the showers on the first floor, the dock master on the second. If there's any component that is office retail or office, it is the third floor, so it's not an office building. It's a dock master facility that has some attendant water-related --

Chair Sanchez: And that would be --

Mr. Echemendia: -- and that --

Chair Sanchez: -- within the lease agreement.

Mr. Echemendia: Within the lease agreement, that is correct. I think it's important -- I don't think I need to cross-examine Enrique Nuñez, but I think, as the project manager and because of the -- I hope he's still here. I know he was here previously.

Chair Sanchez: Yes, he is.

Mr. Echemendia: If I could, if you would extend me the courtesy of asking; I have some other comments, but -- maybe I will ask him a few questions. Maria, I think I'm entitled to not cross-examine him, but just ask him a few questions. Hey, Enrique. How are you?

Enrique Nuñez (Chief of Urban Design, Planning): Yes.

Chair Sanchez: Through the Chair.

Mr. Nuñez: Good afternoon, Mr. Chairman, members of the Commission. Enrique Nuñez, City of Miami Planning Department.

Mr. Echemendia: Hi, Enrique. Can you state what role you had relative to the Sasaki plan?

Mr. Nuñez: Well, as the chief of the Urban Design division, the Planning Department is responsible for managing and monitoring the work of outside consultants' involvement in the City's master plans.

Mr. Echemendia: I want to refer you to your quote in the Neighbors' article, where you stated "The building was left out of the master plan because it was too large and would have obstructed the boardwalk, said Enrique Nuñez, the City's chief of Urban Design, but now that Grove Harbor has reduced the scope of the building and added public access to the ground floor, Nuñez said the project is no longer a problem." Is that a correct quote? Do you still stand by that, Mr. Nuñez?

Mr. Nuñez: Well, what I would like to do is, in an effort to place this item in context with the overall master plan, I want to give you some information with regard to -- on July 23, 2007 there was a presentation of the draft final master plan to the Planning Advisory Board. This was a whole year before it received unanimous approval by the City Commission in July of '08. In preparation for that presentation to the PAB, the proposed Grove Harbor structure was not included within the lease areas because the building design and footprint was still being refined at that time. An existing structure was shown in the master plan to reflect a dock master's office to serve the marina. And with the emphasis -- the master plan emphasizes an improved bay walk along that waterfront, so obviously, at the time the Sasaki team went before the Planning Advisory Board back in July of 2007, the refinements to this proposed structure was still under

design, and there was a decision to move forward with the master plan and show the existing -- the footprint of the existing dock master facility in an effort to move forward and to emphasize public access to the waterfront and those improvements.

Mr. Echemendia: You also stated that at this point it does not negatively impact the principles of the overall waterfront master plan. Do you stand by that comment and could you amplify a little bit what you meant?

Mr. Nuñez: Oh, because the emphasis of the master plan was providing a public access to the waterfront and as continuous of that access along the entire Coconut Grove waterfront from Peacock Park to Kennedy Park, so that is consistent.

Mr. Echemendia: Has the gentleman from Sasaki indicated to you that -- well, let me frame it a little differently. You, I believe, have indicated that there -- is it correct that there is a place holder on the master plan that basically -- no, I don't want to say a place holder; a depiction of the existing facility?

Mr. Nuñez: Well, the -- yeah, the master plan reflects the existing dock master footprint.

Mr. Echemendia: And I think you just explained why you didn't show the new facility --

Mr. Nuñez: Obviously.

Mr. Echemendia: -- because it had not been approved at the time.

Mr. Nuñez: Yes. And I might add that during the master planning process, the Sasaki team was provided with ongoing iterations of the proposed dock master building and comments were returned to our Department of Public Facilities and back to Juan Berry and Mr. Lima with concerns at the time for the need for openness, you know, on the first floor, the need for clearer access -- unobstructed access to the public bay walks.

Mr. Echemendia: Is it your professional opinion that we have provided that? It seems that in light of your quote, you would be supportive as the project manager of the Sasaki plan.

Mr. Nuñez: Well, in all honesty, sir, this is -- a decision of this type is really beyond Enrique Nuñez, and that's why we are here before our City Commission. What I do share is that the emphasis of the waterfront master plan has been met. It was presented very clearly. It was one of the most comprehensive master planning studies that we've had in the City's history, and thus, it received approval, so all the things that are shown within the current master plan have been met. In all honesty, the depiction of the dock master's footprint is shown with an intention for there to be a dock master facility to serve the marina.

Mr. Echemendia: Thank you. Thank you, Enrique. One last question, and that is is it true -- and I've yet to understand this; maybe you can help me -- that because we have a 40-year lease on the property, wouldn't it be somewhat inappropriate or not the role of Sasaki to basically dictate what's going to go on a property? Wasn't -- isn't the Sasaki plan more for the properties owned by the City, that the City has wide flexibility and doesn't have tied up under leases? Or if you could just clarify that. I may be --

Mr. Nuñez: No.

Mr. Echemendia: -- wrong. Isn't there something to that?

Mr. Nuñez: In all honesty --

Commissioner Sarnoff: You're going to allow him, Madam City Attorney, to respond to a legal

question as to what the lease provides for?

Ms. Chiaro: He can respond to the question; the City Commission can give it the value it wishes to.

Mr. Nuñez: Well, if I may respond with --

Mr. Echemendia: It's a Sasaki plan question. I'm just referring to the Sasaki plan.

Mr. Gibbs: I have to say on the record I object -- I just want to say I object.

Chair Sanchez: Okay, for the record, stated.

Mr. Gibbs: He's not a legal expert; I don't think he should give an opinion.

Ms. Burns: Sorry; we're not recording you.

Mr. Gibbs: Oh, she's not recording. Oh, excuse me. Tucker Gibbs. I just want to say on the record that I object.

Chair Sanchez: Okay.

Mr. Gibbs: I don't think he should be giving --

Mr. Echemendia: I'm sorry.

Mr. Gibbs: -- legal opinions.

Mr. Echemendia: Enrique, let me restate my question because I don't want to draw any concern. I'm really just asking from a practical perspective from you as the project manager, from an urban design standpoint in terms of planning under the Sasaki plan, what were you all faced with with those parcels that had 40-year leases? Did you also plan for those? What was the practical difficulty? Was there one?

Mr. Nuñez: Well, as part of the master planning process, the consultants -- the team of consultants were given the task of analyzing all existing conditions within the entire waterfront. There's obviously opportunities and constraints which are observed and analyzed prior to making decisions or proposing improvements within the waterfront. Obviously, leaseholds are part of those existing conditions that they need to deal with. Then, again, the emphasis and the intent of the master plan was to try and achieve continuous public access to the waterfront and public recreational opportunities.

Mr. Echemendia: Was there -- at any point during the planning process, did you all contemplate a bigger or placing the proposed facility instead of the existing dock master facility, or was that never intended and/or discussed?

Mr. Nuñez: That -- the existing dock master footprint was respected and the process just continued from that point.

Mr. Echemendia: And that's because, from a planning perspective, that's what you do, you show what's there; you can't necessarily show what hasn't been approved, albeit --

Mr. Nuñez: Well --

Mr. Echemendia: -- nothing in the plan has really been approved. You know, it's a theoretical plan, but -- or it's been approved by the Commission, but it hasn't been approved relative to

entitlements.

Mr. Nuñez: As part of the process, they looked at the entire waterfront. As you can -- in looking at the master plan, you can look, for example, at the adjacent property where the Chart House restaurant is. The master plan does show the residing or the new foot -- a footprint for a new and improved Chart House restaurant and improved bay walk facilities to run along it, so the Sasaki team did have the opportunities to share and to propose improvements -- ways of improving that waterfront where they saw obstructions.

Mr. Echemendia: Thank you, Enrique. And Mr. Nuñez has been extremely professional in all our engagements with him and we truly thank him.

Chair Sanchez: All right.

Mr. Echemendia: The difference here, of course, is that we don't have another place to relocate the dock master facility because where it was previously proposed was where we now have dry docks, so when Mr. Gibbs suggests we can locate it somewhere else, there is no other place. This is the dock master facility. If there were any question about anything, if you kind of distill what's being discussed here as, you know, is it -- is there an issue with the third floor, which is office, and people agree or disagree that to the extent we're respecting the first floor promenade and we can't dedicate it because it's under lease. There is no -- you can't dedicate if you're under lease; that we are, in effect, as part of the condition, leaving it open to the public, there's a difference of opinion as to whether is that really open or is it only on the first floor and not the second floor? That's what I've distilled from the opposition in terms of the reservations. Those are the -- kind of the only two refined points. I'll make just some concluding remarks, Mr. Chairman, and thank you for indulging me. Lest I forget, under 2105.4.1, if you file a complete application, you are vested. Well, we have filed a complete application; it's been pending since 2007, and the reason that's important is because not only would we be vested if this were adopted as part of the EAR, but you only accepted the master plan, the Sasaki plan by resolution; it hasn't been formally incorporated as part of the Comprehensive Plan. So strictly speaking, it's a guiding document that's loose out there as a neighborhood study. As a matter of law, it is not compelling until it is formally adopted as part of your Comprehensive Plan. The -- why is the case relevant? The case is relevant -- oh, and with respect to the parking in -- there are no variances. I think staff is confirming that there are no parking variances. We have an excess of parking. I think Michelle -- Mr. Sorg, who's been fantastic, and kind of led the Waterfront Advisory Board -- in her capacity as the chairman of the board may be here to express the board's position. Personally, she appeared in front of the Zoning Board in favor of the project, and I think that's important to note as well, as she is the chairman of the Coconut Grove Village Council; and she stated why and stated a condition that she was in support provided we modify the landscaping. So I didn't want you all to be left with a misimpression. She is, indeed, personally in favor. Lastly, and this is -- and I'll try to treat this very delicately -- as delicately as I can. I know the Commissioner. I think we've known each other personally for years. I have the highest regard for him and respect him completely. I think what he's done with the waterfront master plan is a wonderful thing. We were -- we are concerned about, you know, quotes that he made in the paper before the public hearing that is in your packet. The quotes speak for themselves wherein -- what tab is that in, Commissioner Sarnoff? That's in tab 6. It's proposed Coconut Grove building faces new criticism, where the Commissioner is quoted saying, you know, you don't really need the stuff. It's going to be covered in the retail and parking on South Bayshore Drive. I thought the idea behind the Sasaki plan was to design waterfront (UNINTELLIGIBLE) not part of the plan. You know, in quasi-judicial proceedings, our concern, Commissioner -- and we know that you try to be unbiased, and I think that you're a very fair man, but your judgment is contingent based on the showings made at the hearing, and if you telegraph your position before the hearing, it gives pause for concern as to whether the Commissioner is partial or impartial, and I'll leave that there. I think that's enough for me to preserve the record. The final point and the reason why the Coconut Grove Civic Club versus Coconut Grove Marina and Caribbean Marketplace is important is because there's a very

important quote there. There're really two lessons that I take away from that case. First, even though Tucker distinguishes it yes, and it's not this exact, it's not this dock master facility, but it was the same players. It was Tobin, it was Tucker; it related to the Coconut Grove Marina. It was a special exception, not dissimilar to this. They got denied at the circuit court and at the Third District Court of Appeals. But moreover, why is it important? And I say this very respectfully to Mr. Nelson. And I think the problem that you have here is I believe he is also very well-intentioned, but when he was a community activist, he took positions that he wants to continue taking. Unfortunately, it blurs the line between his position in the office of a Commissioner, and the Commissioner who is presiding in a quasi-judicial proceeding; and the court noted "communications between the Commission and its staff is often judicially prudent. However" -- and this is in the Coconut Grove case, in the Marketplace, in this very case that Tucker litigated -- "it becomes imprudent when the communications are advocatory in nature." I'm not going to sit here and ask Commissioner -- I have too much respect for Commissioner Sarnoff to ask him and cross-examine him on the nature of the communications between him and Ron Nelson. I will state, though, that Ron Nelson has sent e-mails (electronic). He's appeared -- he was at the Zoning Board sitting in the wings conferring with Bret Berlin. He appeared in front of the Waterfront Advi -- the Coconut Grove Village Council. He has been actively involved. Why? I believe he is well-intentioned. I am not criticizing him. I, however, am preserving my client's right and bring to your attention and maybe even the Commissioner's intention -- maybe you were uninformed, Mr. Sarnoff --

Chair Sanchez: I think you've made your point, counsel.

Mr. Echemendia: -- and I think I -- and I apologize; I did need to state that for the record. It's difficult for me, but I think I also need to preserve my client's interest.

Chair Sanchez: All right.

Commissioner Sarnoff: Two things.

Chair Sanchez: It is closed, coming back to the Commission --

Commissioner Sarnoff: Two things.

Chair Sanchez: -- for deliberation.

Commissioner Sarnoff: Oh, wait. No. I have a question on --

Chair Sanchez: Commissioner Sarnoff, you're recognized.

Commissioner Sarnoff: Question.

Chair Sanchez: You could ask a question; just recognized right now.

Commissioner Sarnoff: Are you saying that you're willing to give up the third floor? Did I hear you correctly?

Mr. Echemendia: No, no, no, no, no. I --

Commissioner Sarnoff: Oh, I'm sorry. I thought you said there was no need for the office building.

Mr. Echemendia: No, no, no, no. Marc, I think what I said is it seemed to me they're framing it as an office. The only component that you can argue that this is an office is the third.

Commissioner Sarnoff: Right.

Mr. Echemendia: *Otherwise, you've got the dock and the --*

Commissioner Sarnoff: *So you're willing to give up the third floor?*

Mr. Echemendia: *No, no, no, no, no. I don't believe we are.*

Commissioner Sarnoff: *And second issue, are you asking me to recuse myself?*

Mr. Echemendia: *The -- I am not. I am -- I wanted -- I think I've stated enough for the record. I deliberated; almost lost sleep last night as to whether I would do that at the beginning of the hearing. I did not want to offend you. You and I have known each other for a long time. I -- if you tell me -- if you state on the record that notwithstanding your quote and notwithstanding whatever communications you've had with your chief of staff that you believe that you are impartial and will read this on the merit, then so be it. I don't need to challenge you. I just needed to preserve my clients' rights.*

Commissioner Sarnoff: *Well, I just need to hear from you that you're not making a motion to recuse you.*

Mr. Echemendia: *I have not made a formal motion to recuse you, no.*

Commissioner Sarnoff: *Have you made an informal one?*

Mr. Echemendia: *No, Marc. I think I'm trying to be respectful to you. I think --*

Commissioner Sarnoff: *Okay.*

Mr. Echemendia: *-- I wanted to advise you of certain things that may have been unbeknownst to you that I think as a matter of good government and public policy, need to be addressed.*

Chair Sanchez: *All right.*

Michael Butler: *Is the public meeting closed?*

Chair Sanchez: *Yes, it is, sir. Unless somebody has a question for you, it is closed.*

Mr. Butler: *I do have a question for them then.*

Chair Sanchez: *Sir, you can't ask them question -- under proceedings, you can't answer [sic] questions. You can't cross-examine an attorney. You can't.*

Mr. Butler: *Oh.*

Chair Sanchez: *All right. Thank you. All right.*

Commissioner Sarnoff: *Mr. Chair, it's an interesting day today when a Commissioner asks his collegial body for a deferral and he doesn't get a second. First time I've -- since I've been here that that's ever occurred, but I guess today is a new day and it'll be long remembered. The first thing this Commission did was pass the Sasaki plan, and now you're being asked to change the Sasaki plan. Let me tell you what Sasaki had to say -- it's in your packet (UNINTELLIGIBLE) -- about this. We last reviewed the project with the Lima family well over one and a half years ago. It is our understanding at that time the facility's intended use was simply for the Grove Harbor Marina customers only. That means not the office. As we said two years ago, as long as they comply with all land-use and pertinent zoning ordinances, building setbacks, etcetera, which you know as the charter, which was approved by the City of Miami residents, and do not*

further encroach on the bay walk beyond the impacts of the existing facility, then, as a matter of right, they should seek approval to do a new building to meet the needs of their marina customers. We discussed the ability to design a building that should be a responsive to the maritime qualities in both scale and simplicity. We also understood to Grove Harbor could not provide vehicular access to the building, but would shuttle customers from the parking lot in golf carts to the dock master facility, an issue that we discussed to be less than desirable. He says, fast forward one year later. Given the evolution of the master plan and the discussion regarding the Chart House, very important you think about the Chart House. With the lease expiring in 2012, the master plan supports the idea of repositioning of the property. Now, if you all think about this, the Chart House sits length-wise on that particular footprint. If you move the Chart House and bring it perpendicular to the waterfront, you'll have clear access, and guess what, a waterfront where you see the water. What a novel concept in the City of Miami, a waterfront that you can see, a waterfront that doesn't put three-story, 20,000 square-foot buildings directly on the face of it. That's what we propose to happen. So he goes on to say, the future use will require vehicular access drop-off service, as would be proposed, the commercial fishing pier represented in the master plan. That being said, we thought we could possibly solve direct access, drop-off to the Chart House parcel, and the Grove Harbor shared driveway drop-off configuration. It would require a collaborative design process with both sides participating. We know we can make a better urban place and improve access to the Chart House site, commercial pier and Grove Harbor if done collaboratively. What has not occurred here? Collaboration. Again, the most important aspect in privatizing the waterfront, but promoting public access. If the plans do anything to prevent that, then it should be stopped. This is signed by Mark Dawson. Now, if you look at just what we're talking about right here, this is the site right here, right directly on the waterfront; and this is all parking right now with a very, very small marina office right there. It is not even the size of my thumbnail. And they're proposing to fill that entire parking facility with a building. I heard my colleague, my friend, Mr. Echemendia, suggest to you only the columns encroach, and what the heck? It's only 20 feet next to the water; not too close. What's directly above the column? The building. What does FEMA (Federal Emergency Management Agency) require? What are they giving you? FEMA requires nothing below 25 feet. What are they giving you? Ice in the winter? Sand on a beach? They're not giving you anything that the law doesn't require to begin with. Twenty-five feet of nothing. Why? For floods. What did we just hear today? MiPlan. What did we just see today in four -- four feet of water will do? That's why FEMA requires this entire facility on the bottom deck be a break-away facility, that there be nothing below there. So the fact that the columns encroach, I got news for you. What's on top of the columns? Better known as the building. Let's see, that part, they say, will only be the shower facility. If you look carefully at their plan, not true. But they tell you don't worry; it's only the third floor that contains offices, only the third floor. They already have offices. They already have offices in their facilities. All you need to do is look at the south corner. They have three floors of offices, but they apparently don't use it. You know, the Village Council, when this was brought to their attention, voted 7/1 against the building. Now, no doubt Michelle Niemeyer was emphatic in her support of this building, but she lives on the water right now, so she has a lot of justifiable, maybe possible reasons for wanting this facility. But none of the other council members were swayed or thought that a 20,000 square-foot building directly on the water -- right after you went through what probably was described in the City of Miami as the model public process with over 45 public meetings you had the Sasaki waterfront plan. So the first thing we're about to do -- what are we, three months away from improving that? And the first thing you're being asked to do is put a 20,000 square-foot building directly on top of the water, but don't worry; they're going to give you some bottom space. The original RFP (Request for Proposals) -- let me show you this. I inherited this from the previous Commissioners. That's the original RFP. It's in your book. The original RFP showed the building quite in a different spot. It showed it 50 feet away from the waterfront. But guess what they chose to do? They chose to put some exterior storage, rack storage of ships and boats. But when they presented this in 1996, they knew better than to come before this Commission with a charter in place and put something within 50 feet of the build -- of the waterfront. If you look at what the Sasaki plan is doing -- let me go back to it -- the Sasaki plan, you have the new shrimpers' pier. That's right here on number 10. The shrimpers' pier, if you

put it back, will go as a direct -- it will look directly into the four historic buildings. You're about to put a building obstructing the waterfront and obstructing the historic buildings. The reason all these were saved was because they were declared historic. So you're about to put a building in front of historic buildings directly on the waterfront. Can you conceive of a more harebrained scheme? Can you think of a worse plan than putting a building directly on the water that obfuscates historic buildings which were designated historic? That makes absolutely no sense. And what you're immediately doing is you are taking away a plan that, if you turn the Chart House building perpendicular and you put the shrimpers' pier out there, guess what you would see? The waterfront. What a novel idea in the City of Miami, the ability to see the waterfront. Nobody is suggesting that they should not have shower facilities. Nobody's suggesting that they shouldn't have some use of their facility. However, a 20,000 square-foot building is one hell of a shower. It's one hell of a bathroom. See, what they're getting is an office building directly on the water. You can couch this. You can put this in any term. Phrase it however you want. What they're getting are offices that simply don't belong on the water. Take Fort Lauderdale, for instance, which actually has a bigger marina and bigger facilities than the City of Miami. Where do they put all of their brokers? Where do they put all their yacht masters? Well, they happen to be on 17th Street, and I think, if you know where that is, they're at least a half a mile away from the water because there's no need for a broker to be directly on the water. What equally did we suggest we would do in Sasaki? We said that we would put a parking facility directly on Bay Shore, and we said that we would line that parking facility with retail. That is where you put your broker's offices. That is where you put people who think they need to be close in proximity to the waterfront. That is where they should go, and that is where they belong, going on a facility that we will build -- that we are intending to build that is going to be a liner use for a parking garage. Just think of the parking nightmare you're creating by putting this facility directly on the waterfront, on land that presently houses, what, 30, 40 cars? Where are they going to park? How are they going to park? What happens to the parking that goes away? You're creating a problem. You're only being provided the very cream and the very pretty -- you know, look at our beautiful three-story building, but it -- you don't ever see this building from a distance. You don't ever see it as if you were out in the marina 30, forty hundred [sic] -- you know, 3,000, 4,000 yards away, and what will you see? You'll see a three-story building. When we come out of City Hall, what will we see? A huge building directly on the waterfront. You know, the point and the purpose of our waterfront, the point and the purpose of Sasaki was twofold. It was to create a waterfront that was dedicated to sailing because it facilitated good green concepts to get away from the power boating, to get away from some of those issues; and the second thing we were creating was a waterfront that was accessible and desirable for people that don't use the water but just want to walk by the water and see the water, and that was the point of it. And that's something the City of Miami never thought about and that's something that we never designed for. We never thought about the folks that walk, stroll, slalom, whatever you'd like to call it, next to the water and got to see the water. Because we never planned for that. So our first action that we're taking, the first thing that we're considering right after approving a waterfront is putting a 20,000 square-foot building within 22 feet of the water. I can go on, and I could tell you how bad an idea this is. I could tell you this is in my district. I could tell you, as the district Commissioner, that I think I know Coconut Grove well. I could tell you that there are people very upset by this. There are people very concerned about this, and they don't think the Commissioners truly respect what the District 2 Commissioner wants with regard to the waterfront, especially in Coconut Grove. But it's in our hands now. I ask you just simply to look at the packet of information that I provided to you. You'll see the Sasaki letter. You'll see exactly the connection between the Chart House and the connection between what we've discussed. You'll see the 1996 marketing proposal. You'll see that this was never intended to be on the waterfront. You'll see the plan that was provided -- that was given to us by one of the presenters, and you'll see a summary of market analysis. The four basic components of Grove Harbour Marina and Caribbean Marketplace: one, wet slip marina, two, boat storage, 3, boatyard, 4, marketplace. You won't see anything in there about facilities for offices, brokers, boat brokers, insurance brokers. None of those were intended because those are not -- and I tell you this as a maritime attorney -- directly connected to the waterfront. They're not necessary. They're not pertinent, and they should not be placed 22 feet

away from the water. Thank you.

Chair Sanchez: All right. It is up to the Commission -- Commissioner, I heard everything except what you stated at the beginning. What was that?

Commissioner Sarnoff: The Sasaki (INAUDIBLE).

Chair Sanchez: No, no. How you started it; I didn't quite understand that. What did you --?

Vice Chair Spence-Jones: About a deferral.

Commissioner Sarnoff: Oh, I asked for a deferral, and I didn't get a second.

Commissioner Regalado: Can I?

Chair Sanchez: Okay. Yes. All right. Commissioner --

Commissioner Regalado: Thank --

Chair Sanchez: -- Regalado, you're recognized.

Commissioner Regalado: -- you, Mr. Chairman. First on the deferral, we always follow a request on any area Commissioner's referral [sic], and the reason I didn't second -- and I would -- is because eventually we will have to vote, but mainly because the only information that I have received about this project -- and I have to vote not as the area Commissioner, but as a City Commissioner -- is what I have been reading on the Neighbors, the story about the Waterfront Board, the story about Village Council, and within the framework of the briefing that I got yesterday from the Administration that we had to go from 10 a.m. almost to noon with all the PZs (Planning & Zonings) and all the issues. And what I heard from the Administration is that they were sort of satisfied. I really welcome the people. Actually, I like when the people come in and talk. One thing is clear to me. There is a component on that project, and I remember that project clearly because I remember that that was the first vote, important vote that I had to make when I was elected citywide in September of 1996, and I remember all the principals, and then I remember how the principals were changing, and the different groups that were vying for this contract; and I always, when we all got out of City Hall, look at dilapidated areas and say, wow. You know, maybe some day we got that project going. So after so many years of having that rundown warehouses over there, we saw the rebirth of this area. Frankly, to me, I am not a boater. Actually, I get dizzy in boat. I can't. I just have some problem in my ear. But one of the best things that I think that has happened for real to Coconut Grove is the Fresh Market. Spectacular. I always -- you know, I cook, and I do the meals for me and my son. And I have to go to Publix; can't find parking in Publix. I have to circle around. But I can always find parking at the Fresh Market, and it is so nice to go in and out of that place. It's spectacular. That's the best thing that, not in paper, has happened to Coconut Grove. The rest is in paper. The rest is what we had for so many, many years. But I think that we keep talking, that we need to be an international city, that we need to be under 21st century. We have Miami 21, Miami 22, and we still have port-o-lets to serve that area. That is a shame. And I'm not an expert on the building. I just had the briefing. But I do know that we need to accommodate somewhere a state-of-the-art facility if we do want to be what we want to be in this area. So I think that we should try to work with the developers, the Administration, the Commission to get something really nice, to get good restrooms, and maybe, you know, a place so -- where people can watch TV (Television) and follow the stock market or have a -- and maybe something like that be 22 or 50 feet away, where people can buy their sandwich and sit near the water or on the water because that would show that the City really is committed to change the face of the waterfront in Coconut Grove. Because as to the Sasaki plan, which I support, the cost that will have, we don't even know if we could afford that in the next decade or so. My understanding is that the City wasn't even able to sell the bonds that we approve recently, but I think that maybe if they work

with the City, the developers, and again, the community and what they -- what people question -- I don't know what are the plans, and I understood what Mr. Echemendia said, that most of the criticism or the concern was not the promenade or the restrooms or the rest area, but the third floor of the office, that -- he didn't say that he would take it, but he said that that was the main concern that he heard that everybody had, and I think -- and I did (UNINTELLIGIBLE) other than being so close to the water. So whether you guys wants to proceed or defer, that's -- I will defer to the area Commissioner, but I think that sooner or later, we have to vote on this, and sooner or later, there is a need to do a better facility for the people that are coming more and more to the Grove precisely because we are having more regattas than ever now. We're having this spectacular store in this area. We are having a new megaproject in West Grove, and all of this is going to bring more boaters, all of this is going to bring more people having their boats. And besides, marinas are being downsized. The County is closing the one in Crandon and other areas are looking for marinas, so I am -- I'm just happy that I get to see both parts and the presentation that both parts made, and hopefully, we will do something, something good for the Grove, but you know, we need to do something about the facilities for the people that have boats in this area. Thank you, Mr. Chairman.

Chair Sanchez: All right. Vice Chair Spence-Jones.

Vice Chair Spence-Jones: Sure. I just -- I have -- first of all, I have some questions and some concerns just so that I'm clear before we make a decision on this item. The first thing I want to ask is really directed towards my City Manager. Before when Santiago mentioned this particular plan, he asked -- he said he had had a conversation with you, and basically, in his con -- with his conver -- in his conversation with you, you recommended that they hold off until the Sasaki plan -- I just want to be clear of that. Was that the reason why the plan was not presented, because they want --?

Mr. Hernandez: That's the reason that it was not presented in July to the Zoning Board because I asked them -- and in essence, I think it's important that I put on the record that not until today, I had not seen what the building looked like. I was more concerned with ensuring that we had the proper transparent process. And I did ask him at that time that I wanted to hold off on the project being presented to the Zoning Board until we had concluded with the approval of the master plan for the waterfront before the City Commission, and he agreed. And by the way, I also asked him that I wanted him to take the project to the Waterfront Advisory Board, which is not required, and he did agree and he took it there.

Vice Chair Spence-Jones: Okay. So from -- during that whole period, I'm assuming that's when Santiago came back with the recommendations of putting -- can you put the boards back up again? I just want to be clear -- in the space up under it so -- to accommodate the concern of many other residents, meaning making sure that that -- there was some sort of open air.

Mr. Hernandez: Commissioner, my understanding is that he already had that, that that was as a result of comments by the Planning Department --

Vice Chair Spence-Jones: Okay.

Mr. Hernandez: -- in their review.

Vice Chair Spence-Jones: And he just made the adjustments?

Mr. Hernandez: And he made those adjustments, but I think that he made those in advance of that Zoning Board meeting.

Vice Chair Spence-Jones: Is that correct, Santiago?

Mr. Echemendia: That's correct, Madam Commissioner.

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: What's important -- and thank you, Mr. Manager -- is that we were before the Waterfront Master Plan, and just as a courtesy to the Administration and the Manager, we went ahead and deferred, and then the master plan got adopted; and then we're here before you --

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: -- so but for that deferral, in deference to them, we would have been before the Waterfront Master Plan.

Vice Chair Spence-Jones: Okay. I just wanted to be clear.

Mr. Echemendia: At least at the Zoning Board level. I'm sorry.

Vice Chair Spence-Jones: Okay. Not a problem. All right. And then there was -- there's a lot of comments that were made, you know, that I just want to be clear on, too, and this is appointed [sic] to my City Attorney, this whole issue of Jennings and stepping over boundaries and all of this stuff that has come up. I just want to make sure so I can have you put it on the record. Does the Jennings apply to this?

Ms. Chiaro: Yes.

Vice Chair Spence-Jones: Okay.

Ms. Chiaro: This is a quasi-judicial hearing, at least insofar as the special exception hearing, and it's subject to the Jennings rule.

Vice Chair Spence-Jones: So from the time of this -- that this application actually came in, which was, right, 'til now, there should have not been conversations, period --

Ms. Chiaro: With --

Vice Chair Spence-Jones: -- at all regarding this project?

Ms. Chiaro: That's correct, with the --

Vice Chair Spence-Jones: With --

Ms. Chiaro: -- decision-makers for -- between the decision-makers and either proponents or opponents of the project.

Vice Chair Spence-Jones: Okay. And that could be anybody?

Ms. Chiaro: That is correct.

Vice Chair Spence-Jones: Okay. So I'm going to ask you this, Mr. Santiago, so that I'm clear, and not trying to put you in a bad spot, but I just want to be clear. You haven't really said it, but I just want to know for sure. I want you to be clear with me.

Mr. Echemendia: Yes, ma'am.

Vice Chair Spence-Jones: Is it your --

Chair Sanchez: I've spoken to no one.

Vice Chair Spence-Jones: Okay. Neither have I. -- impression or is it a fact or do you have fact that there was some sort of communication from anybody regarding this project that should have not taken place --

Mr. Echemendia: Well, here --

Vice Chair Spence-Jones: -- that may raise a question?

Mr. Echemendia: -- here's the -- this -- 'cause this is really -- it's a -- kind of not a novel, but it's a very interesting policy issue. It came out of the same case on the special exception, where the court said -- and the unusual thing here is the Commissioner is speaking with his chief of staff. You're able to speak with your chief of staff. The problem and where the court cautioned the City was if that chief of staff is blurring the lines where he is an advocate, he is taking a position based on a previous history that he was a community activist --

Vice Chair Spence-Jones: Right.

Mr. Echemendia: -- etcetera, then the court seemed to say be careful. Then you are subject to Jennings, even though you are a staff person.

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: That is my interpretation.

Vice Chair Spence-Jones: Stop one second.

Mr. Echemendia: Yes.

Vice Chair Spence-Jones: My time to talk, so give me a minute, okay. Madam City Attorney, is that your understanding?

Ms. Chiaro: Communications are prohibited between the decision-makers and opponents or proponents of the project. Generally, Jennings does not apply to members of staff, does not apply to the Administration, does not apply to the City Attorney's Office, but opponents or proponents of the project.

Vice Chair Spence-Jones: Okay. So I just want to make sure we clear it up. So basically, what I'm hearing from my City Attorney is as long as Commissioner Sarnoff, myself, or anybody else does not have a conversation regarding a project that -- then that's not -- that's when it would become a issue, but if a staff member had that discussion, then it's not an issue. Is that what you're saying to me?

Ms. Chiaro: In staff's role, it is constantly a communication between staff and the decision-makers.

Vice Chair Spence-Jones: Okay.

Ms. Chiaro: That's the purpose of staff.

Vice Chair Spence-Jones: Yes, I know. No. I know between us, we can have it, but can staff have that discussion with the person that is presenting?

Ms. Chiaro: As long as they're in -- performing their responsibilities in their role as staff members.

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: Do you mind --?

Vice Chair Spence-Jones: Your question wasn't about staff. It was really more about the decision-maker.

Mr. Echemendia: Correct.

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: If I could just clarify for a second.

Vice Chair Spence-Jones: Okay. I just want to be clear, and then I can get to my --

Mr. Echemendia: The -- for instance, I met with Ron. Ron was reaching out to staffers complaining about whether we met the 50 feet or not, etcetera, and I got an e-mail saying could you weigh in? And I went ahead and visited it with him because he is not sitting in a quasi-judicial capacity.

Vice Chair Spence-Jones: Right.

Mr. Echemendia: He's a staffer. But for these circumstances, I probably wouldn't have done it anyways, but he was concerned about the 50 feet; I wanted to show him that we were respecting the 50 feet relative to the first floor, you're right. After the first floor, I mean, that's pretty clear. On the first floor it's the Promenade because nobody's enjoying, at least not from a pedestrian perspective, the bay walk above the first floor. That's why the first floor is particularly relevant. Maria is right; typically, you can engage your staff. The problem comes in when your staff has - - appears to have a personal stake outside of their role. I don't mean a stake financially --

Vice Chair Spence-Jones: Right.

Mr. Echemendia: -- but as an advocate outside of the role of being the chief of staff of that Commissioner. If it starts blurring the lines, the court, in this particular case, said however, it becomes imprudent when the communications are advocatory, that is to say, when that staffer is being an advocate.

Vice Chair Spence-Jones: Okay, stop.

Mr. Echemendia: Now, the next step that I would take --

Vice Chair Spence-Jones: Yeah.

Mr. Echemendia: -- just to finish the thing is, which I -- I'm not even going to bother doing, out of respect for my colleague and friend, would be to -- I could voir dire him. I could ask him regarding the communications between him and Ron as to whether his unbiased position was affected by those communications. I have decided not to do that, out of respect for the Commissioner. Then, as you would in Jennings, Tucker would have the right to cross-examine him, ask further questions as to whether he was biased or partial or impartial. I think the Commissioner feels very strongly about this case. I've not -- and, again, I didn't move to recuse him. I think we could have. He probably would have said no. I'm -- he feels strongly, and we respect him for that. He's entitled. The title is that you are all sitting in a quasi-judicial capacity, and we should be -- it's arguable that our procedural due process has been violated by the chief of staff's advocatory nature, notwithstanding being a chief of staff, so --

Vice Chair Spence-Jones: I got you.

Mr. Echemendia: -- I hope I've lent some clarity to it.

Vice Chair Spence-Jones: And I -- no. I'm -- do you -- you did a excellent job. So just in closing, Maria, regarding -- would you -- are you in agreement with what he's just -- what he has just communicated?

Ms. Chiaro: Yes, ma'am.

Vice Chair Spence-Jones: Because of -- so it would have the appearance of a conflict?

Ms. Chiaro: That's correct. And without further information, you can't make him --

Vice Chair Spence-Jones: Only because of his role prior to being chief of staff?

Ms. Chiaro: Yes.

Vice Chair Spence-Jones: Okay. Just want to be clear. All right. This is my opinion on the whole issue, and I do respect what the Commissioner wants to have in -- have happen in his district, and you know, just today -- it's so funny how thing happen. This morning there was a CA (Consent Agenda) item that was on the agenda that was actually in my district, and it was a CA item, and it was in reference to Garcia's and a lease, revocable license that Garcia has had. And we all know the Garcias here. The family has been a Cuban-American family here in Miami that has provided many jobs to many people on the river, and really, they haven't had really any issues. They've -- everything that they've -- we've asked for them to do, they basically complied to. And we had a 30-minute discussion on whether or not they painted stripes on a parking lot. I've not once said anything about it. I've not once engaged in a conversation. I just let it roll, even though it was in my district and even though I know that this family has made a wonderful contribution to the City and have provided many jobs to many people in the City; and I just didn't -- I didn't even -- I didn't respond by saying it's in my district, you know. I support this. I didn't make a comment whatsoever because, quite frankly, even though we represent our own districts, there are times that we feel that we need to weigh on something if we feel that things are not fair or right or just, okay? So I had to make that point because the beginning comment that our District 2 Commissioner made about the -- in reference to the deferral, yes, we normally do -- whenever there's a issue that comes up, we normally do follow suit in this instance. The only reason why I think -- at least I know why I didn't follow suit was because I was confused or -- not even confused; I was concerned with your -- Santiago's comment around the Manager kind of telling him to hold off, so because of that, to me that felt like another time that he was asked to defer an item or to wait before he presented. So that was the only reason why I said okay. No, let's allow for him -- or them to at least speak. As far as master plans -- and I have to say this, and I respect the community's input, the community's participation. I think that's a very valuable process that should be respected, but I have to say this. I have a million and one master plans in my district, a million and one of them, and I can't tell you one that's ever been followed, not to say that it's right or correct. You know, I wish, you know, sometimes I had people that would stand up on certain issues to make sure that we stuck to some of these master plans that have taken place, but I can tell you, Little Haiti's got two or three of them, Overtown got at least five or six of them; Liberty City has three or four of them, and each time whenever -- you know, whether or not it be leadership, in City government, or whatever the case may be changes, the plan changes. Now -- and I'm making this comment only to say, I just don't like the feeling of, for whatever reason, double standards taking place, and I can tell you straight up on West Grove -- in the West Grove, right there on Grand Avenue those folks sat and put -- had charrettes that they did, got -- you know, gave their input about things that they wanted to see happen on Grand Avenue. The people from that particular community were very much involved. The University of Miami and the City of Miami putting a great -- together a wonderful master plan, but things changed, and today I voted and supported, which I was in opposition of before, in support of changing the plan because guess what? Things change, you know. So to me, in my mind, I'm like, well, the people in the West Grove had to make an

adjustment, you know, to accommodate a situation, so then why is that -- you know, why are we making -- why are we going out of our way to stick to a master plan, which you've already heard today, on the record, that it's not formally written into the record as of yet? So it's really more of an inspirational plan, quite frankly, that Regalado has already said, yeah, it's stuff that we want to see happen, but we don't have the money to pay for it. So I have an issue on the issue of us trying to, you know, stick ourselves to this thing that this master plan is taking place, and this is the golden rule, the Bible, and this is what it should be. Sometimes things change. And I voted on several things up here that have happened in my district over and over and other people's district where they've had master plans that changed. The other thing that was very interesting to me today -- and it's funny how things work -- we voted on a dock master's building on 79th Street. Remember that we all voted on that earlier. That building was 32 feet. Today -- this building, I believe, is, what, 27? Is it 27 feet or is it vice versa?

Commissioner Sarnoff: No. It was -- there was no design for that building yet.

Vice Chair Spence-Jones: For which building, for this one?

Commissioner Sarnoff: The one on 79th Street.

Vice Chair Spence-Jones: What is this right here? Is this just a plan?

Commissioner Sarnoff: The 79th Street did not have a designed building.

Pamela E. Burns (Assistant City Clerk): I'm sorry; we're not picking you up on the microphone.

Chair Sanchez: All right.

Vice Chair Spence-Jones: Okay. What --

Chair Sanchez: All right.

Vice Chair Spence-Jones: -- my point is -- I don't want --

Chair Sanchez: They're building a marina and --

Vice Chair Spence-Jones: -- to go back and forth. Whatever this plan is that we voted on today, to me it looks very much like a plan. And I asked City staff what it was, and it's three stories, similar to what we see right here already. We voted on it. Nobody had an issue with it. There's no access to the water. And all of this stuff that we had issues with -- nobody talked about this dock master's building right here, so again, double standards. I just -- you know, when my City planner tells me or I hear on the record, Enrique says, you know -- after looking at this particular plan, the first one he had a issue with it, but after looking at this particular plan, he sees that there is an open airway, and he sees that this is doable because that's what you said -- I saw it in the article, and then he basically said it on the record; and I understand what position this puts you in because you don't ever want any of us to be mad at you because, for whatever reason, you don't want this to affect you in another way, and I do understand that. And I understand City staffers, a lot of times you guys don't want to step up and really say anything because you don't want to step up on any Commissioner's toes because a lot of times you feel like later there's going to be payback. I mean, I understand. That's what a lot of times you guys feel. Even though your response or reaction, it's obvious that you don't really want to step on the toes, but we got to be honest with each other. And don't tell me in the back room -- I'm just telling you -- on the way going to my office that you don't see the problem with the plan, but then when we come on the dais, it's a whole nother thing because nobody wants to, excuse me, tick anybody off. But I just -- I -- it's very difficult for me to vote on this issue when I just feel like, honestly, there's an underlining unfairness about us making a decision on this project. I really do. You know, it's -- you know -- and not taking anything away from Tucker. You know, I think Tucker has always been standing up for the right of the people, and I appreciate that and value

that, but -- I mean, Tucker just came on last night, you know. So I just see double standards all over this, you know. So with that being said, I mean, I just -- I'm very uncomfortable about making a decision on this today. I mean, I just don't think that it's right, and I don't think that it's fair.

Chair Sanchez: All right. As the last, and then we'll decide. We'll either get a motion to defer or a motion to approve. Based on the arguments made by the applicant and the counsel representing the other side, I think that our -- we make our decisions here based on substantial competent evidence. I looked at a -- I took notes on a couple of arguments. Mr. Nuñez, could you come up, please? I have some questions that I need to get answered before I'm able to vote on this issue. One is on the charter with the 50 feet restriction.

Mr. Nuñez: I'll let -- if I could defer that to our Zoning Administration.

Chair Sanchez: Okay. Because that's -- I think that a lot of the opposition is on that, on the 50 feet, and that's the next item, but I want to address it now because it's been spoken about here, so let's -- the 50 feet restriction.

Mr. Lavernia: It's in the charter and only Commission can waive that --

Chair Sanchez: All right.

Mr. Lavernia: -- 50 feet.

Chair Sanchez: Okay. Have we waived it before?

Mr. Lavernia: Yes. I remember a case in 1001 Brickell --

Chair Sanchez: Okay.

Mr. Lavernia: -- that was a similar request.

Chair Sanchez: Is that the only one we've ever waived it for?

Mr. Lavernia: That I can remember now, yes.

Chair Sanchez: Yes.

Mr. Lavernia: That it was because the --

Ana Gelabert-Sanchez (Director, Planning): The ones that we can recall --

Vice Chair Spence-Jones: Your name for the record.

Ms. Gelabert-Sanchez: Ana Gelabert, Planning director. -- there was the one that Mr. Lavernia just said, the one on Brickell, and it was -- there was a parking garage, and the improvement -- the proposal was to have housing, residential, which we felt and you voted for it that it was better because it would be more walkable. The other instance that I remember, and that's some years ago, was -- it's an office building close to downtown, close to, I think it's the Miami River, a same -- similar condition. They came in front of the Commission for the 50 feet and it was approved because it was kind of the same condition --

Commissioner Regalado: That was the immigration building.

Ms. Gelabert-Sanchez: That's right. And they were cantilevering over it, so the 50 was at the ground level, and then they were going to put a café, some sort of amenity, and creating a

pathway for people to be able to access --

Chair Sanchez: So we waived it for the government?

Ms. Gelabert-Sanchez: Those two I remember, and I -- you know, there might be more. Those two are the ones I remember.

Commissioner Sarnoff: Well -- and 1001 Brickell was waived predicated upon the park --

Chair Sanchez: All right.

Ms. Gelabert-Sanchez: And I remember --

Commissioner Sarnoff: -- the filling of the park, and they never did do what they said they would do at the immigration building.

Chair Sanchez: If I could get the floor back and I could continue to inquire as to the questions that I have. So we have done it before. And there has to be, based on your recommendation, a public purpose?

Unidentified Speaker: Yes.

Chair Sanchez: Okay. Well, put it on the record. I mean, I need to hear those things.

Mr. Lavernia: Yes.

Chair Sanchez: There has to be a public --

Mr. Lavernia: Criteria in order to waive the 50 feet --

Mr. Hernandez: Mr. Chairman, I think --

Mr. Lavernia: -- it has to --

Mr. Hernandez: -- it would be best if the City Attorney just reads what the charter says.

Chair Sanchez: Well, I don't think we need that. I just wanted to see if we've done it before and where have we done it, under what conditions. So it's been done before, okay. Then let's go to the legal development agreement as to some of the arguments that have been made that the businesses that'll be there maybe do not fall within the concept of the businesses approved to be there. They're going to put businesses in there, such as what, brokers? What are the businesses that are going to go is there? I mean, you're not going to put a candy store. You're not going to put a -- what are the businesses that'll go there?

Mr. Echemendia: They're all marine-related.

Chair Sanchez: Marine-related.

Mr. Echemendia: Similar to what they had at Monty's some time ago, where they had the yacht brokerage downstairs, etcetera, kind of all marine-related type facilities.

Chair Sanchez: So they have to comply with the lease agreement?

Mr. Echemendia: Correct.

Chair Sanchez: Okay. Blocking of the view, which I, myself, have been there. The blocking of

the view. There is no view. It's already blocked by the hangars, and when you drive back to the Charter [sic] House, it's impossible to see back there; so the view has already been blocked. Now there have been some conditions that were proffered by, I believe, PAB -- I mean, Planning and Zoning and the Waterfront. The conditions, are they still stipulated in your -- which is to provide public access and open space beneath?

Mr. Echemendia: Yes, sir --

Chair Sanchez: The whole place underneath --

Mr. Echemendia: -- and we voluntarily --

Chair Sanchez: -- is open to the public?

Mr. Echemendia: -- proffered those. That's correct.

Chair Sanchez: So anyone's walking through there could sit there and --

Mr. Echemendia: It is a public open promenade, Mr. --

Chair Sanchez: Public open. Who's going to maintain it?

Mr. Echemendia: It is going to be maintained by Grove Harbour Marina.

Chair Sanchez: Who's going to provide security?

Mr. Echemendia: Grove Harbour Marina.

Chair Sanchez: Okay. Now there's one other issue and I -- look, the Waterfront Board gave the recommendation. I respect the Waterfront Board. They're the ones that when it comes to the water, we rely on, especially those that go out and get seasick. All right. But we rely on their recommendation when it comes to that. The Village Council also made a great recommendation. Now, you know, looking back at the lease -- and I really did my homework on this, which I'm not even going to get into it, but the lease development was signed in April 12 of '99, and those that have been here for quite some time know that they've been going through legal battles as to the building and it wasn't approved because of the size and now they've reduced it. So that's why, based on those recommendation says, it's coming in front of us with the approval from the Administration. That's one. The -- if we were -- and let's say that -- listening up here, I think the votes are there to approve this. Based on those conditions, the Waterfront Board -- the waterfront has not been approved. It has been approved in principle, okay? Is there any way to include one of the conditions that just to consult with Sasaki regarding whether this project should be part or not a part? If Sasaki says it's not a part, it's still there. But if they could work with Sasaki and be a part of the concept as to the design -- the design, I'm sure it's going to have to complement the marina in itself and the surrounding businesses around there, but that's just one of the conditions that I would like to see put forth. And based on that, I think we're ready to vote. Once again, based on substantial competent evidence, based on approval from Planning and Zoning, the Waterfront Board, I think we're ready to vote, so is there a motion here to approve or deny?

Commissioner Sarnoff: I'll do a motion to deny.

Chair Sanchez: All right. There's a motion proffered by Commissioner Sarnoff to deny. Is there a second? I'll second it for the purpose of discussion.

Commissioner Sarnoff: Then let's discuss.

Chair Sanchez: All right. I'll second it for the purpose of discussion. You're under discussion.

Commissioner Sarnoff: Mark Dawson has provided a September 17, 2008 letter which says, as it's presently designed, it would not fit and is not part of the collaborative process. You know, you don't spend a \$1,500,000 on master plans only three months later to turn around and change the master plan. You have absolutely wasted the citizens' money.

Applause.

Commissioner Sarnoff: You have absolutely wasted the integrity behind that master plan process, not a plan brought by me; a master plan that was first brought up by Commissioner Winton and it was over trying to create a walkable, usable master plan for Coconut Grove that included those that liked the water and those that did not like the water. The first action taken by this Commission is to say, well, nice, good, but you know what? It's only principle. Okay. If that's the way we treat master plans, then I think we should all think long and hard about wasting taxpayers' money ever again.

Applause.

Chair Sanchez: All right. Commissioner Regalado.

Commissioner Regalado: And I just want to know, if it's not in the master plan, why would the Administration recommend it with conditions?

Mr. Hernandez: Commissioner, would you repeat that? I was just talking to Enrique about the same -- similar subject.

Commissioner Sarnoff: He's asking why you would recommend it with recommendations -- with conditions, excuse me.

Mr. Echemendia: If it's not in the master plan, why is the Administration recommending in favor with conditions, I believe was the question? If it's not in the master plan, why are you recommending favorably --

Commissioner Regalado: If it's not in the master plan.

Mr. Echemendia: -- or your staff, I should say?

Commissioner Regalado: Yes. Thank you very much.

Mr. Hernandez: In essence, I was just talking to Enrique Nuñez about that same issue, and what he was telling me is that the master plan never contemplated more than dock master bathrooms - - what else? Is that it? Showers, lockers. You know, the facilities -- amenities associated with the dock master and services to the marine industry.

Commissioner Regalado: Okay, but still my question has not been answered. And you know, maybe it's good that we have this debate because it's about time that we start thinking of not being too liberal in master planning and spending millions and millions and millions of dollars that we're going to need in the future. But still it has not answered my plan -- my question. So question, if there is a revised plan where the business is there and then the building is there, 22 feet or 25 feet, with the promenade, but only with the bathrooms and the facility for the dock master. That's it. Would that be something that the master plan would accept in principle?

Mr. Hernandez: It would be consistent with the master planning process, yes.

Commissioner Regalado: So the only issue here is the third floor?

Mr. Hernandez: The offices were not contemplated by the planners in the development of their master plan.

Commissioner Regalado: So what I'm saying here is that the only issue here is the office or the third floor. Everything else, it's okay. It would be welcomed by the master plan. It would be strongly recommended now by the Administration. I still don't know, but that's for you to find out, why the Administration recommend it if it's not in the master plan. But any possibility of revising the plan?

Mr. Echemendia: Commissioner, here's what we'd like to do. We would respectfully request that you approve us, and we would like to, in accordance with the Chair's condition, continue to collaborate with Mark Dawson. Let me -- and we can talk about the issue of the third story. We can -- at that point our application is out of the pipeline. We can sit with Commissioner Sarnoff and the people in his office and have an open meeting regarding what can be done. The -- let me just be clear, though. The staff recommendation is recommending for the office building allowed to operate a brokerage dealer, etcetera. The Administration is recommending this project with the third floor. The other thing --

Commissioner Regalado: I understand that, but my question is -- was and it still is, if it's not in the master plan and if we're supposed to take master plan so seriously, why -- what is the criteria for the Administration to recommend it?

Mr. Echemendia: Commissioner, it is in the master plan. It's a spec in the master plan that I think Enrique has indicated that because nothing else was approved at the time, they couldn't put this facility. The master plan includes the existing dock master facility. We came before the master plan. One final comment just to lend some context on the letter because we had not seen it before, Mark Dawson responds a bit equivocally in another one that we have to Ron. This is in response to Ron. You know, who employed Mark Dawson? The City. You would think it's kind of in response to a leading, not misleading, question, so you need to put it in context.

Commissioner Sarnoff: Well, let me just say that --

Commissioner Regalado: Can I --?

Commissioner Sarnoff: -- I asked the question of my chief of staff to find out what Sasaki's position would be on that, and all I did was provide a copy of the newspaper article, and just so we're clear, I provided the entire issue, and I wanted to know what he thought of the facility. I mean, to be quite clear with everyone, you don't spend \$1,500,000 of hard taxpayers' dollars to have a lawyer tell you it was considered when he says it wasn't considered. But hey, it's only a million five. We make plenty of a million-five-hundred-thousand-dollar mistakes up here. Just watch us today.

Chair Sanchez: All right.

Commissioner Sarnoff: It's only your money.

Chair Sanchez: I'm going to withdraw my motion.

Ms. Gelabert-Sanchez: Could I --?

Commissioner Regalado: I have the floor.

Chair Sanchez: No, but I'm going to withdraw my motion.

Commissioner Regalado: Okay.

Ms. Gelabert-Sanchez: Could I clarify --? Commissioner --

Commissioner Regalado: But you see, Commissioner Sarnoff -- I mean, I'm agreeing with you, philosophically, on spending money on master planning because I think that we have done all the master planning that we can do in the City and we just don't have the money to bring that master planning to reality, but I still have a question, and that's a question of your district. It's not my district; it's your district. If it's not in the master plan, why -- what is the criteria [sic] that was recommended as it is by the Administration?

Ms. Gelabert-Sanchez: The criteria --

Commissioner Regalado: Forget that, you know, the master plan cost a million some and, you know -- I mean, we fixed the Orange Bowl before we demolished the Orange Bowl. So I'm just trying to understand, professionally, why would you say, well, it may not be or may be in the master plan. It seems that the master plan is the center of all the debate, but I just want to understand why.

Ms. Gelabert-Sanchez: There were two things -- Ana Gelabert, Planning director. The criteria that we reviewed, the uses are allowed as per the list that the City has, so the uses were allowed; and we did review it through the design review and we did look at it. The issue of the charter, which comes to you, so on -- what -- how we review the special exception based on the uses that are allowed, that was the criteria. As far as the charter, which is -- was the second item you have, that's what we have to come in front of you. To us it was opening it up to the public. It was open on the first floor, and that's why we also recommended approval. As far as the master plan, I've just asked Enrique, and the letter that was read according to Dawson, saying that it was not -- we were not part -- we were not privy of that letter. As Enrique said, the master plan did show the existing dock master. The size was not there because the project was not designed yet, but that property, that existing structure, was a part of the master plan. So, again, I hope he answered the criteria. The uses are allowed, and we used the criteria that we do to review special exceptions and we did use the design review criteria that we use all the projects; and the master plan, the dock master building was in place, the existing one, not the one that you have in front of you.

Chair Sanchez: All right. There is no motion on the table; second withdrew his motion, so we need a motion to approve. Is there a motion to approve with conditions?

Commissioner Regalado: Well, you know -- if I may, I'm --

Chair Sanchez: We need a motion to approve, then we'll -- motion to approve or not 'cause we need -- we can't continue to discuss the item without a motion. We've been at this for almost two and a half hours, and we still have the budget and still have a lot of PZ items.

Commissioner Regalado: Well, I made a motion to continue to the next meeting because I still don't understand, and you know, I feel that I have not been informed. My only source of information has been the Neighbors. Imagine, had not I got the paper because the deliveryman's car is broke down those days -- I really think that when I got the briefing and I saw recommended by the Waterfront, recommended by the Zoning Board, recommended by the Administration, never spoke to Mr. Lima, never spoke to Echemendia, never spoke to Michelle, never spoke to Captain Sorg. I just got the briefing. I didn't know --

Vice Chair Spence-Jones: Well, don't talk to Santiago now.

Commissioner Regalado: -- that much about this. What I'm saying --

Vice Chair Spence-Jones: Now that we learned that we don't want to talk to Santiago.

Commissioner Regalado: -- is that if this was so controversial, we should have been briefed --

Vice Chair Spence-Jones: Second.

Commissioner Regalado: -- in all these --

Vice Chair Spence-Jones: Second.

Chair Sanchez: All right.

Vice Chair Spence-Jones: Got a second.

Chair Sanchez: There's a motion and a second to defer. However --

Vice Chair Spence-Jones: To continue.

Chair Sanchez: To continue. No, no --

Commissioner Regalado: To continue to the next meeting. And --

Chair Sanchez: Commissioner, I believe --

Commissioner Regalado: -- Mr. Chairman, just -- the motion -- and this is up to the area Commissioner -- is so maybe they can, in the Administration, sit down with the developer and say, well, you know, the master plan said that the concept of the dock master was here, but it could be here; and it may not need the office; just the dock master office and the bathrooms and whatever and dining room or whatever.

Chair Sanchez: All right.

Commissioner Regalado: I just want to understand. I still do not understand why Commissioner Sarnoff is not questioning the Administration recommendation. You are criticizing that the master plan is not being respected, but my question has not been answered.

Commissioner Sarnoff: Well, I mean, I think I understand it; and I'll just say this to the Manager and to Ana Gelabert and Enrique. They envisioned a building being there, not that building, not the size of that building; and in that building they envisioned having bathrooms, shower facilities, but not having offices, so the building would not have been the size and scope that this building is. That's what I'm understanding.

Commissioner Regalado: Okay. So the only issue here is the office. The rest, it's okay.

Commissioner Sarnoff: Well, the other thing, written by --

Commissioner Regalado: No, no. According to the Administration --

Commissioner Sarnoff: All right.

Commissioner Regalado: -- not according to you.

Chair Sanchez: Listen, I'm going to call the question on the deferral. There's been a motion and a second. We will hear no more testimony, so at the next PZ meeting, we have plenty of time to do our homework, do our research, and come back and prepare to deliberate and vote on this item, okay? There's a motion and a second to continue the item only for a vote.

Vice Chair Spence-Jones: It's continued.

Chair Sanchez: All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." All right.

Vice Chair Spence-Jones: Mr. Chairman --

Ms. Chiaro: Mr. Chairman.

Vice Chair Spence-Jones: -- you mean to continue, right?

Ms. Burns: Excuse me.

Vice Chair Spence-Jones: Madam Clerk --

Ms. Burns: We want to make sure it is a continue, and if it's so -- it's continued, it would be to the next P&Z meeting of October 23.

Chair Sanchez: Correct. All right.

Ms. Chiaro: Mr. Chairman.

Chair Sanchez: Yes.

Ms. Chiaro: I -- based on the comments of Commissioner Regalado, I just want to confirm with this Commission that the Commissioners are prohibited, under the Jennings Law, from speaking with proponents or opponents of the project. They can be briefed by staff. They can do research.

Commissioner Regalado: No, no, no, no, no. The only thing I want is the Administration to brief me in all aspects. Never spoke to them, never -- so more now than ever, I don't need to speak to them. I just need to understand the vision, the criteria of the Administration. That's all that (UNINTELLIGIBLE) because on yesterday briefing this was a 45-second turn-the-page, and we discussed other PZ item, and I -- since it became so controversial, I just want to understand and --

PZ.10 07-00345ww RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), MAKING FINDINGS AND APPROVING A MODIFICATION OF THE REQUIRED WATERFRONT CHARTER PROVISIONS RELATING TO THE SETBACK, AS SET FORTH IN SECTION 3(mm)(ii-iv) OF THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, FROM 50 FEET 0 INCHES TO 22 FEET 6 INCHES TO THE NEAREST POINT BETWEEN THE NEW STRUCTURE AND THE BULKHEAD, FOR THE **GROVE HARBOUR MARINA AND MARKETPLACE** PROJECT, TO BE LOCATED AT APPROXIMATELY 2640 SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA.

07-00345ww Zoning Map.pdf
07-00345ww Aerial Map.pdf
07-00345xc & 07-00345ww WAB Reso.pdf
07-00345ww Letter of Intent.pdf
07-00345ww Application & Supporting Docs.pdf
07-00345ww Plans.pdf
07-00345ww CC Legislation (Version 1).pdf
07-00345xc & 07-00345ww Exhibit A.pdf
07-00345ww CC 12-11-08 Fact Sheet.pdf

LOCATION: Approximately 2640 S Bayshore Drive [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Santiago D. Echemendia, Esquire, on behalf of Grove Harbour Marina and Caribbean Marketplace, LLC, Lessee; City of Miami, Owner

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

WATERFRONT ADVISORY BOARD: Recommended approval with conditions* to City Commission on September 9, 2008 by a vote of 6-0. See companion File ID 07-00345xc.

*See supporting documentation.

PURPOSE: This will allow fewer setbacks than required for the **Grove Harbour Marina and Marketplace** project.

CONTINUED

A motion was made by Commissioner Sarnoff, seconded by Commissioner Regalado, and was passed unanimously, with Commissioner González absent, to continue item PZ.10 to the Commission meeting currently scheduled for October 23, 2008.

Chair Sanchez: Okay, so for the record, we also need to continue the other item, correct?

Pamela E. Burns (Assistant City Clerk): That's correct.

Chair Sanchez: All right, need a motion to continue PZ (Planning & Zoning) --

Vice Chair Spence-Jones: 10.

Ms. Burns: PZ.10.

Chair Sanchez: -- 10.

Commissioner Sarnoff: So moved.

Chair Sanchez: So moved by Commissioner Sarnoff, second by Commissioner Regalado. No discussion on the item. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: That takes care of that.

PZ.11 08-00681zc

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S) AMENDING PAGE NO. 23, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY ADDING AN HP "HISTORIC PRESERVATION OVERLAY DISTRICT" TO AN EXISTING R-4 "MULTIFAMILY HIGH DENSITY RESIDENTIAL" ZONING CLASSIFICATION, IN ORDER TO ALLOW OFFICE USE FOR THE LOCALLY-DESIGNATED HISTORIC BUILDING (HISTORICALLY KNOWN AS "THE WARD ROOMING HOUSE") LOCATED AT APPROXIMATELY 249-255 NORTHWEST 9TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

08-00681zc PAB Reso.PDF

08-00681zc CC Analysis.pdf

08-00681zc Zoning Map.pdf

08-00681zc Aerial Map.pdf

08-00681zc CC Application & Supporting Documents.pdf

08-00681zc CC Legislation (Version 2).pdf

08-00681zc Exhibit A.pdf

08-00681zc CC SR Fact Sheet.pdf

LOCATION: Approximately 249-255 NW 9th Street [Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): James H. Villacorta, Executive Director, on behalf of the City of Miami Community Redevelopment Agency

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 18, 2008 by a vote of 8-0.

PURPOSE: This will add an HP Historic Preservation Overlay District to the existing R-4 Multifamily High Density Residential and allow for office use on the locally-designated **Ward Rooming House**.

Motion by Vice Chair Spence-Jones, seconded by Commissioner Sarnoff, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones

Absent: 2 - Commissioner González and Regalado

13023

Chair Sanchez: Let's get the ones that are noncontroversial out of the way.

Commissioner Sarnoff: PZ.11.

Chair Sanchez: All right. PZ.11.

Roberto Lavernia (Chief of Land Development, Planning Department): PZ.11 is the second reading by adding a historic and preservation overlay district on the property is historically known as the Ward Rooming House.

Chair Sanchez: Okay.

Mr. Lavernia: The Planning Department is recommend approval.

Chair Sanchez: Need a motion. Motion is made by the Vice Chair, second by Commissioner Sarnoff. It's a resolution. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries.

Pamela E. Burns (Assistant City Clerk): I'm sorry. PZ.11 is an ordinance.

Chair Sanchez: Oh, I'm so sorry. It is an ordinance on second reading. For the record, Vice Chair made the motion, Commissioner Sarnoff second it. It's on second reading. Read the ordinance into the record, followed by a roll call.

Maria J. Chiaro (Deputy City Attorney): An ordinance of the Miami --

Chair Sanchez: Oh, whoa, whoa, whoa. Public hearing. Anyone from the public wishing to address this item, please step forward and be recognized. Seeing no one, the public hearing is closed, coming back to the Commission. All right. Read it into the record, followed by a roll call.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: Roll call.

Ms. Burns: Roll call.

A roll call was taken, the result of which is stated above.

Ms. Burns: This item has been adopted on second reading, 3/0.

PZ.12 08-00677zt

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 8, SECTION 803.6, "COCONUT GROVE NCD-3 COMMERCIAL DISTRICTS", RELATING TO INDIVIDUAL RETAIL ESTABLISHMENTS LOCATED IN THE NEIGHBORHOOD CONSERVATION DISTRICTS (NCD); EXTENDING THE LIMITATIONS TO THE SD-11 (COCONUT GROVE RAPID TRANSIT DISTRICT); CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-00677zt PAB Reso.PDF

08-00677zt CC Legislation (Version 2).pdf

08-00677zt CC SR Fact Sheet.pdf

LOCATION: SW Corner of 27th Avenue and US-1 [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 18, 2008 by a vote of 8-0.

PURPOSE: This will extend the NCD-3 limitations to the SD-11 (Coconut Grove Rapid Transit District).

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones

Absent: 2 - Commissioner González and Regalado

13024

Chair Sanchez: All right. PZ (Planning & Zoning) --

Pamela E. Burns (Assistant City Clerk): 12.

Chair Sanchez: -- 12.

Lourdes Slazyk (Zoning Administrator): Yes. For the record, Lourdes Slazyk. PZ.12 is a second reading ordinance in order to amend the NCD-3 relating to the individual retail establishments located in the NCD (Neighborhood Conservation District) for -- and to add SD-11 to the NCD-3 big box prohibition, so to speak.

Chair Sanchez: All right.

Commissioner Sarnoff: So move.

Ms. Slazyk: It's second reading. It's been recommended for approval.

Commissioner Sarnoff: So move.

Chair Sanchez: There's a motion by Commissioner Sarnoff.

Vice Chair Spence-Jones: Second.

Chair Sanchez: -- second by the Vice Chair. Before we open it up for discussion, it is a public hearing. We are on PZ.12, an ordinance on second reading. Anyone from the public wishing to address this item, please step forward and be recognized. Seeing no one, the public hearing is closed, coming back to the Commission for deliberation. No further discussion on the item. Read the ordinance into the record, followed by a roll call.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: Roll call.

Pamela E. Burns (Assistant City Clerk): Roll call.

A roll call was taken, the result of which is stated above.

Chair Sanchez: The item passes, 3/0, with the ab --

Ms. Burns: This item has been adopted on second reading, 3/0.

PZ.13 08-00685zt

ORDINANCE**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SECTION 628, TO PERMIT UNDERGROUND PARKING TO SUPPORT COMMERCIAL USES ALONG GRAND AVENUE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

08-00685zt PAB Reso.PDF

08-00685zt CC Legislation (Version 2).pdf

08-00685zt CC SR Fact Sheet.pdf

LOCATION: Grand Avenue between SW 37th Avenue (Douglas Road) and SW 32nd Avenue (McDonald Street) [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 18, 2008 by a vote of 7-1.

PURPOSE: This will allow underground parking in the SD-28 Village West Island Special Overlay District.

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones

Absent: 2 - Commissioner González and Regalado

13025

Lourdes Slazyk (Zoning Administrator): PZ.13 is also a second reading ordinance amending SD-28 along Grand Avenue in order to support the underground parking for the adjacent commercial uses on Grand Avenue.

Commissioner Sarnoff: So move.

Chair Sanchez: All right. This is an ordinance on second reading. There's a motion by Commissioner Sarnoff. Need a second.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Second has been made by Vice Chair Spence-Jones. Before we open it up for discussion, anyone from the public wishing to address this item, please step forward and be recognized. Seeing no one, the public hearing is closed, coming back for discussion. Hearing no discussion on the item, PZ.13, Planning and Zoning recommended approval, PAB (Planning Advisory Board) gave it a 7/1 vote, and it was approved on first reading, 5/0. Read the ordinance into the record, followed by a roll call on second reading.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: Roll call.

Pamela E. Burns (Assistant City Clerk): Roll call.

A roll call was taken, the result of which is stated above.

Ms. Burns: This item has been adopted on second reading, 3/0.

PZ.14 08-00780zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6/ SECTION 628, ENTITLED "SD SPECIAL DISTRICTS GENERAL PROVISIONS/VILLAGE WEST ISLAND SPECIAL OVERLAY DISTRICT," RELATING TO RETAIL ESTABLISHMENTS LOCATED IN THE MIXED-USE CULTURAL DISTRICT OVERLAY; PROVIDING FOR AN INCREASE IN INDIVIDUAL RETAIL ESTABLISHMENT FOR LIMITED GROCERY USES ONLY BY SPECIAL PERMIT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-00780zt PAB Resos.pdf

08-00780zt CC Legislation (Version 2).pdf

08-00780zt CC SR Fact Sheet.pdf

LOCATION: Along Grand Avenue Only Where the Underlying Zoning District is SD-2 "Coconut Grove Central Commercial District" [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 16, 2008 by a vote of 9-0. Also recommended to the City Commission by a vote of 7-2 to require for Class II issuance for this case only (File ID 08-00780zt) that the applicant will notify the neighborhood associations within 24 hours of final decision.

PURPOSE: This will allow large-scale retail establishments located in the mixed-use cultural district overlay and provide for an increase in individual retail establishments for limited grocery uses, only by Class II Special Permit.

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be PASSED ON FIRST READING PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones

Absent: 2 - Commissioner González and Regalado

Chair Sanchez: PZ.14, it's an ordinance on first reading.

Lourdes Slazyk (Zoning Administrator): PZ.14 is an ordinance in order to allow the individual retail establishments for grocery uses within that SD-28 Village West District on Grand Avenue. This requires a Class II Special Permit for it and puts a cap on the grocery stores to not exceed the 40,000 square feet.

Commissioner Sarnoff: *So move.*

Chair Sanchez: *All right. There's a motion by Commissioner Sarnoff. Second?*

Vice Chair Spence-Jones: *Second.*

Chair Sanchez: *Second by Vice Chair Spence-Jones. PAB (Planning Advisory Board) voted 9/0 recommending approval. All right. Anyone from the public wishing to address this item? It requires a public hearing. For the record, there's no one in the public, so therefore, we're closing the public hearing, coming back to the Commission for a discussion. Hearing no discussion, Madam Attorney, read the ordinance into the record followed by a roll call.*

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: *Roll call.*

Pamela E. Burns (Assistant City Clerk): *Roll call.*

A roll call was taken, the result of which is stated above.

Ms. Burns: *This item has passed on first reading, 3/0.*

Chair Sanchez: *Okay.*

PZ.15 08-00683zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING ARTICLE 9, SECTION 906.15, ENTITLED "GENERAL AND SUPPLEMENTARY REGULATIONS/PET HOTEL AS ACCESSORY USE; DETAILED REQUIREMENTS," ESTABLISHING A PET HOTEL AS AN ACCESSORY USE FOR PET STORES AND PET AND VETERINARY CLINICS; SUBJECT TO LIMITATIONS AS SET FORTH; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-00683zt PAB Reso.PDF

08-00683zt CC Legislation (Version 2).pdf

08-00683zt CC SR Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 16, 2008 by a vote of 9-0.

PURPOSE: This will allow pet hotel use as an accessory use for pet stores and pet and veterinary clinics.

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, that this matter be PASSED ON FIRST READING PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones
Absent: 2 - Commissioner González and Regalado

Lourdes Slazyk (Zoning Administrator): PZ.15 is a first reading ordinance. This is the one we promised we'd bring back to you. It's introducing the pet hotel use as not only accessory for the pet stores, but also to pet and veterinary clinics. We reduced the size of the establishments to the 10,000 square feet that we discussed before, and it was recommended for approval by the PAB (Planning Advisory Board).

Chair Sanchez: Okay.

Commissioner Sarnoff: So moved, and this is the one that Commissioner González actually --

Chair Sanchez: González, exactly -- yeah.

Commissioner Sarnoff: -- want --

Ms. Slazyk: Exactly.

Chair Sanchez: Amended it to the 10,000. There's a motion by Commissioner Sarnoff --

Vice Chair Spence-Jones: Second.

Chair Sanchez: -- second by the Vice Chair. Before we open it up for discussion, it is an ordinance on first reading. Anyone from the public wishing to address this item, please step forward and be recognized. Seeing no one, the public hearing is closed, coming back to the Commission for deliberation. Hearing no discussion, it's an ordinance on first reading. Read the ordinance into the record, followed by a roll call.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: Roll call.

Pamela E. Burns (Assistant City Clerk): Roll call.

A roll call was taken, the result of which is stated above.

Ms. Burns: This item has passed on first reading, 3/0.

PZ.16 08-00304v

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING THE APPEAL, REVERSING THE DECISION OF THE ZONING BOARD, THEREBY GRANTING A VARIANCE FROM ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 19, SECTION 1901, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, TO ALLOW A STREET SIDE SETBACK OF 1'0" (15'0" REQUIRED), FOR THE PROPERTY LOCATED AT APPROXIMATELY 1644 SOUTH MIAMI AVENUE, MIAMI, FLORIDA.

08-00304v Analysis.PDF
08-00304v Zoning Map.pdf
08-00304v Aerial Map.pdf
08-00304v Application & Supporting Docs.PDF
08-00304v Plans.PDF
08-00304v ZB Reso.PDF
08-00304v Appeal Letter.pdf
08-00304v CC Legislation (Version 3).pdf
08-00304v CC Legislation (Version 4).pdf
08-00304v Exhibit A.pdf
08-00304v CC Fact Sheet.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner González, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner González, Sarnoff, Sanchez and Regalado
Absent: 1 - Commissioner Spence-Jones

R-08-0552

Chair Sanchez: All right. PZ.16, I want to try to have a full Commission; two Commissioners are not here, but they'll be back after our lunch recess, so we'll table PZ.16 'til the afternoon.

"[Later...]"

Chair Sanchez: All right. The -- we're going to handle this this way, okay? The budget was properly advertised --

Pamela E. Burns (Assistant City Clerk): Excuse me, Mr. Chair. We still have PZ.16.

Chair Sanchez: PZ.16, and does that conclude all the PZs (Planning & Zonings)?

Mr. Lavernia: Yes.

Ms. Burns: PZ.16 is the last item --

Chair Sanchez: Okay.

Ms. Burns: -- on the --

Chair Sanchez: PZ.16. Okay. This is -- Oh, okay. Sir.

Andrew Melick: Yes.

Chair Sanchez: This is your item?

Mr. Melick: Yes.

Chair Sanchez: Okay. You live at South Miami Avenue?

Mr. Melick: Yes.

Chair Sanchez: Okay. You're recognized for the record.

Mr. Melick: Andrew Melick, 1644 South Miami Avenue, which is the northwest corner of South Miami Avenue and Southwest 17th Road. I'm here to appeal the decision of the Zoning Board regarding my request for a variance for four reasons. Number one, at my hearing before the

Zoning Board, I did not present an item of important information, namely that there are only two structures on the north side of Southwest 17th Road, my house and the Simpson Park Administration building. The Simpson Park Administration building has zero side-street setback. So my contention is this, if the City of Miami, itself, has erected a structure with a particular setback on the same side of the same street as my house and these are the only two structures on the street, why can I not be granted a variance for the same setback? Number 2, since my hearing before the Zoning Board, I have gathered the support of most of my immediate neighbors. There are five property owners on the south side of Southwest 17th Road. One of these properties is currently vacant, and I have not been able to contact the owner. I have letters from three of the four other homeowners, however, supporting my application for a variance. I also have a letter of support from my next door neighbor on South Miami Avenue. All these people appreciate that this addition will enhance the appearance of my house and my lot and, by extension, will add to the value of every property in the neighborhood. Number 3, the swale between the street and the Simpson Park boundary wall is 20 feet wide and is used for parking. The swale between the street and my house is also 20 feet wide, but it is occupied by several mature hardwood trees and numerous other shrubs. Also, there is no pedestrian sidewalk on the north side of Southwest 17th Road. Therefore, not only will the proposed addition not encroach upon a sidewalk or the street, it will largely be screened from the street by trees and shrubs, whereas the Simpson Park Administration building is not screened from the street at all. And lastly, number 4, I disagree with the findings of the Planning Department's analysis. First of all, if my lot is oversized, does it not follow that it can accommodate a larger structure than a typical lot? Besides, even with a proposed addition, my lot will appear nowhere near as crowded as other lots of the same size in the same neighborhood, which lots have houses that are much larger than mine. Secondly, regarding visual separation. The proposed addition is an open structure. There are no walls to obstruct lines of sight. And whatever undue benefit I would derive by this variance has already been derived by existing closed structures in the neighborhood, which do deprive adjacent property owners of visual separation, and in every case these structures also encroach upon pedestrian sidewalks. Therefore, not only will the variance that I am requesting not set a precedent, it will not even approach the scope of precedence which have already been set. Thank you.

Chair Sanchez: Thank you, sir. This is an appeal. It's a resolution; doesn't require a public hearing. It comes to the Commission. Commissioner Sarnoff.

Commissioner Sarnoff: I'd like to make a motion to accept the appeal and thereby grant the variance.

Commissioner Regalado: Second.

Chair Sanchez: So you're voting to deny -- to grant the appeal?

Commissioner Sarnoff: To grant the appeal --

Chair Sanchez: Okay.

Commissioner Sarnoff: -- and thereby grant the variance.

Commissioner González: I'll second.

Chair Sanchez: Okay. There's a motion by Commissioner Sarnoff, second by Commissioner González. Discussion on the item. Hearing no discussion on the item, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries, 4/0, with the absence of the Vice Chair.

Mr. Melick: Thank you.

Chair Sanchez: Okay. Let's do something. That concludes the regular PZ (Planning & Zoning), okay. We're going to adjourn the meeting, take a ten-minute recess, which we have to do to come back for the budget. We'll pick up the budget hearing and then, after the budget hearing, we'll go ahead and do the Commissioners' blue pages and any pocket items, that way we'll get the folks home as quickly as possible; see if we can make it through this budget hearing without fireworks. All right, so the City of Miami Commission is adjourned, and we stand in recess for ten minutes, coming back to budget hearings.

Commissioner Sarnoff: Motion to adjourn. Second. All in favor, say "aye."

Chair Sanchez: Okay, there's a motion by Commissioner Sarnoff, second by Commissioner González, to adjourn the PZ meeting. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries, and we'll be in recess for ten minutes, and then we'll pick up the budget hearings.

PZ.17 08-01025zt

ORDINANCE

Emergency Ordinance

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION RE-ENACTING AND AMENDING ZONING ORDINANCE 11000: (1) ARTICLE 4, ENTITLED "ZONING DISTRICTS", MORE SPECIFICALLY, SECTION 401, ENTITLED "SCHEDULE OF DISTRICT REGULATIONS", TO RECLASSIFY "ADULT ENTERTAINMENT" AS A "PERMITTED PRINCIPAL USE"; (2) ARTICLE 9, ENTITLED "GENERAL AND SUPPLEMENTARY REGULATIONS", MORE SPECIFICALLY, SECTION 937, ENTITLED "ADULT ENTERTAINMENT OR ADULT SERVICES", TO PROVIDE FOR ADDITIONAL LEGISLATIVE INTENT, AND TO SPECIFY THE PREENACTMENT EVIDENCE ON WHICH THE CITY COMMISSION RELIED TO CONCLUDE THAT THE RESTRICTIONS ON ADULT ENTERTAINMENT WITHIN THIS ORDINANCE FURTHER THE CITY'S INTEREST IN REDUCING THE SECONDARY EFFECTS; AND (3) ARTICLE 25, ENTITLED "DEFINITIONS", MORE SPECIFICALLY SECTION 2502, ENTITLED "SPECIFIC DEFINITIONS", IN ORDER TO AMEND THE DEFINITION OF "ADULT ENTERTAINMENT OR SERVICE ESTABLISHMENT"; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

08-01025zt Composite Exhibit A.pdf

08-01025zt CC Legislation (Version 2).pdf

08-01025zt CC EO Fact Sheet.pdf

08-01025zt PAB Reso.PDF

08-01025zt-Legislation-Version 3.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Pending recommendation on September 17,

2008.

PURPOSE: This will add specific legislative intent setting forth relevant preenactment evidence in support of the zoning restrictions on adult entertainment or adult service establishments.

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

13027

Chair Sanchez: PZ.17.

Commissioner Sarnoff: Might want to table that.

Chair Sanchez: Huh?

Commissioner Sarnoff: That's a big one.

Chair Sanchez: Okay, we'll table that one.

"[Later...]"

Chair Sanchez: All right. Let's try to take -- what are the items --? We got to take the Orange Bowl one up and the --

Pedro G. Hernandez (City Manager): PZ.21, sir.

Chair Sanchez: All right, let's take up PZ.21. After that we'll go to the budget, of course. We --

Vice Chair Spence-Jones: What about PZ.17?

Chair Sanchez: Well, we'll try to get them. PZ (Planning & Zoning) --

Vice Chair Spence-Jones: How many more do we have left on PZs? Just two? Do you want to just get PZ.17 and 21 out of the way?

Chair Sanchez: Let's get -- all right.

Vice Chair Spence-Jones: PZ.21 is -- I mean, 17 is -- is it a controversial one?

Chair Sanchez: Yeah. PZ -- it's not, 17?

Vice Chair Spence-Jones: No.

Commissioner Sarnoff: Twenty-one's not, I don't think.

Chair Sanchez: No. PZ.17. All right, PZ.17.

Julie O. Bru (City Attorney): Okay. Mr. Chairman, on PZ.17, members of the Commission, this is an emergency item. It's a reenactment, an amendment of the current adult entertainment ordinance. This item is coming to you after unanimous approval from the Planning Advisory Board at its September 17, 2008 meeting. The Ordinance basically does three things. It reclassifies adult entertainment as a permissible use in industrial districts, with specific distance requirements. It specifies the pre-enactment evidence on which you, as the governing body, are

relying on to conclude that these restrictions on adult entertainment substantially furthers the City's interest and reducing any harmful or negative secondary effects, and it amends the definition of adult entertainment to clarify that the ordinance applies to more than merely the premises upon which the public would enter. Members of the Commission, the evidence, studies, reports, legislative findings and evidence described in judicial opinions is now part of the record as attachments to this legislation. The materials includes evidence and statistical data compiled by the City and attached. It includes statistical data and studies of Hillsborough County, Florida, City of Daytona Beach, Florida, City of North Miami Beach, Florida, along with the National Law Center for Children and Family Studies, and the Attorney General's commission on pornography. It also includes evidence contained in judicial opinions, including but not limited to the following: The City of Renton versus Play Time Feeders and numerous other noteworthy and authoritative cases that attached and incorporated as an exhibit to this legislation. All of the foregoing pre-enactment evidence supports the conclusion that the zoning restrictions in this ordinance furthers the City's significant government interests in reducing the adverse effects of secondary effects of adult entertainment by preventing crime, protecting the quality of life in residential areas, protecting commercial districts and maintaining property values. As your City Attorney, I recommend that you approve this on an emergency basis because there is an immediate need to make the City's regulation of adult entertainment consistent with applicable constitutional law.

Chair Sanchez: All right. So based on an emergency ordinance, it requires two readings, okay. Need a motion.

Commissioner Sarnoff: Mr. Chair, I'd like to make a motion -- based on reading and studying the materials and realizing that this can decrease property values, create self-targets, that I would move this on an emergency basis.

Chair Sanchez: Second. I mean, need a second.

Vice Chair Spence-Jones: Second.

Commissioner Regalado: Second.

Chair Sanchez: Okay. It's been second by Commissioner Regalado. Discussion on the item? Very briefly, Madam Attorney, thank you so much. This legislation basically simply adds jurisdiction for limiting to -- these certain businesses to industrial zone areas, and based on all the report that I have -- and it's well put together. As a matter of fact, it took almost half of the agenda, based on the police reports and all the documentation that's put forth. It's really there to protect neighborhoods to really assure that these businesses do not belong in residential areas. Therefore, they do belong in industrial areas. One, as Commissioner Sarnoff stated, it (UNINTELLIGIBLE) property value. It is certainly not pleasant for the quality of life of people around those areas, and basically, there's plenty of case laws that support this City in protecting its residents and its neighborhoods for such businesses. All right. Anyone else want to add a couple of cents in there? If not, it is an ordinance on second reading. It is a public hearing. Anyone from the public wishing to address this item, please step forward and be recognized. Seeing no one, hearing no --

Mariano Cruz: (UNINTELLIGIBLE).

Chair Sanchez: No, no, no, no. Budget. We'll -- I'll call you up to the budget. Okay. Hearing no one, the budget hearing -- get here and you get me all tangled up. All right, the public hearing is closed, coming back to the Commission. We are on PZ.17. It's an ordinance, an emergency ordinance, which requires two readings. Read the reading [sic] into the record, followed by a roll call.

Ms. Bru: Okay, and I will read it -- I will read the title and then we will take two votes.

The Ordinance was read by title into the public record by the City Attorney.

Ms. Bru: Madam Clerk, you can then now take two separate votes on this ordinance.

Pamela E. Burns (Assistant City Clerk): Thank you. And for the record, we show this item as a substitution, so this would be modified?

Chair Sanchez: Okay. As modified, two readings.

Ms. Burns: Okay. First roll call. Second roll call.

Roll calls were taken, the results of which are stated above.

Ms. Burns: This item has been adopted as an emergency ordinance, 5/0 --

Chair Sanchez: Okay.

Ms. Burns: -- as modified.

PZ.18 08-01060zt

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE TRANSMITTAL OF A PROPOSED ORDINANCE; SPECIFICALLY, DELINEATING THE BOUNDARIES OF A REGIONAL ACTIVITY CENTER FOR THE HEALTH DISTRICT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, FOR DETERMINATION OF CONSISTENCY WITH THE CRITERIA OF RULE 28-24.014 OF THE FLORIDA ADMINISTRATIVE CODE, AND PURSUANT TO CHAPTER 93.206 OF THE LAWS OF FLORIDA AND CHAPTER 380.06, FLORIDA STATUTES.

08-01060zt Zoning Map.pdf
08-01060zt Aerial Map.pdf
08-01060zt CC Legislation (Version 2).pdf
08-01060zt CC Fact Sheet.pdf
08-01060zt PAB Reso.PDF

LOCATION: South of NW 20th Street, North of State Road 836 and North of the Miami River; East of NW 17th Avenue and West of Interstate 95
[Commissioner Angel González - District 1]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommend approval.

PLANNING ADVISORY BOARD: Pending recommendation on September 17, 2008.

PURPOSE: This will delineate the boundaries of a Regional Activity Center.

Motion by Vice Chair Spence-Jones, seconded by Commissioner Sarnoff, that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.

Votes: Ayes: 3 - Commissioner Sarnoff, Sanchez and Spence-Jones

Absent: 2 - Commissioner González and Regalado

R-08-0551

Chair Sanchez: PZ.18. I'm okay with that one. You want to table it?

Commissioner Sarnoff: No. It's --

Chair Sanchez: Okay.

Commissioner Sarnoff: -- Angel -- it's Commissioner González's.

Chair Sanchez: Yeah, and he's in agreement.

Commissioner Sarnoff: Okay. So want to do it?

Chair Sanchez: Yes. PZ.18, if anything, we -- I'll offer a motion to reconsider if he's got any problems on it. All right. You're recognized for the record. PZ.18, it's a resolution.

Vicky Garcia-Toledo: For the record, Vicky Garcia-Toledo, on behalf of the University of Miami, and working very closely with the City of Miami. The resolution that is before you is really just your support for the RAC, the Regional Activity Center. This is a effort on behalf of the Miami Partnership and the City of Miami and all the stakeholders in the area, Jackson, the University, and the multiple governmental agencies to create a regional activity center and identifying its boundaries, which enclose 415 acres of land.

Chair Sanchez: Need a motion.

Vice Chair Spence-Jones: So --

Commissioner Sarnoff: So -- second.

Chair Sanchez: There's a motion and a second. The motion has been made by the Vice Chair, second by Commissioner Sarnoff. All it does is create the boundaries for the health district around Jackson, correct?

Ms. Garcia-Toledo: This resolution is just your support for those --

Chair Sanchez: Yeah.

Ms. Garcia-Toledo: -- boundaries, yes.

Chair Sanchez: Okay. Discussion on the item? Hearing no discussion, it's a resolution. I'll -- don't require to open up to the public, but if there's anyone from the public wishing to address this item, please be recognized. Seeing no one, it's a resolution. We are voting on PZ.18. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion carries. At this time, what we'll do --

Pamela E. Burns (Assistant City Clerk): Mr. Chair.

Chair Sanchez: Yes.

Ms. Burns: We showed this as a substituted item, so does the record reflect it should be modified? Is that correct? We showed a substitution for 30 days.

Chair Sanchez: I don't -- I'm not aware of any substitution.

Roberto Lavernia (Chief of Land Development, Planning Department): Yes. The modification is that the -- it got the 30-day waiver between the PAB (Planning Advisory Board) and the City Commission, so we have to add to that resolution the date of the PAB and the result of the vote.

Ms. Burns: We will show this as modified then. Thank you.

Mr. Lavernia: Thank you.

PZ.19 08-01015zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, IN ORDER TO AMEND ARTICLE 6, SECTION 616.12, IN ORDER TO CREATE THE SD-16.3 "MIAMI WORLD CENTER SPECIAL DISTRICT" WITH THE BOUNDARIES DESCRIBED HEREIN; SUBJECT TO LIMITATIONS AS SET FORTH; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-01015zt Miami-Dade County Letter to Miami City Manager.pdf

08-01015zt Miami Worldcenter Master Plan Design Standards.pdf

08-01015zt PAB Reso.PDF

08-01015zt CC Legislation (Version 5).pdf

08-01015zt CC SR Fact Sheet.pdf

08-01015zt-Submittal-Resolution-Downtown Development Authority.pdf

LOCATION: Approximately NE 2nd Avenue on the East, N Miami Avenue on the West, NE 11th Street on the North & NE 6th Street on the South [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommend approval.

PLANNING ADVISORY BOARD: Pending recommendation on September 17, 2008.

PURPOSE: This will create the SD-16.3 Miami Worldcenter Special District.

CONTINUED

A motion was made by Vice Chair Spence-Jones, seconded by Commissioner Sarnoff, and was passed unanimously, with Commissioner González absent, to continue item PZ.19 to the Commission meeting currently scheduled for October 23, 2008.

Chair Sanchez: Okay. Any other PZ item that you'll be deferring, Mr. City Manager?

Pedro G. Hernandez (City Manager): Mr. Chairman, we also have items PZ.19 and PZ.20 that deal with Miami World Center.

Chair Sanchez: Okay.

Mr. Hernandez: I don't know if there's any statement from the Commission, but we are --

Chair Sanchez: We'll --

Mr. Hernandez: -- moving forward.

Chair Sanchez: -- it's deferred, it's deferred. Need a motion to defer.

Vice Chair Spence-Jones: So moved.

Chair Sanchez: There's a motion by Vice Chair Spence-Jones. Need a second.

Commissioner Sarnoff: Second.

Chair Sanchez: That's for all the items that we -- why don't we put them all -- how many other are going to be --? We'll vote on them all together, okay? So we have PZ.1, PZ.2, PZ.3, PZ.19, PZ.20. Any other PZ item?

Pamela E. Burns (Assistant City Clerk): I'm sorry. PZ.1, 2, and 3 are already on the agenda as deferred items.

Chair Sanchez: Okay. All right, then need a motion for PZ.19 and 20.

Mr. Hernandez: Mr. Chairman, just for clarification, on PZ.19, PZ.19 is actually continued, meaning that it goes to the next zoning meeting of--

Chair Sanchez: Okay.

Mr. Hernandez: -- October 23. PZ.20 is deferred to October 16.

Chair Sanchez: All right.

Mr. Hernandez: It's a regular meeting.

Chair Sanchez: Motion has been made by Vice Chair, second by Commissioner Sarnoff.

Vice Chair Spence-Jones: Mr. Chairman, I just --

Chair Sanchez: No discussion on the item. All in favor, say "aye."

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: I do have a --

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Those items have been continued and deferred.

Vice Chair Spence-Jones: Okay. I just have a comment, sir.

Chair Sanchez: You're recognized --

Ms. Burns: Excuse me. Could I --?

Chair Sanchez: -- for the record.

Ms. Burns: For clarity of our records again, PZ.19 is continued until?

Mr. Hernandez: Is continued to October 23, which is the next Planning and Zoning meeting.

Ms. Burns: And PZ --

Mr. Hernandez: And --

Ms. Burns: -- 20 is deferred until?

Mr. Hernandez: To October 16, the next regular meeting.

Ms. Burns: Thank you.

PZ.20 08-01015da

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN MIAMI WORLDCENTER GROUP, LLC, AFFILIATED PARTIES, AND THE CITY OF MIAMI, RELATING TO THE PROPOSED DEVELOPMENT OF A PROJECT KNOWN AS "THE MIAMI WORLDCENTER" ON APPROXIMATELY ± 25 ACRES, ZONED SD-16.3, "MIAMI WORLDCENTER SPECIAL DISTRICT," LOCATED BETWEEN NORTHEAST 6TH STREET AND NORTHEAST 11TH STREET AND BETWEEN NORTH MIAMI AVENUE AND NORTHEAST 2ND AVENUE, MIAMI, FLORIDA, FOR THE PURPOSE OF REDEVELOPMENT OF SUCH LAND FOR MIXED USES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

08-01015da Miami-Dade County Letter to Miami City Manager.pdf
08-01015da CC Legislation (Version 4).pdf
08-01015da Development Agreement.pdf
08-01015da CC 11-13-08 Fact Sheet.pdf

LOCATION: Between NE 6th Street and NE 11th Street and Between N Miami Avenue and NE 2nd Avenue [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommend approval.

PURPOSE: This will allow a development agreement for the proposed **Miami Worldcenter**.

DEFERRED

A motion was made by Vice Chair Spence-Jones, seconded by Commissioner Sarnoff, and was passed unanimously, with Commissioner González absent, to defer item PZ.20 to the Commission meeting currently scheduled for October 16, 2008.

Vice Chair Spence-Jones: Mr. Chairman, I just think that it's important to put on the record the reason for deferring PZ.20. Again, I believe, just like the rest of the sitting Commissioners, that this project can be a great project to create jobs and revitalize the CRA (Community Redevelopment Agency) district. My concern, however, was just to -- because of how big the

project was and the size of the project, I really believe that we needed to have public input, and I really believe that this is a project that should have or should at least come in front of the CRA Board. But I just wanted to at least make that public announcement that I do think that it's great for the CRA district, especially for Park West and Overtown. I just think that the community needs to be fully aware of what's happening with it. That is my only comment, Mr. Chairman.

Chair Sanchez: Okay.

PZ.21 08-01058zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS IN ORDER: 1) TO INCREASE THE AMOUNT OF PERMITTED ACCESSORY RETAIL USES IN CONJUNCTION WITH A MAJOR SPORTS FACILITY IN THE G/I DISTRICT; 2) TO INCLUDE OFFSTREET PARKING REQUIREMENT PROVISIONS IN SAID DISTRICT; 3) TO PERMIT A TEN PERCENT (10%) REDUCTION OF REQUIRED OFFSTREET PARKING SPACES, SUBJECT TO A CLASS II SPECIAL PERMIT, WHEN SAID MAJOR SPORTS FACILITY IS LOCATED WITHIN A CERTAIN PROXIMITY OF A METRORAIL OR PEOPLE MOVER STATION; AND 4) TO ALLOW A MODIFICATION OF UP TO A MAXIMUM OF FIFTY PERCENT (50%) OF THE REQUIRED SETBACKS, SUBJECT TO A CLASS II SPECIAL PERMIT, CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

08-01058zt PAB Reso.PDF

08-01058zt CC Legislation (Version 3).pdf

08-01058zt CC SR Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Pedro G. Hernandez, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommend approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on September 17, 2008 by a vote of 8-0.

PURPOSE: This will allow certain modifications related to Major Sports Facilities in the G/I Government/Institutional District.

Motion by Commissioner González, seconded by Commissioner Sarnoff, that this matter be PASSED ON FIRST READING WITH MODIFICATIONS PASSED by the following vote.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

Chair Sanchez: All right. We'll -- this will conclude the -- well, no. We're going to take a recess for lunch, and we'll be back and we'll pick up the items that we left out.

Pedro G. Hernandez (City Manager): Mr. Chairman, we have a -- what I think is a simple item, which is PZ.21.

Commissioner Sarnoff: So moved.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Wait, wait, wait, wait.

Commissioner Sarnoff: Just teasing.

Chair Sanchez: All right. Could you put some --? On 21?

Mr. Hernandez: Yes, PZ.21.

Chair Sanchez: Okay.

Mr. Hernandez: Robert.

Roberto Lavernia (Chief of Land Development, Planning Department): Yes, sir. PZ.21 is a amendment to the Zoning Ordinance.

Chair Sanchez: But, listen. PZ.21, I don't think there's a problem. I would feel much comfortable if we had a full Commission.

Vice Chair Spence-Jones: Okay, no problem.

Chair Sanchez: Okay. I know it's not going to be a problem, but I want -- I would like to have a full Commission here on that one.

Vice Chair Spence-Jones: No problem.

Mr. Hernandez: That's fine.

Chair Sanchez: Any other item that we could take up? I'm sure that item will be taken up. Okay. If not, we stand in recess. We will be back at 2:30, and we'll con -- we'll take up the PZ (Planning & Zoning) items. As stated, it's been properly advertised that we have a budget hearing at 5:05. We'll take that up as we get back from lunch, so the City of Miami Commission stands in recess. We'll be back at 2:30.

"[Later...]"

Chair Sanchez: Twenty-one. Anyone?

Commissioner González: I'll move 21.

Chair Sanchez: All right. It's an ordinance on first reading. Need a second.

Commissioner Sarnoff: Second.

Chair Sanchez: Okay. For discussion on that. Very briefly -- I know that we got to get to the budget -- Mr. City Manager, can I get your attention on this? This is to increase the amount of permitted accessory retail use around major sporting facility. As you know, the major sporting facility here is going to be the new Marlin [sic] Stadium.

Unidentified Speaker: Yes.

Mr. Hernandez: Yes, sir.

Chair Sanchez: Okay. It has always been the intention of this Commission and the Commissioner who represents Little Havana to make sure that we do the proper studies to make

sure that the businesses that complement the baseball stadium are to the benefit of everyone who lives in the City, not just the residents around the Marlin [sic] Stadium. It's going to bring economic vitality, as it's done throughout major stadiums throughout the United States. You're going to have business such as restaurants, cafés, sports bars, and other retails -- retail businesses that are going to be able to feed off of the 81 games. I'm glad to see also looking in the economic aspect of it, that the parking is to 6,000, therefore, still allowing people to park in residential areas because a lot of these people that are there, which no one's going to be displaced -- as they're saying on the radio, some individuals -- no one's being displaced. As a matter of fact, these individuals are going to benefit from people parking in their yards just as they did for many, many years during the UM (University of Miami) games. As a matter of fact, while walking in the area and talking to the people, it's a pleasant experience to know that they have -- they've been with friends, you know, for years because they've always parked in their yards and they've always had that great relationships [sic]. So this is a win-win situation for everybody, but I don't want to rush through it. I want to make sure that you do the proper analogy [sic] to make sure that the businesses that are there are going to complement the entire district, okay? Just wanted to put that on the record because --

Mr. Hernandez: Totally correct.

Chair Sanchez: -- once we tend to rush, rush on things, we tend not to look at the fine things. I need -- We need to, you know, rush, but make sure that we do things right. All right. It's an ordinance on first reading. Any further discussion on the item? If not, read the ordinance into the record, followed by a roll call.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Chair Sanchez: Roll call.

Pamela E. Burns (Assistant City Clerk): And, Mr. Chair, did you wish to open this item to a public hearing?

Chair Sanchez: Absolutely. Anyone from the public wishing to address this item? It is an ordinance and it requires a public hearing. I don't want to deny anybody the opportunity to address this Commission. Seeing no one, the public hearing is closed, coming back to the Commission for a vote. Roll call.

Ms. Burns: Okay. Roll call.

A roll call was taken, the result of which is stated above.

Ms. Burns: This item has passed on first reading, 5/0.

Chair Sanchez: Okay.

Roberto Lavernia (Chief of Land Development, Planning Department): Madam Clerk, with amendments.

Ms. Burns: With amendments. As modified.

MAYOR AND COMMISSIONER'S ITEMS

CITYWIDE

HONORABLE MAYOR MANUEL A. DIAZ

DISTRICT 1

COMMISSIONER ANGEL GONZÁLEZ

DISTRICT 2**COMMISSIONER MARC DAVID SARNOFF****D2.1 08-01066****DISCUSSION ITEM**

BASED ON A RECENT LEGAL OPINION FROM THE LEGAL DEPARTMENT, AND WITH THE APPROVAL OF THE CITY MANAGER, DISCUSSION ABOUT TAKING IMMEDIATE STEPS TO TERMINATE A 2006 "AGREEMENT" WITH STAUBACH-NORTHEAST. (STAUBACH-NORTHEAST IS A REAL ESTATE BROKER WHICH IS ALLEGEDLY UNLICENSED IN THE STATE OF FLORIDA. FURTHER, THE ORIGINAL 2006 CONTRACT WAS FOR ONE YEAR WITH LANGUAGE ALLOWING THE CITY MANAGER TO TERMINATE). DISCUSSION ABOUT IF THIS SERVICE IS REQUIRED AND WHAT ADDED VALUE STAUBACH WOULD PROVIDE TO THE CITIZENS OF MIAMI FOR ITS SERVICES. THE PROSPECTIVE PURCHASERS ARE A KNOWN COMMODITY AND AT LEAST TWO PROSPECTIVE PURCHASERS HAVE EXPRESSED INTEREST.

08-01066 E-Mail.pdf

DEFERRED

A motion was made by Commissioner Sarnoff, seconded by Commissioner González, and was passed unanimously, to defer item D2.1 to the Commission meeting currently scheduled for October 16, 2008.

DISTRICT 3

CHAIR JOE SANCHEZ

DISTRICT 4

COMMISSIONER TOMAS REGALADO

DISTRICT 5

VICE CHAIR MICHELLE SPENCE-JONES

MOTION

A motion was made by Commissioner Sarnoff, seconded by Commissioner Gonzalez, and passed unanimously, with Vice Chair Spence-Jones absent, to adjourn today's meeting.