City of Miami
City Hall
3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes
Thursday, May 28, 2009
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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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 28th day of May 2009, 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 9:29 a.m., recessed at 11:51 a.m., reconvened at 2:15 p.m., recessed at 3:39 p.m., reconvened at 3:55 p.m. to begin the CRA meeting which adjourned at 4:22 p.m., reconvened at 4:22 p.m., and adjourned at 7:28 p.m.

Note for the Record: Commissioner Spence-Jones entered the Commission chambers at 9:32 a.m. and Commissioner Gonzalez entered the Commission chambers at 9:45 a.m.

Note for the Record: The CRA Board of Commissioners convened at 3:55 p.m. to begin the CRA meeting, Board Member Regalado entered the chambers at 3:57 p.m.

ALSO PRESENT:

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

Chair Sanchez: Good morning, ladies and gentlemen. The City of Miami Commission meeting is being called to order. I want to welcome you to our May 28, 2009 meeting of the City of Miami Commission in these historic chambers. The members of the City Commission are Vice Chair Spence-Jones, Commissioner Tomas Regalado, Commissioner Angel Gonzalez, Commissioner Marc Sarnoff, and myself, Joe Sanchez, as your Chair. Also on the dais, not yet, but he will be here, just coming in, is City Manager Pete Hernandez. Our City Attorney is Julie O. Bru, and our City Clerk, Patricia [sic] Thompson's back. Good to have you back. We missed you. The meeting will be opened by a prayer, which I will lead into, and then we'll have the pledge of allegiance by Commissioner Sarnoff. At that time, hopefully, we'll get the other Commissioners and we'll continue with the presentation.

[Later...]

Invocation and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS

PR.1 09-00627 PRESENTATION

Honoree Presenter Protocol Item
Manoucheka Thermitus Michelle Spence-Jones Certificate of Appreciation

PRESENTED

Commissioner Spence-Jones presented certificates of appreciation to the following individuals for their contributions and support of the City of Miami's 2009 Haitian Heritage Month Celebration: Manoucheka Thermitus, Dr. Liliane Delbor, Terry Riley, Chipi Morales, Kerry Keeler, Sabrina Jackson, and Lisandra Correa.

Chair Sanchez: All right. We will now make the presentation and proclamation at this time.

Presentation made.
MAYORAL VETOES

Chair Sanchez:  All right. We go down the order of the day, which is the agenda. At this time, I have a letter from the Mayor, which clearly states that there are no mayoral vetoes. We take that into the record.

APPROVING THE MINUTES OF THE FOLLOWING MEETING:

Motion by Commissioner Sarnoff, seconded by Commissioner Regalado, to APPROVED PASSED by the following vote.

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

Chair Sanchez:  Then we need a motion to approve the following minutes -- well, really, only one, Planning and Zoning meeting of April 23, 209 [sic]. Need a motion.

Commissioner Sarnoff:  So moved.

Commissioner Regalado:  Second.

Chair Sanchez:  Motion by Commissioner Sarnoff, second by Commissioner Regalado. 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. Takes care of that.

END OF APPROVING MINUTES

Order of the Day

Chair Sanchez:  All right. This is a PZ (Planning & Zoning) agenda. Just want to make sure that we understand that the agenda is -- the order of the day is the agenda that's in front of us. It's been properly advertised. We will go through that. We do have a CRA (Community Redevelopment Agency) meeting, which we're trying to work things out because there's a couple of items that we must take up before we go to the CRA. So as it looks right now is we're probably going to take the CRA later on, or maybe at 3 or 4, so we could get some order here. Madam Attorney, we will now begin the regular 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):  Good morning, Mr. Chairman, members of the Commission, Mr. Manager, Madam City -- Madam Clerk. Please note 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. The material for each item on the agenda is available during business hours at the City Clerk's office and on-line at www.miamigov.com. 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. No cell phones or other noise-making devices are permitted. 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. Any person with a disability requiring auxiliary aids and services for this meeting, please notify the City Clerk. The meeting will either end at the conclusion of deliberation of the agenda item being considered at 10 p.m. or at the conclusion of the regularly scheduled agenda, whichever occurs first. And the lunch recess will begin at the conclusion of deliberation of the agenda item being considered at noon, subject to the Chairman stating, at which time the CRA meeting will commence.
Chair Sanchez: All right. Thank you so much. At this time, the Chair -- the Administration will announce which items, if any, are to be either withdrawn, deferred or submitted. Mr. City Manager, you’re recognized for the record. Is any items that you wish to pull?

Pedro G. Hernandez (City Manager): Mr. Chairman, Commissioners, good morning. Yes, there is. On one item, FR.1, that I would like to, in essence, withdraw to bring it back in a different form. We need to do some additional changes to that ordinance, and I want to have the opportunity to do it all together at once, and then only necessitating one time for the item to come to the City Commission.

Chair Sanchez: That’s FR.1?

Mr. Hernandez: FR.1.

Chair Sanchez: All right, so you’re asking for a deferral [sic]. All right. Any other items so we could take a vote on all of them? Any other items?

Commissioner Regalado: I have --

Chair Sanchez: Yes, sir. Commissioner Regalado, you’re recognized.

Commissioner Regalado: Thank you, Mr. Chairman. On the consent agenda, item number 7, if we can defer this to the next regular meeting so we can have the proper documents filled.

Chair Sanchez: Okay, so CA.7 and FR.1. Any other item?

Mr. Hernandez: Mr. Chair, FR.1 will be a withdrawal, rather than a deferral.

Chair Sanchez: Okay. So it is a withdrawal. So, for the record, FR.1 is a withdrawal. We don’t need to take any action on that. We do need to take an action as to deferral of CA.7. There’s a motion by Commissioner Regalado. Is there a second?

Commissioner Sarnoff: Second.

Chair Sanchez: Second by Commissioner Sarnoff. Any 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.” CA.7 has been deferred.

[Later...]

Chair Sanchez: Let’s -- well, we could take up the consent agenda. Any item on the consent agenda -- Once again, as to the CRA (Community Redevelopment Agency), there are two items that must be taken up before we vote on the CRA, so we need to decide how we’re going to do that. That’s RE.18 and PZ.17, I believe. So those two items, what I suggest is that we take the CRA later on in the afternoon, and that way we could take those items up before we vote on -- take up the CRA.
CONSENT AGENDA

CA.1 09-00485

RESOLUTION

District 4-
Commissioner
Tomas Regalado

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED $2,000, TO THE UNITY INTERNATIONAL FOUNDATION INC., TO CO-SPONSOR ITS 2009 COMMUNITY EVENT; ALLOCATING FUNDS FROM THE DISTRICT 4 SPECIAL EVENTS BUDGET, ACCOUNT NO. 001000.921054.6.289.

09-00485 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0242

CA.2 09-00486

RESOLUTION

Department of Police

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS TO THE LAW ENFORCEMENT TRAINING TRUST FUND, IN AN AMOUNT NOT TO EXCEED $100,000; ALLOCATING SAID FUNDS FROM THE LAW ENFORCEMENT TRUST FUND, AWARD NO. 1169, PROJECT NO. 19-690001 AND ACCOUNT CODE 12500.191602.540000.0000, WITH SUCH EXPENDITURES HAVING BEEN APPROVED BY THE CHIEF OF POLICE AS COMPLYING WITH SECTION 932.7055, FLORIDA STATUTES, AS AMENDED.

09-00486 Legislation.pdf
09-00486 Summary Form.pdf
09-00486 E-mail.pdf
09-00486 Affidavit.pdf
09-00486-Summary Fact Sheet.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0243

CA.3 09-00487

RESOLUTION

Department of Capital Improvements Program

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH BAY PARC PLAZA APARTMENTS, L.P., ALLOWING THE CITY OF MIAMI TO USE THE LICENSE AREA FOR CONSTRUCTION ACTIVITIES FOR THE NORTH BAYSHORE DRIVE DRAINAGE IMPROVEMENTS PROJECT, B-50658.
This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0244

CA.4 09-00488

RESOLUTION
A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED MARCH 16, 2009, PURSUANT TO INVITATION FOR BID NO. 131107, FROM HPI INTERNATIONAL INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE PURCHASE OF PHOTOGRAPHIC FILM, ON A CITYWIDE, AS-NEEDED CONTRACTUAL BASIS, FOR AN INITIAL CONTRACT 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 AND AGENCIES, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0245

CA.5 09-00494

RESOLUTION
A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A SOFTWARE SUPPORT AGREEMENT AND ADDENDUM THERETO (COLLECTIVELY, "AGREEMENT"), IN SUBSTANTIALLY THE ATTACHED FORM(S), WITH DAYSTAR COMPUTER SYSTEMS INC., AN ILLINOIS CORPORATION, ("DAYSTAR"), FOR SOFTWARE SUPPORT SERVICES AND ASSOCIATED MAINTENANCE SUPPORT SERVICES FOR THE LEGISTAR SYSTEM FOR THE CITY CLERK'S OFFICE, FOR A ONE-YEAR TERM COMMENCING JUNE 1, 2009 UNTIL MAY 30, 2010, WITH OPTIONS TO RENEW FOR UP TO THREE (3) ADDITIONAL ONE-YEAR TERMS, AT A PROPOSED COST FOR THE ANNUAL SOFTWARE SUPPORT FEE AMOUNT OF TWENTY-FOUR THOUSAND, SIX HUNDRED AND TWENTY-NINE DOLLARS ($24,629), FOR UNLIMITED SOFTWARE SUPPORT SERVICES, WITH ANY RENEWAL TERM AMOUNTS SUBJECT
TO ANNUAL INCREASES IN AN AMOUNT NOT TO EXCEED THREE PERCENT (3%), FOR SOFTWARE SUPPORT FEES EACH RENEWAL TERM, AND SUBJECT TO BUDGETARY APPROVAL AT TIME OF NEED; APPROPRIATING FUNDS FOR SYSTEM UPGRADES FROM VARIOUS CAPITAL IMPROVEMENT PROJECT ACCOUNTS AND STRATEGIC FUNDS; ALLOCATING FUNDS FOR MAINTENANCE SUPPORT, FROM THE OPERATING BUDGET OF THE DEPARTMENT OF INFORMATION TECHNOLOGY PROJECT ACCOUNT NO. 00001.251000.546000.0000.00000, FOR THE INITIAL TERM; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND TO EXECUTE ANY SUBSEQUENT AMENDMENTS, AFTER CONSULTATION WITH THE CITY ATTORNEY, FOR SAID PURPOSE.

09-00494 Legislation.pdf
09-00494 Exhibit.pdf
09-00494 Summary Form.pdf
09-00494 Pre Legislation 1.pdf
09-00494 Pre Legislation 2.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0246

CA.6 09-00495

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW AWARD TO FUND PROJECT 29-115025 UNDER THE SPECIAL REVENUE PROJECT ENTITLED: "PROJECT SEARCH MIAMI," AND APPROPRIATING FUNDS IN THE AMOUNT OF $14,200, CONSISTING OF A DONATION FROM CHARLIE DELUCCA, ACCEPTED IN ACCORDANCE WITH SECTION 18-115, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TO BE ADMINISTERED BY THE PROGRAMS FOR THE DEVELOPMENTALLY DISABLED WHICH ARE ADMINISTERED BY THE CITY OF MIAMI'S DEPARTMENT OF PARKS AND RECREATION THROUGH ITS PROGRAMS FOR PERSONS WITH DISABILITIES DIVISION, TO FACILITATE THE HIRING OF A PROJECT SEARCH STUDENT TO BE EMPLOYED IN THE CLASSIFICATION OF WORKER TRAINEE, TO WORK FOR A ONE (1) YEAR PERIOD AT THE CITY OF MIAMI'S RIVERSIDE CENTER BUILDING DURING THE 2009-2010 SCHOOL YEAR.

09-00495 Legislation.pdf
09-00495 Summary Form.pdf
09-00495 Letter.pdf
09-00495 Letter 2 .pdf
09-00495 Check.pdf

This Matter was ADOPTED on the Consent Agenda.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0247

CA.7 09-00542

RESOLUTION
A RESOLUTION OF THE MIAMI CITY COMMISSION CODESIGNATING NORTHWEST 2ND STREET FROM NORTHWEST 22ND AVENUE TO NORTHWEST 24TH AVENUE, MIAMI, FLORIDA, AS "ELIZABETH BRUTONS WAY," FURTHER DIRECTING THE CITY MANAGER TO INSTRUCT THE DIRECTOR OF PUBLIC WORKS TO TRANSMIT A COPY OF THIS RESOLUTION TO THE HEREIN DESIGNATED OFFICES.

DEFERRED

A motion was made by Commissioner Regalado, seconded by Commissioner Sarnoff, and was passed unanimously, to defer item CA.7 to the Commission meeting currently scheduled for June 11, 2009.

Adopted the Consent Agenda

Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

END OF CONSENT AGENDA

Chair Sanchez: Anything else on the agenda that anyone may want to pull? If not, consent agenda. Is there a motion to approve the consent agenda?

Commissioner Sarnoff: So moved.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Motion by Commissioner Sarnoff, second by Vice Chair Spence-Jones, on the remaining consent agenda. All right. Any discussion on the consent agenda? Hearing no discussion on the consent agenda, all in favor, say “aye.”

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say “nay.” Motion carries. For the record, Commissioner González is present and we have a full Commission.

PUBLIC HEARINGS

PH.1 09-00496  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 THE CITY MANAGER'S RECOMMENDATION, WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING PROCEDURES FOR THE PROCUREMENT OF SERVICES, PURSUANT TO SECTION 18-85 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LARQCON GROUP, INC., IN SUBSTANTIALLY THE ATTACHED FORM, IN AN AMOUNT NOT TO EXCEED $200,000, FOR RENOVATIONS TO THE CITY OF MIAMI OWNED
SPONSOR: COMMISSIONER SARNOFF

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0248

Chair Sanchez: Okay. Let's take up public hearing item PH.1. PH.1 requires a four-fifth affirmative vote on the item. This is -- we are on item PH.1, which is the renovation, Simpson Park.

Ola Aluko (Director, Capital Improvements): Good morning, Commissioners. PH.1 is a resolution accepting donated goods and services, authorizing -- and also authorizing the construction contract for Simpson Park. This is a two-part resolution. Goods and services were donated by Enea Group and Audi some time in January at Simpson Park, and you can see the renovations before you. We would like you to accept those goods and services. And secondly, there is a second phase to this project where Audi and the Enea Group would like to continue the project, which will be a pavilion and a wood deck within the park itself. The funds for this project will be from the District 2 Commission office out of his quality of life dollars, which will be in the amount of $200,000. And we request that the City Commission accept the goods and services and also have a four-fifths affirmative vote on awarding the contract to the Larqcon Group Construction.

Commissioner Sarnoff: Mr. Chair.

Chair Sanchez: Okay. We need a motion and a second.

Commissioner Sarnoff: So moved.

Chair Sanchez: Motion by --

Commissioner Regalado: Second.

Vice Chair Spence-Jones: Second.

Chair Sanchez: -- Commissioner Sarnoff, second by the Vice Chair. You're recognized for the record, Commissioner.

Commissioner Sarnoff: I was -- I guess the word I want to use is lured into this project by the
Mayor's chief of staff. I don't know if Suzanna is here. But Suzanna Valdez, along with the Mayor, did yeoman's work in attracting Audi and the others to actually start the project with pretty much any -- without any City funding. When I went out there to see it -- and you see the quality of the work. And I don't mean this disrespectfully of the City of Miami, but it is top-notch, topflight work. And Suzanna and I are going to be, along with the Mayor, trying to get some more donations at a public -- at a fundraiser that we're going to be attending. And to Suzanna's credit -- and I think District 2 is very judicious in its use of its quality of life funds since we have so much left -- I've agreed to put $200,000 toward this project, and Audi and the others have agreed to continue their efforts at fundraising. And for those of you that don't know the Enea Gardens Design Group, along with the Larçon Group, they are truly the pinnacle at what they do. There is nobody better than these folks at design. And for anybody who's been out to the -- I guess the way to describe it is the Beach South Point project --

Mr. Aluko: South Point Beach.

Commissioner Sarnoff: South Point Beach -- thank you. I mean, a lot of people come back with absolute -- the highest compliments you can come back with for that. The Enea Gardens -- and it's a much smaller scale -- is every bit as good or better than that group in terms of what they're going to do. Obviously, Simpson Park is a thicket. It's a preserve, and it's not intended to change the preserve. It's just -- the whole purpose of the beautifying of the front is to attract people simply to walk through and have an opportunity at a green space that wasn't readily accessible before. In addition, outside of the park, it makes it a very presentable place for people just to sit down, take a rest. The benches there are topflight. They're not like City benches. And I would ask everybody to affirmatively vote for what has been done out there. And, of course, the District 2 will use its $200,000 in its quality of life to help complete the project. But I really want to give my compliments to the Mayor and to the Mayor's chief of staff because I think, without Suzanna Valdez, I don't think any of this would have happened. And I think if she leaves one fingerprint here in the City of Miami, I think we should all remember her for the very opening of Simpson Park.

Chair Sanchez: Further discussion? Vice Chair? On the item, I had the opportunity to go out there when they did the opening. And let me just tell you, it's something that is -- really enhances the park where I think the City, for quite some time, (UNINTELLIGIBLE) that recognizes Simpson Park is really a treasure for the City because that's the last hammocks that we have available in our city. This gives it an inviting gateway for people to enjoy the park. You know, I support the idea of partnering up with people that are going to come to the City and help us out to improve our parks and stuff. But the concern that I have here is one that may come out and someone may challenge later on as when we have companies that come in and want to volunteer, want to donate their time and their efforts but later on end up getting work to finish a project, I think that if we're not careful and the Administration's not careful, it may lead the Administration into a slippery slope as somebody may say, well, that's the tactic that some companies are using to try to get work from the City. So I think we got to be very careful so we don't get the finger pointed at as being -- and I do support -- you know, anybody who wants to come in the City and want to partner up to improve a park and we're going to save money and we're going to improve the park, I'm all for it. But I think we need to be very careful that later on in the future, we're not challenged by not allowing procurement, by letting companies come in that want to just open the doors and get in and then bring it to the Commission to have additional work done. And it's just a concern that I have that I think that needs to be addressed by the Administration. All right. No further discussion on the item. There's a motion and second. Public --

Pedro G. Hernandez (City Manager): Mr. --

Chair Sanchez: -- hearing.

Mariano Cruz: Public hearing, yes.
Chair Sanchez: Commissioner --

Mr. Cruz: Mariano Cruz --

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

Mr. Cruz: -- 1227 Northwest 26 Street. Happy day in the city. Payday(UNINTELLIGIBLE). (UNINTELLIGIBLE) see happy faces around here. You know, I am a member of the other committee on the bond side. When I saw this, I read the 32 pages. And I'm like you. I have a magnifying glass with a light to check the fine print, and I like what I saw here. This is very good because I -- when my children were growing, I had property in (UNINTELLIGIBLE) County. I used to go to the (UNINTELLIGIBLE) towers. You know, when I go to Simpson, it remind me of (UNINTELLIGIBLE) tower. There's a sign that say, this is the place I come to find myself, and that's why you go there. It's an oasis in the middle of the Brickell conflict and we need that. For many years, I was the only -- and Joe, too, was here -- lobbying money for the parks, when they were cannibalizing the Parks Department, taking money for the police and everything. And what happened at the time? (UNINTELLIGIBLE) the river cops. We need more parks. And that's why I am very happy to see -- I dedicate a lot of time to all of this, but I find it worthwhile. We need more parks, not more prisons, okay? That's what we need here. And that is a good place. I used to take my children there because with four children, one Saturday at home, we got to, you know, go to the parks, Sewell Park, Bayfront Park, all around there. But that park was, you know, just to walk there. We got the (UNINTELLIGIBLE), the (UNINTELLIGIBLE), everything is there, everything, like it was Dade County -- Miami-Dade -- when the people (UNINTELLIGIBLE) came here. I'd like you to -- We vote on that unanimously. The board vote there on Tuesday. We vote for this too. Thank you.

Commissioner Sarnoff: Mariano, you know, Horace Mann is a very famous author. He said the fewer schools and the fewer parks you have, the more prisons you will have in the end.

Mr. Cruz: Right.

Commissioner Sarnoff: He said it much more eloquently than I did, but that is a direct quote from Horace Mann. And you are now are Horace Mann --

Mr. Cruz: Yeah.

Commissioner Sarnoff: -- of the community.

Chair Sanchez: All right. Anyone else from the public?

Mr. Cruz: I believe in that.

Chair Sanchez: Anyone else?

Mr. Hernandez: Mr. Chair --

Chair Sanchez: If not, the public hearing is closed, and it comes back to a vote. Mr. Manager, you're recognized for the record.

Mr. Hernandez: If you allow me, procedurally, to complete this item. This is a timely, sensitive project in which we are waiving, through a four-fifths, the selection of the contractor. And also in the donation, there is design work that was done and is being donated to the City. I think, in an abundance of caution here, that we should be adding to this item a waiver of Florida Statute 255.20 that deals with public works contracts, and Florida Statutes Section 287.055, which deals...
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with the consultant selection process. This City Commission is empowered to allow those waivers.

Commissioner Sarnoff: Mover accept -- the mover would amend, as stated. I hope the seconder would accept.

Chair Sanchez: Our Vice Chair, do you accept the amendments as proffered by the district Commissioner and the City Manager?

Vice Chair Spence-Jones: Give me one second, just one second.

Chair Sanchez: What's the statute again?

Mr. Hernandez: It's --

Commissioner Sarnoff: 255.20 --

Mr. Hernandez: -- 255.20 --

Commissioner Sarnoff: -- 280 --

Mr. Hernandez: -- that deals with public works contracts.

Chair Sanchez: Mr. City Manager, what's the statute?

Vice Chair Spence-Jones: Yeah, I accept it.

Chair Sanchez: Okay.

Mr. Hernandez: The first one is 255.20, with [sic] deals with public work construction contracts. And the second one is 287.055, which deals with the consultant selection process.

Chair Sanchez: Okay.

Mr. Hernandez: And both, the City Commission is empowered to waive as part of this item, so --

Chair Sanchez: Madam Attorney, are we empowered to waive that?

Julie O. Bru (City Attorney): Madam Attorney's just found out information that Madam Attorney didn't have previously, but I think that he is correct. And there was an additional amount that may or may not require there be a waiver of 255, so in an abundance of caution, we should go ahead and also express that on the record.

Chair Sanchez: All right. Okay, any further discussion on the item? As amended, 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. Thank you so much.

Mr. Aluko: Thank you.

10:30 A.M.

A sign language interpreter translated discussion of Items PH.2 - PH.3.
PH.2  09-00536

Department of Community Development

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING A GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY ACT PROGRAM FUNDS, IN THE AMOUNT OF $2,218,946, THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO IMPLEMENT THE ACCEPTANCE OF SAID GRANT.

09-00536 Legislation.pdf
09-00536 Summary Form.pdf
09-00536 Letter.pdf
09-00536-Email-CDBG-R Program.pdf
09-00536-Submittal-Pavement Analysis District 1.pdf
09-00536-Submittal-Pavement Analysis District 2.pdf
09-00536-Submittal-Analysis District 3.pdf
09-00536-Submittal-Analysis District 3.pdf
09-00536-Submittal-Pavement Analysis District 4.pdf
09-00536-Submittal-Pavement Analysis District 5.pdf
09-00536-Submittal-CDBG-R Notice Issued.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0261

Chair Sanchez: Okay, let's take up PH.2. PH.2 was properly advertised for 10:30. Sir, you're recognized for the record.

George Mensah: George Mensah, director of Department of Community Development. Mr. Chair, PH.2 is a resolution of Miami City Commission accepting a grant from the United States Department of Housing and Urban Development, in an amount of $2,218,946 million to the American Recovery and Reinvestment Act of 2009.

Commissioner González: Motion.

Chair Sanchez: Okay, there is a motion by Commissioner González. Is there a second?

Vice Chair Spence-Jones: Second.

Chair Sanchez: Second by the Vice Chair.

Vice Chair Spence-Jones: I just want to add (INAUDIBLE).

Chair Sanchez: All right, before we open it up for discussion, it is a public hearing resolution. 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 discussion. Vice Chair Spence-Jones, you're recognized on PH.2.

Vice Chair Spence-Jones: I'm sorry. I was thinking we were on PH.3. I have no issues on this.

Chair Sanchez: All right. So there is no discussion on PH.2? Commissioner Regalado, you're recognized on PH.2.
Commissioner Regalado: PH.2. I sent the members of the Commission the documents that we received on the Homeless Trust --

Vice Chair Spence-Jones: Yes.

Commissioner Regalado: -- regarding the grants. And on all these grants, you, the City, and the County and the Homeless Trust, are allowed to use some of the money to pay rent, utility bills, to use that money to subsidize rent, to get new housing in terms of the deposit and the month in advance for rental. What is it that we can do in the City?

Mr. Mensah: Mr. Commissioner, this particular funding that we’re discussing today is not the same funding that the Homeless Trust has. What the Homeless Trust has is the Housing -- HPRP (Homelessness Prevention and Rapid Re-Housing Program) --

Commissioner Regalado: George, but -- I do understand that, but what I’m saying to you is that the attorneys and the HUD (Department of Housing and Urban Development) representative at the Homeless Trust said that in all HUD funding there is a huge flexibility now with the stimulus, totally different to the strict regulations that we had in the past. What I’m asking is can we use some of this money for those kind of emergency. We were told that of all these findings, we cities or counties are allowed to use this kind of funding for those emergencies.

Mr. Mensah: Mr. Commissioner, this particular funding, no. We have the homeless prevention program, which allows us to be able to pay rents, deposits, and relocation, moving people out, and even paying for hotels after 30 days for people who are homeless. That plan was -- I believe it was approved by the City Commission last -- probably it was in the first part of May. That plan is already (UNINTELLIGIBLE). We will be coming back to Commission to tell you exactly how much -- how we’re going to run that program, so we’ll be coming back with that particular program.

Commissioner Regalado: And I understand, but you need also to understand that all of the members of the Commission, we know where the needs are. It may be that people are in need of utility bill being paid. It may need -- but this is not homeless only. These are -- what I’m trying to say is that these are for people living actually in rentals at this moment that have a problem paying next month. And so what we approved maybe the perception was only it’s for the homeless program. It’s not. This is what I’m trying to say to you, and I’m sure that you also are aware. And I just hope that we will not focus in homeless program only, but also that we can avoid people from being homeless, and that’s the point. That’s -- actually, that’s the goal of this money that is coming through the pipeline from the stimulus, that we can act to avoid people from being homeless by paying rent, by paying utilities, by paying -- not mortgage, but rent and deposit to access a new apartment.

Mr. Mensah: Mr. Commissioner, you are right. That -- those funds that the City Commission approved the acceptance, which was about $3.3 million, will be used for exactly that purpose. This particular funding cannot be used to pay rent. It has to be used -- (UNINTELLIGIBLE) CDBG (Community Development Block Grant) funding, it has to be used specifically for infrastructure development, job creation, and energy efficiency.

Commissioner Regalado: And I understand. And I just want to tell you that I have researched a lot this stimulus program, and I will tell you that it is unprecedented. We have never before been able to pay rentals --

Mr. Mensah: I agree.

Commissioner Regalado: -- to pay monthly rentals for people, but we can do this now with this
kind of money. Not with this one, but with the money that we have already. And I think that, all of us, we ought to know because we have cases -- I'm sure that Commissioner Spence-Jones has and Commissioner González and Commissioner Sanchez and Commissioner (UNINTELLIGIBLE) -- every area of the City has an issue, and there are people that have been - - you know, 6,000 calls of evictions in the Homeless Trust hotline last month, 6,000. And they're trying to get the data now to see how many in the City of Miami, but there're hundreds of evictions from rentals.

Mr. Mensah: I agree.

Commissioner Regalado: We're talking rentals. So if we can only determine how soon and how much we can use to avoid homelessness, then I think that we will be using that money the right way.

Chair Sanchez: All right.

Commissioner Regalado: Thank you.

Chair Sanchez: Okay. Any further discussion on PH.2? Being no discussion on PH.2, it is a -- is it a resolution? It is a resolution?

Priscilla A. Thompson (City Clerk): Yes.

Chair Sanchez: All in favor, say “aye.”

The Commission (Collectively): Aye.

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

PH.3  09-00537  RESOLUTION

Department of Community Development

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE CITY OF MIAMI’S (“CITY”) AMENDED ANNUAL ACTION PLAN FOR FISCAL YEAR 2008-2009, CITY OF MIAMI DEPARTMENT OF COMMUNITY DEVELOPMENT, ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO SUBMIT THE CITY’S AMENDED ANNUAL ACTION PLAN FOR FISCAL YEAR 2008-2009, CITY OF MIAMI DEPARTMENT OF COMMUNITY DEVELOPMENT, TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR REVIEW AND APPROVAL.

09-00537 Legislation.pdf
09-00537-Exhibit-SUB.pdf
09-00537-Email-Substantial Amendment to the Annual Action Plan FY 2008.pdf
09-00537 Summary Form.pdf
09-00537 Pre Legislation 1.pdf
09-00537 Pre Legislation 2.pdf
09-00537 Letter.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0262

Chair Sanchez: We go to PH.3. Let's get a motion and a second for the purpose of discussion.
Commissioner González: Motion.

Vice Chair Spence-Jones: Second, discussion.

Chair Sanchez: Motion by Commissioner González, second by the Vice Chair for the purpose of discussion. Before we open it up for discussion, public input. Anyone from the public wishing to address this item? Seeing no one, the public hearing is closed; coming back to the Commission. We are on PH.3.

Vice Chair Spence-Jones: I don't know if you want him to officially put something on the record.

Chair Sanchez: Yes.

Vice Chair Spence-Jones: I think he needs to do that.

George Mensah (Director, Community Development): Mr. Chair, PH.3, there was a substitution. We added -- we attached the actual draft plan, and it was e-mailed (electronic) to all your offices. The -- this is the actual plan, the substantial amendment that goes to HUD (Department of Housing and Urban Development), telling HUD how we intend to use these funds. And we are here to ask the Commission to approve the use of these funds as stated in the draft plan.

Vice Chair Spence-Jones: Mr. Chairman, the only thing that I want to say to Mr. Mensah -- and I think he's already aware of it -- regarding the issue of the façade-based program -- project throughout my district, especially in the cultural business districts, like Wynwood, Little Haiti, Liberty City, and Overtown, I just wanted to make sure that these particular dollars that are allocated for our particular area will be used towards façade-based projects.

Mr. Mensah: And that is how it's been written --

Vice Chair Spence-Jones: Okay.

Mr. Mensah: -- Madam Commissioner.

Vice Chair Spence-Jones: I just wanted to make sure.

Mr. Mensah: Yes.

Vice Chair Spence-Jones: Thank you so much, Mr. Mensah.

Chair Sanchez: Okay. Any further discussion on PH.2 [sic], which is approving the amendment to Annual Action Plan '08/'09? That is also a resolution.

Priscilla A. Thompson (City Clerk): As modified. Yes.

Chair Sanchez: As modified. We did open up --

Ms. Thompson: PH.3.

Chair Sanchez: -- to the public. The public hearing is closed, coming back to the Commission. As modified, 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 take up -- that concludes our --

Vice Chair Spence-Jones: Public hearings.

Chair Sanchez: -- public hearings. Thank you so much, sir.

END OF PUBLIC HEARINGS

ORDINANCE- FIRST READING

FR.1  09-00498  ORDINANCE  First Reading
City Manager's Office

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62/ARTICLE XIII, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PLANNING AND ZONING/ZONING APPROVAL FOR TEMPORARY USES AND OCCUPANCIES; SPECIAL PERMIT REQUIRED," MORE PARTICULARLY BY CREATING A NEW SECTION 62-619, PROVIDING FOR THE CONTINUED EFFECTIVENESS OF MURAL PROGRAM; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

09-00498 Legislation.pdf
09-00498 Summary Form.pdf

WITHDRAWN

END OF FIRST READING ORDINANCE

RESOLUTIONS

RE.1  09-00500  RESOLUTION
Department of Fire-Rescue

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE PROJECT ENTITLED: “FISCAL YEAR 2009-DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"), URBAN SEARCH AND RESCUE ("USR") READINESS COOPERATIVE AGREEMENT,” AND APPROPRIATING FUNDS, IN THE AMOUNT OF $1,001,910, CONSISTING OF A GRANT FROM FEMA TO BE USED BY THE DEPARTMENT OF FIRE-RESCUE TO ACQUIRE EQUIPMENT, PROVIDE TRAINING IN APPROVED USAR TRAINING COURSES; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD AND TO EXECUTE THE NECESSARY DOCUMENTS IN ORDER TO IMPLEMENT THE ACCEPTANCE OF SAID GRANT AWARD.
Motion by Commissioner Sarnoff, seconded by Commissioner González, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0249

Chair Sanchez: We move on to the next item, which is PH (Public Hearing) -- well, we'll get to PH.3 after 10:30. That's been properly advertised. Do we have the translator here?

Priscilla A. Thompson (City Clerk): Not yet.

Chair Sanchez: Not yet, okay. Let's take up -- FR.1 was withdrawn. Let's take up RE.1. RE.1. Come on. Let's try to move this -- through this agenda. All right, it's a resolution. Shorty --

Chief William Bryson (Fire): Yeah. How you doing?

Chair Sanchez: -- always a pleasure to see you, my friend.

Chief Bryson: Shorty Bryson, Fire chief. This is a annual grant amount coming from the federal government for our USAR (Urban Search and Rescue) team. (UNINTELLIGIBLE) the agreement and the acceptance of the grant. It's about a million plus thousand dollars.

Commissioner Sarnoff: So moved.

Chair Sanchez: All right. There's a motion by --

Commissioner González: Second.

Chair Sanchez: -- Commissioner Sarnoff, second by Commissioner González. It is a resolution. It does not require a public hearing. Any 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. RE.1 has been approved.

**RE.2  09-00501**

**RESOLUTION**

Department of Capital Improvements Program

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AN INCREASE IN THE CONTRACT AWARDED TO HORIZON CONTRACTORS, INC., PURSUANT TO RESOLUTION NO. 08-0403, ADOPTED JULY 10, 2008, FOR THE PROJECT ENTITLED, "TAMIAMI STORM SEWER IMPROVEMENTS, B-50706," FOR ADDITIONAL WORK NECESSARY, IN AN AMOUNT NOT TO EXCEED $189,000, INCREASING THE CONTRACT FROM $1,079,448 TO $1,268,448; ALLOCATING FUNDS, FOR SAID INCREASE, FROM CAPITAL IMPROVEMENT PROJECT NO. B-50706; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

- 09-00501 Legislation.pdf
- 09-00501 Exhibit.pdf
- 09-00501 Summary Form.pdf
- 09-00501 Contract Execution Form.pdf
- 09-00501 Corporate Resolution.pdf
- 09-00501 Performance Bond.pdf
- 09-00501 Payment Bond.pdf
- 09-00501 Certificate to Corporate Principal.pdf
- 09-00501 Financial Statement.pdf
- 09-00501 Power of Attorney.pdf
- 09-00501 Text File Report.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

**R-09-0250**

Chair Sanchez: RE.2, it's also a resolution. That comes to us from the Department of Capital Improvement [sic] Program.

Ola Aluko: Ola Aluko, director of Capital Improvements Program, City of Miami. RE.2 is a resolution to authorize additional services for Horizon Contractors, in the amount not to exceed $189,000, for the Tamiami storm sewer improvements project, B-50706. These improvements are -- were requested by the owner and also as a result of unforeseen conditions.

Chair Sanchez: All right. Is there a motion on RE --

Vice Chair Spence-Jones: 2.

Chair Sanchez: -- 2?

Commissioner Regalado: Move it.

Chair Sanchez: There's a motion --

Vice Chair Spence-Jones: Second.
Chair Sanchez: -- by Commissioner Regalado, second by the Vice Chair. 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. Resolution RE.2 has been approved. If we could work through some of these noncontroversial items --

Vice Chair Spence-Jones: Okay.

Chair Sanchez: -- we will get to the museums.

RE.3 09-00502

Department of Capital Improvements Program

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AN INCREASE IN THE CONSTRUCTION CONTRACT AWARDED TO METRO EXPRESS, INC., PURSUANT TO RESOLUTION NO. 07-0700, ADOPTED DECEMBER 13, 2007, FOR THE PROJECT ENTITLED, "FAIRLAWN STORM SEWER IMPROVEMENTS PROJECT, PHASE IIB, B-50703," FOR ADDITIONAL WORK, IN AN AMOUNT NOT TO EXCEED $128,491, INCREASING THE CONTRACT FROM $1,886,601.20 TO $2,015,092.20; ALLOCATING FUNDS, FOR SAID INCREASE, FROM CAPITAL IMPROVEMENT PROJECT NO. B-50703; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1., IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0251

Chair Sanchez: All right, RE.3. RE.3 is also a resolution.

Ola Aluko (Director, Capital Improvements): RE.3 --

Chair Sanchez: It comes to us from the same department. You're recognized for the record.

Mr. Aluko: Thank you. RE.3 is a resolution to authorize additional services for Metro Express Incorporated, in the amount not to exceed $120,491, for the Fairlawn storm sewer project, phase IIB. These additional dollars are as a result of owner-requested changes and also unforeseen conditions during the duration of the project.
Chair Sanchez: All right. Need a motion.

Commissioner González: Move it.

Chair Sanchez: Motion by Commissioner González.

Commissioner Regalado: Second.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Second by Commissioner Regalado. Discussion on the item. We've all been briefed on all these items, so we should cast through some of them. All right, RE.3, all in favor, say “aye.”

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say “nay.” Motion carries. RE.3 has been approved.

**RE.4 09-00504**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE EXECUTIVE DIRECTOR OF THE MIAMI SPORTS AND EXHIBITION AUTHORITY ("MSEA") TO EXECUTE AN INTERLOCAL AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE BAYFRONT PARK MANAGEMENT TRUST ("TRUST") AND MSEA, FOR THE PURPOSE OF THE TRUST PROVIDING OPERATION AND MANAGEMENT SERVICES TO MSEA.

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

**Votes:** Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

**R-09-0252**

Chair Sanchez: We go to RE.4. RE.4, it's a resolution, Bayfront Park Management Trust.

*Tim Schmand:* Tim Schmand, Bayfront Park Management Trust and Miami Sports and Exhibition Authority, 301 North Biscayne Boulevard. This is a resolution authorizing the Trust and MSEA (Miami Sports and Exhibition Authority) to enter into an interlocal agreement for services provided by the Trust to MSEA. In the current year, the amount would be $141,000 paid to the Trust, and then going forward in the future years, it would be $53,600.

Chair Sanchez: All right. Is there a motion?

Commissioner Sarnoff: I'm going to make a motion --

Commissioner González: Motion.

Commissioner Sarnoff: -- for purposes of discussion.

Chair Sanchez: All right. Motion by Commissioner Sarnoff --
Commissioner Regalado: Second.

Chair Sanchez: -- by [sic] the purpose of discussion. It was second by Commissioner González. Discussion on the item. You’re recognized, Commissioner Sarnoff.

Commissioner Sarnoff: Tim, the $141,000 is for past services rendered.

Mr. Schmand: Correct.

Commissioner Sarnoff: And I don’t have an issue with that, but going forward, I just question what it is we’re doing with MSEA and why MSEA should be incurring a $53,000 salary or compensation package, if you will. And no disrespect to the Bayfront Trust, but what do we intend on doing with MSEA in perpetuity in the future? Are we just not sending bad money after -- good money after bad?

Mr. Schmand: The directors of MSEA and the directors of the Bayfront Park Management Trust decided that the best way to handle MSEA was to allow the Trust to manage it into the future. MSEA’s a very interesting tool for the City of Miami to have, and it can do things that any private corporation in the state of Florida can do. And if MSEA should go away, it would be one less tool for the City to have in the future. I can’t predict the future, and I don’t know what the future role of MSEA would be, but it exists, and as a result of its -- the mere result of its existence requires that there are certain things that we undertake. We have to do an audit every year. We have to, you know, follow all the state mandates, you know, that are required by the MSEA organization to continue. The $53,000 is -- you know, I negotiated with myself to get to that number and it was a struggle. So, in the future, there may be other things that MSEA’s called upon to do, but in the meantime, we think that’s a fair price. And currently, no one on the Bayfront Park staff has received a pay increase to handle the MSEA operations, and I don’t foresee that happening in the future.

Chair Sanchez: All right. Any further discussion on the item?

Commissioner Sarnoff: Yeah. What is the current -- what, currently, does MSEA have in its coffers, so to speak?

Mr. Schmand: We have CDT (Convention Development Tax) dollars in the amount of $8,582,600 that are -- will be transferred to the Marlins Stadium program. And we had, up until the beginning of this month, $2,043,327 in non-CDT funds. Seven hundred thousand dollars of those funds were used to support the Melreese Golf Course project and the Caribbean Marketplace; $393,000 and change went to the Children's Museum. So it leaves us -- left us with a balance of $1.3 million. In the MSEA financial statements, there's $800,000 that's designated for the heliport, should the MSEA Board decide, in the future, to take those funds and use it for the heliport on Watson Island. That leaves us with half a million, $43,000. The interlocal agreement is 141,000. That takes us down to 402,000. Our operating costs to get us through the end of the year is about $25,000. So beginning next fiscal year, October 1, we expect to have $377,327 in the account; $53,600 would then be paid to the Trust on month -- over, you know, that fiscal year. So it would go down from the 377 to 321.

Commissioner Sarnoff: And in the future, what do you project to be your revenue sources?

Mr. Schmand: Currently, there are no revenue sources for MSEA, so when these funds are expended, there are -- that's the end of the funding for MSEA.

Commissioner Sarnoff: And that's -- and that becomes sort of my point, which is why continue to take $53,600 from MSEA 'cause you'll last three or four or five years and then you'll have
nothing left?

Mr. Schmand: And one imagines -- and I can't predict the future, so I don't know -- but there are any number of projects out there that MSEA could become involved in. And should MSEA be called upon to act, there would have to be a revenue source identified. And at the end of the day, if MSEA uses up all its funds, for whatever purposes, the general fund would be responsible for the funding of MSEA.

Commissioner Sarnoff: What type of issues is MSEA entitled to fund? Like, what is your -- I don't want to say mission statement, but what are you allowed to fund? Obviously, you've just funded the golf course, you've just funded the Haitian --

Mr. Schmand: Sports and exhibition spaces is, you know -- like, if you needed, like the quick, you know, snapshot, we can do sports and everything related to sports and exhibition space and everything related to exhibition space. So if -- say it was, I don't know, a convention center proposed and they were looking for an organization that could manage the operation of a convention center, MSEA could play that role. If there was additional museums contemplated in the future, MSEA could play a role. And then any sports development could be a role MSEA could play.

Commissioner Sarnoff: Okay, thank you.

Chair Sanchez: All right. Any further questions on RE.4? If no further questions, it's a resolution. There's been a motion and a second. It's been discussed. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say “nay.” RE.4 has been approved.

Chair Sanchez: RE --

Mr. Schmand: Thank you, Commissioners.

Chair Sanchez: -- 5. Thank you.

**RE.5 09-00505**

**RESOLUTION**


09-00505 Legislation.pdf
09-00505 Memo 1.pdf
09-00505 Memo 2.pdf
Meeting Minutes

May 28, 2009

City Commission

R-09-0253

Julie O. Bru (City Attorney): Mr. Chairman, RE.5 is a resolution that seeks authorization for settlement of all claims and dates of accident alleged against the City of Miami by Stephen Kiraly, and this is a worker's compensation claim, and the amount is not to exceed 55,750.

Chair Sanchez: All right. This is a settlement. Is there a motion?

Commissioner Sarnoff: So move.

Chair Sanchez: Motion by Commissioner Sarnoff. Is there a second?

Vice Chair Spence-Jones: Second.

Commissioner Regalado: Second.

Chair Sanchez: Second by the Vice Chair. Any discussion on the settlement? Hearing no discussion on the item, it's a resolution. 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, 5-0.

RE.6 09-00506

Department of Parks and Recreation

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE PROJECT ENTITLED: "SUMMER FOOD SERVICE PROGRAM FOR CHILDREN 2009" AND APPROPRIATING FUNDS FOR THE OPERATION OF THE SAME, IN AN AMOUNT NOT TO EXCEED $500,000, CONSISTING OF A GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE THROUGH THE FLORIDA DEPARTMENT OF EDUCATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, AND ALL NECESSARY DOCUMENTS TO IMPLEMENT THE ACCEPTANCE OF SAID GRANT, FOR THE PROVISION OF LUNCHES AND SNACKS TO THE PARTICIPANTS OF THE CITY OF MIAMI'S 2009 SUMMER FOOD SERVICE PROGRAM, OPERATED BY THE DEPARTMENT OF PARKS AND RECREATION.

09-00506 Legislation.pdf
09-00506 Exhibit.pdf
09-00506 Summary Form.pdf
09-00506 List.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones
Ernest Burkeen: Ernest Burkeen, director of Parks and Recreation. This is a resolution establishing a special revenue project for the Parks Department summer food service program.

Chair Sanchez: All right. RE.6, is there a motion?

Commissioner González: Move it.

Vice Chair Spence-Jones: So -- second.

Chair Sanchez: There's a motion by Commissioner González, second by the Vice Chair. Discussion on RE.6? Hearing no discussion --

Vice Chair Spence-Jones: Yes. I do have discussion.

Chair Sanchez: All right, discussion. Vice Chair, you're recognized on RE.6 for discussion.

Vice Chair Spence-Jones: Yes. The only thing that I wanted to add, Mr. Burkeen, is I know that last year we had issues with the program starting earlier, ending later, whatever the case may be. But there was some confusion as to whether -- in the community, like when this part of the summer food program was going on. I just want to make sure that the community is aware of when the starting point and when the ending point is. So I don't know what you need to do to make sure that happens because we did get phone calls in our office about people being confused, and they depend on that food during the summer.

Mr. Burkeen: The problem was the ending, and we will make sure that we get a letter out to indicate the beginning and ending.

Vice Chair Spence-Jones: Okay, no problem. Thank you.

Chair Sanchez: Okay. Any further discussion on RE.6? Hearing no discussion on RE.6, there's been a motion and a second. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say "nay." Motion has been made, and we passed RE.6 on a 5-0 vote.

RE.7  09-00508

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED MAY 1, 2009, PURSUANT TO INVITATION FOR BID NO. 141109, FROM MASTER HOST D/B/A GREATER MIAMI CATERERS, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE PROVISION OF A SUMMER FOOD SERVICE PROGRAM, ON AN AS-NEEDED CONTRACTUAL BASIS, FOR AN INITIAL PERIOD OF ONE (1) YEAR, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE-YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE DEPARTMENT OF PARKS AND RECREATION, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE STATE OF FLORIDA, DEPARTMENT OF EDUCATION, FOOD AND NUTRITION MANAGEMENT SECTION, 2009 SUMMER FOOD SERVICE PROGRAM INVITATION TO BID AND CONTRACT DOCUMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH MASTER HOST D/B/A GREATER MIAMI
CATERERS, FOR SAID PURPOSE.

Motion by Commissioner González, seconded by Commissioner Regalado, that this matter be ADOPTED PASSED by the following vote.
R-09-0255

Chair Sanchez: Moving on to RE.7. RE.7, that's where we take the money and we allocate it. Okay, just put something on the record for those that are watching on TV (Television).

Glenn Marcos: Good morning, Commissioners. Thank you. Glenn Marcos, Purchasing director. You're absolutely correct. RE.6 and RE.7 are companion items. RE.6 is the actual special revenue allocation, and RE.7 is the expenditure. And we're seeking approval from the City Commission to award the actual contract to Master Host d/b/a (Doing Business As) Greater Miami Catering. This is a contract that has a term of one year, with options to renew for two additional one-year periods. The estimated annual contract amount is $500,000. We ended up receiving just a sole bidder under this bid. However, if you look at your background material, you will see that we ended up going into a best and final offer with the sole bidder, and they ended up decreasing their prices.

Chair Sanchez: All right. Is there a motion on RE.7?

Commissioner González: Move it.

Chair Sanchez: Motion has been made by Commissioner González.

Commissioner Regalado: Second.

Vice Chair Spence-Jones: Second.

Chair Sanchez: Second by Commissioner Regalado. Any discussion on RE.7? 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. RE.7 has been approved, 5-0.

RE.8  09-00509

Department of Public Works

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE TEMPORARY PLACEMENT OF A SERIES OF TEN (10) FOOT GIBSON GUITAR FIBERGLASS STRUCTURES WITHIN THE GREATER DOWNTOWN MIAMI AREA, AS PART OF "THE MIAMI GUITARTOWN PROJECT," A PUBLIC ARTS PROJECT THAT SUPPORTS THE COMMUNITY THROUGH PROCEEDS RAISED FOR LOCAL CHARITIES; SUBJECT TO APPLICABLE PERMITTING REQUIREMENTS AND INDEMNIFICATION HOLD HARMLESS AS APPROVED BY THE CITY MANAGER, DIRECTOR OF RISK MANAGEMENT AND CITY ATTORNEY.
Motion by Commissioner González, seconded by Vice Chair Spence-Jones, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0256

Chair Sanchez: RE.8 should be brief. It's just a presentation --

Stephanie Grindell: Stephanie Grindell, director of Public Works.

Chair Sanchez: -- and a vote.

Ms. Grindell: RE.8 is a resolution authorizing the temporary placement of a series of 35 ten-foot Gibson guitar fiberglass structures within the downtown Miami area as part of the Miami Guitar Town project. And as you can see, here's a sample.

Chair Sanchez: All right. There it is.

Seth Gordon: Need we say more?

Chair Sanchez: The only thing that I could say is you better put a Lojack on that guitar.

Mr. Gordon: Here's the artist. He's going to sit Shiva 24 hours watching it.

Vice Chair Spence-Jones: Madam City Clerk -- I think she's looking to say, Seth, you need to put your name on --

Chair Sanchez: I need --

Vice Chair Spence-Jones: -- the record and talk on the record.

Chair Sanchez: -- names and addresses on the record.

Mr. Gordon: Okay. I'm Seth Gordon, Gordon Diaz Balart, at 150 Southeast 2nd Avenue. With me is --

Brad Berman: I'm Brad Berman, the project manager for Gibson Guitars, at 180 Northeast 39th Street.

Ray Corral: Ray Corral. I'm the artist, 4277 Southwest 2nd Terrace.

Chair Sanchez: Hey, great job. Beautiful. All right. Need a motion for RE.8.

Commissioner González: Move it.

Chair Sanchez: Motion is made --

Vice Chair Spence-Jones: Second for discussion.

Chair Sanchez: -- by Commissioner González, second by the Vice Chair. The item is under discussion. Vice Chair Spence-Jones, you're recognized for the record.

Vice Chair Spence-Jones: First of all, I want to commend the artist for such a wonderful project. I think that these -- whenever we see artist-driven projects happening within neighborhoods, it just brings extra life to the area. So -- and the project is actually a beautiful project, and Gibson has been a wonderful partner not just in the City of Miami, but across the country. They've done
great things in communities. The only thing that I'd like to request -- and I'm going to ask Mr. Seth Gordon to step to the mike. I know that we had a discussion about the guitars, and one of the things that I requested was to have two of those guitars at least placed in -- one in the Little Haiti Cultural Complex as a destination, and I'd like to see one in the Overtown area, perhaps near the Lyric Plaza, as a part of it. I do understand it works from a sponsorship standpoint.

Mr. Gordon: Not entirely. I mean --

Vice Chair Spence-Jones: Okay.

Mr. Gordon: -- we do need sponsorship, and so there is some correlation between the placement of the guitars and who our sponsors are and where they would like them to be, but I'm sure we could find some sponsors who would support your desire to have guitars there. And they -- and one of our theories is to put the guitars along the route of the Metromover --

Vice Chair Spence-Jones: Oh, okay.

Mr. Gordon: -- so that a family can come on weekends and visit all the guitars on the Metromover. So I think that it would make sense to have guitars at those locations.

Vice Chair Spence-Jones: Right. I do know that there's one Metromover in the Overtown area, so that would handle that. The only one --

Mr. Gordon: Right.

Vice Chair Spence-Jones: -- that would not have one, of course, is Little Haiti.

Mr. Gordon: Right.

Vice Chair Spence-Jones: So that's the reason why I would want to request it.

Mr. Gordon: We can stretch.

Vice Chair Spence-Jones: Okay.

Mr. Gordon: Okay.

Vice Chair Spence-Jones: Thank you.

Chair Sanchez: Discussion on the item. Just out of curiosity, how many guitars are going to be placed throughout the city?

Vice Chair Spence-Jones: Ten.

Mr. Berman: There are going to be -- no -- there's actually -- they're 10-feet guitar -- 10-foot-tall guitars. It's actually a total of 32 guitars --

Vice Chair Spence-Jones: Oh, good.

Mr. Berman: -- that are going to be placed all over the City of Miami. And just to further the point that Seth was talking about, the majority of them we do want along that Metromover path, but we are planning on trying to bring in the other areas as well, so we're looking at probably, you know, one or two that'll stretch down to Coconut Grove or Coral Gables in that area. They don't all have to be along that path. The majority of them will, so --
Chair Sanchez: Listen, I support the Metrorail because that's where people are going to see it. That's where, you know, people are going to be walking, and they're going to have an opportunity to take a picture with the guitar, and there's just the foot traffic there. But you got 32 guitars. I --

Mr. Berman: Thirty-two in total, yes.

Chair Sanchez: -- think that it's important that, being that we are such a diversified community -

Mr. Berman: No question.

Chair Sanchez: -- that somehow don't left -- get behind because you mentioned a couple but, you know, you didn't mention Little Havana. There's certain areas that, you know, if you want foot traffic and there's areas where you're going to have people that we have been working on to try to create like tourist destinations. I think they're worthy of maybe putting a guitar out there that you'll get --

Mr. Berman: By all means. And we're definitely open to any suggestions that --

Chair Sanchez: Okay.

Mr. Berman: -- you guys may have as well. We're very, very, you know, in favor and looking forward to working with the City on this, so any suggestions you have, by all means, we're -- we'll definitely work with it.

Chair Sanchez: Because by -- this is a great concept. I mean, it allows us an opportunity, as we've done in the past with different arts in public places, with the roosters -- You know, different cities have done great with how they promoted their city. I think this is great. This -- it's a beautiful guitar. I can imagine all the guitars, how beautiful they're going to look.

Mr. Berman: We've really had some amazing work done, yeah.

Chair Sanchez: So I think you're really going to do something to promote our city, but just -- we feel that we don't want to be -- we don't want anybody to be left out because we want to make sure that the entire city, not everywhere --

Mr. Berman: Right.

Chair Sanchez: -- but if you have a good, valid argument as to a place where there's people that visit the area and there's foot traffic, consider putting a guitar --

Mr. Berman: Definitely.

Chair Sanchez: -- in those areas.

Mr. Gordon: We'd love to hear from all the members of the Commission. There are places where you think there ought to be one that's relevant to you, that you have a special feel for -- we're talking with the Coconut Grove group about putting at least two, if not three, in the Grove. But we'd like to have them --

Commissioner Sarnoff: What's the sponsorship? I mean, what does it cost to sponsor?

Mr. Gordon: There's two levels; 2,500 and 5,500. The 5,500 is intended to give you a little bit more sway about where they go. You know, money talks.
Commissioner Sarnoff: And you said they're ten-foot -- how tall is this guitar?

Mr. Berman: This one is ten feet tall. They're all --

Commissioner Sarnoff: Oh, that's a ten-foot guitar?

Mr. Berman: -- yeah -- ten feet tall.

Commissioner Sarnoff: So it's just like this, just --

Mr. Berman: Exactly.

Commissioner Sarnoff: -- other designs?

Mr. Berman: Yeah, exactly.

Mr. Gordon: Right.

Mr. Berman: We had -- we have -- it's actually 35 guitars in total that were done, but three will be held until the unveiling at the auction gala towards the end of the whole project. The 32 that are on display is all different local artists that did them. They submitted their designs and were chosen based upon the designs. And in the end, there will be an auction gala, and all the money will be going to local charities as well.

Commissioner Sarnoff: How long will they be up for?

Mr. Berman: They'll be up for -- between three to four months in the City of Miami.

Mr. Gordon: And also, I was reminded to point out there's another thirty-some odd guitars that are life-size -- normal-sized guitars that have been --

Mr. Berman: Regular-sized guitars.

Mr. Gordon: -- regular-sized guitars that are -- that have been -- that are being painted by students, art students.

Chair Sanchez: Okay.

Mr. Berman: Exactly.

Vice Chair Spence-Jones: And my last question, Mr. Chairman, when do -- when will these be placed again?

Mr. Berman: They'll be starting to be placed -- I mean, pretty much within the next few weeks. We just need to get --

Vice Chair Spence-Jones: Oh, okay.

Mr. Berman: -- permits and stuff.

Mr. Gordon: Whenever they say we can.

Mr. Berman: Yeah.
Vice Chair Spence-Jones: Stephanie, when will they --?

Ms. Grindell: Now we just need to work on the exact locations.

Vice Chair Spence-Jones: Okay.

Mr. Gordon: Yeah.

Mr. Berman: Exactly.

Ms. Grindell: This was the -- this was really the main issue I needed --

Vice Chair Spence-Jones: No problem.

Ms. Grindell: -- addressed.

Chair Sanchez: All right. So I have a feeling that you're going to be getting calls from all the Commissioners. All right.

Mr. Gordon: We're ready.

Chair Sanchez: All right. RE.8, there's been a motion and a second. We've discussed the item. All in favor, say “aye.”

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say “nay.” Motion carries. RE.8 has been approved, 5-0. Thank you.

Mr. Berman: Thank you very much.

RE.9 08-01400

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING, SUBJECT TO THE ENACTMENT OF LEGISLATION AMENDING THE MIAMI ZONING ORDINANCE TO PERMIT LED SIGNS, THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO SETTLEMENT AGREEMENT, BETWEEN THE CITY OF MIAMI AND CLEAR CHANNEL OUTDOOR, INC., IN SUBSTANTIALLY THE ATTACHED FORM.

08-01400 Legislation 5-28-09.pdf
08-01400 Exhibit 5-28-09.pdf
08-01400 Summary Form 5-28-09.pdf
08-01400-Submittal-Appeals by Outlook Media.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner González, that this matter be CONTINUED PASSED by the following vote.

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

Direction by Commissioner Sarnoff to the City Attorney requesting a Legal Services Request (LSR) for all County codes pertaining to outdoor advertising.

Chair Sanchez: All right. RE.9, we're going to take up this afternoon.
Vice Chair Spence-Jones: So we have one more item to do in RE.9 -- which is RE.9, and then we should be finish with all the REs (Resolutions), is that correct?

Priscilla A. Thompson (City Clerk): That's correct.

Vice Chair Spence-Jones: And then we have -- in the PZ (Planning & Zoning) items, we only have two items, which is PZ.3 and 4, correct?

Ms. Thompson: Correct.

Vice Chair Spence-Jones: And then we would be done outside of the blue pages.

Ms. Thompson: The district pages, correct.

Vice Chair Spence-Jones: Okay, so let's take RE.9.

Pieter Bockweg (Assistant to Senior Director/Building, Planning, Zoning): Pieter Bockweg, project manager. RE.9 is an amendment to the settlement agreement between Clear Channel Outdoor, and the City of Miami to allow three LED (Light Emitting Diodes) faces in exchange for 13 structures to be removed and additional monies going towards the neighborhood enhancement account.

Vice Chair Spence-Jones: Okay. Is there any comments that need to be put on the record? Before we get started, what is the staff's position on this? I just want to be clear.

Mr. Bockweg: We are in favor.

Vice Chair Spence-Jones: Staff is in favor?

Pedro G. Hernandez (City Manager): Oh, definitely.

Vice Chair Spence-Jones: Okay. All right.

Commissioner Sarnoff: I'm going to make a motion to defer this. I don't think this should be decided by three Commissioners.

Vice Chair Spence-Jones: Okay. So you feel like we should all be up here?

Commissioner Sarnoff: Yeah. I -- this is pretty important to the City. This is a Clear Channel settlement, and I don't think three Commissioners should make this decision.

Vice Chair Spence-Jones: So you want to, what -- we want to wait --

Commissioner Sarnoff: You want to go on the record?

Vice Chair Spence-Jones: -- till all five are here?

Commissioner Sarnoff: What's that?

Vice Chair Spence-Jones: You want to wait 'til all five are here, right?

Commissioner Sarnoff: I think this is something that we should face as a full Commission.
Vice Chair Spence-Jones: Okay.

Commissioner Regalado: Well, I think that there’s something that we should face when we have everything in order in terms of our sign ordinance because say that if we allowed LED for buildings who want to advertise their own product and then they go to the process. If people were to do this in 10 buildings close to the 2 that Clear Channel wants to install, it would not be a marketing success because you have so many. The reason that they are seeking this is because they are unique, they are going to be taking the attention span of the people driving on I-95, depending on the rush-hour traffic, and so -- but if you have so many in so many buildings in downtown, people will get used to it and will not look at it as they wish because -- this is all about number of eyes on the billboard, and I still think it's -- we need to get our ordinance in order before we do this because if we don't, we won't be able to do the other settlement.

Vice Chair Spence-Jones: Okay. Can I ask a --? Is Commissioner González coming back to the dais anyway? Is he coming back or he went to the restroom -- I mean, he stepped away from -- let me ask this question, Mr. City Manager, and I don't have a problem with, you know, if that's the decision to defer it because we need to -- need everybody here, if that's the recommendation, but I would like to at least ask a question. Mr. Manager, what has really been the hold-up? I mean, we're now -- now we're looking at reducing -- we're actually getting less billboards than we had the first time, is that correct?

Mr. Hernandez: Yes. I believe --

Vice Chair Spence-Jones: We're going from 13 billboards down to 3, so we're actually losing the number of billboards that are going to actually be in the City --

Mr. Hernandez: Right. My understanding --

Vice Chair Spence-Jones: -- as a part of this whole (UNINTELLIGIBLE).

Mr. Hernandez: -- is that a total number of 13 billboards or structures --

Vice Chair Spence-Jones: Will be gone?

Mr. Hernandez: -- will be gone, will be taken down.

Vice Chair Spence-Jones: Okay. And it's your recommendation because that'll be less billboards in the skyway?

Mr. Hernandez: No. Less billboards that today, I would say, in many cases are obstructive, like on Bird Road, like in the Oasis area, so it's very important to us to be able to move forward, and the settlement provides that vehicle for us to move forward, we move billboards. The LED, I think, is, if well spaced, an improvement over a regular billboard.

Vice Chair Spence-Jones: Okay. And let me ask 'cause I know that this thing has been around even before you actually got here, correct? And this is something that, you know, we've been trying to -- even before I think I got here as a City Commissioner -- to resolve regarding the original agreement with Clear Channel that has never actually been dealt with, is that correct?

Mr. Hernandez: Well --

Vice Chair Spence-Jones: So this -- is this our way of resolving the overall issue that --

Mr. Hernandez: Yes.
Vice Chair Spence-Jones: -- has been lingering around for at least --

Mr. Hernandez: -- Commissioner, the Administration --

Vice Chair Spence-Jones: -- four or five years?

Mr. Hernandez: -- is satisfied with -- it is satisfied with the item, it is satisfied with the introduction of LEDs, with the additional payments, with the removal of billboards, and that's why you have the item before you.

Vice Chair Spence-Jones: Okay. So, Commissioner Sarnoff, I just want to be clear -- and we don't have to beat a dead horse on it -- is your issue, so I know, more about not having a full Commission or is your issue that there are some items -- that there are some things regarding this particular item that causes you concern?

Commissioner Sarnoff: Well, I'm going to make some amendments. I mean, this is not acceptable to me, and there may be some Commissioners that would like to debate me. I'll give you some -- and I know Dusty Melton has stayed here all day. I'd like to at least hear from him so that we can have a record that we can refer to in the event he doesn't come back a second time. I'll go forward with it, but to take 15,000 -- for instance, at 6.2-- to take $15,000 per year, to me, is laughable when you consider what an LED billboard can provide. You know, that number should be $75,000 per year. All existing structures -- and I've made this painfully clear to the City Administration. You're probably tired of getting my e-mails (electronic). You're probably tired of getting my photographs -- should look by -- look like what we described as the Dubai billboards, and I'm not going to let any new exist -- I'm not going to let any new structures go up that don't look like that until you can tell me it can't be and should not be built in Miami when Dubai has to face a code of 220 mile-per-hour winds, so I would think hurricane is 160, I think we're okay there. The distance requirements of 600 feet, you know, Mr. Manager, with all due respect, I think it should be 1,000 feet. Now, if those are substantial changes that people can't live with, I think it's a good debate. Other Commissioners may think I'm right. Other Commissioners may think I'm wrong.

Vice Chair Spence-Jones: Well, I think it's important that people at least hear your position on the record so everyone's clear what your position is. So these are things that you feel that need to be debated and worked through before we could even address it as a full body Commission. Is that what you're saying?

Commissioner Sarnoff: Well, I think the Manager's been well aware of my position for quite a while.

Vice Chair Spence-Jones: Well, this is the first time I'm hearing your position --

Commissioner Sarnoff: No. You couldn't hear from me.

Vice Chair Spence-Jones: -- 'cause we can't. Right.

Mr. Hernandez: Right.

Vice Chair Spence-Jones: So --

Mr. Hernandez: Commissioner, the issue of the spacing, I think that your comment would be acceptable to me --

Commissioner Sarnoff: Okay.
Mr. Hernandez: -- rather than 600 to go to 1,000-foot spacing, and I think that the issue of the aesthetical treatments is something that I also support, and any new structure should be not just Dubai, but I think the Dubai mold has been used in the U.S. (United States), places like Arizona, New Mexico --

Commissioner Sarnoff: Correct.

Mr. Hernandez: -- so there is no reason why any new structure should be of a higher aesthetic value. Even existing structures should be able to maybe be better -- I'm not saying to take it down. I'm saying to better dress it up, enhance it, make it more decorative. The only outstanding issue that we have, I believe, would be the actual compensation.

Commissioner Sarnoff: Right.

Mr. Hernandez: And Pieter, you told me that you had some figures from San Antonio?

Mr. Bockweg: Yeah. I have -- I reached out to San Antonio, which is a city that has a pilot program with Clear Channel. They have 13 LED billboards up today in San Antonio, and I'll give you some numbers as to their fee structure for -- per LED face. If you include the inspection, the dollar per square foot, under 75 feet and then over 75 feet, and another annual inspection, the total amount of fee going to the City of San Antonio would be almost $12,000 per face.

Commissioner Sarnoff: Per face.

Mr. Bockweg: Per face. And I was very adamant with San Antonio in asking them what was the general consensus not only from their Commission, but from the administration as far as what kind of compensation they're getting; and he was very clear that they're very happy with the compensation as compared to other cities, like Albuquerque, New Mexico, or other places in the country. So they're -- like I said, they have 13 faces, LED, in San Antonio, and their fee struc -- well, their fees are -- totaled 11,925.

Commissioner Sarnoff: Annually.

Mr. Bockweg: Annual.

Commissioner Sarnoff: Per sign.

Mr. Bockweg: Per face.

Commissioner Sarnoff: Per face, and I -- the only reason -- I don't mean to fence with you because an LED face can change, so are we talking about the actual structure itself?

Mr. Bockweg: Yes, the actual --

Commissioner Sarnoff: Okay.

Mr. Bockweg: -- one-sided structure.

Commissioner Sarnoff: So just because you could put seven faces up doesn't mean --

Mr. Bockweg: I refer to those as copies.

Commissioner Sarnoff: Gotcha. Okay. So you think the $15,000 is a reasonable amount predicated upon what Albuquerque or San Antonio?
Mr. Bockweg: Well, San -- the numbers that I gave you is from San Antonio, and they have told me that their -- in the upper echelon from all the other cities --

Mr. Hernandez: However, Commissioner, so you know, I spoke with Clear Channel yesterday, and I asked for 25,000.

Vice Chair Spence-Jones: And let me ask this question because I just also want to be clear, guys, on what they're already paying. Because based upon my notes -- I just want to be clear -- at this point, Clear Channel is paying how much annually?

Mr. Bockweg: Two hundred and fifty thousand dollars.

Vice Chair Spence-Jones: They're already paying $250,000 annually, and they pay into the neighborhood enhancement program, which goes between -- since those billboards affected our district, go in -- we split them based upon the number of billboards, which is Allapattah and my area, which is, I believe, 50k--

Mr. Bockweg: That's correct.

Vice Chair Spence-Jones: -- and then they pay, what, 50k per --

Mr. Bockweg: Right.

Vice Chair Spence-Jones: -- initial billboard?

Mr. Bockweg: Under the -- if I may, Commissioner -- settlement agreements, they were allotted 15 initial amended permits. They have, as of today, used 12 of them, for a total of $540,000.

Vice Chair Spence-Jones: Okay. Plus they pay -- there's another 80,000 to the CRA (Community Redevelopment Agency), per the settlement? That's something separate.

Mr. Bockweg: Under the amendment, they're paying $80,000 for the settlement between -- the lawsuit between the CRA and (UNINTELLIGIBLE).

Vice Chair Spence-Jones: Okay, so -- we -- like at almost 600 -- close to 600 -- close to 500 and something -- close to $600,000 that they're either paying or have paid or something to that affect.

Commissioner González: Do you have --

Mr. Bockweg: More.

Commissioner González: I'm sorry.

Vice Chair Spence-Jones: And then on top of this, now we're asking for $15,000 per --

Mr. Bockweg: Per LED face, on top of the 5,000 that they're already paying --

Vice Chair Spence-Jones: Okay.

Mr. Bockweg: -- so it'd be a total of 20.

Vice Chair Spence-Jones: Okay. So -- and Mr. City Manager is now saying we want to go up higher on that amount?
Mr. Hernandez: Rather than that 15, I talked to them yesterday and I asked for 25,000. They got back to me at the end of the day yesterday and told them -- or told me, my staff, that they could not do it.

Vice Chair Spence-Jones: Okay.

Commissioner González: I -- I'm sorry.

Vice Chair Spence-Jones: You're recognized.

Commissioner González: How many of these billboards are going to go in my district?

Mr. Hernandez: Pieter.

Mr. Bockweg: There is not one LED face going up in your district.

Commissioner González: Pardon me?

Vice Chair Spence-Jones: Not one.

Mr. Bockweg: There's not one. There's not a new -- it's not a new billboard. It's just an existing structure. They're going to replace one side of the face, and not one is in your district.

Commissioner González: Okay.

Vice Chair Spence-Jones: So --

Commissioner González: But I think I heard you while I was back there that you want to defer the item --

Vice Chair Spence-Jones: He say he wants to defer it.

Commissioner González: -- right? You want to defer?

Commissioner Sarnoff: I want -- but I know there's someone's been here all day --

Vice Chair Spence-Jones: Yeah.

Commissioner Sarnoff: -- and I'd like to hear from them.

Vice Chair Spence-Jones: Dusty, you want to put something on the record?

Dusty Melton: Dusty Melton, 3430 Poinciana Avenue, in the City of Miami, and I have a brief presentation, if it would be helpful to inform the Commission and the staff and the public. I can do it now, but if, in the interest of time, you want me to come back after the deferral, I guarantee you, I will be here. It's -- either way, but I think it might be helpful in informing as Commissioners meet individually with staff members to refine this matter, perhaps, for my brief tutorial?

Vice Chair Spence-Jones: Well, if -- it would be nice if all five of us are here when you do it, so if you have a full presentation that you'd like to do, Dusty, I would prefer for you to do it when all of us are here, so --

Mr. Melton: Whatever the will of the Commission is.
Vice Chair Spence-Jones: -- I think that's -- I don't want you to have to go through it now and then have to go through it again.

Commissioner Sarnoff: Is there -- I mean, with all due respect, is there a one-minute small version so that I could take it back with me so that when someone sits down with me, I know what the issues are?

Mr. Melton: Yes, sir. The very abbreviated version.

Vice Chair Spence-Jones: Okay.

Mr. Melton: I know a little bit about sign codes in this City and in our community because I was one of the principal authors of it. My colleague, in the writing of the sign code that governs the City of Miami, was Arthur E. Teele, Jr. We worked for a year and a half from early 1984 until 1985 drafting the sign code of Miami-Dade County, and our third partner in that was County Commissioner -- then-County Commissioner Harvey Ruvin. The ordinance that was passed in the summer of '85 overhauling and completely rewriting the County's sign code was made a countywide ordinance under the home rule charters, and that is the governing law in the City of Miami. You have a municipal sign code, but it can only be more restrictive than the basic requirements of the County code. It cannot be more permissive. Your staff did not know four hours ago even that the County Commission amended the sign code of Dade County in 1994 to promulgate 10 requirements for programmable signs, which are before you today in this item. And what your Administration is suggesting you do is that you approve this item that would allow -- that would basically validate, embrace, authorize -- you pick the verb -- behavior on the first three Clear Channel billboards that is illegal today at those three locations. And make no mistake about it, you look at the settlement agreement paperwork that's proposed today, it talks about changing the message every eight times -- every eight seconds. I first brandished the County sign code from 1985 -- and I'm going to keep it very brief -- in these chambers on April 11, 2002 at Commissioner Teele's request, and we lined up photographs -- and some will remember -- all across the front row the evidence of the brazen behavior of the outdoor advertising industry in violating just about every important aspect of the sign code from billboards put next to expressways illegally, billboards placed too close to each other illegally, billboards with faces too large illegally. And as I best recall, the photo in the very middle was a Clear Channel billboard with a programmable sign, illegal. Twentieth Street, west side of 95. The billboard itself was legal. The application of the programmable sign made it illegal. Commissioner Teele sat there and courageously made the motion to declare war on the billboard industry, his former client and mine, for their brazen violations. That was a proud day in the history of the City of Miami. A new manager, a year later, recommended a shameful settlement of the litigation that was going great against Carter. A year after that, that same manager recommended a shameful settlement with Clear Channel; and more recently, there's been a shameful settlement with the other billboard company that Arthur E. Teele had this City sue back in 2002. This is the law that governs the City of Miami, notwithstanding anything in your municipal sign code, and these are the 10 requirements that that sign and the proposed three signs violate. You're being asked, when it comes back, if it comes back in this fashion, to validate, approve, embrace, authorize, whatever the right word is, that, and that is illegal as we sit and stand here today. You're being recommended to basically allow illegal behavior by the billboard industry. This is not surprising in the City of Miami. This City government has a rich tradition of recidivist collaboration with the criminal element of the outdoor advertising industry. I don't care about how much money you make off of their illegal behavior, but you have become their business partners, their profit partners in existing criminal behavior and proposed new technology criminal behavior, and I think it's shameful, but that's my short version.

Vice Chair Spence-Jones: You'll give us the long version the next time.
Mr. Melton. The long version will be the next time. But what is proposed that you embrace today is illegal at this moment pursuant to the governing statute, and your own Administration, four hours ago, didn't even know the rules existed.

Vice Chair Spence-Jones: Okay.

Commissioner Sarnoff: Madam City Attorney, can we have an LSR (Legal Services Request) on this? I'd like --

Mr. Hernandez: Commissioners --

Commissioner Sarnoff: -- to know all about the County code.

Mr. Hernandez: -- I do appreciate the presentation by Mr. Melton. My understanding is that he is not correct on some of the points that he stated. The 10 points that he makes reference to are for point-of-sale signs; it's not applicable in this case. I just looked at it. Our attorneys have similar concerns.

Commissioner Sarnoff: Well, I think any Commissioner sitting here would want to base their decisions predicated upon the shoulders of our City Attorney so that we could all go before any governing tribunal and say it's her advice.

Mr. Hernandez: I mean, Dusty --

Vice Chair Spence-Jones: All right, so --

Mr. Hernandez: -- what you have just --

Mr. Melton: Are electric --

Mr. Hernandez: -- what you just gave me says --

Mr. Melton: -- programmable signs.

Mr. Hernandez: -- this provision shall apply to Class B point-of-sales signs only. You just gave it to me.

Mr. Melton: Excuse --

Vice Chair Spence-Jones: Okay. Wait, wait, wait, wait.

Mr. Melton: Just a brief soliloquy.

Vice Chair Spence-Jones: Okay.

Mr. Melton: Because --

Vice Chair Spence-Jones: Dusty, okay, we allowed for you to have a few minutes to --

Mr. Melton: May I just have 30 seconds?

Vice Chair Spence-Jones: No, no. You're going to have more than that at the next hearing. At this point, I wanted to at least give you enough respect because you sat here all day to talk about it. You guys should be able to work out -- you should be able to sit down with City -- with the
City staff and with the City Attorney to work out whatever the issues or concerns. Right now, at this point, you've already said you want to defer the item. You had a motion to defer. It seems like that's where we are because everybody's not here now. So I have a motion. Do I have a second?

**Commissioner González**: Second.

**Vice Chair Spence-Jones**: All in favor?

**The Commission (Collectively)**: Aye.

**Vice Chair Spence-Jones**: All right, this --

**Priscilla A. Thompson (City Clerk)**: Asking for a date, you're deferring it to?

**Vice Chair Spence-Jones**: Till the next --

**Commissioner González**: Next Planning and Zoning meeting.

**Vice Chair Spence-Jones**: -- C -- till the next City Commission --

**Commissioner Sarnoff**: PZ (Planning & Zoning), yeah.

**Ms. Thompson**: Thank you.

**Vice Chair Spence-Jones**: Okay. Right. Next PZ meeting, all right, because I don't want us to go back and forth on all of this.

**Mr. Melton**: Thank you.

**Vice Chair Spence-Jones**: Y'all work it out. All righty, so let's --

**Ms. Thompson**: Vote.

**Vice Chair Spence-Jones**: Roll call.

**Ms. Thompson**: Vote.

**Vice Chair Spence-Jones**: Oh. All in favor?

**The Commission (Collectively)**: Aye.

**Vice Chair Spence-Jones**: Okay. All right, this item passed. The item is deferred. All right.

**Mr. Milton**: And my presentation has nothing to do with any other billboard item that may be on your agenda today. Let me go out of my way to say that.

**Commissioner Sarnoff**: Why didn't you stand up when we were amending the sign code? I mean, why wouldn't you have said something at that point when we --

**Mr. Melton**: At what point?

**Commissioner Sarnoff**: Well, the ordinance --

**Vice Chair Spence-Jones**: Wait, wait, wait. You can have a sidebar conversation with him.
We're going to keep this meeting in order, okay. So can we move on to item -- your item' cause you've been waiting here all day? Dusty, you guys can chat later.

Mr. Melton: We will.

Vice Chair Spence-Jones: Go through all of that.

Mr. Melton: Thank you.

Vice Chair Spence-Jones: Okay, thank you.

RE.10 09-00521

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY TO AND ON BEHALF OF ROGELIO E. ROJAS, SUBJECT TO THE CONDITIONS IMPOSED BY CHAPTER 440, FLORIDA STATUTES, THE TOTAL SUM OF $175,000, IN FULL SETTLEMENT OF ALL CLAIMS AND DATES OF ACCIDENT ALLEGED AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND EMPLOYEES, WITHOUT ADMISSION OF LIABILITY, UPON EXECUTING A SETTLEMENT AGREEMENT AND GENERAL RELEASE OF THE CITY OF MIAMI AND 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.

09-00521 Legislation.pdf
09-00521 Memo 1.pdf
09-00521 Memo 2.pdf

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

R-09-0264

Chair Sanchez: RE.10, it's another settlement.

Julie O. Bru (City Attorney): Mr. Chairman, this is a --

Chair Sanchez: Can we put something on the record on RE.10?

Ms. Bru: -- resolution that seeks authorization for settlement of all claims and dates of accidents alleged against the City of Miami by Rogelio Rojas. This is a worker's compensation claim. The amount is an amount not to exceed $175,000.

Commissioner Sarnoff: Move it.

Chair Sanchez: All right. There's a motion by Commissioner Sarnoff --

Commissioner Regalado: Second.

Chair Sanchez: -- second by Commissioner Regalado. No discussion on the item. We're on RE.10, which is a resolution, a settlement. All in favor, say "aye."
The Commission (Collectively):  Aye.

Chair Sanchez:  Anyone in opposition, having the same right, say “nay.”  RE.10 has been approved, 5-0.

**RE.11  09-00450**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO REQUIRE "LABOR PEACE AGREEMENTS" AS A CONDITION PRECEDENT TO THE ISSUANCE OR EXECUTION OF CERTAIN CONTRACTS DEPENDENT UPON REVENUES FROM HOSPITALITY OPERATIONS.

09-00450 Legislation.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
Absent: 2 - Commissioner González and Sarnoff

**R-09-0263**

Vice Chair Spence-Jones:  RE.11

Chair Sanchez:  All right.  RE.11, we're going to take up.  RE.11 is a resolution sponsored by the Chair.  It's a resolution of the City of Miami Commission directing the City Manager to require labor peace agreements as a condition precedent to the insurance of [sic] execution of certain contracts.  All right.  Why don't we -- let's do something.  Let's table this for now and we'll bring it up next, okay?  All right.  Let's try to get the ones that are not going to be controversial out of the way and get some -- all right.

Vice Chair Spence-Jones:  RE.13?

Chair Sanchez:  No.

[Later...]

Chair Sanchez:  All right. We move on. Let's take RE.11, and then we're going to break for lunch. We'll be back at 2, okay. So, RE.11. Now on RE.11, it's a resolution. We usually don't allow the public. We'll allow one individual to address this. Who's going to be that individual to address this?

Brian May:  I am.

Chair Sanchez:  Okay. Let me pass the gavel to the Vice Chair and make a motion on RE.11.

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

Commissioner Regalado:  Second.

Chair Sanchez:  Okay.

Vice Chair Spence-Jones:  Okay. First of all, do we want to --? Mr. May, I see you here. You want to at least officially put something on the record?

Mr. May:  Yes. We'd love to, actually.
Vice Chair Spence-Jones: Okay. State your name for the record.

Mr. May: Brian May, at offices 235 Catalonia Avenue, in Coral Gables, here representing Unite Here Local 355. I want to, you know, first of all, thank Chairman Sanchez, but also thank all of you. We’ve had an opportunity to meet with each one of you and your respective staffs, and we have, over really the course of the last few months, worked on -- continuously worked on language with the City Attorney's Office to provide, you know, the ample amount of security for those who wish to organize hospitality facilities in the City, as well as take into account, you know, some of the concerns and some issues that, you know, could provide for some exceptions that the City might want to undertake. So that being said, you know, this resolution is very similar to the labor peace language that is in the baseball stadium management agreement that you're a party to. It is also actually very close to the exact language of a County resolution that was passed at Miami International Airport, which provides for the same provision, which simply says that, you know, for the City's sake to protect its revenue streams with regards to its proprietary interest in the City that relate to hospitality facilities, that the City's going to require any vendor or leaseholder manager of such proprietary interest to sign a labor peace agreement with the recognized organizing entity so that there are no work stoppages, disruption of business as it relates to any organizing activities for workers that might take place on the City's premises. So --

Chair Sanchez: On City-owned property.

Mr. May: On City premises, yes.

Chair Sanchez: Those are things that we need to clarify.

Mr. May: Correct. And it is -- you know, this is a very important resolution. It's extremely important to the labor movement here in Miami-Dade. You know, the City of Miami is, you know, putting its policies a step forward, and we certainly appreciate that and commend all of you and would urge its passage.

Vice Chair Spence-Jones: Yeah. I'd like to recognize Commissioner Sanchez, please.

Chair Sanchez: Madam Chair, this is a resolution that I take great pride in introducing and passing. First of all, I want to thank everyone who's worked so hard to get this resolution on board to an agreement between all parties, and I'll tell you why. Labor peace agreements are something that are not new. They're happening throughout our great nation, and basically, it protects the workers, the hard, decent workers of our nation who struggle everyday to make a living. On that note, let me just say that this peace agreement protects the City's revenue stream by preventing strikes. In other words, from work stoppage at facilities that are operated by the City. What does this guarantee us? Well, it guarantees us, first, that we have been able to learn from others, such as the County. The County has a labor peace agreement in the baseball stadium and over at the airport. And basically, it guarantees us -- and this is by no mean -- as I've been contacted by some people that says, well, this is the unions forcing us to become union members. No, it is not. That is far from the truth. It just allows us to have a fair playing field where, if they want to be unionized, they could do so, but it has to be a competitive field. So this resolution that sets forth really shows how the City is maturing as we continue to provide opportunities and progress in this city. Now the legislation that's in front of us only covers hospitality workers. Those are people that work in hotels, motels, restaurants, bar, clubs, and other facilities that provide convention and conferences to our community. This only applies to new facilities or new vendor leases that the City puts forth. So I think this is a step in the right direction, and I'm glad to see that United [sic] is here working with us to assure that this resolution is passed. And, hopefully, other cities can see what the County and the City are doing to make sure that we're here to protect the workers of our city. So at this time, I would make a motion that was already made, but I make it again.
Vice Chair Spence-Jones: I had a motion.

Commissioner González: I'll second --

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

Commissioner González: -- the motion?

Vice Chair Spence-Jones: Second by Commissioner González. Any comments, Commissioner?

Commissioner Regalado: No. I think that it's important that we have this kind of agreements because -- and I think, you know, it needs to be expanded. On this thing that we just did on the museums, I don't know if it would cover because it's City land, but it's not a City --

Mr. May: Right.

Commissioner Regalado: -- building --

Mr. May: Right.

Commissioner Regalado: -- but we need to understand that because more and more the people need protection at this moment. Industries are laying off people left and right. Industries are trying to cut down even on contracts that they already signed. We all see what General Motors just did to the Autoworkers Union, that they have to accept many things. And because of the economic situation, many industries, many companies would use that situation to try to undercut the workers. And you know, the workers are the people that move the economy. These are the people of the people. So I'm all for it, and I think that we should expand this throughout the City. Thank you, Mr. Chairman.

Vice Chair Spence-Jones: Okay, so we have --

Mr. May: Madam Chairwoman, could I just --?

Vice Chair Spence-Jones: Yes, you may, Mr. May.

Mr. May: I just want to recognize a couple people, if you don't mind.

Chair Sanchez: Sure.

Mr. May: Andy Maddis (phonetic), from Local 355, the president is here, as well as many of his members here who are duly noted with their red shirts, so I wanted to recognize them as well. And I also wanted to personally thank the City Attorney for working with us to really, you know, address what is not always an easy legal issue to sort of work your way through. So we totally appreciate it, and thank you very much.

Chair Sanchez: Well, people were asking was he a part of my staff 'cause he was always here at City Hall.

Mr. May: That's true.

Vice Chair Spence-Jones: With that being said, we had a motion and second. All in fa --

Priscilla A. Thompson (City Clerk): Madam Vice Chair, just to make sure your record is straight, when we recorded your original motion and seconder, we had Chairman Sanchez and
Commissioner Regalado as the second.

Vice Chair Spence-Jones: Okay.

Ms. Thompson: So that's how I'm recording the vote.

Vice Chair Spence-Jones: Okay, no problem.

Ms. Thompson: Thank you.

Vice Chair Spence-Jones: So we had a motion and a second. All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: This item passes.

Chair Sanchez: All right. The City of Miami --

Mr. May: Thank you.

Chair Sanchez: -- Commission stands in recess 'til 2 o'clock, and we'll be back.

Applause.

**RE.12 09-00559**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE EXTENSION OF THE USE AGREEMENT WITH TVM PRODUCTIONS, INC., TO ALLOW FOR THE FILMING OF THE TELEVISION SHOW "BURN NOTICE" AT THE COCONUT GROVE EXPOSITION CENTER UNDER SIMILAR TERMS AND CONDITIONS OF AMENDMENT NO. 3, ATTACHED AND INCORPORATED, TO EXTEND THROUGH 2010, AS MAY BE RENEWED BY ITS TELEVISION NETWORK.

09-00559 Legislation.pdf
09-00559 Exhibit.pdf
09-00559-Submittal-Coconut Grove Chamber of Commerce Resolution.pdf
09-00559-Submittal-M3 Studios.pdf

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

**Votes:** Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

**R-09-0265**

Direction from Vice Chair Spence-Jones to the City Manager to work with the Economic Development Division, along with other key departments, to begin to identify other locations within the City that may be able to support the film industry.

Direction from Commissioner Regalado to the City Manager to conduct a comparative analysis on the requirements to film videos, documentaries, movies, and still pictures in the City of Miami compared to Miami Beach and Orlando, and to provide a report to the City Commission.

Direction from Vice Chair Spence-Jones to the City Manager to create a task force identifying a particular space (interrupted audio transmission due to technical difficulties)...
Chair Sanchez: (INAUDIBLE) recess, and we're going to be taking up -- first item will be RE.12, and that, RE.12, is pertaining to Burn Notice and the Coconut Grove Convention Center. So we'll take up that item once we have three Commissioners; hopefully, four Commissioners. All right, so just bear with us, and we'll call the meeting to order when we have a quorum.

[Later...]

Chair Sanchez: All right, ladies and gentlemen, the City of Miami Commission meeting is back in order. (INAUDIBLE). I'll pass the gavel to the Vice Chair. As to the item that is in front of us, let me just state --

Priscilla A. Thompson (City Clerk): I'm sorry, Chair. Do you have your microphone on?

Chair Sanchez: I'm sorry. All right, so the City of Miami Commission meeting is back in order. I have passed the gavel to the Vice Chair. The first item that we're going to be taking up is going to be RE.12. Those of you who will be speaking on the item, you need to sign in with the City Clerk. We will, later on, get to the PZ (Planning & Zoning) items. Also, anybody that will testify in front of the Commission must sign in to address the Commission. So at this time, I have passed the gavel. I want to elaborate on an item that's important to our city. And I want to give you just a little bit of history on this item. On July 24, 208 [sic], this --

Vice Chair Spence-Jones: I just want -- do -- are you giving a motion at the same time?

Chair Sanchez: Well, it's -- I wanted to -- I'll proffer the motion at the appropriate time. I think that -- I want to just talk a little bit about the history and then get to it. So on July 24, 208 [sic], this body passed a motion approving the Coconut Grove waterfront master plan, and subsequently, passed a motion to give Fox Television show, Burn Notice, a third season. That was done primarily to the terrific economic impact that it has to our economy, as well as the invaluable public relationship and image-building power that the show has. Since that day, our economy has -- in our -- not only our city, but our nation has gone through some horrible times. And we are facing the most severe economic crisis that our country has ever faced in the last 75 years. In light of the fact, we feel that it's prudent and right to continue to provide an opportunity on all types of stimulus that does not provide a bailout. This is not a bailout. This is -- you've heard of shovel-ready jobs. This is camera-ready jobs. Now I want to make it very clear, before I continue with this, that this -- we are not, in any way, revisiting the Coconut Grove waterfront master plan. However, I think we have a great opportunity in our city, as an industry that provides not only $23 million to our local economy and affecting each and every one of our districts, a show that is number one in cable show, and not to mention the image; every time that this show is seen on TV (Television), the great publicity that the City of Miami and Coconut Grove receives. I think it's important that if -- we have a responsibility here, is to focus on the people we represent. And this is an industry right now that we have an obligation to try to assist. And let me just put a couple of major things that are very important. To this day, if we do the research -- and they've been here for three seasons, going on four -- they provide close to $60 million to our local economy, and you could go on from -- whether it's rental cars, whether it is lumber, food, clothing, an industry that it provides Miami to be able to make sure that people have jobs and people are able to feed their family. Now, why is it so important that we address this issue? Well, we need to address this issue because a series -- a session -- season four is primarily important because what? A one-hour television drama needs approximately 100 episodes to reach full syndication. It has been 24 years since Miami Vice had that great honor, since we have been lucky enough to have the television series go on be -- for all those seasons. Well, we have one now today that have [sic] reached that point, and that is Burn Notice. If we give it a fourth season, I think we could facilitate the possibility that the show will be recognized as a worldwide syndication show, which I think benefits the City. And once again, this is not about revisiting the Coconut Grove waterfront. I think it's important to hear from all the Commissioners, but we have an opportunity here today, as we speak -- that I have been able
to work with the City Manager, that we've had meetings pertaining to an industry that we need to be friendly towards, but also the Mayor and the district Commissioner. I am willing to work with all those as we, here today, discuss this item that we're underway negotiating to possibly have a site -- and I'm not going to mention the site -- where we can facilitate a film and production and music industry component where Burn Notice -- and we realize that Burn Notice cannot be there forever -- will have an opportunity to move, but it will be a smooth transition, and we will be able to keep that TV show here in Miami. And I am going to hold back on the resolution that I have. I will proffer another resolution, but I think it's important that we listen from the Commissioners and from the public as to how this affects them and what is the right thing to do for our city. So at this time, I would like to call up producer Terry Miller.

Terry Miller: Yes. Hello, everyone. Hi, fellow filmmakers --

Vice Chair Spence-Jones: You --

Mr. Miller: -- and Commissioners. Thank you so much.

Vice Chair Spence-Jones: You're actually recognized.

Chair Sanchez: You're recognized for the record. Please state your name, yes.

Mr. Miller: My name is Terry Miller. I'm the producer of Burn Notice, and I am humbled and thankful to be standing before you. Just two years ago, Fox TV brought Miami a gift, and you helped us unwrap it. You gave us the facility to begin to grow the seeds of a TV series that has rocketed to the number-one slot in cable television. Without the City of Miami incentivizing this show, we may not have gotten through the pilot. Now even today, between the raindrops that we're having right now, we are still -- we are shooting with a full cast and crew just a few miles from this chamber on our third season. We're hoping to get a fourth. Our premiere date is June 4, which is in just a week. With a full cast and crew shooting just a few miles from this chamber, probably shooting, I might add, with a 95 percent local cast and -- local crew and a 25 percent local principal cast. We've got one of our principals here with us who -- Sharon Gless, who happens to be a local resident.

Applause.

Chair Sanchez: All right.

Vice Chair Spence-Jones: I'm going to ask that we refrain from any handclapping, please, because --

Mr. Miller: Okay.

Vice Chair Spence-Jones: -- we really want to get through --

Mr. Miller: In addition to --

Vice Chair Spence-Jones: -- the hearing.

Mr. Miller: -- our local cast and crew, we employ hundreds of extras from all over Miami, as well as many off-duty police officers and security personnel. For those that may not know this, we have resurrected the aging convention center facility and made it our home, the home of Burn Notice, the number-one show on cable television at this moment, right in this very parking lot, just a hundred steps from where we are standing right now. I am a local guy. I grew up in Miami. I graduated from Killian High School and Miami-Dade Junior [sic] College. I received my bachelor's degree from Florida International University. When I first got in this business, my
wife and I moved to Los Angeles, where I worked on many films and TV shows. Once I established myself as an assistant director and production manager, we decided to move back to South Florida because this is my home. This is where my parents live. I know that I speak for many of my fellow crew members when I say that this show is a Godsend. So many of us are out of work. So many shows are going to other states with bigger incentive programs, but this show stuck around. And if it wasn’t for this show, many of us, myself included, would be packing up our families and moving back to Los Angeles or New York or to some other state that offers larger incentives. We’ve all been through the numbers, and you should know about all the jobs and hotel rooms and so forth that Chairman Sanchez was just mentioning; all the lumber and props that we buy, all the money that we spend in this town and the local economy. But consider this, with all of Florida’s industry suffering right now, here’s one that’s thriving. In addition, we give the City a big “thank you” every Thursday night when we air. We celebrate the beauty and color of Miami in every episode. With every show that airs, more studios and filmmakers will want to move to Miami to set up shop. This building and the surrounding area, with its hotels and places of business right across the street, make it a perfect environment for all of our production. We are happy here. You have been very accommodating, and you have been happy to have us here. We want to stay here. Please help us continue producing our show, your show, in the exhibition center, the home of Burn Notice. Our future is in your hands. Thank you very much.

Chair Sanchez: Thank you, Terry.

Vice Chair Spence-Jones: Thank --

Commissioner Sarnoff: Mr. Miller, could you stay there?

Mr. Miller: Yeah.

Commissioner Sarnoff: Mr. Chair --

Chair Sanchez: Question.

Vice Chair Spence-Jones: Actually, we need to figure out who's chairing. Are you chairing --?

Chair Sanchez: You're chairing.

Vice Chair Spence-Jones: Who's chairing?

Commissioner Sarnoff: Madam Chair, may I have colloquy?

Vice Chair Spence-Jones: One second. Can I just ask this quick question?

Mr. Miller: Sure.

Vice Chair Spence-Jones: Because it seems like there's going to be a lot of people speaking on this item. By a show of hands, how many people speaking in support of this item? Okay. Then my next question, how many people speaking against it? There's nobody here speaking against it?

Mr. Miller: Interesting.

Vice Chair Spence-Jones: So just two people? Two people speaking --

Chair Sanchez: Bill --
Vice Chair Spence-Jones: -- against it.

Chair Sanchez: -- is that your hand I see back there?

Vice Chair Spence-Jones: Okay. This is just, you know -- I just want to put this -- we see all the 20 or 30 people that are here to actually speak on the item, and we see 2 that are against it. It is obvious that you have the majority of the support in the room.

Mr. Miller: Thank you.

Vice Chair Spence-Jones: So I'm not really sure whether or not my colleagues -- do you guys want to hear each one of these individual presentations? Would -- do you want to put it on the record?

Mr. Miller: Could we go through just a few? It'd be wonderful.

Vice Chair Spence-Jones: No, no. I don't have a problem with going through a few of them.

Mr. Miller: Okay.

Vice Chair Spence-Jones: But to go through 30 of them, you -- so --

Chair Sanchez: Madam Chair, if I may?

Vice Chair Spence-Jones: No. One second. I just want to know by a show of my colleagues, do you guys want to go through each one of the individuals or, perhaps, they can, you know, maybe pick five people out of the crowd that can speak on behalf of the show and the one -- the two that are here in opposition can speak on it? Are you okay with that? Is everyone okay with that?

Commissioner Sarnoff: That's fine.

Vice Chair Spence-Jones: Okay. Mr. Producer, what's your name again?

Mr. Miller: Terry Miller.

Vice Chair Spence-Jones: Terry, if you can identify at least five people from your group --

Mr. Miller: Five people.

Vice Chair Spence-Jones: -- that would be able to speak on --

Chair Sanchez: But --

Vice Chair Spence-Jones: -- behalf of it, and then the other two that are speaking against it --

Mr. Miller: Okay.

Vice Chair Spence-Jones: -- that would be greatly appreciated. I think the Bureau should, perhaps, also speak on it only because of who they are, so --

Mr. Miller: Okay.

Vice Chair Spence-Jones: -- Bill, if you can at least come forth as well. I just feel like for us to go through everybody in the room right now is --
Mr. Miller: Okay.

Vice Chair Spence-Jones: We still have a very long agenda.

Mr. Miller: Can I -- so I can pick the five? Okay, David Frank --

Chair Sanchez: Well, can I --?

Vice Chair Spence-Jones: You can pick the five.

Chair Sanchez: Terry -- wait. I would like -- we have Representative Lopez-Cantera, who fought very hard to get, in these tough economic times --

Vice Chair Spence-Jones: Okay.

Chair Sanchez: -- in Tallahassee to increase the film industry incentive to $10.8 million. He is here to address the Commission.

Vice Chair Spence-Jones: No problem. So that's one --

Chair Sanchez: I would --

Vice Chair Spence-Jones: -- of the five, right?

Chair Sanchez: And, of course, if we could have Sharon Gless, who is --

Mr. Miller: Sharon Gless.

Chair Sanchez: -- mom.

Mr. Miller: I'd like David Frankel, if he might, who is with us, who is a director that lives here.

Vice Chair Spence-Jones: No problem.

Mr. Miller: And Larry Crenshaw, who is our transportation coordinator, and then Sam Tedesco.

Vice Chair Spence-Jones: Okay, so we have -- if those five people can at least stand up to be recognized. And then Bill, I definitely wanted -- no. We want to hear from the Bureau.

Mr. Miller: He's speaking.

Vice Chair Spence-Jones: We do want to hear from you, Bill, so you can come to the podium.

Mr. Miller: And more, if we can. There's a lot -- you can see how passionate everyone is, you know, so --

Vice Chair Spence-Jones: Yeah, and we understand -- that's the reason why I asked for a show of hands.

Mr. Miller: If we could make it quick.

Vice Chair Spence-Jones: That's why I want --

Mr. Miller: Okay.
Vice Chair Spence-Jones: I think we get the point, so, you know, we get the point. I don't think we need to sit for 45 minutes to hear how much it's supported. So if you just give me the first five, that would be awesome; the two that are not -- you know, speaking -- that are opposing it, and then Bill, definitely, on behalf of the Bureau, because you basically work for the City and work for us, we definitely want to hear your viewpoint. So, Mr. Producer, we'll go 'head [sic] and start with your five here, then go to Bill and then those two.

Priscilla A. Thompson (City Clerk): Madam Chair, if I may ask --

Vice Chair Spence-Jones: Oh, and two minutes.

Ms. Thompson: Thank you.

Vice Chair Spence-Jones: Two minutes per person. Just state your name --

Sharon Gless: Oh, I'm so sorry.

Vice Chair Spence-Jones: -- and address for the record.

Ms. Gless: Just sort of nervous, like the Supreme Court.

Vice Chair Spence-Jones: No problem.

Ms. Gless: My name is Sharon Gless. I'm a 13-year resident of Miami, and I am an actress on the series Burn Notice.

Vice Chair Spence-Jones: Okay.

Ms. Gless: I've come to speak -- I guess, first of all, discuss money. I'll do it quickly, but I know money is important to everybody. And you have heard this before, but it's sort of part of my rhetoric. Over the last three years, we have hired 90 percent all local crew; our drivers, our crew, our caterers. Everyone -- I'm one of the four leads who is a regular. A lot of our cast is hired from Miami. All of our extras are hired from Miami. Over the last three years, we have brought in almost $60 million, and that's after executives are paid, after the executives are paid. We're bringing a tremendous amount of money to this community, of which I'm very proud and happy. I feel Burn Notice is a part of this landscape. The character of Michael Weston is -- plays a CIA (Central Intelligence Agency) agent who's on the run. And as a Miami resident, I would just hate to see the City fathers make him pack up his bags and move to another country or another city. I can tell you from personal experience, my husband created Cagney and Lacey. I married him ten years later. And he was the first producer to ever turn a warehouse into a studio, as has been done here. We shot the pilot of Cagney and Lacey in Toronto. Right after the pilot was shot, the series was sold. And it was a city-owned building in Torono that we were renting, and he turned it into a studio, and they wanted to tear the building down after our show was sold. We were then forced to go back to Los Angeles, where we gave $125 million in the '80s to Los Angeles, when we'd rather have given it where we were happy.

Vice Chair Spence-Jones: Yeah.

Ms. Gless: We'd like to leave our money here. We don't want to have to go anywhere. It's common knowledge in Hollywood that one could not efficiently make a television series in Miami. Miami Vice was unable to do that. Cagney and Lacey, at the same time, cost $5 million less a year without it being shot here. USA has changed all that. USA has been able to bring in a viable television series, number one in the nation, number one cable show in the nation, and they're pulling it off financially for all of us. We could do it where we can afford it, and we could do it with your help. And also, we don't show the underbelly of Miami. We show the beautiful
beaches, the beautiful bodies. We show the clubs. We show everything that’s gorgeous about Miami. My producers on Burn Notice have found a way to make things work here. Our ratings are spectacular, our costs are competitive. It would just be a real mistake, I think, for the forefathers of Miami to turn their backs on us now, just when New York and L.A. (Los Angeles) are thinking about bringing other productions here because of the example that we have laid. I know that this is -- let me just mention, I do know that this building -- there're people here who want to shut the building down to build, someday, a park or a glass building. But we're also very aware that that money is not available to any of them yet. None of them have enough money to do that project. We'd like to keep throwing these millions of dollars at you until we're through and then you have your money raised, and then you can, please, do enjoy, whatever. But for the interim period, we would like to be the one who brings the money to you and brings all the visitors and the talent and the people who see this show who come to see Miami.

Vice Chair Spence-Jones: Thank you so much for coming and putting your --

Chair Sanchez: Thank you.

Vice Chair Spence-Jones: -- information on the record --

Ms. Gless: Thank you for listening to me.

Vice Chair Spence-Jones: -- and your viewpoint. No problem. So, let's switch it up. Bill, can you -- can we get you on this side? And then we'll go back on this side.

Bill Talbert: Sure. Thank you very much. My name is Bill Talbert, president and CEO (Chief Executive Officer) of the Greater Miami Convention and Visitors Bureau. I'm going to wear a few different hats. I'm going to, number one, wear the hat of a City of Miami resident, City of Miami taxpayer, a ten-year resident of the North Grove. And I have neighbors that are involved in this industry and -- so I'm appearing both as a resident and taxpayer, and as your sales and marketing company. You've heard a lot of numbers here and -- if we wanted this show here, we would all do a lot to get them here, and they're here, and we have an opportunity to keep them here. Burn Notice is an infomercial for the City of Miami. It is a free, largely free infomercial for the City of Miami. It is telecast in 206 countries worldwide. I didn't know there were that many countries in the world, but in all of our feeder markets. If we were to buy all of the ads for the last three years of this show, to buy all the spots, it would cost $70 million. What has not been stated here -- I was home last year on a Sunday watching NBC (National Broadcasting Company) Sports Network. What were they running? They were running spots for Burn Notice. Why? USA Network is part of their empire. So we got free ads for this infomercial for Miami on network television routinely every Sunday. Watch Burn Notice on Thursdays. Now I am a shopper -- and I don't get paid to do this -- at Costco. Last year I'm going through Costco and I look in the book section. What do I see? Burn Notice, year one. By the way, I watched this again last night, one of the best-written shows on television. If you haven't watched these shows -- it's exciting the way the community is portrayed; remember, an infomercial for the City. Now this is Costco, one of the top retailers in the country. This is year one. They don't buy this unless this is hot. This is hot. I could go on and on and on with lots of lots of numbers. But remember, largely free infomercial for the city we all love. Thank you very much.

Vice Chair Spence-Jones: Thank you, Bill. State Representative Cantera.

Carlos Lopez-Cantera: Thank you, Madam Chair, Commissioners. It's always a pleasure to address you. My name is Carlos Lopez-Cantera, state representative for District 113, which covers Coconut Grove, office at 2300 Coral Way. I've been one of the principal supporters in Tallahassee on the House side of these film-incentive dollars. And this year, when we had a $6 billion deficit in the state budget, we were still able to get over $10 million for these film incentives because we have seen the returns that they have paid to our state, to our county, to
our city, and to our community. I don't presume to interject myself into the politics of the City of Miami. I respect you, and I respect the jobs that you do. I just say, as a resident, and as an elected official of this area, who lives two blocks away from here and is proud to say that Burn Notice is filmed down the street from my house and in my district, I would implore you to support this resolution, in whatever its final version may be, to keep this TV show here in this community. Like Mr. Talbert said, this is free advertising for our city. This is not a CSI: Miami, that you look in the background when you're watching it and you see mountains because it's filmed in L.A. This is actually filmed -- set in Miami and filmed in Miami, and we can't -- we don't get to say that enough. So I urge you, strongly, please, please do what you can to keep this project in the City, if necessary, in the convention center, but at the very least, keep it in the City because it is something that, if we lost it, it would be a tremendous loss to our community. Thank you.

Vice Chair Spence-Jones: Thank you, State Representative. David Frankel, producer of Marley & Me.

David Frankel: Yeah. Hi. I'm David Frankel. I'm actually the director of Marley & Me, and I directed --

Vice Chair Spence-Jones: Okay, Director.

Mr. Frankel: -- also Miami Rhapsody, and two television series, Grapevine. So I've been writing and producing and directing entertainment in Miami for almost 20 years. And the -- I just want to applaud the Chairman and my local Commissioner -- I'm a Coconut Grove resident -- Mr. Sarnoff, for, I think, really trying to let us have our cake and eat it too, which is to solve the short-term problem, but, you know, making it possible for Burn Notice to stick around for another year while we find another facility that will make possible shooting movies occasionally, like Marley & Me, and other projects that I'm developing to shoot in Miami and other TV series that might come along. And I just -- the one point I want to make is that the people who work in the film industry are a dwindling resource. There were many, many more crew members when I first came here in the 1990's. And I think it's a resource that won't replenish itself once it's gone. And it's a valuable part of the community financially, but also -- and -- from a PR (Public Relations) point of view, obviously, but also, from an educational point of view. And it creates opportunities for young people, and entertainment is a big part of our cultural, and accessibility, I think, is really important. And I would just urge the Commissioners to be aware of trying to preserve the community of film workers for as long as possible here in Miami.

Vice Chair Spence-Jones: Thank you, sir. And I believe this is the last official speaker. Okay.

Sam Tedesco: My name is Sam Tedesco. I'm a location manager. And I just want to start off by saying, first of all, the City of Miami has always been a great friend of the film industry. We've been before the Commission many times over the years on different projects. They've never turned us down. They've always been extremely film friendly and tried to do whatever they could to make it a good place to make movies. We're in a crisis right now. The industry's at a -- certainly at a tipping point with our state incentive not being woefully inadequate to compete on a national level with all these other states that have recently introduced incentives. And the industry has largely gone to those states. And since Marley & Me finished, which I worked on with David, there hasn't been really a single feature film come and shoot in Florida. A lot of companies have been closing and leaving, and individual crew members have been going wherever they can get work. So -- and having had my first job on the first season of the TV show Miami Vice, I think a lot of us around then remember what it was like in 1983 in Miami and Miami Beach. And I think we can all agree that that show was responsible for the rebirth of South Beach and affected all of South Florida in general. And I think Burn Notice is in a very similar situation right now, and where we desperately need this kind of a boost, we're getting it from Burn Notice. And I hope you'll support the industry now when we need you. Thank you.
Vice Chair Spence-Jones: Thank you, sir. And then I believe we have one more. Okay.

Graham Winick: Thank you, Madam Chair and fellow Commissioners. My name is Graham Winick. I'm the -- here today as the president of Film Florida, the statewide nonprofit film and -- marketing and legislative support association, as well as the City of Miami resident of 1884 Southwest 15th -- 16th Street, in Commissioner Regalado’s district. So I'm a proud City resident. I'm not going to take up too much time, but you've heard a lot of people here today talking about the value of this industry, talking about the economic value of this industry. And above and beyond that, I don't want to look at this as a political issue as well. I want to look at this as a common sense issue. This industry and this show, in particular, is a gift that we in the City of Miami have to recognize is here. The industry is not looking to challenge or change the Sasaki waterfront plan. We think this is a wonderful plan, but we recognize that there's going to be a delay before implementation can realistically happen beyond demolition. And we're just asking for a way to let this evolve and develop in the interim. So the point where -- when the private sector is ready to develop their own studios and future shows and maybe spin-offs of Burn Notice are filming here, they'll film the new park that the Sasaki developers have created, and it'll be a wonderful attribute for us to showcase to the world as well. Speaking on behalf of Film Florida, we worked very hard with Representative Lopez-Cantera and the rest of the Legislature. We worked hard with the Governor, who held a special assessment on the entertainment industry and recognized Burn Notice as the key show in the state of Florida currently to get where we were at, which is pretty remarkable in this climate. And I'll tell you that of that 10.8 million that has been set aside by the State of Florida and as everyone looks for stimulus, Burn Notice, because they are this high-impact series, gets to the front of the line, and about 4.8 of that million will be dedicated to use here in South Florida; obviously, a lot of it here in Miami. It would be a shame -- even though I have to speak really on behalf of the entire state -- for that money to be spent in other parts of the state when this is something that is a guarantee that you have here in Miami. Something like that has to be considered. And then the other thing is that in the time -- from a timeframe perspective, there are some serious deadlines coming up. The State of Florida accepts applications on June 15 on the incentive, and they need to know where Burn Notice stands. FOX, similar, needs to know where they stand soon. I'll relent on the time, and I appreciate your allowing me to speak. Thank you.

Vice Chair Spence-Jones: Okay. I think we have one more -- no. We have one -- I want to get a Coconut resident. I believe -- I understand Michelle Niemeyer is the last person. And then after this, you know, I want to hear the opposition, and then after this -- I do understand that everybody showed up today, and I know that you're pretty disappointed that you're not going to be able to physically, you know, put something on the record, but I will allow for you to at least come to the mike and say who you are and, you know, who you represent. I will allow for you to do that in a second's time. So, Michelle, you will be the last speaker in support of the project, and then I'm going to hear from the opposition, and then I'm going to allow for the other individuals to at least walk up to the mike and say who they are and their affiliation and whether or not they support it or not.

Michelle Niemeyer: Hi. Michelle Niemeyer, 3400 Pan American Drive, Miami. I'm here today in two capacities, as a resident of Coconut Grove, and as well, as a member of the board of the Chamber of Commerce of Coconut Grove. Couple of days ago, the Chamber of Commerce issued a resolution, which you have before you, in support of this proposition that we keep Burn Notice in the expo center for their next season. We really feel it's important to stimulate the job, stimulate the economy, keep the business in Coconut Grove that we're getting now from Burn Notice. We're also getting a lot of promotion. If you look on the USA Network Web site right now, there's a map on there and it shows the locations where they've filmed, gives the names of the real restaurants and says “Episode Number thus and such is Jaguar,” another episode shows the Mutiny; another episode shows Le Petit Paris. They are advertising Coconut Grove restaurants. They're doing it for places in Miami Beach. They're doing it for places in the City of Miami. And all of that is great publicity, as well as a great influx of cash. Now those of you
sitting up there also know me as probably the resident most involved in the Coconut Grove waterfront master plan. And I want to tell you -- I mean, I am no less committed to that plan being ultimately implemented than I ever was. I think it's very important, though, that we keep in mind that we need to come up with money to implement that plan. And until we do, it really isn't crucial that the expo center be torn down. One of the things I'm here to ask you for is to commit that the funds that are being paid as rent for the facility be dedicated, as the bay bottom easements were, to the implementation of the waterfront master plan. And that's all I have to say. I think this is a great idea, and we really want to see Burn Notice continue in Coconut Grove. Thank you.

Vice Chair Spence-Jones: Thank you, Ms. Niemeyer. So can I get the two people that are in opposition of the project, please, to step on this side of the mike? The two people that are in opposition -- Did they leave? They're not here. Oh, two -- any opposition?

Commissioner González: No, no, no, in favor. The gentleman with the --

Vice Chair Spence-Jones: Plaid.

Commissioner González: -- shirt --

Vice Chair Spence-Jones: Okay. All right, this is what we're going to do because we want to get through this really fast and then we -- you know, this is an item that I didn't think was going to take this long -- then we bring it back to the City Commission. So if we can, real fast, if you guys can -- whoever's -- who want -- who came to speak -- 'cause I think the power of voice is important, so I don't want to stop you from speaking. If you can just come to the mike and say who you are and if you support it and where you're from. That's it. Then that way we know who you are and you had a chance. You waited. I want you to allow -- want you to be allowed to at least say something: just say who you are, what you, you know --

Larry Crenshaw: Thank you.

Vice Chair Spence-Jones: -- represent.

Mr. Crenshaw: My name is Larry Crenshaw, the transportation coordinator for Burn Notice, and I'm a resident of the state of Florida, and I support it, definitely.

Vice Chair Spence-Jones: Thank you.

Elayne Keratsis: My name's Elayne Keratsis. I'm the production supervisor for Burn Notice. I support it, but I also want you to know that FOX does also something that no other film company does. They provide health insurance --

Vice Chair Spence-Jones: Wonderful.

Ms. Keratsis: -- for all the people who are not covered under their unions, which is a pretty amazing thing. So I wanted you guys to know that everybody on our show has the benefit of health insurance, something else we'd like to keep here.

Priscilla A. Thompson (City Clerk): I'm sorry.

Vice Chair Spence-Jones: Okay. Let me say this. Name -- you definitely need to put your name on the record, okay. Your name -- Does she need to go back and put it on the record?

Ms. Thompson: Yes, 'cause I didn't get the last name. The first name is Elayne --
Vice Chair Spence-Jones: You need first and last name.

Commissioner Sarnoff: And the address.


Commissioner Sarnoff: And address.

Ms. Keratsis: 9870 East Bay Harbor Drive, Miami 33154.

Vice Chair Spence-Jones: Okay. All right, let me just say this. I just want your name, where you're from, and that you support it because, if not, then everybody's going to be talking again. If not, then we're just going to cut it off. But I wanted to allow you the opportunity to at least say you're here to support it. Are we clear on that? Okay. Name, where you're from, and you support it.

Joe Lopez: Good afternoon. My name is Joe Lopez. I'm a business agent for the Teamsters Union here representing in Miami, and we are in full support of this program and the keeping of the facility open to keep Burn Notice here.

Vice Chair Spence-Jones: Thank you very much. This side.

Maria Chavez: Hi. I'm Maria Chavez. I'm a location manager and the president of the Florida Film Production Coalition, and we are in support of the resolution. And thank you very much. I'm a resident of the City of Miami.

Vice Chair Spence-Jones: Thank you.

Rico James: My name is Rico James, 570 Northeast 70th Street. I work for the executive producer of Burn Notice, and I'm in full support.

Vice Chair Spence-Jones: Thank you.

Richard Jones: My name is Richard Jones. I'm here representing a company that is locally impacted by the film business, Unique Producers Service, Incorporated, and we're here to support the film.

Vice Chair Spence-Jones: Thank you.

Kevin Sharpley: Hi. My name is Kevin Sharpley. I'm a local producer. I'm a production company owner here in Miami. I'm also the chair of the Community Building Committee for the Dade County Film and Entertainment Advisory Board, and I run an organization called Cinevision, which supports the film industry and independent filmmaking. And I am wholeheartedly in support of the resolution for Burn Notice --

Vice Chair Spence-Jones: Thank you.

Mr. Sharpley: -- to stay.

George Cerchiai: Hi. My name's George Cerchiai. I represent IATSE (International Alliance of Theatrical Stage Employees), which is the union that provides all the motion picture technicians, the people that are actually making the movies physically, and we support this wholeheartedly.

Vice Chair Spence-Jones: Thank you.
Mr. Cerchiai: Thank you.

Peggy McKinley: Peggy McKinley, film and television agent from Runways, the talent group, in full support of retaining it here.

Vice Chair Spence-Jones: Thank you.

Cindy Kimbrough: Cindy Kimbrough with Kimbrough Entertainment Marketing. I have a product placement agency here in Miami, and I am in support of this proposal.

Vice Chair Spence-Jones: Thank you.

Debra Miller: Debbie Miller, owner of Midtown Video, equipment supplier for the production community since 1984, and I'm for the resolution.

Tony Salzer: Good afternoon. Tony Salzer. I'm a local actor, and please keep Burn Notice here. It's helped a lot of us. Thank you.

Rene Diaz: My name is Rene Diaz. I'm with NR (phonetic) Security. And on behalf of myself and all my employees, I support this.

Chair Sanchez: Thank you.

Tom Pike: Good afternoon. My name is Tom Pike. I'm the lead teacher for film and entertainment technology at Design and Architecture Senior High, and I support the resolution.

Vice Chair Spence-Jones: Thank you.

Katrina Morris: Hi. I'm Katrina Morris, and I am a Coconut Grove resident and an actress, and I support the resolution.

Vice Chair Spence-Jones: Thank you.

Claudia Pascual: Good afternoon. My name is Claudia Pascual. I'm a professional makeup artist since 1989, and I fully support this resolution.

Vice Chair Spence-Jones: Thank you.

Ivan Parron: Good afternoon. My name is Ivan Parron. I'm a local entertainment attorney and appointee of the Miami Dade County Film and Entertainment Advisory Board, and I'm in full support of this resolution.

Vice Chair Spence-Jones: Thank you.

Julie Balter: Hello. My name is Julie Balter. I'm the south region executive for Screen Actors Guild. I represent the 2500 professional performers who live here locally in Florida, and we are here in full support. Thank you for --

Vice Chair Spence-Jones: Thank you.

Ms. Balter: -- your consideration.

Cristina Figarola: Good afternoon. My name is Cristina Figarola. I'm a local resident, full-time actress, and I support Burn Notice.
Vice Chair Spence-Jones: Thank you.

Viviana Pascual: Hi. My name is Viviana Pacual. I'm a wardrobe stylist for the film industry, and I support the resolution.

Vice Chair Spence-Jones: Thank you.

Katia Gomez: Hi. I'm Katia Gomez. I'm a resident and also a local actress, and, of course, I'm in support of the resolution.

Vice Chair Spence-Jones: Thank you.

Mike Stephens: Hi. My name is Mike Stephens. I'm a local actor, and I also support the resolution.

Pilar Uribe: Hi. My name is Pilar Uribe. I'm an actress from Miami, and I am in full support of this resolution.

Vice Chair Spence-Jones: Thank you.

Robert Lunes: Hi. My name is Robert Lunes. I'm a local actor, and I fully support this resolution.

Vice Chair Spence-Jones: Thank you.

Mark Poliacon: Mark Poliacon (phonetic), City Works Digital Studio. We provide developing services for the Burn Notice project, and I definitely support the resolution. Thank you.

Vice Chair Spence-Jones: Thank you.

Dan Littlejohn: My name is Dan Littlejohn. I'm a 20-year resident of Coconut Grove. I'm a part-time still photographer for Burn Notice, and I totally support this, and I'm tired of having to go to Atlanta and South Carolina to work.

Vice Chair Spence-Jones: Thank you.

Jeremiah Tash: Good afternoon. My name's Jeremiah Tash. I'm a writer's assistant on Burn Notice, and I fully support.

Vice Chair Spence-Jones: Thank you.

Joann Justice: Hello. I'm Joann Justice. I'm a native Miamian, in complete support of this.

Vice Chair Spence-Jones: Thank you.

Melissa Meyer: Hi. My name is Melissa Meyer. I'm a West Grove resident. Burn Notice filmed at my house yesterday, and it was a pleasure to see the level of community pride elevated in my neighborhood. I'd like to see that happen again.

Vice Chair Spence-Jones: Thank you.

Chair Sanchez: Which neighborhood was that?

Vice Chair Spence-Jones: Coconut Grove.
Chair Sanchez: Which neighborhood was that?

Ms. Meyer: Village West, Ohio Street -

Chair Sanchez: Thank you.

Ms. Meyer: -- and they filmed in --

Vice Chair Spence-Jones: Thank you.

Ms. Meyer: -- Margaret Street also.

Vice Chair Spence-Jones: Thank you.

Lindell Pedest: Yes. My name is Lindell Pedest, and I'm a local location manager. I worked on the series last year, as well as I have my own production company, and I am a member of Film Florida. I definitely support them staying.

Vice Chair Spence-Jones: Thank you.

Steve Lance: Good afternoon. I'm Steve Lance. I'm an ordained minister and executive director of Team Respect. I work with various schools in Dade County, most notably is 2007's state champion Booker T. Washington Tornadoes --

Vice Chair Spence-Jones: Hey, D5 (District 5).

Mr. Lance: -- also Stringrays as well. And I'm -- had the fortune to be a principal actor once on Burn Notice, giving hope in the community. I fully support the show. Thank you.

Vice Chair Spence-Jones: Thank you.

Jessica Botsky: Jessica Botsky, Miami International Film Festival, and we fully support this.

Vice Chair Spence-Jones: Thank you.

Sarah Arvanites: Hi. My name is Sarah Arvanites. I'm a resident of Coconut Grove. I graduated from UM (University of Miami); could've moved to L.A. or New York, but I decided to stay in Miami. I work on Burn Notice, and I'm 100 percent in support of this resolution.

Vice Chair Spence-Jones: Thank you.

Pam Weiss: Hi. My name is Pam Weiss. I was born and raised in Miami. I continue to live here. I've been working freelance in the film industry for about 15 years now, and I'd like to be able to stay home and work. Thank you.

Vice Chair Spence-Jones: Thank you.

Michael Jarvis: Hi. My name is Michael Jarvis. I've been a location scout and manager here since mid-80s, since Miami Vice, and full support of the show.

Vice Chair Spence-Jones: Thank you.

Kimberly Ann Jones: Hi. My name is Kimberly Ann Jones. I'm a local actor, and I support the industry -- or Burn Notice.
Vice Chair Spence-Jones: Thank you. Anybody on this side? Go 'head [sic]. Is that the last person on that side? Okay, 'cause that -- okay.

Fabio Arber: Hello. My name is Fabio Arber. I'm a production supervisor, and I wholeheartedly support keeping the convention center.

Vice Chair Spence-Jones: Thank you.

Mr. Arber: Thank you.

Walter Medina: Walter Medina, Florida resident, full time actor; support Burn Notice.

Vice Chair Spence-Jones: Thank you.

Frank Cuko: Good afternoon. I'm Frank Cuko. I represent the Sonesta Bayfront Hotel, and we're privileged to host the Burn Notice crew from out of town and definitely support this program.

Vice Chair Spence-Jones: Thank you.

Paul Ohanesian: Paul Ohanesian, the general manager of the Mutiny Hotel, where we filmed an episode of Burn Notice, and we support it 100 percent.

Vice Chair Spence-Jones: Thank you.

Michael Dean Walker: Good afternoon. I'm Michael Dean Walker, a member of Screen Actors Guild (UNINTELLIGIBLE) 477, and I am in support of keeping Burn Notice going for a little while longer, if we could, especially in this economy, and I am for the park ultimately, but just if we could just --

Vice Chair Spence-Jones: But you support it?

Mr. Walker: I support Burn Notice at least for another season.

Vice Chair Spence-Jones: Okay. I just needed the name and if you support it or you don't.

Mr. Walker: Thank you.

Rod Ball: Hello. I'm Rod Ball, a native Miamian, 30-year member of SAG (Screen Actors Guild), and I'm in support of the resolution.

Vice Chair Spence-Jones: Thank you. Last three -- two people.

Brian Gray: Brian Gray. I'm a local attorney, North Miami resident, and I fully support Burn Notice.

Vice Chair Spence-Jones: Thank you.

Frank Andrews: My name is Frank Andrews. I'm a director/producer, born and raised here in Miami. I'm a full-time resident of Key Biscayne. I've been there my whole life, and I full and wholeheartedly support Burn Notice here in Miami, Florida.

Vice Chair Spence-Jones: Thank you. So I think that we have given everybody the opportunity to at least -- to put their positions on the record. So we have handled that portion of it. I'm now going to bring it back to the City Commission. First of all, before we do anything, do we have a
motion and a second on this item?

Chair Sanchez: We're going to hold off on the motion. Let's discuss, and then we'll -- I'll present a motion as being the sponsor of the motion.

Vice Chair Spence-Jones: Okay, so we don't have a motion right now. So do --

Chair Sanchez: No.

Vice Chair Spence-Jones: Okay. I'm going to open up to the district Commissioner then, Commissioner Sarnoff.

Commissioner Sarnoff: Thank you. You know, when I first took office, the City of Miami was 55 out of 55 measured cities in terms of its park space, and we counted our cemeteries and our median grounds. And if we doubled that number of park space, we would be 54th. So, obviously, one of my main concerns was to improve the park space that we had available to us, and it was primary to me. The Burn Notice should absolutely stay in Miami. The question, inevitably, becomes where should Burn Notice stay? Should it stay in the convention center? Should we locate alternate space? And I know that my office, along with the Mayor's office, back as late as almost one year ago, were looking for alternate places from a private sector standpoint to see what the private sector would do to step up to find out where we could find a sound stage. And this was really prior to the big meltdown of the economy, and the private sector really wasn't all that interested in stepping up primarily because we had such a low amount of money that we were asking Burn Notice to pay for the use of the convention center. And here's another side to the story as well, which is a sobering side. What does the convention center really cost each and every taxpayer for the City of Miami to keep operating? Since 2007 that Burn Notice has been there, the City of Miami has lost $379,899. That may not mean a lot to you, but that's the cost offset of your rent. We thought we had solved that problem to some degree when we asked Burn Notice to increase its rental use from $6,500 per month to $20,000 per month. 'Cause, certainly, it could be said very persuasively that Burn Notice wasn't paying a fair rent. Certainly, a production space of the size of the convention center could easily command 60, $50,000 per month, and I think everybody out there knows it. Lo and behold, you look at the particular history of your rent payment, and you'll see that you paid $6,500 per month, but you paid it every month, and you paid it every month because you kept your set design and all your equipment in the convention center. Under the terms of the new lease, you'll spend $20,000 per month, but only for a five-month period, so the City of Miami will continue to lose about $100,000 a year just to operate the building. In addition, we went through an RFP (Request for Proposals) process. Why? Because we do have the money to start the implementation of the Sasaki plan. We have the money to take down the convention center, and we have the money necessary to put out the green space and to create a small amphitheater and start the beginnings of the Sasaki plan. So money wasn't the issue. And how do you know that? 'Cause the City Manager issued an RFP. And what's an RFP? A request for proposal from someone to take down the convention center. What's the big deal? I guess it's not, but it's 30 or $40,000 the City of Miami spent to get a person to answer our RFP. So right there you have about 4, $450,000 that it's cost the taxpayers for the past three years. Okay, that's our incentive to Burn Notice to stay in the convention center. I had a very candid discussion yesterday with Mr. Miller; thought he was very forthright. Because there are two potential sites that Burn Notice could move to. And I asked him, I said, “Look, if everything worked the way it could work, would you be interested in the sites?” And I know one of the sites was e-mailed (electronic) to Commissioner Spence-Jones. It's M3 Studios. It's right here. Another site is the possible FTZ – and Mr. Miller, to his absolute credit, said, “Commissioner, I really don't have a lot of interest in anything other than the convention center. It's so easy to film here because I walk outside and I have everything I want. I go right out there, I have the waterfront. I have the sailboats. So if you put me in Wynwood, or if you put me in another part of Miami, it's not really where I want to be.” Okay, so is it about Burn Notice moving to another venue? Probably,
truthfully not. The truth of the matter is, really, they want to be in the convention center.

Ms. Gless: Not big enough.

Commissioner Sarnoff: Sorry?

Ms. Gless: The places that you're mentioning -- I'm sorry.

Vice Chair Spence-Jones: Okay, just -- we need to make sure we have order. When the -- when this comes back to the Commission, there is no interruption as the Commissioners speak, for those that don't know. So that --

Ms. Gless: (UNINTELLIGIBLE).

Vice Chair Spence-Jones: I know, but we have to respect the Commissioners, and I would like for him to complete his statement.

Ms. Gless: Sorry.

Commissioner Sarnoff: Well -- and so Mr. Miller was very honest and candid with me and said, "Commissioner, the only place that Burn Notice truly wants to be is in the convention center." So there really isn't going to be an alternate place in Miami. So then I thought to myself, in some sordid jealousy -- 'cause I'll be honest with you. I'm jealous of Commissioner González, who has spent -- and probably has the nicest park system of any park in the districts. Commissioner Spence-Jones just spent $33 million on Little Haiti Park. Commissioner Sanchez just opened up Jose Marti Park, I think at a similar amount. My colleague to my right, I don't think has any parks, like myself. And here Coconut Grove is with a plan that we spent $1.5 million on, and I thought to myself, you know, it might be palatable if it was only Burn Notice and Burn Notice was to stay here another year, maybe another two years, and Burn Notice were to pay into a trust to allow the implementation of phase II of Sasaki. In other words, that the rent that you pay would be held in trust to implement the Sasaki plan. And I was glad to hear Michelle Niemeyer suggest that because I've been asking that of the City, you know, to see how they felt about it and couldn't get a -- very much a straight answer. And it's interesting to sit here today because I guess some people have changed their minds in six months. I'll read you something. "There must be an appropriate location for a film studio in Miami, but the expo center isn't it. The building is unsafe and needs extensive renovation work, if it were to be kept. A film studio is not a water-dependent use and could be anywhere in Miami. We need park space along the water and waterways for residents from all over the City to walk, bike, or picnic, to get out of their small boats and enjoy being on the water. I love Burn Notice and agree we should try to keep it here. I also agree it would be great for Miami to have a film studio to continue to attract this and other shows. There's no reason the Grove can't benefit from the impact of a film studio, even if it's located in a different part of town. Burn Notice films all over town, and we should be selling the Grove to location scouts as a place to film on location both for this production and others. We should be positioning our hotels and rental properties as the place to live in Miami so the cast and out-of-town crew for film productions live in the Grove and not in South Beach as 'the Marley cast did,' and frequent our stores and restaurants. Our residents who work in the industry will get the work, whether they -- or not the studio's at the expo center, if the show stays in Miami. If it's not already doing so, perhaps the City could locate an appropriate site and a way to fund a film studio in Miami. If it's in a neighborhood with lower real estate values and economic needs (such as Overtown or Liberty City?), perhaps there could be a funding opportunity for economic development, which would help the cost and ultimately with keeping the tenant, which, as you know, I am sure is only paying about 6,000 a month to use the expo center. In most cities, film studios are in warehouse districts. Maybe we have that one that would work out for a more permanent facility." And this is signed and it's written to the -- Mayor Diaz, and it's signed by Michelle Niemeyer, who just came here a moment
ago supporting this, and it was sent about six months ago. So I guess things change as time goes on. But my point is, what she says here is very, very true. Now I am absolutely okay with Burn Notice staying, providing they pay 20,000 a month for the time they occupy the building, the money is held in trust to implement the Sasaki plan, and we grant them that one-year extension. Because then and then only will the Coconut Grove residents have the expectation of the implementation of the Sasaki plan. And I want to reiterate, the City of Miami has the money, has the ability to raze the building, put almost four acres of park in a space that doesn’t exist right now and create an opportunity for every family in Miami to enjoy the waterfront, and what a novel idea, a waterfront that could be seen from somebody other than a condominium because we have closed our waterfront off. So I don’t oppose what is being said here with a proviso that the 20,000 per month should be from the time that they occupy the building, Mr. Manager. It should be the entire time they occupy the building. The money should be held in trust for the implementation of the Sasaki plan, something that this board --

Chair Sanchez: For phase II.

Commissioner Sarnoff: ‘Cause phase I is already funded. The phase II plan is already -- Am I incorrect in what I’m saying? Do we not have the money necessary to implement -- take down the convention center and to green it?

Pedro G. Hernandez (City Manager): Yes, we do.

Commissioner Sarnoff: Did you not also issue an RFP?

Mr. Hernandez: We have, actually, even a price from a contractor.

Commissioner Sarnoff: Okay. So I’m not mistaken when everybody says to me, “You don’t have the money, you don’t have the money.” You do have the money.

Mr. Hernandez: Yes, sir.

Commissioner Sarnoff: Okay. But what I will not -- look, I realize I’m probably the least popular guy in this room, but that's okay. As lawyers go, sometimes the side of right is a lonely road. I'm not here to take Burn Notice away. What I am here to do is use you as a tool, and that tool should be the implementation of Sasaki. The implementation of Sasaki should mean that Miami residents should be able to see their own waterfront without living in a condominium. You take away the convention center and everyone can enjoy the waterfront in the City of Miami, have a meeting place, have open-air concerts in an amphitheater, and that should be the goal of any City Commissioner. So if that's something that can't be thought of or amended, then I would ask to defer this item and at least allow a town hall meeting where the residents can come that live around this community and decide what their input is. But I think they would agree one more year of Burn Notice is certainly a very valid issue, but it should be guarded, the money that they bring in, the $240,000 for the 12 months that they will occupy that building, and it should be held in trust. Thank you, Mr. Chair.

Vice Chair Spence-Jones: Thank you, Commissioner Sarnoff. Commissioner Regalado, you’re recognized.

Commissioner Regalado: Thank you very much, Madam Chair. I think that what Commissioner Sarnoff, the district Commissioner, has offer is a solution that could be accepted by everyone because many, many hours were spent by residents working, drafting, opinion on the Sasaki plan. There were committees and there were meetings here, and the expectations were that we're going to have that plan implemented in month. Everybody -- but everybody supports the film industry, the TV industry. Actually, I am from the industry. Actually, I think that we should go even further. And I was -- I took note of a phrase that Commissioner Sanchez said. It's an
industry that we have an obligation to assist. I just want to make a comment. I -- in the business that I am, in TV and radio, I meet a lot of filmmakers, producers, and people that come to Miami to work or live in Miami and work. I know the industry. And the other day I was with a young filmmaker from New York, Orange Production. And he was sort of sad that he couldn't work in Miami, and he told me the story that I was surprised. He said that he had a budget to do a musical video of $250,000, and that he wanted to do it in Miami, actually, in the waterfront. And he started talking to the Administration, and one of the first things that he was told is you got to have a $1 million insurance policy. And the man said, well, but I do have insurance on my company. I mean, this is what I do. I film all over. And, no, no. This is a separate policy that you have to get. I believe it was either from Special Events or from Parks. I'm not sure because he didn't remember. And then he went on telling me about different problems, and he said, you know, I took my cell phone and I happened to know somebody in Orlando, in the visitors bureau in Orlando. And he called and he said I'm trying to film a musical video. I need some information. Do you guys require a $1 million insurance? No, we don't. What do you need? Well, I need some permits and all that. We'll waive the costs. We welcome you. And the guy went and filmed the video in the city of Orlando. And I guess that this could be a wakeup call because it's not only about Burn Notice. It's a whole industry. The industry needs to be welcome, but not today in City Hall, you know, or a press release. It really has to be welcome. We need to be proactive because the film industry is the cleanest and the fastest income-producing industry for any city in the United States. It doesn't pollute. It doesn't require a lot of work to establish the industry. They hire all kind of people. They do locals. They hire limos for their stars. So it's a supply (UNINTELLIGIBLE) economics. And we need to be more proactive. It's very difficult -- somebody say -- I mean, Mr. Winick, he's an expert, and he works in Miami Beach. And in Miami Beach, you see every -- in every corner most of the day, a photo shoot; every magazine, every agency is shooting. So Miami Beach is doing great businesses, but so should the City of Miami. It is important. So I would really like to see out of this resolution the commitment from the City of Miami, not only to extend Burn Notice, but to be really friendly; to get rid of all these regulations and million dollars insurance requirements and permits and what have you. It is important. If we want to do it, if we want to be friendly, we need to be friendly. And I think that what Commissioner Sarnoff has proposed will send a clear message to the residents of Coconut Grove that, indeed, there is a commitment from the City leaders to implement the Sasaki plan. That money should not go disappear and evaporate in the general fund because it will, come budget time, because of -- all of you know that cities are going to have to take very hard decisions. It would be a message that will be very clear to the residents, and it is what -- Commissioner Sarnoff, it's what they call a Solomonic decision. I think that Burn Notice -- I -- when I was a war correspondent, I was in Johannesburg covering the Soweto riots, and one night at the hotel I was watching Miami Vice in Afrikaan. I couldn't understand it, but I sort of recognized the Miami River and all that. So it's -- you're right, Bill. It's a public relation, but we need to follow up because every photo shoot, every musical video, it's a poster child for the City of Miami. So I hope that all of you will support with passion, like you're doing now, the efforts of everyone to help us to have Miami as the film capital of the east after New York, of course. So I am really supportive of what Commissioner Sarnoff has expressed in terms of keeping that money as a message to the people that the plan will be implemented and that we will have another season of Burn Notice. Thank you --

Vice Chair Spence-Jones: Thank you --

Commissioner Regalado: -- Madam Chair.

Vice Chair Spence-Jones: -- Commissioner Regalado. Any comments, Commissioner González? Okay, I know that you have --

Chair Sanchez: I'll close.

Vice Chair Spence-Jones: -- a comment, but I just have a couple of questions with things that
were asked today. First of all, I want to be clear, Mr. City Manager, it was communicated at one time or the other that the producers of the show actually made repairs to the Coconut Grove Convention Center. Did they put any money into the space, at all? I was told that that --

Mr. Miller: A lot.

Vice Chair Spence-Jones: Okay. Can you put that on the record for me, please?

Mr. Hernandez: My understanding is that they do. We are renting it as is.

Vice Chair Spence-Jones: No, but that's not what I asked.

Mr. Miller: Yes. We have put a lot of money into the building.

Vice Chair Spence-Jones: Do you know how much you've put into the building?

Mr. Miller: Exactly? No. We have repaired the roof. We've repaired the air conditioning systems. It's leaky. We have put a lot of work into the infrastructure on the floors. And you're right. It is as is, and that's why it was as cheap as it was.

Vice Chair Spence-Jones: Yeah. That's my point. You know, I just wanted to be clear. Thank you.

Mr. Miller: May I just clarify a couple things? Just --

Vice Chair Spence-Jones: No, no.

Mr. Miller: No?

Vice Chair Spence-Jones: Because we're going to get through this 'cause --

Mr. Miller: Okay.

Vice Chair Spence-Jones: -- this is a zoning day, which this is taking up a lot of time already. But -- so, to answer my question, they actually have put money into the overall building, so they - - outside of the $6,000 that they pay, they've also paid additional monies to at least bring the building up to Code -- or bring it up to the stand -- or bring the building up to standards for them to operate in. That was the whole purpose of them doing the work, correct?

Mr. Hernandez: They have done enough repairs to make it --

Vice Chair Spence-Jones: Be able to work in there.

Mr. Hernandez: -- to be able to use it and work, yeah.

Vice Chair Spence-Jones: Okay. All right, this is -- so that was one of the questions that I had. The amount that Commissioner Sarnoff mentioned, we're going from 6,000 to 20k per month, that amount. Was there a comparable done, you know, other facilities --? How did we get to the $20,000? Maybe I need to ask you. How did you get to $20,000?

Commissioner Sarnoff: It would be about --

Vice Chair Spence-Jones: 'Cause the Manager don't know.

Commissioner Sarnoff: It's about 10,000 less than what a comparable would be.
Vice Chair Spence-Jones: Okay, what were we comparing it to?

Commissioner Sarnoff: You're com -- well, it's hard because there's nothing in South Florida as large and expansive, but if you go -- What?

Vice Chair Spence-Jones: Yeah. I can't have no [sic] conversation from the audience. I'm just trying to understand how'd you go from 6,000 to 20,000. I know you mentioned a place -- both of them in my district, I believe, M3?

Commissioner Sarnoff: Right.

Vice Chair Spence-Jones: What street is M3 on?

Commissioner Sarnoff: M3 is located on East -- I have it right here.

Vice Chair Spence-Jones: Okay. And the other one, you kind of mumbled over, so I didn't really know which one that one was.

Commissioner Sarnoff: The FTZ (Foreign Trade Zone).

Vice Chair Spence-Jones: FTZ. What's FTZ?

Chair Sanchez: Foreign Trade Zone.

Vice Chair Spence-Jones: Foreign Trade Zone. So what --

Mr. Miller: Can I comment on the Foreign Trade Zone?

Vice Chair Spence-Jones: No more comments from the audience. I'm not -- and that is a suggestion being made by who?

Commissioner Sarnoff: No. I'm suggesting that there are alternatives out there. You're asking me how did you arrive at the 30,000 number. Basically, we took a combination of what California has and Arizona has, trying to dumb it down a little because California would have been closer to 40,000 a month.

Vice Chair Spence-Jones: Okay. So really, these numbers from 60 [sic] to 20,000 is the kind of numbers that we're just kind of pulling together that we think -- it wasn't really an analysis done based upon what is happening in the overall area already?

Unidentified Speaker: Yeah.

Vice Chair Spence-Jones: Because we can't compare California and Las Vegas in no way to Miami. I'm just telling you from --

Commissioner Sarnoff: I don't -- I know. I'm not saying we --

Vice Chair Spence-Jones: -- someone that knows at least a little bit about the film industry. I know that we can't do that because the amount, it would be -- you just can't compare the two. I just didn't understand why we went from 6,000 to 20k. Let me finish 'cause I let everybody talk for a long time on their issue. The other question I had -- on the neighborhood trade zone -- free trade zone, I clearly have an issue, and that's an off-the-dais discussion so we'll have that at another time. But I do agree with you regarding the issue of other possible areas, and my comment to the City Manager today is to really direct the City Manager to immediately begin to work with the Economic Development Department or division and any other key departments.
you think are necessary to begin to identify a particular area to put, perhaps, or to support a film-related district in the City of Miami. I think it's -- we keep talking about this, and every time there's a major film or a major project that comes, we talk about it and then it goes away. I do know in the heart of Overtown, Ice -- the Ice Palace, Eugene Rodriguez has done an outstanding job with his facility. They're trying to keep it alive, trying to keep things going, and has been asking for assistance. I know that the CRA (Community Redevelopment Agency) is working with him to do that, but there's several buildings in -- old buildings in the area or warehouses in the area or new things that can be built in the area to accommodate a media/arts film type district, and I think that it's time for Miami to really take it seriously, not only when there's a problem. So I really want to direct the City Manager -- and I know that the CRA director is here as well, and I hopefully have the support of all my Commissioners so that we can begin to move in that direction almost immediately because we're going to have this same problem later on, so we need to move in that direction. The two biggest issues I have on all of this -- and then I'm going to close and turn it back over to the person that's sponsoring the item -- is for me, it's about jobs; and we've been saying this for the last nine months sitting on this dais after all these issues have come up regarding the economic crisis that's happening not only in Miami, but across the country. We sat up here and listened to different businesses, small businesses 'cause a lot of them small like -- sounded like small businesses that came up here and put on the record that they support this, which means it's not just them as individuals but all of the people that they hire, everyone from makeup folks to people that actually do travel to people that are acting all coming on the mike to state their position, and we already know the job situation is out of control. So for me, just as I supported it from day one, for that reason, I'm supporting the issue of jobs again. I think, Commissioner Sarnoff, your -- I know you support it; you've been talking about it since you got on the dais, how important jobs were, so I don't think that there's a question around that from any one of us. The other part of this is something that the -- Bill Talbert mentioned, which is the promotion of the City. I think that because -- I know that one of the issues came up regarding it being in Coconut Grove, and it's an issue that the Coconut Grove residents should definitely have some sort of input on, but this particular situation is a little different only because this is about promoting the City. It's about making sure this particular show provides, you know, exposure not just to people in the Miami area, but people from across the country and across the world, which, again, gives us more visibility for our city, which helps us promote tourism and other things that we're trying to do. So those are the two big issues that I see in the midst of all of this as to why, you know, this is something that we should definitely consider. Mr. Producer/Director, one of the things I would like to definitely see -- which I didn't hear a lot of it today -- is that we find a way to include inter -- some sort of an apprenticeship-type program for young people or summer-based programs for young people so that they have the opportunity to work as well. I mean, that is -- what we're trying to do is leverage our private partnerships to keep our kids working and to keep people working in the neighborhoods. Whether or not this is in the heart of Coconut Grove really does not matter because there's people from across the City itself that can benefit as well from working on the overall show. So I would like to at least make sure that that part is actually included as well.

Mr. Miller: That's happening.

Vice Chair Spence-Jones: So -- that is happening?

Mr. Miller: Yes.

Vice Chair Spence-Jones: Okay. So as far as I'm concerned, it's -- this is how I feel about it. I mean, today we had an issue come up. -- I really didn't realize this issue was going to be as big as it was -- and we have a room full of people and nobody in opposition. And there's one thing I know about Grovites being up here for the four years that I've been up here. When they got a problem with something, they're here. You don't -- you won't even be able to get in here. I thought all these people were Grovite people, okay. So I don't even think there's even a question as to whether or not Coconut Grove residents have an issue with this 'cause it's obvious that they
don't because they're not here. Now I do understand that the district Commissioner would like to have a town -- you're against it?

Unidentified Speaker: No. We're here -- we're for it.

Vice Chair Spence-Jones: Oh, you're in support of it. So it's obviously -- stand up for a second. No, the thumb hand. Now I know if you had a problem with it, you would be -- especially you would have -- be on the record saying you had a problem with it, okay. So I'm saying this in closing, you know. While I do understand, you know, that -- the Commissioner's viewpoint -- he does want a park in his district. He does want to be able to move that project ahead. I think that we have to look beyond our own personal concerns right now and think about the people that really need the jobs in this area right now. It's like having a bird in the hand --

Applause.

Vice Chair Spence-Jones: No, no, no, don't clap. -- having the bird in the hand beats -- what's the saying, Commissioner González? Bird in the hand beats what? One in a bush --

Chair Sanchez: Or two on a wire.

Vice Chair Spence-Jones: -- or whatever. And I'm not saying that we -- I'm not saying that the park should not happen right now. It should happen. I'm not saying that, at all. I do hear the Commissioner saying, “Let Burn Notice have another strike at it” because he does not want to stop the jobs that are available right now. But I also don't want to add an additional burden on somebody that's actually providing us with a valuable resource, and I don't want us to start pulling numbers just because we want to -- you know, I don't want to say -- we want to, you know, make it tough for them because we have our own agenda in the end. I want to make sure that if this is a number that we're going to go up to, it's something that's realistic for the producer to actually do -- producer or director?

Mr. Miller: Producer.

Vice Chair Spence-Jones: Producer -- that he could actually accomplish that because, in the end, we asking for $20,000, guys, per month for this. But guess what? Between the small businesses and the people that are going to be working, through the hotels that are going to be get -- we're going to get our money back, you know.

Commissioner Sarnoff: Well, just understand --

Vice Chair Spence-Jones: So -- let --

Commissioner Sarnoff: -- that he's also paid --

Vice Chair Spence-Jones: I didn't say nothing for none -- I sat here and list [sic] to y'all with the 30-minute dissertations, and I didn't say not one thing. I just let everybody talk. I'm only taking -- I'm counting myself, as a matter of fact. I'm only on six minutes.

Commissioner Sarnoff: I'm just saying he's already paid the $20,000. He's already been -- this is something we already passed last time, the $20,000. They already have paid two months of the $20,000. All I was saying --

Vice Chair Spence-Jones: Okay. Can -- I'm -- Can I just finish, and I'm done?

Commissioner Sarnoff: I don't know if you're aware of that.
Vice Chair Spence-Jones: Okay. I'm just -- I'm done.

Commissioner Sarnoff: Were you aware of that?

Vice Chair Spence-Jones: I'm done.

Commissioner Sarnoff: I'm just asking, were you aware of that?

Vice Chair Spence-Jones: I'm done.

Commissioner Sarnoff: Okay.

Vice Chair Spence-Jones: Okay? So at the end of the day, my support is for the project. I'm going to ask that Commissioner Sanchez -- I know that you had -- are you going to offer or proffer a motion at this point?

Chair Sanchez: I am prepared to present the motion at this time, yes.

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

Chair Sanchez: Ho, ho, ho, ho, ho. Could I be recognized, Madam Chair?

Vice Chair Spence-Jones: Yes, you may be recognized.

Chair Sanchez: Thank you. Look, we make decisions here that affect the daily lives of individuals, such as yourselves, and we also make decisions here that affect an industry. The eyes of the industry today is upon us, and this is a perfect opportunity for Miami to be recognized as a film-friendly city, something that, in the past, we have done horrible at, so this is a great opportunity for us. I think that you've heard long enough, I take great pride in presenting this resolution because I think it's of a great importance to our city with all the benefits that come our way. Commissioner Sarnoff, let me tell you that I am committed to building that park. I am committed to helping you accomplish what you want to accomplish in that park. I take your friendly amendment, which was already in my resolution to be put forth, that the rent will go directly towards the Coconut Grove master park plan, and that would be phase II. So I would present the motion, which clearly will guarantee Burn Notice one more additional year at the Coconut Grove Convention Center with the conditions or friendly amendments that have been proffered. So moved.

Vice Chair Spence-Jones: Okay, we have a motion. Do we have a second on this item?

Commissioner González: Second, but let me clarify the record. In reference to this M3 studios, that is not in District 5.

Vice Chair Spence-Jones: Where is that?

Commissioner González: That's in unincorporated Dade County by Miami Jai-Alai.

Vice Chair Spence-Jones: I didn't think it was in --

Commissioner González: Yeah. It's not in District 5.

Vice Chair Spence-Jones: No problem.

Commissioner González: The other thing that I -- you know, I've been listening to these arguments this time and the last time that we talk about it; and I know next November, we're
going to have a new mayor in the City of Miami, and I don't know what part of the present administration is going to continue to be with whomever the mayor might be in November, but I do have a question, and I do have a concern. Are we going to be the only major city in the United States without a convention center? Have anybody thought of that? Because, you know, we're fighting for the baseball stadium, we're fighting for parks, we're fighting for open spaces, we're fighting -- but what are we going to do -- whatever business comes to the City, we're going to refer them to Miami Beach or we're going to get a bonus from Miami Beach to refer the businesses to them or --?

Mr. Hernandez: No, Commissioner. I think that we in the City recognize the need for a convention center on this side of the mainland -- on the mainland. When we have considered other projects that had been in the works recently, it was always the thought to have a convention center on -- as part of that project. We even -- I'll mention it, Miami WorldCenter. When we were discussing it, the idea was to have a convention center as part of the development, and they were also planning to have a hotel that would go with it to support it, so whenever we're looking at projects, we're looking at that as one of the highest needs in the City. And I think that Bill Talbert will support the fact that we have a need for such a facility here, right?

Commissioner González: Because let me tell you. Nobody has to tell me that we are losing a lot of business --

Vice Chair Spence-Jones: Yes.

Commissioner González: -- a lot of convention business --

Mr. Hernandez: Yes.

Commissioner González: -- to Miami Beach and to Broward because we don't have a decent convention center in the City of Miami. I'm not saying -- I'm not implying that I am in favor or supporting to keep this old building because, you know, if we're going to keep the facility, we'll have to demolish it and build a new facility. But I believe that we need to start looking at the future and start looking at, you know, finding the money, finding the resources, looking for a place, but start thinking about building a convention center in the City of Miami so we don't continue to lose business to other cities and, you know -- and I mean, work for Miami because -- I mean, a lot has been said about this show being seen nationally and the exposure of the City of Miami and how good it is for the City of Miami, and it is good. It is very positive. It is very good for the City of Miami for the image to attract business, but let me tell you. We can't attract any conventions to the City because we don't have a place to host them. We cannot -- you know, we can't have no big meetings or large meetings in the City of Miami because we don't have a facility to host them, so that is something that we need to start looking at. And I hope, Mr. Manager, that, you know -- and the future mayors -- two of the candidates are sitting at this dais -- to start thinking about that possibility, that in the future, you know, it has to be in the mind of the City-elected officials sitting at this dais that that is a need of the City. Thank you.

Vice Chair Spence-Jones: Thank you, Commissioner González. We have a motion. We have a second.

Commissioner Regalado: Madam Chair, if I may?

Vice Chair Spence-Jones: Yes. You're recognized.

Commissioner Regalado: Just a matter of as a follow up, and I think that everybody agrees that we need to support this industry, this particular project, but I would like to insist on the fact that Miami needs to be a friendly place to the film industry. And I would like to request from the Manager the exact details of why is required for any company to film either a video,
documentary, movie, still pictures in the City of Miami in comparison to the city of Miami Beach and the city of Orlando. I think that that would guide us in the next Commission meeting to follow up on making sure that we do say or we do do what we say that we want to do, which is to be a friendly -- because we have problems. And I will tell you again, I am from this industry, and we need to be more proactive not only in attracting, but in taking care of and keeping -- the same thing that we do for Burn Notice, which is a major show, we need to do for the magazine pictures shoot in anyplace in the City of Miami because it's all about the industry. So I would respectfully request that you will have that information for all the members of the Commission because I would like to, in the next Commission meeting, address looking at the difference the way to help the film industry. Thank you.

Commissioner Sarnoff: Mr. Manager.

Vice Chair Spence-Jones: No problem.

Commissioner Sarnoff: Madam Chair, there's -- just so you know, Mr. Manager -- I think you're aware of this -- there's a film -- a draft film ordinance that you should certainly share with Commissioner Regalado that, you know, we believe is in first draft version that we think promotes the film industry that has been -- a committee was put together both with our office and Robert Parente; and while I think there's still some issues to resolve on it, it's certainly a very good first draft. And what we ended up doing, obviously, was patterned a lot of it off the City of Miami Beach's ordinance, and that's something I think you should share with all the Commissioners.

Mr. Hernandez: Commissioner, I'll do both. I think it's important to share the draft of the film ordinance and also the comparisons as to how Miami Beach or Orlando do that type of business and how they support it so we can all see how they do it and what steps are we taking to improve our process.

Commissioner Sarnoff: Thank you.

Vice Chair Spence-Jones: Thank you.

Chair Sanchez: Call the question.

Vice Chair Spence-Jones: Okay. So we had a motion and a second. All in favor?

Chair Sanchez: Aye.

Commissioner Sarnoff: Aye.

Commissioner Regalado: Aye.

Vice Chair Spence-Jones: I'd like to do a roll call, if possible? Roll call.

Priscilla A. Thompson (City Clerk): Roll call on your modified resolution. Commissioner Regalado?

Commissioner Regalado: Yes.

Ms. Thompson: Commissioner Sarnoff?

Commissioner Sarnoff: As modified, yes.

Ms. Thompson: Commissioner González?
Commissioner González: Yes.

Ms. Thompson: Chair Sanchez?

Chair Sanchez: I will not go down in history as the Commission or the Commissioner who kicked out the number-one cable show for the City of Miami. Yes.

Ms. Thompson: Thank you. Vice Chair Spence-Jones?

Vice Chair Spence-Jones: Yes.

Ms. Thompson: The modified resolution has been adopted, 5-0.

Vice Chair Spence-Jones: Okay, great.

Applause.

Vice Chair Spence-Jones: And we are extremely proud and excited to keep Burn Notice here one more year in the heart of Miami. The only thing that I want to say to you, Mr. Miller, as we go on to the next item -- Mr. City Manager, if there's any way, Mr. Miller and Mr. City Manager and, perhaps, Economic Development, I would really like to put together some sort of task force on identifying a particular space or --

[TECHNICAL AUDIO DIFFICULTIES AT THIS TIME]

Ms. Thompson: May I have your attention, please. We're having some audio difficulty, so we're going to need to take a five-minute recess to try to figure out --

[TECHNICAL AUDIO DIFFICULTIES AT THIS TIME]

Chair Sanchez: All right, recess is over. The City of Miami Commission meeting is back in order. All right, we have to announce the recess of the City meeting; we have to convene the CRA (Community Redevelopment Agency) meeting to address two issues related to the City agenda, so at this time I will pass the gavel to the Chair of the CRA to take up those two items.

RE.13 09-00520

Office of Transportation

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH MIAMI-DADE TRANSIT), IN SUBSTANTIALLY THE ATTACHED FORM, TO ENSURE RECEIPT OF FEDERAL TRANSIT ADMINISTRATION SECTION 5307 FORMULA GRANT FUNDS, IN THE AMOUNT OF $4,084,282, FOR A TRANSIT CAPITAL PROJECT CURRENTLY CONSISTING OF PURCHASING RUBBER-TIRE TROLLEY BUSES ANDANCILLARY EQUIPMENT SUCH AS SIGNAGE, BUS BENCHES, AND BUS SHELTERS NECESSARY TO PROVIDE TRANSIT CIRCULATOR SERVICE IN THE DOWNTOWN, BRICKELL, HEALTH DISTRICT, ALLAPATTAH, OVERTOWN, AND CORAL WAY NEIGHBORHOODS, MIAMI, FLORIDA (B-30668); AUTHORIZING THE CITY MANAGER TO EXECUTE ANY OTHER DOCUMENTS NECESSARY TO IMPLEMENT THE ACCEPTANCE OF SAID FUNDS; WITH FUNDS TO BE APPROPRIATED BY SEPARATE RESOLUTION(S).
Motion by Commissioner González, seconded by Commissioner Sarnoff, that this matter be ADOPTED PASSED by the following vote.

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

R-09-0269

Vice Chair Spence-Jones: RE.13, can we get that out of the way?

Pedro G. Hernandez (City Manager): Yes.

Vice Chair Spence-Jones: Which is -- we never did the Miami-Dade Transit one, interlocal agreement.

Jose Gonzalez (Assistant Transportation Coordinator): Good afternoon, Commissioner. Jose Gonzalez, with the Office of Transportation. RE.13 is a resolution authorizing the City Manager to enter into an interlocal agreement with Miami-Dade Transit to ensure the receipt of approximately $4.1 million of federal transit funds for a City of Miami Transit Capital project, consisting of the purchase of rubber tire trolley vehicles to provide transit circulator service throughout various neighborhoods in the City.

Commissioner González: Move it.

Vice Chair Spence-Jones: We had a motion.

Commissioner Sarnoff: Second.

Vice Chair Spence-Jones: All in favor?

The Commission (Collectively): Aye.

Commissioner Regalado: Question.

Vice Chair Spence-Jones: You're recognized.

Commissioner Regalado: Jose.

Mr. Gonzalez: Yes.

Commissioner Regalado: These are, of course, federal monies, and there's nothing that the County can do to take it away, although they're going to take like a 5 percent?

Mr. Gonzalez: Yes, sir, for administration.

Commissioner Regalado: For administration. For administration disbursing the money, right, because --?

Mr. Gonzalez: For their resources, for their staff, 5 percent.

Commissioner Regalado: Well, the -- my point is that they will announce in June a drastic reduction of miles in all the routes, 30, I believe, most of them in Biscayne and I think Coral Way
and other areas. Now the question is when are we going to have this up and running in the three corridors promised?

Mr. Gonzalez: As far as the overall trolley program, Commissioner, it really depends on the delivery schedule for the trolley buses that the City selects. Most likely, the company that is selected to manufacture the vehicles will not have those vehicles off the shelf, so to speak, so there will be a manufacturing time and a delivery time, and it -- and I think that will be the critical path. We're hoping that by the end of the year, more or less, we should have at least some of those trolley buses in hand and putting some into operation.

Commissioner Regalado: And have we figured out the cost of riding those trolley service?

Mr. Gonzalez: We are in the process of developing an operational plan, as well as a financial plan, to detail what it will cost to operate and maintain the tentative loops.

Commissioner Regalado: Okay, here's why I ask this. In all these corridors we have bus benches that has advertising, and sometimes the company does not have advertisers; and I have seen that they donate, as pro bono, public service several of their advertising signs to the City. I've seen by days and all that. So my suggestion is since on these corridors the public transportation is going to be reduced, the period of waiting will be extended in many cases, and people will have a harder time riding the Metro-Dade public transportation. We should at least advertise in those corridor that the City of Miami is working on a trolley service coming soon to that corridor because, you know, at least the people will be, I guess, sort of happy that they will have an alternative at least to ride to some areas within the trolley routes, but it's important because you are going to hear -- or we are going to hear a lot of complaints come June when this service is reduced as planned by Miami Transit Authority. So I just wanted to see if, Mr. Manager -- Jose, you know -- because we cannot say coming soon. We have to say at least in the fall, at least by the end of the year a new service of the City of Miami with the trolley system on this corridor.

Mr. Hernandez: Commissioner, I think it's a good idea, although I would like to be able to come back to you, the City Commission, with operational plans and get some feedback from you on those plans before I put out any advertisement.

Commissioner Regalado: No. Of course.

Mr. Hernandez: And we'll do it, you know, (UNINTELLIGIBLE) soon.

Commissioner Regalado: Okay.

Vice Chair Spence-Jones: Okay, Commissioner Regalado. Any other comments on this issue? No other comments. I just wanted to be clear. I was -- I understood there was about 82 jobs coming from this as well; is that right, Mr. City Manager?

Mr. Hernandez: That is my understanding, yes.

Vice Chair Spence-Jones: Okay. I just want to make sure again that we always push hard to make sure that the local folks have the opportunity to participate. And I understand from the Transportation Department that most of these jobs will be entry-level positions, correct?

Mr. Gonzalez: Yes.

Vice Chair Spence-Jones: Okay. All right, that's it. So we had a motion and a second. All in favor?
The Commission (Collectively):  Aye.

Vice Chair Spence-Jones: All right, the item passes.

**RE.14  09-00194**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE TERMS OF, AND AUTHORIZING THE CITY MANAGER TO EXECUTE, A FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MIAMI ("CITY") AND THE MIAMI ART MUSEUM OF DADE COUNTY ASSOCIATION, INC. ("MAM"), IN SUBSTANTIALLY THE FORM ATTACHED AS "ATTACHMENT 1", AND A FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY AND THE MUSEUM OF SCIENCE, INC. ("MSM"), IN SUBSTANTIALLY THE FORM ATTACHED AS "ATTACHMENT 2" TO, AMONG OTHER THINGS, (I) REDUCE THE TOTAL NUMBER OF PARKING SPACES THAT THE MUSEUMS ARE REQUIRED TO BUILD FOR THE MUSEUM COMPONENT OF THE MUSEUM PARK PROJECT (MUSEUM COMPONENT) FROM 480 TO 440, (II) PROVIDE THAT THE MUSEUMS' OBLIGATION TO PROVIDE 300 PARKING SPACES, IN THE EVENT ONLY ONE (1) MUSEUM IS BUILT, IS SUBJECT TO SUCH MUSEUM BEING ABLE TO LEASE ADDITIONAL LAND TO ACCOMMODATE SUCH PARKING SPACES, AND (III) INCREASE THE HEIGHT RESTRICTION OF THE MSM AND MAM BUILDINGS AS PROVIDED IN THE AMENDMENTS.

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

Votes: Ayes: 5 - Commissioner González, Sarnoff, Sanchez, Regalado and Spence-Jones

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**R-09-0258**

Chair Sanchez: RE.14. RE.14, was that --? All right, let's go ahead with the museums, get you out of here quick. I'm trying to move this agenda. It's a long agenda. We're trying to get some items out of the way, so -- Mr. Mayor, are you here on the museums?

Mayor Manuel A. Diaz: We're on -- yes.

Chair Sanchez: Okay.

Mayor Diaz: But I have (INAUDIBLE).

Chair Sanchez: All right. So let's take up RE.14.

Roger Hernstadt: Thank you, Mr. Chairman. Roger Hernstadt, assistant city manager. RE.14
is a resolution of the City Commission approving the terms of an amendment to the lease and authorizing the City Manager to execute the first amendment to the lease between the City and the Miami Art Museum and the Museum of Science. The amendment includes, among other things, to reduce the total number of parking spaces required from 480 to 440; provides the museums an obligation to provide 300 parking spaces in the event that only one museum is built, subject to that museum being able to lease the additional land to accommodate the additional space, and to increase the height restriction of the buildings, as provided in the amendment.

Chair Sanchez: All right, go ahead.

Mr. Hernstadt: And as you noticed, the museums are here in the event we have some questions.

Chair Sanchez: All right. This item -- can we get a motion and a second? Can we get a motion? All right, I will pass --

Commissioner Regalado: Move it --

Chair Sanchez: -- the gavel --

Vice Chair Spence-Jones: So move.

Chair Sanchez: -- and make --

Vice Chair Spence-Jones: So move.

Commissioner Regalado: I will move it for discussion.

Chair Sanchez: All right. There's a motion by the Vice Chair, second by Commissioner Regalado on RE.14. Okay. Discussion on the item.

Commissioner Sarnoff: Yeah, I have some discussion.

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

Commissioner Sarnoff: Roger, if you look at paragraph 5C, one of my concerns is, I think, language that indicates that -- one of the things I think this Commission said before is that in the event one of the museums is not built, that the remaining park acre site would go to park.

Mr. Hernstadt: Yes, sir.

Commissioner Sarnoff: And I'm not sure that your language captures that.

Mr. Hernstadt: I went over that specific point with the City Attorney's Office, and the intent is only to lease that additional space necessary to complete the 300 spaces. And the rest of the area of the museum that did not go forward would be in compliance with your requirement set forth in the lease.

Commissioner Sarnoff: So it's your opinion, along with the City Attorney, that the acreage that would be sacrificed from one of the museums not going forward would revert back to park space to the extent that there was necessary building, if you will, for the additional parking which would go underground?

Mr. Hernstadt: Yes, sir.

Commissioner Sarnoff: Would it be -- is it clear in this document that that particular acreage
Mr. Hernstadt: The -- yes, it is, sir.

Commissioner Sarnoff: Okay. And Madam City Attorney, you're comfortable with that language?

Olga Ramirez-Seijas (Assistant City Attorney): Yes, Commissioner, I am. The -- that particular provision applies only to the additional space needed to build the parking spaces in the event that one museum does not move forward.

Commissioner Sarnoff: I'm not the greatest abstract thinker, so could you tell me what that language means in terms of what it should look like?

Ms. Ramirez-Seijas: It means that the -- if one museum does not move forward, there is a requirement under the lease that the land be -- that that particular site be kept green or used in accordance with the park component. However, under this provision, if one museum needs additional space that would otherwise be subject to that restriction, clearly that restriction could not apply because that particular area would be used to accommodate the parking spaces.

Commissioner Sarnoff: So what I'm taking away from this is that you're telling me the language says in the event one museum is not built, that particular park -- let's just say it's two -- I don't know if -- was it two acres per museums -- is that --

Mr. Hernstadt: Four acres, sir.

Commissioner Sarnoff: -- right? Or four acres per --?

Mr. Hernstadt: Four acres.

Commissioner Sarnoff: Four acres.

Pedro G. Hernandez (City Manager): Four to each.

Commissioner Sarnoff: Okay, so the four -- the approximate four acres per museum, a small percentage of that may be used to accommodate the underground parking pedestal for the ingress and egress, I take it, of the vehicles --

Ms. Ramirez-Seijas: Correct.

Commissioner Sarnoff: -- so that 300 parking spaces would remain because only one museum would be built?

Ms. Ramirez-Seijas: Correct.

Commissioner Sarnoff: Okay, I understand.

Ms. Ramirez-Seijas: And Commissioner, just to clarify it, that Section 5.C [sic] makes reference to the use of the additional parking under Section 3.3 of the development agreement, and that is the section that talks about the accommodation of the 300 parking spaces.

Commissioner Sarnoff: So I would then go from the lease to the development agreement.

Ms. Ramirez-Seijas: And -- exactly.
Commissioner Sarnoff: Cross-reference it at what paragraph?

Ms. Ramirez-Seijas: Three point three.

Commissioner Sarnoff: Three point three of the development agreement.

Ms. Ramirez-Seijas: Correct.

Mr. Hernstadt: Yes, sir.

Commissioner Sarnoff: And 3.3 of the development agreement would make clear to me, or anyone else listening, that the park -- the four acres, or approximate four acres, would then revert back to park and, where needed, the additional parking would be accommodated.

Ms. Ramirez-Seijas: The portion that would revert back to the park, you would find that in the lease agreement. This exempts that portion of the museum land from the restriction that it be kept green and used in accordance with the park component in order to accommodate the additional parking spaces.

Commissioner Sarnoff: Okay.

Mr. Hernstadt: And to the extent it just helps you visualize it, Commissioners, we're anticipating that would be approximately 60 spaces, so that's how much additional land they would need.

Commissioner Sarnoff: Because each museum is responsible, theoretically, for 240?

Mr. Hernstadt: It's 440 in total, so it's 220.

Commissioner Sarnoff: Two twenty.

Mr. Hernstadt: So 60, 80 spaces.

Commissioner Sarnoff: And the reason for the reduction in parking was why?

Mr. Hernstadt: The reason for the reduction in parking was that the original turnaround contemplated on the FDOT (Florida Department of Transportation) property -- FDOT was putting extremely restrictive restrictions on the City with regard to the use of that property, and therefore, it just became an exorbitant potential expense to the City and to the museums. And as a result of that, the turnaround was relocated to what is the central plaza area between the two museums.

Commissioner Sarnoff: Okay.

Mr. Hernstadt: And that turnaround, placing it there, created a loss of approximately 40 spaces.

Commissioner Sarnoff: Thank you, Roger.

Mr. Hernstadt: My pleasure.

Chair Sanchez: All right. Discussion on the item? Commissioner Regalado.

Commissioner Regalado: No, I'm fine. I think that -- I had that same question, but it's been clear.

Chair Sanchez: Okay. Discussion on this item, which is RE.14. I just think that based on the
presentation that we have, based on the percentage as to the height of the Museum of Science, I think that that needs to be better explained because, based on the percentage -- and can somebody walk us through that as to explain --?

Mr. Hernstadt: Yes, sir, Mr. Chairman. I believe the museums have some info -- a board to show -- help you visualize that.

Chair Sanchez: Right, and that would be Roman number number 3 on the resolution, which I think needs to be better defined and better explained because I couldn't figure out 20 percent, 40 percent of what. It just -- to me, it looked like a mathematical equation with some numbers missing.

Gillian Thomas: Good morning, everybody. I'm Gillian Thomas, from the Miami Science Museum, 3280 South Miami Avenue. I'm very happy to explain this. We're creating a museum that will really be very attractive to everybody, combining a science museum and aquaria, which are two components that will really bring many, many people to Miami. And what we're looking at today in terms of the height is the covering over what we call the living core, which is a combination of our wildlife center with a series of aquaria. So our main roof is at the 70 feet above the plaza, which is the level that was anticipated. But this living core is a series of spaces and open-topped aquaria, where people can walk around like in a garden, almost at roof level, where there will be birds and butterflies hanging -- flying freely. So we need a slightly enhanced lightweight cover over -- I call it a floating roof because really it's an enclosure so that you have the impression that you're in the daylight and in the fresh air, but birds and butterflies can be enclosed. It needs to be higher than a regular exhibition-height roof, which is in the rest of that level of the gallery. So that's why we call it the floating roof. It's a lightweight structure, which will have the appearance of being in the daylight once you're inside it. It's not lit. It's just a protective cover to keep the animals in and to also keep the rain out. And --

Chair Sanchez: So it's a floating roof?

Ms. Thomas: That's what we call it, a floating roof, because it will look like it's something floating over the solid of the rest of the roof. It's a lightweight structure.

Chair Sanchez: Not covering more than 30 percent of the roof?

Ms. Thomas: Yes. If you look on the model, it's the light-colored section that you can see. It covers the gulfstream tank. It covers the other tanks. It's the bit in the daylight that you walk around. So as you emerge past the reef, as you rise up to the surface of the building, you'll be looking across this garden wildlife component and tanks out into the sea, and you'll be under this enhanced, lightweight structure that will make it feel like you're in the daylight, and your birds and butterflies will be flying around. They need a bit more height to be able to achieve that. Thirty percent is about what you can see is the transparent structure that is there, and that's why I put the 30 percent number in there. The other language, we just copied the language out of the design guidelines. I think they imagined that there might be flagpoles or other items that stuck out more.

Chair Sanchez: And also, I think it's important to put on the record that this is consistent with the Cooper Robertson Museum Park design guidelines.

Ms. Thomas: Apart from the percentage because the percentage (UNINTELLIGIBLE) higher was a little lower, but the rest of the language is exactly as in the Cooper Robert guidelines -- Cooper Robertson guidelines.

Chair Sanchez: All right. The other issue that I had was pertaining to the FDOT property that we -- under this agreement, it says that the City will agree to use reasonable efforts to lease the
FDOT area for landscaping, sculptured gardens, et cetera, et cetera, et cetera. I think -- can you elaborate a little bit on that?

Mr. Hernstadt: Yes. With regard to the other -- the remaining parcel from FP -- from FDOT, we are continuing to have discussions with them, with our museum partners to see if there's an agreement we can reach to utilize that land, with the hopes that it will be able to be landscaped and made green and facilitate the reopening of the Metrorail -- hopefully, the Metrorail station, so people can exit from the Metrorail station at the north end of the park and walk down to the bay walk. We just need to get more favorable terms and conditions.

Commissioner Sarnoff: Well --

Mr. Hernstadt: And we're continuing to discuss that with them, with our --

Chair Sanchez: So --

Mr. Hernstadt: -- museum partners.

Chair Sanchez: -- all parties are negotiating on that?

Mr. Hernstadt: Yes, sir.

Chair Sanchez: Okay.

Commissioner Sarnoff: Mr. Chair?

Chair Sanchez: Yes, sir.

Commissioner Sarnoff: Why -- I mean, I'm a little curious, Roger. I would think, in an absolute sense, that they're going to reopen the Metrorail station. I wouldn't even think that'd be on the table.

Mr. Hernandez: Commissioner, I will say the answer to that is yes.

Commissioner Sarnoff: Yeah. I was under the impression --

Mr. Hernandez: I mean, they have.

Commissioner Sarnoff: Okay.

Mr. Hernstadt: I'm sorry if I led you to believe that that wasn't going to happen.

Commissioner Sarnoff: Yes. You did mislead me.

Chair Sanchez: All right. That -- I think that addresses the lease agreement on RE.4 [sic]. Any -- 14, RE.14. Any other questions on RE.14 that we need to clarify? If not, there's been a motion and a second. It is a resolution. It does not require a public hearing. Madam Clerk.

Priscilla A. Thompson (City Clerk): Yes. I was just waiting to find out if there're any modifications.

Chair Sanchez: Are there any modifications or amendment to RE.14, which is a resolution?

Ms. Ramirez-Seijas: No.
Chair Sanchez: No.

Ms. Ramirez-Seijas: None.

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.

**RE.15 09-00369**

**RESOLUTION**


Motion by Commissioner Sarnoff, seconded by Vice Chair Spence-Jones, 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-09-0259**

Direction by Vice Chair Spence-Jones to the City Manager to reach out to Miami-Dade County regarding the City's use of the county's small business enterprise program.

Chair Sanchez: We move on to the next item, which is RE.15. RE.15 --

Roger Hernstadt (Assistant City Manager): Mr. Chairman --

Chair Sanchez: -- and that is the development agreement.

Vice Chair Spence-Jones: Yes.

Mr. Hernstadt: Mr. Chairman, Commissioners --

Chair Sanchez: Yes, sir. You're recognized for the record.

Mr. Hernstadt: Thank you very much. Roger Hernstadt, assistant city manager. This is a resolution approving the terms and authorizing the City Manager to execute a development agreement between the City, the art museum and the science museum to provide for the design, development, construction of the Museum Park project, particularly, the museum component and -- on Bicentennial Park.
Chair Sanchez: All right. Let's have a motion and a second for the purpose of discussion on this item.

Commissioner Sarnoff: Motion for pur --

Vice Chair Spence-Jones: Motion -- second.

Chair Sanchez: Commissioner Sarnoff makes the motion, second by the Vice Chair, for the purpose of discussion on RE.15, which is the Museum Park development agreement. All right, Commissioner Sarnoff, you're recognized for the record.

Commissioner Sarnoff: My question is, more or less, devoted more to Science than it is to MAM (Miami Art Museum) because MAM had a certain structure -- MAM's building is approximately 100,000 square feet. And I believe that they probably have the adequate funding to actually complete the building. My question to Science is slightly different, or maybe very much the same. Science is a 250,000-square-foot facility. My understanding through the conversations with Science is to have what they use as a term of art fit and fit-out would be approximately $1,000 per square foot, which would be a $250,000 -- if you'd like to use the word -- turnkey operation where the doors would open. Science has, as my understanding, $175 million from the GOB (General Obligation Bond) dedicated from the County, of which I think they've used some of that money. And to me, there's a $75 million funding gap for a turnkey fit-and-finish museum. My primary concern are twofold. One, will they have adequate funding to create a building that has fit and fit-out, so not just the shell? And two, operationally, how will they be able to operate a 250,000-square-foot facility? And really, my question is about sustainability. I, as a child, grew up with three buildings that were half completed in Brooklyn, and that's how I always knew we were getting home. Because, as a child's memory, from the time I was eight years old, there were three buildings that were never completed. And the time I was 18 years old and left, there were three buildings that were never completed. I just don't want to do that to the waterfront. So my question is sustainability. How do we know, based on the terms and conditions of the development agreement, which my understanding is we give them four years to build with a seven-year deadline to complete. It seems like a very long time with a great deal of risk that a building could, theoretically, not be completed to be a museum of science. The only reason I'm not criticizing MAM is MAM has a much smaller structure. They have the ability to complete it. And a museum for art is a very adaptable building in the event something were to happen. I suspect the Museum of Science is not so adaptable and would be a little more difficult to either assign or transfer. So how do you make the District 2 Commissioner comfortable that this is a sustainable project in terms of the fit and fit-out, as well as the operational side of this particular building?

Mr. Hernstadt: Commissioner, I think the best way to do that is let the executive director from Museum of Science share their business plan with you and tell you how they plan to go forward.

Gillian Thomas: Thank you. I'm going to answer the second question first, and then come back to the funding of the construction. So science museums around the world attract very large numbers of people, more than any other kind of museum. They particularly attract young people and families. Aquaria attract an even larger number of people than science museums do. So actually, just this last week we've had in our market analysis and visitor attendance estimates from Lord Cultural Resources, which are a very well-known and esteemed consultant for this kind of work. And the numbers that have come in are suggesting that in opening year we will get over 700,000 visitors, and more than 600,000 in what's called a stabilized base year of operations once you've got past that opening surge. There are very few combinations worldwide that have both science museums and aquaria. One of the ones that opened recently is the California Academy of Sciences, which, admittedly, is larger, but a large proportion of that is research, and they have had over a million visitors. There's a lot of statistics, and I'm very
happy to spend time with you, Commissioner Sarnoff, going through this to give you a more detailed worldwide picture, but the size that we're going for, at 250,000 square feet with the amount of allocation that we have into visitor experience, is the kind of size which is the most viable in terms of operations post opening. Our current size is neither small enough to be operated entirely by volunteers nor big enough to have the regional impact that it requires. So this is something where size is everything in order to bring the people in. We've also created this unique mix of external and internal exhibits that will mean that people can enjoy the climate and environment, which is very important to South Florida, as well as enjoying the air-conditioned spaces within it. So, actually, with regard to the future museum, I have no doubt at all that it will be sustainable. We currently have a board member who is a specialist in investment in capital projects working with us on our business planning for the future, and we will have a very complex model that you can also look at in some detail and look at the implications of different levels of visitor numbers. So, for the future, we're really comfortable. Science museums also traditionally have a lower level of government support, sadly, than other museums simply because they're seen as really supported by the public, and therefore, they have this ticket component, which is a higher level than art museums do. We currently have 19 percent of our operational costs covered by the County. We have no reason to suppose that they won't continue to support us. They're very favorable to the Science Museum. They know what economic impact it has in the community and also how important it is for raising educational levels.

Commissioner Sarnoff: Gillian, could you --? Right there, 'cause there's a good point to have some interplay, if you don't mind. Right now if you're at 19 percent and your operations budget is “X,” you would agree with me your operations budget has got to become “Y” because you're having -- what are you, an 80,000-square-foot facility now?

Ms. Thomas: Less than that, 55,000 internal, another 20,000 external.

Commissioner Sarnoff: Okay, so you'd be increasing your square footage almost fourfold.

Ms. Thomas: Yep.

Commissioner Sarnoff: Your air-condition bill will go up fourfold.

Ms. Thomas: Ab -- well, no --

Commissioner Sarnoff: Your --

Ms. Thomas: -- it won't because we're currently in a very old building with very out-of-date equipment. One of our whole focuses is this is a very green building with renewable resources, so we're really ramping down all our costs for opening.

Commissioner Sarnoff: You agree with me that your operational costs have to go up to operate a 250,000-square-foot building versus a 70,000?

Ms. Thomas: Absolutely, but the increase in income will go up a lot more than our operational costs will go up.

Commissioner Sarnoff: That's based on projection.

Ms. Thomas: That's based on this market analysis that's come in (UNINTELLIGIBLE) that we're doing and worldwide experience in other science centers that science centers, when they're bigger, are just financially more stable than smaller ones.

Commissioner Sarnoff: How will you close the gap between the $175 million that it will cost you to put, let's just say, the walls up, and the 75 million it will cost you to put the walls up to the fit
Ms. Thomas: Yeah. So, I'd just like to move on to that one now. I said I would address this one secondly. Can I just draw attention to everybody that there're three phases to creating this project and completing it. So, the first phase is what we call the preconstruction work that has to happen on the site. We're working with MAM, doing joint contracts on the site survey, the remediation studies, the traffic studies, and we're working parallel with MAM and with the City to make sure that that whole access and site remediation happens in parallel. That's what we call the preconstruction work. That's the number-one bit that should move ahead smoothly with the parking and the foundations and so on. The second parcel is the walls of the building, all the HVAC (Heating, Ventilating, and Air Conditioning), the tanks, the whole structural component of the building, which gives you, as I described, I think, to Commissioner Sarnoff before, everything that you need except the fish. So you have the tanks. You have the treatment for the water. You have all the air conditioning. You have all the renewable resources. You have the access. You have the parking. You have the plaza. You don't have the fish in the tank. So if we just go through it almost at a basic level, the construction costs for that shell of the building is 140 million. With the associated soft costs, it's 180 million; another 10 million would give you the planetarium projector and all the fish and all the graphics, and then we'll be adding on the exhibition components. I could also show you that, traditionally, fundraising for buildings of this type happens over a period of time. You very rarely get commitment to the exhibition themes at this stage in the proceedings. You need to have the building emerging from the ground and something cogent that you can show to people for them to be able to buy into it in more detail.

Commissioner Sarnoff: So, Gillian, did I hear you say then the fit and fit-out would be 180 or 90 million?

Ms. Thomas: No. I'm saying for that core component 'cause people have said in order that you would -- to open your doors, what would the core component be. And the planetarium is one component. I have to tell you if somebody gave me the money today, I wouldn't buy it today 'cause you want to wait later and to make sure you've got the right component for your latest planetarium that's coming out. And similarly, you wouldn't be buying any of these things today. Another 10 to 11 million would give us the appropriate fit-out for the living core and the planetarium, and that would be not what we anticipate having at opening. We anticipate having all of this at opening, but that was a question I was asked as to what would it cost to complete that component.

Commissioner Sarnoff: But what would the number be? Was I wrong on my number, what I just said?

Ms. Thomas: There is 42 million in for the fit-out. We have -- what we've done on our budget -- (UNINTELLIGIBLE) would like everybody to be aware of this -- is we have tried to be extremely cautious to integrate everything within our budget that we can think were to happen. We're not trying to sort of give you a quick number to get past, and then come back next year and say, “Oh, terribly sorry. We made 20 percent difference in what we're doing.” So we've incorporated in our overall budget everything we can think of to get from where we are at the moment to get ourselves into that building, fully fitted out and fully operational. So, for example, within our overall budget, we have 5 million just to cover that opening year, which some of our other organizations in town didn't think of, to make sure that as we run down one building and we open the next, we have some adequate cash in hand to be able to make sure we can cover that gap adequately 'cause it's very difficult to fundraise for a museum that you're closing down to operate whilst you're opening a new one. So I'm comfortable. I have board members here that can talk about the commitment that we have. In this last two weeks, I have had more than a million that has just come in, both in the combination of an award and a corporate sector gift. So, frankly, I've got no doubt that we're going to achieve this. It's just that we have to move forward and not wait for too long before we get going.
Commissioner Sarnoff: Gillian, I don't mean to ask you the question again, but what is the number with the fit and fit-out?

Ms. Thomas: The fit and fit-out budget is --

Commissioner Sarnoff: Right.

Ms. Thomas: -- 42 million for the exhibition.

Commissioner Sarnoff: And what do I add that to? What number?

Ms. Thomas: It depends what you want to have, Commissioner Sarnoff.

Commissioner Sarnoff: No. I'm not -- it's not what I want to have. It's what you're going to have. I'm asking you -- I heard the number 140 million. Then you told --

Ms. Thomas: That's the basic. That's right.

Commissioner Sarnoff: Then you said there was going to be, I think --

Ms. Thomas: Soft costs of 40 million on that for --

Commissioner Sarnoff: That's what I thought I heard.

Ms. Thomas: -- the structure. So you're at 180.

Commissioner Sarnoff: One eighty.

Ms. Thomas: Yeah. You add another 40 million on that --

Commissioner Sarnoff: Forty-two --

Ms. Thomas: -- 42 million --

Commissioner Sarnoff: Okay.

Ms. Thomas: -- and you've got the fit and fit-out costs.

Commissioner Sarnoff: Two hundred twenty-two million?

Ms. Thomas: Yes. That is the basic core fit and fit-out costs. We have other costs that we're adding in, as you can imagine, to get to the top number, and we have some contingency additional in there as well.

Commissioner Sarnoff: So 250 million is about the right number?

Ms. Thomas: I think I'm sticking at 220, Commissioner Sarnoff. Yes.

Commissioner Sarnoff: Two-twenty, okay.

Ms. Thomas: Yeah.

Commissioner Sarnoff: And so right now you have, from the County, committed how much?
Ms. Thomas: A hundred and seventy-five million of GOB, and we're working very hard on all the rest.

Commissioner Sarnoff: And what have you fundraised?

Ms. Thomas: We have commitments from our board of over 20 million. As I just reported, we had another million came in this last week. I should say that we have many donors who are really waiting for these lease agreements to go ahead. It's been a very long negotiation, which I'm very appreciative of all the support we've had from the City, but it has been a long and difficult negotiation, and that does cause uncertainty in donors. So I think a positive move forward today would be extremely helpful, and I think --

Commissioner Sarnoff: I understand. I just want to ask the questions. I have a few more questions to ask, and then, you know, I'm either going to vote the way I'm going to vote or we'll see how we go. How has the October 2008 recession affected you?

Ms. Thomas: We have quite a substantial endowment component, not for the new museum, but just our general endowment for operations. So, like everybody else, our investments have lost, so our operations this year have taken a hit through our endowment losses. There have been one or two donors who have said that, yes, they are still committed, but would we come back next year. Other than that, we've had no big impact. In fact, some people are really wanting to convert money to make sure it's covering basic operations. So we've had some really good responses as well to our requests to support us.

Commissioner Sarnoff: And operationally, how have you been affected in terms of either your ticket sales or County commitment?

Ms. Thomas: Well, in terms of ticket sales, actually, we had the best launch we've had in five years.

Commissioner Sarnoff: Okay.

Ms. Thomas: So I think this is more dependent because we're seen as a very good value attraction. In March and in April, we exceeded last year, and we're very confident that we're going to have a great summer with our Megalodon shark exhibit and CSI (Crime Scene Investigation) insects, exploring how you date dead bodies using insects.

Commissioner Sarnoff: And with regard to County funding, how has that been affected?

Ms. Thomas: The County funding has continued. Of course, this is the budget negotiation time with the County, so any support you could give us to encourage them to enhance our operational funding, I would appreciate it.

Commissioner Sarnoff: Be more than glad to go down there with you. But my question's a little different. How has the County funding been affected since October 2008? And by that, I mean you indicated that 19 percent of your budget is from the County, if I heard you correctly?

Ms. Thomas: Yes. It hasn't been affected at all.

Commissioner Sarnoff: At all?

Ms. Thomas: No, not at all at the moment.

Commissioner Sarnoff: Okay. And you're lobbying the County presently for a higher percentage once you make the jump to the 250,000-square-foot facility?
Ms. Thomas: All the three museums -- it's myself, it's MAM, and it's also the history museum that will have 25,000 square feet within our building, are working with the County to look at how we can have some additional funding at that stage.

Commissioner Sarnoff: Okay.

Ms. Thomas: The County's very supportive. Obviously, they wouldn't be wanting to give 175 million to a project that wasn't sustainable. So they share every issue that you might wish to share, Commissioner Sarnoff, probably even more so. So there is no doubt that the County and the City wish to support this. It is going to make a major economic impact on the community, and it's also going to really make a difference in terms of education for young people in the community to have something that can motivate them and inspire them to go into science technology, engineering or math careers. And many of the economic studies about our region do show that we are falling behind the rest of the US (United States) and even more worrying, the US is falling behind the rest of the world. So you need inspirational things like this to really convert people to wanting to think that science and technology could help build a foundation for the future in our region.

Commissioner Sarnoff: Thank you for enduring my questions.

Chair Sanchez: All right. Question, Vice Chair?

Vice Chair Spence-Jones: Actually, I'll defer to Commissioner Regalado, if he has --

Chair Sanchez: All right, Commissioner Regalado.

Commissioner Regalado: Thank you. I am really sure that the public will come. I have seen aquariums and museums in different parts of the world, and there is always a crowd for it. So I don't have a concern about the future. My concern is how do [sic] you going to finish construction in terms of the budget gap? That you have the same concerns that Commissioner Sarnoff has. I -- there is no more GOB funding or no more TDT (Tourist Development Tax), tourist development dollars, so this has to be done by yourself. You're confident that you can do this?

Ms. Thomas: Yes. Our board is confident, and I do have board members here. I have Willie Gomez, who is the chair of our finance committee; Trish and Dan Bell, who are the chairs of our board, and we're confident that we can move forward. We're also getting a lot of encouragement, as well. We've traditionally had quite substantial amounts of federal funding for our education programs, and we've now had two awards from the Department of Energy around the sustainability features of the building. So I do think we have some -- because of the way we've developed and positioned the building, we've got some opportunities there, and we see no reason why, in the future, in terms of sustainability, would we not be as successful in the future in getting government grants and awards to support our education function, as we have been in the past.

Commissioner Regalado: You are aware that, in the stimulus bill, there are [sic] funding for museums throughout the United States. Have you --?

Ms. Thomas: We're looking into that, yes.

Commissioner Regalado: I have a question about your current site.

Ms. Thomas: Yes.
Commissioner Regalado: What's going to happen to it?

Ms. Thomas: Our site belongs to the County. The site and building belongs to the County. It's seen as part of the wider master plan for Vizcaya. So it will -- the planning is that it will go back to Vizcaya and they may well use it as temporary exhibition spaces or, long-term, have some completely different use for it.

Commissioner Regalado: No, but the question is -- and I know that it belongs to the County -- this is probably one of the best sites in the City of Miami. It's right on US 1, Brickell, Miami Avenue. It would be a sad page for the City of Miami if that would become a storage place for County equipment, and I'm sure that you have a responsibility because the City is giving you the land that -- to guarantee that that site will not become an eyesore.

Ms. Thomas: Absolutely. We will do everything we can to make sure that happens. Actually, the way we've renovated the internal aspects of the building, it now is a really great temporary exhibition space, and Vizcaya has no temporary exhibition space of any note within their building, so probably that's what will happen within the future. And I would, of course, do everything I can to facilitate that happening.

Commissioner Regalado: So that will be a Vizcaya annex?

Ms. Thomas: It's a Vizcaya annex that is planned at the moment by the County as part of the Vizcaya master plan. We're still discussing around whether some components of the wildlife center might stay there 'cause that's very popular with the public.

Commissioner Regalado: Okay. Thank you, Mr. Chairman.

Chair Sanchez: All right, Vice Chair?

Vice Chair Spence-Jones: Yes. Mr. Chairman, I -- again, let me just make this statement, and I'm not going to be long. But we know all -- from the very beginning, I've always supported the Science Museum. I think that it's extremely important, especially with what's happening in the world or in the country globally. It's extremely important that we begin to educate not just our children, but our families. And I believe that this can become a mechanism to do that. And -- so I've supported it -- I always had an issue with the MAM portion of it, but like I said earlier, they have grown on me like the fungus -- like a fungus. So I don't really have an issue. I -- the two things that I think are extremely important. I think, like my fellow colleague, Commissioner Regalado, mentioned that, you know, aquariums -- I know, having a four-year-old son, you know, visiting the one in Atlanta and even in a little place like Albany, Georgia, which has an aquarium and a science museum -- this is something that kids truly and families truly enjoy. And you can't get into the aquariums because, you know, people enjoy visiting them. So I don't think that you're going to have that -- maybe even the same kind of issues that the art museum may have. I think it's a whole -- on a whole different level. But that's neither here nor there, and I do understand what Commissioner Sarnoff's issues or concerns were about. My two issues -- and I understand that they've already been included in the overall agreement -- had very much to do with the small business portion of this and the local hirees. I believe that I had a conversation with both museums regarding the issue of development of the facility and making sure that those two components were included. So I'd like to -- Madam City Attorney, I want to make sure that, in the agreement, there's language in Section 4.6 about the construction contract. I know that there's the word that's used “intentionally,” “intentionally impacts the CBS (Columbia Broadcasting System). It's very difficult to prove intentional, whether or not -- intentionally. I wanted to replace that word with “unreasonable,” because I think it's easier to prove that than it is to improve -- I mean, to prove intention. So that's one of the things. I believe we did that in the Marlins agreement. I'd like to see that --
Ms. Ramirez-Seijas: Okay.

Vice Chair Spence-Jones: -- language adjusted. And I don't know if it has been adjusted already.

Ms. Ramirez-Seijas: No. It hasn't yet. We have a couple of amendments that we will be reading into the record, and we'll be providing the City Clerk with a copy of them.

Vice Chair Spence-Jones: Okay. And for me, it's more about making sure that we do everything in our power to make sure the small businesses have the opportunity to participate in both projects.

Ms. Ramirez-Seijas: Okay.

Vice Chair Spence-Jones: The other part of it was, as you know, we launched, maybe about three weeks ago, this whole Miami Works initiative in partnership with the labor unions and South Florida Workforce and several of our mega projects. I consider these to be mega projects, and I really wanted to make sure that, from a local hiree standpoint, we've done everything necessary to make sure our workers are coming from the area. I know in the agreement it says 50 percent -- Is that correct, Madam City Attorney? -- and that 20 percent of them will come from --

Ms. Ramirez-Seijas: Right.

Vice Chair Spence-Jones: -- the City of Miami. And I'm saying local hirees. I think it's extremely important that any major project that comes up here -- us, as Commissioners, we have to constantly push, you know, the developers, you know, the contractors to make sure that they look at home first before they decide to look on the outside. And I know that we have it regarding the 50 percent of the workers portion of it handled, you know, with the Dade County portion and 20 percent from the City. But one of the things that's not included is the business portion of here -- of it in here. I would like to see the same type of language reflected regarding the small businesses as well. I think it's extremely important for us to do that, and I wanted to make sure -- I know that we have a bond covenant issue regarding the GOB, but I think that it's extremely important to have both. So I'm not really sure what percentage -- maybe we can go to 20 percent of the 35 percent could come from the City of Miami small businesses in the area. I just want to make sure that that language is reflected.

Mr. Hernstadt: Commissioner, the -- with regard to -- you know, we're using the baseball agree -- stadium agreement language as the new floor, basically.

Vice Chair Spence-Jones: Okay.

Mr. Hernstadt: So with regard to that, the percentage is all based on availability. So, you know, we could set it at 20, but I think you well know that it's really all based -- if those businesses exist in the City of Miami, of course, we want to use them. If they don't, we'll have to look elsewhere.

Vice Chair Spence-Jones: Right. And I don't have a problem with it. I know we're stuck in a hard -- a rock and a hard place, but Roger, I really want to make sure -- you know, and I understand that the City of Miami, we may not have all of the businesses that can participate on the project, but definitely, we should be able to do something in Dade County. And I'm just very concerned -- we take this lackadaisical attitude with most -- with a lot of these projects, so we don't go the extra mile to make sure that we identify these businesses that can participate, and that's my concern. So, Mr. City Manager, I would like to make sure that, you know, we work with Glenn now, Glenn Marcos now to help him identify -- or Ola from CIP (Capital Improvements Program) -- to help us identify these small business now so we don't have an issue
when they get ready to get started, that they can't find the individuals. 'Cause most of the people that come on board as contractors, when they get started, they already have a team of people that they want to use. And a lot of times, these team of people don't come from the local area. So I really want to make sure that there is a strong push to make sure that that happens 'cause we have to take care of our home first before we can consider doing anything else. And then, thirdly, my only issue was the penalties. I think that we all, sitting up here on the City Commission, should really look at penalties being attached to project, especially major projects where the City or the County or -- not only funds, but land is being put into projects, that there's a penalty attached to these agreements, like we did with the Marlins, when the individuals do not meet the goals. I mean, we can say this all day long, we want you to hire people locally and we want you to have small businesses, you know, participate, but if there's no real penalties attached to -- with teeth, then it's just -- we're just talking to be talking. And they're going to say, okay, yeah, we tried and we couldn't get it. No. If we put a penalty attached to it, like we did with the Marlins agreement, then we won't have that as an issue. So, Madam City Attorney, what are we doing to address the penalty issue?

Ms. Ramirez-Seijas: Commissioner, the Marlins agreement included penalties --

Vice Chair Spence-Jones: Yes, I know. That's what I'm saying.

Ms. Ramirez-Seijas: -- in connection --

Vice Chair Spence-Jones: We did that in that only because we included it.

Ms. Ramirez-Seijas: The Marlins dealt with compliance with the Miami-Dade County small business ordinance. The City doesn't have that ordinance. And currently, there is no agreement in place with the County so that the City could avail itself of the County's program. This is something that could happen in the future. But as of today, that program does not exist.

Vice Chair Spence-Jones: Okay.

Ms. Ramirez-Seijas: The penalties for failure to comply with this provision, which is basically the museum's commitment to use diligent, good faith efforts to comply with the goals that are established, the penalty is a default under the lease. The type of monetary penalty of a percentage, so to speak, that we used with the Marlins, we cannot include legally, in my opinion, that kind of penalty in this document because we don't have the program, the infrastructure that could support -- we don't have the monitoring. We don't have --

Commissioner Sarnoff: Right.

Ms. Ramirez-Seijas: -- a way of objectively implementing that penalty.

Vice Chair Spence-Jones: No. I fully understand that, but I think that -- and I'm sure my fellow colleagues up here would agree. I mean, you know, I understand that we don't have a SBE (Small Business Enterprise) program like the County has. But something needs to be proffered or something needs to be stated on the record. You know, this good faith intention stuff, that -- you know, they've been -- we've been doing that for years in the City. And guess what? The people default on it and they keep moving on. So I'm asking what are we doing -- I don't know if the museums or individuals like to proffer -- or at least say that they're going to at least try very, you know -- I just think that we're waste -- I mean, we're wasting our time. What you just told me is a waste of time. I'm just telling you. I mean --

Ms. Ramirez-Seijas: Well --

Vice Chair Spence-Jones: -- basically, you're just telling me, okay, Commissioner, you know,
you can say it, you know, as much as you want to say it, but right -- at this point, it's not going to mean anything.

Pedro G. Hernandez (City Manager): Commissioner, I think it will be important if this Commission could, in essence, direct me to reach out to the County to ensure that we maximize the use of their program to the best of our ability. I already sent a letter to the County Manager about two, three weeks ago reference the stadium. And in that letter, I also mentioned the museums; that that's another project that we have coming, and that I want to avail myself of the use of their database, their program and their monitoring and so forth.

Vice Chair Spence-Jones: Well, thank you, Mr. Manager. That's what I really wanted you to actually put on the record. So you will reach out to the County to make sure that this --

Mr. Hernandez: Yes, I will, Commissioner.

Vice Chair Spence-Jones: -- same penalty agree -- penalties within our -- in this particular agreement applies to -- mirrors what we've done with the other major project?

Mr. Hernandez: It will be to try to do the same that we're doing for baseball --

Vice Chair Spence-Jones: Okay, no problem.

Mr. Hernandez: -- I think, in a few words. Now --

Vice Chair Spence-Jones: And that was my only issue, Mr. Chairman. I just wanted to make sure those three things were included.

Chair Sanchez: All right.

Ms. Ramirez-Seijas: If I may --

Chair Sanchez: Madam Attorney --

Ms. Ramirez-Seijas: -- ask something.

Chair Sanchez: -- then I'll close it off.

Vice Chair Spence-Jones: Sure.

Ms. Ramirez-Seijas: There is an issue that the small business provision that we have as written until the City Manager reaches out to the County, there may be some issues with the GOB bonds. So we would like to qualify the obligation that the museums have to implement this program to the extent that it does not impair the museums' ability to obtain funding under the GOB agreement.

Vice Chair Spence-Jones: No. I totally agree with that. I don't have an issue with that.

Ms. Ramirez-Seijas: Okay.

Commissioner Sarnoff: Well -- Mr. Chair. Madam City Attorney, correct me if I'm wrong, but unlike the Marlins Stadium, am I not correct that Museum of Science will own their building and MAM will own their building, the improvements?

Ms. Ramirez-Seijas: Yes.
Commissioner Sarnoff: So there's going to be no ownership of the buildings by the City of Miami or the County?

Ms. Ramirez-Seijas: Correct.

Commissioner Sarnoff: And in addition to that, am I not incorrect that they're even going to be allowed to hypothecate a mor -- and place a mortgage upon the improved structures for the interim payments by the County?

Ms. Ramirez-Seijas: That is correct.

Commissioner Sarnoff: So --

Ms. Ramirez-Seijas: That is capped at 60 million or 50 million, depending on the type of funding, but you are correct, Commissioner.

Commissioner Sarnoff: So this is a big distinction and a difference compared to the Marlins project, which is owned by the County.

Ms. Ramirez-Seijas: Yes.

Commissioner Sarnoff: Okay.

Chair Sanchez: Okay.

Mr. Hernstadt: There are -- just for the record, Mr. Chair.

Chair Sanchez: You want to elaborate along that?

Mr. Hernstadt: Just -- no. I just wanted to make sure that everyone's aware that there's two other very minor amendments that we need to read into the record.

Chair Sanchez: Okay, but we'll --

Ms. Ramirez-Seijas: There's also -- with respect to this particular Section 3 -- 4.6(f), we would like to clarify on the first sentence that the goals will be established by the County or the City Manager.

Chair Sanchez: All right.

Ms. Ramirez-Seijas: And that is not clear in the document, so I would like to clarify that, and I will proffer those amendments --

Chair Sanchez: That's --

Ms. Ramirez-Seijas: -- to the City Clerk.

Chair Sanchez: -- a nonsubstantial amendment. I believe you have another amendment --

Mr. Hernstadt: Yes.

Chair Sanchez: -- that you need to put on --

Mr. Hernstadt: The 180 days. Yes, Commissioner. Section 4.2(a), it currently reads that the museums have to submit their funding plan to us within 90 days of commencement. And we're
Chair Sanchez: All right. And that's -- now that you've put that on the record, I think -- first of all, I think the City has come a long way in really promoting the arts in our community. This has been a long time in the making, and every time that we have any government-private partnership such as this, it is in the best interest of government to protect the taxpayers' dollars. But by no mean [sic] do we here or I want to see any of the museums fail. We need to work together to assure that you're successful and you'll be able to build. Under these agreements that are here today, the language that has been established on is items that really protect both sides. And if you really look at the core of these agreements, what we have here in these commendments [sic] are very simple. That the funding, which is [sic] continues to be one of the key issues here because the last thing that any Commissioner wants here is for one museum to be built and another one not to be built or halfway through not be built. I think it'll be an embarrassment not only to government, us that are elected by the people, and the entities that are here. So it is in our interest that we work together to assure that you succeed for the betterment of the residents and the City. If you look at the language that's here -- and once again, on this agreement, I want to take this opportunity to thank the City Manager and the Administration and the Mayor for coming together with this agreement. It really has safeguards for the City. Of course, we need to ask questions as to whether you're going to be getting the funding because these are tough economic times that we know the museums rely on public donations. I mean, if you look throughout our great nation, all museums depend on a large portion of that public donation. However, the City provides -- the County provides funding for you for operational [sic]. We have been blessed by the voters that have given you $175 million, and you've got great commitments from people that want to see both museum -- or a museum go up with contributions and commitments of $25 million. But overall, if you look at this agreement, I think the important factor here is to address what's on these -- on this agreement. And if you look at the number-one important factor here is that the museums must provide evidence, reasonable, satisfactory to the City Manager, as to their funding source -- as to the funding source where the money's coming from, how they have the money, in order to start. That assures us that you're able to start the museum and guarantee us that you're going to have a completed museum and then operational you could take it from there. And also, I'm glad to see that the 90 days have been changed to 180 days because I was very concerned with that. And I'll tell you why I'm concerned with that. Not only do you have to go through a permitting process, you're also going to have to put together that funding source now in these tough economic times that are pretty tough for everyone in our community. So if you look at that, you have an opportunity to really work with the Administration to be able to get the component of the finance put together to be able to build the museums, whether it's the art museum or the science museum. As to the local businesses and small, I mean, the only thing there that it mirrors the baseball stadium is just the 50 percent from the County, the 20 percent from the City, which I think it's our responsibility to try to get as many people as employed. Because I always say that great projects that go into neighborhoods must benefit the neighbors and must benefit the people who live in that community. So overall, I am very excited about this agreement. Finally, now we can look at whether it's four years -- and I hope you -- you know, I would pray and hope that you would get both museums up in four years. I don't see it happening in four years, but at least seven years gives you more of a leeway to try to go out there and leverage your dollar and negotiate during these tough economic times to be able to assure a successful museum for everyone to enjoy. And now having said that, I always say I think we have to look into the future. And we've been given a great opportunity here to take a park that, in the past, was not a successful park. As a matter of fact, I think we learned from our mistakes in the past when the City of Miami put together Bicentennial Park. And I remember I was in high school, I believe, and the City really, when you do your homework, put a lot of resource in promoting a park that was really -- was going to bring downtown back to life. Well, it didn't accomplish that. Through the design or how it was done, it just didn't meet what it was set out to be for the future of Miami. This project certainly does that. This project, if we're able to accomplish this, will not only be appreciated by our generation, but by many, many
generations to come because I look forward to taking my kids – 'cause I have a three month's [sic] old, so I’ll be taking her to the museum – and I look forward to taking my grandchildren to the museum and enjoying the park. So this is something that I'm very proud of. And having said that, I am prepared to support this. I know that we have another issue -- another agreement that we're going to have to -- there's also an amendment on the environmental agreement. Okay, so we'll bring that one up.

Ms. Ramirez-Seijas: There is an environmental agreement.

Chair Sanchez: So having said that, I really believe that history will treat us kind when we're able to accomplish this and really feature what I consider two jewels in the crowns of Miami to make Miami a great city, which will be great -- two great museums next to our bay. All right, so having said that -- Yes, sir.

Commissioner Regalado: Thank you, Mr. Chairman. One final --

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

Commissioner Regalado: Thank you. Olga and Roger said on the record something that we all knew, is that the buildings will be owned by the trust of the museums. They would not be owned by the County.

Mr. Hernstadt: Correct.

Commissioner Regalado: Is that correct?

Mr. Hernstadt: Yes, sir.

Commissioner Regalado: The land is City of Miami land --

Mr. Hernstadt: Yes, sir.

Commissioner Regalado: -- which will be leased to the museums. So now the question is, since this is totally different than the Marlins, what public safety agencies are going to work off-duty on those museums once they're built, City of Miami Police, City of Miami Fire? Is anything, Madam City Attorney, in the contract that will state, as it did when the American Airlines Arena contract was done, that City of Miami Police and Fire will be the primary off-duty service for the museums?

Ms. Ramirez-Seijas: There's nothing in the agreement to that effect. And to my knowledge, that issue has not been discussed.

Commissioner Regalado: I'm sorry?

Ms. Ramirez-Seijas: To my knowledge, that issue has not been discussed, and the agreement doesn't include anything to that effect.

Commissioner Regalado: But that was a huge discussion item in the Marlins, so I would think that somebody would have thought about that.

Mr. Hernstadt: Commissioner, if I may. The museums have told me that, in terms of their security on their property, they're looking to private security companies to provide their security within their property; and within the City park component, we would be using the park rangers and the City police department. To the extent they have a special event and they require off-duty officers at night for some type of special event or et cetera, then I would think that when those
occasions would arise, we would be expecting them to use City of Miami police.

Commissioner Regalado: You would think, but we --

Mr. Hernandez: Commissioner, the --

Commissioner Regalado: -- do we know that?

Mr. Hernandez: -- I think the reason there is nothing stated is because it's obvious, in this case. It's City of Miami land, and the primary source, obviously, would be City of Miami police and firefighters. There is nothing to the contrary.

Commissioner Regalado: Is it possible for someone from the museums to just --

Vice Chair Spence-Jones: Proffer it.

Commissioner Regalado: -- you know, proffer that --

Mr. Hernandez: And also, Commissioner --

Commissioner Regalado: -- commitment?

Mr. Hernandez: -- the County is not a signatory to this agreement. This is just City of Miami and the museums; remains our land, the park is ours, so I think it's obvious, but --

Ms. Thomas: This would just continue our current policy, which is, for our major events, we do have people there from the City.

Commissioner Regalado: Okay.

Chair Sanchez: All right.

Commissioner Regalado: Fair enough.

Chair Sanchez: Any further discussion? If not, we are on RE.15, as amended, for the record. The amendment has been proffered by the City Attorney. Yes, they have, on the record.

Ms. Ramirez-Seijas: I will hand-deliver it to the City Clerk.

Chair Sanchez: Okay. 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.
CITY’S OBLIGATION TO PAY UP TO $2 MILLION TOWARD THE COST OF ENVIRONMENTAL REMEDIATION OF THE MAM AND MSM SITES WITHIN MUSEUM PARK, WHICH HAVE BEEN LEASED TO MAM AND MSM FOR THE DEVELOPMENT OF THE MUSEUM COMPONENT OF THE MUSEUM PARK PROJECT.

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-09-0260

A motion was made by Commissioner Sarnoff, seconded by Commissioner Regalado and was passed unanimously, with Commissioner González absent, directing the City Manager not to utilize monies from the general fund to pay the City's costs for environmental remediation on the MAM and MSM sites within Museum Park, and to report back to the Commission the funding source.

Chair Sanchez: And we go -- we move on to RE.16, and that is the environmental agreement. Let's take that one up.

Roger Hernstadt (Assistant City Manager): Thank you, Mr. Chairman. This is a resolution of the City Commission approving the terms and authorizing the City Manager to execute an environmental remediation agreement between the City, the art -- Miami Art Museum, and the Museum of Science to provide for the performance of environmental site assessments and corresponding rehabilitation of Bicentennial Park, Museum Park to specifically include the City's obligation to pay up to $2 million towards the cost of remediation of the MAM (Miami Art Museum) and MSM (Miami Science Museum) sites within Museum Park.

Chair Sanchez: All right.

Commissioner Sarnoff: I'll move it for purposes of discussion.

Chair Sanchez: All right. For the purpose of discussion, Commissioner --

Commissioner Regalado: Second.

Chair Sanchez: -- Sarnoff makes a motion, second by Commissioner Regalado. Discussion. You're recognized.

Commissioner Sarnoff: Mr. Manager, where would the $2 million come from?

Pedro G. Hernandez (City Manager): Commissioner, the funding source that is anticipated would be CRA (Community Redevelopment Agency) funding.

Commissioner Sarnoff: C --

Mr. Hernandez: CRA, Community Redevelopment Agency, funding.
Vice Chair Spence-Jones: How's that coming from CRA when it's not in the expanded boundaries?

Mr. Hernandez: We're now in the process of advancing -- I think it's in this City Commission agenda -- the finding of necessity for the Omni CRA, and we'll be -- we will be pursuing that or following that with the redevelopment plan for the Omni, and that will be part of that plan.

Commissioner Sarnoff: Commissioner Spence-Jones brings up a good point, which is you're really putting the cart before the horse. I mean, I support the boundary change, but other Commissioners may not. And aren't you better -- does this have to be brought up today? Could this not be brought up post-determination, maybe table it until we -- I know we're doing something today with the boundaries, but I -- even if we change the boundaries, I think there's still some County action that has to take place.

Mr. Hernandez: Yes. It would require City Commission action, CRA action, and then County action. Yes, it does.

Commissioner Sarnoff: Could we defer this until such time -- I mean, I don't know. I'm asking timing wise.

Mr. Hernandez: Well, the item itself, I think it's significant for the item to move forward because it's required for site control by the museums.

Commissioner Sarnoff: And --

Mr. Hernandez: The concern that you're bringing up is that we're anticipating a City funding source for the -- our contribution.

Commissioner Sarnoff: Well, I may support this with CRA funding. I may not support this with general fund. So you're asking me to look into the future of the minds of four other Commissioners to make a determination as to what they think. You're asking me to make a vote on a hope and a prayer so that, let's say, three Commissioners or even everyone votes against the changed boundary, and now, all of a sudden, the funding source becomes the general fund. I couldn't support that.

Mr. Hernandez: Right. Commissioner, maybe then we should -- we can move the item forward. The City's responsible for a contribution up to two million on the environmental remediation of the museum sites, if that much is needed. If less is needed, then we contribute less, but with the funding source to be later determined and approved by the City Commission.

Chair Sanchez: Which it clearly states here that -- which will be paid by the City and provided to the City evident that the City has the financial ability to pay the costs language. So it was always explained to me that it wasn't going to be from the general fund. That's -- I always ask that question. So I'm okay, as long as it's not from the general fund, which we know it's not.

Commissioner Sarnoff: Well, I may not be okay if it's coming from the fund balance. I mean, I don't know that this is something I can support knowing that I either reduce the fund balance or it comes from the general fund. And I don't want to hear about Sunshine State loans either.

Chair Sanchez: All right.

Commissioner Sarnoff: Well, I take -- I should say that more appropriately. I apologize. I don't think I could support Sunshine State loans.
Chair Sanchez: Commissioner Regalado.

Commissioner Regalado: Thank you, Mr. Chairman. I think that of all the issues, this is the most important that we can decide on because it's about the immediate future of the general fund. Yesterday on the briefing, Roger and the Manager were very gracious trying to explain, but it's impossible to explain. It is impossible to determine where this money is coming from. We need County action. We need City and CRA. But not only that, I mean, we need even projections in terms of bonding and all the things that go along with the CRA that -- the property appraisals [sic] new numbers. Everything has to do with this money. Do -- did you made [sic] a commitment on --? Because I was told it is in the negotiation. It was negotiated that way; we did it. But I think that, number one, no one here wants to derail this project for two million, but it's about fiscal responsibility. You cannot place the burden on us to say, well, you know, oh, CRA didn't work; we need to raid the general fund. So I think, number one, the -- I was told that they have until June 9 to come up with the response. Would the museums be able to come up with the money if there is more than $2 million? I believe they will agree because no one is going to abandon $500 million for 1 million or $2 million. That's not the point. It's not about the museums. I was told also that maybe we can get a bargain and get the remediation for less than $2 million, but we don't know. So this is not about the project. This is not about the museum. It is about that we need to know. And I just want to understand why do we need to rush this today if we have already approve all other contracts which they need to go out and fundraise. We have approve the development plan, which they need to move forward. The only issue is this remedy for the land, which is not going to happen next week. So you tell me why do we need to do this before we know if the CRA can absorb this $2 million?

Mr. Hernandez: Commissioner, the environmental agreement, it is my understanding, is one of the requirements for the museums to be able to have site control of the land which, in essence, determines their ability to receive funding from the County to be able to move forward. So they need this agreement in place, as well as the development agreement.

Commissioner Regalado: Okay. It is your understanding, but --

Mr. Hernandez: Yes.

Chair Sanchez: All right.

Commissioner Regalado: -- is it --?

Chair Sanchez: Yes. Vice Chair.

Vice Chair Spence-Jones: Yes. Commissioner Sarnoff, I just want to be clear. I know that this falls within your area, the museums. Was your question centered around waiting for the expansion to actually happen with the FON (Finding of Necessity) and the redevelopment plan through the County? Is that what -- was that your intention?

Commissioner Sarnoff: Well, I think today, if I'm not mistaken -- and the Manager can correct me -- that we're going to be voting for new boundaries for the CRA.

Vice Chair Spence-Jones: Right.

Commissioner Sarnoff: Just because we vote for that -- and correct me if I'm wrong, Mr. Manager -- the County may not agree, for one reason or another.

Chair Sanchez: True.

Commissioner Sarnoff: And if -- that's not something in our control. I mean, just look at
Tallahassee. That's not in our control, and yet, they affect us everyday. So my -- I mean, inevitably, we could vote for this, commit ourselves to the two -- up to $2 million. You come back to us and, you know, having been on the board for almost three years, say, well, sorry, but the County decided that, you know, they really needed the money and they were not in favor of -- for this reason or that reason and their fund balances are this and that, and because they needed to re -- you know --

Vice Chair Spence-Jones: Can -- Commissioner Sarnoff, so would your recommendation be that it's contingent on the County's approval? That's basically what you're saying.

Commissioner Sarnoff: Well, I think we have a vote in front of us which, you know, we can certainly act today. We could table this. We, as a board and a political body, can act today, but we can't -- you're right, we could make it contingent upon something, which may move the County faster. It may not satisfy their need, I don't know. I mean --

Vice Chair Spence-Jones: I mean, we're -- only reason I'm asking the question because you brought it up as a concern. So, you know, I'm saying, okay, well, maybe part of this is to communicate that this is only based on whether or not it actually passes through the County, the FON and the redevelopment plan, that then this actual item can be actually considered. But --

Commissioner Sarnoff: Believe it or not --

Vice Chair Spence-Jones: -- for the purposes -- for --

Chair Sanchez: All right.

Vice Chair Spence-Jones: -- let me just finish --

Commissioner Sarnoff: Okay.

Vice Chair Spence-Jones: -- for the purposes of what they need it for today, this would allow them to at least move to the next step; also would allow for them to use their machine to push the County or ask the County --

Chair Sanchez: Exactly.

Vice Chair Spence-Jones: -- to really push this thing to have the support so that it does happen. That's just more people talking to the County, as far as I'm concerned, and I think that's what we need to have happen. I just wanted to make sure that I was clear. The second part of this, Commissioner Regalado's point regarding the CRA -- and I know I have my CRA director here somewhere floating around -- Jim. The second part of this concern was whether or not CRA -- and I'm talking about the Omni area -- could actually handle this $2 million -- if -- once passed, could handle this $2 million allocation that would be necessary if the FON and redevelopment plan has passed. Or even without, because my under -- well, it has to pass, so with that. Jim, can you put on the record if you know, based upon the calculations and numbers that you already know?

James Villacorta: James Villacorta, director of the City of Miami's Community Redevelopment Agencies. Based on the current projections from the City of Miami's Budget Department and -- Finance Department, the CRA would have the funds to do this.

Vice Chair Spence-Jones: It can handle it.

Commissioner Sarnoff: Well -- but you may not have --
Vice Chair Spence-Jones: Okay.

Commissioner Sarnoff: -- but they may not have the ability --

Chair Sanchez: Whoa, whoa, whoa, whoa. Vice Chair Spence-Jones --

Vice Chair Spence-Jones: Can I just finish my --

Chair Sanchez: -- you have the floor.

Vice Chair Spence-Jones: -- statement? And then you guys can chime in and add on. I just wanted to be -- and I know exactly where you're going to go, Commissioner Sarnoff. That's based upon the projections that we don't know whether or not they're real projections at this point.

Commissioner Sarnoff: No, no, no. No.

Vice Chair Spence-Jones: Okay.

Commissioner Sarnoff: What I'm saying is, if we don't expand the boundary, we don't know, as we sit here today, that we can go extra boundary -- extra -- outside of our boundaries.

Vice Chair Spence-Jones: Oh, yeah. But that's what I just said -- or just mentioned. I'm saying --

Mr. Villacorta: Yeah, assuming the finding of necessity --

Vice Chair Spence-Jones: Assuming that this passes in the County, I wanted to know from Jim whether or not he knows, based upon the numbers that we already have in place for the Omni area, whether or not we could carry -- the CRA could carry the $2 million. And what Jim is saying, based upon the numbers that -- the Budget Department, I'm assuming, and Ed Marquez is stating --

Mr. Villacorta: Yes.

Vice Chair Spence-Jones: -- that the numbers would -- the monies would be available to assist with that $2 million cost.

Mr. Villacorta: Yes. The CRA --

Vice Chair Spence-Jones: Is that what you're saying? I just want --

Mr. Villacorta: -- would be able to service this commitment --

Vice Chair Spence-Jones: Okay.

Mr. Villacorta: -- based on the current projections.

Chair Sanchez: All right.

Vice Chair Spence-Jones: Okay. So, in closing, my last statement regarding the issue of the FON, redevelopment plan passing, we're going to deal with that today, and they will push on the County side to make it happen. If that all happens and there is dollars available to assist with what is needed now in order for them to continue what they need to do in order to push the project, correct?
Mr. Villacorta: Based on the projections, yes.

Vice Chair Spence-Jones: Okay. And, Mr. City Manager, as a part of the global agreement, the Museum Parks [sic] was included in the overall global agreement, correct?

Mr. Hernandez: Yes. Yes, it was.

Vice Chair Spence-Jones: Which means the County will now have --

Mr. Hernandez: Well --

Vice Chair Spence-Jones: -- an incen --

Mr. Hernandez: Right.

Vice Chair Spence-Jones: Which means --

Mr. Hernandez: I was going to respond to Commissioner Sarnoff that, in essence, we have no certainty, 100 percent, that the County will approve it. However, it is part of the global agreement, and --

Vice Chair Spence-Jones: Yeah. That's what I'm saying. It's part of the global agreement --

Mr. Hernandez: -- the County --

Vice Chair Spence-Jones: -- and it's already an incentive for them. They want to see this thing happen as well, and we've all agreed on the global agreement.

Mr. Hernandez: Right.

Vice Chair Spence-Jones: So it's already written -- $2 million, I believe, is also included in there for some capital expenditures that -- I mean, it's already there. We've already voted on this thing, so I just wanted to make sure that once FON and redevelopment plan is passed, if Jim feels we have the capacity, and he has stated on the record that we do. That's it. That's my only point.

Chair Sanchez: All right. Before I recognize Commissioner Regalado and Commissioner Sarnoff, I just want to proffer a solution to this. All we have to do is just put language there it's subject to the CRA expansion. That's it.

Vice Chair Spence-Jones: Yeah.

Chair Sanchez: Commissioner Sarnoff.

Commissioner Sarnoff: But is -- does that satisfy them?

Commissioner Regalado: No.

Commissioner Sarnoff: Because that's a contingency that may not satisfy them.

Commissioner Regalado: No.

Commissioner Sarnoff: So the question to ask Jim Villacorta is this -- Jim.
Vice Chair Spence-Jones: Jim.

Commissioner Sarnoff: In the -- forget what events. Let's take all contingencies out of this. The question is, right now could the CRA --

Vice Chair Spence-Jones: Yeah.

Commissioner Sarnoff: -- have -- does it have adequate funding to give them $2 million?

Chair Sanchez: Yes.

Commissioner Sarnoff: Answer is yes 'cause you answered Commissioner Spence-Jones that way.

Mr. Villacorta: Yes. Even -- not based on the projections, the income --

Commissioner Sarnoff: Right.

Mr. Villacorta: -- of the CRA --

Commissioner Sarnoff: Now here's the second part of the question --

Mr. Villacorta: -- could cover it.

Commissioner Sarnoff: -- you haven't answered. Can we take that money extraterritorially and put it in a park that is not within the CRA boundaries?

Vice Chair Spence-Jones: We already know that. We know that that can happen.

Commissioner Sarnoff: Well, we --

Vice Chair Spence-Jones: I mean --

Commissioner Sarnoff: -- actually, it's more sophisticated than that because we have asked --

Chair Sanchez: I think it can.

Commissioner Sarnoff: -- right -- Gray and Robinson has issued us an opinion --

Chair Sanchez: I think it can.

Commissioner Sarnoff: -- that so far has said we can go extraterritorial. That is now in front of the Attorney General for the State of Florida, Bill McCollum. Everybody should be giving him a call. He's running for governor. Not endorsing him; just suggesting maybe you give him a call. And that he is inevitably going to determine whether CRA proceeds can be spent outside of their district --

Vice Chair Spence-Jones: Right.

Commissioner Sarnoff: -- their boundaries.

Mr. Villacorta: Yes. We've asked for an opinion not in relation to the museum but in relation to Camillus House and the relocation --

Commissioner Sarnoff: Well, we could extrapolate -- you're a lawyer --
Mr. Villacorta: Yes.

Commissioner Sarnoff: -- from that opinion as to whether we could spend CRA dollars in the adjacent neighborhood.

Mr. Villacorta: Yes.

Commissioner Sarnoff: Okay. But here's our problem. They need a noncontingent scenario. We, on this board, I suspect, don't want a scenario that could put this in the general fund.

Chair Sanchez: No.

Commissioner Sarnoff: This Commissioner doesn't want it on the Sunshine State loans either. And that's the dilemma. And the question becomes -- and with all the brain power over by the City Manager, how do we break the logjam?

Mr. Hernandez: Commissioner, I think that this item could be approved with a subject to -- that the contribution of the City not to exceed the two million come from another source, whether it's CRA or other source, as long as it's not general fund.

Commissioner Sarnoff: And what source could that be? I mean, Sunshine State is a loan that gets paid back.

Mr. Hernandez: I would have to, you know, bring it up to the City Commission for your approval, but I think that that will give us the time to explore the potential of the CRA or other sources, and then bring it back to this City Commission for your blessing.

Commissioner Sarnoff: So it would come back to us?

Mr. Hernandez: The portion of the funding. The item can be approved subject to --

Commissioner Sarnoff: I got you. I --

Mr. Hernandez: -- the funding not being general fund.

Commissioner Sarnoff: -- as long as -- I'm willing to -- I'm going to make the motion to approve what you've just --

Mr. Hernandez: Yes.

Commissioner Sarnoff: -- suggested, provided it comes back to this board and we learn the source funding.

Mr. Hernandez: Yes.

Chair Sanchez: Okay. All right, because it is a requirement for them to seek site control. If we - - if this is not worked out, then we're back at ground zero again, okay. So the recommendation that was proffered by the City Manager, which is not to use general fund -- and he will come back with the proper funding to be used, and we would vote on it. It's certainly acceptable to me, but there's been a motion by Commissioner Sarnoff, and we need a second. Is there a second?

Commissioner Regalado: I will second --
Chair Sanchez: All right.

Commissioner Regalado: -- Mr. Chairman. But I just want to know --

Chair Sanchez: You have been sec -- hold, hold, hold. There's a second. It is open for discussion. Do you want to discuss the item?

Commissioner Regalado: Yes, sir.

Chair Sanchez: All right. You're recognized for the record.

Commissioner Regalado: It's fine. We have two options: Either the Attorney General ruling, which I'm sure that the folks from Camillus House are already lobbying the State on this matter. This could only -- it could also be applied to the port tunnel. This could be applied to this item. But I don't know if what the Manager said, that it's subject to all this and not general fund, would be good enough for them to get the site. Or is it that as long as the City pays $2 million, they get the site? That's the bottom line, right?

Mr. Hernandez: In essence, it should be okay to them and --

Chair Sanchez: It should be.

Mr. Hernandez: -- to the County as long as the City's committing to providing a contribution up to -- or not to exceed two million.

Chair Sanchez: Exactly.

Mr. Hernandez: They -- you know, as long as we do it, they don't care about the source; we do.

Commissioner Regalado: No. I understand that, but it's not that the City -- to be clear, the City is committing the $2 million. We're doing this right now.

Chair Sanchez: Correct.

Commissioner Regalado: So that is what they need.

Mr. Hernandez: Yes.

Commissioner Regalado: So I guess that's what we have to do.

Chair Sanchez: All right. There's a motion and a second. Can you put the amendment that is on the -- not on the reso -- not on the motion that's on the table, but there is an amendment we need to put on the record, which is --

Ola Ramirez-Seijas (Assistant City Attorney): Right.

Chair Sanchez: -- very important.

Ms. Ramirez-Seijas: Yes. We would like to -- we need to amend Section 3.B of the environmental remediation agreement to add at the end of that sentence “and the leases shall be deemed terminated.” This is to clarify that in the event that on November -- on January 9, the museums elect not to proceed with the remediation, it will not only terminate the ERA (Environmental Remediation Agreement), but it's clear that the leases will be terminated. It is a clarification.
Chair Sanchez: All right.

Commissioner Sarnoff: Can you read that again? I'm not sure I understand that.

Ms. Ramirez-Seijas: Okay. The document says that if the museums do not reach an agreement, they do not elect to proceed because the cost of environmental remediation exceeds two million, the environmental remediation agreement will be null and void, and I'm adding “and the leases shall be deemed terminated.”

Commissioner Sarnoff: Okay. That's language you're putting in now that wasn't there before?

Ms. Ramirez-Seijas: It was implicit. It wasn't clear.

Commissioner Sarnoff: I got you.

Ms. Ramirez-Seijas: You had to go through a number --

Commissioner Sarnoff: Okay.

Ms. Ramirez-Seijas: -- of documents, and I think something of that importance should be crystal clear.

Chair Sanchez: It wasn't descriptive. In other words, it didn't have proper protection for the City as to -- it's a bailout. It's just for -- if it doesn't work out, everybody goes their separate ways.

Ms. Ramirez-Seijas: Right.

Chair Sanchez: All right. With the amendment that has been placed on the record and the motion that has been -- received a maker -- a motion and a second, all in favor, say “aye.”

Priscilla A. Thompson (City Clerk): Excuse me, Chair. Are you voting on the amendment, not --?

Chair Sanchez: We're going to vote on the amendment, and then we're going to vote on the resolution.

Ms. Thompson: Thank you.

Chair Sanchez: All right. On the amendment, all in favor, say “aye.

The Commission (Collectively): Aye.

Chair Sanchez: Anyone in opposition, having the same right, say “nay.” Motion carries. And now we vote on the resolution itself. Need a motion.

Vice Chair Spence-Jones: So move.

Chair Sanchez: It's a motion by the Vice Chair --

Commissioner Regalado: Second.

Chair Sanchez: -- second by Commissioner Regalado. Discussion on the resolution.

Commissioner Sarnoff: As amended?
Chair Sanchez: As amended.

Commissioner Sarnoff: Okay. I'm just asking.

Ms. Thompson: You already had a motion.

Chair Sanchez: Huh?

Ms. Thompson: You already had a motion.

Commissioner Sarnoff: That's what I'm saying. That's why I don't know why we're doing it again. I don't mean to be deft here, but --

Chair Sanchez: Because there was a motion that was made and that motion was a motion towards the resolution, and now the resolution is voted upon.

Ms. Thompson: And then we had a motion --

Commissioner Sarnoff: Right.

Ms. Thompson: -- to amend the resolution, which was put on the record --

Commissioner Sarnoff: Right.

Ms. Thompson: -- so we're just going to go back and vote on the original --

Commissioner Sarnoff: The original motion.

Chair Sanchez: Okay.

Ms. Thompson: -- motion by Commissioner Sarnoff, seconding [sic] by Commissioner Regalado.

Chair Sanchez: All right. So it was stated as an amendment to the original motion.

Ms. Thompson: Yes.

Chair Sanchez: Well, that wasn't my understanding, but since you're the Clerk and I'm not, I'm going to do what you say. All right, so that's been voted upon for the record. Museums, thank you so much.

Ms. Thompson: If I may have a clarification, okay.

Chair Sanchez: As amended.

Ms. Thompson: Yes, but we had Commissioner Reg --

Commissioner Sarnoff: She needs the vote.

Ms. Thompson: -- I'm sorry, Commissioner González came in and I wanted to make sure if he was recording a vote for this.

Commissioner González: No, because I wasn't present.
Ms. Thompson: Thank you.

Chair Sanchez: Okay, so 4-0. All right. Let's go to PH.2 and 3, get the translator going. Thank you for being here. All right, folks, please be quiet exiting. Thank you. Congratulations. I think it's a win-win for the entire city.

**RE.17 09-00416**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE OMNI REDEVELOPMENT DISTRICT COMMUNITY REDEVELOPMENT AGENCY ("CRA"), IN AN AMOUNT NOT TO EXCEED $30,000, TO PROCURE THREE (3) T3 SERIES PERSONAL MOBILITY UNITS TO BE UTILIZED BY THE CITY OF MIAMI POLICE DEPARTMENT IN THE CRA REDEVELOPMENT AREA; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT AND ALL DOCUMENTS NECESSARY FOR SAID PURPOSE.

WITHDRAWN

Vice Chair Spence-Jones: Okay. Did we deal with RE.17, Commissioner Sarnoff, your item, the T3 personal mobility units?

Commissioner Sarnoff: Oh, that's going to be -- I think it's going to be withdrawn.

Vice Chair Spence-Jones: Okay, so we're withdrawing that. Okay. All right, so --

Maria J. Chiaro (Deputy City Attorney): Madam --

Vice Chair Spence-Jones: -- RE (Resolution) --

Pedro G. Hernandez (City Manager): Commissioner, if we -- if you could take RE.18, which is the finding of necessity --

Vice Chair Spence-Jones: That's what we're doing right now.

Mr. Hernandez: Oh.

Vice Chair Spence-Jones: Okay. We're going to just finish up the REs, if we can.

Priscilla A. Thompson (City Clerk): Just for the record, if I may ask, Vice Chair -- I'm sorry -- wanting to make sure RE.17 is withdrawn?

Vice Chair Spence-Jones: Yes.

Ms. Thompson: RE.17.

Commissioner Sarnoff: Yes.

Ms. Thompson: Thank you.

**RE.18 09-00562**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE FINDING OF NECESSITY REPORT, ATTACHED AND INCORPORATED AS EXHIBIT "A," FOR THE AREA
PROPOSED TO BE INCLUDED IN THE OMNI REDEVELOPMENT DISTRICT REDEVELOPMENT AREA ("STUDY AREA"), AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "B," ATTACHED AND INCORPORATED; FINDING THAT THE REBUILDING, REHABILITATION, CONSERVATION, AND REDEVELOPMENT OF THE STUDY AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE RESIDENTS OF THE CITY OF MIAMI AND MIAMI-DADE COUNTY; FINDING THAT THE STUDY AREA CONSTITUTES A SLUM OR BLIGHTED AREA AS DEFINED IN SECTION 163.340, FLORIDA STATUTES; DIRECTING THE CITY MANAGER TO TRANSMIT A COPY OF THE FINDING OF NECESSITY REPORT TO MIAMI-DADE COUNTY FOR REVIEW AND CONSIDERATION.

09-00562 Legislation.pdf
09 00562 Exhibit.pdf
09-00562-Exhibit B.pdf
09-00562 Summary Form.pdf
09-00562-Submittal-Omni CRA Proposed Expansion Map.pdf

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

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

R-09-0257

Vice Chair Spence-Jones: Okay. Let's see if we can make more time up. Let's get RE.18 out of the way, which is the necessity report. We -- what -- we already talked about this earlier. Would you like to put something on the record for RE.18?

Roberto E. Lavernia (Chief of Land Development, Planning Department): No.

Vice Chair Spence-Jones: Okay. This is the Finding of Necessity. We already talked about this earlier. We did it with the CRA (Community Redevelopment Agency). CRA, do you need to put something on the record?

Maria J. Chiaro (Deputy City Attorney): Just the -- the map is as amended and distributed to you during the CRA meeting.

Commissioner Sarnoff: So moved.

Commissioner González: Second.

Vice Chair Spence-Jones: We have a motion. We have a second. All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: All right, this item passes.

RE.19 09-00563

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE SOUTHEAST OVERTOWN/PARK WEST AND OMNI REDEVELOPMENT DISTRICT COMMUNITY REDEVELOPMENT AGENCIES ("CRAS"), IN AN AMOUNT NOT TO EXCEED $344,000, TO UNDERWRITE THE COST OF A POLICE VISIBILITY
PROGRAM FOR THE SOUTHEAST OVERTOWN/PARK WEST AND OMNI REDEVELOPMENT DISTRICT COMMUNITY REDEVELOPMENT AGENCIES' DISTRICTS; AUTHORIZING THE CITY MANAGER TO EXCEPT THE GRANT AGREEMENT AND ALL DOCUMENTS NECESSARY FOR SAID PURPOSE.

09-00563 Legislation.pdf
09-00563 Summary Form.pdf
09-00563 Letter.pdf
09-00563 Budget Overtime Police Services.pdf
09-00563 Pre Legislation.pdf

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

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

R-09-0271

Direction by Commissioner Spence-Jones to the Administration requesting the Miami Police Department and Community Redevelopment Agency meet to review the operational plan for the Police Visibility Program before it is implemented in the Southeast Overtown/Park West area.

Direction by Commissioner Sarnoff to the Administration requesting that the Miami Police Department provide a cost analysis of the resources used to patrol the clubs located next to the Southeast/Overtown Park West Area.

Vice Chair Spence-Jones: Okay, RE.19. This is the Police Visibility Program. Is the -- anybody from the Police Department here? Anybody from staff here to talk about the Police Department? This is the -- well, no. This is the City accepting a grant. It's not really the CRA (Community Redevelopment Agency) accepting it.

Pedro G. Hernandez (City Manager): Commissioner, we're --

Vice Chair Spence-Jones: The CRA is giving you the money.

Mr. Hernandez: Commissioner, this is just accepting a grant from the CRA to provide increased patrols assistance to homeless and obtaining services from local agencies and increase the number of special operations.

Commissioner González: Move it.

Commissioner Sarnoff: Second.

Vice Chair Spence-Jones: We have a motion and a second. Just some discussion on it, if I can. Motion, second. Discussion. Chief, this is something that we've already been doing with the CRA, so it's us just extending the program. The only thing that I do want to make sure happens on the Southeast Overtown/Park West side of it before the program is actually implemented, we really need to sit down with the CRA staff to devise a program that actually works for that particular area. So I want to make sure that before any dollars are expended -- because the first time around, a lot of the monies went into handling the club-related issues and things surrounding the clubs and nothing went into the neighborhoods. I don't want that to happen this time. So we need to sit down. I don't know where Jessica is from the CRA. She's the one that works along with you and Jim. We need to sit down and devise a plan that makes sense.

Deputy Chief Frank Fernandez (Police): Absolutely. Frank Fernandez, deputy chief. Commissioner, first of all, thank you very much for supporting the overtime, which is going to
help us in preventing crime there. And we'll certainly sit down with the CRA and make sure that we review the operational plan.

Vice Chair Spence-Jones: Okay, no problem.

Deputy Chief Fernandez: Okay. Thank you very much.

Vice Chair Spence-Jones: Thank you very much.

Commissioner Sarnoff: Wait. Commissioner, may I say --?

Vice Chair Spence-Jones: Yes.

Commissioner Sarnoff: Chief, would you make sure that you provide us a cost analysis on what it's costing the Police -- the -- I guess the clubs is the best way to describe them on the Park West side? I want to know how many officers you're using, what the cost of those officers are, what they spend -- in other words, whatever they spend privately -- and I want to be able to discern whether it's costing -- how much it's costing the taxpayers to police the clubs from the exterior.

Deputy Chief Fernandez: No problem. We'll get it done.

Commissioner Sarnoff: Thanks.

Deputy Chief Fernandez: No problem.

Vice Chair Spence-Jones: Thank you. Okay, so we have -- Madam Clerk, we did have a motion and a second on this item?

Priscilla A. Thompson (City Clerk): Yes. We need a vote.

Vice Chair Spence-Jones: All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: All right, this item passes. I'm just trying to clean up this agenda.

END OF RESOLUTIONS

DISCUSSION ITEM

DI.1 09-00452

Department of Finance

DISCUSSION ITEM

FINANCIAL STATEMENT PRESENTATION BY THE EXTERNAL AUDITORS FOR THE YEAR ENDED SEPTEMBER 30, 2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

09-00452 Summary Form.pdf

DEFERRED

A motion was made by Commissioner Gonzalez, seconded by Commissioner Sarnoff, and was passed unanimously, with Chair Sanchez absent, to defer item DI.1 to the Commission meeting currently scheduled for June 11, 2009.

Vice Chair Spence-Jones: And let's see what else we need to make up.

Commissioner González: Seventeen.
Vice Chair Spence-Jones: We're going to -- first of all, we're going to defer D1 [sic].

Commissioner González: Second.

Vice Chair Spence-Jones: D1. Did everybody get that?

Commissioner González: Motion to defer D1.

Priscilla A. Thompson (City Clerk): Date?

Vice Chair Spence-Jones: We need a second on it.

Commissioner Sarnoff: Second.

Vice Chair Spence-Jones: Okay. Can we get a date on it, guys? When do we want to -- Administration, when do you want to see it again?

Commissioner González: Next Commission meeting.

Pedro G. Hernandez (City Manager): Next coming meeting.

Vice Chair Spence-Jones: Okay, no problem. Cool. All right, so let's get the --

Commissioner González: All in favor, say "aye."

Vice Chair Spence-Jones: All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: This item passes.

**END OF DISCUSSION ITEM**

**PART B: PLANNING AND ZONING ITEMS**

Vice Chair Spence-Jones: I just want to have clarity on -- I want to try to make up some time. Mr. Manager, PZ.3 and 4, are they being deferred or no or is that just 5 and 6?

Pedro G. Hernandez (City Manager): The ones that were deferred were PZ.5 and 6.

Vice Chair Spence-Jones: Okay, so PZ.3 and 4 still are on?

Mr. Hernandez: Yes.

Vice Chair Spence-Jones: Okay.

**PZ.1 06-01242mm RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 9, 13, 17, AND 22 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE CIVICA TOWER PROJECT, TO BE LOCATED AT APPROXIMATELY 1050 NORTHWEST 14TH STREET, MIAMI, FLORIDA, TO ALLOW THE FOLLOWING CHANGES TO THE ORIGINAL APPLICATION: 1)
TO INCREASE OFFICE SPACES FROM 390,827 SQUARE FEET TO 551,452 SQUARE FEET; 2) TO INCREASE THE RETAIL SQUARE FOOTAGE FROM 14,655 SQUARE FEET TO 16,988 SQUARE FEET; 3) TO REMOVE THE HOTEL/RESIDENTIAL COMPONENT; 4) TO INCREASE THE PROPOSED HEIGHT FROM 290'-0" NGVD TO 299'-11" NGVD; AND 5) TO INCREASE THE OFF-STREET PARKING FROM 873 TO 1,456 PARKING SPACES; 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.

06-01242mm PAB Reso.pdf
06-01242mm CC Zoning Map.pdf
06-01242mm Aerial Map.pdf
06-01242mm Projects in the Vicinity.pdf
06-01242mm Binder Front Cover.pdf
06-01242mm Binder Inside Cover.pdf
06-01242mm Table of Contents.pdf
06-01242mm I. Project Information.pdf
06-01242mm I.A. Application for Major Use Special Permit, Addendum & Zoning Write-l
06-01242mm I.B. Disclosure of Ownership.pdf
06-01242mm I.C. Ownership Affidavit.pdf
06-01242mm I.D. Miscellaneous Documents.pdf
06-01242mm I.E. Directory of Project Principals.pdf
06-01242mm I.F. Ownership List and Mailing Labels.pdf
06-01242mm I.G. Project Data Sheet.pdf
06-01242mm I.H. City of Miami Zoning Atlas Map and Future Land Use Map.pdf
06-01242mm I.I. Prior Approved Resolution.pdf
06-01242mm II. Project Description.pdf
06-01242mm III. Supporting Documents.pdf
06-01242mm III.1. Minority Construction Employment Plan.pdf
06-01242mm III.2. Traffic Impact Analysis.pdf
06-01242mm III.3. Site Utility Study.pdf
06-01242mm III.4. Economic Impact Study.pdf
06-01242mm III.5. Environmental Impact Analysis.pdf
06-01242mm III.6. Survey of Property & Drawings Submitted.pdf
06-01242mm CC Analysis.pdf
06-01242mm Disclosure to Support or Withhold Objection.pdf
06-01242mm Miami-Dade Public School Concurrency.pdf
06-01242mm Miami-Dade Aviation Department Letter.pdf
06-01242mm Traffic Sufficiency Letter.pdf
06-01242mm CC Legislation (Version 2).pdf
06-01242mm Exhibit A.pdf
06-01242mm Exhibit B.pdf
06-01242mm CC 05-28-09 Fact Sheet.pdf

LOCATION: Approximately 1050 NW 14th Street [Commissioner Angel González- District 1]

APPLICANT(S): A. Vicky Garcia-Toledo, Esquire, on behalf of Miami Hotel Investments, Ltd., Owner and Swerdlow Development Company, LLC, Contract Purchaser
FINDING(S):
PLANNING DEPARTMENT: Recommended approval with conditions*.
PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on April 15, 2009 by a vote of 7-0.
*See supporting documentation.

PURPOSE: This will allow a substantial modification of the Civica Tower project.

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

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

R-09-0266

Commissioner Sarnoff: All right. We have PZ (Planning and Zoning) -- let's -- we go back to the original. Go back to PZ.1. Have we gone --?

Commissioner González: Okay.

Commissioner Regalado: PZ.1.

Commissioner Sarnoff: PZ.1 is here. PZ.1, ready to go?

Vicky Garcia-Toledo: Yes, sir.

Commissioner Sarnoff: She looks like she's ready. I don't know what that means, but --

Ms. Garcia-Toledo: I don't know what that means either.

Commissioner Regalado: PZ.1.

Commissioner Sarnoff: Go ahead, please.

Roberto E. Laverna (Chief of Land Development, Planning): PZ.1 is a substantial modification to the previously approved Major Use Special Permit for the Civica Tower. This modification will do four [sic] things. One, to increase office space from 390,827 square feet to 551,452 square feet; two, to increase the retail square footage from 14,000 to 16,000 square feet; three, to remove the hotel residential component; and four, to increase the proposed height from 290 to 299 and 11 inches; and five, to increase the off-street parking from 873 to 1,456 parking spaces. The Planning recommendation is approval with conditions and the Planning Advisory Board recommended approval with conditions, too. Thank you.

Ms. Garcia-Toledo: Good afternoon --

Commissioner Sarnoff: Please.

Ms. Garcia-Toledo: -- members of the Commission. My name is Vicky Garcia-Toledo, with the law firm of Bilzin Sumberg, and I am appearing in front of you today regarding a substantial modification to a previously approved MUSP (Major Use Special Permit). The MUSP that you approved approximately two and a half years ago was really for a residential project. It was a mixed-use project where the residential and the hotel were the primary uses, and then it had some office and some retail. In view of the market change, in view of the needs of the health district for additional office space, we are substantially modifying that project consistent with
what you just heard from staff to really make it a true office medical building in the health
district, and the emphasis is removal of the residential and hotel in its entirety and dedication of
the entire project to office with additional retail. In the process of doing that, the project had to
be redesigned, and what you are seeing before you right now is that new design. I am happy to
inform you that we come to you not only with recommendation of your Planning Department, but
we also have recommendations of the Large-Scale Committee. We have recommendation of the
Internal Design Review Committee. We have recommendations, all of approvals, from the
Urban Design Review Board. And so, basically, that is the project that is in front of you. We
have satisfied all the design conditions that staff has requested from us, and we have fully
complied on that. We accept the conditions that are in the resolution of approval today. And the
architect is here. If you wish or if you have any questions, all of our consultants are here. We're
ready to do a full presentation, but I'll leave it up to you to tell me what you want.

Commissioner Sarnoff: Commissioner González? No?

Commissioner González: Well, I don't -- I -- do we have any objections from the neighborhood?
No?

Commissioner Sarnoff: All right. Let's --

Commissioner González: I don't have any problem with it.

Commissioner Sarnoff: So I don't think we need a full -- Commissioner Regalado, do you need a
full presentation?

Commissioner Regalado: No.

Commissioner Sarnoff: Any members in the public wishing to be heard on this? All right, then
why don't we have a motion?

Commissioner González: I'll move it.

Commissioner Regalado: Hey, you have someone.

Commissioner Sarnoff: Oh, I'm sorry. I didn't see you.

Ollie Lee Taylor: I did fill out a card. Ollie Lee Taylor, 1400 Northwest 10 Avenue, in
Dominion Tower, across from this. I'm not saying don't do it, but I do have a couple of
questions. I wanted to know, for example, when will this happen? And then I'm also concerned,
there's a couple of small businesses in the old Days Inn. It's got another -- change of name. The
hotel that's already existing there, obviously this is going to be taken out. We've already got a
new hotel under construction and another office building going on just to the south of the
Dolphin Expressway. And another concern I've got is this is going to be a major construction
project and it's going to affect traffic and tear up 14th Street again. You know, it was already
tore up and it was a lot of discombobulation with the 15-story University of Miami building, and
the adjacent 10th Avenue has just been -- and still -- like there's still some traffic problems, but I
guess, if you're going to build something that substantial, maybe 20 stories, it's just something
you're going to have to deal with, but I would like to get a timeline on that, and what will be
done to protect the people that's got small businesses there. It's a pharmacist been already
relocated once. And how long will this take, was my concerns about it.

Commissioner Sarnoff: All right. Can --

Commissioner González: Vicky, can somebody answer that?
Commissioner Sarnoff: Yeah.

Ms. Garcia-Toledo: If I may answer?

Commissioner González: Yes.

Ms. Garcia-Toledo: Our timeline is to apply after approval, if that is your action here today -- is to apply for demolition of the existing buildings, which we figure will take us about six months to commence the actual physical demolition, and construction will be subsequent to that. As far as the traffic issues and the parking issues during construction, as you know, but for the information of the gentleman, the -- your Planning Department requires us to prepare proper documentation to be approved by the City as to how all the construction activity will take place on the site.

Commissioner Sarnoff: Does that help you, sir?

Mr. Taylor: Yes.

Commissioner Sarnoff: Okay.

Mr. Tailor: Thank you.

Commissioner Sarnoff: Okay, thank you. All right. I have just one question. It's a mere curiosity point. How do you increase your parking so much? What modification do you have to make to do that?

Ms. Garcia-Toledo: It's part of the --

Commissioner Sarnoff: Pedestal?

Ms. Garcia-Toledo: -- requirements of the Code. We're meeting Code and then exceeding Code somewhat because we know that in this particular area, there's an existing shortage of parking, and so the demand will be there.

Commissioner Sarnoff: And my question's a little different because -- and is it -- just a point of curiosity 'cause you went from a huge -- well, you increased your parking by --

Ms. Garcia-Toledo: From 873 to --

Commissioner Sarnoff: 14 --

Ms. Garcia-Toledo: -- 1,456.

Commissioner Sarnoff: That's a lot of -- so you -- what do you do? You just increase your parking pedestal to make it higher?

Ms. Garcia-Toledo: Correct.

Commissioner Sarnoff: Okay. All right, we have a motion and we have a second. All --

Ms. Thompson (City Clerk): I'm sorry; I don't.

Commissioner Sarnoff: We don't? I thought Commissioner Regalado second. No?

Commissioner Regalado: I second it.
Commissioner González: I made a motion and Commissioner Regalado second it.

Ms. Thompson: I'm sorry; we didn't hear it, so --

Commissioner Sarnoff: Okay. We have a motion by Commissioner González, second by Commissioner Regalado.

Ms. Thompson: Thank you.

Commissioner Sarnoff: All in favor, please say "aye."

The Commission (Collectively): Aye.

Commissioner Sarnoff: None opposed.

Ms. Garcia-Toledo: Thank you.

Commissioner Sarnoff: Thank you.

PZ.2 08-01463ii RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING THE APPEAL BY OSCAR FAMILIA, REVERSING THE DECISION OF THE ZONING BOARD, THEREBY GRANTING WITH CONDITIONS THE CLASS II SPECIAL PERMIT APPLICATION NO. 08-0138, ISSUED BY THE PLANNING DIRECTOR ON NOVEMBER 7, 2008, TO ALLOW A RESTAURANT, FOR THE PROPERTY LOCATED AT APPROXIMATELY 3484 MAIN HIGHWAY, MIAMI, FLORIDA.

08-01463ii CC Zoning Map.pdf
08-01463ii Aerial Map.pdf
08-01463ii Class II Appeal Letter.pdf
08-01463ii Class II Final Decision.pdf
08-01463ii Zoning Referral.pdf
08-01463ii Hold Harmless Affidavit.pdf
08-01463ii Plans.pdf
08-01463ii ZB Reso.pdf
08-01463ii ZB Appeal Letter & Supporting Docs.pdf
08-01463ii CC Corporation Document.pdf
08-01463ii CC Warranty Deed.pdf
08-01463ii CC Legislation (Version 3).pdf
08-01463ii CC Legislation (Version 4).pdf
08-01463ii Exhibit A.pdf
08-01463ii CC 05-28-09 Fact Sheet.pdf

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

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

R-09-0267

Commissioner Sarnoff: All right, PZ.4. This looks like to be an appeal.
Unidentified Speaker: What happened to 2?

Commissioner Sarnoff: Probably should put it on the record.

Commissioner Regalado: Are we --?

Commissioner Sarnoff: Oh, PZ (Planning and Zoning) --

Commissioner Regalado: PZ.2.

Commissioner Sarnoff: Oh, I apologize. I'm sorry. PZ.2.

Commissioner Regalado: PZ.2.

Commissioner Sarnoff: See what happens when you have a temporary chairman. There's your permanent one right there.

Roberto E. Lavernia (Chief of Land Development, Planning): For the record, Roberto Lavernia.

Vice Chair Spence-Jones: PZ.2. He can go --

Mr. Lavernia: PZ.2 is an appeal of the decision of the Zoning Board. It was a Class II original that was appeal and take it to the Zoning Board, and the decision of the Zoning Board was appeal [sic] and that's what you have in front of you; was continued from the March 26, 2009 and April 23, 2009 to get an agreement between parks [sic].

Commissioner Sarnoff: Madam City Attorney, since this is in my district, I'm going to ask you for some help. I would like to make sure there are -- no outdoor speaker shall be permitted at this stage. All indoor -- all door and window installed -- installed windows must be soundproof, live music or disc jockeys shall only play if the doors and windows are closed, and interior speakers must face the interior of the establishment. Now, is that a sustaining of the appeal or a denying --? Is that a sustaining of the appeal --?

Maria J. Chiaro (Assistant City Attorney): It is granting the appeal --

Commissioner Sarnoff: With conditions.

Ms. Chiaro: -- with conditions.

Commissioner Sarnoff: Okay. So I'm going to make a motion to sustain the appeal.

Ms. Chiaro: It is granting the appeal --

Commissioner Sarnoff: Grant.

Ms. Chiaro: -- reversing the decision --

Commissioner Sarnoff: Sustaining is granting.

Ms. Chiaro: -- of the Zoning Board.

Commissioner Sarnoff: But I'll use your words, granting the appeal -

Ms. Chiaro: Reversing the decision of the Zoning Board --
Commissioner Sarnoff: -- reversing --

Ms. Chiaro: -- thereby granting the Class II Special Permit with conditions --

Commissioner Sarnoff: All right.

Ms. Chiaro: -- as stated on the record.

Commissioner Sarnoff: Thank you, Madam City Attorney.

Commissioner González: Second that motion.

Commissioner Sarnoff: Thank you.

Vice Chair Spence-Jones: Got a motion and a second on this item. Looks like they wanted to -- did you want to put something on the record, sir?

Arturo Comas: No, but I would like to say something.

Vice Chair Spence-Jones: Then you want to put something on the record?

Mr. Comas: No, not on the record; just to say something.

Vice Chair Spence-Jones: Okay.

Mr. Comas: I've been here since 10 o'clock in the morning --

Vice Chair Spence-Jones: Okay. Can you state your name --

Mr. Comas: -- and I've been thinking --

Vice Chair Spence-Jones: -- and address for the record.

Mr. Comas: My name is Arturo Comas, and I live in 6060 Southwest 120 Street. And I've been remembering when I came here in 1962 out of the prison from Isla del Pino, where all my family was waiting for me here in the Convention Center, and that is a feeling that I had the whole day today. I know many of you don't even know what Bay of Pig [sic] is, and I know maybe you don't even remember of the prisoners that were exchange by tractors and --

Commissioner González: I do remember.

Mr. Comas: -- in 1962. You do?

Commissioner González: I do.

Mr. Comas: You're an old man.

Commissioner González: Yes, I am, believe it or not.

Mr. Comas: That's all I have to say. Thank you very much.

Vice Chair Spence-Jones: Okay. Thank you. So we had a motion and a second. All in favor of this --? Any comments from the dais, at all? Any other Commissioners have any comments regarding this item?
Oscar Familia: Yeah, I would like to say something about -- for the record.

Vice Chair Spence-Jones: Oh, so you'd like --

Mr. Familia: Yeah.

Vice Chair Spence-Jones: Put your name and address.

Mr. Familia: My name is Oscar Familia. I'm representing the owner, Eclectic. He's here with us. I work on the project from the beginning; and when we submitted the plans to the Planning Department and the Zoning Department and Building Department, we propose small windows on the alley, and the Planning Department suggest to change for bigger -- biggest windows over there, and we refusing saying that it's for security purpose that we don't want to have windows over there. We has been vandalized twice. I have picture here I can show you that we have a impact windows, but still, you know, people can break it. It's part of approval of the plans that the window has to be there. Obviously, we don't know what to do over there because it's going to be continue vandalize.

Commissioner Sarnoff: Well, you also have a great -- you have a -- you put a plywood -- I don't want to put too much on the record because you may have done some things you shouldn't have done, but you have provided a good opportunity for people by disguising the front of the building while working behind it that wouldn't be a problem for you if you take away the wood. It'll be exposed. You have a security officer right down the block from you that will be able to see, and I think better days are in front of you, but the way it -- you've kept the building the way it is right now, it's an excellent opportunity for anyone to hide behind that -- the great big -- I don't know. What do you want to call it? -- wooden front you put up there?

Mr. Familia: Yeah.

Commissioner Sarnoff: And that's where they're getting --

Mr. Familia: There is no access to the wall.

Commissioner Sarnoff: Well, I know where they're getting through and you know where they're getting through. So, you know, I think your better days are in front of you. I mean, I was only looking for you to have that type of window. Like I said, you have a security officer that's there almost 20 hours a day just down the block from you, and he's -- that -- part of his walk is that particular street. I just don't think he can see behind your plywood.

Mr. Familia: Yeah, but for the record, let me tell you.

Commissioner Sarnoff: For the what?

Mr. Familia: That happen during the day. That's not at night. That's -- maybe that's for something later on, okay? And I got some good news for the neighbors. I've been negotiate with someone who wants to open a restaurant there.

Commissioner Sarnoff: Great.

Mr. Familia: This person has something to do with a restaurant called Jules Vernes. It's in the Eiffel Tower, one of the best restaurants over there, you know.

Commissioner Sarnoff: Well, I look forward to eating there.

Mr. Familia: And his chef is called Alain Ducasse, which is considered one of the best chef, so I
hope we can provide that kind of restaurant into that place.

Commissioner Sarnoff: And we'll do everything we can do in the Grove to make sure you're safe and secure. I promise you.

Mr. Familia: Okay.

Vice Chair Spence-Jones: Okay.

Mr. Familia: Thank you.

Commissioner Sarnoff: We will do our best.

Vice Chair Spence-Jones: All righty.

Mr. Familia: Thank you.

Vice Chair Spence-Jones: So congratulations. We had a motion and a second, correct --

Priscilla A. Thompson (City Clerk): Yes.

Vice Chair Spence-Jones: -- Madam Clerk?

Ms. Thompson: But before you record the vote, I just want to check with the City Attorney. Madam Attorney, with the granting with modifications, does that then mean that the resolution is modified?

Ms. Chiaro: Yes.

Ms. Thompson: Grant -- okay. Thank you.

Vice Chair Spence-Jones: Okay.

Ms. Thompson: Now we need the vote. Thank you.

Vice Chair Spence-Jones: Okay, so we had a motion and a second. All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: This item passes.

PZ.3 09-00019za RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING THE APPEAL BY AMANDA L. QUIRKE, AFFIRMING THE DECISION OF THE ZONING BOARD, THEREBY UPHOLDING THE ZONING ADMINISTRATOR INTERPRETATION DATED DECEMBER 8, 2008, REGARDING A PROVISION CONTAINED IN SECTION 10.4.5, OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA ENTITLED "OUTDOOR ADVERTISING SIGNS; NEW SIGNS OF OUTDOOR ADVERTISING PROHIBITED", FOR THE PROPERTY LOCATED AT APPROXIMATELY 1700 SOUTHWEST 3RD AVENUE, MIAMI, FLORIDA.
Motion by Commissioner Sarnoff, seconded by Commissioner González, that this matter be ADOPTED PASSED by the following vote.

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

R-09-0272

Vice Chair Spence-Jones: PZ.3 and 4, and then that will be it, correct, except the blue page items?

Commissioner González: Hopefully.

Vice Chair Spence-Jones: Okay, PZ.3, and this is an appeal; someone from staff to put something on the record. How would you like to hand --

Santiago Echemendia: Madam Chair, we have a very succinct -- I mean, we're basically going straight to a proposed settlement, so it may --

Vice Chair Spence-Jones: Okay, no problem.

Mr. Echemendia: -- avoid potentially --

Vice Chair Spence-Jones: No problem.

Mr. Echemendia: We -- at the Zoning -- Santiago Echemendia, 1441, on behalf of Outlook Media of South Florida, on item PZ.3. PZ.4 is a separate item, but for purposes of this settlement proposal, I will refer to both. At the Zoning Board hearing on the items, Lourdes indicated -- and we're requesting building permits on two sites under a settlement agreement, under the CBS settlement agreement. Lourdes indicated on the record, and it's in the transcript, that she would issue the permits to CBS tomorrow. Last week we had a mediation. You may recall that we were here before you 60 days ago. Commissioner Sarnoff moved to defer. We have a pending state tag on the Mary May [sic] Site that expires June 22. If it expires, there will be damages; the parties will be hurt. So in light of the comment from Lourdes back at the Zoning Board and in light of the impasse at the mediation, we proffered to CBS on Monday that both permits be issued to them. Their issue was that we were running away with their amended permits. Mind you, we were just seeking building permits, but in order to cure the problem, get the City out of the problem and not hurt anybody, we proffered to them, fine, let the permits issue to you. You can build them, we can build them. Let the permits issue to you, CBS. Surprisingly and interestingly, they said no. We've been having a number of discussions -- and please ask them why they're saying no because we don't quite understand it. Earlier today -- and we thank you know -- Steve Helfman has been fantastic. We engaged in a colloquy the entire morning of how can we resolve this dilemma that we're in because we feel that with what we're proposing, it hurts no one, it gets the City out of litigation, and so what we propose were some terms -- and Steve said, well, you know, would you be willing to indemnify us, and incidentally, Warren would like to have it in writing because, you know, otherwise, there's too much going on. So at one o'clock we furnished them with a four-page settlement agreement. We haven't gotten any comments. The only comment that we got was that this is not acceptable to the City at this time.
And what does that agreement do? That agreement basically says that we agree to withdraw our Writ of Mandamus, which is a current suit in circuit court requesting that the building permits be issued to us. We say that -- and this is in -- on page 2 --

Vice Chair Spence-Jones: Santiago, can I ask -- I just want to just -- can -- do you -- I know you talk -- I just want to ask the City Attorney one quick question before you go through -- I just want to be -- Mr. City Attorney, 'cause you're shaking your head throughout the whole process. Are we not hearing something we should not be hearing?

Steve Helfman: I assume that this is Mr. Echemendia's presentation.

Mr. Echemendia: It is. My opening.

Mr. Helfman: Okay. I'm not sure what it has to do with the item before you, but I wanted to give him, before I jumped in, the opportunity to see if he was going to somehow tie this back to the Zoning administrator's decision, which is on appeal. But it doesn't appear that we're going there, so the answer is is that there has -- there is a ongoing piece of litigation, which the City is a part of, and which Mr. Echemendia has sued the City to compel the issuance of a permit -- two permits. At the same time, he's brought an administrative appeal to try to compel the administrative issuance of the same permits. He's hopeful that either this Commission or a court will grant him the relief that he needs. But this -- the settlement of the litigation is not before you. It's not properly before you.

Commissioner Sarnoff: Has either party waived Florida Chapter 44 -- or has either party chap -- waed Florida Chapter 90.409?

Mr. Helfman: No, I don't believe so.

Commissioner Sarnoff: So how can we be hearing anything regarding settlement discussions?

Mr. Echemendia: No, no.

Mr. Helfman: You shouldn't be.

Mr. Echemendia: No. Please. Madam Chair, let me make my presentation. I'm in my case.

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: The settlement discussions are between us and the City. CBS is not a party to --

Mr. Helfman: If he would like --

Mr. Echemendia: -- the lawsuit or to this appeal.

Mr. Helfman: Okay. If he would like to go on for a few more moments about something that I will advise you as irrelevant to the issue, he can certainly go on for his own due process; and we should allow him a few moments to do that.

Vice Chair Spence-Jones: No. I just want --

Mr. Echemendia: Madam Chair --

Vice Chair Spence-Jones: I just -- I'm going to allow for you to -- I just want to make --
Mr. Echemendia: Thank you.

Vice Chair Spence-Jones: -- sure that we're not hearing something that we're not going to be able to do anything about anyway.

Mr. Echemendia: Madam Chair, I would submit to you that this is a settlement like any other. I am trying to resolve this for the City, ourselves --

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: -- CBS. We're being accused of threatening to sue the City. We don't want to sue the City. We are here in the spirit of cooperation to suggest to you that we were trying to come up with a settlement on the very item that's here.

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: We're on appeal. We have suggested that the issue -- that the permits issue to CBS, for God sakes.

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: Isn't that an attempt to resolve the appeal? There is a pending writ against the City. We are offering to withdraw that writ. The writ is against the City. CBS -- the court has not allowed CBS to intervene just yet. This appeal is with the City, so our discussions today took place with the City Attorney, not with CBS. What we offer in the settlement agreement -- and the only reason that I am offering the settlement agreement is to resolve the matter, and if you don't accept it, then we get into our presentation and make our record.

Vice Chair Spence-Jones: Okay.

Mr. Echemendia: I was hopeful that in light of your long day and in light of you all being rational, intelligent human beings, you would realize that this is in the best interest of the City. So what do we offer? We offer that the building permits be issued to Outlook. I mean, we can't -- we don't mind if it gets issued to Outlook and CBS, or even CBS, but we can't force that they be issued to CBS, by June 4 with the following condition. That the construction of the Outdoor advertising sign will not commence until an amended permit, which is the only term used under the settlement agreement. We are requesting a building permit and not an amended permit, which is what CBS objects to in their letter to the City, objecting to our appeal. An amended permit is allocated pursuant to a settlement agreement in accordance with Section 10.4.5 of the City Code. Within three business days of the issuance of the building permit, Outlook Media will withdraw -- voluntarily dismiss the Writ of Mandamus against the City and, moreover, as Steve requested this morning, on page 3 of 4, Outlook will agree to indemnify and hold the City harmless and defend the City from any action filed against the City of Miami by CBS Outdoor, Inc. based on the issuance of building permits for the Mary May [sic] Sign and/or the Sevenmine sign. Now, if you want us to go through a painful presentation regarding overturning Lourdes' determination when this absolves the City of a pending Writ of Mandamus against you, unless there is a cause of action which is the City can't settle with Outlook, there's nothing for CBS to sue on. We're indemnifying you. We're saying that we're not getting the amended permits. In fact, we're offering that the building permits be issued to them. We're here in the spirit of cooperation and trying to resolve the problem. Now, if you want to have a colloquy about this settlement agreement, which we're offering, which takes the City out of our dispute, which is what we're attempting to do, let's have that discussion; and please ask Mr. Bittner why we get a response, which is we don't want to accept at this time. I mean, can we engage in a constructive discussion when we're offering everything up? This harms no one; absolves the City of pending litigation. What happens if we get denied and we -- the Mary Mays tags lapses on June 22? I
will be forced to sue the City and CBS. I don't want to do that. And so, please, tell me that we're all rational people here and that what we're offering makes all the sense in the world. Now, if it doesn't, we'd be happy to go through a two-hour presentation and end up in a second lawsuit.

Commissioner Sarnoff: Sometimes it's the way you say something just as much --

Mr. Echemindia: I'm fine, Marc. I've been here all day. I have a fever. I feel really bad. I feel -- you know, we've been left for the last item. I apologize. I mean, I've really -- we've made every effort --

Commissioner Sarnoff: You know, let me say this -- let me just say this to you. This Commission is not used to, as rigorous as you're being -- I'm having difficulty --

Mr. Echemindia: I apologize.

Commissioner Sarnoff: -- keeping my temper in line. I can imagine what Commissioner Gonzalez is thinking, and I would imagine Commissioner Spence-Jones may have shut out what you were saying for a while. Tone it down.

Mr. Echemindia: I apologize.

Commissioner Sarnoff: Treat this Commission with a modicum of respect and make your point as clear as you can. The only trouble I'm having with you is that you are suing the City and you're talking about settlement discussions. That, I don't understand how you can be doing. You went to mediation. You have a mediation privilege, which I'm not aware of CBS waiving. I don't see how you can get into discussions with what happened at CBS in your settlement discussions in front of the City. If you can say CBS has waived its privilege, then I'd listen to you. If you would say that our City Attorney has said to us I want him to put on the record settlement discussions that were ongoing this morning and this afternoon, I'd listen. But right now the City Attorney's not saying that, and he's saying there's a Chapter 44 privilege, there's a Chapter 90.409 privilege.

Mr. Echemindia: Okay. Marc -- can I respond, Madam Chair?

Vice Chair Spence-Jones: Yes.

Mr. Echemindia: And Commissioner --

Vice Chair Spence-Jones: Yes, you may.

Mr. Echemindia: -- Sarnoff, I apologize. I have to tell you that -- and this has been a frustrating experience for me. The way that I -- the reason that I have gotten as emotive as I have is that I am an owner of this company. I am not just here as their attorney, so this to me is personally important. I will be personally hurt by the actions of this Commission --

Commissioner Sarnoff: You know what they say? Only a fool for a client.

Mr. Echemindia: I understand that, and I have my lawyer here but I was making the presentation. I was trying to get resolution on a proposed settlement with the City. The only reason that we requested that the court issue the permits or have the City issue the permits is so that they would not lapse. It was in reaction to things that were transpiring, and it was a defensive move on our part to protect the permits. We didn't go out there purposefully attacking the City, but rather it was in reaction to. So their -- I apologize. I'm not a litigator. I don't know the 40 privilege, or what have you. I would submit to you that our discussions, relative to the offer the other day and what we're discussing here in this public forum, is not a privileged
discussion. We are making the record on what we were hopeful to be a resolution of both a Writ of Mandamus and this pending appeal. And again, I apologize profusely for -- I feel very ill. I have a fever. I've been sitting here all day, and frankly, I -- we have tried to be as reasonable as we can, and frankly, do not understand how our proposal to resolve the issue, which compromises no one, is not being heard and is not being embraced with empathy.

Amanda Quirke: Commissioner Sarnoff, just to clarify a procedural issue. We've talked a little bit about the Writ of Mandamus that's currently pending, but as you're -- as I'm sure you're aware, there's an exhaustion of administrative remedies issue, which is why we have come back to the Commission. When we first had the Writ of Mandamus --

Vice Chair Spence-Jones: I think the Clerk needs you to put your name on the record.

Ms. Quirke: Oh, I'm sorry. Amanda Quirk, 1441 Brickell, with Tew Cardenas.

Priscilla A. Thompson (City Clerk): Thank you.

Ms. Quirke: The -- we have to come back to the Commission to exhaust our administrative remedies, so the proposal is to submit what has been advertised as these two appeals. That will move the Writ of Mandamus.

Commissioner Sarnoff: Thank you.

Vice Chair Spence-Jones: Okay.

Mr. Helfman: Okay. Let me --

Vice Chair Spence-Jones: Mr. City Attorney.

Mr. Helfman: Is that the end of your presentation?

Mr. Echemendia: No. We haven't even started our presentation. That was the proposal relative to trying to settle the matter so that the City Commission doesn't have to go through a three-hour hearing with cross-examinations that nobody's going to like, and -- but that's fine.

Mr. Helfman: The -- Mr. Echemendia and CBS are in a dispute, as you might be able to tell. They have a civil dispute between the two of them. Unfortunately, we have been dragged into that by a suit by Mr. Echemendia. He has sued the City to compel the issuance of a permit to himself and his company, Outlook. And as they've told you, they have to exhaust their administrative remedy, which is the possibility that this Commission or this City would actually give them that permit that they're looking for. So he has appealed the denial of the permit, which was the -- an application on both of these items for a building permit for two separate sites was applied for.

Commissioner Sarnoff: Could you explain to the Commission what a Writ of Mandamus means - -

Mr. Helfman: Sure.

Commissioner Sarnoff: -- because they may need to know that?

Mr. Helfman: Sure. A Writ of Mandamus is an action that a citizen may bring against a governmental employee to compel a action which is not discretionary, but is in the ordinary course of their -- conduct of their job, so in this instance, what they are asserting is that the Zoning administrator, the Zoning Department, if you will, had an absolute obligation, a clear
legal obligation -- there's no question about whether there was an obligation or not. It was just as clear as could be the law mandated the issuance of a permit. They are claiming that the Zoning administrator refused to give them that permit. So that's what the lawsuit is about. But the court indicated that before they could go through with that judicial process, they needed to come back to the City and exhaust their administrative remedies. If your Zoning administrator made an error, then the right thing to do was to challenge her decision to the Zoning Board, which they did; they were not successful there, and now they've taken a further appeal of that to you, and you are here on that issue. Please do not be confused by all of this settlement stuff.

Commissioner Sarnoff: So to my fellow --

Mr. Helfman: They would love for you to not hear this and be done.

Commissioner Sarnoff: Can I summarize it --

Mr. Helfman: Of course.

Commissioner Sarnoff: -- for my Commissioners? So what you're essentially telling us is that Lourdes had a nondiscretionary duty and a mere ministerial act to execute something and she failed to do so?

Mr. Helfman: No. That's their assertion, and that's what they're claiming --

Commissioner Sarnoff: Right.

Mr. Helfman: -- and they're saying that she failed to do that.

Commissioner Sarnoff: That's why they're using a Writ of Mandamus because they're saying she had no discretion --

Mr. Helfman: Correct.

Commissioner Sarnoff: -- and she -- and we are -- and it's a ministerial duty, and please, Mr. Judge, force Lourdes to do this ministerial duty.

Mr. Helfman: That is the essence of a mandamus claim.

Commissioner Sarnoff: Okay.

Mr. Helfman: If there's any discretion in the person, it's not a mandamus action.

Commissioner Sarnoff: Correct.

Mr. Helfman: So, in any event, we are here on a very, very narrow, limited issue. And there was a period there for 60 days where the civil parties tried to work out their disputes. They haven't been able to do it, so they need to come forward now, exhaust their administrative remedies, and they're entitled to be heard on that. So the issue before you is whether or not Outlook is entitled to building permits under your Code and the settlement agreements. That's what should be addressed by Outlook at this proceeding. That is the issue that they have presented to you. That's in their documents. We're not making that issue up. That's what they have claimed. So they believe they're entitled to the issuance of a building permit, and we should hear from them on that limited issue.

Ms. Quirke: Can I make a short presentation? I'm not sure which one is PZ.3 and PZ.4, but this is for an Outdoor Advertising sign at 1700 Southwest 3rd Avenue. We refer to it as Sevennine.
In order to get a permit to construct an outdoor advertising sign, you need a small list of things. You need a lease or ownership interest in the site, you need local government permission, as evidenced on FDOT (Florida Department of Transportation) Form 575, you need an FDOT tag. The next step is a building permit. That's where we are in this process. You also need an amended permit allocation pursuant to a settlement agreement. The City of Miami, as you have heard extensively today, has settlement agreements with three parties, which allocates amended permits. It's an allocation system to track the number of permits that are being issued in the City. We aren't there yet. What we're asking for is the building permit. Just to give you a frame of reference where this is located, right by I-95, over by Coral Way. The building permit should issue to Outlook Media of South Florida. CBS previously consented to the approval of the FDOT permit application for Outlook on CBS's behalf. The City approved the FDOT form in Outlook's name. In reliance, Outlook purchased a Hampton Inn tag and went through a process with the Florida Department of Transportation to secure a state permit for that outdoor advertising sign. CBS has asserted that Outlook is trying to steal one of their amended permits, and that's not the case. You are aware that there is an ongoing dispute between CBS and Outlook regarding some agreements between the private parties. However, we're not trying to steal one of their amended permits. We're only applying for a building permit. It would be subject to the allocation of an amended permit. You can issue that as a condition. This will moot a pending Writ of Mandamus against the City of Miami if the City were to issue the building permit. The terms of the assignment of the lease, the FDOT tag, building permit or whatever else takes place according to the allocation of amended permit, that's a business deal between CBS and Outlook, and I'm sure the City does not want to be involved in that. So we would respectfully request that you direct the reprocessing of the building permit. There is going to be no liability or default under the CBS settlement agreement because we're not asserting that we're stealing an amended permit. Amended permit is not a piece of paper. It's an allocation system just to track the number of permits that are being issued in the City. So proper conditions, we would request that you direct the reprocessing of the building permit with the condition that an amended permit be allocated prior to construction of any outdoor advertising sign and that we will not construct an LED unless otherwise authorized by the City according to subsequently adopted regulations.

Vice Chair Spence-Jones: Okay. Mr. City --

Mr. Helfman: It --

Mr. Echemendia: We'll --

Mr. Helfman: Yes.

Vice Chair Spence-Jones: -- Attorney.

Mr. Helfman: I just have one question. Is that -- would that be the identical presentation that you would have on the Mary Mays site also?

Mr. Echemendia: No. Mary Mays is a different site completely. It's not an identical presentation. I think that the City's comments could -- we could incorporate into the record, Steve, as we had discussed previously that maybe to simplify it, Lourdes's presentation does apply to both, but our presentations are distinct particularly as it relates to the cross, et cetera, so we'd like to -- you know, if the City wants to go with that, we can incorporate that into the record of the next one so that they don't have to do it twice, but they are distinct items with separate facts. You know, Mary May [sic] comes up June 22. That tag is up. Sevennine doesn't come up for a while, so there will be different actions that come out of this relative to Mary May [sic] that may not come up relative to Sevennine immediately, even though we have 7 -- 30 days on Sevennine anyways, but is that why you were asking, relative to their presentation?
Mr. Helfman: Well, I'm trying to expedite this hearing so that if you are -- if you're going to present the same arguments with respect to Mary Mays, which is the process and why you're entitled to it, I'm just asking. Or do you have another PowerPoint that is going to be something different?

Mr. Echemendia: Why don't we -- at this point, we don't need to make that decision right now, do we, because at this point we'd like to reserve time for rebuttal? Lourdes would go; she would make her presentation, and we could then decide whether when item 4 comes up or item -- is it 4 -- I guess 4, we can then decide whether we're just incorporating by reference this into that item.

Mr. Helfman: Okay. Go ahead.

Glenn Smith: May I be heard, please?

Mr. Helfman: Well, not yet.

Vice Chair Spence-Jones: Does the City have -- I mean, does the City have to put something on the record --

Unidentified Speaker: Yes.

Unidentified Speaker: No.

Vice Chair Spence-Jones: -- first?

Unidentified Speaker: No.

Mr. Helfman: You're certainly --

Unidentified Speaker: No.

Mr. Helfman: Okay. This gentleman is representing CBS, and you're certainly going to be entitled to be heard; you have an interest in this matter, but you're out of order now in terms of when you're permitted to present. So the City staff will go now and -- you -- okay.

Vice Chair Spence-Jones: You're recognized.

Mr. Smith: Glenn Smith, 200 East Broward Boulevard, Fort Lauderdale, Florida. I represent CBS Outdoor, Inc., who has the amended permits that Outlook wants to take advantage of. And my motion now is that it is Outlook's burden to produce evidence showing they are entitled to granting of this appeal. This is a quasi-judicial hearing. They must present evidence to carry their burden. They are now finished their presentation. Statements of counsel is not evidence. What they have presented is not evidence. They have not carried their burden. Their appeal should be summarily denied without the City being required to put on anything or CBS put on any evidence. It's their burden. They haven't carried it.

Mr. Echemendia: Okay. Can I respond, Madam Chair, for one second?

Mr. Helfman: It's not necessary.

Mr. Echemendia: The evidence is in the record.

Mr. Helfman: We need --

Mr. Echemendia: We're introducing the record into -- yeah.
Mr. Helfman: The Commission will decide whether there's sufficient evidence or not. That'll ultimately be up to them. But this is not a judicial proceeding. There are rules of order here. It's a quasi-judicial proceeding, and a directed verdict, which is what you're looking for, if you will, is not in order, and the staff can proceed, please.

Mr. Bittner: Warren Bittner, deputy City Attorney, on behalf of the City of Miami. First, for the record, I'd like to join in the motion that CBS just made. I thought it was well founded. As an introductory comment, the issue before you today is whether the Zoning administrator, Lourdes Slazyk, made a correct decision as the Zoning administrator, and my presentation will apply to both of the items tonight, so it's the -- the issue before you is whether she made correct decisions as the Zoning administrator. The decisions were to deny two buildings permit applications for outdoor advertising signs submitted by Outlook Media. In this City, outdoor advertising signs are strictly regulated under the Zoning ordinance. It is the City's position that Outlook Media does not qualify to apply for these permits; that the Zoning administrator properly denied the two building permit applications, and that you should deny the appeal of Outlook Media. Now, at this point the Zoning administrator will now testify about the facts surrounding these two applications, the provisions of the Zoning ordinance that she applied, and why she denied these applications.

Ms. Slazyk: All right. Warren handed out these books to you, which have some tabs which I'm going to be referring to. For the record, Lourdes Slazyk. The Administration is requesting a denial on items PZ.3 and 4 on the agenda. With the permission of the Chair, I would like to present the arguments for both of these at the same time because my presentation is the same, just to save time. These appeals, as stated by the appellant, Outlook Media, in their letters, which are under tab one in your book, are for the building permit applications for outdoor advertising signs or billboards, one of which is the Sevenmire Site at 1700 Southwest 3rd Avenue, and for PZ.4, it is the Mary May [sic] Site, which is 1330 Northwest 2nd Court. As you know, the Zoning ordinance lays out the zoning requirements and limitations in the City by listing what you can do and what you can't do. In addition, the Zoning Code clearly states the duties and the authority of the Zoning administrator. If you look at tab 2 in your book, you're going to see Article 21, Section 2101 of the Zoning Code. This specifically states that the Zoning administrator in the issuance or denial of permits shall not have the power to waive, vary or modify such terms, provisions, or requirements except where specifically authorized to do so by the Zoning ordinance and within the limitations established by the authorization. Section 2102, Zoning administrator shall be responsible for determining whether applications for building permits is required by the Building Code or in accord with the requirements of the ordinance. No building permit shall be issued without certification that plans and applications conform to the applicable regulations. Twenty-one zero two point two, if the application and plan are not in full accord with the Zoning regulations, the application shall be denied, and the applicant notified in writing of the reasons for the denial. Officials charged with issuance of permits or licenses for the use of any premises of the conduct of any business, enterprise, occupation, trade profession, or activity governed by the provisions of the Zoning ordinance shall not issue the licenses or permits unless the use conforms to the requirements of the ordinance. That pretty much tells you what I can do and what I can't do. In tab 9 of your book, you're going to see the Zoning regulations that deal with the -- you're going to see the two building permit applications. In tab 9 and 9a are the two building applications for the outdoor advertising signs that I previously mentioned. This request was reviewed using the applicable section of the Code. Tab 3 has Section 10.4.5, which has our outdoor advertising signs. This section states, except as otherwise provided in Articles 4 and 10 and/or the City Code or pursuant to this subsection, no new free-standing outdoor advertising signs, as defined above, shall be allowed. Little bit further down in that section -- so now we know no billboards are allowed in the City -- notwithstanding any provision of the Zoning ordinance to the contrary, permits for outdoor advertising signs may be issued pursuant to a settlement agreement authorized by resolution passed by the City Commission in conjunction with the settlement of related litigation which
expressly authorizes issuance of such permits for said outdoor advertising signs and then only under the terms and conditions of the settlement agreements that result in a net reduction in the party to the settlements number of outdoor advertising signs located in the City of Miami. Tab 4 of your books, settlement agreements. At this time there are only three settlement agreements approved by the City Commission. These entities are permitted on a very limited basis to erect outdoor advertising signs or billboards. The three entities are Carter, Clear Channel, and CBS. The appellant and applicant in this case, which is Outlook Media of South Florida, does not have a settlement agreement with the City, approved by the City Commission as required by the Zoning Code. Accordingly and very simply, Outlook Media's applications for building permits were rejected because the sections of the Code that I just read to you do not allow the applicant to put up an outdoor advertising sign in the City of Miami.

Commissioner Sarnoff: I have a question.

Ms. Slazyk: Sure.

Commissioner Sarnoff: Are they assignable?

Ms. Slazyk: They are assignable, and I'm getting to that.

Commissioner Sarnoff: Okay.

Ms. Slazyk: The settlement agreements allow the assignment of rights. Settlement agreement is in your packet, and it is number 4 in your tab, okay. And I'm getting to the assignable rights. First of all, I'm going to get to the FDOT issue. In order to actually put a billboard up in the City of Miami along the expressways, you need, as the appellant stated, an FDOT tag, as well as a City of Miami building permit. CBS wrote a letter to the City of Miami allowing Outlook Media to apply for FDO [sic] tags on their behalf. That is --

Commissioner Sarnoff: Tab 5?

Ms. Slazyk: Yes. The FDOT applications, no outdoor advertising sign can be put up along the expressways without both. In my letters, which is your tabs 10 and 10A, I explained that the reasons for the denial is that the City received notice from CBS Outdoor to allow the media -- Outlook Media to apply for the outdoor advertising permits, which is the May 2 letter, tab 5. The authorization was limited to the FDOT tags only. The City Administration has never been notified by CBS Outdoor of any authorization to Outlook to apply for City of Miami building permits on their behalf.

Commissioner Sarnoff: Is that all you received from Outlook Media?

Ms. Slazyk: That's the one authorizing them. We received another one rescinding the approval, which I'm going to get to.

Commissioner Sarnoff: My question is is that the extent of authorization that Outlook Media provided to you from its principal because I guess it was acting as an agent?

Ms. Slazyk: Yes.

Commissioner Sarnoff: CBS Outdoor. Is this the extent of the authorization the City of Miami was provided?

Ms. Slazyk: Yes.

Commissioner Sarnoff: Okay.
Ms. Slazyk: The applications are tabs 6 and 6A in your packets. I signed off on these because on that CBS's May 2 letter, they authorized them. In that -- in those applications, Outlook Media was acting on CBS's behalf. My signature confirmed that these signs were in compliance with all duly adopted local ordinance and has been or will be issued the necessary permits. My signature on the applications didn't constitute an acknowledgement that the City would issue the building permits to Outlook Media itself, but rather -- yes?

Commissioner Sarnoff: I'm sorry; I don't mean to interrupt you.

Ms. Slazyk: No. It's okay.

Commissioner Sarnoff: So 6A -- well, I'm sorry -- yeah, I guess it's 6A, which is the Florida Department of Transportation --

Ms. Slazyk: Application.

Commissioner Sarnoff: -- and it's 57507040, which -- 044 -- 04, excuse me -- was the application that they had indicated, the applicant or the appellant, I guess in this case, is saying that the City of Miami must sign on as well.

Ms. Slazyk: Yes.

Commissioner Sarnoff: But -- you were doing so, you're saying merely, as a result of what is labeled 5 --

Ms. Slazyk: Yes.

Commissioner Sarnoff: -- which was giving authorization from the principal of CBS Outdoor to its agent, Outlook, to apply for the FDOT permit 5750704?

Ms. Slazyk: Correct.

Commissioner Sarnoff: Okay.

Ms. Slazyk: That's it. So CBS writes us a letter. They say, “We're going to let Outlook apply for the FDOT tags on our behalf so we can sign off on those.” We sign off on those. Then tab number 7 in your book is August 26 letter from CBS to the City, and this one they withdraw their approval rights or the assignment rights for the FDOT applications. Then tab 8, dated October 24, 2008, CBS notifies us that they are actually withdrawing certain sites from their -- the sites which were being considered for their permits, and if you look at the second page on tab 8, you're going to see that the Mary May [sic] Site not only did CBS withdraw their approval for Outlook to apply on their behalf for anything related to outdoor advertising signs, they specifically withdrew the Mary May [sic] Site from the sites they were considering for approval.

Commissioner Sarnoff: Just so we'd understand in a more full basis, when you say they're withdrawing the Mary May [sic] Site, is that one of the settlement sites that they're withdrawing?

Mr. Bittner: The settlement really didn't go into exactly what site they could have, so this was the site that they had requested through Outlook Media, and now CBS is advising us no, they don't want that site any more.

Commissioner Sarnoff: Okay.

Ms. Slazyk: Now, in the settlement agreement, which is your tab 4, there's paragraph 19F of this
agreement. In the settlement agreement with CBS, CBS has the right to assign its rights and obligations to another entity. However, the assignment would only be valid if it is approved by the City Commission. As of this moment, Outlook Media has not submitted to me any proof that CBS Outdoor has made any assignment under the CBS settlement agreement, nor any proof that the Commission has approved that assignment. As far as I'm aware, neither has occurred to date either since these appeals were filed.

Commissioner Sarnoff: I don't mean to be ignorant, but where are you reading?

Ms. Slazyk: That's paragraph 19F of the CBS settlement agreement.

Commissioner Sarnoff: I'm having trouble finding that.

Unidentified Speaker: Page 27.

Ms. Slazyk: Twenty-seven.

Commissioner Sarnoff: Oh, I see it. Okay, 19F. Okay.

Ms. Slazyk: In explaining what I think is going on here, I have an example that may help. Imagine an R-1 property in the City of Miami and someone comes in and files a building permit to do a six-story apartment building on the R-1 lot. The Office of Zoning has no choice but to deny that application because multi-families are not allowed in R-1, six stories is not allowed in R-1. There's a 25-foot height limit. The project wouldn't even be allowed by a variance because the use is not allowed. It's just -- it's an application that can't be approved. I don't have the discretion to do that. We give them a written statement stating why we can't approve it, and they appeal it. It's like giving a zoning change or something by appeal. That's what I see this as. The Zoning Code says what I can do as a Zoning administrator. I can't vary the terms. It says billboards aren't allowed unless you have a settlement agreement. They don't have a settlement agreement. It says the party that does have a settlement agreement can assign their rights, but that hasn't happened either. I can't see how this permit could have been granted. There is -- you know, the FDOT applications are applications for tags. It doesn't say that that's the party that's going to get the building permit. Something else had to have happened or CBS had to apply; and I did say at the Zoning Board CBS has the right to apply. If CBS applies for the building permits for these sites, if they pass the -- you know, they meet all the Building Code requirements, they would be approved because they're authorized to do this. So that takes us back to where we started. As the Zoning administrator, I can't approve a permit that would violate the Zoning Code. And the Zoning Board agreed. Tabs 11 and 11A in your packet is the Zoning Board resolutions. They agreed and denied the appeals, and we ask that you uphold that.

Mr. Echemendia: Hi. I'd like to ask Lourdes a few questions, please. Lourdes, does the -- in determining whether to approve or deny the building permit, did you refer to the settlement agreement as a basis?

Ms. Slazyk: No. It's not allowed by the Zoning Code. I -- it's --

Mr. Echemendia: The building permit is not allowed -- what is not allowed by the Zoning Code?

Ms. Slazyk: The Zoning ordinance does not allow an outdoor advertising sign unless you have a settlement agreement with the City.

Mr. Echemendia: That is correct.

Ms. Slazyk: Okay.
Mr. Echemendia: Did we -- based on our requests subject to an amended permit, are we requesting an outdoor advertising sign or are we requesting a building permit, subject to an amended permit under a settlement agreement? We're not requesting an amended permit --

Ms. Slazyk: I'm not sure I understand that question.

Mr. Echemendia: Are --

Ms. Slazyk: You have a building permit for an outdoor advertising sign. Whether it's under a settlement as an amended permit is irrelevant. It's not CBS's name on the application. Maybe I don't get your question.

Mr. Echemendia: Are we -- our request -- you kept saying that you're not allowed a billboard unless you have a settlement agreement, but our request is not for a billboard, our request is for a building permit subject to an amended permit under a settlement agreement. Now, we don't have an amended permit nor do we have a settlement agreement. So if you issued the building permit to us, we couldn't build an outdoor advertising sign, correct?

Ms. Slazyk: I'm really not sure what --

Mr. Echemendia: I think the answer is yes.

Ms. Slazyk: Yeah. I think the answer is yes, but --

Mr. Echemendia: But this is important for the record because this is the basis of your determination, which is the very basis of our appeal. You predicated your presentation on the fact that you need a settlement agreement in order -- and an amended permit under a settlement agreement in order to build an outdoor advertising sign. Did Outlook Media request an outdoor advertising sign or did they request a building permit subject to an amended permit? We have proffered that as a condition.

Ms. Slazyk: I -- the building permit application did not say that it was a building permit as an amended per -- all that language you just said is not in your application. It was a request for a building permit for an outdoor advertising sign.

Mr. Echemendia: Does it change -- and -- Orlando, if I may. I'm cross-examining her. We're in the middle of a quasi-judicial proceeding.

Ms. Slazyk: I'm not -- I don't think I can answer your question because I'm not sure what you mean, so -- I can state what the facts was.

Mr. Echemendia: Well, let me restate the question again. We -- does it change your opinion that if you were to conclude that we are not requesting a permit for a billboard, which requires a settlement agreement?

Ms. Slazyk: I don't think it changes it be -- unless you're authorized to request an amended permit, if that's what you're asking, you're not -- I --

Mr. Echemendia: We're not requesting an amended permit. We are requesting a building permit subject to an amended permit. Let me just -- follow my hypothetical.

Ms. Slazyk: Doesn't change -- it's still your --

Mr. Echemendia: No. Let me -- let's --
Ms. Slazyk: Yeah, okay.

Mr. Echemendia: -- just do a hypothetical.

Ms. Slazyk: I think I just got it --

Mr. Echemendia: Does --

Ms. Slazyk: -- and I think the answer is --

Mr. Echemendia: -- someone who requests a building permit, subject to an amended permit, would they be allowed to build a billboard without the amended permit? I think, based on what you said, the answer would be no. You would need a settlement agreement and an amended permit, correct.

Ms. Slazyk: That's my understanding. I just -- the way you're stating it, I can't --

Mr. Echemendia: Okay. Let me try to restate it. The building permit does not authorize us to build a billboard sign -- a building permit subject to an amended permit and subject to 10.4.5 does not authorize an applicant to put an outdoor advertising sign. Let's put it that way. Is that correct?

Ms. Slazyk: That sounds correct.

Mr. Echemendia: Thank you.

Ms. Slazyk: What --

Mr. Echemendia: Thank you. That's it. Thank you. The -- are you aware that the FDOT permit application that you signed -- and pursuant to which we expended money and acquired a lease -- that the box that you signed off on, it says, in compliance -- the outdoor advertising sign identified in this application is in compliance with all duly adopted ordinances and has been or will be issued the necessary permits. I'm reading from the --

Ms. Slazyk: Yes.

Mr. Echemendia: -- FDOT permit app (application) that --

Ms. Slazyk: And what I testified to was that doesn't say "who" would get those permits. It just said the sign complies and would be issued, but the "who" is important for the City of Miami building permit.

Mr. Echemendia: And we --

Ms. Slazyk: Okay.

Mr. Echemendia: -- have stated on the record that we -- and you have stated on the record that you would issue to CBS tomorrow -- and we have proffered to the Commission that we would be happy, in order to absolve everybody of this problem, for the permit to issue to CBS tomorrow, correct?

Ms. Slazyk: That's outside the scope of this appeal. You've offered it, yes, but that's outside --

Mr. Echemendia: Okay. That's --
Ms. Slazyk: -- what's on appeal is whether this building permit should be issued or not.

Mr. Echemendia: Well, I'm not sure that you're the one that determines what's in- or outside of the scope of this appeal. It'll probably be up to a judge, and hopefully, the wise discretion of this Commission, but -- do -- does the settlement agreement refer to building permits? Is the word "building permit" anywhere in the settlement agreement?

Ms. Slazyk: I did not read the entire settlement agreement. I don't know.

Mr. Echemendia: But your decision --

Ms. Slazyk: Warren --

Mr. Echemendia: -- to deny our building permit or request was, in part, predicated on your review of the settlement agreement. Isn't that part of --

Ms. Slazyk: No.

Mr. Echemendia: -- what you used?

Ms. Slazyk: The fact that you don't have a settlement agreement, not what the actual settlement agreement says.

Mr. Echemendia: Does the CBS settlement agreement, which is the one that we travel under because we have an agreement with CBS, does that agreement refer to the word -- anywhere in the 32 pages, does it say the word “building permit”?

Ms. Slazyk: I do not know.

Mr. Echemendia: You do not know.

Ms. Slazyk: No.

Mr. Echemendia: Would it surprise you if, in no instance, does it say the word “building permit”, but rather it simply uses the words “initial amended permit” and/or “amended permit”?

Ms. Slazyk: I've heard that terminology before, but I'm not familiar with the whole agreement.

Mr. Echemendia: I would submit to you that the settlement agreement does not say anywhere "building permit", but rather says "initial amended permit" or "amended permit"; and therefore, as the interpreter and arbiter of both the Code, 10.4.5 inclusive, which is you have to have a settlement agreement to have a building permit, and also interpreting the settlement agreement, wouldn't you necessarily then need an amended permit to be able to pull an outdoor advertising sign, to build an outdoor advertising sign?

Ms. Slazyk: I -- that's something I would probably request a legal opinion on to jump to that.

Mr. Echemendia: But we're appealing -- however, we're appealing your determination. Your determination would require you to have the expertise to deny the building permit based on that predicate.

Ms. Slazyk: I believe that the Zoning Code speaks for itself, and the -- what my powers and duties are and what that section of the Code says, and unless there is a settlement agreement, the
permits can't be issued.

Mr. Echemendia: And I agree with you that an amended permit could not be issued, and we've agreed to that on the record, and that would be a condition of what we are requesting. And, again, we mean no harm to anyone. We want to resolve this for everyone. Lourdes, thank you. That's all I needed to know. Appreciate it.

Vice Chair Spence-Jones: Warren.

Mr. Bittner: Next, I'd like to cross-examine Mr. Echemendia.

Mr. Echemendia: I'm here as an attorney on behalf of the applicant. As Mr. Glenn Smith correctly pointed out, all of the argument was argument and not competent substantial evidence; and therefore, you have absolutely no right to cross-examine me, Mr. Warren Bittner.

Mr. Bittner: Okay. Are you not here as a principal of Outlook Media?

Mr. Echemendia: I happen to be a principal. I am also the general counsel of Outlook Media, and the record will stand on its own based on the competent substantial evidence and the cross-examination.

Mr. Bittner: All right. If you had presented no testimony here today, I will not cross-examine you. Thank you.

Vice Chair Spence-Jones: Okay.

Mr. Helfman: Okay. Yeah. Let me see if I can help you with this.

Vice Chair Spence-Jones: Mr. City -- what are you? Mr. City Attorney.

Mr. Helfman: Mr. Special Counsel/City Attorney.

Vice Chair Spence-Jones: All right, special counsel.

Mr. Helfman: Okay. Let me see if I can help you with this. The -- what Lourdes did or didn't do is not really important, and I'll tell you why. You're here denovo today. You hear this matter fresh, as though it was first presented to you like it was presented to her. I think that -- and the issue is is Outlook Media entitled to the building permits that they have submitted for? I know that they talk about something called “amended permits,” but in the package, the application specifically says proposed use of building construction of billboard, 75 feet, $200,000; and it's a City of Miami building permit application.

Commissioner Sarnoff: Where are you reading from? What section?

Mr. Helfman: I'm reading from the building permit application.

Commissioner Sarnoff: Give me your tab.

Vice Chair Spence-Jones: What tab?

Mr. Helfman: I have a slightly different book. Nine. We're here on two different applications, two different appeals, so let's just deal with the first one first, and that's Sevennine. They submitted an application in the name of Outlook Media for a building permit to construct a billboard. Forget about the fact that the settlement agreement refers to amended and everything else. This is a zoning issue that you have before you, okay, and it's important to remember that.
They have applied for a building permit, submitted to the Building Department for a building permit. And the testimony which you heard and the essence of it was that they don't have a settlement agreement and, therefore, because they weren't a party to a settlement agreement, their application for a building permit was rejected. The same issue is before you. It's a denovo hearing. What her rationale was is important because it gives you some indication of why she did it, but today you're here denovo and you get to make that decision. So the decision that's before you is does Outlook Media have the authority to proceed forward with this pending building permit application that they filed in their name for the construction of a billboard? That's the question. The -- they've put on a presentation. That's the only evidence they've put into the record. Mr. Echemendia says that his presentation is not evidence; it's simply argument. And so they did put on a PowerPoint. That is the evidence they submitted. If you believe, based upon the evidence that they submitted, that they stand in the shoes, if you will, of CBS, have an assignment, have the consent of CBS, or are somehow CBS, or have a settlement agreement, their own settlement agreement, then they're entitled to get the building permit. And if they don't, then you make your own decision, but the Code provides that those people entitled to billboards, which is what they ask for, must have a settlement agreement. It's not that hard. I know the lawyers like to make it hard with all the cross-examination and everything, but this is really simple. Your Code says you need a settlement agreement to get a billboard permit. They applied for a billboard permit, and Lourdes simply said, as you heard, I just need your settlement agreement.

Mr. Echemendia: Madam Chair, could I just get a clarification from --?

Vice Chair Spence-Jones: Are you finished?

Mr. Echemendia: I'm sorry.

Mr. Helfman: I'm finished, yes.

Mr. Echemendia: 'Cause I'm a little confused here. And the Code doesn't refer to billboards. It says you need a settlement agreement relative to billboards and a 2-1, etcetera. But I'm a little confused. I just want to understand the -- what the outside city attorney or special counsel is saying. This proceeding, Steve, is a quasi-judicial proceeding on an appeal of Lourdes' determination, and I'm seeking clarification. Are you suggesting that the standard is not so much whether she erred and whether there was competent substantial evidence to support her determination denying, or are you suggesting that it is whether there is simply competent substantial evidence in the City Commission supporting or denying our request for a building permit subject to an amended permit, because now you have me utterly confused? I thought that what -- the difference between an appeal on the record is being limited to the record --

Mr. Helfman: Right.

Mr. Echemendia: -- and denovo means we can introduce new evidence, and --

Mr. Helfman: Correct.

Mr. Echemendia: -- we've, of course, introduced -- but that -- what is before them is an appeal of her determination and whether her determination was supported by competent substantial evidence, so just for all our benefits -- 'cause I got a little confused --

Mr. Helfman: yeah.

Mr. Echemendia: -- in what you believed to be what is before the Commission.

Mr. Helfman: It's fairly simple. When a Zoning administrator makes a decision, the first level of
appeal goes to your Zoning Board, and the Zoning Board makes a decision. At that point you now have a decision of a board. It's no longer Lourdes' decision, okay. A board now has made a decision, just like an appeal's court. Once the trial court has a trial and you go to appeal's court, then it's their decision from that point on, and you take an -- and a challenge to their decision, so you have the same set-up in the City of Miami. Once the Zoning administrator makes a decision, if somebody wants to challenge it, they go to the Zoning Board. They have a full and absolute review, okay. That happened, okay. They made a decision -- I believe it was unanimous. I may be incorrect -- that the applicants, if you will, had not presented sufficient evidence of a settlement agreement or an assignment of the settlement agreement or anything, and they denied the appeal. Now they have challenged the Zoning Board's decision, okay, and they're here before you really saying -- they should be saying, even though they're challenging Lourdes, that the Zoning Board made a decision because this is the second level of review. They should be saying the Zoning Board made a mistake. They should have ruled in our favor, okay. It's still the same issue. You still get to this final level of review, which is denovo. It's not reviewing what the Zoning Board did. It's not reviewing what Lourdes did. It gives you the opportunity, as the City Commission, the ultimate decision on this issue. You have the power, as though they walked in the first day and presented this to you, to look at this and to take in evidence, new evidence if they want to introduce it, and make a decision. So I hope that clarifies where you are. The ultimate decision is the same one that Lourdes made and the Zoning Board made, but you're making it now for the third time in this -- in the municipal process, if you will, and --

Commissioner Sarnoff: So --

Mr. Helfman: Yes. Go ahead. I'm sorry.

Commissioner Sarnoff: -- to put this in a linear argument, if you will--

Mr. Helfman: Yeah.

Commissioner Sarnoff: -- one that -- I don't know -- I always like to do things in chronology. CBS enters into a settlement agreement with the City of Miami that appears to be dated July 18, 2008. In that settlement agreement, it provides for an assignment, but it does require in that assignment, the assignee shall execute an agreement to be bound by the terms and conditions of this agreement and to accept all of the rights and obligations of CBS under this agreement; and the assignment is approved in writing by the City Commission, which approval shall not be unreasonably withheld, delayed, or conditioned. So that is signed, as I said, on -- that's signed May 6, 2008, two different time frames. They appeared -- Outdoor signs it May 6, 2008. City Manager signs it July 18, 2008. Pete, you got to get to your desk more frequently. Then, on May 2 -- so actually, before this settlement agreement is entered or at least executed by CBS, so four days before that, they grant authority to C -- to Outlook Media of South Florida, LLC (Limited Liability Company) as confirmation that in accordance with the terms and conditions of the yet executed CBS settlement agreement, it consents to Outlook Media filing applications for outdoor advertising permits with regard to Florida Department of Transportation on our behalf; okay. So then, on August 26, 2008 -- so they start just before the summer and deep into the hot summer of 2008, CBS withdraws its consent of May 2, 2008. Then Outlook comes back to the City -- now it's getting cool out -- in November 2008 and provides for a building permit for Sevenmine LLC, as Outlook being the lessee, for construction of a billboard. New construction cost $200,000 of 344 what appears to be square feet, and it is for a sign and it is new construction. So Outlook does that knowing they no longer have the authorization to do so, okay. All right, I think I can rule. If you're telling me that the framework and the criteria is denovo and -- just so the record's clear, the only thing I'm basing my opinion on is this book and the presentation by counsel that was mere representation. I did not hear any evidence from the appellant; all I heard was representations, so I can rule, and I'm going to make a motion to deny the appeal.
Mr. Echemendia: Mr. Sarnoff, would -- just -- can I correct the record? What we -- it was argument, but there is a record that is replete with competent substan -- and substantial evidence that has been submitted to the Clerk -- for the Clerk.

Commissioner Sarnoff: And let -- and -- right -- me be clear on that because I think it's very unfair to do this to this Commission. I don't think -- although I cannot speak for Commissioner Spence-Jones, and I don't think and I will not speak for Commissioner González -- he has read anything other than what's been presented to him today, and I have always thought it was very unfair for any counsel to say, “I hereby adopt and anything that's ever gone on in the City of Miami from date in time 00 to today.” We just don't work that way. I think everybody sat here carefully, has listened. I'm telling you what I'm basing it upon. I'm basing it upon anything that happened in front of me today. I have not taken the opportunity to read any old record before this tribunal or any other tribunal of the City of Miami.

Mr. Echemendia: Mr. City Attorney -- if I may, Madam Chair?

Vice Chair Spence-Jones: Okay. I just wanted you to know that we do have a motion to deny, but I will allow you to speak, and I'll see if we have a second on that.

Mr. Echemendia: Thank you. Just for the record, it is with all due respect, Commissioner Sarnoff, customary in zoning proceedings where there are proceedings below, even if it's denovo, to incorporate into the record everything below. Indeed, I believe that your packet has our appeal letter, which we believe provides the competent substantial evidence with the condition that it be subject to an amended permit, as we've articulated, understanding that we cannot pull a permit -- notwithstanding what the building permit says, we cannot and concede that will not pull a permit or an amended permit because we don't have one nor have a settlement agreement to get a settlement agreement. I would respectfully submit and ask you strongly to reconsider. I would submit that there is competent substantial evidence in your records submitted by your staff, in your packet, based on our appeal letter that confirms that there is no competent substantial evidence to deny the issuance of a building permit subject to an amended permit which gives us nothing but preserve our right for the tag not to expire so that we and CBS could deal with our issues as to who's going to build the site.

Mr. Helfman: Okay. The material that they have submitted through the course of this is part of the record. I will tell you that I believe that certainly the material that you're relying upon in making that motion provides an adequate defense to any challenge that might be mounted.

Vice Chair Spence-Jones: Okay. So, Commissioner Sarnoff, are you still --?

Commissioner Sarnoff: I maintain my motion.

Vice Chair Spence-Jones: Okay, he's made his -- he -- she -- he maintains his motion.
Commissioner González, are you seconding or what?

Commissioner González: Yeah, I'll second the motion.

Vice Chair Spence-Jones: Okay, so we have a motion --

Mr. Echemendia: Could we defer the item to give us some time to possibly settle? This is Sevennine. This is not Mary May [sic]. Mary May [sic] is a much more serious issue. Sevennine doesn't come up till December. We would be happy to defer till September; give us a few months to try to work things out. Marc, I implore you, please. I mean, we --

Commissioner Sarnoff: I thought that's what we did the last time. I thought that was the point of the mediation.
Mr. Echemendia: Well --

Commissioner Sarnoff: I thought the point -- I mean --

Vice Chair Spence-Jones: I think he said for Mary May [sic] that was --

Mr. Echemendia: Mary May [sic] is different. Mary May [sic], that's the next item. On this item, we don't mind deferring till September; give us an opportunity, please. I would implore you. It doesn't adversely affect the City. It doesn't adversely affect -- I don't think that CBS would find it objectionable to defer Sevennine --

Commissioner Sarnoff: I got to go --

Mr. Echemendia: -- and then we can take up --

Commissioner González: Okay. What --

Commissioner Sarnoff: I have to go with the City Attorney's advice.

Mr. Helfman: The City objects to any continuance of this item.

Commissioner González: What you're --

Mr. Echemendia: Why would they do that?

Commissioner González: -- requesting is a deferral?

Mr. Echemendia: Yes, sir.

Commissioner González: Okay.

Mr. Echemendia: It's a deferral.

Commissioner González: Let me tell you, that was --

Vice Chair Spence-Jones: Yeah, I know. That's what you're going to --

Commissioner González: From the beginning --

Vice Chair Spence-Jones: Because all the --

Commissioner González: -- that was -- my intention was to ask for a deferral because --

Vice Chair Spence-Jones: Nobody --

Commissioner González: -- in a case like this one, I would like to have a full Commission participating on -- you know, on this type of issue, and unfortunately, we don't. Like I said, you know, I don't want anybody saying that I don't -- you know, I'm afraid to listen to the case or make a decision on the case.

Mr. Echemendia: Actually, we're --

Commissioner González: Are we going to defer both items?
Mr. Echemendia: No. We're actually -- we're okay with the denial. I'm sorry. We're okay with the denial. We'll go forward and we'll go forward. We're okay with the denial.

Commissioner González: Okay.

Vice Chair Spence-Jones: Okay, so we had a motion, we had a second; correct?

Ms. Thompson: Correct.

Commissioner González: All in favor?

Vice Chair Spence-Jones: All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: This item --

Ms. Thompson: Madam Chair --

Vice Chair Spence-Jones: Yes.

Ms. Thompson: -- your vote.

Vice Chair Spence-Jones: Oh, all in favor?

Ms. Thompson: We had an “aye” and “aye.”

Commissioner Sarnoff: She's asking for your vote.

Ms. Thompson: Your vote.

Commissioner González: Aye.

Vice Chair Spence-Jones: Aye.

Commissioner Sarnoff: Aye.

Vice Chair Spence-Jones: Yeah.

Ms. Thompson: Oh, thank you.

Vice Chair Spence-Jones: So we've denied the appeal.

PZ.4  09-00020za  RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING THE APPEAL BY AMANDA L. QUIRKE, AFFIRMING THE DECISION OF THE ZONING BOARD, THEREBY UPHELDING THE ZONING ADMINISTRATOR INTERPRETATION DATED DECEMBER 8, 2008, REGARDING A PROVISION CONTAINED IN SECTION 10.4.5, OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ENTITLED "OUTDOOR ADVERTISING SIGNS; NEW SIGNS OF OUTDOOR ADVERTISING PROHIBITED", FOR THE PROPERTY LOCATED AT APPROXIMATELY 1330 NORTHWEST 2ND COURT, MIAMI, FLORIDA.
Motion by Commissioner Sarnoff, seconded by Commissioner González, that this matter be ADOPTED PASSED by the following vote.

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

Note for the Record:  Please refer to Item PZ.3 for minutes referencing Item PZ.4.

Santiago Echemendia:  Okay.  This one could be shorter.  It could be much shorter.  Mary May [sic], I think we can incorporate, with your consent, Commissioner Sarnoff --

Commissioner Sarnoff:  Yeah.  If it --

Mr. Echemendia:  -- if we can incorporate, we're just going to submit our Mary May [sic] presentation into the record.  It's the same set of facts.  Again, we're not requesting a building permit -- I mean, we're requesting a building permit subject to an amended permit, no LED (Light Emitting Diodes), and that was one of the conditions, of course, in the -- of the 79.  It's the same set of facts.  This one is a little bit more complicated, but we'd rather, you know, rely on the record evidence that we think there are some procedural due process issues involved in this one.  I'd like to reserve the procedural due process argument by leaving it at that and relying on what we've submitted on the record; and with that, I think it's -- I guess we're doing this over again.

Warren Bittner (Assistant City Attorney):  As the City indicated in its presentation, Lourdes' testimony is applicable not only to the previous item, but to the item that is before you.

Mr. Echemendia:  And we would like to incorporate by reference into this item the cross-examination of Lourdes, and of course, this item has its own record, so we can go with that.

Mr. Helfman:  Well --

Priscilla A. Thompson (City Clerk):  Madam Chair, I need to be clear for your record.  I need to be very clear for your record because we have PZ.3, which is one item, one different file ID (Identification), one different location from PZ.4.  So for your record, I need to make sure that all testimony given relates to both PZ.3 and PZ.4; is that correct?

Mr. Echemendia:  PZ.4.

Mr. Helfman:  That is correct.

Ms. Thompson:  Thank you.

Mr. Helfman:  That's correct.

Mr. Echemendia:  The only other thing that I would like to note on this one that is a little
different, Commissioner Sarnoff and the other Commissioners, is that unlike the other one, this tag expires in -- on June 22; we will lose the right, as will CBS lose the right. And so, again, we offer it up to them that it be issued to them to preserve the right mutually. By, I believe that explicitly, their failure to come up on the record and state otherwise, they are confirming that they're willing to risk losing that site, and we loathe to have to go into court to seek not only the writ, but I guess an emergency injunctive relief, unfortunately. We may be left with no choice. We were looking for an artful compromise. I do apologize to the Commissioner and the rest of the staff for, you know, my initial kind of feverish emotive reaction. This has been very important to me. We thought we were reaching a reasonable compromise. I do want to thank Steven. I think he was great today as we were having discussions regarding a possible settlement, as well as all of our staff, Orlando and Pieter, as they've gone through this process with billboards, which is a very competitive and rigorous process. I have found out recently, you know, it's unfortunate the decision you made in the last one. I was hopeful that because the circumstances are a little bit different in this one in terms of us being hurt and really nobody else being hurt by you issuing, you would consider it differently, but I leave you with that, and I thank you.

Commissioner Sarnoff: All right. I'm going to make a motion based upon the competent and substantial evidence of the previous hearing that we just had for PZ.2 -- 3, sorry, PZ.3, and based upon the application of Mary May [sic], being dated November 3, 2008, so it would be the same parallel assignment, authorization, and then withdrawal of authorization by CBS that I move to deny the appeal.

Commissioner González: Second.

Vice Chair Spence-Jones: (INAUDIBLE) and a second. All in favor?

The Commission (Collectively): Aye.

Vice Chair Spence-Jones: This item is denied. Thank you very much.

Mr. Helfman: Thank you.

PZ.5  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.
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.

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

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

Chair Sanchez:  All right. I believe that Grove Harbour is going to be continued, deferred. Let's get that out of the way. Where are we at on that?  Come on.  Let's move this agenda. We've got to move this agenda.

Santiago Echemendia:  Good morning.

Chair Sanchez:  You're recognized for the record.

Mr. Echemendia:  Santiago Echemendia, 1441 Brickell Avenue, on behalf of Grove Harbour. We would like to continue to the date certain of the June Commission meeting, and hopefully, we'll have a resolution by --

Chair Sanchez:  June what?
Mr. Echemendia: -- that time.

Chair Sanchez: Would be the second meeting of June. Do we have a date?

Mr. Echemendia: The June Planning and Zoning meeting.

Priscilla A. Thompson (City Clerk): That's the 25th.

Chair Sanchez: 25th?

Ms. Thompson: Yes.

Chair Sanchez: All right. Need a motion.

Commissioner Sarnoff: So moved.

Chair Sanchez: Moved by --

Commissioner Regalado: Second.

Chair Sanchez: -- Commissioner Sarnoff, second by Commissioner Regalado. No discussion on the item. All in favor, say “aye.”

The Commission (Collectively): Aye.

Chair Sanchez: And that's two of them, right, PZ --

Commissioner Regalado: PZ.5.

Mr. Echemendia: Yes, sir.

Chair Sanchez: -- 5 and 6?

Mr. Echemendia: Yes, sir.

Julie O. Bru (City Attorney): Mr. Chairman.

Chair Sanchez: Is it 5 and 6? Yes?

Ms. Bru: Okay, since the items were advertised to be heard after 10, I suggest that we also make an announcement after 10 o'clock that those items were deferred.

Chair Sanchez: We will. We just want to try to get this agenda --

Ms. Bru: Right.

Chair Sanchez: -- established so we could get a lot of these items out of the way. I mean, once --

Ms. Bru: Right, but in the event that somebody --

Chair Sanchez: -- again, as we get close --

Ms. Bru: -- should show up --
Chair Sanchez: -- to August, you're going to see that the agenda will have more items, and we need to work through the agenda in a very orderly and -- fashion. All right, so that takes care of both of those items. We'll announce it after 10 o'clock.

PZ.6 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
07-00345xc & 07-00345ww Exhibit A.pdf
07-00345ww CC Legislation (Version 1) - NEW.pdf
07-00345ww CC 06-25-09 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.

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

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

Note for the Record: For minutes referencing item PZ.6, please refer to item PZ.5.

PZ.7 09-00027Iu ORDINANCE

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 HERIN 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 HERIN OF REAL PROPERTIES LOCATED AT APPROXIMATELY 1400 NORTHWEST 27TH AVENUE, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00027lu Analysis.pdf
09-00027lu Land Use Map.pdf
09-00027lu Aerial Map.pdf
09-00027lu PAB Reso.pdf
09-00027lu School Board Concurrency.pdf
09-00027lu Letter of Intent.pdf
09-00027lu Application & Supporting Documentation.pdf
09-00027lu CC Legislation (Version 2) - NEW.pdf
09-00027lu & 09-00027zc Exhibit A.pdf
09-00027lu CC SR 05-28-09 Fact Sheet.pdf

LOCATION: Approximately 1400 NW 27th Avenue [Commissioner Angel González - District 1]

APPLICANT(S): Ben Fernandez, Esquire, on behalf of Tony's Standard Services, Inc.

FINDING(S):
PLANNING DEPARTMENT: Recommended approval.
PLANNING ADVISORY BOARD: Recommended approval to City Commission on February 18, 2009 by a vote of 7-0. See companion File ID 09-00027zc.

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

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

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

13067

Commissioner González: Michelle, could you do PZ.7 and 8, which are no opposition? It's very --

Vice Chair Spence-Jones: What's the -- 7 -- 8, we've already done already.

Commissioner González: No. Seven and eight are -- haven't been done.

Vice Chair Spence-Jones: Seven and eight has been done, sir. Seven and eight, the Gibson Guitars?

Commissioner González: Seven and eight. Huh?
Vice Chair Spence-Jones: RE (Resolution)?

Commissioner González: No, no, no.

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

Commissioner González: Planning and Zoning, PZ.

Vice Chair Spence-Jones: Well, these are quick ones. If you want to, we can. Okay, which one would you like me to do?

Commissioner González: Because there's nobody here in opposition.

Vice Chair Spence-Jones: Oh, okay. PZ.7 and 8, no opposition on those items. Let's go ahead and take PZ.7.

Commissioner González: It's second reading, I believe.

Vice Chair Spence-Jones: Okay. Any staffing here to put something on the record?

Roberto E. Laverinia (Chief of Land Development, Planning Department): PZ.7 and 8 are also companion items. This is second reading. It was approved on first reading on April 23. Planning Department is recommending approval. Planning Advisory Board recommend approval. Zoning Board recommend approval, too, and this is second reading.

Commissioner González: Motion on PZ.7.

Vice Chair Spence-Jones: We have a motion --

Commissioner Regalado: Second.

Vice Chair Spence-Jones: -- and we have a second, but we do have to open it up. Is there anybody that'd like to put something on the record regarding this item? No. Okay, it comes back to the Commission. We had a motion and a second. I believe this is a --

Commissioner González: Close the public hearing and --

Vice Chair Spence-Jones: Yes. I bring it back; we close the hearing.

Commissioner González: It's an ordinance.

Vice Chair Spence-Jones: It's an ordinance.

Maria J. Chiaro (Deputy City Attorney): This is PZ.7?

Vice Chair Spence-Jones: Um-hum.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Vice Chair Spence-Jones: Roll call.

Commissioner González: Roll call.

Priscilla A. Thompson (City Clerk): Roll call.
A roll call was taken, the result of which is stated above.

Ms. Thompson: The ordinance --

Commissioner González: Move --

Ms. Thompson: -- has been adopted on second reading, 4-0.

PZ.8 09-00027zc ORDINANCE

AN ORDINANCE OF THE MIAMI CITY COMMISSION WITH ATTACHMENT(S) AMENDING PAGE NO. 26, 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-2" TWO-FAMILY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL FOR THE PROPERTY LOCATED AT APPROXIMATELY 1400 NORTHWEST 27TH AVENUE, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00027zc Analysis.pdf
09-00027zc Zoning Map.pdf
09-00027zc Aerial Map.pdf
09-00027zc Letter of Intent.pdf
09-00027zc Application & Supporting Docs.pdf
09-00027zc Corporation’s Power of Attorney.pdf
09-00027zc ZB Reso.pdf
09-00027zc CC Legislation (Version 2).pdf
09-00027lu & 09-00027zc Exhibit A.pdf
09-00027zc CC SR 05-28-09 Fact Sheet.pdf

LOCATION: Approximately 1400 NW 27th Avenue [Commissioner Angel González - District 1]

APPLICANT(S): Ben Fernandez, Esquire, on behalf of Tony’s Standard Services, Inc.

FINDING(S):
PLANNING DEPARTMENT: Recommended approval.
ZONING BOARD: Recommended approval to City Commission on March 9, 2009 by a vote of 7-0. See companion File ID 09-00027lu.

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

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

Votes: Ayes: 4 - Commissioner González, Sarnoff, Regalado and Spence-Jones
Absent: 1 - Commissioner Sanchez
13068

Commissioner González: Move PZ.8.

Vice Chair Spence-Jones: PZ.8. We have a --

Commissioner Regalado: Second.

Vice Chair Spence-Jones: -- motion and a second, but I now need to open it up to the public. Is there any comments from the public on this item? No comments. The hearing is actually closed. Madam City Attorney.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Commissioner González: Roll call.

Vice Chair Spence-Jones: Roll call.

Priscilla A. Thompson (City Clerk): Roll call.

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

Ms. Thompson: The ordinance has been adopted on second reading, 4-0.

Unidentified Speaker: Thank you.

PZ.9 09-00143zc  ORDINANCE  Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING PAGE NO. 35, 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, TO "R-3" MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL WITH AN "HP" HISTORIC PRESERVATION OVERLAY DISTRICT, FOR THE PROPERTY LOCATED AT APPROXIMATELY 138 NORTHWEST 16TH AVENUE, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

09-00143zc Analysis.pdf
09-00143zc Zoning Map.pdf
09-00143zc Aerial Map.pdf
09-00143zc PAB Reso.pdf
09-00143zc Application & Supporting Documents.pdf
09-00143zc CC Legislation (Version 2).pdf
09-00143zc CC SR 05-28-09 Fact Sheet.pdf

LOCATION: Approximately 138 NW 16th Avenue [Commissioner Joe Sanchez - District 3]

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 March 4, 2009 by a vote of 6-0.

PURPOSE: This will change the above property to "R-3" Multifamily Medium-Density Residential with an "HP" Historic Preservation Overlay District.

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

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

13069

Vice Chair Spence-Jones: Okay, PZ.9 has no issues, I was told.
Commissioner González: You still have --
Vice Chair Spence-Jones: Oh, you --
Commissioner González: -- I'm sorry to interrupt you, but you still have --
Vice Chair Spence-Jones: RE (Resolution) --
Commissioner González: -- RE.17.
Vice Chair Spence-Jones: RE.17?
Priscilla A. Thompson (City Clerk): No. That one was withdrawn.
Vice Chair Spence-Jones: No. We --
Pedro G. Hernandez (City Manager): Withdrawn.
Vice Chair Spence-Jones: No. They --
Commissioner González: That was withdrawn?
Vice Chair Spence-Jones: -- deferred it.
Ms. Thompson: Yes.
Commissioner González: Oh, deferred?
Vice Chair Spence-Jones: Yes.
Commissioner González: Okay.
Ms. Thompson: RE.9.
Vice Chair Spence-Jones: Okay, so we're at PZ.9, right?
Commissioner González: RE.9.
Vice Chair Spence-Jones: RE -- PZ.9.
Mr. Hernandez: PZ.9.

Vice Chair Spence-Jones: I was told that that was not a lot of controversy, right?

Ellen Uggucioni: No, ma'am. Ellen --

Vice Chair Spence-Jones: You've been standing up for a minute, right?

Ms. Uggucioni: -- Uggucioni --

Vice Chair Spence-Jones: You're recognized.

Ms. Uggucioni: -- Preservation officer with the Planning Department. This is a bungalow in Little Havana. We're asking for an HP (Historic Preservation) overlay to allow offices there. It's an RE-3 zone neighborhood. Dade Heritage Trust is the owner of the bungalow. The tenants will be Citizens for a Better South Florida. We're asking for your recommendation of approval, please.

Commissioner Sarnoff: Isn't this Commissioner Sanchez?

Vice Chair Spence-Jones: Yes.

Pedro G. Hernandez (City Manager): Yes.

Commissioner Sarnoff: Should we be hearing this?

Commissioner González: He's not here.

Commissioner Sarnoff: Right. I mean, I wouldn't want this done to me.

Commissioner González: No. I wouldn't --

Commissioner Regalado: It's second reading.

Commissioner Sarnoff: Yeah. Is it second reading?

Becky Matkov: Yes.

Vice Chair Spence-Jones: And I think he's in support, if I'm not mistaken. Mr. Manager, do you know?

Mr. Hernandez: As far as I know, the District 3 has no issues with this item.

Vice Chair Spence-Jones: Okay. So -- you guys cool with that? Can I get a motion and a second? Do you want to put something on the record?

Commissioner Regalado: Motion.

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

Commissioner González: All right, I'll second it.

Vice Chair Spence-Jones: Okay, we have a second.

Commissioner González: It's a second reading.
Vice Chair Spence-Jones: Yes.

Commissioner González: Yeah.

Vice Chair Spence-Jones: Any -- did you want to put something on the record?

Ms. Matkov: Well, yes. I'm Becky Matkov, executive director of Dade Heritage Trust, and I just am delighted that we have been able to renovate or we're in the process of renovating this historic belvedere bungalow, the finest example of a belvedere bungalow in the City of Miami. We saved it from demolition, and we are -- have a contract to sell it to Citizens for a Better South Florida.

Commissioner González: Now, I remember the item.

Mr. Matkov: Yes. And you were all very supportive --

Commissioner Sarnoff: No. It's a --

Mr. Matkov: -- when [sic] we appreciate that because we think it will be a wonderful use for this historically designated bungalow.

Commissioner González: Beautiful job.

Vice Chair Spence-Jones: Okay.

Mr. Hernandez: Commissioner.

Commissioner González: Beautiful job.

Ms. Matkov: Thank you.

Vice Chair Spence-Jones: So we had a motion and a second. All in favor?

Mr. Hernandez: If I may. Just for your information, Commissioner Sanchez did move the item --

Vice Chair Spence-Jones: The last time.

Mr. Hernandez: -- when it came to us --

Commissioner González: First time.

Mr. Hernandez: -- on first reading.

Commissioner González: Okay.

Vice Chair Spence-Jones: Okay.

Ms. Matkov: Yeah, he's been very supportive as well.

Vice Chair Spence-Jones: All in favor?

Ms. Thompson: Second reading ordinance.

Commissioner Sarnoff: It's an ordinance.
Vice Chair Spence-Jones: Oh.

Julie O. Bru (City Attorney): It's an ordinance.

Vice Chair Spence-Jones: Read it into the -- sorry.

Ms. Bru: Okay. Madam Vice Chair.

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

Vice Chair Spence-Jones: Roll call.

Ms. Thompson: Roll call. Commissioner Sarnoff?

Commissioner Sarnoff: With the understanding that Commissioner Sanchez is in agreement. Personally, I like it, but I don't like to vote without knowing what the district Commissioner says, but I'll base my vote on what Mr. Hernandez says and also vote yes.

Ms. Thompson: Continuing with the roll call. Commissioner González?

Commissioner González: Yes, ma'am.

Ms. Thompson: Commissioner Regalado?

Commissioner Regalado: Yes.

Ms. Thompson: Vice Chair Spence-Jones?

Vice Chair Spence-Jones: Yes.

Ms. Thompson: The ordinance has been adopted on second reading, 4-0.

Ms. Uggucioni: Thank you very much.

Ms. Matkov: Thank you so much.

Vice Chair Spence-Jones: Thank you very much. Sorry for holding you guys up today.
LOCATION: Approximately 5265 N Miami Avenue [Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): A. Vicky Garcia-Toledo, Esquire, on behalf of Douglas Gardens Holding Corp., Inc., a Florida Not-For-Profit Corporation, Holding Company of Miami Jewish Home and Hospital for the Aged

FINDING(S):
PLANNING DEPARTMENT: Recommended approval.
PLANNING ADVISORY BOARD: Recommended approval to City Commission on March 4, 2009 by a vote of 6-0. See companion File ID 07-00216zc1.

PURPOSE: This will change the above property to "Major Institutional, Public Facilities, Transportation and Utilities".

Motion by Commissioner González, seconded by Commissioner Regalado, that this matter be PASSED ON FIRST READING PASSED by the following vote.

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

Vice Chair Spence-Jones: So let's get -- can I get the Miami Jewish Home out? Are they here still?

Commissioner Sarnoff: Oh, come on.

Vice Chair Spence-Jones: Let me get the Miami Jewish Home out because they're -- I don't think they're controversial items. PZ.10, PZ.11, those are your two items, right, the Jewish Home? And do -- first of all, do we have any opposition on this item? No. Okay, good. All right, so let's take up that. Let's start with PZ.10 first. Staff, can you put something on the record.

Roberto E. Lavermia (Chief of Land Development, Planning Department): Yes. PZ.10 and PZ.11 are companion items, request to change the future land use map of the comprehensive plan and the zoning atlas for one lot designated duplex residential to major institutional, public facilities, transportation and utilities for the land use and to G/I (Government/Institutional) for the zoning. The Planning Department is recommending approval. That would be the remain [sic] lot on that block without the designation. The Planning Advisory Board recommend approval and the Zoning Board recommended approval also to the change.

Vice Chair Spence-Jones: First of all, I want to make -- do we have a motion and a second on this item, at all?

Commissioner González: Motion.

Vice Chair Spence-Jones: I have a motion. Do I have a second?
Commissioner Regalado: Second.

Vice Chair Spence-Jones: Second. Do you -- would you like to put something -- want to go ahead and put something on the record, Ms. Toledo?

Vicky Garcia-Toledo: Just my name, Vicky Garcia-Toledo, on behalf of the Home.

Vice Chair Spence-Jones: Okay. Sorry for keeping you guys waiting all day long, but -- we had a motion and a second on this item. There's no issues regarding this item with staffing, so we'd like to officially --

Commissioner González: Public hearing.

Vice Chair Spence-Jones: Sorry.

Priscilla A. Thompson (City Clerk): Yes, it is a first reading ordinance --

Vice Chair Spence-Jones: Okay.

Ms. Thompson: -- so we need a public --

Vice Chair Spence-Jones: No problem. I officially would like to open up. Is there any opposition to this item, at all? Was -- anybody like to put anything on the record? All right, going once, going twice, going three times; coming back to the dais. We had a motion and we had a second. All in favor?

Ms. Thompson: First reading ordinance.

Maria J. Chiaro (Deputy City Attorney): I need to read the ordinance.

Commissioner González: It's an ordinance.

Vice Chair Spence-Jones: Oh, yes.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Ms. Thompson: Your --

Vice Chair Spence-Jones: Roll call.

Ms. Thompson: -- roll call.

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

Ms. Thompson: The ordinance has been passed on first reading, 3-0.

PZ.11 07-00216zc1 ORDINANCE

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 16, 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-2" TWO-FAMILY RESIDENTIAL TO "G/I" GOVERNMENT AND INSTITUTIONAL FOR THE PROPERTY LOCATED AT APPROXIMATELY
5265 NORTH MIAMI AVENUE, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Approximately 5265 N Miami Avenue [Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): A. Vicky Garcia-Toledo, Esquire, on behalf of Douglas Gardens Holding Corp., Inc., a Florida Not-For-Profit Corporation, Holding Company of Miami Jewish Home and Hospital for the Aged

FINDING(S):
PLANNING DEPARTMENT: Recommended approval.
ZONING BOARD: Recommended approval to City Commission on April 13, 2009 by a vote of 6-0. See companion File ID 07-00216lu1.

PURPOSE: This will change the above property to "G/I" Government and Institutional.

Motion by Commissioner González, seconded by Commissioner Regalado, that this matter be PASSED ON FIRST READING PASSED by the following vote.

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

Vice Chair Spence-Jones: Okay. PZ.11.

Commissioner González: Motion on PZ.11.

Vice Chair Spence-Jones: All right. PZ.11, you want to put anything on the record for this, at all? Can you put some --?

Roberto E. Lavernia (Chief of Land Development, Planning Department): I present both items at the same time.

Vice Chair Spence-Jones: Okay.

Mr. Lavernia: I think the --

Commissioner González: Motion.

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

Commissioner Regalado: Second.
Vice Chair Spence-Jones: All in favor?

Commissioner Regalado: No, no. Ordinance.

Priscilla A. Thompson (City Clerk): It's a first --

Commissioner González: No. It's an ordinance.

Maria J. Chiaro (Deputy City Attorney): Ordinance of the Miami City Commission with --

Vice Chair Spence-Jones: Ordinance. Please read it into the --

Ms. Thompson: Public hearing.

Vice Chair Spence-Jones: It's been a long day.

Ms. Thompson: I'm sorry.

Ms. Chiaro: -- attachments --

Ms. Thompson: You need to open your public hearing and --

Vice Chair Spence-Jones: I'd like to officially open the public hearing.

Ms. Thompson: -- close it, if there's no --

Vice Chair Spence-Jones: I'd like to officially close it. Madam City Attorney, please read it into the record.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Vice Chair Spence-Jones: Roll call.

Commissioner González: Roll call.

Ms. Thompson: Roll call.

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

Ms. Thompson: The ordinance has been -- passed on first reading, 3-0.

Ms. Garcia-Toledo: Thank you.

Vice Chair Spence-Jones: Congratulations. Okay.
RESIDENTIAL" TO "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION AND UTILITIES," EXCEPT FOR THE NORTH TWENTY-FIVE FEET PARALLEL TO SOUTHWEST 5TH STREET, WHICH IS TO REMAIN WITH THE "SINGLE-FAMILY RESIDENTIAL" LAND USE DESIGNATION; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-01084lu Analysis.pdf
08-01084lu Land Use Map.pdf
08-01084lu Aerial Map.pdf
08-01084lu PAB Reso.pdf
08-01084lu Miami-Dade County Public School Concurrency.pdf
08-01084lu Letter of Intent.pdf
08-01084lu Application & Supporting Documents.pdf
08-01084lu CC FR Legislation (Version 2).pdf
08-01084lu & 08-01084zc Exhibit A.pdf
08-01084lu CC FR 06-25-09 Fact Sheet.pdf

LOCATION: Approximately 2508, 2524, 2534, 2538, 2590, 2600, 2610 and 2620 SW 5th Street [Commissioner Joe Sanchez - District 3]

APPLICANT(S): Tony Recio, Esquire and Gilberto Pastoriza, Esquire, on behalf of The District Board of Trustees of Miami Dade Community College, Florida

FINDING(S):
PLANNING DEPARTMENT: Recommended denial.
PLANNING ADVISORY BOARD: Recommended approval to City Commission on March 18, 2009, except for the North 25 feet parallel to SW 5th Street, which is to remain with the "Single-Family Residential" Land Use designation, by a vote of 7-0. See companion File ID 08-01084zc.

PURPOSE: This will change the above properties to "Major Institutional, Public Facilities, Transportation and Utilities".

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

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

Chair Sanchez: All right, moving right along. Let's take up -- let's get a couple of -- we've had people here from --

James Villacorta (Interim Executive Director/Community Redevelopment Agency): You have the companion --

Chair Sanchez: Hold on.

Mr. Villacorta: -- items at the CRA (Community Redevelopment Agency).

Chair Sanchez: We got to adjourn --

Mr. Villacorta: No, no. We've adjourned the CRA meeting and now reconvened --
(COMMENTS OFF THE RECORD.)

Chair Sanchez: Yes, we adjourn the CRA meeting and we reconvene the City of Miami Commission meeting.

Commissioner González: All right.

Chair Sanchez: All right, let's take -- there's a PZ (Planning & Zoning) item here, Miami Dade Community College. Want to get you guys out of here, all right. So let's take that item up. Which item is that? Now, everyone who's going to speak on the item, have you checked in with the City Clerk? What PZ item is that?

Unidentified Speaker: Twelve and thirteen.

Chair Sanchez: Thirteen. Let's get --

Unidentified Speaker: Twelve and thirteen.

Chair Sanchez: -- 12 and 13.

Priscilla A. Thompson (City Clerk): Chair.

Commissioner González: You have to close the regular Commission meeting and open the PZ section of the meeting.

Ms. Thompson: No.

Commissioner González: Right?

Ms. Thompson: No.

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

Ms. Thompson: We have --

Chair Sanchez: We can just go --

Ms. Thompson: -- one agenda.

Chair Sanchez: Yeah, it's one agenda.

Ms. Thompson: Okay. Right, but the one thing we have not done for P&Z, we have not sworn in individuals.

Chair Sanchez: Okay. Everyone testifying on any of the PZ items that are coming in front of the Commission, PZ items, you need to stand up, raise your right hand, and be sworn in by the City Clerk.

Ms. Thompson: Again, if you are testifying on any of the PZ items, which would include PZ 12 and 13, okay, I need you to please stand and raise your right hand.

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

Ms. Thompson: Thank you.
Chair Sanchez: All right. How many will be speaking for the project? How many are going to be speaking against the item? Three, four, okay, so -- all right, so what we want to do is limit ourselves to two minutes, and we could hear input from everyone -- everybody, okay? Now, do you have somebody who's going to -- an attorney on your side --? Okay, so let's give somebody five minutes on your side to be able to speak, okay? I want to make sure that the lev -- the field is fair for everyone. Okay. This is an ordinance on first reading, so it comes back to us on second reading, okay, so you will have another opportunity to come back in front of the Commission. So what we'll do in this time is we'll have the City proffer its recommendation, then we'll have the applicant give his presentation. Once he's finished, we'll have whoever's going to be your leader to address us -- five minutes to address us. If you need a little bit more time, I'll give it to you, out of respect, and then we'll have the public input and everyone could speak either for or against. Capiche? Understand? All right. All right, sir, you're recognized for the record --

Commissioner González: What item are we on?

Chair Sanchez: -- as the applicant. This is item 12, 12 and 13.

Commissioner González: Twelve, okay.

Chair Sanchez: This is -- all right, Planning & Zoning recommended denial. Planning & Zoning Board recommended approval.

Roberto E. Lavernia (Chief of Land Development, Planning Department): Mr. Chairman.

Chair Sanchez: Yes, sir.

Mr. Lavernia: May I? For the record, Roberto Lavernia, with the Planning Department. PZ.12 and 13 are companion items.

Chair Sanchez: Yes.

Mr. Lavernia: Twelve is the petition to change the future land use map of the comprehensive plan and thirteen is to change the zoning atlas. The property are nine lots on the north side of the block facing Southwest 5th Street, designated R-1, and two lots on the south side of the block facing Southwest 6th Street, designated R-2.

Chair Sanchez: And is that -- are those two parcels already zoned G/I (Government/Institutional)?

Gilberto Pastoriza: Everything you see in blue here is zoned -- Gilberto Pastoriza --

Chair Sanchez: Is it zoned already G/I?

Mr. Pastoriza: -- is already zoned G/I, yeah.

Priscilla A. Thompson (City Clerk): I'm sorry, Chair; if we can get the respondent's name on the record.

Chair Sanchez: Yeah. He's going to --

Mr. Pastoriza: Gil Pastoriza --

Chair Sanchez: -- put his name --
Mr. Pastoriza: -- at 2525 Ponce de Leon.

Mr. Lavernia: The Planning Department recommend denial of the petition for the comprehensive plan being that it's an intrusion of more intense uses into a low-density residential area designated R-1 and R-2 on the north and east side of the property. The PAB (Planning Advisory Board), on February 18, recommended approval to City Commission except the north 25 feet parallel to Southwest 5th Street that remain single-family residential. That was their recommendation. The Zoning Board -- the Planning Department recommend also denial to the zoning change, and the Zoning Board recommend denial to the City Commission.

Chair Sanchez: Okay. Sir, you're recognized for the record.

Mr. Pastoriza: Good afternoon, Mr. Chairman, members of the Commission. Gilberto Pastoriza, 2525 Ponce de Leon, 7th Floor, here on behalf of Miami Dade Community College. With me -- and they're going to give a very brief presentation -- Gina Cortes-Suarez, who's the president of the campus; Mr. Guillermo Olmedillo, who's our Planning expert; Carlos Dougnac, who's our architect. With us also, there's a number of students, residents, business owners, and faculty, all of which are in support of this application; and I would like for them to please stand and be recognized, all of those in support of the Miami Dade Community College application. In addition, Mr. Chairman, I have a petition that was circulated by the College, which has been signed by 189 businesses in the area, and 2,535 residents of the City of Miami who are all in support of this application. The original application requested the comp plan amendment -- and not -- they're both the same rationale, so I'm going to do the presentation for both items at the same time. The original application sought the comp plan redesignation and the rezoning of the properties that you see here in yellow. These properties were R-1 -- are R-1 and these two properties are R-2. The original applications thought to change this property -- these properties to government and institutional. When we went to the Planning Advisory Board, the Planning Advisory Board made a recommendation to leave the north 25 feet along Southwest 5th Street as residential, so in essence, the application -- the recommendations from the Planning Department or from the Zoning Board was to only rezone the south 75 feet of those lots to G/I so that you will have, in essence, a 25-foot residential buffer along Southwest 5th Street, which is the street that faces the single-family residence across. The College accepts that recommendation. In fact, the College has already began working on a 25-foot linear park. What the College intends to do -- and then I'll have our architect show you some of the things that they've worked on -- is to leave this 25 foot as a linear park for -- to be maintained by the College and for the benefit of the public. The College met in Memorial Day. The College handed out approximately 370 notices, and they met with a group of neighbors to go over and discuss the linear park and the information that our architect is going to provide to you, so I would like the College architect to do a very brief presentation on some of the concepts and some of the ideas that the College has for that linear park.

Carlos Dougnac: Good afternoon, Madam [sic] Chair and members of the Commission. My name is Carlos Dougnac. I'm the College architect for Miami Dade College. I reside in North Miami Beach, Florida. The College approached me and asked me for suggestions on what to do with that -- with the 25-foot zone that was not subject to rezoning with the intent of creating a buffer in that area between the college and the residential property across the street, the neighborhood. The -- you see before you some photos of the existing conditions. There is the R-1 area that is subject to rezoning, separated by a security fence there; the existing city sidewalk, and a five-foot strip -- landscape strip with a variety of trees, telephone poles, etcetera. You see the curb cuts from the old driveways that were there from the houses that were there. Some additional shots of that same -- Now, we came up with a first solution, which was a simple buffer, which was to take the property, rebuild the sidewalk, remove the curb cuts, and landscape the area, provide -- a solid fence to provide a visual barrier, a landscape visual barrier between the college and the adjacent neighborhood. My boss came back to me and said,
“Well, let's do something nicer. Let's provide some amenities,” so we've widened the sidewalk out to eight feet and provided some benches, and they said, “Go further still.” Let's do something that's nice for the community. Let's try to produce a useful linear park.” Now, bear in mind, you're seeing 75 -- 25 feet in depth beyond the five-foot sidewalk, but this is 450 feet long. Our intent would be to hire a landscape architect, work with the community to develop the appropriate amenities for this park, work with the City of Miami and their experts to develop something that really would be a benefit to the community. I have a shot here; you can see how long this parcel would be where it really has a tremendous potential to provide something -- oh, I'm sorry; it's 475 feet long by 25, correct; and if you add the sidewalk and the five-foot landscape strip that belongs to the City, it's quite a useful area.

Mr. Pastoriza: It's almost one-third acres.

Mr. Dougnac: A third of an acre. So the intent of the College is really to provide something that is a great benefit to the community as we hope the College, in general, is.

Mr. Pastoriza: Thank you. Thank you, Carlos. This application that's before you tonight is a very important application for the College and for its successful -- continued successful operation. The application arises from a critical need for parking in -- for -- to serve the needs of the existing college and faculty population at the college. We hope to accomplish to -- that the parking -- the overflow parking that now exists that this overflow parking will be then moved within the College's property. It's taken (UNINTELLIGIBLE) the parking away from the neighborhood, which is a constant complaint not only from the neighbors, but also the students that find it very difficult to have parking to come to class. The approval application now becomes even more critical and it's more necessary to the college because the College may lose some of its parking that it has at the Flagler Dog Track. We have an agreement with the Flagler Dog Track where we lease about 150 spaces from Flagler, and as you well know from the recent happenings here that this Commission is very much aware with the vendors, the public vendors of the flea market, that they were displaced from the Flagler Dog Track. We feel or we are very concerned that we may also be displaced from Flagler Dog Track, thus losing 150 more spaces. There is a need for parking and this application fulfills that need. To the issue which is the legal issues behind the comprehensive plan amendment and the rezoning -- and Mr. Guillermo Olmedillo will be our expert that will talk to you about that. We feel that this application is consistent with the City's comprehensive plans and also that is critical for the continued success of the college as an affordable, educational facility serving the needs of the student population in this area and the City of Miami. It is also -- the college is also a very viable economic engine for all those businesses that lie totally surrounding the college. I will now ask Mr. Olmedillo to give you a brief presentation on the comprehensive plan issues and our consistency with the comprehensive plan issue. Mr. Olmedillo, as you know, has extensive background in planning. He has served stints as both the County's Planning and Zoning director and as the City Planning and Zoning director, and some of these goals, policies, and objectives that were laid out in your plan were initially formulated by Mr. Olmedillo and Mr. Olmedillo's staff. Mr. Olmedillo.

Guillermo Olmedillo: Good afternoon, Chairman, members of the board. Guillermo Olmedillo, 1450 Madruga Avenue, Suite 407, Coral Gables, Florida. When looking at this application, one of the things -- the first things that I looked at is, of course, the comprehensive plan, and when you look at policy LU 1.1.12, it reads specifically: In order to encourage the development and maintenance of educational facilities in the City of Miami, the City's land-use policies permit schools in all land-use classifications, except conservation, restricted parks and recreation, and industrial. Obviously, this is expressed policy that educational facilities are welcomed in any other land use, except for the last -- for the three that I mentioned. I believe that that is founded on traditional land-use policy that you have to have institutions around which you create neighborhoods. That is the essence of land use planning. Now, there are a number of other goals, objectives, and policies that I will just list for the record, but essentially, let me make a global argument rather than go through every specific one. The property's located in an area
to use the land efficiently. When you look at the map that I put up on the screen, you will see that everything that is in red or orange, bright orange is institutional. You have Miami High, you have the facility on 27th Avenue that belongs to the University of Miami, you have the college itself, you have the church on Beacon Boulevard, and you have the fire department facilities on Beacon Boulevard. So actually, this neighborhood, which goes from about 23rd Avenue west to 27th Avenue, from Flagler Street to about 6th Street Southwest, it’s already contained a number of institutional uses, which indicates to us that it’s an area that needs all these institutional uses. And what we’re proposing to you is an expansion of an existing institutional use; therefore, the conclusion that your Planning Department reached that the institutional use will be an intrusion into this neighborhood is not founded based on the fact that there is already substantial institutional uses in the neighborhood -- in the immediate neighborhood. One of the things that we try to do was to create a more efficient use of the block. As you can see in the packets that were issued by staff, this is -- this block is already -- half of it is already institutional use, which is where the College has facilities already established. So this will only serve to complete the block -- the city block, which is a more efficient use of that particular city block and which creates a better transition between the residential uses and the institutional uses because you have not only the setbacks and the park as provided by the exhibits that were shown to you before, but also the front setbacks for each building that are going to be on either side of the block. So, obviously, you have a better transition that you have if you had a back-to-back, like you have right now with the institutional use bisecting the block, the city block. I would just list, for the sake of brevity, a number of policies -- goals, objectives, and policy that’s I believe support the amendment and also support the change of zoning. Objective LU 1.1, Policy LU 1.1.11, Policy LU 1.1.12, Objective 1.3, Policy LU 1.3.4, Policy LU 1.3.5, Goal 3, Objective 3-1; the interpretation of future land-use maps, the Objective SS 2.5, Goal CL1, CL.1.1, 1.2, and 1.2.1, and also the intergovernmental coordination. I’m only doing this for the purpose of the record, but to abbreviate the presentation also.

Commissioner Sarnoff: (UNINTELLIGIBLE). Continue. It’s fascinating.

Mr. Olmedillo: If you have any questions --

Chair Sanchez: All right.

Mr. Olmedillo: -- obviously, but I think it’s self-evident on the plan that I’m showing on the screen --

Chair Sanchez: Thank you.

Mr. Olmedillo: -- institutional use is part of the neighborhood.

Mr. Pastoriza: Thank you, Mr. Olmedillo. I would like now for the president of the campus to give you a little bit of a perspective as to who the College is and who the College serves. Mr. [sic] Gina Cortes-Suarez, the president of the InterAmerican Campus.

Gina Cortes-Suarez: Good afternoon, honorable Commissioners. My name is Gina Cortes-Suarez. I’m the president of Miami-Dade College's InterAmerican campus, at 627 Southwest 27th Avenue. Good afternoon. And thank you for allowing us the time to share some information about Miami-Dade College's InterAmerican campus. First, a very, very short history. The seeds of the InterAmerican campus were planted in the late 1970s, when the College was asked to respond to the higher education needs of the Little Havana community. This effort began at several outreach centers as part of the Wolfson campus. In 1998, the state of Florida granted what was then the InterAmerican Center, the designation of a campus. This
was delivered on the part of the State in its recognition that Miami-Dade College indeed had the ability to provide the residents of the community with access to much-needed affordable higher education. To date, the campus has graduated 3,437 students with AA (Associate in Arts) and AS (Associate in Science) degrees; an additional 154 students with bachelor's degrees, who are all teachers, teaching in our community. Our students are 85 percent Hispanic, 66 percent female, 83 of them work while attending college, and 54 percent of our students are the first in their families to attend college. We know that we are the answer to their dreams.

(UNINTELLIGIBLE) those students that -- who stay in our community to attend college. Many have no other choice. We are their choice. We take that very seriously. We know that of those students that come to us directly from high school, 68 percent graduate from Miami Senior High School, three blocks away from our campus, and 73 percent of our students live in the City of Miami. So, you see, our students are certainly from our surrounding community. Their struggles and achievements are what make us a significant beacon of hope. In addition to preparing for their future careers, our students are busy becoming responsible citizens of our community. The students at the InterAmerican campus have collectively worked over 9,000 hours of community service projects during this academic year alone at 70 community agencies. We also know that we're an important part of the economic life of Little Havana. The InterAmerican campus employs 520 individuals with a payroll which exceeds $17 million. These employees, as well as our students, use the services and buy the goods of many of the businesses in the community. I know that some of our neighbors are concerned regarding the future development of our property. They worry that the College will build a facility that will not be attractive adjoining a residential neighborhood. We have met with our neighbors to assure that they -- what we would include them in any future planning for the development of the campus. As you heard from our attorney, we have also shared with them preliminary concepts for the 25-foot setback which was recommended by the Planning Board. Please understand, Miami-Dade College is presently in no financial condition to build on this property. We do not have the finances to do so. However, when and if that changes, we will actively seek the input of our neighbors during the planning process. Our intent is always to be responsible to the neighborhood. The College employs the best architects who will work with us and the neighbors to ensure that any facility we develop in the future will enhance the neighborhood.

Members of the Commission, we're committed to this. Thank you.

Chair Sanchez: Thank you.

Mr. Pastoriza: Thank you, Gina.

Chair Sanchez: All right. Wrap it up.

Mr. Pastoriza: Yes. I think that in closing, I would like to address some of the staff's recommendations and address some of the objections. Basically, the gist of staff's objection is that the approval of this application creates a domino effect or an intrusion into the area. In most applications that this Commission sees, that is the case, but it's not the case on this particular application, and I will tell you why.

Chair Sanchez: Why not?

Mr. Pastoriza: First -- I will tell you why -- the prop -- half of the property -- exactly half of the property is already zoned G/I. Second, the acceptance of the 25-foot buffer, which will be a linear park, but which will remain designated and zoned residential, creates a barrier on the domino effect. In other words, in order for anybody to redesignate or zone properties to the north of here would have to jump the residential district that we're leaving down here. And finally, even if you were to assume that this application has and is intrusive, your own comprehensive plan recognizes an exception to the intrusion argument --

Chair Sanchez: Public notice.
Mr. Pastoriza: -- and that is Policy LU 1.1.12, and this is what it says. In order to encourage the development and maintenance of educational facilities in the City of Miami, the City's land use policies permit schools in all land-use classifications, except conservation, public parks and recreation, and industrial. There's no doubt that Miami-Dade Community College is an educational facility; and there is no doubt that this application, this area is neither conservation, public parks and recreation, nor industrial. Therefore, I would respectfully submit to you that under the City's comprehensive plan, this application is consistent and permitted. Thank you. And I would like to save some time --

Chair Sanchez: Thank you.

Mr. Pastoriza: -- for rebuttal.

Chair Sanchez: Yes, rebuttal.

Commissioner González: I do have a question.

Chair Sanchez: Yes, questions. But sir, could we get you -- are you going to speak?

Andres Vazquez: Yes.

Chair Sanchez: Yes, sir. Come on up and state -- just get ready, and when we're done -- all right.

Commissioner González: My question, Mr. Pastoriza, what --

Mr. Pastoriza: Yes, sir.

Commissioner González: -- are they planning to build in this --?

Mr. Pastoriza: Okay. Right now, as the College president told you, there is no funding for anything other than parking, so --

Commissioner González: Yeah, but what is -- what are -- I know now they don't have any funding, like many people do. A lot of people don't have funding, and I'm not concerned about tomorrow. I'm not concerned about next week. I'm concerned about five years from now. What are the plans of the College with this piece of land?

Mr. Pastoriza: Well --

Chair Sanchez: Is it to expand? Is it to build?

Commissioner González: Is it to expand with another building? Is it --?

Mr. Pastoriza: I am sure that they're going to build whatever parking facilities they need to handle the parking crisis that they now have.

Commissioner González: But are they only plan --?

Mr. Pastoriza: With regards to whether in the future there going to be a building there, more classes, I cannot tell you. I don't know.

Commissioner González: Okay. That --
Mr. Pastoriza: I don't think the College even knows.

Commissioner González: You just answered my question.

Chair Sanchez: Yeah. All right.

Commissioner Regalado: Can I ask a question?

Mr. Pastoriza: Yeah.

Commissioner Regalado: Are you still renting parking on Saint Michael's Church?

Mr. Pastoriza: No. We're rent -- let me tell you where we're renting parking. We're renting parking at the Flagler Dog Track, 150 spaces at night; Wachovia Bank, 90; and Saint Matthews Church, 60.

Commissioner Regalado: Yeah. That's what I'm asking.

Mr. Pastoriza: Yes.

Commissioner Regalado: Because you're still renting at Saint Michael's.

Mr. Pastoriza: Yeah, we're still renting there.

Commissioner Regalado: Okay.

Mr. Pastoriza: Saint Matthews.

Chair Sanchez: Saint Michael's, the church.

Commissioner Regalado: Saint Michael's.

Mr. Pastoriza: Oh, no. Saint Michael's, no. Saint Matthew's.

Commissioner Regalado: Oh, Saint Matthew's.

Mr. Pastoriza: Saint Matthew's, which is a church down on --

Commissioner Regalado: Right, right. I know (UNINTelligible).

Mr. Pastoriza: -- Beacon.

Commissioner Regalado: But I --

Mr. Pastoriza: Saint Matthew's.

Chair Sanchez: All right. If not, sir, you're on.

Mr. Vázquez: My name is Andy Vázquez, and I reside at 2540 Southwest 4th Street, and I do appreciate the additional time. Thank you. I got this whole thing written out to kind of explain our position, but I think I'm just basically going to speak from the heart. I bought a house here eight years ago on Southwest 4th Street, and my wife and her parents are lived on that block since 1974. I had friends across the street from the house I now own, so I've been there since the late '70s. When the College says that they are not an intrusion to the community, they are exactly that, an intrusion to the community. By bringing the additional students and the building
that they expect to build -- they have purchased and removed houses that had been there for years. In so doing, they've actually intruded into the neighborhood. What we have here is not considered a college town, and therefore, it cannot be attached to that land-use 1.1235, whatever.

Chair Sanchez: LU 1.1.12.

Mr. Vazquez: That one. A college town, by definition, is a town built around an existing college. We have quite the opposite. We have a town that's already been here, and there's a college trying to be forced down the throats of everybody who has lived in this neighborhood for many, many years. We have, in some cases, three generations of families living either on the same house or on the same street. They came before the advisory board and the original meeting was deferred. Why? Because they had never even attempted to discuss anything with the community. It was deferred from February 18 to March 18, and on March 18, we shouldn't have even had a meeting.

Chair Sanchez: Let me just pause there for a minute. Are you saying that they have not had an opportunity to sit down with you and put together a plan? I mean, if they -- look, you got to be good neighbors if it's going to work. Are you saying that the community college has not done that yet?

Mr. Vazquez: It has not done the effort that they claim that they have done.

Chair Sanchez: All right. Then you know what? Taking into consideration that statement, what --

Mr. Pastoriza: That's not --

Chair Sanchez: Okay.

Mr. Pastoriza: -- a correct statement.

Mr. Vazquez: It's a --

Chair Sanchez: All right.

Mr. Vazquez: -- very correct statement.

Chair Sanchez: Well, let's do something. I didn't anticipate this -- we got a long agenda, so what I'm going to do -- being that it's on first reading, what I'm going to proffer is -- and give me an opportunity to get more involved in this 'cause I just got it and I want to do my homework on it 'cause it's a very sensitive issue. And I'm really at a point where, one, I look towards the residents, but I -- Miami Dade Community College, I am a part of -- a product of Miami Dade Community College, so I want to sit down and see exactly how -- and I think that if we get an opportunity for you to sit down with the residents again and see if they could come to an understanding, it's not going to hurt the process. So being that it's on first reading, I'm going to make a motion -- and I'll pass the gavel to Commissioner Sarnoff -- I will make a motion to defer, giving you an opportunity to sit down with the concerned residents; and then when it comes back, I think we'll be ready to make a vote on this, and I will be able to make an intelligent vote on it, being that I will have more ample opportunity as to the subject. So I would make a motion to defer the item.

Mr. Pastoriza: I don't have any objections to the deferral.

Chair Sanchez: Okay.
Mr. Pastoriza: Could I just read a letter from the president of the College, that he --?

Chair Sanchez: No, we're not going to read anymore letters. We're going to go ahead and --

Mr. Pastoriza: Okay.

Chair Sanchez: -- defer the item. It doesn't kill it. It just gives us an opportunity -- I think it's important that the residents have an opportunity to sit with Miami Dade Community College. Some are saying that you have not had. I know that you probably have had a good reach out with the students. I think it's important to get the five, six, seven, eight, ten people that are here, sit in a room with them and work this out because you are a part of this community and they live in this community. And, you know, you made a statement that said it is important -- an important application for the College. Well, the outcome is very important to the residents. So I think with time will give us a better understanding of how we're going to come to an agreement on this.

Mr. Vazquez: Commissioner Sanchez, I --

Chair Sanchez: Yes.

Mr. Vazquez: -- appreciate that opportunity. However, we would like, if that's going to be the case, that the College actually present its true plan, not this fictitious -- something's going to happen five years from now.

Chair Sanchez: Well --

Mr. Vazquez: We don't know what that is.

Chair Sanchez: -- but hold on. Let me explain something to you. What they're coming in front of us is for a parking, okay. They're coming to -- for parking. Now, once this turn into G/I, they could build something, but they would have to come back to the City.

Mr. Vazquez: No. They're going for a G/I now.

Chair Sanchez: Oh, no, no, no, no. (UNINTelligible) hearings.

Mr. Vazquez: They're not going for parking now.

Chair Sanchez: All right.

Commissioner Regalado: No.

Mr. Vazquez: If they were going for parking, we wouldn't have a problem.

Chair Sanchez: Hold on.

Orlando Toledo (Senior Director, Building, Planning & Zoning): Yeah. Commissioner, as soon as they become G/I, then they will not have to come back to --

Commissioner Sarnoff: Right.

Mr. Toledo: -- to City Commission --

Chair Sanchez: All right. Well, listen --
Mr. Toledo: -- because --

Chair Sanchez: -- it is my district; I'm going to respectfully ask that the item be deferred to the next --

Commissioner González: Mr. Chairman.

Chair Sanchez: -- regular -- PZ agenda.

Commissioner Sarnoff: All right. Commissioner González.

Commissioner González: I have to agree with the gentleman. You know, there has to be a definite plan of what is going to happen with this piece of land. I mean, you know, that -- leaving that vague of, you know, just approve the land change and now we're not going to do anything, but maybe in the future, we don't know. You know, that kind of uncertainty, you cannot do that to a neighborhood, an established neighborhood, because -- I'm a graduate of Miami Dade Community College. I graduated in 1976, okay, (UNINTelligIBLE) site, Southwest 8th Street and 7th Avenue, so I love the college, but I also know -- I've been in this City for 50 years. I also know that this neighborhood has been there for many, many, many years, okay, and the building -- they acquire this building or they adopted this building to a college. I know they have a lot of problems with parking because I have -- I know a lot of people that have gone to that college, to that site, and they have a lot of problems with parking. I'm sure that the neighborhood will not object to parking. I'm sure that the neighborhood will not object to parking, but to another building because it's going to be a domino effect, you know. They will build another building, more classrooms, and there will be more problem of parking, so the problem will never disappear. It will be a constant problem. Thank you.

Chair Sanchez: Now, also we could suggest is -- are you willing to proffer that if you're going to do anything else, you would bring it back to the Commission?

Mr. Pastoriza: I cannot make that proffer right now.

Chair Sanchez: Okay, so that's it. What we're going to do is let's go ahead --

Commissioner Sarnoff: We have a motion --

Chair Sanchez: To defer --

Commissioner Sarnoff: -- to defer. Is there a second?

Commissioner Regalado: Second.

Chair Sanchez: -- giving us time.

Commissioner Sarnoff: We have a motion and a second. Any further discussion? All right. All in favor, please say "aye."

The Commission (Collectively): Aye.

Chair Sanchez: Folks --

Mr. Vazquez: Thank you, Commissioners.

Chair Sanchez: -- sorry. We'll see you back --

Maria J. Chiaro (Deputy City Attorney): That's item --
PZ.13 08-01084zc  ORDINANCE  First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 34, 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-1" SINGLE-FAMILY RESIDENTIAL AND "R-2" TWO-FAMILY RESIDENTIAL TO "G/I" GOVERNMENT AND INSTITUTIONAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2508, 2524, 2534, 2538, 2590, 2600, 2610 AND 2620 SOUTHWEST 5TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

08-01084zc CC Analysis.pdf
08-01084lu CC Zoning Map.pdf
08-01084zc CC Aerial Map.pdf
08-01084zc Letter of Intent.pdf
08-01084zc Application & Supporting Docs.pdf
08-01084zc ZB Resos.pdf
08-01084zc CC Legislation (Version 2).pdf
08-01084iu & 08-01084zc Exhibit A.pdf
08-01084zc CC FR 06-25-09 Fact Sheet.pdf

LOCATION: Approximately 2508, 2524, 2534, 2538, 2590, 2600, 2610 and 2620 SW 5th Street [Commissioner Joe Sanchez - District 3]

APPLICANT(S): Tony Recio, Esquire and Gilberto Pastoriza, Esquire, on behalf of The District Board of Trustees of Miami-Dade Community College, Florida

FINDING(S):
PLANNING DEPARTMENT: Recommended denial.
ZONING BOARD: Recommended denial to City Commission on April 13, 2009 by a vote of 3-2. Also recommended to the City Commission that the Board will not object to an "SD-12" Overlay to achieve the parking needs of the Miami-Dade College, by a vote of 4-1. See companion File ID 08-01084lu.

PURPOSE: This will change the above properties to "G/I" Government and Institutional.

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

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

Commissioner Sarnoff: Want to do the same thing with PZ.13?

Chair Sanchez: All right. I think it's the right thing to do.

Mario J. Chiaro (Deputy City Attorney): It's items --

Commissioner Sarnoff: Can we do the same thing with PZ.13?
Chair Sanchez: Yeah, PZ.13. Make a motion to defer to the next PZ (Planning & Zoning) agenda.

Commissioner Sarnoff: Second.

Commissioner Regalado: Second.

Commissioner González: Second.

Priscilla A. Thompson (City Clerk): So that --

Commissioner Sarnoff: All in favor, please say "aye."

The Commission (Collectively): Aye.

Ms. Thompson: I'm sorry; just one second. We need to make sure of something. PZ.12 and 13 are both being continued to the next P&Z meeting, which is --

Commissioner Sarnoff: He said deferred.

Ms. Thompson: -- June 25.

Chair Sanchez: No, no. It's -- yeah. We'll continue it to the next one.

Ms. Thompson: The next meeting.

Chair Sanchez: Yes.

Commissioner Sarnoff: You want continued, not deferred?

Chair Sanchez: Yes, continued. Sorry. I do apologize. I made a mistake.

Ms. Thompson: Yes.

Commissioner Sarnoff: As amended.

Ms. Thompson: Thank you.

Commissioner Sarnoff: Okay.

**PZ.14 08-01086lu ORDINANCE**

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 PROPERTIES LOCATED AT APPROXIMATELY 8055 NORTH MIAMI AVENUE AND 8102, 8112, 8128 NORTHEAST MIAMI COURT, MIAMI, FLORIDA, FROM "OFFICE" TO "RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.
LOCATION: Approximately 8055 N Miami Avenue and 8102, 8112, 8128 NE Miami Court [Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): Kertch J. Conze, Esquire, on behalf of Josphine Mogene and Erick St. Louis, Owners

FINDING(S):
PLANNING DEPARTMENT: Recommended denial.
PLANNING ADVISORY BOARD: Recommended denial to City Commission on February 18, 2009 by a vote of 7-1. See companion File ID 08-01086zc.

PURPOSE: This will change the above properties to "Restricted Commercial".

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

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

Vice Chair Spence-Jones: Okay. Let me ask you this, before I go to PZ.14 and 15 -- first of all, is there any opposition to that item, at all, PZ.14 and 15, from staff? No? Okay, so let's just take it and let's get it out of the way. PZ.14 and 15. PZ.14 first.

Roberto E. Lavermia (Chief of Land Development, Planning Department): PZ.14 and 15 are companion items. It's the change of the future land use map of the comprehensive plan and the zoning change request. The Planning Department is recommending denial for intrusion of the (UNINTELLIGIBLE) use into that area. The area is designated office and they want it restricted commercial. Planning Advisory Board recommend denial on February 18. The Zoning Board recommended approval of the case.

Commissioner González: All right.

Vice Chair Spence-Jones: Open --

Commissioner González: Is there a motion?

Vice Chair Spence-Jones: So moved.

Commissioner González: Second. All right, it's a public hearing. Anyone in the public that wants to address this item, please come forward to be recognized. You want to speak on the item?

Kertch Conze: Certainly.

Vice Chair Spence-Jones: It's been passed already, but go ahead.
Mr. Conze: I'm sorry?

Vice Chair Spence-Jones: It's been passed already. Go ahead.

Mr. Conze: Good afternoon to you all. Kerch Conze, attorney of record for the owners that's Josephine Mogene also present with me, as well as Mr. Erick Codet (phonetic). And I'm just going to be very brief because I know we're running short on time. My client purchased this particular property for the purpose of opening up a small take-out restaurant. As he mentioned, it was zoned as office, and they're trying to change from office to commercial for that particular purpose. We have submitted a covenant to the City Attorney's Office for recommendations and modification. And all of the corrections they've made, they are in agreement with my client; and we brought you pictures, pretty much, showing you the area in question.

Commissioner González: All right.

Mr. Conze: It is not -- there is not even one office there, and my client has purchased this particular property, mortgaged her first home for the purpose of opening up this restaurant; and we cleaned all the violations and paid the taxes, pay the insurance, pay the mortgage for up to a year now. We just like to have your blessing in allowing her to go through with this particular project.

Vice Chair Spence-Jones: And it's in Little Haiti, right?

Commissioner González: All right, thank you.

Mr. Conze: It is -- that is correct.

Vice Chair Spence-Jones: Okay, thank you.

Commissioner González: Anyone else from the public? Seeing none, hearing none, the public hearing is closed. It comes back to the Commission. It's an ordinance. Madam City Attorney, will you read the ordinance?

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Commissioner González: Roll call, please.

Priscilla A. Thompson (City Clerk): Your roll call on PZ.14.

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

Ms. Thompson: The ordinance has been passed on first reading, 3-0.

PZ.15 08-01086zc  ORDINANCE  First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 10, 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 "O" OFFICE TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 8055 NORTH MIAMI AVENUE, 8102, 8112 AND 8128 NORTHEAST MIAMI COURT, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.
LOCATION: Approximately 8055 N Miami Avenue, 8102, 8112 and 8128 NE Miami Court [Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): Kertch J. Conze, Esquire, on behalf of Josephine Mogene and Erick St. Louis, Owners

FINDING(S):
PLANNING DEPARTMENT: Recommended denial.
ZONING BOARD: Recommended approval to City Commission on March 9, 2009 by a vote of 4-3. See companion File ID 08-01086lu.

PURPOSE: This will change the above properties to "C-1" Restricted Commercial. The applicant will proffer a covenant for these properties.

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

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

Commissioner González: PZ.15, do we have a motion?

Vice Chair Spence-Jones: So moved.

Commissioner González: We have a motion. Is there a second?

Commissioner Sarnoff: Second.

Commissioner González: There is a second. It is a public hearing. Anyone from the public that wants to address this item? Seeing none, hearing none, the public hearing is closed. It's also an ordinance. Madam City Attorney.

The Ordinance was read by title into the public record by Deputy City Attorney Maria J. Chiaro.

Maria J. Chiaro (Deputy City Attorney): We have reviewed the proffered covenant. It does not change this ordinance, but the City Attorney has accepted the covenant as proffered.

Commissioner González: All right. Roll call, please.

Priscilla A. Thompson (City Clerk): Your roll call on PZ.15 --

Commissioner González: 15.

Ms. Thompson: -- as printed.
Commissioner González: As printed.

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

Ms. Thompson: The ordinance has been passed on first reading, 4-0.

**PZ.16 09-00457zt**

**ORDINANCE**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 10, SIGN REGULATIONS, MORE PARTICULARLY, SECTION 10.4, GENERAL REQUIREMENTS; TO ADDRESS ISSUES AND REGULATIONS RELATED TO THE ILLUMINATION OF OUTDOOR ADVERTISING SIGNS; 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: Recommended approval.
PLANNING ADVISORY BOARD: Recommended approval to City Commission on May 6, 2009 by a vote of 8-0.

PURPOSE: This will address issues and regulations related to the illumination of outdoor advertising signs.

**Motion by Commissioner González, seconded by Commissioner Regalado, that this matter be PASSED ON FIRST READING WITH MODIFICATIONS PASSED by the following vote.**

**Votes:**

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

Vice Chair Spence-Jones: PZ.16, is that controversial? Okay, no problem. Lourdes.

Lourdes Slazyk (Zoning Administrator): Yes. Thank you. Lourdes Slazyk, for the record, Zoning administrator. PZ.16 is an ordinance. We're going to request at first reading here that the ordinance be bifurcated, and we're seeking your approval on an amendment to the Section 10.4. We want it bifurcated from the rest of the ordinance. The ordinance is doing three things. One of the three is the 10.4 section, which basically states that any illumination of outdoor advertising signs may only be approved as expressly provided for in each settlement agreement for these outdoor advertising signs. That one we're going to ask you to -- we're requesting your approval today on first reading on that; and the remainder of the amendments in this ordinance, we're going to bifurcate and ask you to defer so we can continue working on them.

Vice Chair Spence-Jones: Okay. So any questions on this item, guys? No questions? Can I get a motion?
Commissioner González: Move it.

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

Commissioner Regalado: Second.

Vice Chair Spence-Jones: All in favor?

Commissioner González: No. It's an ordinance.

Vice Chair Spence-Jones: Oh, my goodness. I'm just -- see, this is what happens when you don't get any sleep at night, I'm telling you.

Priscilla A. Thompson (City Clerk): You need your public hearing.

Vice Chair Spence-Jones: I'd like to officially open the public hearing. Does anybody have any issues on this item? All right. The item come -- the public hearing is officially closed. It comes back to the Commission. It is an ordinance. Madam City Attorney, can you read it --

Julie O. Bru (City Attorney): Okay.

Vice Chair Spence-Jones: -- into --

Ms. Bru: As amended on the floor.

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

Vice Chair Spence-Jones: Roll call.

Commissioner Sarnoff: I'm sorry. Can I just ask a question? You have redacted out --

Ms. Slazyk: Took out the sections on the electronic -- the general electronic signs --

Commissioner Sarnoff: Right.

Ms. Slazyk: -- which is your changeable copy of electronic signs, and the artistic signs. Those we're going to bifurcate as a separate ordinance. We're going to keep working on those and try and come up with some -- maybe tighten it up a little bit, get some information from the County, and we will bring those -- I wanted that -- an indefinite deferral so we can continue working on it, and we'll bring it back and readvertise it when we do that.

Commissioner Sarnoff: So this is limited to what section of the --?

Ms. Slazyk: The 10.4, which I just read. I'll read it again real quick.

Commissioner Sarnoff: Okay.

Ms. Slazyk: 10.4 is what deals with our outdoor advertising signs.

Commissioner Sarnoff: It's that one paragraph?

Ms. Slazyk: Right, which is on page 5 of 14 --

Commissioner Sarnoff: Okay, I know.
Ms. Slazyk: -- on the ordinance.

Commissioner Sarnoff: And that's all we're --

Ms. Slazyk: -- illumination of outdoor --

Commissioner Sarnoff: -- amending, right?

Ms. Slazyk: Yes, that's it.

Commissioner Sarnoff: Okay.

Vice Chair Spence-Jones: Roll call.

Commissioner Regalado: Why -- excuse me. Lourdes, why not bring --?

Ms. Slazyk: The other two?

Commissioner Regalado: Yes.

Ms. Slazyk: Submissions came up today that I think we need to check on with the County regarding the permissibility maybe. We're still under a home rule charter with the County for signs. I'm not sure I agree with, you know, what we heard today, but I'd like to check it out and see if we can tighten that up and bring it back to you.

Commissioner Regalado: But why do this now?

Ms. Slazyk: Why do which one now, the first one?

Commissioner Regalado: This -- we're doing, what -- yeah.

Ms. Slazyk: The first one, the Administration wants to proceed today. Maybe the Manager can answer that.

Pedro G. Hernandez (City Manager): Commissioner, the first one deals with the -- another item on the agenda, which is RE.9, that, in essence, allows LED (Light Emitting Diodes) billboards to be installed in the City. And the concern that we had with the other two elements that Lourdes referred to is that --

Commissioner Regalado: You mean the murals and the --?

Ms. Slazyk: No. This is billboards.

Mr. Hernandez: No. It's --

Commissioner Regalado: No, I understand. But the murals, you defer.

Mr. Hernandez: Yes, I did.

Commissioner Regalado: So these are billboards.

Mr. Hernandez: Yes.

Commissioner Regalado: LED is a different thing.
Ms. Slazyk: Yes. All this ordinance -- the ordinance before you right now, PZ.16, pretty much states that illumination of any billboards will be as expressly authorized in each settlement agreement. What that means is each settlement agreement that you've approved has to come back to you on a case-by-case basis to address the illumination component. This ordinance doesn't allow them to illuminate the billboards. It basically refers you to the settlement agreement to do it.

Commissioner Sarnoff: But --

Commissioner Regalado: Yes, it does, because if you got a Class II, you have an LED.

Ms. Slazyk: That's the part we took out. That's the one -- that's the section we took out. The only thing we left was the 10.4.5 --

Commissioner Regalado: I know, but since you --

Ms. Slazyk: -- with the Class --

Commissioner Regalado: -- took it out --

Ms. Slazyk: Yes.

Commissioner Regalado: -- people are still doing it.

Mr. Hernandez: Commissioner, that's -- the reason that we took it out is that we want to take a look at the potential impact citywide, and we may want to be, I don't know, maybe more strict on the application. What Lourdes was doing in the way that this was written is to actually codify the present process that is ongoing right now today, but I think that it's worth an effort to take a look at it and maybe tighten it up a little bit.

Commissioner Sarnoff: Do you mind if I --?

Commissioner Regalado: No, no. Go ahead.

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

Commissioner Sarnoff: I'm -- first of all, I'm curious. I'm curious how if the County is the enabling legislation and if the County has not -- the premise is that the County is the enabling legislation, very much like murals. The County -- if you're giving credence to the County's argument that there may not be enabling legislation that allows the City to have illuminated billboards, such as LEDs, then how can you enter into a settlement --

Commissioner Regalado: Right.

Commissioner Sarnoff: -- with somebody that illumination of such outdoor advertising signs may be approved as expressly provided in such settlement agreement -- other regulations in this ordinance which address illumination of signs shall not generally apply to outdoor advertising signs authorized herein. You refer them back to the settlement agreement, but if, in fact, the County is right, then you are authorizing them in a settlement agreement to illuminate signs without enabling legislation to do so. So how can you do that?

Vice Chair Spence-Jones: Madam City Attorney, I mean, I think you have some information to add to this?

Ms. Bru: Okay. I have not discussed with anyone what the County's ordinance --
Vice Chair Spence-Jones: Warren.


Warren Bittner: Commissioner, we are not necessarily accepting --

Commissioner Sarnoff: Okay.

Mr. Bittner: -- the premise that you're referring to. We feel that the County ordinance addresses illumination, but with respect to outdoor advertising signs, we believe we have the authority to do what we're doing.

Commissioner Sarnoff: Okay. The County doesn't address illuminating or moving signs, and I mean that by moving in terms of the message, by --

Mr. Bittner: They --

Commissioner Sarnoff: -- requiring -- let me just finish. I'm not being disrespectful -- but by requiring a certain square footage for that sign to occupy?

Mr. Bittner: I don't know about the square footage, but I can tell you that under Section 33-96 of the Dade County -- Miami-Dade County Code, they regulate flashing, moving, intermittent, chasing, or rotating lights are prohibited. That's what they prohibit. Now, whether or not an LED sign is intermittent, that the sign company would have to comply with the Dade County Code. Our settlement agreements specifically provide that the sign company must comply with all federal, state, Miami-Dade County, and City ordinances concerning illumination and other matters.

Commissioner Sarnoff: So, theoretically, even if you just put an LED sign that only had one face, that would not be a chasing --?

Mr. Bittner: Right.

Commissioner Sarnoff: Right.

Mr. Bittner: That's correct.

Commissioner Sarnoff: Okay.

Vice Chair Spence-Jones: Any other questions on this item?

Commissioner Regalado: I just have a question.

Vice Chair Spence-Jones: Sure. Go ahead.

Commissioner Regalado: On artistic signs with no advertising matter --

Ms. Slazyk: That's the other one we've removed for now.

Commissioner Regalado: Huh?

Ms. Slazyk: That's the other one that we're removing for now. That's going to be deferred.

Vice Chair Spence-Jones: She bifurcated it. They removed it earlier.
Commissioner Regalado: Yeah, I understand, but this -- would not this present a challenge to the first amendment because you say here that artistic signs with no advertising matter. Well, that could be graffiti, right? But this -- if we regulate this, we could be challenged on the First Amendment, right?

Mr. Hernandez: Well, Commissioner, that's the portion that we're bifurcating out or deferring so we can take a closer look before we bring it back to you.

Commissioner Regalado: No. I know. But the fact is that it's here, and my point is that how can we even think that a government can regulate artistic, what do they say, signs? We can't, unless --

Mr. Hernandez: Commissioner, that's probably, you know, a good reason to rethink that part of it before we bring it back to you. That's the portion that we're taking out and bifurcating out so we can properly --

Commissioner Regalado: I applaud you, but how did it get there on the first place?

Mr. Hernandez: I think that what Lourdes was attempting to do, she was trying to codify the way the City today acts in the field, I would say, and I don't think that that was good enough because we want to improve beyond the way things are today.

Commissioner Regalado: Okay.

Vice Chair Spence-Jones: I think we're in the middle of -- okay, any other questions? -- a roll call, right --

Ms. Thompson: Correct.

Vice Chair Spence-Jones: -- Madam City Clerk?

Ms. Thompson: Your roll call --

Vice Chair Spence-Jones: Roll call.

Ms. Thompson: -- on your modified first reading ordinance. Commissioner Sarnoff?

Commissioner Regalado: Yes.

Ms. Thompson: Commissioner Regalado?

Commissioner Regalado: No.

Ms. Thompson: Commissioner González?

Commissioner González: Yes.

Ms. Thompson: Vice Chair Spence-Jones?

Vice Chair Spence-Jones: Yes.

Ms. Thompson: The ordinance has been passed on first reading, 3-1.

Vice Chair Spence-Jones: Okay.
RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING AND ADOPTING THE REVISED SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT PLAN ("REVISED REDEVELOPMENT PLAN") PREPARED IN NOVEMBER 2004, AND REVISED IN MAY 2009, BY THE CITY OF MIAMI ("CITY") PLANNING DEPARTMENT; ACKNOWLEDGING THAT THIS REVISED REDEVELOPMENT PLAN IS IN CONFORMITY WITH THE CITY'S COMPREHENSIVE NEIGHBORHOOD PLAN FOR THE CITY; ACCEPTING THE EXTENDED BOUNDARIES AS SET FORTH IN "EXHIBIT A," ATTACHED AND INCORPORATED; INCORPORATING THESE NEW BOUNDARIES IN THE REDEVELOPMENT PLAN; AND FILING SAID BOUNDARIES WITH A REVISED MAP WITH THE CITY CLERK, PURSUANT TO SECTION 14-252 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED.

LOCATION: Generally North of NW 3rd and 5th Streets, West of Interstate 95 and NW 1st Place; South of NW 22nd Street, and East of NW 7th Avenue [Commissioner Marc David Sarnoff - District 2 and Michelle Spence-Jones - 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: Recommended approval with modifications on May 27, 2009, vote of 7-0.

PURPOSE: This will accept and adopt the Revised Southeast Overtown/Park West Community Redevelopment Plan and the extended boundaries.

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

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

R-09-0270

Vice Chair Spence-Jones: Let me just clear up -- clean up some more stuff. We dealt with PZ (Planning & Zoning) --

Commissioner Gonzalez: You want to do 7 and 8?

Vice Chair Spence-Jones: Yeah. I want to do 17 and get that out of the way 'cause we already saw the redevelopment plan. Can we just go 'head [sic] and approve that?
Commissioner González: Motion on the -- on PZ.17.

Vice Chair Spence-Jones: Is there anybody from staff that needs to do anything regarding -- for the item on PZ.17? Does anybody need to put anything on the record?

Maria J. Chiaro (Deputy City Attorney): You can state what it is.

Vice Chair Spence-Jones: Okay. This is the Community Redevelopment Plan for Southeast Overtown/Park West, and again, we've already heard the item earlier, so do we have a motion?

Commissioner González: Move it.

Vice Chair Spence-Jones: Is there a second?

Commissioner Regalado: Second.

Vice Chair Spence-Jones: Yes, Madam Clerk.

Priscilla A. Thompson (City Clerk): Just wanting to check with the City Attorney again. Because of the modifications that were made on --

Ms. Chiaro: That's on the next item.

Ms. Thompson: Okay. So PZ.17 is not modified?

Vice Chair Spence-Jones: PZ -- Madam Clerk, is not what now?

Ms. Thompson: I'm trying to make sure that there's no modification to PZ --

Vice Chair Spence-Jones: Are there any modifications, at all?

Gregory Gay (Planner II, Planning): There's one modification.

Vice Chair Spence-Jones: What's the modification?

Mr. Gay: Gregory Gay, with the Planning Department. Actually, there's two modifications.

Ms. Chiaro: There is an amendment (UNINTELLIGIBLE) that.

Mr. Gay: The first modification is the inclusion of supported housing within the document itself, and the second modification is the changing of the boundaries between the Omni -- proposed Omni redevelopment area and the Overtown redevelopment, excluding the area from 1st Place to 1st Avenue, the FEC (Florida East Coast) right-of-way between 14th Street south to the southern boundary of I-395. Those are excluded.

Commissioner González: Okay, move it as modified.

Vice Chair Spence-Jones: Move it as modified. We had a motion.

Commissioner Regalado: Yes. Second.

Vice Chair Spence-Jones: Had a second. All in favor?

The Commission (Collectively): Aye.
Vice Chair Spence-Jones: This item passes. So we have lost PZ.17.

END OF PLANNING AND ZONING ITEMS

MAYOR AND COMMISSIONER’S ITEMS

CITYWIDE

HONORABLE MAYOR MANUEL A. DIAZ

END OF CITYWIDE ITEMS

DISTRICT 1

COMMISSIONER ANGEL GONZÁLEZ

END OF DISTRICT 1

DISTRICT 2

COMMISSIONER MARC DAVID SARNOFF

D2.1  09-00512  DISCUSSION ITEM

DISCUSSION REGARDING OFF-DUTY POLICE ASSIGNMENTS.
WHO GETS THE ASSIGNMENTS?
WHO DECIDES WHO GETS THE ASSIGNMENTS?
WHO IS RESPONSIBLE FOR THE OFF-DUTY OFFICERS?
WHO GETS THE COMPENSATION?

VOLUNTARY USE OF OFF-DUTY OFFICERS.
REQUIRED USE OF OFF-DUTY OFFICERS.

09-00512 Email . 6-11-09pdf
09-00512-Submittal-Memo-City Manager.pdf

DEFERRED

Note for the Record: Item D2.1 was deferred to the Commission meeting currently scheduled for June 11, 2009.

Vice Chair Spence-Jones: (INAUDIBLE).

Priscilla A. Thompson (City Clerk): I'm sorry, Chair. We can't hear you. Is your --?

Vice Chair Spence-Jones: We only have two blue page items.

Ms. Thompson: Thank you.

Commissioner Sarnoff: I will table mine.

Vice Chair Spence-Jones: Okay. Anything else?

D2.2  09-00546  DISCUSSION ITEM
DISCUSSION REGARDING GRAFFITI.

ILLEGAL GRAFFITI APPEARS TO BE ESCALATING CITYWIDE. CERTAIN BLOCKS APPEAR TO BE UNDER SIEGE.

WHAT STEPS ARE BEING TAKEN TO STOP THIS MENACE? HOW MUCH MONEY IS BEING BUDGETED FOR REMEDIATION OF ILLEGAL GRAFFITI? CODE ENFORCEMENT? CAN THE CITY COVER ILLEGAL GRAFFITI ON PRIVATE PROPERTY? IF YES, UNDER WHAT CIRCUMSTANCES?

"BROKEN WINDOW THEORY" OF GOVERNING.
09-00546 Email.pdf
DEFERRED

Note for the Record: Item D2.2 was deferred to the Commission meeting currently scheduled for June 11, 2009.

Note for the Record: For minutes referencing item D2.2, please refer to item D2.1.

END OF DISTRICT 2

DISTRICT 3

CHAIR JOE SANCHEZ

END OF DISTRICT 3

DISTRICT 4

COMMISSIONER TOMAS REGALADO

END OF DISTRICT 4

DISTRICT 5

VICE CHAIR MICHELLE SPENCE-JONES

END OF DISTRICT 5

Non Agenda Items

NA.1 09-00630 DISCUSSION ITEM
DISCUSSION REGARDING THE PASSING OF REVEREND GÉRARD JEAN-JUSTE.
DISCUSSED

Chair Sanchez: So if you would please rise and bow your heads as we pray -- Before we open up with our prayer, I have some sad news for all of us. Gérard Jean Juste, a spiritual leader of the Haitian-American community, has passed away. He was a 30-year human rights crusader on behalf of his fellow Haitian. And he's basically known throughout the community as a
spiritual political leader in South Florida. Today, our entire community joins with the Haitian community as we mourn the passing of Gérard Jean Juste. We would ask for a moment of silence in his honor. Thank you.

**DISCUSSION ITEM**

**BRIEF ACKNOWLEDGEMENT OF INVESTIGATION CLOSEOUT MEMO FROM THE MIAMI DADE COUNTY STATE ATTORNEY'S OFFICE REGARDING VICE CHAIR SPENCE-JONES.**

**DISCUSSED**

Vice Chair Spence-Jones: I just have a comment or statement in closing before we actually adjourn, if you don’t mind indulging me for a second, my colleagues? I just want to officially put something on the record because I think it's extremely important for me to do it, so do I have your -- everyone’s --?

Commissioner Sarnoff: Attention?

Vice Chair Spence-Jones: Yes, attention. First of all, I'd like to take the time to -- as you know, I'm -- you've known over the last two years, I have gone through the mill, you know, with a lot of issues that have gone on in the City of Miami regarding allegations; and I just want to officially put something on the record so that we can put it behind us and continue to work and serve this community. First of all, I'd like to thank the Miami Dade County State Attorney's Office, Kathy Fernandez-Rundle and Assistant State Attorney Joe Centorino for issuing a close-out memo clearing me of any criminal activity. In spite of some people's attempt or the media's attempt to assassinate my character, the State Attorney's Office conducted its investigation in a very professional manner. I want to make sure everyone is aware that I received a memo closing out this two-year investigation the old-fashioned way -- I earned it. I earned it by never violating the public's trust. I earned it by never violating my oath in office. I earned it by never forgetting that my hand was on the Holy Bible when I was sworn in as the City of Miami Commissioner of District 5. Being exonerated was not a gift given to me; I earned it. I earned it by enduring two years of headaches and heartaches for me and my family all based on lies and innuendos designed to divert attention from others' misdoings. I would like to thank my colleagues -- and I'm going to especially say my man -- my City Manager and all of the City staff that have supported me in the midst of all of this stuff that was going on -- that has supported me during these trying times. For those of you who tried to cause me harm, as a child of God, I forgive you. At the end of the day, we all have to work to serve this community. I know that Commissioner González, himself, knows that when these kind of things or statements are made about you, it not only affects you as an individual, but it affects your family and it affects the people that have elected you or have entrusted you to do a job. I'm just hoping, as of this point on, that whatever goes on in the City of Miami as we sit on this dais, as we work within the community, that we be mindful of the things that we say and do because it truly can cause harm to individuals. And the person that actually sat in this particular chair, the one that I'm sitting in, the D5 (District 5) Commissioner, a lot of things were said about him and a lot of things was -- a lot of accusations were made about him, a lot of innuendos, serious investigations. I don't know whether or not it's true or not. I can just tell you it wasn't true about me, but the perception in the community and the perception that the media put out there, they left people wondering whether or not it was true. Unfortunately, he was not here for his vindication. And I'm going to say that again. Unfortunately, he was not here for his vindication because, again, in the end, when it was all said and done, when he moved on to another higher place in life, he was cleared. So I think that it's extremely important that before we make accusations about individuals, that we be careful about what we say and do. And with that being said, I want to say that it has been an honor to be able to serve over the last three and a half years. I have learned a lot, and I look forward to learning more. And I just want to say thank you to my Clerk and everybody else that has prayed for me, and I love each and every one of you, even though I get mad at you most of the time, but I do want to say that I do forgive you and I think that there's a
lot of power in forgiving and this is the day that I want to begin or start for -- to move past all of this craziness. With that being said, this meeting is officially adjourned.