

# **City of Miami**

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



## **Meeting Agenda**

**Thursday, December 17, 2009**

**9:00 AM**

**SUPPLEMENTAL**

**City Hall Commission Chambers**

## **City Commission**

*Tomas Regalado, Mayor  
Marc David Sarnoff, Chairman  
Frank Carollo, Vice-Chairman  
Commissioner District One  
Francis Suarez, Commissioner District Four  
Commissioner District Five  
Pedro G. Hernandez, City Manager  
Julie O. Bru, City Attorney  
Priscilla A. Thompson, City Clerk*

ANY PERSON WHO ACTS AS A LOBBYIST PURSUANT TO CITY OF MIAMI ORDINANCE NO. 11469, CODIFIED IN CHAPTER 2, ARTICLE VI OF THE CITY CODE, MUST REGISTER WITH THE CITY CLERK, PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, AND COMMITTEES AND THE CITY COMMISSION. A COPY OF SAID ORDINANCE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK, CITY HALL.

ANY PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE CITY COMMISSION OR ANY OF ITS BOARDS, AUTHORITIES, AGENCIES, COUNCILS OR COMMITTEES CONCERNING ANY ISSUE, SHALL DISCLOSE IN WRITING, AT THE COMMENCEMENT (OR CONTINUANCE) OF THE HEARING(S) ON THE ISSUE THE FOLLOWING INFORMATION:

1. WHETHER ANY CONSIDERATION HAS BEEN PROVIDED OR COMMITTED, DIRECTLY, OR ON ITS BEHALF, TO ANY ENTITY OR PERSON FOR AN AGREEMENT TO SUPPORT OR WITHHOLD OBJECTION TO THE REQUESTED APPROVAL, RELIEF OR ACTION;
2. TO WHOM THE CONSIDERATION HAS BEEN PROVIDED OR COMMITTED;
3. THE NATURE OF THE CONSIDERATION, AND
4. A DESCRIPTION OF WHAT IS BEING REQUESTED IN EXCHANGE FOR THE CONSIDERATION.

THE DISCLOSURE FORM WHICH IS AVAILABLE FROM THE CITY CLERK MUST BE READ INTO THE RECORD BY THE REQUESTING PERSON OR ENTITY PRIOR TO SUBMISSION TO THE SECRETARY/CLERK OF THE RESPECTIVE BOARD.

PURSUANT TO SECTION 4(g)(5) OF THE CHARTER OF MIAMI, FLORIDA, THE MAYOR MAY VETO CERTAIN ITEMS APPROVED BY THE CITY COMMISSION WITHIN TEN CALENDAR DAYS FOLLOWING THE COMMISSION ACTION. THE COMMISSION MAY, AFTER THE VETO OCCURS, OVERRIDE SUCH VETO BY A FOUR-FIFTHS VOTE OF THE COMMISSIONERS THEN PRESENT.

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION, SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBERS. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THIS PRINTED AGENDA IS DISTRIBUTED AT LEAST FIVE DAYS BEFORE THE MEETING, AND THE MATERIAL IN CONNECTION WITH EACH ITEM APPEARING ON THE AGENDA IS AVAILABLE FOR INSPECTION DURING BUSINESS HOURS AT THE OFFICE OF THE CITY CLERK IN CITY HALL, AT AGENDA OFFICE/MIAMI RIVERSIDE CENTER, OR ON-LINE AT [WWW.MIAMIGOV.COM](http://WWW.MIAMIGOV.COM).

ANY PERSON WHO SEEKS TO ADDRESS THE CITY COMMISSION ON ANY ITEM APPEARING IN THE FOLLOWING PORTIONS OF THIS AGENDA: "CONSENT AGENDA", "PUBLIC HEARINGS", OR "PUBLIC DISCUSSION" IS INVITED TO DO SO AND SHALL AS SOON AS POSSIBLE INFORM THE CITY CLERK OF HIS/HER DESIRE TO SPEAK, GIVING THE CITY

**CLERK HIS/HER NAME. AT THE TIME THE ITEM IS HEARD, THAT PERSON SHOULD APPROACH THE MICROPHONE AND WAIT TO BE RECOGNIZED BY THE PRESIDING OFFICER.**

\* \* \* \* \*

**Formal action may be taken on any item discussed or added to this Agenda. Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Any person with a disability requiring auxiliary aids and services for meetings may call the City Clerk's Office, 250-5360, with requests at least two business days before the meeting date.**

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**The City Commission has established a policy that the lunch recess will begin at the conclusion of deliberations of the agenda item being considered at Noon; further, that Commission meetings shall adjourn (a) at the conclusion of deliberation of the agenda item being considered at 10:00 p.m., unless the time is extended by unanimous agreement of the members of the City Commission then present or (b) at the conclusion of the regularly scheduled agenda, whichever occurs first. This rule does not apply when the City Commission is engaged in its annual budget hearings (Ordinance 12586).**

**APPROVING THE MINUTES OF THE FOLLOWING MEETING:**

REGULAR COMMISSION MEETING OF OCTOBER 8, 2009

**END OF APPROVING MINUTES****RESOLUTIONS****SP.1 09-01420***Office of the City  
Attorney***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY TO AND ON BEHALF OF MILADY IRRIZARRY, SUBJECT TO THE CONDITIONS IMPOSED BY CHAPTER 440, FLORIDA STATUTES, THE TOTAL SUM OF \$35,000, IN FULL SETTLEMENT OF ALL CLAIMS AND DAMAGES OF ACCIDENT ALLEGED AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND EMPLOYEES, WITHOUT ADMISSION OF LIABILITY, EXCLUDING A CLAIM FOR FUTURE MEDICAL BENEFITS, UPON EXECUTING A SETTLEMENT AGREEMENT AND 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. 05002.301001.515000.0000.00000.

09-01420 Legislation.pdf

09-01420 Cover Memo.pdf

09-01420 Cover Memo 2.pdf

**SP.2 09-01431***Department of  
Public Facilities***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING AND DIRECTING THE CITY MANAGER AND THE CITY ATTORNEY TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS IN ORDER (1) TO REQUEST THE ESCROWED FUNDS TO BE PAID PROMPTLY TO THE CITY OF MIAMI ("CITY") UNDER THE ESCROW AGREEMENT, DATED SEPTEMBER 27, 2005 ("ESCROW AGREEMENT") WITH FLAGSTONE ISLAND GARDENS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS SUCCESSOR BY MERGER TO FLAGSTONE PROPERTIES LLC, AS DEVELOPER (COLLECTIVELY, "FLAGSTONE") AND SHUTTS & BOWEN, LLP ("ESCROW AGENT"), (2) TO TERMINATE THE AGREEMENT TO ENTER INTO GROUND LEASE, DATED JANUARY 1, 2003, INCLUDING ALL EXHIBITS AND AGREEMENTS ATTACHED THERETO, AS SUBSEQUENTLY AMENDED (COLLECTIVELY, THE "AGREEMENT TO ENTER") WITH FLAGSTONE FOR THE MEGA YACHT MARINA AND MIXED USE WATERFRONT DEVELOPMENT PROJECT ON WATSON ISLAND (THE "PROJECT"), (3) TO TERMINATE AS NECESSARY ALL EASEMENTS GRANTED TO FLAGSTONE AND ALL OTHER AGREEMENTS WITH FLAGSTONE, (4) TO RETURN TO AND OBTAIN FOR THE CITY, ALL RIGHTS IN THE PROJECT, THE PROPERTY, THE ESCROWED FUNDS, AND THE RELATED PERMITS, GOVERNMENTAL APPROVALS, DOCUMENTS, INSTRUMENTS AND AGREEMENTS, AND (5) TO PROTECT THE CITY'S INTERESTS AND RIGHTS IN THE PROPERTY AND THE PROJECT.

09-01431 Legislation.pdf

09-01431 Summary Form.pdf

**END OF RESOLUTIONS**

**ORDINANCE-SECOND READING****SP.3 09-01136***City Manager's  
Office***ORDINANCE****SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED (THE "CODE"), TO AUTHORIZE THE INCREASE OF VARIOUS FEES THROUGHOUT THE CODE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-01136 Summary Form FR/SR.pdf

09-01136 Legislation FR/SR.pdf

**DATE: OCTOBER 22, 2009**  
**MOVER: COMMISSIONER SARNOFF**  
**SECONDER: VICE CHAIR SPENCE-JONES**  
**VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, SARNOFF,  
REGALADO AND SPENCE-JONES**  
**ABSENT: 1 - COMMISSIONER SANCHEZ**  
**ACTION: PASSED ON FIRST READING WITH MODIFICATIONS-  
-PASSED**

**DATE: DECEMBER 10, 2009**  
**ACTION: DEFERRED**

**END OF SECOND READING ORDINANCE**

**DISTRICT 2****CHAIRMAN MARC DAVID SARNOFF****D2.1 09-01056****DISCUSSION ITEM**

PARKING SPACE REQUIREMENTS:

DISCUSSION ABOUT PARKING SPACE REQUIREMENTS FOR MULTI-FAMILY BUILDINGS, FOR OFFICE BUILDINGS, FOR AFFORDABLE HOUSING PROJECTS, FOR BUILDINGS WITH RETAIL TENANTS AND FOR MIXED USE BUILDINGS.

GIVEN THE FISCAL CRISIS THAT AFFECTS THE CITY, STATE AND NATIONAL GOVERNMENTS AND THE NECESSITY TO REDUCE FUNDING FOR PUBLIC TRANSPORTATION HOW HAS THE CITY OF MIAMI RESPONDED TO THE NEW REALITIES?

DISCUSSION ABOUT THE PLANNING DEPARTMENT REVIEWING REQUIRED PARKING SPACES PER UNIT AND/OR PARKING SPACES PER SQUARE FOOT. DISCUSSION ABOUT REQUIRING MORE PARKING SPACES ON-SITE THAN CURRENTLY MANDATED.

09-01056 E-mail.pdf

**DATE: SEPTEMBER 24, 2009**  
**MOVER: COMMISSIONER SARNOFF**  
**SECONDER: VICE CHAIR SPENCE-JONES**  
**VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, SARNOFF, SANCHEZ, REGALADO AND SPENCE-JONES**  
**ACTION: DEFERRED--PASSED**

**END OF DISTRICT 2**

**PART B: PLANNING AND ZONING ITEMS****PZ.1 09-01421zt****ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, PASSED ON OCTOBER 22, 2009, ADOPTING A NEW ZONING CODE, TO BE KNOWN AS THE "MIAMI 21 CODE", FOR THE ENTIRE CITY OF MIAMI, FLORIDA, IN ORDER TO EXTEND THE ACTUAL EFFECTIVE DATE OF ORDINANCE NO. 13114 FROM FEBRUARY 19, 2010, TO MAY 20, 2010; AND ALSO TO EXTEND THE REPEAL OF ZONING ORDINANCE NO. 11000, TO MAY 20, 2010; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

LOCATION: Citywide

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

FINDING(S):

PLANNING DEPARTMENT: N/A.

PURPOSE: This will extend the actual effective date of the adoption of the new "Miami 21 Code" and the "Miami 21 Atlas" for the entire City of Miami to May 20, 2010.

09-01421zt CC Legislation (Version 1).pdf

09-01421zt CC FR 12-17-09 Fact Sheet.pdf

PZ.2 09-01422zt

**ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13115, PASSED ON OCTOBER 22, 2009, WHICH AMENDED ORDINANCE NO. 10544, THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN OF THE CITY OF MIAMI, FLORIDA, IN ORDER TO EXTEND THE ACTUAL EFFECTIVE DATE OF ORDINANCE NO. 13115 FROM FEBRUARY 19, 2010, TO MAY 20, 2010; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Citywide

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

FINDING(S):

PLANNING DEPARTMENT: N/A.

PURPOSE: This will extend the effective date of the Land Use designations within the interpretation of the 2020 Future Land Use Map section of the Future Land Use Element; and extend the effective date of the change to the 2020 Future Land Use Map designations of specific properties in accordance with the Miami 21 Atlas.

09-01422zt CC Legislation (Version 1).pdf

09-01422zt CC FR 12-17-09 Fact Sheet.pdf

**PZ.3 09-01423zt****ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13116, PASSED ON OCTOBER 22, 2009, WHICH AMENDED CHAPTER 23 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, ENTITLED "HISTORIC PRESERVATION", TO REFLECT THE PROVISIONS AND LANGUAGE OF THE MIAMI 21 CODE; IN ORDER TO EXTEND THE ACTUAL EFFECTIVE DATE OF ORDINANCE NO. 13116 FROM FEBRUARY 19, 2010, TO MAY 20, 2010; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Citywide

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

FINDING(S):

PLANNING DEPARTMENT: N/A.

PURPOSE: This will extend the actual effective date of Ordinance No. 13116 to May 20, 2010.

09-01423zt CC Legislation (Version 1).pdf

09-01423zt CC FR 12-17-09 Fact Sheet.pdf

**11:00 A.M.****PZ.4 08-00680lu****ORDINANCE****FIRST READING**

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 REAL PROPERTY LOCATED AT APPROXIMATELY 1421 NORTHWEST 61ST STREET, MIAMI, FLORIDA, FROM PARKS AND RECREATION TO MEDIUM DENSITY MULTIFAMILY RESIDENTIAL; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Approximately 1421 NW 61st Street [Commissioner - District 5]

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

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on September 16, 2009 by a vote of 7-0. See companion File ID 08-00680zc.

PURPOSE: This will change the above property to Medium Density Multifamily Residential.

08-00680lu Analysis.pdf

08-00680lu Land Use Map.pdf

08-00680lu & 08-00680zc Aerial Map.pdf

08-00680lu School Board Concurrency.pdf

08-00680lu PAB Reso.pdf

08-00680lu CC Legislation (Version 2).pdf

08-00680lu & 08-00680zc Exhibit A.pdf

08-00680lu CC FR 12-17-09 Fact Sheet.pdf

**DATE: DECEMBER 10, 2009**

**ACTION: DEFERRED**

**PZ.5 08-00680zc****ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S) AMENDING PAGE NO. 12, 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 PR PARKS AND RECREATION TO SD-1.1 KINGS HEIGHTS ORCHARD VILLA SPECIAL DISTRICT, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1421 NORTHWEST 61ST STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Approximately 1421 NW 61st Street [Commissioner - District 5]

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

**FINDING(S):**

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD (PAB): Recommended denial to City Commission on September 16, 2009 by a vote of 7-0. Also on September 16, 2009, the PAB recommended to the City Commission to consider increasing the size of the existing "Parks and Recreation" zoning in this area and direct the Planning Department to re-examine the existing "R-3" zoning on this block and surrounding blocks, by a vote of 7-0. See companion File ID 08-00680lu.

PURPOSE: This will change the above property to SD-1.1 King Heights Orchard Villa Special District.

08-00680zc Analysis.pdf

08-00680zc Zoning Map.pdf

08-00680lu & 08-00680zc Aerial Map.pdf

08-00680zc PAB Resos.pdf

08-00680zc CC Legislation (Version 2).pdf

08-00680lu & 08-00680zc Exhibit A.pdf

08-00680zc CC FR 12-17-09 Fact Sheet.pdf

**DATE: DECEMBER 10, 2009**

**ACTION: DEFERRED**

**END OF PLANNING AND ZONING ITEMS**