

City of Miami

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



Meeting Minutes

Thursday, April 24, 2014

9:00 AM

PLANNING AND ZONING

City Hall Commission Chambers

City Commission

*Tomás Regalado, Mayor
Wifredo (Willy) Gort, Chair
Keon Hardemon, Vice Chair
Marc David Sarnoff, Commissioner District Two
Frank Carollo, Commissioner District Three
Francis Suarez, Commissioner District Four
Daniel J. Alfonso, City Manager
Victoria Méndez, City Attorney
Todd B. Hannon, City Clerk*

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

Present: Chair Gort, Commissioner Sarnoff, Commissioner Carollo, Commissioner Suarez and Vice Chair Hardemon

On the 24th day of April 2014, 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 Commission Meeting was called to order by Chair Gort at 9:03 a.m., recessed at 12:32 p.m., reconvened at 4:18 p.m, and adjourned at 7:06 p.m.

Note for the Record: Commissioner Suarez entered the Commission chambers at 9:11 a.m., Commissioner Hardemon and Commissioner Carollo entered the Commission chambers at 9:15 a.m.

ALSO PRESENT:

*Victoria Méndez, City Attorney
Daniel J. Alfonso, City Manager
Todd B. Hannon, City Clerk*

Chair Gort: (Inaudible) meeting of the City of Miami Commission in the historic chambers. The members of the City Commissioners [sic] are Frank Carollo, Francis Suarez, Marc Sarnoff, and Keon Hardemon, Vice Chairman; and myself, Wifredo Gort, Chairman. Also on the dais is the -- Danny Alfonso, City Manager; Victoria Méndez; City Attorney; and Todd Hannon, City Clerk. At this time, I'll ask you to stand up for the prayers, and I'll ask Commissioner Sarnoff for the pledge of allegiance.

Invocation and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS

PR.1

14-00445

PRESENTATION

<u>Honoree</u>	<u>Presenter</u>	<u>Protocol Item</u>
Arbor Day	Mayor Regalado and Vice Chair Hardemon	Proclamation

PRESENTED

Mayor Regalado and Vice Chair Hardemon presented a Proclamation declaring Friday, April 25, 2014 as Arbor Day Miami 2014. In honor of National Arbor Day, the City of Miami has implemented the Green Miami Campaign that encourages neighborhood groups and individuals to plant trees and improve the urban canopy and supports the planting of 100 trees of the Baywood Park area; furthermore enhancing the economic vitality of our business areas and beautifying our community.

Chair Gort: Vice Chairman, you're recognized.

Vice Chair Hardemon: Is there anyone here that is with Arbor Day? I need -- everyone involved with Arbor Day, please come forward.

Presentations delivered.

APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

Motion by Commissioner Suarez, seconded by Commissioner Sarnoff, to APPROVE PASSED by the following vote.

Votes: Ayes: 5 - Commissioner(s) Gort, Sarnoff, Carollo, Suarez and Hardemon

Chair Gort: Do we have minutes to be approved?

Nicole N. Ewan (Assistant City Clerk): Yes, Chair. We have for your consideration and approval the meeting minutes of the March 27 City Commission meeting.

Commissioner Suarez: I move those minutes --

Chair Gort: It's been moved by --

Commissioner Suarez: -- for approval.

Chair Gort: -- Commissioner Suarez.

Commissioner Sarnoff: Second.

Chair Gort: Is there a second?

Commissioner Sarnoff: Second.

Chair Gort: Second by Commissioner Sarnoff. Any discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

END OF APPROVING MINUTES**MAYORAL VETOES****NO MAYORAL VETOES**

Chair Gort: -- RE.3. SR.3, I mean. And I asked before, but I'll ask again: Did we have the Mayor's veto?

Nicole N. Ewan (Assistant City Clerk): No, Chair, there are no mayoral vetoes.

ORDER OF THE DAY

Chair Gort: I understand, at this time we only have one proclamation for Vice Chairman Hardemon; he's not here, so we'll wait until he gets here. Meantime, we cannot conduct any meeting until we receive one more Commissioner so we can have a quorum.

Victoria Méndez (City Attorney): Read?

Chair Gort: Yes, ma'am. At this time, will you read the regulations?

Ms. Méndez: Thank you, Chairman. 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 online 24 hours a day at www.miamigov.com [sic]. Any person may be heard by the City Commission through the Chair for not more than two minutes on any proposition before the City Commission unless modified by the Chair. If the

proposition is being continued or rescheduled, the opportunity to be heard may be at such later date before the City Commission takes action on such proposition. 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. A video of this meeting may be requested at the Office of Communications or viewed online at www.miamigov.com [sic]. No cell phones or other noise-making devices are permitted in City Commission chambers. Please silence those devices now. Any person making offensive remarks or who becomes unruly in the Commission chambers will be barred from further attending Commission meetings and may be subject to arrest. Any person with a disability requiring assistance, auxiliary aids and services for this meeting may notify the City Clerk. The lunch recess will begin at the conclusion of deliberation of the agenda item being considered at noon. The meeting will end either 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. Please note, Commissioners have generally been briefed by City staff and the City Attorney on items on the agenda today.

Chair Gort: Thank you, ma'am. Mr. Manager, you have any announcements?

Daniel J. Alfonso (City Manager): No, I don't have any announcements, sir.

Ms. Méndez: Deferrals.

Mr. Alfonso: Oh, okay, we're starting there. We're withdrawing RE.4 and DI.1.

Chair Gort: Wait a minute. RE.4?

Mr. Alfonso: And DI.1.

Chair Gort: D -- what was the second one?

Mr. Alfonso: DI.1. And then on the agenda, it is noted that we are deferring SR. 2 and RE.3.

Commissioner Sarnoff: Chair?

Chair Gort: Yes.

Commissioner Sarnoff: I'm intending on bringing up RE.8 to defer or continue, as the Clerk may determine, to the May 22 agenda.

Chair Gort: We also have to announce that we're going to hear some of the -- I believe it's from RE.6 to RE.9 after the CRA (Community Redevelopment Agency) -- Omni CRA meeting.

Ms. Méndez: Yes, RE.6 will be heard after the CRA.

Chair Gort: It'll be after lunch.

Nicole N. Ewan (Assistant City Clerk): That's RE.5 and RE.6.

Ms. Méndez: Thank you.

Chair Gort: Five, six, and --

Ms. Ewan: And Mr. Manager, do you have a date for the deferral of SR.2 and RE.3?

Mr. Alfonso: To the next meeting.

Ms. Ewan: Thank you.

Chair Gort: Okay, we got to get going. In a minute, Vice Chairman Hardemon will be here, and he's have [sic] a proclamation to give.

Mr. Alfonso: Commissioner, just wanted to make an announcement that item PZ.1 is going to be at 2 o'clock when they have the PZ (Planning & Zoning) board meeting. It's going to be deferred -- or referred back to the PZAB (Planning, Zoning & Appeals Board) board, so it's not going to be discussed.

Ms. Méndez: Right. We'll make it up at -- in the afternoon, and do the proper action on it, but just in case anyone is sitting here --

Chair Gort: You wanted to announce it in case -- if we can post it outside in case anybody wants to come for that. Okay, thank you.

Chair Gort: Mr. Clerk, do we have any Mayor's veto?

Ms. Ewan: Chair, do you mind taking a vote on the items that are to be deferred with --?

Commissioner Sarnoff: So moved.

Chair Gort: It's been moved by Commissioner Sarnoff. Is there a second?

Commissioner Suarez: Just -- can it be repeated for me, please?

Ms. Ewan: Yes. We have RE.4 and DI.1 to be withdrawn; SR.2 and RE.3 to be deferred to the May 8 meeting.

Commissioner Suarez: RE.4 -- I'm sorry, RE.4 and what to be withdrawn?

Ms. Ewan: SR.2 and RE.3 to be deferred to the May 8; RE.4, DI.1 to be withdrawn.

Commissioner Suarez: Wait. RE.4 is going to be withdrawn, correct?

Ms. Ewan: Correct.

Commissioner Suarez: RE.3 is what?

Ms. Ewan: Deferred to May 8.

Commissioner Suarez: Okay.

Ms. Ewan: DI.1 is to be withdrawn.

Commissioner Suarez: Okay.

Ms. Ewan: SR.2 is to be deferred to May 8.

Commissioner Suarez: Okay.

Ms. Ewan: And RE.8 is to be continued to the May 22 meeting.

Commissioner Suarez: Okay. Second.

Chair Gort: Okay, it's been moved and second. Any further discussion? Being none, all in favor, state it by saying Aye."

The Commission (Collectively): Aye.

CONSENT AGENDA**CA.1****RESOLUTION****14-00295***Office of the City
Attorney*

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY KIM KAUFMAN THE TOTAL SUM OF \$75,000.00, WITHOUT ADMISSION OF LIABILITY, IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND EMPLOYEES, IN THE CASE OF KIM KAUFMAN VS. THE CITY OF MIAMI, PENDING IN THE CIRCUIT COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA, CASE NO. 12-09942 CA 09, UPON THE EXECUTION OF A GENERAL RELEASE OF ALL CLAIMS AND DEMANDS, AND A DISMISSAL OF THE DEFENDANT WITH PREJUDICE; ALLOCATING FUNDS FROM ACCOUNT NO. 05002.301001.545000.0000.00000.

14-00295 Memo - Office of the City Attorney.pdf

14-00295 Memo - Financial Signoff.pdf

14-00295 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.**Votes:** Ayes: 5 - Commissioner(s) Gort, Sarnoff, Carollo, Suarez and Hardemon**R-14-0149****CA.2****RESOLUTION****14-00380***Office of the City
Attorney*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, RESOLVING ALL CLAIMS AGAINST THE CITY OF MIAMI IN THE CASE OF ANDRES GOMEZ V. THE CITY OF MIAMI, ET. AL., UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO.: 13-CV-23426 FAM.

14-00380 Memo - Office of the City Attorney.pdf

14-00380 Legislation.pdf

14-00380 Exhibit.pdf

This Matter was ADOPTED on the Consent Agenda.**Votes:** Ayes: 5 - Commissioner(s) Gort, Sarnoff, Carollo, Suarez and Hardemon**R-14-0150****Adopted the Consent Agenda**

Motion by Commissioner Suarez, seconded by Commissioner Sarnoff, 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(s) Gort, Sarnoff, Carollo, Suarez and Hardemon**END OF CONSENT AGENDA**

Chair Gort: All right, consent agenda. Do I have a motion on the consent agenda?

Commissioner Suarez: So moved.

Chair Gort: Been moved by Commissioner Suarez. Is there a second?

Commissioner Sarnoff: Second.

Chair Gort: Second by Commissioner Sarnoff. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

PUBLIC HEARINGS**PH.1****RESOLUTION****14-00170***Department of Parks
and Recreation*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S RECOMMENDATIONS AND FINDINGS THAT COMPETITIVE NEGOTIATION METHODS AND PROCEDURES ARE NOT PRACTICABLE OR ADVANTAGEOUS PURSUANT TO SECTION 18-86(A)(3)(C) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; WAIVING THE REQUIREMENTS FOR SAID PROCEDURES; APPROVING THE RECOMMENDATIONS AND FINDINGS OF THE CITY OF MIAMI'S DEPARTMENT OF PARKS AND RECREATION THAT AMIGOS TOGETHER FOR KIDS, INC. ("AMIGOS"), A FLORIDA NOT-FOR-PROFIT CORPORATION, IS THE MOST QUALIFIED FIRM TO CONTINUE TO PROVIDE AFTER SCHOOL TUTORING, COUNSELING, COMPUTER EDUCATION, INSTRUCTION AND PROGRAM MANAGEMENT, FAMILY EVENTS, CULTURAL, EDUCATIONAL, AND RECREATIONAL ACTIVITIES (COLLECTIVELY, "SERVICES") AT JOSE MARTI PARK; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PARKS AND RECREATION SERVICES AGREEMENT FOR ONGOING COMPLIANCE WITH PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED ("IRS CODE") AND CERTAIN UNITED STATES TREASURY REGULATIONS PROMULGATED THEREUNDER ("U.S. TREASURY REGULATIONS"), IN FORM ACCEPTABLE TO THE CITY ATTORNEY AND BOND COUNSEL, WITH AMIGOS TO CONTINUE THE SERVICES, FOR THE CONTRACT PERIOD COMMENCING MAY 12, 2014 THROUGH MAY 11, 2017, WITH ANY RENEWAL(S) SUBJECT TO FURTHER APPROVAL BY THE CITY COMMISSION; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, IN FORM ACCEPTABLE TO THE CITY ATTORNEY AND BOND COUNSEL, SUCH FURTHER ALTERATIONS, VARIATIONS, MODIFICATIONS, OR WAIVERS THAT DO NOT EXCEED THE AMOUNT PAYABLE AND DO NOT CHANGE THE LENGTH OF THE EFFECTIVE TERM, IN ORDER TO COMPLY WITH IRS CODE AND U.S. TREASURY REGULATION PROVISIONS.

14-00170 Summary Form.pdf

14-00170 Notice to the Public.pdf

14-00170 Memo - City Manager.pdf

14-00170 Back-Up from Law Dept.pdf

14-00170 Legislation.pdf

14-00170-Substitute-Exhibit.pdf

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

Votes: Ayes: 5 - Commissioner(s) Gort, Sarnoff, Carollo, Suarez and Hardemon

R-14-0151*Chair Gort: PH.1.*

Lara De Souza (Interim Director): Good morning. Lara De Souza, Parks & Recreation. PH.1 is a resolution of the Miami City Commission, with attachments, by a four-fifths affirmative vote, approving the recommendations and findings of the City of Miami's Department of Parks and Recreation at Amigos Together For Kids; continue to provide after school tutoring, counseling, computer education, instruction and program management, family events, cultural educational, recreation activities at Jose Marti Park; authorizing the City Manager to negotiate and execute a Parks and Recreation services agreement for ongoing compliance with provision of the Internal Revenue Code of 1986, the contract period commencing May 12 through -- May 12, 2014 through May 11, 2017, with option to renew for up to two consecutive three-year periods.

Chair Gort: Thank you.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Yes, you're recognized, Vice Chairman.

Vice Chair Hardemon: What is the financial impact of their service agreement?

Ms. De Souza: What do you mean?

Vice Chair Hardemon: Is there a cost that the City of Miami is paying Amigos to -- for the service agreement? It's a question, part of my -- no? And understanding that this is going to have some type of impact on where we go in the future with our other parks, have we ironed out all the details as it relates to the IRS (Internal Revenue Service) issues or potential --?

Robin Jones Jackson: Robin Jackson, Assistant City Attorney. Would you repeat your question, please, Commissioner?

Vice Chair Hardemon: My question to you is have we ironed out all of the issues? Because I know this -- put it this way: This is the first of the types of agreements that we will need to make sure that everything is in accordance with how we manage our bond-built facilities.

Ms. Jackson: Correct, in connection with this park and this provider. As we've said in our briefings, this is a step-by-step, park-by-park, service-by-service analysis; and as the City comes on line with bond finance facilities, we're making sure that within each park, given the services provided, the uses, the sharing of public areas that we work through each park, given the history with long-time service and activity providers. Thank you.

Vice Chair Hardemon: Okay.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: I'm going to ask a question that I usually ask when this comes up, so why a four-fifth waiver?

Ms. Jackson: Thank you, Commissioner. Under Section 18-86(a)(c)(3) [sic] of the City Code, for cultural, educational and recreational activities provided by a not-for-profit in a city park, the City can have the public hearing, which I know you'll open in a minute, and we'll have the ability to then vote with a four-fifths vote to allow a particular service provider to provide a service within the park. The City could go out for an RFP (Request for Proposals), but this exception has been in the Code for many years, given the fact that each community tends to have its own local services and local cultural activities. So that was put in the Code several years ago to permit the City Commission to make this determination. Thank you.

Commissioner Carollo: Thank you.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Any -- yes, sir.

Commissioner Carollo: I'll yield to you. I was going to do a follow-up to what we just said, but I'll yield to you.

Vice Chair Hardemon: Please, finish.

Commissioner Carollo: Listen, I -- you know, I've been a Commissioner now for four and a half years, and I have seen the work that Amigos For Kids does, so by all means, they do great work. But at the same time, it's been a question that I always ask, because, you know, I do believe in the RFP process also, and I understand that their contract expires in May, correct?

Ms. Jackson: There are two contracts. The contract where Amigos provides the primary services for the City as a conduit for the Children's Trust expires in July. There was a historical contract put in place in 2005 that was for some additional services, mostly parenting services that were in addition to the afterschool children's programs that would expire in May. Now, however, this does not preclude any other group from also using the park and working with the Parks Department and the Parks director to have other activities there in the park, and this is one of the reasons that we're working with the City Manager's office and the Parks Department to be able to go on a step-by-step, park-by-park analysis of the historical activities and services and to look so that we have the community sharing. Remember, in bond finance facilities, everyone needs to share the facilities; there is no exclusive use. Thank you.

Chair Gort: Thank you. Any --?

Commissioner Carollo: Yeah. And that -- you've touched upon various aspects of what I -- the reasons that I'm asking these questions.

Ms. Jackson: Yes, sir.

Commissioner Carollo: And also, like I said, I -- you know, my hat's office to Amigos For Kids; they've done a great job. But at the same time, you know, I want to make sure that everything is in the up and up and --

Ms. Jackson: Right.

Commissioner Carollo: -- fair. And I also don't want any lack of -- we'll just say a break in services from one contract to the other. So I am going to move this item; however, I want a friendly amendment that after the three years, it comes back to this Commission, as opposed to the City Manager, for a review and approval again. And that's my motion.

Ms. Jackson: And Mr. Chair, I believe we also have a required public hearing.

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

Commissioner Suarez: Second.

Vice Chair Hardemon: Second.

Chair Gort: Okay.

Ms. Jackson: Thank you.

Chair Gort: Vice Chairman Hardemon.

Vice Chair Hardemon: Thank you very much. I'm very confident in the fact that I realize that with these park service agreements, it doesn't necessarily have to go through an RFP process; that the charter allows it to be the way that we're doing it just now today. However, one of my concerns is within the resolution, Amigos is providing a dollar -- what is it, a dollar a month lease or something of that nature?

Commissioner Carollo: Yes.

Ms. Jackson: There's no lease. Thank you. And this is not -- would not be permitted as a lease. Amigos is making a dollar-a-month contribution. There are different circumstances in city parks as you go on a park-by-park. Amigos has traditionally paid a dollar a month; some other organizations pay \$500 a year. There are some other organizations that pay nothing, but the City pays them. So again, this is a park-by-park look at what the services are. It's also looking at the ability for multiple groups to use the bond finance facilities.

Vice Chair Hardemon: So the dollar per month is a fee for the use of the facilities, and it is not a lease agreement?

Ms. Jackson: It is not a lease agreement. I believe historically -- and I don't know the history previous to it, but I believe that it was a contribution by Amigos to the Park and as I believe that you all are aware, Amigos several time has made a lot of contributions to that park, but Rosa Plasencia is here, if you'd like to ask about that, about those contributions. Thank you.

Chair Gort: Let me ask a question. My understanding is, this individual, Amigos For Kids, have a contract with the -- what's the organization?

Ms. De Souza: The Children's Trust.

Chair Gort: Children's Trust. My understanding, Children's Trust is a very competitive process where people have to go through an RFP in order to get awarded that. Now, in order to get the award, they got to have a place where they can go ahead and provide the programs. Am I correct? And that's one of the main reason that we selected that park.

Ms. De Souza: Yes. They would have to indicate that they have a location to deliver those services. At this time, it's at Jose Marti.

Chair Gort: Like at Juan Pablo Duarte, we, the Parks Department is the one that provide the services, right?

Ms. De Souza: Correct.

Chair Gort: Okay. Thank you. I will now open it to the public. Is anyone in the public would like to address this? Anyone? Seeing none, hearing none, close the public hearings [sic]. Is -- a motion. Was there a second?

Commissioner Carollo: Seconded by Commissioner Suarez, I believe.

Chair Gort: Seconded by Commissioner Suarez, okay. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

Nicole N. Ewan (Assistant City Clerk): As modified.

Chair Gort: As modified.

PH.2

14-00278

Department of Public Facilities

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF AN UNDERGROUND EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO FLORIDA POWER AND LIGHT COMPANY, A FOR-PROFIT FLORIDA CORPORATION, FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT OF AN APPROXIMATELY TEN (10) FOOT WIDE STRIP OF CITY OF MIAMI OWNED PROPERTY LOCATED AT 1095 BISCAYNE BOULEVARD, MIAMI, FLORIDA (ALSO KNOWN AS MUSEUM PARK), AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED AND INCORPORATED, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES, AND APPURTENANT ABOVE GROUND EQUIPMENT WITH THE RIGHT TO RECONSTRUCT, IMPROVE, ADD TO, ENLARGE, CHANGE THE VOLTAGE AS WELL AS THE SIZE OF AND REMOVE ALL OR ANY OF THE FACILITIES WITHIN SAID UNDERGROUND EASEMENT.

14-00278 Summary Form.pdf

14-00278 Notice to the Public.pdf

14-00278 Legislation.pdf

14-00278 Exhibit A.pdf

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Carollo and Suarez

Absent: 1 - Commissioner(s) Hardemon

R-14-0152

Chair Gort: PH.2.

Henry Torre: Good morning, Commissioners. Henry Torrey, director of Public Facilities. PH.2 is a resolution granting to Florida Power & Light a perpetual nonexclusive easement for approximately a ten-foot wide strip of City-owned property, located at 1095 Biscayne Boulevard, known as Museum Park.

Commissioner Sarnoff: So moved.

Chair Gort: Been moved by Commissioner Sarnoff.

Commissioner Suarez: Second.

Commissioner Carollo: Second.

Chair Gort: Moved and seconded. This is a public hearing. Is anyone in the public would like to address PH.2? Anyone in the public would like to address PH.2? None shown. None stated.

Close the public hearings [sic]. Comments? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

END OF PUBLIC HEARINGS

ORDINANCES - SECOND READING

SR.1

ORDINANCE

Second Reading

14-00078

*Department of Public
Facilities*

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING CHAPTER 50/ARTICLE I, ENTITLED "SHIPS, VESSELS, AND WATERWAYS/IN GENERAL," BY AMENDING SECTION 50-1, ENTITLED "DEFINITIONS", TO ADD NEW DEFINITIONS; FURTHER AMENDING ARTICLE II/DIVISION I, ENTITLED "OPERATION OF VESSELS/GENERALLY", AND BY ADDING SECTION 50-42, ENTITLED "RESTRICTED AREA", TO ESTABLISH A SLOW SPEED-MINIMUM WAKE RESTRICTED AREA IN THE WATERS OF THE MIAMI MARINE STADIUM; AUTHORIZING THE CITY MANAGER TO UNDERTAKE AND TO EXECUTE THE NECESSARY APPLICATIONS WITH MIAMI-DADE COUNTY, THE STATE OF FLORIDA, AND THE UNITED STATES AGENCIES TO ESTABLISH THE PROPOSED RESTRICTED AREA; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

14-00078 Summary Form SR.pdf

14-00078 Back-Up from Law Dept FR/SR.pdf

14-00078 Legislation SR.pdf

14-00078 Exhibit A FR/SR.pdf

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Suarez

Absent: 2 - Commissioner(s) Carollo and Hardemon

13448

Henry Torre (Director, Public Facilities): Commissioners, SR.1 is a second reading of an ordinance to amend Chapter 50 of the Miami City Code to establish a slow-speed minimum wake restricted area in Miami Marine Stadium basin.

Commissioner Sarnoff: So moved.

Commissioner Suarez: Move it.

Chair Gort: It's been moved by Commissioner Sarnoff. Is there a second?

Commissioner Suarez: Second.

Chair Gort: Okay, move and second. Anyone in the public would like to address SR.1?

Showing none, all in favor, state it by saying --

Commissioner Suarez: No, it's a (UNINTELLIGIBLE).

Chair Gort: Second reading.

Nicole N. Ewan (Assistant City Clerk): It's an ordinance.

Chair Gort: An ordinance.

Commissioner Suarez: Madam Attorney, let's go, let's go.

Victoria Méndez (City Attorney): Is this the waterways --?

Commissioner Suarez: Yes, SR.1.

Commissioner Sarnoff: An ordinance of the City --

Ms. Méndez: An ordinance of the Mia --

Commissioner Sarnoff: -- of Miami Commission --

The Ordinance was read by title into the public record by Commissioner Sarnoff.

Ms. Ewan: Your roll call on item SR.1. And, Madam City Attorney, I believe there is a modification due to a scrivener's error?

Ms. Méndez: Yes. The word lawful is going to be added to "duties."

Ms. Ewan: Thank you.

Ms. Méndez: Thank you.

Chair Gort: What was it again?

Ms. Méndez: The word lawful will be added to "duties."

Chair Gort: Okay.

Ms. Ewan: Your roll call on item SR.1.

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

Ms. Ewan: Item passes on second reading, 3-0.

Chair Gort: SR.2 was deferred.

SR.2

13-01021

Miami Parking Authority

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 35/ARTICLE V OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "MOTOR VEHICLES AND TRAFFIC/ COCONUT GROVE BUSINESS DISTRICT AND DESIGN DISTRICTS PARKING IMPROVEMENT TRUST FUNDS," MORE PARTICULARLY BY AMENDING SECTIONS 35-220 THROUGH 35-250 TO UPDATE THE DESIGN DISTRICT PARKING IMPROVEMENT TRUST FUND; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

13-01021 Summary Form SR.pdf
13-01021 Legislation SR Version 5.pdf
13-01021 Exhibit SR Version 5.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Suarez, that this matter be DEFERRED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

Note for the Record: Item SR.2 was deferred to the May 8, 2014 Regular Commission Meeting.

SR.3**ORDINANCE****Second Reading****14-00238**

*District 2-
Commissioner Marc
David Sarnoff*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10/ARTICLE VII OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "BUILDINGS/SECURITY SCREENS AND SHUTTERS," MORE PARTICULARLY BY AMENDING SECTIONS 10-111 THROUGH 10-114 AND CREATING A NEW SECTION 10-115 TO EXPAND THE SECURITY SCREEN AND SHUTTER REQUIREMENTS TO THE DOWNTOWN DEVELOPMENT DISTRICT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00238 Legislation SR.pdf

Motion by Commissioner Suarez, seconded by Vice Chair Hardemon, that this matter be DEFERRED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

Note for the Record: Item SR.3 was deferred to the May 8, 2014 Regular Commission Meeting.

Chair Gort: SR.3.

Commissioner Sarnoff: So moved.

Commissioner Suarez: Second.

Chair Gort: SR.3, second reading. It's been moved and second. Anyone in the public would like to address SR.2 [sic]? Showing none, seeing none; close the public hearings [sic]. Madam Attorney.

Daniel J. Alfonso (City Manager): You said SR.2?

Commissioner Suarez: No, SR.3.

Victoria Méndez (City Attorney): SR.3.

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

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: And I'm sorry. I just got confused when it was said that it was SR.2 and

--

Chair Gort: No, no.

Commissioner Carollo: -- I didn't say any comments. It's SR.3. Listen, I'm not against this in principle. The only thing is that I know it was mentioned in the past that the DDA (Downtown Development Authority) will have certain funding for this, and I requested to see what type of funding they would have and, you know, see exactly how much funding, and I -- we never received that. That's the only thing. And I remember Commissioner Suarez said that, so I wanted to make sure everyone was at ease with regards to exactly how much funding was going to be provided for this from the DDA.

Commissioner Sarnoff: You know, I saw the e-mail (electronic) that went to you, so I don't know if you had a chance to read it, but the funding is in our budget, and the budget demonstrates about \$350,000.

Commissioner Carollo: Three hundred and fifty thousand. Do you know whether it's in a line item or is it commingled with other --?

Commissioner Sarnoff: I'm --

Commissioner Carollo: I'll tell you what --

Commissioner Sarnoff: -- talking to an accountant, so I want to be accurate. I would call it a line item.

Commissioner Carollo: Okay. Could we just table this for two minutes? I'll go to my office and I'll look at the e-mail.

Commissioner Sarnoff: Absolutely.

Commissioner Carollo: And again, I'm -- you know, I will be voting in favor of it in principle. I just want to make sure, you know, the money is there and so forth, so in the future, someone doesn't come and -- okay. And just as an added protection. But if we'll table it for a few minutes, I'll go see it and I'll come back and we'll vote.

Chair Gort: Okay. Be tabled for a few minutes.

Later...

Chair Gort: SR.3, Second Reading 3. Did you get a chance to see the --?

Commissioner Carollo: Mr. Chair, I apologize. I've asked. We received no e-mails or anything that my staff can identify, so we're just contacting the executive director, Alyce Robertson, for her to point it out, so --

Commissioner Sarnoff: Okay.

Commissioner Carollo: -- that's what's going on. But we -- my staff and I have not seen anything and we're just, like I said, reaching out to --

Commissioner Sarnoff: You want to just defer it to the next Commission meeting?

Commissioner Carollo: Look, it's not something that I want -- it's -- look, it's not like I'm trying to hold it up or anything, Commissioner Sarnoff.

Commissioner Sarnoff: All right.

Commissioner Carollo: I just want to make sure that, you know, I'm clear with the numbers and then we'll move it forward. So in all fairness, I prefer to table it, 'cause I'm not trying to hold this up.

Commissioner Sarnoff: That's okay.

Commissioner Carollo: You understand what I'm saying? Like I -- I already said, listen, you're going to have my support on it; I just want to make sure the numbers are there. So let's just keep tabling.

Commissioner Sarnoff: Okay.

Commissioner Carollo: Worst-case scenario, we could always defer it later, but for now, you know, give us an opportunity --

Commissioner Sarnoff: I'll spend the next part of the day making sure you get the numbers.

Commissioner Carollo: Yeah, just, you know --

Commissioner Suarez: Understood.

Commissioner Carollo: Again, worst-case scenario, I appreciate you saying you'll defer it, but --

Chair Gort: Thank you.

Commissioner Carollo: Again, my intent is not to hold this up.

Commissioner Sarnoff: Okay.

Chair Gort: We'll table it.

Later...

Chair Gort: Okay, my understanding is, 'cause we had two items that were tabled and we have the discussion item, but I understand Commissioner Carollo is not back yet.

Commissioner Sarnoff: Yeah, and just so -- the record's pretty clear, Mr. Chair. We do have a document -- I've given it to Danny Alfonso -- that shows we have \$73,000 left over from this year, and what we do is we put 300,000 annually for that. So the budget should reflect -- well, that's why I said 350,000 or thereabouts, but I don't mind deferring this, but the only thing I'm -- not concerned. Every time a new building goes up in downtown Miami, which is happening more and more frequently, they don't have to have -- they should have, but they don't have to have the shutters and the glasses we're suggesting.

Daniel J. Alfonso (City Manager): Commissioners. Mr. Chair, over here.

Chair Gort: Yes.

Mr. Alfonso: I know. It's weird, huh? I simply want to put on the record I was asked by Commissioner from District 3 that he was not going to be here and he would have asked that the item be deferred.

Commissioner Sarnoff: That's fine, Mr. Chair. We always like to defer things whenever we ask for deferrals --

Todd B. Hannon (City Clerk): Excuse me, Chair.

Commissioner Sarnoff: -- and do so with great courtesy and kindness.

Chair Gort: That's it.

Mr. Hannon: I do have a motion and second on the floor that was made at 9:32 this morning, so -- Commissioner Sarnoff was the mover.

Commissioner Sarnoff: I'll withdraw my motion.

Mr. Hannon: Yes, sir.

Commissioner Suarez: Did I second it?

Commissioner Sarnoff: Reluctantly.

Commissioner Suarez: I seconded it, right? Yeah. Okay, I withdraw my second.

Chair Gort: Who was --?

Commissioner Suarez: I move to defer it to the next meeting.

Chair Gort: It's been moved to defer it by Commissioner Suarez. Is there a second?

Commissioner Suarez: Come on.

Vice Chair Hardemon: Second.

Chair Gort: Second.

Commissioner Suarez: It's late.

Chair Gort: Second by Vice Chairman Hardemon. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Commissioner Suarez: Pretty sure building's not going to get built in two weeks; don't worry about it.

Commissioner Sarnoff: No, you're right. You're absolutely right. It was just my immaturity.

Commissioner Suarez: I hear you.

Commissioner Sarnoff: It was just my immaturity surfacing.

SR.4

14-00279

***District 1 -
Commissioner
Wifredo (Willy) Gort***

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE X OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ADMINISTRATION/CODE ENFORCEMENT", MORE PARTICULARLY BY AMENDING SECTION 2-829 ENTITLED "SCHEDULE OF CIVIL PENALTIES", PROVIDING FOR THE CIVIL PENALTY FOR A

VIOLATION OF THE GARAGE SALE ORDINANCE; AND AMENDING CHAPTER 62/ARTICLE XIII OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PLANNING AND ZONING/PLANNING AND ZONING APPROVAL FOR TEMPORARY USES AND OCCUPANCIES; PERMIT REQUIRED", MORE PARTICULARLY BY CREATING A NEW DIVISION ENTITLED "GARAGE SALES", CREATING SECTION 62-623 ENTITLED "DEFINITIONS", DEFINING GARAGE SALES; CREATING SECTION 62-624 ENTITLED "PERMIT", DEFINING THE PERMITTING PROCESS; CREATING SECTION 62-625 ENTITLED "CONDITIONS FOR ISSUANCE", DEFINING THE REQUIRED CONDITIONS WHICH MUST BE MET TO ISSUE A PERMIT; CREATING SECTION 62-626 ENTITLED "TIME OF SALE", SETTING THE TIMES IN WHICH A GARAGE SALE MAY BE HELD; CREATING 62-627 ENTITLED "DISPLAY OF MERCHANDISE", PROVIDING THE ACCEPTABLE DISPLAY OF MERCHANDISE; CREATING 62-628 ENTITLED "PROHIBITED MERCHANDISE", PROVIDING FOR TYPES OF MERCHANDISE TO BE SOLD; CREATING 62-629 ENTITLED "SIGNS", PROVIDING GUIDELINES FOR GARAGE SALE SIGNS; CREATING 62-630 ENTITLED "ENFORCEMENT", PROVIDING THAT THIS ARTICLE SHALL BE ENFORCED BY THE CODE COMPLIANCE DEPARTMENT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

14-00279 Legislation SR.pdf

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

13449

Chair Gort: RE.1.

Commissioner Carollo: SR.4, no?

Victoria Méndez (City Attorney): SR.4, the garage sales, Chairman.

Chair Gort: Yes. Sorry. Thank you.

Ms. Méndez: On this item, between first and second reading, we added a definition for the word occurrence, and there was also the civil penalty and violation section of Code Enforcement was also added. Instead of the \$150 civil penalty, it's supposed to be a \$50 penalty, so we'll be making that amendment now on the floor.

Chair Gort: The main reason I sponsored this -- you're through? -- 'cause I've been beginning to see a lot of our -- especially in my district, a lot of the tents coming on and not only it's -- my understanding, a garage sale was you do spring cleaning and then you bring up all this stuff you no longer use, and you put them to use and you sell used stuff. A lot of people beginning to use those things for retail; they beginning to do it every weekend, and somehow, I think we need to start regulating that, and that's the reason why I brought this. My understanding is also, once we get this -- if it gets passed, it's very important that we sit down with the Code Enforcement -- not Code Enforcement -- code compliance and make sure they understand it, and we give a period for a month or two month for the individuals and do an educational program so people will know. So do I have a motion?

Commissioner Sarnoff: *So moved.*

Commissioner Suarez: *Second.*

Chair Gort: *It's been moved by Commissioner Sarnoff; second by Commissioner Suarez. Is anyone in the public would like to speak on this item? Is anyone in the public would like to speak on this item? Showing none, close the public hearing.*

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

Nicole N. Ewan (Assistant City Clerk): *Your roll call on item SR.4, as modified.*

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

Ms. Ewan: *The item is adopted on second reading, 4-0.*

Chair Gort: *Thank you.*

END OF ORDINANCES - SECOND READINGS

RESOLUTIONS

RE.1

14-00282

*Department of
Procurement*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE PROCUREMENT OF INFORMATION TECHNOLOGY SOLUTIONS, INCLUDING DESKTOPS, NOTEBOOKS, SERVERS, SOFTWARE, PERIPHERALS, AND SERVICES FROM CDW GOVERNMENT, LLC., UTILIZING THE COMPETITIVELY BID AND EXISTING CITY OF TUCSON, ARIZONA CONTRACT NO. 130733, AVAILABLE THROUGH THE NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE COMPANY ("NATIONAL IPA") COOPERATIVE PURCHASING ORGANIZATION, EFFECTIVE AUGUST 18, 2013, WITH THE OPTION TO RENEW FOR FOUR (4) ADDITIONAL ONE (1) YEAR PERIODS THROUGH AUGUST 17, 2018, SUBJECT TO ANY RENEWALS, EXTENSIONS OR REPLACEMENT CONTRACTS BY THE CITY OF TUCSON, ARIZONA OR NATIONAL IPA, TO BE UTILIZED ON AN AS-NEEDED CONTRACTUAL BASIS, CITYWIDE, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; FURTHER ACKNOWLEDGING THE COOPERATIVE PROCUREMENT BENEFITS OF THE NATIONAL IPA COOPERATIVE PURCHASING ORGANIZATION THAT ENABLES THE CITY OF MIAMI ("CITY") TO AGGREGATE ITS PURCHASING VOLUME WITH THAT OF OTHER PARTICIPATING MEMBER AGENCIES IN ORDER TO REALIZE A LARGER PERCENTAGE DISCOUNT PRICING STRUCTURE TO THE FINANCIAL BENEFIT OF THE CITIZENS OF THE CITY; FURTHER AUTHORIZING THE USE OF ALL COMPETITIVELY SOLICITED AND AWARDED CONTRACTS AVAILABLE THROUGH NATIONAL IPA AS SET FORTH IN EXHIBIT "A", ATTACHED AND INCORPORATED, SUBJECT TO ANY RENEWALS, EXTENSIONS OR REPLACEMENT CONTRACTS BY NATIONAL IPA, TO BE UTILIZED ON AN AS-NEEDED CONTRACTUAL BASIS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

14-00282 Summary Form.pdf
 14-00282 Award Recommendation Form.pdf
 14-00282 Back-Up - National IPA Contract.pdf
 14-00282 Back-Up Historical Reference.pdf
 14-00282 Legislation.pdf
 14-00282 Exhibit A.pdf

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Hardemon
 Absent: 2 - Commissioner(s) Carollo and Suarez

R-14-0153

Chair Gort: RE.1.

Pablo Velez (Supervisor): Good morning, Commissioners. Pablo Velez for the Procurement Department. RE.1 is a resolution authorizing the piggyback of a competitively bid contract for the City of Tucson, Arizona, for IT (information technology) solutions, such as peripherals, servers, tablets, desktops, and it's a contract available through the National Intergovernment [sic] Purchasing Alliance Company, the national IPA (Intergovernmental Purchasing Alliance), which is a cooperative purchasing organization.

Chair Gort: Thank you. Question, motions?

Commissioner Sarnoff: So moved.

Chair Gort: It's been moved by Commissioner Sarnoff.

Vice Chair Hardemon: Second.

Chair Gort: Second by Vice Chairman Hardemon. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

RE.2

14-00280

Department of Capital Improvements Program

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A UNITY OF TITLE, IN SUBSTANTIALLY THE ATTACHED FORM, FOR THREE (3) CITY OF MIAMI-OWNED PARCELS LOCATED AT 1300 SOUTHWEST 12TH AVENUE, 1320 SOUTHWEST 12TH AVENUE AND 1330 SOUTHWEST 12TH AVENUE, MIAMI, FLORIDA, AS DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED, WITH TERMS AND CONDITIONS AS MORE PARTICULARLY SET FORTH IN SAID UNITY OF TITLE; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY OTHER NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

14-00280 Summary Form.pdf
 14-00280 Legislation.pdf
 14-00280 Exhibit A.pdf

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Carollo and Hardemon

Absent: 1 - Commissioner(s) Suarez

R-14-0154

Chair Gort: RE.2.

Mark Spanioli: Good morning, Commissioners. Mark Spanioli, director of Capital Improvements & Transportation. RE.2 is a unity of title for the Coral Way Community Center properties, located at 1300, 1320, and 1330 Southwest 12th Avenue. This is in order for us to facilitate the permitting process when we go into the future development of the park site.

Commissioner Sarnoff: I know he's in favor, but does he want to be the mover of it or --?

Chair Gort: Go ahead, make the motion.

Commissioner Sarnoff: I'll move it.

Chair Gort: It's been moved by Commissioner Sarnoff.

Vice Chair Hardemon: Second.

Chair Gort: Second by Vice Chairman Hardemon. Any discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: RE.3, it's been removed.

Nicole N. Ewan (Assistant City Clerk): RE.3 was deferred.

Chair Gort: Deferred. RE.4. Withdrawn.

RE.3

14-00212

City Manager's Office

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE EXPENDITURE OF ADDITIONAL ATTORNEY'S FEES AND COSTS, IN THE AMOUNT OF \$133,019.42, FOR THE CONTINUED ENGAGEMENT OF THOMAS SCOTT, ESQ., OF THE LAW FIRM OF COLE, SCOTT & KISSANE, FOR REPRESENTATION OF THE CITY OF MIAMI, IN THE MODIFICATION PROCEEDINGS BROUGHT IN THE CASE OF MICHAEL POTTINGER, ET AL. VS. CITY OF MIAMI, IN THE UNITED STATES DISTRICT COURT, CASE NO.: 88-2406-CIV-MORENO, WITH SAID FUNDS ALLOCATED FROM THE NON DEPARTMENTAL ACCOUNT NO. 00001.980000.531010.0000.00000.

14-00212 Summary Form.pdf

14-00212 Pre-Legislation.pdf

14-00212 Back-Up - Invoice.pdf

14-00212 Legislation.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Suarez, that this matter be DEFERRED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

Note for the Record: Item RE.3 was deferred to the May 8, 2014 Regular Commission Meeting.

RE.4**RESOLUTION****14-00284**

*Honorable Mayor
Tomas Regalado*

A RESOLUTION OF THE MIAMI CITY COMMISSION URGING GOVERNOR RICK SCOTT AND THE MEMBERS OF THE FLORIDA LEGISLATURE TO REJECT ANY AND ALL EXPANSIONS OF GAMBLING, INCLUDING LEGISLATION TO LEGALIZE "DESTINATION CASINOS" IN THE STATE OF FLORIDA; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS DESIGNATED HEREIN.

14-00284 Legislation.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Suarez, that this matter be WITHDRAWN PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

RE.5**RESOLUTION****14-00293**

*Community
Redevelopment
Agency (CRA)*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE AMENDED BUDGETS OF THE OMNI REDEVELOPMENT DISTRICT AND MIDTOWN COMMUNITY REDEVELOPMENT AGENCIES, ATTACHED AND INCORPORATED, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014, AS APPROVED BY THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF COMMISSIONERS.

14-00293 Summary Form.pdf

14-00293 Legislation.pdf

14-00293 Exhibit.pdf

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Suarez
Absent: 2 - Commissioner(s) Carollo and Hardemon

R-14-0160

Chair Gort: I need one more so we can get a quorum. I know we had a time certain, 3 o'clock. I apologize, but unfortunately, we had another meeting that we had to go to, and we're going to reconvene and listen to a couple of items before, and then we'll go into the Zoning items. Commissioner Sarnoff, RE.5 and RE.6 we're going to take up. Okay, we have quorum. RE.5.

Pieter Bockweg: Good afternoon, Chair. Pieter Bockweg, executive director of the Omni and Midtown CRA (Community Redevelopment Agency). Before you is the item here for the City Commission accepting the amended budget. It was approved by the board on March 5.

Commissioner Sarnoff: So move.

Commissioner Suarez: Second.

Chair Gort: It's been moved by Commissioner Sarnoff; second by Commissioner Suarez. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

RE.6**RESOLUTION****14-00281*****Department of Capital
Improvements
Program***

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE OMNI REDEVELOPMENT DISTRICT COMMUNITY REDEVELOPMENT AGENCY ("CRA"), IN AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) ("GRANT") AND TO APPROPRIATE SUCH GRANT TO THE CITY OF MIAMI, FLORIDA, TO FUND CONSTRUCTION MANAGEMENT SUPPORT SERVICES AS OWNER'S REPRESENTATIVE FOR THE CONSTRUCTION AND DEVELOPMENT OF THE CRA-OWNED MIAMI ENTERTAINMENT COMPLEX PROPERTY, LOCATED AT 50 NORTHWEST 14TH STREET, MIAMI, FLORIDA; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A MIAMI ENTERTAINMENT COMPLEX CAPITAL IMPROVEMENTS PROGRAM CONSTRUCTION MANAGEMENT SUPPORT SERVICES GRANT AGREEMENT FOR OWNER'S REPRESENTATIVE, IN SUBSTANTIALLY THE ATTACHED FORM, AND ANY AND ALL NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR AMENDMENTS, MODIFICATIONS, AND EXTENSIONS OF THE GRANT, SUBJECT TO BUDGETARY APPROVAL AT TIME OF NEED.

14-00281 Summary Form.pdf

14-00281 Pre-Legislation - Omni CRA.pdf

14-00281 Legislation.pdf

14-00281 Exhibit.pdf

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Suarez

Absent: 2 - Commissioner(s) Carollo and Hardemon

R-14-0161

Chair Gort: RE.6.

Mark Spanioli: Good afternoon, Commissioners. Mark Spanioli, director of Capital Improvements & Transportation. RE.6 is a grant acceptance from the Omni CRA (Community Redevelopment Agency) for CIP (Capital Improvements Program) to provide construction management support services in an amount not to exceed of \$75,000.

Commissioner Sarnoff: So move.

Chair Gort: Thank you.

Commissioner Suarez: Second.

Chair Gort: It's been moved by Commissioner Sarnoff; second by Commissioner Suarez. Any

further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Mr. Spanioli: Thank you.

RE.7**RESOLUTION****14-00359*****Department of Capital
Improvements
Program***

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AN INCREASE TO THE PROFESSIONAL SERVICES AGREEMENT ("PSA") WITH STEARNS, CONRAD AND SCHMIDT CONSULTING ENGINEERS, INC. D/B/A SCS ENGINEERS ("SCS ENGINEERS"), FOR THE PROVISION OF MISCELLANEOUS ENVIRONMENTAL ENGINEERING SERVICES, IN AN AMOUNT NOT TO EXCEED \$500,000.00, THEREBY INCREASING THE TOTAL CONTRACT AMOUNT FROM \$1,000,000.00, TO AN AMOUNT NOT TO EXCEED \$1,500,000.00; ALLOCATING FUNDS FOR SAID INCREASE, FROM THE APPROPRIATE CAPITAL IMPROVEMENT PROJECTS; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE PSA WITH SCS ENGINEERS, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

14-00359 Summary Form.pdf

14-00359 Back-Up Original PSA.pdf

14-00359 Back-Up Amendment No.1.pdf

14-00359 Legislation.pdf

14-00359 Exhibit.pdf

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Hardemon

Absent: 2 - Commissioner(s) Carollo and Suarez

R-14-0155

Chair Gort: RE.5, 6, and 7, we have to wait until after the lunch.

Nicole N. Ewan (Assistant City Clerk): Not RE.7, Chair.

Mark Spanioli (Director, Capital Improvements Program): RE.7, should I proceed?

Chair Gort: Go ahead.

Mr. Spanioli: Good morning, again, Commissioners. RE.7 is a request to increase the contract capacity for the professional services agreement with SCS (Stearns, Conrad, and Schmidt) Engineers, in the amount not to exceed \$1.5 million. This is for environmental engineering services citywide, and it's primarily due to the environmental service that we're providing for the park's remediation.

Chair Gort: Okay.

Commissioner Sarnoff: So moved.

Chair Gort: It's been moved by Commissioner Sarnoff.

Vice Chair Hardemon: Second.

Chair Gort: Second by Vice Chairman Hardemon. Any further discussion? Being none, all in favor, state it by saying "Aye."

The Commission (Collectively): Aye.

Mr. Spanioli: Thank you.

Chair Gort: Thank you.

Chair Gort: RE. 8 continued.

RE.8

14-00299

*District 2-
Commissioner Marc
David Sarnoff*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AMENDING THE GREEN CORRIDOR PACE DISTRICT TO EXPAND ELIGIBILITY FOR FINANCING OF QUALIFYING IMPROVEMENTS TO SINGLE FAMILY AND DUPLEX RESIDENTIAL PROPERTIES.

14-00299 House Bill 7179.pdf

14-00299 State Statute 163.08.pdf

14-00299 Pre-Legislation.pdf

14-00299 Legislation.pdf

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

Note for the Record: Item RE.8 was continued to the May 22, 2014 Planning and Zoning Commission Meeting.

RE.9

14-00218

*Department of
Finance*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), IN COMPLIANCE WITH RESOLUTION NO. 11-0228, ADOPTED MAY 26, 2011, AND THE TAX COMPLIANCE CERTIFICATE, DATED AS OF JULY 21, 2011 FOR THE \$70,645,000.00 CITY OF MIAMI, FLORIDA SPECIAL OBLIGATION NON-AD VALOREM REVENUE REFUNDING BONDS, SERIES 2011-A; AUTHORIZING THE CITY MANAGER, THE CITY ATTORNEY, BOND COUNSEL, DISCLOSURE COUNSEL, AND ALL OTHER NECESSARY OFFICIALS, EMPLOYEES, AND AGENTS OF THE CITY OF MIAMI TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THIS COMPLIANCE RESOLUTION.

14-00218 Summary Form.pdf

14-00218 Legislation.pdf

14-00218 Exhibit 1 - Bond Resolution.pdf

14-00218 Exhibit 2 -Tax Compliance Certificate.pdf

14-00218 Exhibit 3 - Amortization Schedule.pdf

14-00218-Submittal-Law-Sunshine State Loans.pdf

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Hardemon
Absent: 2 - Commissioner(s) Carollo and Suarez

R-14-0156

Chair Gort: RE.9.

Daniel J. Alfonso (City Manager): Okay. RE.9, RE.10, and RE.11, Commissioners, are related to the discussion on the sunshine state loans that we went pass the date of which we needed to construct -- or start construction so we're moving funds. And RE.9, specifically -- I'll let the Budget director and Finance director speak about them, but they are companion items in a sense.

Christopher Rose (Director): Good morning, Commissioners. Chris Rose, Office of Management & Budget. RE.9 is the finance item that increases -- goes backwards. It pulls in three years of prior year expenditures and complies with the bond covenants to spend the bond proceeds that are still remaining in debt service we then -- in RE.10, move the funds around so that we can keep the capital projects whole. They're companion items, and we'd like them be considered back to back, please.

Chair Gort: Okay.

Commissioner Sarnoff: So moved.

Chair Gort: Do I have a motion?

Commissioner Sarnoff: Motion on RE.9.

Chair Gort: RE.9, moved by Commissioner Sarnoff. Is there a second?

Vice Chair Hardemon: Second.

Chair Gort: Second by Vice Chairman Hardemon. Any discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Nicole Ewan: City -- Madam City Attorney, I believe there's a scrivener's error on RE.9 that needs to be modified?

Victoria Méndez (City Attorney): For RE.9, yes.

Robin Jones Jackson: Yes. Robin Jackson, Assistant City Attorney. There was a typo. The definition is the 2011-A bonds, and there was a typo in the fourth paragraph that said "2001-A" after the definition, and it's been corrected in Legistar. Thank you.

Chair Gort: Okay.

Commissioner Sarnoff: You want a re-motion on that?

Ms. Ewan: No, sir. No, Commissioner, we're good.

Commissioner Sarnoff: Can I get a point of clarity too from Madam City Attorney that just made the statement. Is the April 22, 2014 Squire Sanders letter a part of the record with RE.9?

Ms. Jackson: It is part of the backup, yes, sir, and it's been handed to the City Clerk, handed to all of the Commissioners, to the City Manager, to the staff, to the City Attorney, and it will be a

part of the official record. Thank you.

Commissioner Sarnoff: Thank you.

Chair Gort: Thank you. Further discussion? Being none, all in favor, say "aye," as modified.

Commissioner Sarnoff: I don't think they needed that, Mr. Chair.

Ms. Ewan: That's fine. No, we did not. Thank you.

RE.10

RESOLUTION

14-00287

*Office of Management
and Budget*

A RESOLUTION OF THE MIAMI CITY COMMISSION MAKING AMENDMENTS TO APPROPRIATIONS RELATING TO THE CAPITAL FUND, THE DEBT SERVICE FUND, AND THE GENERAL FUND BUDGETS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014 TO COMPLY WITH CITY COMMISSION RESOLUTION NO. 11-0228, ADOPTED MAY 26, 2011, AND THE TAX COMPLIANCE CERTIFICATE, DATED AS OF JULY 21, 2011 FOR THE \$70,645,000.00 CITY OF MIAMI, FLORIDA SPECIAL OBLIGATION NON-AD VALOREM REVENUE REFUNDING BONDS, SERIES 2011-A.

14-00287 Summary Form.pdf

14-00287 Legislation.pdf

14-00287-Submittal-Law-Sunshine State Loans.pdf

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Hardemon

Absent: 2 - Commissioner(s) Carollo and Suarez

R-14-0157

Chair Gort: RE.10.

Christopher Rose (Director, Office of Management and Budget): Same issue, Commissioners.

Daniel J. Alfonso (City Manager): Yeah. RE.10 is the actual budget authority to move the funds.

Vice Chair Hardemon: So moved.

Commissioner Sarnoff: Second.

Chair Gort: Been moved by Vice Chair Hardemon; second by Commissioner Sarnoff. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Mr. Rose: Thank you.

RE.11

RESOLUTION

14-00219

*Department of Capital
Improvements
Program*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE CAPITAL IMPROVEMENTS APPROPRIATIONS, RESOLUTION NO. 14-0093, ADOPTED MARCH 13,

2014 AND REVISING CURRENT APPROPRIATIONS AMONG APPROVED PROJECTS.

14-00219 Summary Form.pdf

14-00219 Legislation.pdf

14-00219 Exhibit.pdf

14-00219-Submittal-Law-Sunshine State Loans.pdf

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Hardemon

Absent: 2 - Commissioner(s) Carollo and Suarez

R-14-0158

Daniel J. Alfonso (City Manager): RE.11 is the actual allocation of the funds that were moved.

Commissioner Sarnoff: So --

Chair Gort: Let me interrupt a minute, because I see the public -- they see how fast we go through all these books and so on, and people watching at home. It's important to see -- for them to see that we receive this about a week before this meeting, so it's our duty to read it, and that's why you see it moving so fast. Thank you. Go ahead.

Mark Spanioli (Director, Capital Improvements Program): Good morning again, Commissioners. Mark Spanioli. RE.11 is a companion item with RE.9 and 10. This is our capital appropriation item where we de-appropriating the sunshine state funds and providing new appropriations to cover remaining capital projects and environmental remediation projects.

Chair Gort: Thank you.

Vice Chair Hardemon: Thank you.

Chair Gort: Do I have a motion?

Vice Chair Hardemon: So moved.

Commissioner Sarnoff: Second.

Chair Gort: Been moved by Vice Chairman Hardemon; second by Commissioner Sarnoff. Further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Mr. Spanioli: Thank you.

RE.12

14-00389

Department of Human Resources

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RATIFYING THE MODIFICATION OF THE 2012-2014 COLLECTIVE BARGAINING AGREEMENT, BETWEEN THE CITY OF MIAMI AND THE EMPLOYEE ORGANIZATION KNOWN AS THE FRATERNAL ORDER OF POLICE, WALTER E. HEADLEY, JR., MIAMI LODGE NO. 20 ("FOP").

14-00389 Summary Form.pdf
14-00389 Back-Up Document.pdf
14-00389 Legislation.pdf
14-00389 Exhibit.pdf

Motion by Vice Chair Hardemon, seconded by Commissioner Carollo, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Carollo, Suarez and Hardemon
Noes: 1 - Commissioner(s) Sarnoff

R-14-0159

Chair Gort: RE.12.

Amy Klose: Good morning, Chairman, Commissioners. Amy Klose, director of Human Resources. This is a resolution ratifying a modification of the FOP (Fraternal Order of Police) collective bargaining agreement with the City of Miami. This is the three percent that was offered last year. They've ratified it and now it's on the agenda.

Chair Gort: Okay. Thank you.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Yes, sir.

Vice Chair Hardemon: I would like to say that I'm happy that the police union has come forward to accept the three percent pay supplement. I know that before it was apparently going to be used for negotiations within our -- future negotiations, but that didn't go the way that we planned it to go. And so police officers in our City, they do a great service for us, and many of them feel as if they're not properly compensated. That's a matter of discussion. However, any time we're able to do things to incentivize -- I don't want to say that. Any time we can do things that add to their ability to provide for their families, I think that it's a good thing. So I look forward to voting in favor of this.

Chair Gort: Okay. It's been moved by Vice Chairman; second by --

Commissioner Carollo: Second.

Chair Gort: -- Commissioner Carollo. Any further discussion? Yes, sir.

Commissioner Sarnoff: Yes, Mr. Chair. I just want to be consistent with all my votes before this Commission with regard to bonuses. The law is ambiently [sic] clear: So long as we do not have in our contract criteria or an establishment of a bonus program, you simply cannot bonus employees. Our contracts are barren when it comes to criteria establishing; it is subjective or objective criteria for bonuses, and as such, I've made this argument before; I just want to be consistent thereto, and I could not support this as a bonus. However, I did support this volume of dollars, Mr. Chair, when it came to a broader, more sustainable increase in pay for police officers. I continue to support increase in pay for police officers, but not in the feature and not in the manner of a bonus. A rose is a rose if by no other name. A one-time pay supplement could and would be construed by the courts as a bonus. It has no criteria established within there. The contract is barren. I'd be consistent in my vote as I've always voted herein for any contract that I think would be illegal.

Chair Gort: Thank you, sir.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: In light of what Commissioner Sarnoff said, I know it's been already -- we've already gone through this, but still, I would like the City Attorney to state her position for the record. And by the way, I may add that I believe we were, if not the first, one of the first municipalities to do a one-time pay supplement. And as a matter of fact, I am seeing more and more governments following our lead. I just saw Miami Beach considering it, so I guess in the private sector, does bonuses. We're not saying it's a bonus; we're saying it's a one-time pay, and again, more and more municipalities are following our lead. So once again, I think, you know, we're going from seeing what other municipalities are doing and copying or, you know, trying to somehow survive to actually being in the forefront and being creative and actually smart with the way we do our finances. So with that said, Madam City Attorney, could you state your position on this, please?

Victoria Méndez (City Attorney): Right. The City Attorney's Office has opined on this in the past, and this is something that was ratified by the FOP (Fraternal Order of Police) as well and the members of the collective bargaining unit. City's position is that this is perfectly legal. It complies with Florida Statutes, and that has been our consistent position all along. Thank you.

Chair Gort: Thank you. Yes, sir.

Commissioner Sarnoff: And just so we're clear, it can be done. It just has to be done the right way. The contract must provide for the allowance of the one-time pay increase bonus and there must be established criteria for that. I'm not suggesting I would always vote against bonuses. I happen to think they're a great way to structure a budget because, as you would say, you know you have the money. I agree with that. What I am just disagreeing with is the process in which we're prosecuting this bonus. I'm just suggesting to you that if we want to have this criteria [sic], we want to have this scheme, we want to have this strategy, we need to negotiate for that strategy, and that needs to be a part of everyone's -- or certainly for safety officers' contracts. That's all I'm saying.

Chair Gort: Thank you. Vice Chairman Hardemon.

Vice Chair Hardemon: The pay supplement, to me, is a -- like I said before, it's a good thing. I look at it as a function of budgeting, and there is no other way where you have a surplus in a budget to award it to different entities if we don't, especially Police, Fire, things of that nature, if we don't do it as we are doing it. So just the same as we have a mid-year budget amendment where we're adjusting our budget to give other entities \$1 million more or \$500,000 more, it's in the same light to me here. This is not, in a sense, for their work that they have done or that they will do. This is saying, "We have extra money and we're able to award the police force more money to the contracts that each officer has with the City of Miami," so I'm with it.

Chair Gort: Commissioner Suarez.

Commissioner Suarez: Thank you, Mr. Chair. It's a little ironic that we find ourselves in this position because, you know, we had offered initially almost triple the compensation and it was rejected, and so I recall urging that we offer -- what we offered all our employees that all our other employees accepted, but I'm still mindful of the arguments that Commissioner Sarnoff made that led us to this point in the first place, and I think, you know, as we engage in negotiations for the upcoming year, we need to be mindful that, because we are losing police officers, we are having a hard time hiring, and we are having a hard time keeping up and really getting to the staffing levels that we all think we should be at. So I think that's something that we should keep in mind. It'll be good if somebody was listening to me, as I spoke about this; one member of the Administration or someone, but it's okay. No worries. You're listening to me,

right? Good. Awesome.

Chair Gort: Any further discussion? Being none, all in favor, state it by saying "aye."

Commissioner Suarez: Aye.

Chair Gort: We got to come back to --

Commissioner Sarnoff: No.

Later...

Chair Gort: Okay, did we voted on -- did we vote on RE.12?

Ms. Ewan: Yes. We have it registered as 3-1, with Commissioner Sarnoff voting "no."

Chair Gort: No, fine.

Commissioner Carollo: And that's the --

Ms. Ewan: MOU (Memorandum of Understanding).

Commissioner Carollo: Okay.

Ms. Ewan: The MOU.

Commissioner Suarez: I don't remember voting on that.

Chair Gort: B1 [sic].

Commissioner Suarez: I don't (UNINTELLIGIBLE).

END OF RESOLUTIONS

BUDGET

BU.1

14-00285

***Department of
Management and
Budget***

BUDGET DISCUSSION ITEM

STATUS (SEC.18-542(B) CITY CODE)

I. 2013-2014 BUDGET

II. PROPOSED 2014-2015 BUDGET

14-00285 Summary Form.pdf

DISCUSSED

Daniel J. Alfonso (City Manager): B1[sic].

Christopher Rose (Director): Good morning again, Commissioners. Chris Rose, Office of Management & Budget. BU.1, I'm sure that you have all read the monthly report that we sent out on Monday. The highlights of it are that we're halfway through the fiscal year, and we are projecting a surplus of \$10.9 million, slightly down from last month. It does not include the purchase of fire rescue trucks, nor does it include the two percent one-time pay supplement that we just voted on for the Fraternal Order of Police, so those will bring that number down. We will be projecting every month, so I'll be coming back to you at that time. As far as collections -- revenues go, at the 50 percent mark, we've collected about 65 percent of our annual budget, so

we're doing well; property taxes are coming in faster than they've come in in prior years, but we're still expecting them to come in below budget due to, largely, to the Value Adjustment Board. And in terms of expenditures, once we layer in the mid-year budget amendment, from last meeting, no department is more than two percent of the 50 percent mark. So we're doing well, Commissioners.

Chair Gort: Thank you. Any questions? Thank you, sir.

Mr. Rose: Thank you.

END OF BUDGET

DISCUSSION ITEMS

DI.1 DISCUSSION ITEM

14-00288

Department of Police STATUS OF HIRING POLICE OFFICERS.

14-00288 Cover Page.pdf

Motion by Commissioner Sarnoff, seconded by Commissioner Suarez, that this matter be WITHDRAWN PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

DI.2 DISCUSSION ITEM

14-00289

City Manager's Office DISCUSSION REGARDING SUBMERGED LANDS.

14-00289 Summary Form.pdf

14-00289-Submerged Lands-Power Point Presentation.pdf

DISCUSSED

(DI.2) RESOLUTION

14-00289a

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO DRAFT A CHARTER QUESTION REGARDING AN AMENDMENT TO SECTION 29-B OF THE CITY CHARTER RELATING TO USE OF SUBMERGED LANDS BY UPLAND OWNERS WITH RIPARIAN RIGHTS.

14-00289a-Submerged Lands-Power Point Presentation.pdf

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

R-14-0164

Chair Gort: DI.1, (UNINTELLIGIBLE).

Vice Chair Hardemon: DI.1.

Chair Gort: No, DI.1 has been deferred. Go to DI.2.

Alice Bravo (Chief of Infrastructure): Good morning. Alice Bravo, Deputy City Manager. The discussion item before you today is similar to the discussion item that we had in the summer of 2012 regarding a proposed charter amendment to help resolve differences that we have with regard to leasing of land requirements by the City and also riparian rights of landowners. And what I handed out, one of the items is at that reading of summer of 2012, the City Commission voted favorably to direct the Law Department to prepare a charter question for the upcoming election; and at the subsequent meeting, that charter question was not moved forward to actual submittal to the Elections Department.

Commissioner Suarez: My fault.

Ms. Bravo: So I handed it out for reference. But just to refresh everyone on the issues, basically, submerged lands are anything below the main high watermark, as in the presentation before you. And upland is anything higher than the mean high watermark. And basically, in the State of Florida, generally speaking, most submerged lands are the property of the State, and the authority for that has been delegated to the Trustees of Internal Improvement Trust Fund, and that action was taken by the Legislature in 1845. Over the years, the City has received title to different submerged lands in most of the coastal areas, downtown, and here in Coconut Grove. And so this is a map that shows some of the different deeds that we have around Dinner Key Marina and downtown and all the way up to the Venetian Causeway. And so under Florida law, a riparian landowner has the right to 'Wharf out,' which means build some kind of dock to gain access to waters that are deep enough to be navigable. However, in our City Code, if we wanted to lease submerged lands, we'd have to go through some procurement process. So the contradiction is that technically, we have to put a procurement out, but the only person we can really lease the land to and comply with riparian right is the upland owner. So what the State does for its submerged lands is that they have an administrative process, and that administrative process lets them lease submerged lands to the upland owner so long as the administrative process spelled out in Florida Administrative Code is followed, which requires two appraisals and fair return to the State. So right now someone who wants to build a marina in Miami on submerged lands and belongs (UNINTELLIGIBLE) to the State simply goes through this administrative process. If they're in submerged lands owned by the City, we have this problem. And the second document I handed out is an MOU (Memorandum of Understanding) that the City Attorney negotiated with the State to resolve an issue where there was a condominium downtown that needed to build a marina. We couldn't lease the lands to them because of this issue, so the State kind of carved out that area from our deed and leased it directly to the condo upland owner. So we're trying to resolve this. There are other examples of jurisdictions -- they're very limited -- that have title to submerged lands. Some that we found were New Smyrna Beach and City of St. Augustine, and they have similar administrative procedures in place so that they can lease with a fair return to the City the submerged land to the upland owner. So the -- my proposal would be that the City Commission, once again, directs the City Attorney's Office to bring back a charter amendment question to the next Commission meeting, and it's already drafted from last time.

Commissioner Sarnoff: So moved.

Commissioner Suarez: Second for discussion.

Chair Gort: Moved by Commissioner Sarnoff; second by Commissioner Suarez. Discussion.

Commissioner Suarez: Thank you, Mr. Chair. I know everyone here in the audience is enthralled by discussion of riparian rights, but, you know, this is something that we would have put on the agenda last year. We were going to put on the election docket last year and kind of got thrown out. I think it was a baby with the bath water. Maybe it was a couple years. Was it

two years ago? Wow.

Ms. Bravo: Year and a half, year and a half.

Commissioner Suarez: Wow. Anyhow, so I know that Assistant City Manager is very passionate about this particular issue, and I support her in her endeavors to right the riparian wrongs of our community.

Chair Gort: Okay.

Commissioner Sarnoff: And Mr. Chair.

Chair Gort: Yes.

Commissioner Sarnoff: I'm not sure that our charter would withstand, I guess is the better way to put it, a maritime challenge. As you know, maritime law is federal, and I can't believe that our charter would withstand a challenge if somebody were to say their riparian land rights are being infringed upon as a result of the City of Miami charter. And to Alice Bravo's credit and to Madam City Attorney's credit -- and she won't be getting a lot of credit from me today, but I'll give it to her while I can -- she --

Victoria Méndez (City Attorney): I'll take what I can.

Commissioner Sarnoff: -- did an excellent job on Brickell. Because think of the shenanigans, if you will, of somebody having the ability to go in the water, but not have a dock to get into that water. In other words, they have the rights to the water, but then they don't have the ability to get to the water because of a charter provision that probably was well intended, but probably very misguided.

Chair Gort: Okay, any further discussion? Yes, sir. You're recognized, Vice Chairman.

Commissioner Suarez: No, there's nobody --

Vice Chair Hardemon: When an entity owns the marina -- or the waterfront property, when an entity owns that, and we describe the submerged land, submerged land is any submerged land that is in front of a -- an entity that owns that waterfront property, correct?

Ms. Bravo: Correct. Anything below that main high watermark.

Vice Chair Hardemon: Will be the submerged land.

Ms. Bravo: The submerged land.

Vice Chair Hardemon: Right. So part of my -- when just reading through this -- 'cause I haven't had an opportunity to read this part yet. But when reading through it, it gives me the impression that -- just from reading through the language, that the City may contract with entities having a possessory interest in the riparian upland for marinas. So it doesn't seem like it's closed off enough where it's the upland that is from the -- it's from the submerged lands. It seems like if you own a waterfront property, then the City may have a -- may enter into a lease with you. Although we're saying it's for the submerged lands that's just before it, it appears to be read that it can be for submerged lands that could be down from your property, not necessarily just in front of your --

Ms. Bravo: Well -- and -- through the Chair, if -- once this charter amendment, if it were to go forward positively and be approved, then the -- we'd have probably a new section in our

ordinance to address that detail and address the leasing process and the appraisal requirements, et cetera, and we'd codify that.

Vice Chair Hardemon: So then the charter amendment that we actually have in front of us with a resolution that you provided us just to -- so we can see it, where it says, notwithstanding anything in this charter, that would be inserted into the charter, that language --

Ms. Bravo: Yes.

Vice Chair Hardemon: -- which is on page 3 of 6?

Ms. Bravo: Right. The underlined language is what would be part of the charter question.

Vice Chair Hardemon: Wait. The charter question would be on page --

Ms. Bravo: Right. So this underlined language is what would be inserted in the charter if the charter question were approved.

Vice Chair Hardemon: Okay. Well, we have time to discuss it, so --

Ms. Bravo: Huh?

Vice Chair Hardemon: We have time to discuss it still, so -- the next time that the City comes to us, they'll come with us -- with language that is drafted or we're using this language that is already here?

Ms. Méndez: This is what the City Attorney's Office and Ms. Bravo, what we drafted when this came up the last time. We -- this is just showing you what it potentially could look like. We could tweak it, definitely. But this would be the charter question that would come up in the ballot, and then the language is just the proposal. But we can definitely tweak that before it comes back. You would still have to vote on a resolution with all of that included, so it would still have to come before you. We're just asking you right now for permission to bring something like this back to you for your ultimate approval.

Vice Chair Hardemon: No further questions.

Chair Gort: Okay, let me ask a question. My understanding is there's going to be a difference between public land and private land. In other words, a condominium is a property owner versus by the property -- the board of directors of the condominium association. They have the right to build their --

Ms. Bravo: They would have to enter into a lease with the City.

Chair Gort: They have to lease from the City.

Ms. Bravo: Right.

Chair Gort: Okay.

Ms. Bravo: And so this would allow us to have a section in the Code that spells out an administrative process to lease to the upland owner. If not, as it stands today, we would have to do a procurement, but technically, the only person that can win that procurement is the upland owner or it would be violation of riparian rights.

Chair Gort: Right. Well, I just want to make sure that you explain that, because a lot of people

are suggesting RFP. If you do an RFP, somebody else answers the (UNINTELLIGIBLE) RFP and they're not the owners, that make makes it very difficult.

Ms. Bravo: Correct.

Chair Gort: Thank you. Any further discussion? Being none, all in favor, state it by saying ðye."

The Commission (Collectively): Aye.

Chair Gort: Actually, it's not a motion. It's to instruct the --

Todd B. Hannon (City Clerk): We will capture it as a resolution, sir.

Chair Gort: Okay, resolution.

END OF DISTRICT 4

10:00 A.M.

DI.3

14-00370

DISCUSSION ITEM

DISCUSSION REGARDING ULTRA MUSIC FESTIVAL.

14-00370 Table of Contents.pdf

14-00370 1. Bayfront Trust.pdf

14-00370 2. Police.pdf

14-00370 3. Special Events.pdf

14-00370 4. Miami Parking Authority.pdf

14-00370 5. Building.pdf

14-00370 6. Fire.pdf

14-00370 7. Code Compliance.pdf

14-00370-Submittal-Angel Cortinas-Breach of Contract Issues.pdf

14-00370-Submittal-Brian May-Keep Ultra at Bayfront Park Petition.pdf

14-00370-Submittal-Brian May-Police Department Ultra Operational Briefing.pdf

14-00370-Submittal-Brian May-Ultra Letters of Support.pdf

14-00370-Submittal-Commissioner Sarnoff-Survey by Downtown Neighbors Alliance.pdf

14-00370-Submittal-Commissioner Sarnoff-Ultra Survey.pdf

14-00370-Submittal-District 2-Memorandum of Law Ultra Contract.pdf

14-00370-Submittal-District 2-Memorandum of Law Ultra permit for alcoholic beverages.pdf

14-00370-Submittal-Brian May-Adonis Pena Death Cert.pdf

14-00370-Submittal-District 3-UM Fight CD.pdf

**SPONSORS: HONORABLE MAYOR TOMAS REGALADO
COMMISSIONER MARC D. SARNOFF**

DISCUSSED

(DI.3)

14-00370a

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AFFIRMATIVELY SUPPORTING THE ULTRA MUSIC FESTIVAL IN BAYFRONT PARK, SUBJECT TO THE CONDITIONS SET FORTH IN THIS RESOLUTION; AUTHORIZING THE CITY ATTORNEY AND REPRESENTATIVES OF ULTRA

MUSIC FESTIVAL TO PREPARE AND THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING AFFIRMING THESE CONDITIONS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BAYFRONT PARK MANAGEMENT TRUST.

14-00370-Submittal-Brian May-Adonis Pena Death Cert.pdf

14-00370a-Submittal-Angel Cortinas-Breach of Contract Issues.pdf

14-00370a-Submittal-Brian May-Police Department Ultra Operational Briefing.pdf

14-00370a-Submittal-Brian May-Ultra Letters of Support.pdf

14-00370a-Submittal-Commissioner Sarnoff-Survey by Downtown Neighbors Alliance.pdf

14-00370a-Submittal-Commissioner Sarnoff-Ultra Survey.pdf

14-00370a-Submittal-District 2-Memorandum of Law Ultra Contract.pdf

14-00370a-Submittal-District 2-Memorandum of Law Ultra permit for alcoholic beverages.pdf

14-00370a-Submittal-Brian May-Keep Ultra at Bayfront Park Petition.pdf

14-00370a-Submittal-District 3-UM Fight CD.pdf

Motion by Commissioner Carollo, seconded by Commissioner Suarez, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Carollo, Suarez and Hardemon

Noes: 1 - Commissioner(s) Sarnoff

R-14-0166

Chair Gort: Ten-o-five; DL3. This is a discussion item that we're going to be discussing among the City Commissioners. After discussion, I understand there's several people that requested to speak in public. I will allow them to speak in public up to two minutes or whatever the Commission wish. Commissioner Sarnoff.

Commissioner Sarnoff: Mr. Chair, the Mayor and I brought this item. I'm going to let the Mayor go first, and then a point of privilege, I'd like to go second.

Chair Gort: Sure.

Commissioner Sarnoff: Okay.

Mayor Tomás Regalado: Ready?

Chair Gort: Yes, sir, Mr. Mayor, you're recognized.

Mayor Regalado: Thank you, Mr. Chairman, Mr. Vice Chairman, Commissioners. I think this is an important discussion, because it does impact downtown Miami and the City of Miami as a whole. I'm standing before you today to urge you to request that Ultra moved from downtown Miami to another venue. My position has nothing to do with any legal issues; rather it has to do with what I consider transcend any such matters, which is quality of life. What matters here is very simple, and that is that we, as the keepers of the gate and the voice of our people must never forget that their health, safety and welfare is our number one priority, and that we have a sacred duty to ensure that no one or nothing threatens that. Events such as Ultra bring great exposure and put the name -- in our case, the City of Miami -- in lights while bringing much needed financial gain for some of our City's businesses. But what is the cost? We elected officials and many others have worked together for too long and too hard to bring Miami to the place that it's now. With this have come sacrifices, and bearing thought decisions, which, in my mind, were far tougher than deciding whether or not an event such as Ultra remains or stays in our City. What I'm going to read to you is some of the complaints that I have received and I'm sure that most of you if not all of you have received from residents, especially in downtown Miami, and from other residents throughout the City of Miami, but basically the core of downtown. This is the result of many e-mails (electronic). For instance, the residents feel trapped in their homes, and in some

cases, business. Others feel displaced due to their inability to get home or to work because of traffic congestions, detours and blocked ingress. They complained about traffic, and residents complain that they are prisoners in their homes for three days. Businesses, some businesses -- we have several e-mails -- have to reduce their working hours, or shut down as a commute into the area is almost impossible. There are other businesses that have told us that they make a lot of money during this festival, but we have documented many of businesses in downtown. The second complaint is the level of noise, excessive and numbing. Citizens complain that their past requests for improvement of the noise issue have been ignored. Many are at the point where they dread the coming of the festival as if they were facing an invasion, which they feel powerless, totally unprotected and ignored. These people cannot communicate with the organizers of Ultra, and this is actually one of the major complaints that we have; the lack of communications between the residents of downtown Miami and the organizers of the festival; the lack of complaint other than the Police Department for the three days of the festival. Bright lights and the ongoing commotion affect the adults, but especially children. We have received I would say at least 40 complaints from families with children in residences nearby, and they really complain, and they are very upset again for the fact that they cannot communicate. The organizers have not given a contact number or persons to reach. We have documentation from residents -- I don't know if this is the case; we tried to check -- but that they sent e-mails, but no response, and they don't have the ability to communicate. There is no help line during the concerts. Residents in those e-mails referred to having Ultra in downtown Miami as mostly a City without law; crazy, mob-like and noisy. They are asking for protection from us, from the Police Department. They have documented several incidents where residents have been harassed by young people who just wanted to be friendly in excess; not that they were victims of a crime, but they feel that they -- that these people are a danger to their family while they are working or walking through the street. So they point also to incidents of drug abuse with irresponsible behavior by participants and by attendees resulting in tragedies and threat to their health, safety and welfare. To be sure, I know for a fact the economic impact. Extolling the economic benefits of Ultra to the City of Miami and our neighboring community may be very impressive, but I also know that to suggest that Ultra's presence is a key addition which enhances our image as a global destination is not correct. We have here in the audience, Mr. Chairman and Commissioners, the vice president for Student Affairs of University of Miami, Dr. Pat Whitely, and I don't know if the doctor is here yet. I would like to offer my time to Dr. Whitely, because you may remember that I received a letter from President Shalala of the University of Miami saying that they had many incidents, and they were asking for measures for -- from the organizers in terms of the health and the safety of their residents, students at the University of Miami. So I, instead of taking more of your time, I will ask the vice president for Student Affairs of the University of Miami, Dr. Pat Whitely, to come to the podium and express her views.

Pat Whitely: Thank you. Good morning. Thank you, Mr. Mayor, members of the Commission, and thank you very much for inviting me. On behalf of the University of Miami, we are very concerned about the safety and security at Ultra each year, and support this morning the Commission reviewing the Ultra Festival at Bayfront Park. Unfortunately, as the Mayor just indicated, each year during Ultra weekend, our Housing and Residential Life staff, our Student Affairs crisis coordinators, our Dean of Students staff are challenged by serious situations directly related to student and student guest attendance at Ultra. This year, sadly, was no exception. On average, situations that the staff have to address increase 50 percent during an Ultra weekend. In fact, this year, just before Ultra, I sent a safety advisory to all students, which I believe was in President Shalala's letter, with our university resources and specific safety tips. As you know, UM (University of Miami) students hail from all over the country and the world. Our students' safety and wellbeing is paramount, and this -- there's simply no more important measure that we can do is to take care of our students. We are positioned to be their educators and care for their wellbeing. We support all of the City Commission's efforts to address the challenging safety and security issues which have been a direct result of Ultra. Thank you.

Chair Gort: Thank you.

Mayor Regalado: Thank you, Doctor. And Commissioners, I understand the legal issues, and I understand contracts, but it's important that we have this conversation. It's important for the residents. It's important that the organizers understand that not everybody is in favor of this. Thank you very much.

Chair Gort: Thank you.

Commissioner Sarnoff: Thank you, Mr. Chair --

Chair Gort: Commissioner Sarnoff, you're recognized.

Commissioner Sarnoff: Thank you, Mr. Mayor; and thank you, Dr. White. Mr. Chair, first and foremost, the point of bringing Ultra to discussion is limited and twofold as for the safety of our children and quality of life. And for the safety of our children, we should not care if that child is from South America, North America or any other part of this world we consider part of our own. A child passing away is a wake-up call to every elected official's primary responsibility to protect and to serve. Quality of life is paramount to our vision for a downtown that affords our residents the opportunity to raise families and have unfettered access to parks and a quality of life, which really means a good night's sleep so they are productive to go to work. We agreed last year, and I quote: "To re-evaluate Ultra to determine if there are health and safety issues surrounding this 150,000-plus event hosted by the Bayfront Trust, a non-juridic [sic] entity of the City of Miami, not capable of suing or being sued, but more clearly stated, a pass-through agency of the City of Miami for all its liabilities." So here we are, two Ultras under our belts. How have we done? Last year, 2013, from one hospital, three visitors died of a drug overdose at Jackson Memorial Hospital. This year, we have one person who died of a drug overdose at Jackson; two who are in critical condition from drug overdose; one that will likely make a full recovery; one that will likely have a deficit, and this does not include -- and I repeat -- this does not include Mr. Adonis Peña Escoto, who was found dead in his car. A record of safety for the past two years is four dead; others in critical conditions with lives that will be changed no matter how good their recovery may be. Last year, Mayor Bloomberg on the first day of an intended three-day Electric Zoo Music Festival at Randall Island -- and if those of you that don't know New York City and don't know Randall Island, it is an island off the coast of Manhattan that has a power plant and a street. I'll repeat myself: It is an island off the coast of Manhattan that has a power plant and a street. And he cancelled the second two days of the festival because of two deaths related to drug overdose. This year, Electric Zoo is again trying to procure a permit from the City of New York. We, of course, have the tragic stampede of Erica Mack, the 28-year-old security guard who left Ultra in hyper-critical condition suffering from two breaks in her leg, and she just underwent surgery for two pins and two placements of rods; a fractured skull after a stampede -- I'm going to repeat myself -- a stampede of non-ticket holders attempting to gain entry at the southwest section of the fence. And I ask each and every one of you out there, pause for a moment and think about this. A young lady was crushed under the boots of those who had no care, whatsoever, for human life when they literally stood on top of her simply because she was in the way. This liability will be crushing on many who will be served and sued by Ultra, as well (UNINTELLIGIBLE) the Bayfront Trust, who will pass this liability on to the City of Miami and others. Stampedes are nothing new to Ultra. Each year, in a coordinated fashion, by using Twitter, social media to alert outside crowds to security weaknesses, hundreds of non-ticket holders attempt to rush the fence and gain entry. In fact, 2013, a group of more than 500, in a very coordinated fashion, attempted to overrun the front gate. There, 25 to 27 City of Miami police officers on bike patrol put the bikes across their chest, and for 20 minutes, pushed against this crowd, holding them off so they couldn't make entrance into Ultra. Subsequent to being held off by the City of Miami Police Force, the crowd grew angry, and the police were pelted with bottles. This is captured in a video that we'll be showing. There you will see bottles being pelted at the police, requiring them to call additional units from American Airlines Arena, where they were securing the Miami Heat game. You will see the units coming from the arena to secure

Ultra. This year we had units securing Disney on Ice. You will see additional police officers making single-handed arrests in the control of persons without assistance, despite calls for assistance, and struggling to maintain control over the party-goer. Ultra is understaffed with police. You can easily make that inference, Mr. Mayor, when you watch the video of the police officer who struggles with an arrest for more than four minutes, when in 2013, we had to call police officers from the American Airlines Arena, 'cause the police were being pelted with bottles. You know, this particular video that you all are looking at has 3,256,000 hits on YouTube, and it's called "Miami Police Brutality." Now, it's all in the eye of the beholder. I see that we have Mr. Martinez out there. I could tell you this is a police officer simply trying to gain control of a person. Others can see it a very different way, but for all of you who see it, this is called "Miami Police Brutality." Finally, some have said that Ultra places Miami in a positive image on social media, and that you cannot place a cost on that messaging. Here, you'll see another look at how Miami is cast on social media. I'd like to submit -- are we going to show that? -- I'd like to show you something that you'll see in the urban core right now, and I'd like to show you a video, Mr. Chair, that doesn't portray Miami in a light that everybody says is so favorable.

Note for the Record: At this time an audio-video presentation was given.

Commissioner Sarnoff: Now, as you can see here, this is by the front stage, and this is a fight that's erupted. You don't see a City of Miami police officer stopping this fight, and this goes on for the better part of six minutes. There you have a woman who is obviously doing something unbecoming, and it's broadcast on social media as Ultra. There you have Molly, MDMA (3,4-methylenedioxymethamphetamine), or whatever other drug you'd like to call it, and here you have the result of Molly, MDMA. I won't even give you the number of hits on this one; it's off the charts. You've obscured this particular video or picture, because it shows a little too much. No other festivals of comparable size exist in the urban core. Bonnaroo, which is a large festival, Manchester, Tennessee, population of 10,000, has approximately 100,000 visitors. Coachella: Indio, California; population, 42,000, has 225,000 attendees. Woodstock, New York -- I thought I would let Mr. Barreto have that one, because I think he went to that one -- population, 5,884, had about 400,000 attendees. Burning Man: Black Rock, Nevada; population, zero -- it's a desert -- has about 50,000 attendees. Counterpoint: Kingston, Georgia; population, 642; 15,000 attendees. Counterpoint, population -- I'm sorry -- Sasquatch, Georgia, George Washington; population, 501; 50,000 attendees. Firefly: Dover, Delaware; population, 37, 40,000 attendees. Tomorrow World: Chattahoochee Hills, Georgia; population, 2,200; attendees, 140,000. No other festival has been allowed to secure the urban core of a city, and the reasons really are patently obvious: Insufficient emergency escape exits, and lack of large-scale planning. Access gates are limited for Ultra to control the payment of this, of course, \$500 per week, weekend event. Consider this urban core scenario for one moment. A thunder storm moves close to the event, requiring evacuation due to the obvious metallic and electric that attracts lightning. The urban core must then accept 60,000 attendees, most who have consumed alcohol or have taken pills -- Molly, Ecstasy, MDMA -- where do they all go at once, and what will they do in the urban core? There is statistically a 20 percent chance of electrical storms in late March. That is why Ultra belongs -- we are not susceptible to weather on a three-day period. Ultra has not practiced best practices since 2011 when the ban on backpacks was removed. There is a guide, Mr. Chair, called "The Event Safety Guide," by the Safety Alliance, a nonprofit safety trade association, dedicated to the idea of safety first during all phases of event production. The preamble of the guide states -- and I'll quote it: "If we as event hosts don't get our act together, elected officials will take these events away from us." So for those of you that I know of don't share my vision of the downtown, there are about a dozen things Ultra could do to make this event much more secure. One: Dehydration stations staffed by ER (emergency room) personnel of Jackson Memorial Hospital. Why? Because the drug Molly elevates your blood temperature, raising it two to three degrees; add to that a warm night and you'll need a substantial amount of water. And most people won't take in adequate amounts, and that is how you have some of your deaths. Two: Substance abuse and mental health stations.

Three: Screening of all entrants and no allowance of backpacks. Four: Zero tolerance on drugs. Five: Zero tolerance on lewd and lascivious behavior. Six -- and this is a no-brainer: Creation of a ticket-only zone which holds only ticketed patrons for more than 70 feet, creating a buffer. And this will stop the climbing. And you can see the hundreds of visitors gaining access that have never been ticketed. Seven: No alcohol sales on Bayfront Park, as the law clearly provides. Eight: Ultra to post a \$2 million letter of credit, or bond, or security deposit to ensure the City of Miami is protected for its hold harmless and indemnity it provides to the City. Ultra cannot procure insurance for allegations of police misconduct or that of safety personnel. Ultra is a single-purpose shell corporation. Its hold harmless, Mr. Mayor, is only as good as its insurance or its shareholders will allow. Nine: Entrants should be 21 years or older. Ten: One hundred additional police officers. Eleven: Six emergency exits for immediate evacuation. Twelve: A full review of the Event Safety Guide, as well as the Purple Book from the United Kingdom on how to put on safety events throughout the planning stages. After safety our children -- after the safety of our children, we have a quality of life for those who live and work in downtown. We have invited, Mr. Mayor, thousands of residents to move down to the urban core. This is what Ultra provides. As you can see, the fencing forces people to walk into the streets. Next slide. This was apparent for days. We don't do a very good job of policing Ultra, either as police or in the word, "policing," of keeping it clean. And as you can see, the sewers go directly out to the bay. Those sewers are so packed with bottles, because when you take MDMA and you elevate your blood temperature, you have to drink water to keep yourself cool from -- your brain from swelling and overheating. So if you see a lot of water being sold at Ultra, there's an absolute need for that water, Mr. Mayor, and that's to cool your blood temperature. So I want to bring up if I could, Mr. Mayor, a call for action from you, from Brian Andrews when he was asking you to remove the toilets, which had sat for the better part of two weeks at Ultra after the end, and if you would play that video.

Note for the Record: At this time an audio-video presentation was given.

Commissioner Sarnoff: We have not fulfilled our commitment to the creation of an urban corridor that a family can live within. We are sacrificing residents' quality of life for three days of Ultra. Some may not want to listen to City officials; then how about the schools that we're sending our kids to? Who are we as a people when La Salle High School plays a recorded message warning its students, "Stay away from downtown," and then on the Friday of Ultra, sends drug-sniffing dogs throughout the school? Who are we when Belen sends a letter home warning its students of the dangers of Ultra? These are our kids; they are our future. And we allow them to not only attend Ultra, but we place no limits on them with the exception of a wristband; difficult to see at night so they can be served -- so they cannot be served alcohol. Commissioners, for those who intend on keeping Ultra, think about a minimum age, and do not base that age upon a representation that a guardian will be with them. How easy that is to avoid. We have the biggest private sector employer in Miami-Dade County, the University of Miami, warning its students about the high-risk drinking and substance abuse; that it has negatively affected some of its students by having drugs slipped into their drinks. Simply put, the City is allowing Bayfront Trust to rent the park to unsafely pen up 60,000 ticket holders a night. This event earns approximately \$5 million over that time period. This event differs from Calle Ocho, Urban Beach Weekend, or Halloween in the Grove, because we do not promote these events. They are not there, as Ultra is, for the profits of its two shareholders. Ultra is actively being solicited by the Bayfront Trust, and is being handled in a totally different manner than a street festival. You are placing 60,000 people in a pen; one way in, one way out. Candidly, the City Manager, and I, and Risk had a conversation the Thursday Commission meeting before, where we discussed the scenario of a stampede, because it's so likely. So why do we bring this up now? Why not let this thing lie for a while; it's good politics, isn't it? There's two people you never really piss off. You never piss off a newspaper that gets its print by the gallon and its reams of paper. And the other person you don't really piss off is a festival that just took in over \$5 million. We do it now, because on March 6, 2014, what all documents required for the completed contract on March 26, 2014, the Bayfront Trust went to contract with Ultra for five

years, and it did so without City of Miami Commission approval. Now, I know there's going to be a difference of opinion, but there won't be a difference of opinion on what Miami Code Section 38-104 says: "The Trust shall have the power to do things all necessary to direct, manage and maintain the Bayfront Trust, subject at all times to the City of Miami Commission approval"-- not sometimes; not when the choosing of the Bayfront Trust -- "subject at all times to the City of Miami Commission approval." Now, I could tell you this -- and I won't go through my long memo, because I'll hand it out to the Commissioners. It's very clear. This Commission can solve that problem. It can vote to ratify this contract. It can vote to give Ultra one more year. But it has to take that action. In the past, from 2002 to 2013, Ultra did one-year contracts. On March 6, 2014, they did a contract that will bring us out to 2018. Now, my respected colleague is sitting to my left, and it is former Judge Cortiñas, and he'll tell you that this is a binding contract. That's okay, I will tell you it's not. And this is not the place or the time to debate it, 'cause we both have memos of law. He doesn't come to you as a judge. He doesn't come to you with the imprinter of being unbiased, but he comes to you as a good lawyer. I equally come to you with the law. The law is crystal clear. Two things have occurred that are wrong. One: This needed to come to City Commission. Two: It needed to come to City Commission for the dispensing of alcohol. Equally very clear, Mr. Chair, our Miami Code Sections 38-115, and it's entitled, "Authorization of the Bayfront Management Trust to allow the sale and/or dispensation [sic] of alcoholic beverages, including beer, wine, for specific events and performances." Section "B" says: "There shall be no permits issued in connection with hard rock, rap, heavy metal or other event type which requires extraordinary security measures." Just so we're clear, I have had a conversation with the Chief of Police, as well as Chief Gomez. Both have clearly stated Ultra requires extraordinary security measures. Equally clear is City Code Ordinance 38-70: "Sale or dispensing of beer and/or wine for special events or programs in City parks, Sub-Section 'B': It is hereby authorized upon the execution of the -- or application as attached, the permit, sale or dispensing of wine or beer in soft containers in the following City parks," and it lists "Bayfront Park." Then it goes on to say: "Unless approved by the City Commission, there shall be no permits issued in connection with any musical event or type of program which requires extraordinary measures based upon prudent police protection." So either way, whether it's Section 38-15 or 38-70, this Commission has to take action, and if it takes that action, everybody should go on the record and clearly state why they think Ultra is good for the City. And I want to bring one thing else to bear in mind for each Commissioner: There are two provisions of this contract that state: "User represents that it will comply with all applicable laws, codes, ordinances," in two sections: Section 5(c) of the Agreement, as well as Section "DE," so 5(D)(E). "User accepts this agreement and hereby acknowledges that user's strict compliance" -- not "some" compliance; not "maybe" compliance; not "could" compliance -- but "strict compliance with all" -- not "some," not "maybe" -- "applicable federal laws, State and local laws, ordinances, and regulations as a condition of this agreement." I suggest to each one of the Commissioners, if you wish to approve this, do so, but follow the law. Approve this Agreement, or approve it for one year, or, as I would suggest to you -- and I'm going to make a motion -- that this event be moved to a place not susceptible to weather; not susceptible to evacuation; and if it is susceptible to evacuation, it would have universal testing laboratories products, architectural features, Zoning Code requirements for emergency exits. Who are these places? Marlins Stadium, Homestead Racetrack, Magic City Casino. There are venues that could handle and properly house 60,000 people and still be within close call to the City of Miami. So I'm going to do a motion to disapprove the multi-year contract, and I'm going to ask for a second. Thank you, Mr. Chair.

Chair Gort: Thank you. You're recognized.

Commissioner Carollo: Thank you, Mr. Chairman. Let me begin by saying that, you know, I appreciate the Mayor and Commissioner Sarnoff bringing this forward, because, as my colleagues well know, especially Commissioner Sarnoff that we've been sitting up here together for about four and a half years, I welcome the discussion. I think discussion is healthy. I think whatever we vet out we just make, you know, something better, and listen, by no means did

everything go smoothly at this event. Unfortunately -- and my prayers and continued well wishes is with the security guard and her family. In these trying times, you know, we had issues that I think a healthy discussion to see if in the future we could prevent, it's something that we should have. I don't know how much into details we need to get involved or not. I could tell you this, Commissioner Sarnoff, you know, we, too, could go into You Tube and see various videos which I will tell you as someone who was born and raised in the City of Miami I'm not proud of; and so much so that, you know, after seeing so many videos, I only wanted to show one, and have even grappled with staff as far as showing this video or not, but I, too, would like to show a video so you see that, listen, this happens in various events; so if my staff could come and show the video real quick, and you'll see some similarities.

Note for the Record: At this time an audio-video presentation was given.

Commissioner Carollo: This is of the UM game, and you see the fist fights there at a UM game. And here, too, which again, I'm saying I'm not proud of, you don't see any police officers coming any time soon. And that's the only video I want to show. I don't want to go into video, after video, after videos, so in all fairness -- and I tell you, I respect Dr. Shalala's letter to re-evaluate, and I definitely do, because, you know, she definitely has experience re-evaluating issues with the University of Miami, and I respect that. And you know what? We should re-evaluate this, and we should have a healthy discussion with regards to this, because I do think we can make this a lot safer event, and I think having the discussion and seeing from various parties how we can make it a safer event supersedes everything. I'll tell you -- and listen, make no mistake about it, the Ultra event is world known, and it brings much, much money to our economy. However, let me be perfectly clear, money does not supersede safety. And I'll say it again; I'll say it again so I'm crystal clear: Money does not supersede safety. So I do welcome this debate, and I do welcome this discussion. And what I would like to do, maybe hear from the Police Chief, hear from the Ultra people. I know they hired former Chief Martinez, because I do want to see how we can make this safer. I know our FOP (Fraternal Order of Police) president has some suggestions, and, Commissioner Sarnoff, even some of your suggestions -- and I'm not saying all of them. I'm just saying -- you know what? We should have this healthy discussion, because I want to make sure that we do this, we do make this a safer event, and I want to make sure that we can make it a safer event, you know, and we should hear from everybody. And if -- at the very least, at the very least, at least I'm going to know that we tried everything we could to make it a safer event, because, listen, this is the City of Miami. We're a diverse city, and if -- one thing that we offer is we offer something for everybody; whether it's the arts; whether it's music. Listen, we're even considering now an electric car race. We offer something for everyone, 'cause we are a diverse city. And like someone told me recently, it was before my time, but when the Beatles landed in the City of Miami, no one really knew about their music or what they stood about. And, you know, years later, it seems like we all know now about the Beatles and what they stood for. So I'm not saying that there's generation gaps here maybe, but this is the City of Miami. We offer something for everybody. And it's sort of unacceptable to say that a world class city cannot handle an event; especially when we haven't aired out all the different things that are possible in order to make this event much safer. So what I would ask, Mr. Chairman, if we could hear from our Police Chief; if we could hear from the people from Ultra.

Chair Gort: Want to hear from them first?

Commissioner Carollo: Maybe from the people from Ultra. I know they've made certain measures.

Commissioner Suarez: Whenever he wants.

Chair Gort: You're welcome (UNINTELLIGIBLE).

Commissioner Carollo: You want -- can we hear from the representatives from Ultra?

Brian May: Sure. Mr. Chairman, members of the Commission, Mr. Mayor, my name is Brian May. I'm with law offices or offices at 235 Catalonia Avenue in Coral Gables. I'm here representing Ultra Music Festival. You know, there's an old adage that there are two sides to every story, and, Mr. Chairman, if you'll indulge me, I will need about 10 to 12 minutes to actually say all this, but I think it's important, hearing the various concerns from Commissioner Sarnoff and from the Mayor, and I'm sure we'll hear other concerns before the day is out, that I get a number of things on the record, because I think it's important. The side of the story I'm about to tell you is very different, obviously, from the one that you've just seen and heard from Commissioner Sarnoff and Mayor Regalado. The side of the story I'm going to tell you is about the worldwide significance of the Ultra Music Festival; the promotional benefits it brings to Miami across the globe; the benefits it brings directly to hotels, restaurants, and street level merchants and businesses not only in downtown Miami, but across Miami-Dade County. And I also want to talk to the economic benefits that it brings directly to the City of Miami. The story I'm going to tell you is not meant in any way to discount the concerns that have been raised and the issues that have been raised; they need to be dealt with; many need to be addressed. Many of the measures that have been suggested are, frankly, already being undertaken. There's some statements, respectfully, that are simply not accurate, and I'll need to correct the record on those. But I don't in any way mean to discount the concerns that are raised. Simply put, the Ultra Music Festival has become one of the world's most recognizable high-quality music events on the planet. Over the past seven years in particular, it has literally put Miami on the map as the epicenter of electronic dance music, which happens to be the fastest growing music genre in the world. It's a music event that has become a worldwide brand reaching every corner of the earth, and in the process has promoted and accentuated the Miami brand globally in a very positive way. I have a couple of videos of my own that I'd like to show you today, and the first is an example of that promotional benefit worldwide that the event gives to Miami, and it's not a clip that you would normally see, but it represents the positive reach of the event, and this is an excerpt from what is the equivalent of the Today Show in Japan. It's an excerpt of a seven-minute piece that we've narrowed down, but it will give you a very good sense of what this event means worldwide, and the positive impact it has on the City of Miami.

Note for the Record: At this time an audio-video presentation was given.

Mr. Mays: So, Mr. Chairman, I think you can get an appreciation from the video of the promotional benefit it has for the City of Miami, and the reach; it represents the reach that this event has worldwide, and this is just one excerpt of many across the world, and frankly, it's the type of thing you can't pay for. But by way of background, I just want to give a little history on the event. It was started in 1999 by a 20-year-old kid from Miami named Russell Faibisch. And in 2001, when attendance was around 15,000 people for the event, Russell moved the event to downtown, and since then, downtown Miami has been the home of Ultra Music Festival. Russell is here with us this morning, along with his brother, Charlie, who is a partner; Adam Rusaakoff, who's also his business partner; and also Ray Steinman, who is the head of production. And I want to recognize them, because what they've accomplished, not only for Ultra, but for the City of Miami over the past 14 years is frankly incredible, and they should be embraced by the community for being at the forefront of what has become a global movement, and they have made Miami the modern day Mecca, literally, of electronic dance music. A few facts and figures about the event: First, it's one of the top five music festivals in the world and number one in global reach in terms of any music festival. It's a brand that now produces shows in 10 countries on five continents. This past year, Russell and his team were ranked by Fast Company Magazine as one of the 10 most innovative companies in the music industry, and they are against the likes of some stiff competition. And Russell himself was ranked as the sixth most influential person in the world in electronic dance music by Rolling Stone and Billboard Magazines. I tell you this to give you a sense of what we are really talking about. The ramifications of banning Ultra Music Festival or weighing it down by a thousand cuts with measure after measure is something that this Commission should consider carefully when they deliberate on the issue, because to lose it

would be something that would be damaging to the Miami brand for the future. As far as the economic impact to the event, I think each of you frankly has a sense of that, so I'm going to walk through it very quickly. By virtue of the global draw and growth of Ultra, retail, hotel, restaurant and service merchants in downtown Miami benefit greatly both prior to, during and after the event, and many of these merchants describe the week of Ultra, as you will see in the closing that I give you, as their best of the year. And I want to indulge you. I want to enter into the record a petition that was signed by 76 downtown merchants, hotels, restaurants, service businesses all across downtown as -- and in addition to that, I also want to enter into the record a petition on change.org that asks you to save Ultra at Bayfront Park in downtown Miami, and that petition was signed by 50,000 people worldwide, so I'd like to enter those into the record. In 2012 and 2013, Ultra commissioned an independent economic impact study from the Washington Economics Group, and in 2012, that study showed that the economic impact to the City of Miami was \$79 million. In 2013, when there was a two-weekend event held in honor of the 15th anniversary of the show, the economic impact grew to \$223 million. In addition to that, Ultra is responsible for employing over 1,800 people for the event, and over 770 of those are people of African-American descent from Miami-Dade County, so it's a significant employer, and it is a diverse employer. As to the City of Miami, itself, Ultra provides the following: To the City of Miami Police Department, paid for \$619,000 in services this past year; to the Fire Department, 318,000 in services; and to the Bayfront Park Management Trust, in total, it paid \$927,000 and 608,000 of those dollars were profit to the park. It's an understatement to say that Ultra's economic benefits to the City of Miami are extraordinary. In fact, you would be hard pressed to find another annual City of Miami event that generates as much economic benefit. But while promoting Miami's brand and economic impacts are important, the safety and security of the event has to be the top priority, and it needs to be a top priority at an event and at a venue that contributes greatly to the magic of the event, which is Bayfront Park. While Ultra has had its growing pains as an event, the organizers of the event take the safety and security of its patrons and staff very seriously, and to allege otherwise is frankly a misstatement. As I've said, an event of this size will have its share of issues, and unfortunately, one of those issues involved non-ticketed gate crashers who bull rushed the security fence, and severely injured Ms. Erica Mack, and we're sorry for that. Thankfully, Erica's now at home. We understand she's in recovery, and I think I speak for everybody here when we say that we're hopeful her recovery is full and complete. But while the circumstances surrounding Gerrian -- Erica's injuries are unfortunate, we want you to know that Ultra, in cooperation with the Miami Police Department and Fire Department, has gone to great lengths to upgrade its security and put forth best practices as the event has grown and developed. We work closely with the PD (Police Department). We work closely with the Fire Department and with the Trust, and we coordinate closely with their security and safety operation plans. In fact, I believe your Police and Fire Chiefs will tell you that by and large, Ultra Music Festival is extremely cooperative with their departments. And Ultra complements that security and those safety plans with 330 private security guards of their own throughout the event. This year, Ultra willingly provided the following additional security measures from 2 -- over and above from 2013: 257 police officers per day, 49 more than in 2013; 28 additional officers per day on the perimeter and inside the event; 18 additional undercover officers per day, which included the DEA (Drug Enforcement Agency) and Homeland Security; the deployment of 12 additional bike details per day, bringing the total to 36 per day; and the deployment of G8 fencing around the perimeter of the event. And I would like to just show for your own benefit a board of the security plan that was put forth by the Police Department. As you can see, there's a significant amount of police presence at the event. Now, are there things that we can do better? Yes, there always is. Could we use potentially more officers? I think the answer to that is probably "yes." But I want you to just see for your own eyes that there is a lot of safety and security presence at the event. As far as safety and security issues going forward, again, we take them seriously. Ultra has just hired, I think many of you are aware, soon to be retired Miami Beach Police Chief Ray Martinez to be its security chief for the event going forward. Many of you know Chief Martinez has spent over 20 years with your own Police Department, and was an Assistant Chief here before he went on to Miami Beach. As we speak and as has been reported, Ultra is currently conducting a top to

bottom security view of the event to see what we can do better next year. Chief Martinez will now lead that review, and he'll share its result with Chief Orosa and his team, and determine additional measures that can be put forth for next year. I can tell you after reviewing things thus far, Chief Martinez knows that there are a number of things that we can commit to do right away. One is ensure a full-time direct line of communication between Ultra and its new security Chief Martinez, and the Miami Police and Fire Chiefs to address any issues that would arise leading up to and during the event. We are certainly willing to provide additional uniform officers; particularly to secure the perimeter of the event and stop gate crashers. We would suggest that you leave the amount and the deployment of those to the professionals, being Chief Orosa and his team, as well as our security chief. We certainly commit to provide double G8 fencing in critical areas around the perimeter of the event and to provide greater spacing between those fencing layers so that we prevent gate crashing. And also, we have talked about and certainly will consider having some presence in what has been referred to as -- by Commissioner Sarnoff -- as the no-ticket zone. So I can stand here and commit to you that Ultra will continue its review at the Miami PD and look to implement further measures that will try to help secure the event, and the venue, and its patrons next year. Mr. Chairman and Commissioners, I tell you this to let you know that, again, that Ultra does not take the safety and security of its event as a second-tier priority. And to characterize Ultra as having a disregard for that, for the safety and security of the event, which, frankly, is the cornerstone of getting people to come to the event is just simply a misstatement, and I ask you to please take that into consideration as you deliberate today. As to the issues of the contract and the breach of a contract, and the potential validity of the contract, we've delivered to you a legal memorandum of law prepared by Angel Cortiñas, former Third District Court of Appeals Judge and now with Gunster, and you can make your decisions on that, but he is here, and he is prepared to address any of those issues as -- should they arise. And also, Mr. Chairman, I just want to say with regard to some of the video that you previously saw that I can't speak to the origin of those. I mean, clearly, some of those, for sure, are from Ultra. I can't tell you what year they occurred. Some of them were source; some of them were not. I realize they were pulled from the internet, but I can't speak to whether they are not -- some of those are at Ultra or not at Ultra, and I will just leave it there. But in conclusion, I would ask you to view the following video which will sum up many of the points I've made and give you a sense of the event from the perspective of those who come here from around the world to attend it, and will also allow you to hear from downtown business owners, restaurants, residents and patrons in their own words about what Ultra means to Miami and what Miami means to Ultra.

Note for the Record: At this time an audio-video presentation was given.

Mr. May: Mr. Chairman, I'm going to sit down in just a second, but there are three things that I would just like to put on the record to correct the record. One has to do with the unfortunate death of Adonis Peña. Commissioner Sarnoff made the statement that he apparently passed away in his car at Ultra, and I want to just put into the record Mr. Peña's death certificate clearly indicates that he passed away at the out-patient facility at Aventura Hospital.

Commissioner Sarnoff: And I never said that.

Mr. May: I believe you did, sir but --

Commissioner Sarnoff: I said that did not include Mr. Adonis Escota.

Mr. May: Okay.

Commissioner Sarnoff: If you'd like to read my speech, I'd be more than glad to give it to you, Mr. May.

Mr. May: Okay.

Commissioner Sarnoff: I just don't want the record to be incorrectly re-characterized by you.

Mr. May: Okay. Well, it's been widely reported the way you stated it, and I'm correcting the record for the world to see.

Commissioner Sarnoff: Well, I want to correct you again. I didn't state it that way.

Mr. May: Okay, fair enough; I'll take that. The second thing that I wanted to state is that it's been alleged that there are not enough emergency egress and egress [sic] to and from the facility. And again, that is just factually not correct. Every purple dot on that diagram right in front of you is an emergency ingress and egress to the facility. There are eight of them at the facility. And while I understand there is a concern about 55,000 people leaving the event, I would just remind you that every single evening of the event, when it closes, this is exactly what happens: All eight of those gates open, and everybody disperses from the event, and nothing would change from that if there was -- had an emergency situation or an evacuation. Second thing that I want to bring to your attention: Ultra monitors the weather of the event extremely closely. This past year, they were huddled every half hour on the half hour in a trailer at the back of the event monitoring the weather to make sure that the wind speeds were not increasing over 35 miles an hour. And if it does, we have an agreement if it does, at the Police's call and at Fire's call, we then would have to evacuate the event, stop the event and shut it down. So I just want to also put that on the record. As it relates also to the reference that there are no other music festivals of this size or type in the country, I think you heard on the video Lollapalooza in Chicago takes place in an extremely urban environment; population of 8.5 million people. Electronic Dance Music Festival in Detroit, again, very urban environment, takes place and again, I don't have to describe to you the population of Detroit. So I just wanted to try to put those things on the record. We appreciate your time and consideration. We're here to answer any questions that you may have and address any issues that may come up. Thank you.

Chair Gort: Commissioner Carollo.

Commissioner Carollo: Yes, I either would like to hear from my colleagues, but I'm ready to make a motion.

Commissioner Suarez: Make a motion. I'll listen to it. If I second it, then I'll discuss.

Chair Gort: Let's hear from Commissioner Suarez.

Commissioner Suarez: No, no, no. I'm going to yield to him on his motion. I want to hear his motion. If I second it, then I'll request discussion.

Commissioner Carollo: My motion is to move that we affirm the support of the Ultra Music Festival in Bayfront Park with the following conditions. The following conditions is everything that Mr. May mentioned that they would add, including the G8 fencing; the additional police; the -- their -- I guess you would call him director of security having direct communication with our Police Chief and our Fire Chief. In addition, I want to make sure that the perimeter is manned by police officers. I think the perimeter should not be manned by security guards anymore; I think it should only be by police officers. It's sort of what Sergeant Ortiz, the FOP president had mentioned, so I want to make sure the perimeter is only manned by police officers. I'm even willing to go as far as maybe you should have posts there, so you have a post where, you know, every so often, you will have a police officer there, and I will go a step further; possibly even having the name of that police officer that will be responsible for that area. I'm actually looking through some of Commissioner Sarnoff's recommendations, and I would like to add some of it, but I just received the document. I would apologize. Listen, even though -- and let me be perfectly clear. This wasn't about issues that happened inside of Ultra by patrons of Ultra. These were criminals that tried to get inside, and they did it at all cost, and they jumped

the fence and trampled over a security guard. But with that said, listen, I'm -- I believe in zero tolerance for drugs, and I do think, Commissioner Sarnoff, that we should have certain stations for substance abuse and mental health abuse, so I do believe in that. And I haven't spoken to the people from Ultra, but you know what? I think that's a reasonable request, and I'm all for it. So I just want to go through this real quick, but that will be my motion in support of the Ultra Music Festival in Bayfront Park with these conditions.

Commissioner Suarez: Second for discussion.

Chair Gort: Second for discussion. You're recognized.

Commissioner Suarez: Thank you, Mr. Chair. I fear over speaking on this issue to be honest with you, because I think the politically prudent thing to do is to keep quiet, and I think that the politically expedient thing to do is to make a big deal about something and not really having examined all the facts in the scenario. When you look at that Code ordinance that Commissioner Sarnoff cited, which was 38-104, it says that "The Trust shall have the power to do all things necessary to direct, manage and maintain Bayfront Park, subject at all times to City Commission, and any existing contractual obligations." Clearly, this is an existing contractual obligation that the Bayfront Park Management Trust has entered into. As Mr. May pointed out, Ultra has been in Miami, in Bayfront Park for 14 years. I don't recall that there's ever been a ratification vote other than when we, I think, approved their traffic plan last year, because it was two weekends, but there wasn't any sort of ratification vote on their contract, not since I've been here. And in fact, I can't recall that there's ever been any ratification vote on any contract that Bayfront Park has issued since I've been here; I can't recall, I don't know.

Commissioner Carollo: And Commissioner Suarez, can I just dovetail one thing?

Commissioner Suarez: Yes, please.

Commissioner Carollo: I'll go a step further. In -- I believe it was November of 2012, we had a healthy discussion, as I've always welcomed, with regards to Ultra and the two weekends.

Commissioner Suarez: Right.

Commissioner Carollo: And this Commission unanimously, unanimously passed a resolution, and part of that resolution reads -- Section 3, and I will read it for the record -- Section 3: "Ultra shall be a one-weekend event after this year's 15th anniversary festival subject to City Commission approval of a second weekend event in the future." So this clearly --

Commissioner Suarez: (UNINTELLIGIBLE)

Commissioner Carollo: -- stipulates, "Listen, if we're going to have a second event, then, yes, it needs to come back to this Commission for approval." But if it's a one-year event, we've never had to approve it; we never have. "The City Commission shall have the right to consider a future request for a" -- once again -- "second weekend event prior to ticket sales and prior to November 15, 2013." I mean, in all fairness, we're making such a big deal or issue of a second event, but it's like we're moving forward like it's a -- if it's a one-year event, like if it has been in previous years, we really don't need to hear about it. So I apologize --

Commissioner Suarez: No, no, no.

Commissioner Carollo: -- but I just want to be clear since you mentioned, there is documentation on that.

Commissioner Suarez: Right.

Commissioner Carollo: Which this Commission voted unanimously.

Commissioner Suarez: And I just want to -- I think you also echoed very well, you know, the concerns that I think we all have for the public safety --

Commissioner Carollo: Absolutely.

Commissioner Suarez: -- component and you being a former police officer, I think can appreciate that and articulate it as well as anyone, you know. And I'm very glad that two of my alma maters issued warnings to their students not to take drugs at any sort of event. I think that's a wise decision by those institutions. I think they are stewards of our children's decision making decisions, and I think it's incumbent upon them to make sure that they're warning their students of things that may be happening at these events. So I completely agree with that aspect of it, and I'm glad that Commissioner Sarnoff brought that to our attention, 'cause that makes me feel better about my alma mater; that they're doing what they should be doing with their children; maybe my son will go there eventually. You know, again, I have a lot of comments on this. You know, I hesitate to over speak on it, but, I mean, to a certain extent, this feels a little bit like the 2014 version of the movie, "Foot Loose," you know, we're here, this is -- I kind of disagree with Commissioner Sarnoff's perspective in that I do think that this is one of the signature events of a week, which is called "Winter Music Conference" that the City of Miami and Miami Beach host together that really does put the City of Miami on the map, and it is, you know, in conjunction with Art Basel, in conjunction with the boat show, in conjunction with a lot of other mega events that, as Commissioner Carollo correctly stated, are for different segments of our population, and I think it's indisputable -- I can't imagine anyone could dispute this -- that this is a worldwide event and that people come from across the world to listen to the most up to date technological music on the planet. And, you know, that is something that, along with LeBron James deciding that he wants to play for The Heat, and hopefully re-upping this year if he opts out, you know, those are the kind of decisions that I think have a macro economic impact on the City, and that far, by the way, outweighs the 70 million dollar, you know, impact that Ultra has; the \$600,000 net impact to the park; the off-duty dollars that our police officers work very hard to earn, and they work very hard to earn their salary, and, you know, we're ratifying a vote to give them additional compensation just today. So, I mean, look, I think it's clear that there are things that we can do to improve the event. I agree with one of the people in the video that says when you have an event of this magnitude, whether it be Calle Ocho, whether it be -- whatever the event may be, unfortunately -- it's almost like a sociological thing -- when you put so many people in a space, sometimes things go wrong, and I think the best thing that we can do is make sure that we're doing everything that we can to prevent it from happening again in the future. You know, there's -- the last thing I'll say is the traffic concerns. You know, I think we're having a Corporate Run if I'm not mistaken --

Commissioner Carollo: Yes, today.

Commissioner Suarez: -- today or tomorrow.

Commissioner Carollo: Today.

Commissioner Suarez: You know, that paralyzes downtown, you know. ING is another big event that -- you know, obviously, it's in the morning, but also, you know, closes off all our streets. So, I mean, I think traffic and traffic considerations are part of living in a big city. I think we as elected officials -- and I take this responsibility very seriously as the MPO (Metropolitan Planning Organization) official from this Board -- we really have to do better, a better job of looking at mass transit options in the future for generations to come, because that's really the real solution when you have events that do have a traffic impact, is to be able to use mass transit to get around the County. And I know we're very far away from that, and that's kind of off the

subject, but, you know, I think any kind of big event is going to have its traffic issues, and that's why we had -- that's why it was before us last year; to approve the traffic plan. And I commend the event organizers, number one. I'm also born and raised in Miami, and I think, you know, it's part of the Miami experience to grow up in Miami and want to go out, and want to have a good time; it's part of what makes Miami special. I'm glad that it's a Miami-based organization; that it's Miami-conceived. I'm proud of that, and, you know, I support your motion. I think that we need to work hard with the event -- along with the event organizers to make sure that next year it goes off without a hitch. One of the things that we don't talk about also is how -- and Mr. May didn't say it in his presentation, but the arrests are down significantly from last year. Obviously, there was two weekends last year, and there's one weekend this year, but arrests are down significantly. So there are things that did happen from a policing standpoint, from a security standpoint that are positive that, for whatever reason, were kind of not mentioned today, but I think that's important to correct the record on. So, you know, I think this is a little bit of a "Foot Loose" situation, except it's a little bit in reverse from what I can see.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir

Commissioner Carollo: I just want to amend my own motion. I want to add a few other things. I do want Ultra to make sure they take a public stance that there's zero tolerance to drugs. I want to make sure that they do take a public stance that there's zero tolerance to lewd and lascivious acts. And as far as the emergency exits, I know Commissioner Sarnoff mentioned six, but there's actually eight, okay? So I -- that's already there. So I want to make that amendment to my original motion.

Commissioner Suarez: I agree as a seconder to his amendment.

Chair Gort: Secunder accepts the amendment.

Commissioner Carollo: Yes.

Chair Gort: Anybody else?

Commissioner Sarnoff: Mr. Chair.

Chair Gort: Yes, sir.

Commissioner Sarnoff: Just so everybody can see, there is another side to the story, as they like to say, as well, and you can put as many people up there as you can put as many people up there as you'd like to say this is good for business. What we did do in my office is we conducted a survey. We didn't get quite to a hundred, Mr. Mayor; we got to 97 businesses. They're all listed here, and if anybody wants their telephone numbers, or their contact detail, not a problem. This was not a universally good thing for the downtown businesses. As a matter of fact, you'll see that 51 percent reported negative issues; 26 percent neutral; and 21 percent positive. So for everyone to say this is universally good, not true. And you'll see the names of the various businesses; some of which is Ceviche 105; Pollos Y Jarras; Electric -- the Electric -- I forgot the name of it -- right on --

Mayor Regalado: Avenue; Electric Avenue.

Commissioner Sarnoff: Electric Avenue. These are just some of the examples of the people who said they had a very, you know, poor showing -- Los Ranchos. Matter of fact, a couple of businesses had to close down, because of people vomiting in their bathrooms. So I don't want the record to reflect that this is just something that is only bringing good to the City. It's not. And I'd also bring to the Commissioners' attention a survey not conducted by my office, but

conducted by the Downtown Neighborhood Association, and if-- do we have that one? In this survey -- again, you know, these aren't push polls, so you're not going to see 90, 95 percent acceptance, and I think Commissioner Suarez especially knows what a push poll is.

Commissioner Suarez: Really, do I? Why would I?

Commissioner Carollo: Why is that?

Commissioner Suarez: Yeah.

Commissioner Carollo: Why is that?

Commissioner Suarez: Why?

Commissioner Sarnoff: Because you just went through an -- you were going through an election and people were doing push polls. You know what a push poll is. I think everybody knows what that is. So again, these are just perspectives of the people that I represent. You know, obviously, more people have an issue with Ultra than don't have an issue with Ultra. You know, it's an event that has cross-City attraction, but on the other hand, I represent the downtown residents and some of the businesses, and I just want to go on record that there is another side to this story, and that story is not being well told by me. As I said before, I've learned two lessons in life: Don't get in a fight with the Miami Herald and don't take on a festival that just took in \$5 million net cash, because they have the ability to outwork you; get out there, do what they need to do to present a very compelling, very optically, visually-enhancing image of themselves. And I lastly would say to you, the last time Ultra came before this Commission, December 2012, their last words were, "We can make this event better and safer," you know, "We're going to do some things we've never done before"; same thing they said today.

Mayor Regalado: Mr. Chairman.

Chair Gort: Thank you.

Chair Gort: Yes, Mr. Mayor, you're recognized.

Mayor Regalado: Just a -- sorry, Commissioner. Just a comment on Mr. May's presentation, and in that motion that has been made, there is no recourse for the residents, and Commissioner, maybe --

Chair Gort: Going to bring an amendment.

Mayor Regalado: Okay, because the fact is that, you know, everything, it's good what you're saying, more police officers and all that, but the issue here still is quality of life for the residents in downtown, and I see representatives of homeowners association here, and I hope that they have a moment to --

Chair Gort: They'll get a chance to speak. I'll open up with the public hearing in a while.

Commissioner Suarez: Mr. Chair, if I may?

Chair Gort: Excuse me. You have the Vice Chairman, yes.

Commissioner Suarez: Yeah.

Vice Chair Hardemon: Thank you very much. When I have an opportunity to review surveys, surveys are supposed to give us qualitative and sometimes really quantitative information

regarding how people feel about a certain subject. And for instance, when I look at the Ultra Music Festival survey that our dear Commissioner provided to us, it really is the only -- it reads, "Ultra Musical Festival's effect on downtown businesses," and then there's a neutral negative or positive effect, and then there are notes. However -- the effect on downtown businesses, neutral, negative or positive, I mean, there's so many things within that that it could actually mean, and so surveys like this aren't moving to me. And especially when I look at other -- the other survey that we have by the DDA, and the DDA --

Commissioner Sarnoff: DNA.

Vice Chair Hardemon: I'm sorry.

Commissioner Sarnoff: The Downtown Neighborhood Association.

Vice Chair Hardemon: The DNA; I apologize. And within the DNA, the question is, "Did you enjoy Ultra Weekend?" And any person who answers a survey understands that -- What does that mean? I mean, does that -- did that mean did I enjoy the festivities at the Ultra? Does that mean I -- did I enjoy going to a football game during that weekend? It's so broad. And so surveys like this really don't grab my attention. And what they do, to me, is it all becomes a function of a knee-jerk reaction to trying to now justify the end. And so for that -- for instance, when we talk about there was an effect -- I think there was a mention to Mayor Bloomberg, and how Mayor Bloomberg moved to stop some festival that was in New York. And it -- I can't speak to why exactly he stopped that, but Mayor Bloomberg doesn't strike me as the best person to follow, 'cause when I think about the stop and frisk law that New York deals with and its effect on the minority population there, clearly, I'm a criminal defense attorney, but I believe in our Fourth Amendment rights. And just seeing how the actual law is being used is something that's completely different than what the law actually is. And that's interesting, because I don't really hear that type of complaint from the City of Miami Police where we -- we have a stop and frisk law, also, where you can stop someone if they are committing a crime or there's a perception of it. So -- but there, where every single person of color is stopped -- and then if the person has a weapon, then it's a good thing. "Well, we've removed this many guns off of the street." So it's difficult for me to really follow the logic of "Let's decide to stop something, and now, let's find reasons why we should stop it." For me, I would like to hear the facts first about what's actually happening. And we cannot over-generalize things so much so that it's to the detriment of certain people. And so, for instance, by that, I mean drug overdose. There's -- there are people -- everyone here probably knows someone in their life that uses drugs, that abuses alcohol, that uses prescription medication; there are parents here that cannot stop their children from abusing drugs. And if you, as a parent, who have raised a child for sometimes 30, 40 years, cannot stop your child from using drugs, what makes us as the City of Miami believe that the City of Miami Police Force is going to be able to stop every single person there from using drugs if they so choose so? I don't believe that Ultra sells drugs, and if they do, then that's a problem, and clearly, Ultra shouldn't be here today. And so what I mean by that is no matter how many police officers you place there, you are going to have a problem, because you know why? People use drugs, not Ultra visitors, but people do. There are people who are sitting here today, admitted or not, who consume drugs. So the problem is not something that you can fault to the festival. This is something that people at the University of Miami, they use drugs. Your children that you pay all this private school dollars to go to these very expensive private universities, and high schools, and elementary schools, and middle schools, they use drugs. So the question then becomes, "Well, what do you do about it?" Well, you put in parameters that can accept -- that can help with the drug abuse. So I do like the idea that the Commissioner put forth about having these overdose stations, because some people do overdose. And if they do overdose, we need to be able to offer them the type of care that they need in that situation, and make sure that they are with us the next day. It is a learning lesson, and I think that every year, a new problem will present itself, and every year, we have to learn from it. And there is nothing that I've seen thus far that has been presented to me that warrants the cessation of this event. From what I see, the

security of the event is provided through the expertise of the City of Miami Police. I don't believe that Ultra gives them and plan and says, "Well, this is how we do it," and that's what moves forward. The City of Miami Special Events Unit is what actually describes what type of policing is necessary for this Ultra Music Festival. And one thing I've never heard also is Ultra say "no" to anything that the City of Miami has ever demanded. If we were sitting here today and someone said, "Well, the City requested that we have 'X,' 'Y,' and 'Z' for five years," and Ultra would not do it, that is a completely different issue. We have a -- it seems to be that we have an organization that says, "Whatever you need us to do, we will do it; we want to be here in Miami." And speaking from a member of the Convention & Visitors Bureau, any time you have an event that can bring this type of attention to your city, that is a tremendous asset to have. The -- Miami-Dade County uses Miami as its marketing arm. Miami is the City of Miami; it is not Miami-Dade County. Now, Miami-Dade County used to be what?

Commissioner Suarez: Dade County, Dade County.

Vice Chair Hardemon: Dade County. So what they -- being in Dade County, we added, "Miami-Dade County." Why? Because everyone wants to have a touch and a taste of the City of Miami; that is what makes us great. If the City of Miami doesn't help provide the types of attractions that people need from around the world, then the City of Miami will not become or continue to become a world class city; we will be left behind. And I don't think that this event is a sign of the terrors of Miami. When you watch a video of a young lady hugging and kissing a tree, I have no idea what she took. She might be completely sane. There are people that have sex with worse things than trees. So --

Commissioner Suarez: Recently in the paper, too.

Vice Chair Hardemon: -- we can assume so many different things about these videos, but there is no way that you can determine why a person is doing what they are doing. And as far as I understand, police officers who are there, they put a stop to people who are buying or selling drugs. They put a stop to people who, if they watch them consume -- all of these things are illegal activities, and we have to stop illegal activity from occurring within the City of Miami. I think Commissioner Carollo was completely correct; those people who jumped that fence were criminals.

Commissioner Suarez: It's true.

Vice Chair Hardemon: They were criminals. They were, at the very least, trespassing; they were, at the very least, committing grand theft; they were, at the very least, looking at six years in prison in the City of Miami.

Commissioner Carollo: Aggravated battery.

Vice Chair Hardemon: Ag -- and felony battery at that, you know, so --

Commissioner Carollo: Aggravated battery.

Vice Chair Hardemon: Right. So we're looking at people who caused injury to a person where -- find that video, because if we can find that video and identify those people, then I think the City of Miami is moving in the right direction. It's showing that we have a no-nonsense policy about breaking the law in the City of Miami. So many times, we excuse things, because maybe it's the -- no, I won't go down that line. However, what I will say is that we have to be very careful of the blame that we begin to place on people, on the City on -- of the ills of a society, and we have to see that just having (UNINTELLIGIBLE) that video -- when I watched the video, one thing that I saw was that every time there was a -- an incident where it was behavior that was unbecoming of Ultra and what it presents itself to be, there was one person doing it or two

people engaged in it. The cunnilingus was two people; the drugs was one person. But then when you saw the video of hundreds of people, thousands of people, all of those people were having a good time. You couldn't see illegal activity. You saw music playing; you saw people having a good time. And that, to me, is more telling of what is actually occurring. Maybe we need to go; maybe we need to see, I don't know. Maybe we need someone -- a secret shopper or something of that instance at the event. However, who I do know are there are hundreds of City of Miami police officers; hundreds of them. And so me, personally, I'd like to keep the security measures to the Police Department, because that is what they do for a living. I do, however, agree with many of the amendments that were made to the main motion, and I think that we shouldn't use tragedies that hurt us all to move a political agenda to do something to an organization where this attempt has been made before. It is already sad enough that we have to deal with the fact that we have an injured person; someone who fell at the foot of criminals. But now, to politicize it, I think is another issue in and of itself. So what do we do? We add more police officers to the perimeter; we add the G8 -- I believe it's G8 fencing.

Commissioner Carollo: Yes.

Vice Chair Hardemon: We add the G8 fencing that is necessary; we do the things that make this event a safer thing to actually to be at. And one thing that I've seen and one thing -- one thing that I've seen is that this organization has not been in the pursuit of the profit in the sense that they are making profit, yes; however, it all seems to me from the presentation from the event that it's about quality; it is about a service; it is about something that people come from all over the world to engage in, and at whatever expense they have provided to the City of Miami. I believe it was Commissioner Sarnoff that asked for an additional -- it was hundreds of police officers -- was it last year?

Commissioner Carollo: It was \$500,000 of--

Chair Gort: Additional police.

Commissioner Carollo: -- money for public service, for police officers and fire fighters.

Vice Chair Hardemon: And I believe they provided it.

Commissioner Carollo: Yes, they did.

Vice Chair Hardemon: And so to me, this is an -- this seems to be an organization that's -- that cares about the quality of its brand, and it is not in the business of hurting the City of Miami. The City of Miami is a wonderful place to be, and our communities are so diverse, and it's so amazing, and it's interesting that we talk about in the downtown area that the downtown residents want peace and quiet. I have never met a person in my life that moves downtown in a major city for peace and quiet. I mean, it's all about the hustle; it's all about the bustle; it's all about the noise, and hearing what's happening in the City. It's the lifeblood of the City. And like Commissioner Sarnoff likes to say, it gives so much money in tax revenues.

Commissioner Suarez: Yes.

Vice Chair Hardemon: It really does. But why, why are businesses flocking downtown? Why are people who want that urban experience flocking downtown? They're not going downtown because they want a yard, and a white picket fence, and a dog, because if they wanted that, then they move to the suburbs. That is not why people are here in the City of Miami. If people are in downtown, they are expected -- it's all -- it really should be written into their lease agreement --

Commissioner Suarez: Yeah, the Code.

Vice Chair Hardemon: -- that it is a different experience that you are experiencing downtown, and I believe, even though I haven't had the pleasure of actually attending the event, I have lived downtown when the event was there.

Commissioner Suarez: So have I.

Vice Chair Hardemon: And what I would do was I would open my -- the hurricane-proof doors to hear the music; I got to hear it for free, right? But when you closed it, it was a different experience; just the same as you're going to have the experience of people who live downtown and you see the thousands of people that see The Heat play, and when you have the projector that shows the images of LeBron James. Those are people -- that's part of the experience of being downtown it's part of the experience of being downtown of seeing the tower light up at night. You know, this is what you pay for when you move downtown. So if you went there for peace and quiet, I don't know who sold you that swamp land, so I'll end my comments there -- but I am in support of your motion, Commissioner Carollo.

Commissioner Carollo: Thank you.

Chair Gort: I'm going to be very short in my comments. I been here a long time, since 1954; I seen a lot of changes in this City, and I been involved in many events. Personally, I don't like Ultra, I don't like the music, my kids don't go there so -- and on Friday, that Friday, I don't go to work. I have an office in Brickell, so I don't go to work. But at the same time, we need to understand, and I'm going to begin -- one project that began very small by the Kiwanis of Little Havana called "Calle Ocho." And the reason Calle Ocho was created, because we had an ethnic neighborhood, and the people says, "Oh, you can't go there, that's Little Havana." So the young guys came up with the idea as, United States, when you move from one residence to another neighborhood, you have an open house, and that open house is to bring people from the outside to meet with the people in that house and get to know each other. The first Calle Ocho, we had 75,000 people. Today, Calle Ocho is over 1.5 million people. It goes from one weekend -- from one Sunday -- now it goes to two weekends. It benefited Miami Beach; it benefited Coral Gables; and it benefited Little Havana. It put that area, Little Havana in the map. Today, we have over 20 tour buses going to Little Havana, and it's helping the people, the merchants in there. We have events that do that. Any time you have an event, you going to have problem. You going to have people that don't like it; people that benefit; people that don't benefit. But you got to look at the benefit as a whole. I'm against drugs. I've never used drugs and I -- anybody that uses drugs, I think they killing themselves. I think we should make some -- make sure that we do something so people will not abuse during the festival, because anything that happens, they going to blame it on the festival. And I agree, I think drugs has to be taken care of. We see them with the homeless constantly; 90 percent of the homeless, they're probably on drugs or an alcoholic, and that -- we have to deal with that throughout -- not only in this event -- throughout the nation. We got to teach our people that drugs harm you. We got to continue to do the education with the kids and everyone. But personally, I think this is a benefit. I'm also participating in the Greater Miami Convention & Visitors Bureau, and I get the benefit of it. Personally, I don't like it, and I don't go by. I don't go to downtown, and I don't open my office on that day, but I'm not going to vote against something because it affects me personally when I think the goods that it brings is a lot better. Now, the one thing I'd like to recommend, because the quality of life for the people who live there, I know they don't want the noise and all that, but maybe -- and this is -- I'm not an expert and -- well, I worked a lot on the -- a lot of these festivals and -- but maybe the way you set up the stage, you can have your music going towards the sea, and you can have the big corridor in the back -- I don't know about that, but that's something maybe you should look at so that light will not be bothering some of the people there. I don't know about the lights, how much it bothers them, but I think this is things you need to sit down, discuss. You need to sit down, look at the fence, how you set up the fence so people can use the sidewalk. You can set up -- and I think that the bathroom, let me tell you, that's terrible. I think you need another company and you need to do something with that. That is terrible.

Commissioner Suarez: Mr. Chair.

Chair Gort: That's it.

Commissioner Suarez: Mr. Chair.

Chair Gort: I'd like to hear from the public before we continue.

Commissioner Suarez: I just want two seconds.

Chair Gort: Sure.

Commissioner Suarez: I just want to dovetail off something that Commissioner Hardemon said about downtown. You know, South Beach was a very vibrant city, and because of that vibrance, the real estate became very expensive, and they started building a bunch of towers in South Point, in South Beach, and then people started moving in, as the Commissioner said, and they said, "Well, I don't know if we like all this party," which is interesting, because that's precisely what made it valuable in the first place. So you know where those nightclubs went? When Washington -- when I was growing up, Washington Avenue was the place to go have a good time. It's not the place to go have a good time anymore. Now, it's our Entertainment District in the City of Miami that has a 24-hour liquor license. So we, the City of Miami, said, "We want the party here," and they came here. And guess what we have now? The Design District, Wynwood, vibrance young people moving into the City of Miami. So to a certain extent, I just fear -- and again, maybe I'm over-speaking on the issue, but I just fear, you know, that we're -- you know, by trying to block Ultra from being here or by making statements to that effect, that we're going in the wrong direction. So I'll just leave it at that, and that's my macro-economic analysis of the whole situation (UNINTELLIGIBLE).

Chair Gort: Thank you. I have several people that asked to be --speak [sic], and I'm going to ask you to please be brief and not be repetitious. Angel Cortiñas.

Angel Cortiñas: I'm Angel Cortiñas at Gunster. Our office overlooks Bayfront Park proudly. I am proud to represent Event Entertainment Group who puts on the Ultra Music Festival. I'm proud to lend my name, my integrity to this organization. I think it does a wonderful festival for 14 years, and it does cement Miami's posture on the world stage. We've provided every member of the Commission with our legal memorandum. We thank you for your consideration of it, and again, we thank you for your support of the Ultra Music Festival. Thank you.

Chair Gort: Thank you, sir. Nathan Kurland.

Nathan Kurland: Good afternoon, Commissioners. Nathan Kurland, 3132 Day Avenue. Commissioner Hardemon, I don't know whether you're aware of this, but in this litigious society we live in, the tree actually sued Ultra for sexual --

Commissioner Suarez: I thought that was kind of funny.

Mr. Kurland: -- harassment.

Commissioner Suarez: I'm with you, Nathan.

Mr. Kurland: For the past seven years, it has been my privilege and my honor to serve as a member of the Bayfront Park Management Trust. This service requires a diligent and responsible guardianship of what I believe is one of Miami's most valuable assets, and that is Bayfront Park. Addressing ongoing security and safety issues have always been a priority for

every single member of the Trust, including myself. I think discussions like this are valuable. I believe Commissioner Sarnoff in instituting this discussion has probably come up with some very, very reasonable forms of action that we can look at and make this festival even better than it is. Like you, Commissioner Gort, sometimes the base note of the music of EDM gets a little heavy on my brain, but I have attended every single Ultra since I've been a member of the Trust. I think it's our responsibility to be there. I believe it does no good to get on the right track if you're going in the wrong direction, and I really am very pleased as one who comes to Commission meetings almost as a religion and have only missed about four or five over the past seven years. It's wonderful to hear some of the discussion that we've had today. I believe Ultra is a very valuable, valuable asset to Bayfront Park and to the City of Miami. Thank you.

Chair Gort: Thank you. Oscar Guerrero.

Oscar Guerrero: Thank you very much; I'll try to be brief. First of all, I'd just like to give the opinion of someone that has been to the festival several times, and I do want to state that we did name -- you all named certain different festivals that take place in other places in the United States, but there is something special about it happening in Miami. Miami, like you stated before, has become the Mecca of electronic dance music, and the fact that the festival is held in downtown, it brings the City to life along with the festival that's going on. It's almost as if they've created a huge club-like atmosphere for the whole City, for everyone to attend at the same time. There's no better experience than when you're at the main stage looking at the performer, and you can turn around and you can see the silhouette of the dancing woman in the Intercontinental Hotel, or you can see the lasers bouncing off of the City. It just gives it a very big atmosphere and different experience from anything else. Coachella, I'm sure it's great, but it's in the middle of a desert; it doesn't have that kind of aspect. So that's one thing that I wanted to make clear. The other thing is that as a person that has attended several times, I think that there's two things that counsel -- sorry -- the Commissioners can bring up as a topic to discuss with the organizers: One, I do know for a fact that on the Ultra Music website, it does state that it is an all-age event. I firmly believe that it is not an all-age event. I actually request, me as a participant, and for you guys, for all of you to consider that either you do bring it up to at least 18, if not 21. It is an event for adults, the same way that people under 18 are not allowed in certain establishments in Miami Beach or in downtown for that club atmosphere. I think that this should be an event that it should be 18 and over. Now, the other thing is I believe that a lot of the problems that are going on with -- a lot of the reports that you're getting on drug overdose and things to that nature, I think a reason why it happens is because the people that attend the festival -- and, yes, you are correct, there are drugs that go around there, but this happens in many big festivals. Even though there is a police presence and a fire fighter presence in the facility and you do have stations, and it's very present and clear in all the maps, whether it be in an app or on paper. I think that one of the problems is that the people that do attend, and let's say they did decide to experiment on a drug, they have the fear that if they do go to a cop in case the drug does happen to have a bad effect on them, I think the fear that they have is that the process is going to be the cop's going to take them to the center where they can get medical attention. Right after the person has been sobered up, there's going to be handcuffs attached to that person immediately. I think one of the best things that you guys can do -- and again, if you organize this with the Ultra Music Festival managers -- is if the City themselves attach to the ticket, they include a small little pamphlet. This year, there was a small little introduction pamphlet. I think the City can include one, a small little pamphlet inside, or just a one-sided card stating that the City is working with Ultra Music Festival, and that the cop presence and the fire fighter presence is not there to disrupt, or to cause havoc, or like some people in Miami think that cops are going to need to make their quota the month; they're not there to make ends meet. So what I think that you guys can do is that you can state that it is there to make the event safe; it is there for the safety of the people first; and that is the reason why you have such presence, and the presence keeps increasing by the year.

Chair Gort: Thank you.

Commissioner Sarnoff: Mr. Chair.

Chair Gort: Yes, sir.

Commissioner Sarnoff: I like some of the things he had to say, but I can assure you all of this, and I think every Commissioner could as well: Our cops don't have quotas --

Commissioner Suarez: Of course not.

Commissioner Sarnoff: -- you know, so you can get that right out of your head. I think the Chief of Police would come up here and say there's no arrest quota from the City of Miami.

Manuel Orosa (Chief of Police): Chief Manny Orosa, Miami Police Department. No, Commissioner, you're absolutely right; we don't have any quotas. That's illegal, unethical.

Commissioner Sarnoff: Right.

Chief Orosa: It flies through what we stand for. The other issue is that if somebody is having an overdose and they're under medical care, we will not be arresting that person. "A," it's not right; and "B," that person needs help; and "C," there is no evidence, because the evidence is already inside the body. So to the gentleman, at Ultra, we go after the people that are supplying the drugs. We're not after the casual person that is smoking a joint, or taking a Molly. We go after the people that have a bag and their intent is to sell. Thank you.

Mr. Guerrero: Okay.

Chair Gort: Thank you, Chief. Pamela Well [sic].

Pamela Weller: Thank you, Chair. Pamela Weller, Bayside Marketplace, General Growth Properties. We sit right next to Bayfront Park, and we suffer between 30 to 50 percent below in our sales that week. And if you ask our tenants if it was negatively impacting them, they would say, "yes." But the nice thing about Bayside Marketplace tenants is they've been here for 27 years, and they've had some really great days, and they recognize the value of these events, just like the Corporate Run we're doing tonight, just like Iron Man, just like ING and all the other things that happen in downtown Miami that close our streets. And, you know, I had a really good experience. I got to go to Quarter Fest this year in New Orleans, and what I thought was really cool about what that city does is that they embrace it, they embrace road closures; they embrace the music, the food. And I think that's what we need to do. I think we need to embrace every event that happens in downtown Miami. It is vibrant, it is electric, and that is why people live in downtown; you're right, Commissioner. They live here because we're vibrant, and we're full of energy. And, yeah, you know, it's a little bit of a pain, but so are a lot of other things. And the value is immense, and I thank you so much for this discussion. I think it brings us to a new level, and I think that we all benefit, and we all love this city, and we're here for the right reasons, and I believe Ultra is here for the right reason, as well. Thank you.

Chair Gort: Thank you. Albio Castillo. Next one is going to be Lisette [sic] Bustin.

Albio Castillo: Good afternoon, gentlemen. My name is Albio Castillo. I live at 2235 Southwest 16th Terrace. My question: It is that the contract is stated for 2018. If you are going to change it, you have to add it to the contract while you are discussing about the fences, improve the security; otherwise, we're going to have a lawsuit that is going to be a breach of contract. Also, about the Fire Department does for one of the budget, \$1.6 million for the fire trucks, which I mentioned in last year's budget. Any question from the Administration? Any question from the Commission?

Chair Gort: Thank you, sir.

Mr. Castillo: You're welcome.

Chair Gort: Lisbeth Bustin.

Lisbeth Bustin: Hello. Thank you for allowing me to speak today. I wanted to thank Mayor Gimenez and Commissioner Sarnoff for bringing up quality of life issues. And Mr. -- Commissioner Hardemon, I'm sure that anyone of the condos bordering Bayfront Park would be glad to extend you a room over the weekend so that you can experience the internal vibrations that are nonstop for practically all the three days. The downtown residents, believe it or not, do love a vibrant downtown; they're not against that at all, and I really took a little bit of exception to the way you presented it, I have to say. I want to tell you that there are events downtown, street closures; this is all part of life. This event goes on for three days, three nights of no sleep; and not just when the event ends, but there are crowds that take time to disperse, and they're all excited, they're pumped up. So it doesn't just end at midnight. It might end at 3 or 4 in the morning. This is what I'm hearing. So it is a little much for three nights. People do leave town, because it's too much for them. I think quality of life issues do have to be considered. You all do represent the citizens of the City of Miami. Commissioner Sarnoff, you know, that's his district, but I think it should be equally important to each one of you, because it could be your neighborhoods that you represent. So I urge you to take that into consideration. And obviously, that doesn't mean that Ultra shouldn't be here. I'm not here saying that Ultra shouldn't be here, but I think Ultra needs to, early on in their planning of the event, not the last week or the last two weeks, but right now, planning for 2015 to meet with the residents, to meet with the condo boards, to find out if there are technological strategies or anything else that will mitigate the sound that permeates and vibrates everybody's life in that area for those days, and I don't think that's unreasonable. So I hope that that might be something that you would consider putting in there, and also maybe even mitigating some of the financial end back to these associations, because we do -- I'm the general manager of 900 Biscayne Bay, and I talk to the residents of and the managers of all the Downtown Neighbor Alliance, 11 condos right now and growing, and they do spend a lot of money beefing up their security guards so that they can keep control of what happens, and keep the quality of life and the property values in their buildings. So it does have an economic impact to the residents who also contribute an awful lot to your tax base year after year, after year. So thank you for your attention, and I hope that, you know, you will --

Chair Gort: Thank you, ma'am.

Ms. Bustin: -- talk about that.

Chair Gort: Yes, sir.

Commissioner Carollo: I'm sorry, Mr. Chairman. Has Ultra in the past reached out to you? Because it's my understanding they reached out to all the homeowners associations and the condos association, so that's been my understanding, so I want to make sure. Have they reached out to you in the past?

Ms. Bustin: Ultra reached out in the past to me last year; not 2014. 2013. They asked me to provide them with a list of our expenses, which I did. There was an agreement that they would reimburse a certain amount of money. I'm not going to go into details.

Commissioner Carollo: You don't have to.

Ms. Bustin: It never happened. So promises are made; they're not always kept.

Commissioner Carollo: Okay, and maybe that's something that, you know, we'll follow up, or at least the Trust will follow up, because it was my understanding that for the most part, all I've heard is that everything they've promised, they've kept their promises, and they've reached out to the various homeowners associations. So if that's not the case, we'll see how we'll address that because --

Ms. Bustin: No, it's not the case.

Commissioner Carollo: -- that is important.

Ms. Bustin: And it's not to the extent that it needs to be, and it's not the mentality where the mitigation --

Commissioner Carollo: Understood.

Ms. Bustin: (UNINTELLIGIBLE).

Commissioner Carollo: And you clearly also stated, "Hey, listen, I'm not here to speak against Ultra."

Ms. Bustin: I am not.

Commissioner Carollo: What you're asking is reasonable so --

Chair Gort: Sure.

Commissioner Carollo: -- I think that's something that we'll see to make sure that they do reach out and all that, and at the same time, it was my understanding that they have reached out over the last few years working with them, and they have, you know, done what they've committed to, but if that's not the case, at least maybe in this case, maybe it is an anomaly. But the bottom line is that, you know, we'll see for it in the future to make sure that they have reached out, because, you know, like I clearly said, you know, we all have to live together, we all have to work together, and I think what you're asking for is reasonable.

Ms. Bustin: Thank you.

Commissioner Carollo: Uh-huh.

Chair Gort: Thank you, ma'am.

Mr. May: Just for the record --

Chair Gort: Jose Goyanes.

Jose Goyanes: Commissioners, Mayor, good morning. I don't even know if it's afternoon yet or not, but I've been here a long time. I had to condensate my speech a little bit, because a lot of the things that I wanted to say have already been spoken about. But addressing Commissioner Hardemon -- I see that he left already -- he talked about peace and quiet. I remember when I got divorced six years ago, I moved to downtown, 'cause I didn't want any peace and quiet. And when I moved out last year, I wanted peace and quiet, so I moved to Commissioner Sarnoff's neighborhood. Anyway, what I can tell you is that, you know, as a small business owner in downtown, I operate businesses that are in the service industry, in the retail, and in the restaurant business. And if you want to participate and take advantage of these people, you can make money. We decided several years ago that we would have a special menu for Ultra; that we would close our Flagler Street restaurant at 3 in the morning, which is unheard of a

restaurant on Flagler, on a Friday, on a Saturday, and on a Sunday being open at 2 or 3 in the morning with not a single seat available in their outdoor café. It's our biggest week of the year; it's our biggest weekend of the year; it's our biggest month of the year, because we decided to move forward and cater to this clientele. And at the end of the day, my employees, they have an opportunity to make a lot of extra income, and the City and the County make some money, too, because I have to cut a one percent check every month to the County. This year -- you know, we talk about the law firms; some of them do close early. We had a major law firm, they closed early; they brought 50 employees over to our restaurant that Friday and had a party, and it wasn't Salowsky and Allen (phonetic), you know.

Commissioner Sarnoff: I was going to say, don't say it was Salowsky.

Mr. Goyanes: It was not. I got to talk to Jay about this. Anyway, you know, for me, this is like my super bowl, and it comes to downtown every year. You know I -- when all of this started happening and I thought we had a list, I thought Commissioner Carollo had a list of events coming into Bayfront Park that we were in such a hurry to kick Ultra out. I said, "Wow, you know, we're getting more business, I guess they need the space in the park." Look, it's tough. There's other events; I know you've made comparisons to Calle Ocho. This is not Calle Ocho; it's a completely different event, I mean, and Calle Ocho, I haven't been to in probably 20 years, and I won't go there, because there's gangs, there's thugs, there's stabbings, there's shootings.

Chair Gort: Hey, no, no, no.

Mr. Goyanes: There's a lot of that kind of stuff, so, you know --

Chair Gort: Wait a minute. The only reason, the only reason I brought Calle Ocho is --

Mr. Goyanes: All right?

Chair Gort: -- they began --

Mr. Goyanes: We got to call a spade a spade.

Chair Gort: Wait, wait a minute. They work with the police, and they reduce, and --

Mr. Goyanes: All right?

Chair Gort: -- I can give you the report from last year; was the best ever.

Mr. Goyanes: All right. And I will tell you --

Chair Gort: And that's 1.5 million people in one day.

Mr. Goyanes: I will tell you another thing --

Chair Gort: Chief?

Mr. Goyanes: -- when you put in a lot of people --

Chair Gort: Sorry; I'm not allowing that. Go ahead, Chief.

Chief Orosa: I will give Jose our after-action so that he can correct his mistake later.

Chair Gort: Thank you.

Mr. Goyanes: Thank you. Another thing: The Miami Heat Parade two years ago, we had an unfortunate death on Flagler Street at 1:30 in the afternoon. And when the super bowl came into town four years ago, right where I lived, we had a shooting on Flagler Street. And, you know, did (UNINTELLIGIBLE) Centro contemplate in moving their stay over to Broward. I mean this -- we can go down the list of events. It's unfortunate, but when you put a lot of people there, you're going to have issues. And one more thing: You know, I know that the Mayor received a letter from a university president in another city. Well, you know what? The biggest institution of higher learning here in the City of Miami is Miami-Dade College, and you didn't get one from them. Why? Because Dr. Padron and Dr. Montoya refused to go against their student body that wants this event. Anyway, all I'm asking is for your support for Ultra in the future, and try to keep it here, not for the next four or five years, but for a long time. Thank you.

Chair Gort: Thank you. Reverend Pedro Martinez, Maria Martinez.

Pedro Martinez: Mayor Regalado, Commissioners, staff, I'm Reverend Pedro Martinez.

Maria Martinez: My name is Maria Martinez. We have lived in 50 Biscayne Boulevard. As you may know, it's right across from Bayfront Park for the last seven and a half years, and we also have our offices in the downtown area.

Mr. Martinez: This is a wonderful discussion, and we just want to bring our perspective as residents that live right across the street where the Ultra event happens. Some possible advantages that we see: Additional income to hotels, restaurants, taxis, retail stores and other businesses in the community; additional local people hired to work; exposes Miami to the world and may increase tourism, events and businesses. Now, disadvantages: If Ultra will return, we should consider the following: Security: We need additional security during the concerts; we need additional police officers; stronger reinforced fences; maybe multi-layer fences. As far as the noise, there is a beeping noise made by the heavy equipment as they back up that is very annoying and remains during late evening, nights and early morning -- the "beep, beep, beep" is engraved in my memory.

Ms. Martinez: For a whole month.

Mr. Martinez: For a whole month. I would recommend no beeping noise during the hours of 8 p.m. to 8 a.m. This way, we could sleep without noise. Maybe disconnect those beepers during this time. I understand that they need to set up, they need to use the equipment. Maybe just disconnect it and work as quietly as possible, so we as residents could sleep. As far as the garbage, extra garbage pickups. We understand that the City of Miami was hired to pick up the garbage, and they didn't, so maybe Ultra needs to pay some extra pick-ups from other independent contractors. Total days of Ultra: Ultra endures a total of four weeks, not three days. Buildup of the concert: The concert, itself, and the dismantling of all the equipment, it takes a whole month. Four weeks, the residents have no access to the park. Now, what is the impact to Bayfront Park? The lawn is destroyed; trees are dry. Why? Irrigation system is shut down for a whole month. All lawn in the park should be replaced once the event is over; not with mulch that is used to replace sometimes the lawn, but with actual lawn for the whole park. Special preparations should be made to reduce the impact on trees; perhaps add fertilizer and/or additional water so the park will be healthier. Damaged trees should be replaced with similar size trees. Parks -- if the park is dirty and tiles are damaged, that should be cleaned up and should be restored; the park should be pressure-washed, tiles replaced and all damages repaired. Now, we do have a couple of questions. As we have watched the event for the last seven years -- almost eight years, I believe -- we see the event, and we watch the event, we see the people. So we want to ask, why do the police need to congregate in areas while many are left without police presence? The second question is related: Why do police in bike all ride together instead of spreading out? So maybe that could be answered. Now, our granddaughter that lives with us, she also wants us to share her perspective. She's ten years old, and she says -- I quote -- she likes Ultra and wants it back.

Ms. Martinez: And also though she does want Ultra and wants it back, she's 10, and she'd like to go to Ultra at some point in time very soon. This is a real concern. And when the Commissioner said at the age of 21, whether it be 18, 21, I mean, 10, 11 should not be an age that they should be going to Ultra. We watch what goes on in Ultra; we have binoculars. We're right across from them. We're on the 18th floor. We're not way up there. We can see. We saw Madonna speak. We can see everything. So two things concern me very much: Number one, the age of the entrance to Ultra, to the Ultra people also; and number two, the fact that they do sell alcohol in a park where we're not supposed to sell -- have alcohol, because if we wanted to go to the park, sit on a bench and drink a beer -- mind you, we love our beers -- we can't. Why can it be done during that time when it probably shouldn't during that time? Anyway, something for you guys to consider. Thank you very much.

Chair Gort: Thank you.

Mr. Martinez: Mayor, thank you, Commissioners.

Chair Gort: Is your granddaughter watching?

Ms. Martinez: Our granddaughter --

Chair Gort: (UNINTELLIGIBLE)

Ms. Martinez: -- we don't give her the binoculars.

Mr. Martinez: We also love the music.

Chair Gort: Okay, Eddie Padilla, and we'll be closing the public hearing after this.

Eddie Padilla: Good morning -- good afternoon. Eddie Padilla, with the Downtown Miami Partnership, 25 Southeast 2nd Avenue. I just wanted to address one thing. In addition to a number of the items that were mentioned, the Downtown Miami Partnership did pass a resolution in support of Ultra. We also conduct quality of life meetings once a month, and I just wanted to mention to one of the questions that Ultra has been responsive to a lot of the issues that we've brought up over the years, and so I just wanted to mention that they have addressed the trash issue, you know, in saying they would be willing to add more, you know, services for -- with the City, if not maybe another company. So that -- I just wanted to say they have been responsive to some of our issues, and we're happy to continue working with them.

Chair Gort: Thank you. Now close the public hearings [sic]. Chief.

Chief Orosa: I need to answer some questions and clarify some issues. One, like the reverend said the beeping noise. That's an OSHA (Occupational Safety and Health Administration) regulation. We can't disconnect it. We can't do anything. That's a safety issue which is a federal rule.

Commissioner Suarez: But they don't have to drive backwards.

Chief Orosa: Well, let me leave it at that. Let me not answer you. The other issue is, if we don't -- if Ultra does not get the equipment installed from 8 through the night -- put it that way -- then we have to shut down Biscayne Boulevard. So your decision: Shut down Biscayne Boulevard for two, three weeks or set up the equipment at night. The other issue is that we have four officers per intersection, and that's to cross people and for the safety of everybody there. And the other issue was the bikes. Why are they together? There's a squad. It's a bike squad. They respond to problems as a bike squad. Thank you.

Chair Gort: Thank you, Chief. Okay, any further comments? Okay. Will you repeat the motion?

Todd B. Hannon (City Clerk): I'll certainly do my best, Chair. I have a motion by Commissioner Carollo with a second by Commissioner Suarez simply affirming support of the Ultra Music Festival with the following conditions. And essentially, the way it was stated was everything that Mr. May had stated on the record. I also believe that perimeter security should only be provided by Miami City police officers or at least police officers. I don't mean to speak out of turn, but I will say police officers, sir.

Commissioner Carollo: I would prefer Miami City police officers -- City of Miami police officers, sorry.

Mr. Hannon: Yes, sir, City of Miami police officers. In addition, for Ultra to take a public stance against the use of drugs and lewd and lascivious acts at the festival, and that is the motion that I have, sir.

Commissioner Carollo: I'm sorry; there should be also the drug stations, the anti-drug stations; substance abuse and mental health stations.

Vice Chair Hardemon: Mr. Chairman, may I? Just -- and I know we're cleaning this up. As far as the police officers being required to be City of Miami police officers at a perimeter, that may or may not be an issue, I don't know --

Commissioner Suarez: Right.

Vice Chair Hardemon: -- because the manpower --

Commissioner Suarez: Correct.

Vice Chair Hardemon: -- it may be less --

Commissioner Carollo: Fair enough. I would prefer City of Miami police officers, but fair enough. No. Chief, I mean, you could address that.

Chief Orosa: (UNINTELLIGIBLE)

Commissioner Carollo: Yeah. In addition, I know I mentioned with regards to having set posts. I mean, I'll yield to the Police Chief and the director of security for Ultra, but I do think that we should have certain manned posts where we know who the police officer will be, and there is some accountability to the various posts in the perimeter to make sure that we do have surrounding -- a surrounding manned perimeter with all police officers.

Chief Orosa: We have a -- our personnel sheet that our event commanders have, the names of everybody involved, and we also have roving; and since it's a long day, Saturday and Sunday, we have people that basically are just fillers so that somebody can go take a break. So those, we have all that information.

Commissioner Carollo: And you understand what I'm saying, Chief; I don't -- I just don't want rovers. What I want is assigned --

Chief Orosa: We got both.

Commissioner Carollo: -- area of responsibility --

Chief Orosa: *We have both, we have both.*

Commissioner Carollo: *-- and then you have the rovers to make sure --*

Chief Orosa: *Yes.*

Commissioner Carollo: *-- that they're there and --*

Chief Orosa: *Yes, and that we're -- relief for water breaks or bathroom breaks and stuff; we have all that, Commissioner. One of the things that I am contemplating -- and when I meet with Chief Martinez, we'll discuss it a little bit further -- is that we will open up our emergency operation center with a dispatcher and one of our officers there, and have a group of officers that are not necessarily working Ultra, but are going to be dispatched around the Ultra venue so that we can take care of business of any complaints that hotels, restaurants, condos may have when they have a hard time trying to get a hold of police officers. It -- we'll give them a special number; they call; we open up, and this group of anywhere from 10 to 15 officers will be responding to different calls for service within the shut-down area of Ultra.*

Chair Gort: *Question: My understanding there's going to be a phone line for residents where they can call?*

Chief Orosa: *That's something that we'll discuss and we'll make that available.*

Chair Gort: *Okay.*

Commissioner Carollo: *And Mr. Chairman -- and I know our City Clerk mentioned it, but when I meant with the various (UNINTELLIGIBLE) things that Mr. May also mentioned, that was with regards to the G8 fencing and the additional police and so forth, and if you could just go back through the record, I think he stated that. So -- and obviously, I encourage Ultra, like I do every year, for you to reach out to all the residents, the businesses and so forth to make sure that -- you know, listen, I mean, we all have to work with one another and live with one another, so to reach out to them and make sure that any reasonable amenities can be done.*

Victoria Méndez (City Attorney): *Chairman, if I may, do you authorize the Office of the City Attorney to enter into an agreement or some sort of MOU (Memorandum of Understanding) memorializing all of this?*

Commissioner Carollo: *Do we need to? Well, I mean, we have a contract with the additional, you know, conditions that we're putting on now, and they're agreeing to it, so do we need to do that or --? And does it then have to come to this City Commission again?*

Ms. Méndez: *No. If you authorize me to draft, it doesn't have to come back to the City Commission based on all the conditions that have been placed on the record, but that's just the --*

Commissioner Carollo: *If you feel we have to --*

Commissioner Sarnoff: *And the record should reflect Mr. May nodding his head in the affirmative. Does that mean "yes," Mr. May?*

Mr. May: *As to what?*

Commissioner Sarnoff: *Well, he asked you a question, and I want the record to reflect that you've agreed to it.*

Commissioner Carollo: *And I think the question was that you're agreeing to all the conditions*

that we're putting.

Mr. May: Absolutely, yes.

Commissioner Sarnoff: That's all I wanted the record to reflect.

Mr. May: Yes, absolutely, yes.

Commissioner Carollo: Yes. So --

Chair Gort: Vice Chairman -- he asked me.

Vice Chair Hardemon: When I consider the motion, I mean, this motion is to affirm our support for Ultra, so to me, it doesn't come across as a contractual obligation; more of a show of support. That's what it sounds like to me, and that's why -- and when -- Madam City Attorney, when you say, "Should we now put this in some type of MOU?" now it's going towards more of an MOU or some type of contractual agreement, and I would think that if we're amending some type of contract -- because right now, we have a contract; there's some belief that it is binding; there's some belief that it is not.

Chair Gort: We're amending.

Vice Chair Hardemon: But obviously, there is some type of amendment, and then we would next have to consider some type of ratification of that contract. So we don't want to put the cart before the horse. We show -- If we show our support, we show our support. And then, moving forward, now we have to ratify this contract if it is required by our Charter to ratify the contract, and in that ratification process or in the negotiation, maybe we can include some of these new provisions that we requested for our support, and it depends on what, Madam City Attorney, your belief would be in it.

Ms. Méndez: Well, I -- a lot of the things that have been mentioned today are not necessarily in the present contract, so if you want to shore that up, that is -- I'm just recommending that that would be the best way to do so.

Chair Gort: It's an amendment to existing contract, right?

Ms. Méndez: Well, an amendment or an MOU that definitely, you know, captures everything that has -- discussed by the Commission today, so --

Mr. May: Mr. Chairman, one thing I'd like to put on the record is that, you know, last year the Commission stated very clearly the requirements by which we needed to come back to the Board, which was if there was a two-weekend event, we need to come back to the Board. We're obviously living by that, and, you know, we are -- there's no negotiation here. We are fully onboard with what we committed to do. But when we get into an MOU, you know, now it's going to be -- we're going to start taking a negotiation process about, well, how many substance abuse stations and how many officers? And, you know, if you guys really think that's necessary, we're happy to do it. We don't think it's necessary. We'd rather let the professionals work it out. We're in full agreement, and we're not going to say "no" to what's come forth, and we're more than willing to be held accountable.

Commissioner Sarnoff: Could I just say something, Mr. Chair?

Chair Gort: Yes, go ahead.

Commissioner Sarnoff: I think what they're concerned about is like the commitment you made to

900 Biscayne in 2012, and then you didn't pay them. I think that's kind of what they're concerned about.

Mr. May: Well, Commissioner Sarnoff, again, you know, we could sit here and walk through that commitment. I don't think it should be any -- you -- should be no -- nothing strange to anybody on the Commission when someone knows there's a big event downtown and they live there and they feel like they have a little leverage, sometimes you get the gun put in your back, and sometimes there are things that are requested that are just completely unreasonable. So when those things are unreasonable, you know, from downtown residents, of course we just -- we're not here to just hand out checks and put a chicken in everybody's pot, you know. It's a business; we have to run it, and it has to be disciplined to some extent. So we could discuss the details of that, but I hate to characterize it --

Chair Gort: Thank you.

Mr. May: -- as a commitment that was not kept.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Thank you. Yes, sir.

Vice Chair Hardemon: And, you know, I wanted to stay away from the 900 Biscayne argument. When I lived on Biscayne, I was at 244 Biscayne, not as close as where -- Your Honor, yes -- you're living. However, 900 Biscayne is a lot further north than where I was, and I think that when Commissioner Carollo was within his perfect reason of saying have they come and spoken to you, I thought that was beautiful that the answer was "yes," because it shows me that they went as far north as 900 Biscayne. I don't know what the contract was, but obviously, there was a gain that was attempted to be had in this arrangement, and it goes to ask, I mean, how far is too far north? I mean, do you -- does Overtown have a say in some type of mitigation in this whole thing? And maybe Overtown will come up with an argument that it could; we don't know. But we have to draw the line somewhere, and I think that we should stay away from really contracting from the dais on something where we have professionals that are in the business of coming up with an agreement that is best for the City. I think that that is why there is a ratification process; otherwise, we would be doing it -- the contract in here. So I couldn't say that I'm for the MOU; however, I am for a showing of support for the organization and allowing the organization and the professionals to come together with an agreement that is acceptable for the continued support of the City of Miami Commission.

Mr. Cortiñas: And Commissioner Hardemon -- Angel Cortiñas, on behalf of Event Entertainment Group again. We believe, as you know, there is a binding contract that's not going to be -- it's not modifiable, and we're not here to modify it and negotiate it. We are here to address concerns, legitimate concerns raised by the City Commission, and there is nothing wrong having a letter of understanding with the folks in the City of what you want. Our principals are here in the audience, the representatives of the company are here, and we're telling you, unequivocally, we do not disagree with the demands you're asking of us. We'll put it in a letter. There's no need to -- nobody is going to ever approach these things from a breach of contract standpoint. So far to date, everything that has been discussed and agreed to between the City and Ultra has been complied with. So it's not going to be any different. We agree with it; we'll put it in a letter, and that'll be the end of it, I hope.

Chair Gort: Thank you.

Mr. Cortiñas: Thank you.

Chair Gort: Okay, any further discussion? Being none, all in favor, state it by saying "aye."

Aye.

Vice Chair Hardemon: Aye.

Commissioner Carollo: Aye.

Commissioner Suarez: Aye.

Chair Gort: One "nay." We now -- the -- defer the City Commission meeting, and we'll begin the CRA (Community Redevelopment Agency) meeting.

Mr. Hannon: Chair, I just need just two minutes to flip the tape.

Commissioner Carollo: Mr. Chairman, just to let my colleagues know that I'll have to leave around 4:45 today, due to the Corporate Run and being chairman of Bayfront Park, so.

END OF DISCUSSION ITEMS

PART B: PLANNING AND ZONING ITEMS

Chair Gort: Madam Attorney, we're going to go into the Zoning. Could you read the --

Victoria Méndez (City Attorney): We will now begin the Planning & Zoning items. PZ (Planning & Zoning) items shall proceed according to Section 7.1.4 of the Miami 21 Zoning Code. Before any PZ item is heard, all those wishing to speak will be sworn in by the City Clerk. Please note Commissioners have generally been briefed by City staff and the City Attorney on items on the agenda today. The members of the City Commission will disclose any ex parte communications to remove the presumption of prejudice pursuant to Florida Statute 286.01115 and Section 7.1.4 of the Miami Zoning Code. Staff will briefly present each item to be heard. The appellant or petitioner will then present their application or request to the City Commission, if the applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the item. They may also waive the right to an evidentiary hearing. The order of presentation shall be as described in the City Code and Miami 21 Code. Members of the public will be permitted to speak through the Chair for not more than two minutes, unless modified by the Chair. The City of Miami requires that anyone requesting action by the City Commission must disclose before the hearing anything provided to anyone for agreement to support or withhold objection to the requested action pursuant to City Code Section 2-8. Any documents offered to the City Commissioners that have not been provided seven days before the meeting as part of the agenda materials will be entered into the record at the City Commission's discretion. Thank you.

Nicole N. Ewan (Assistant City Clerk): Good afternoon, ladies and gentlemen. Before I administer the oath, would anyone be requiring a Spanish or Creole interpreter? Thank you. For those speaking on today's Planning & Zoning items, if I can have you please stand and raise your right hand.

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

Ms. Ewan: Thank you, Chair. You may proceed.

Chair Gort: Thank you.

PZ.1

13-01416mu

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLE 2, SECTION 2.2.1.1 AND APPENDIX C, SECTION 627.1.3.2 OF THE MIAMI 21 CODE, AS AMENDED, FOR THE HYDE MIDTOWN PROJECT, TO BE LOCATED AT APPROXIMATELY 3401 NORTHEAST 1ST AVENUE, MIAMI, FLORIDA, TO CONSTRUCT AN APPROXIMATE 347-FOOT, 32-STORY HIGH MIXED-USE STRUCTURE, TO BE COMPRISED OF APPROXIMATELY 400 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, APPROXIMATELY 80 LODGING UNITS, APPROXIMATELY 21,745 SQUARE FEET OF RETAIL SPACE, AND APPROXIMATELY 526 TOTAL 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.

13-01416mu Analysis, Color Maps & School Concurrency.pdf

13-01416mu PZAB Reso.pdf

13-01416mu Exhibit A.pdf

13-01416mu Exhibit B.pdf

13-01416mu Legislation (Version 5).pdf

13-01416mu Revised Letter of Intent.pdf

13-01416mu Revised 2nd Page of Application.pdf

13-01416mu Revised Plans.pdf

13-01416mu PZAB 05-21-14 Fact Sheet.pdf

13-01416mu CC 05-22-14 Fact Sheet.pdf

LOCATION: Approximately 3401 NE 1st Avenue [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Iris Escarra, Esquire, on behalf of PRH Midtown 3 LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with conditions* to City Commission on February 19, 2014 by a vote of 11-0.

*See supporting documentation.

PURPOSE: This will allow the development of the **Hyde Midtown** project.

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Note for the Record: Item PZ.1 was continued to the May 22, 2014 Planning and Zoning Commission Meeting.

Chair Gort: PZ.4.

Commissioner Suarez: By the way, we couldn't beat Northwestern in basketball. We can do it now, though, now that I'm not there.

Victoria Méndez (City Attorney): Chairman, I just wanted to double check. For the record, PZ.1, we had mentioned earlier in the day that probably would be deferred, but I don't think any action has been taken on that yet.

Chair Gort: Okay.

Francisco Garcia (Director, Planning & Zoning): That's correct. If I may?

Commissioner Sarnoff: So --

Chair Gort: Yes, go ahead.

Commissioner Sarnoff: -- you want to move?

Mr. Garcia: What I'd like to do is to make a brief statement for the record, and I was also going to remind the Commission that item PZ.4 is slated as time certain for 5 o'clock and we're five minutes shy of that, not to be punctilious. In the meantime, we can just pass, perhaps, with PZ.1, if it so pleases the Commission. And item PZ.1 basically is an item that had already gone to the Planning Zoning & Appeals Board, had been recommended to the Commission for approval by a vote of 11-0, and we feel very strongly that it is worthy of approval. However, between that time and today, in collaboration with the applicants, some changes have been made to the design of the project that we feel are significant enough to warrant revision by the PZAB (Planning, Zoning & Appeals Board) so that when it comes back to you, the PZAB will have recommended on the same item you're actually seeing at that point in time to preserve the integrity of the record. For that purpose, our recommendation -- and I'll certainly allow the applicant to speak on the item -- but our recommendation is that you "remand," maybe is the appropriate term, this item to the Planning, Zoning & Appeals Board, and that you slate it to be heard, once again, by this City Commission on May 22; by which time we will be ready to present it back to you.

Chair Gort: Thank you. Yes, ma'am, you're recognized.

Iris Escarra: Iris Escarra, with offices at 333 Southeast 2nd Avenue. Yes, we made a modification in the plans -- in the interim, so we're okay with going back to Planning & Zoning & Appeals Board and coming back before the City Commission.

Chair Gort: Okay.

Commissioner Sarnoff: Do you need a motion?

Chair Gort: Need a motion.

Commissioner Sarnoff: Motion for continuance to the next PZA (Planning, Zoning Appeals) --

Ms. Escarra: May 22.

Commissioner Sarnoff: May 22 -- thank you -- meeting.

Commissioner Suarez: Second.

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

Vice Chair Hardemon: Second.

Chair Gort: Second by Vice Chairman Hardemon. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Ms. Escarra: Thank you, everyone.

PZ.2

ORDINANCE

First Reading

14-00056ap

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING WITH CONDITIONS, PURSUANT TO ARTICLES 3 AND 7 OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 11.45 ACRES FOR THE "RANSOM EVERGLADES SCHOOL UPPER CAMPUS SPECIAL AREA PLAN" ("SAP"), AN EDUCATIONAL FACILITY, LOCATED AT APPROXIMATELY 3552, 3575, AND 3695 MAIN HIGHWAY; AND 3171, 3173, 3175, AND 3183 ROYAL ROAD, MIAMI, FLORIDA; THE AMENDMENT PROPOSES: A) ADDING APPROXIMATELY 66,040 GROSS SQUARE FEET OF BUILDING AREA SPLIT AMONG THREE (3) NEW BUILDINGS FOR A TOTAL OF 216,451 GROSS SQUARE FEET; B) INCREASING CIVIC SPACE BY 16,338 SQUARE FEET FOR A TOTAL OF 141,662 SQUARE FEET; AND C) INCREASING GREEN SPACE BY 10,043 SQUARE FEET FOR A TOTAL OF 151,502 SQUARE FEET; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE UP TO TEN PERCENT (10%) PURSUANT TO ARTICLE 7, SECTION 7.1.2.5.A.28 OF THE MIAMI 21 CODE; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00056ap Analysis, Maps, PZAB Reso, & HEPB Reso.pdf

14-00056ap CC Legislation (Version 2).pdf

14-00056ap Exhibit A.pdf

14-00056ap Exhibit C.pdf

14-00056ap Exhibit D.pdf

14-00056ap-Submittal-Amy Huber-Ransom Everglades Special Area Plan.pdf

14-00056ap CC 05-22-14 SR Fact Sheet.pdf

14-00056ap Cover Page and Table of Contents Revised.pdf

14-00056ap Section A Revised.PDF

14-00056ap Section B-E Final Concept Book Revised.pdf

14-00056ap Section F Revised.pdf

14-00056ap Section G Revised.pdf

LOCATION: Approximately 3552, 3575, and 3695 Main Highway; and 3171, 3173, 3175, and 3183 Royal Road [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): John K. Shubin, Esquire, on behalf of Ransom Everglades School, Inc.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with

conditions* to City Commission on March 19, 2014 by a vote of 11-0.
HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD: Approved with conditions* a Special Certificate of Appropriateness on April 1, 2014 by a vote of 7-0.

*See supporting documentation.

PURPOSE: This will allow the development of the **Ransom Everglades School Upper Campus** project.

Motion by Commissioner Sarnoff, seconded by Vice Chair Hardemon, that this matter be PASSED ON FIRST READING WITH MODIFICATIONS PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Chair Gort: The time certain PZ (Planning & Zoning) item was --

Francisco Garcia (Director, Planning & Zoning): Companion items PZ.2 and 3, sir.

Chair Gort: Okeydoke.

Mr. Garcia: For the record, Francisco Garcia, Planning & Zoning director. Items PZ.2 and PZ.3 are companion items. PZ.2 is a proposed Special Area Plan for the Ransom Everglades School on Main Highway in Coconut Grove at an address of approximately 3575 and 3695 Main Highway and 3171, 73, 75, and 83 Royal Road. This item has been reviewed by the lower boards. It has been recommended for approval by the Planning & Zoning Department with conditions. It was recommended for approval to this body by the Planning, Zoning & Appeals Board, also with conditions, by a vote of 11 to 0. That's all I have by way of presentation presently. I know that the applicants will have a detailed presentation. I'll certainly make myself available to answer any questions you may have.

Chair Gort: Thank you. Yes, ma'am.

Amy Huber: Good afternoon. Amy Huber with the law firm of Shubin and Bass, 46 Southwest 1st Street, Miami, Florida 33130. I have the privilege of being here this afternoon on behalf of Ransom Everglades School. I'm joined by John Shubin of Shubin and Bass; Ellen Mocerri and Jim Cocoa with Ransom Everglades School, as well as the Ransom Everglades School family. We have students, teachers, parents, and our board of trustees here with us. I also have the pleasure of having Carlos Touzet of Touzet Studios; Jeffrey Van Well (phonetic), our landscape architect; and Joaquin Vargas, our traffic engineer. Ransom Everglades decided to undertake the Special Area Plan process in order to master plan the campus for future development. The Special Area Plan will allow for the demolition of seven structures on the campus, construction of new buildings, preservation of historical buildings and the tree canopy on the campus, as well as the creation of additional green space and civic space for the community. We'd like to take a moment to thank Francisco Garcia, Luciana Gonzalez, David Snow, Tony Perez, Tamara Frost, Paula de Carlos, Sergio Garrido, all of who are members of your Planning & Zoning staff. They have been wonderful throughout this six- to seven-month process, and we wouldn't be here today without all of their support. I'd like to turn it over to the head of school, Ellen Mocerri, to briefly address you.

Ellen Mocerri: I'm Ellen Mocerri. I'm the head of Ransom Everglades. Mayor Regalado, Commissioner Sarnoff, delightful to see you. Hello. How are you, Commissioner Suarez? I think it's important to note -- you are Commissioner Suarez? No. Well, you shouldn't stand over there, then, darn it.

Commissioner Suarez: I work --

Ms. Mocerri: Thank you.

Commissioner Suarez: -- for him; he's a really good young --

Ms. Mocerri: I know. I --

Commissioner Suarez: -- very good looking guy.

Ms. Mocerri: You're a very good stand-in. Thank you very much. I want to thank you all very much. In my past 13 years, I have been before you several times, and you have always helped us modernize Ransom Everglades, and I'm thrilled that we can again present to you our latest plan for modernization. We have modernized the middle school with your help, our athletic facilities with your help, and now we wish to modernize the academic buildings of the upper school. I emphasize that this plan is about modernization; it's about consolidation; it is not about expansion. So I hope you understand that. As you know, Ransom Everglades -- and where's my little clicker here? Great. Ransom Everglades is the oldest independent school in the State of Florida. It is one of the top 10 independent day schools in the country, and it was the first boarding school that changed locales -- a migratory boarding school -- in the history of the United States. And what that tells you is that we have always stood for innovation in education; that is our first premise. Our second premise is that everything we do must serve the community, and so you see here Paul Ransom on the left, who is our founder; very innovative educator. You see the gentlemen on the right who are sailors. Ransom Everglades' sport was sailing, because it was man against nature; very important. You see the pine net camp that began in 1896; very rugged. Half the year was spent in Biscayne Bay; the other half in the Adirondack Mountains. And on the right, you see in the far right the Ransom campus as it was when it was founded. You can see that we have historically been a part of Coconut Grove and Miami since the beginning of time. In fact, we're one of the four oldest institutions in Miami; very important. Where's my next one? Thank you. I want you to note that we are going to build a STEM building; Science, Technology, Engineering, and Math. It's extremely important today that if you want to be a leader in education in the twenty-first century, it means that you must have spaces that are large enough to include technology and combine all of the related disciplines. I think we will be the first school to build an official STEM building in South Florida, if not for the State of Florida itself. I also want you to know that we are going to build a multi-purpose building that expands Levington, which is our humanities building. Again, we will complete three different disciplines in those buildings. Today we want innovation and education. You cannot have innovation without collaboration, so please note that that's what we're about. Ransom Everglades wants to be the first in education in the State of Florida; it has been and it will continue to be with your help. I want you to know, though, the second part, and that is Ransom Everglades is committed to Coconut Grove and Miami. Right here on the right, you see our aquatic center. Our aquatic center, which you helped us to be able to build, has served this community in incredible ways. We just had the Pair Olympics for wonderful athletes from -- 280 athletes from 15 different countries came and were a part of Coconut Grove and our wonderful environment. We also have kids from Overtown Youth Center and Break-Through Miami learn to swim in our community pool in the front. You know that here in Miami, 65 percent of the students of color do not know how to swim. Our desire in building this pool was to change that number; very, very important. Also note that Coral Gables High School doesn't have a pool, and so now Ransom Everglades is where that wonderful school can train and have a swim team and have a water polo team. We will also work with Coral Gables to renovate their track so that they can have a better track, and we can work with them to do so. If you will see the bottom picture there on the right -- not the slip for the sailing, but the middle picture is the wonderful Pagoda. The Pagoda is one of our historic buildings. We've spent over \$200,000 renovating it, and it is on the national registry. But that's a classroom that is used for teachers throughout Miami-Dade County to come and learn about innovations in education. On the left there is our wonderful Performing Arts Center, and that building is used every night by the Alhambra Orchestra, by the Youth Symphony, by millions of different, wonderful ballet companies; by civic organizations. And Ransom

Everglades does not make money from these events. We only use the money from these events at a very low rate to be able to keep up our wonderful resources. So please note we care about the community, we care about Coconut Grove, we bring a lot of business to Coconut Grove, and really, we want to be and continue to be the leader in education. Thank you very much. I appreciate it.

Chair Gort: Thank you, ma'am.

Carlos Prio-Touzet: Hello. Carlos Prio-Touzet, with Touzet Studio, and I'm very honored to be here, and I will take you through it very briefly; I know you have a full binder, so you probably know as much as I do about the scheme. This first picture really says so much about Ransom and the campus, extending from Main Highway all the way to Biscayne Bay. One of the first things that you notice is the remarkable mature tree canopy; it's always been a part of the Ransom Campus. And part of the Special Area Plan, what it allows us to do is to really consolidate so many of the great aspects of the site and bring out much more green space, extend our green civic space; put a lot of different initiatives into place that will also allow us to finally consolidate the buildings on the property. If you look at the existing site plan, what you'll notice is that the mixture of historic structures like the Pagoda and the cottage; the older buildings, like Levington, Cameron Hall; and the new buildings, like the aquatic center, the gym, the auditorium. There are a lot of other smaller structures that are on the site right now, and what -- they're repurposing. What it's caused, though, is some inefficiencies in adjacencies. There's a lot of circulation, way too much asphalt. The Special Area Plan allows us to combine a lot of these areas. And what you see here is really the proposed master plan. We've designated these areas that define not only areas of existing buildings, but areas of green space that are being kept, modified, and improved. For example, we're adding a new quadrangle; it'll be the third quadrangle on the campus. The preservation zones for the historic structures will be maintained, and then there are other designated areas that really look to the buildings that Ellen started to hint at. In this blow-up of the core, you can see that -- a lot of the small buildings; we're demolishing seven total structures; five of them, for example, that are very small, very separately-placed structures, will be consolidated in the administration building, which is on the upper left-hand corner. That building, it's only two stories; it pretty much replicates the exact square footage of the buildings that were demolished, the small ones, and that exists between two of the great canopy trees on property.

Chair Gort: Mr. Prio, let me interrupt you for a minute.

Mr. Prio-Touzet: Sure.

Chair Gort: At this time, we don't have a quorum.

Commissioner Sarnoff: He's right there.

Chair Gort: He's there? Okay.

Commissioner Sarnoff: I think he's okay.

Chair Gort: Never mind, we do have it. Go ahead, I'm sorry; continue.

Mr. Prio-Touzet: No, that's okay. The other building which Ellen also mentioned is the STEM building, which is the building that sits right in the middle of the campus. That building will now be situated across from the new quadrangle, and the STEM building -- Science, Technology, Engineering, and Mathematics -- will take a very, very important place in the middle of the campus. Towards the right, the other pink structure they were looking at is the Levington Hall building, which will be demolished and will be replicated pretty much in the same footprint, but utilizing dimensions that are very much part of the way that the school organizes its classes. This

is just a quick artist's representation of what you would see now, and the drop-off and the new quadrangle in the distance with the STEM building on the right. Very much in evidence is the fact that the green areas of the campus are being dramatically brought together so that their effect will be much, much more powerful. And that's really it. All of the specifics are in your binders. If you have any questions, please, please feel free to ask.

Chair Gort: Thank you. (UNINTELLIGIBLE).

Joaquin Vargas: Thank you, Mayor and Commissioners. Joaquin Vargas, traffic engineer for the project. I will be brief. I will focus on three areas: traffic impacts, internal circulation, and then Main Highway. This application will have no new students, so there will be no new traffic impacts as a result of this application. Regarding the circulation, it is simple and straightforward. You will see on the screen a couple of lines; a blue line and a red line. The blue line is the existing circulation pattern within the site. The red one is an additional one that we are adding. So we're going from one circulation path to two, which is a significant improvement. In addition to that, you will see three yellow lines within the site. Currently, we have two drop-off and pick-up locations, and with this application, the changes, we're adding a third. We're also increasing the length of these, so we are, in effect, increasing the efficiency by over 60 percent, which will get traffic off of Main Highway much quicker, which is beneficial. Regarding Main Highway, as I stated, we have no new traffic impacts, but at the request of a URDB [sic] (Urban Review Development) Board, they wanted us to look at it, and we did. I personally went out there, observed traffic conditions during the morning and afternoon pick-up. Ransom Everglades has two police officers directing traffic on Main Highway. The other main school in this area is Carrollton, and they also have two police officers. They're all doing a good job, but one of the things that we uncovered is that there's no coordination between them, so we thought of trying to get all officers together to try to implement the same process and have better coordination. An initial meeting has already happened regarding that, so that will improve traffic conditions on Main Highway. We also have recommended to the school to try to coordinate with Carrollton the schedules so we minimize the overlap of traffic during the drop-off and pick-up operation, again benefiting Main Highway. That, in a nutshell, is a quick summary of traffic related to this application. Thank you very much.

Chair Gort: Thank you, sir.

Ms. Huber: So in summary, we would ask that you approve this application with the conditions recommended by your staff; we agree to those conditions. We are available for any additional questions you may have. And just one housekeeping note: We need to make a minor change to the regulating plan between first and second reading. Staff recognized that the daycare facility that currently exists and is part of the school campus as a benefit to the teachers is not specifically an allowed use. So although it's legally non-conforming and it's been there, as we adopt this regulating plan to guide the future, we need to include that daycare use in the NCD-3 as part of our regulating plan. So that'll be a change that we'll make between first and second reading.

Chair Gort: Thank you. I have two requests for public speaking. John Shubin.

John Shubin: Nothing further to add. Thank you.

Chair Gort: Okay. She did a good job, huh? Vefre [sic] Manuel. Anyone else? Okay, we close the public hearings.

Commissioner Sarnoff: Mr. Chair, I'd like to make a motion to approve.

Chair Gort: Okay, there's a motion to approve.

Vice Chair Hardemon: Second.

Chair Gort: Second by Vice Chairman Hardemon. Is there any further discussion?

Mr. Garcia: If I may, briefly? I did not go into detail regarding the other conditions which have been abundantly discussed with the lower boards, but I did, just to preserve the record -- and I will add them verbatim at the second hearing -- simply make mention of what they are about, and ask you to incorporate or reference them in your motion. They have to do mainly -- and I should have said previously, and I forgot, and I apologize -- that this particular proposal also went to the Historic & Environmental Preservation Board, as it is a preservation site. The conditions have to do with the environmental resources on the site. They are to be preserved to the extent feasible. We have clear language about that that, again, has been agreed to by the applicant. They also make reference to the potential archeological nature of the site, and they have committed -- we've asked them -- to obtaining certificate to dig prior to construction, and that, of course, implies archeological monitoring. And lastly, any work done to or around the Pagoda building, which is also a historic resource, would warrant Preservation review. Those are, in broad strokes, what the conditions are (UNINTELLIGIBLE)4. If you can make reference to them in your motion, we will then come back to you with specific language at the second reading.

Chair Gort: All right; the maker of the motion.

Commissioner Sarnoff: Mr. Chair, first -- Ellen Mocerri, how long have you been at Ransom?

Ms. Mocerri: Thirteen years.

Commissioner Sarnoff: Thirteenth year. And I believe this is your final year; you're going back -- I find this hard to believe: You're going back to Missouri?

Ms. Mocerri: St. Louis.

Commissioner Sarnoff: St. Louis. Yeah, I heard St. Louis is in Missouri.

Ms. Mocerri: (UNINTELLIGIBLE) 4:40:49.

Commissioner Sarnoff: But I -- I get it, I get it. I'm just trying to figure out how we lose somebody that's lived in Miami for all these years back -- to go back to St. Louis. I could just say we have better roads than they do.

Ms. Mocerri: You must meet my husband.

Commissioner Sarnoff: I have met your husband; I've walked to your home before. First and foremost, congratulations to Ransom for doing a stellar job, and, of course -- I thought Ransom should know this: I don't think there has been a discussion with hedge funds throughout the United States that your name has not been mentioned. And how do I mean that? When you bring down high wealth people and their management, the first thing they want to know is schools. And the first conversation that comes out of their lips is, "Can you help me with Ransom?" And, of course, I say, "yes," 'cause why would you say "no" right away? The other one they also mention is St. Stephen's, and apparently, if you put St. Stephen's and Ransom together, you have a very attractive community, and candidly, that means Coconut Grove is heavily in play. And you really don't understand the value of an institution such as Ransom until you try to get high net worth individuals to move a corporation to Miami. And as I said before, I'm actually going this summer to -- I've never been there before, and I'm from Long Island -- the Hamptons, and we're going to be attracting an entire -- about 300 hedge funds will be there, and they want me to speak on why Miami is a good fit for it. So, Ellen, before you leave, I suggest you come with me to the Hamptons.

Ms. Mocerri: I'm there.

Commissioner Sarnoff: All right. And I think we can really do some good up there. The other thing I thought for the annals of Ransom and for Ms. Mocerri's records, you know, she is, obviously, the head mistress -- if I get that wrong, I apologize -- as is Sister Cook of Carrollton. And I asked Ellen Mocerri and Sister Cook to meet. I assumed they had met on many occasions in the 13 years, only to learn they had never met before. And if you've ever been a District 2 Commissioner, it's a very interesting job. There's two women you have to know as the District 2 Commissioner: Ellen Mocerri and Sister Cook. And I didn't know they didn't know each other. They obviously are the head mistresses of two schools that are adjacent to each other. And out of that meeting we're going to have some -- I think an improvement in traffic and an improvement in the way we move traffic along in Coconut Grove. So I absolutely want to thank Ransom for being extremely cooperative and possibly resolving traffic, which to some is a big deal. And just as important, government did not stand in the way of a great institution maybe moving one more notch up. And I don't know how you do that; you're a top 10 school now. But I guess those that don't improve only can decline, and you are absolutely improving. So I just want to say as the District 2 Commissioner, if I didn't have you, I wouldn't have three hedge funds coming to Miami right now. Each one of those hedge funds mentioned your name. Now, you don't know this: I've already agreed they can come to your school. And you can't make a liar out of me, so we'll have to work that out interimly [sic]. And St. Stephen's, if you're listening, I also agreed that the kids can go there, even the unborn ones, 'cause I thought I'd do it just like they do in New York City, I think, at the YMCA (Young Men's Christian Association) School: You actually sign up before you even have -- give birth. But at any rate, I apologize taking so much time, Mr. Chair. I just thought I'd give a little bit of an urban legend to Ellen Mocerri, who is now going back to St. Louis, Missouri, as opposed to just Missouri, and just thank her for the time that I got to know her. And I've been on that campus quite frequently, and this is a school that I think has the best outreach program of any one I've ever met, 'cause everybody's always saying, you know, "We're all about outreach. We're all about helping those that can't help themselves. We're all about helping" -- you know -- "folks that need help." Ransom not only talks the talk; Ransom really walks the walk. And until you've been on that campus, until you've seen it, and till you see the hospitality that they display -- and they are very hospitable people. My hat's off to Ransom. And although my wife's family went there, you wouldn't accept me, so thank you.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: You're recognized.

Commissioner Suarez: Second for discussion.

Vice Chair Hardemon: (UNINTELLIGIBLE) already been done.

Commissioner Suarez: Oh.

Chair Gort: Go ahead, Vice Chairman.

Vice Chair Hardemon: You know, this is a very interesting conversation. One thing that I can say is that I didn't realize until this very moment that Ms. Mocerri is the -- what do you call it? head of school? Is that what you call it there?

Commissioner Sarnoff: More like the mistress. Is that the right word for you?

Ms. Mocerri: Head of school.

Commissioner Sarnoff: Head of school.

Vice Chair Hardemon: Head of school.

Ms. Mocerri: "Head mistress" makes it sound like you're running a (UNINTELLIGIBLE).

Vice Chair Hardemon: Is it head of--

Commissioner Sarnoff: I think she just called me "old."

Vice Chair Hardemon: -- has been the head of school for 13 years and is the exact same person that I remember, and I'll say this: Thirteen years ago, just about, 2001/2002, there was a program that was initiated at Ransom Everglades where -- it was an exchange program between Ransom Everglades and Miami Northwestern Senior High School. And especially for you students, I think you should really hear what I'm saying, because you never know the relationships that you build. I remember at that time -- everyone knows I graduated from Miami Northwestern Senior High School, which is in District 5. However, because of the type of student I was, I was selected to be a part of this exchange program that was supposed to be the great common denominator between what was the inner city and the schools where there was a lot more privilege. So here I am, selected as the first in class to be at Ransom Everglades. So I painted the cannon, and I did all those special things. I also was invited to prom, so I went to prom with someone. I had a great time there, and I had an experience where I left my book bag. I remember I left my book bag at the school. I had so much fun, I just left things there. And so I spoke to the head of the school, and I said, "Well, I'm not really worried about it, because they don't strike me as the type of people that would steal from a book bag." And just so happens, my book bag was returned to me the next day with all the contents inside of them. But I say that to say I had a great time then. I have video of -- I remember at the last meeting that we had, we had to write poems, 'cause we had to keep a journal of -- every day of how we felt at Ransom Everglades. So nonetheless, I had a great time while I was there. And so, Commissioner, when you speak about the outreach, I was a product of one of the -- of the outreach at Ransom Everglades. So it's a small world when you really start to connect the dots about how people feel when you treat them. So I couldn't remember the head of school's name, but I remember how I felt when I was in her care. So thank you very much for the time that you spent there and that you gave us at Miami Northwestern Senior High School. As I understand it, now you're no longer at Northwestern, but you are at Booker T. Washington. So that is also a school within District 5, so we thank you for that. This is a -- this has nothing to do with my decision, of course, but it's just nice to know, and I think you should be celebrated for the time that you've been there, because for someone who was outside of that circle, but also interacted with it at that level, it feels good to see someone who is still providing that type of service and is leaving us; however, is instilling the same spirit, not only in the institution, but in the students that pass through there. So 13 years ago, I'm sure that none of them who were there with me at the time -- the students or even the instructors or the teachers or the head of school -- would have thought that it would have been the City Commissioner that would have been in that first class, but that's how things happened, so kudos for walking the walk that you talk.

Chair Gort: Thank you.

Commissioner Sarnoff: So Commissioner, just -- I watched the "Today Show" this morning, and I usually don't watch the "Today Show." I'm more of a "CBS" (Central Broadcasting System) morning guy. I think the demographic must fit me better. But I'm watching the "Today Shower," Matt Lauer, and they're showing -- I guess it was whatever year they went to the prom, and they had to show their picture. Can you get me a picture of Commissioner Hardemon so I could see what he looked like when he went to the prom? It's all legit here. It's all a part of the "Today Show." So the next Commission meeting, we expect you guys to show us Commissioner Hardemon at the prom.

Ms. Mocerri: I surely will try.

Commissioner Suarez: Mr. Chair.

Chair Gort: Thank you. Commissioner Suarez, you're recognized.

Commissioner Suarez: Thank you, Mr. Chair. I have a slightly different memory of Ransom Everglades when I was in high school. I remember beating them up on basketball.

Vice Chair Hardemon: They couldn't even play us at Northwestern so.

Commissioner Suarez: And I know that it was the second most beautiful campus on the water, 'cause I went to the first most beautiful campus on the water, which was La Salle. No, I'm just kidding. That was only because you didn't know who I was over here, but it's okay. No, I think it's a gorgeous campus. I have a lot of fond memories in the campus, as well. I have a lot of friends that attended the school, and watching football games in the field by the water. It's -- you know, it's a first-rate institution, and all the students who are here should be very proud of the fact that they have the ability to attend school there, and it's something that brings a lot of pride and joy to the City of Miami. I think the stories that both of you told, you know, are stories that should inform our decision, because I think, you know, it goes to the credibility that this institution has. It's an institution that has a tremendous amount of credibility in this community, and I look forward to seeing what it's going to look like in the future. And I agree with you; I think that they're going to continue to build on their successes, and we just thank you for staying in the City of Miami, even though we're going to lose you, but I'm sure your spirit will always be with the school.

Chair Gort: Thank you. I'd like to thank you. I think the example that -- the work you done is showing here. You created a great Commissioner here, and he's doing very well here, so thank you. It's an ordinance.

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

Chair Gort: Thank you. Roll call.

Nicole N. Ewan (Assistant City Clerk): Roll call on item PZ.2

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

Ms. Ewan: Item PZ.2 passes on first reading, as modified, 4-0.

PZ.3

14-00056da

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN RANSOM EVERGLADES SCHOOL, INC. AND THE CITY OF MIAMI, FLORIDA, RELATING TO THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 11.45 ACRES FOR THE RANSOM EVERGLADES SCHOOL UPPER CAMPUS SPECIAL AREA PLAN ("SAP"), AN EDUCATIONAL FACILITY, LOCATED AT APPROXIMATELY 3552, 3575, AND 3695 MAIN HIGHWAY; AND 3171, 3173, 3175, AND 3183 ROYAL ROAD, MIAMI, FLORIDA, FOR THE PURPOSE OF MASTER PLANNING OF THE UPPER CAMPUS BY A) PROVIDING FOR THE REMOVAL AND RENOVATION OF SOME EXISTING STRUCTURES; B) PROVIDING FOR

THE ADDITION OF THREE (3) NEW BUILDINGS; C) ALLOWING FOR THE CREATION OF ADDITIONAL GREEN OPEN SPACE; D) PRESERVING THE EXISTING TREE CANOPIES AND HISTORIC BUILDINGS; AND E) DEVELOPING INNOVATIVE LEED CERTIFIED STATE OF THE ART CLASSROOMS, PROMOTING A SUSTAINABLE CAMPUS, AND ANY OTHER USES AUTHORIZED BY THE SAP, PERMITTED BY THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, AND THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00056da CC Legislation (Version 1).pdf

14-00056da Exhibit A.pdf

14-00056da-Submittal-Amy Huber-Ransom Everglades Special Area Plan.pdf

14-00056da CC 05-22-14 SR Fact Sheet.pdf

LOCATION: Approximately 3552, 3575, and 3695 Main Highway; and 3171, 3173, 3175, and 3183 Royal Road [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): John K. Shubin, Esquire, on behalf of Ransom Everglades School, Inc.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommends approval. See companion File ID 14-00056ap.

PURPOSE: This will allow the development of the "**Ransom Everglades School Upper Campus**" SAP.

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

Note for the Record: Please refer to item PZ.2 for additional minutes related to item PZ.3.

Chair Gort: PZ.3.

Commissioner Sarnoff: Move PZ.3 --

Vice Chair Hardemon: Ordinance.

Commissioner Sarnoff: -- Mr. Chair.

Vice Chair Hardemon: Second.

Chair Gort: It's been moved and second. Any further discussion? Being none.

Victoria Méndez (City Attorney): The public hearing was a part of the first --

Chair Gort: Yeah.

Ms. Méndez: -- item, just to be clear for the record.

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

Nicole N. Ewan (Assistant City Clerk): Roll call on item PZ.3. Commissioner Suarez?

Commissioner Suarez: Yes.

Ms. Ewan: Vice Chair Hardemon?

Vice Chair Hardemon: For.

Ms. Ewan: Commissioner Sarnoff?

Commissioner Sarnoff: Just by a show of hands, how many people are here from Ransom? How many people, when Ellen Mocerri comes into a room, sits up a little straighter? You know, me, too. I got to tell you. I mean, immediately, two inches is added; you know, just sitting straight up. And you know who the other person is that you sit up straight for? Sister Cook. Yes.

Ms. Ewan: Chair Gort?

Chair Gort: Yes.

Ms. Ewan: The item passes on first reading, 4-0.

Chair Gort: Thank you.

Unidentified Speaker: Thank you so much.

Vice Chair Hardemon: One thing I still don't get, when I went to Ransom -- 'cause at Northwestern, every three minutes the bell would ring so -- one period ended; three minutes later, the bell ring; you had to be in your next classroom. At Ransom, it seem like there was no bell on, and the class -- it just -- they had so much free time. I didn't understand it. It was like a college, not high school. I never got that.

PZ.4

08-01015sc

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE NORTHEAST 7TH STREET FROM NORTH MIAMI AVENUE TO NORTHEAST 2ND AVENUE; NORTHEAST 8TH STREET FROM NORTHEAST 1ST AVENUE TO APPROXIMATELY 82 FEET WEST OF NORTHEAST 2ND AVENUE; AND NORTHEAST 9TH STREET FROM NORTHEAST 1ST AVENUE TO NORTHEAST 2ND AVENUE, MIAMI, FLORIDA.

08-01015sc CC 04-24-14 Fact Sheet.pdf

08-01015sc Department Analyses, Maps, & PZAB Reso.pdf

08-01015sc Application & Supporting Documents.pdf

08-01015sc CC Legislation (Version 2).pdf

08-01015sc Exhibit A.pdf

08-01015sc-Submittal-Nitin Motwani-Letter of Support.pdf

08-01015sc-Submittal-Alyce Robertson-Resolution by Miami DDA.pdf

LOCATION: NE 7th Street from North Miami Avenue to NE 2nd Avenue; NE 8th Street from NE 1st Avenue to Approximately 82 Feet West of NE 2nd Avenue; and NE 9th Street from NE 1st Avenue to NE 2nd Avenue [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Iris Escarra, Esquire, on behalf of Miami First, LLC, Miami Second, LLC, Miami Third, LLC, Miami Fourth, LLC and Miami A/I, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval.

PLAT & STREET COMMITTEE: Recommended approval on December 5, 2013 by a vote of 5-0.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with conditions* to City Commission on March 19, 2014 by a vote of 11-0.

*See supporting documentation.

PURPOSE: This will allow a unified development site in conformance with the Miami 21 Zoning Code, Appendix D.

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

R-14-0162

Motion by Commissioner Sarnoff, seconded by Commissioner Suarez, that this matter be RECONSIDERED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

(PZ.4)

08-01015sc

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE NORTHEAST 7TH STREET FROM NORTH MIAMI AVENUE TO NORTHEAST 2ND AVENUE; NORTHEAST 8TH STREET FROM NORTHEAST 1ST AVENUE TO APPROXIMATELY 82 FEET WEST OF NORTHEAST 2ND AVENUE; AND NORTHEAST 9TH STREET FROM NORTHEAST 1ST AVENUE TO NORTHEAST 2ND AVENUE, MIAMI, FLORIDA.

08-01015sc CC 04-24-14 Fact Sheet.pdf

08-01015sc Department Analyses, Maps, & PZAB Reso.pdf

08-01015sc Application & Supporting Documents.pdf

08-01015sc CC Legislation (Version 2).pdf

08-01015sc Exhibit A.pdf

08-01015sc-Submittal-Nitin Motwani-Letter of Support.pdf

08-01015sc-Submittal-Alyce Robertson-Resolution by Miami DDA.pdf

LOCATION: NE 7th Street from North Miami Avenue to NE 2nd Avenue; NE 8th Street from NE 1st Avenue to Approximately 82 Feet West of NE 2nd Avenue; and NE 9th Street from NE 1st Avenue to NE 2nd Avenue [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Iris Escarra, Esquire, on behalf of Miami First, LLC, Miami Second, LLC, Miami Third, LLC, Miami Fourth, LLC and Miami A/I, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval.

PLAT & STREET COMMITTEE: Recommended approval on December 5, 2013 by a vote of 5-0.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with conditions* to City Commission on March 19, 2014 by a vote of 11-0.

*See supporting documentation.

PURPOSE: This will allow a unified development site in conformance with the Miami 21 Zoning Code, Appendix D.

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

R-14-0162

Chair Gort: You're ready?

Francisco Garcia (Director, Planning & Zoning): Item PZ.4. Just to state for the record, it is now 5 o'clock, and PZ.4 is a time certain 5 o'clock. Item PZ.4 is a proposal for a street closure and vacation contained within the project known as "Miami Worldcenter." This is located approximately at Northeast 7th Street, Northeast 8th Street, and Northeast 9th Street, approximately from North Miami Avenue to the west to the -- to Northeast 2nd Avenue to the east. I will state very briefly for the record what the content of the application is. I will tell you first that this is being recommended for approval by the Public Works Department, as well as the Planning & Zoning Department. The Plat & Street Committee reviewed it and found it in full compliance for technical requirements and recommended approval by a vote of 5-0, as well as the Planning, Zoning & Appeals Board heard the item and recommended approval with conditions by a vote of 11-0. The conditions of the Planning, Zoning & Appeals Board being that an onsite office shall be open for the public information regarding the project, as needed, and that notice by the applicant to the abutting property owners, including individual condominium unit owners, shall be provided advising of construction status. This is in reaction to some sentiment expressed at the lower boards that there was legitimate concern about the disruption that may be caused for -- to traffic as a result of construction associated with this project. Briefly I will mention -- and I know the applicants will go into further detail -- that this is part of the execution or the commencement of the execution of a plan previously approved under the previous Zoning Ordinance 11000, which is presently contained in Appendix "D" of your Miami 21 Zoning Ordinance; and that the proposal, although it seeks to vacate three sections of three rights-of-way, those being 9th Street to the north, 8th Street, and 7th Street, it should be pointed out for clarity sake that of those three, only the middle one, 8th Street, actually traverses all the way through. The other two streets, the one to the north and the one to the south, 9th Street and 7th Street, are both essentially dead end. And what the applicant is proposing to do, and they will cover in greater detail, is not to simply close off the rights-of-way to merge development sites

and make them a larger development site, but rather replace what are presently standard issue City of Miami streets into significantly improved and very enhanced rights-of-way, which will be complete streets serving both pedestrians and vehicular traffic. With that said, I'm happy to answer any questions, and I yield to the applicants.

Chair Gort: Thank you. Madam Attorney -- Clerk.

Nicole N. Ewan (Assistant City Clerk): Ladies and gentlemen, if you're going to be speaking on today's Planning & Zoning item and have not been sworn in, I'm going to ask you to please stand and raise your right hand.

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

Ms. Ewan: And your answer, please? Thank you, Chair.

Chair Gort: Thank you. Yes, sir.

Ryan Bailine: Thank you, Mr. Chairman. Ryan Bailine, with offices at 333 Southeast 2nd Street, here on behalf of the applicant. I'm joined this afternoon -- this evening by my partners, Lucia Dougherty and Iris Escarra. In a few moments, we're going to introduce the principal of Miami Worldcenter, Nitin Motwani, who will go through a little bit of the history and what we're looking for your support to accomplish. After that, my partner, Iris Escarra, will address the particulars of the application from a technical standpoint, and then we just have a few other things we'd like to put on the record until we close our presentation. So with that being said, I'd like to introduce Nitin Motwani with Miami Worldcenter Holdings.

Nitin Motwani: Mr. Chair, fellow -- other Commissioners, thank you so much for the opportunity to speak here. I'm actually going to use the boards, if that's okay, so I can point out the things for context. Thank you very much. To give you context of what we're discussing here again, it's Miami Worldcenter, which is generally bordered by Northeast 2nd Avenue to the east, North Miami Avenue to the west, except for the old arena site, Northeast 11th Street to Northeast 6th Street. The streets that we are talking about are 7th, 8th, and 9th Street today. As Francisco said, 7th Street is something that dead ends into the old arena. We own all of the property along 7th Street. Ninth Street is also a dead end. It does not cross into Overtown. Eighth Street and Tenth Street are the two east/west streets that cross directly from our property all the way west; in 8th Street's case, all the way to I-95. What we're proposing in 7th Street is we are asking for a 47,000-square-foot -- square feet of land, and then to give back 56,000 square feet of land. So we're giving back more than what we're taking, and we're doing that to give a pedestrian-only street, 7th Street promenade, which currently exists within our zoning district. So this is what that 7th Street looks like. It is more street than exists today. It is pedestrian only, if you could think of something like Lincoln Road as an example. It will be open 24 hours, in perpetuity, from the old arena all the way to Northeast 2nd Avenue. We're also looking at Northeast 8th Street. There's been some confusion about this street. We are taking 21,000 -- just under 21,000 square feet and giving back 34,000 square feet. It will actually have more vehicular lanes, it will be open to cars, and we will be giving that space to widen the right -- the lanes from two lanes to three, so we brought a rendering of that, because we know there's been a lot of confusion about that. And you can see very clearly that 8th Street does remain open to vehicular; we're encroaching on our property to create more -- one additional lane, as well as wide sidewalks so that pedestrians feel comfortable walking down 8th Street. Ninth Street goes between Northeast 2nd Avenue and Northeast 1st Avenue, which is what we're proposing to close down. That one is 23,000 square feet; we are giving back 13,000 square feet, which is a paseo that will make it so that all the streets remain porous for pedestrians. Eighth Street and Tenth Street remain open to vehicular; as well as, of course, 6th Street, 7th Street, and 9th Street are for pedestrians, bicyclists, et cetera. One of the other things that we're doing in our plan, which is very

important to note, aside from 7th Street, is a 20,000-square-foot park that we're building, so as you walk down this pedestrian street or 8th Street, which will have a nice wide sidewalk, you'll have a 20,000-square-foot park that we are mandated to develop before we could get a TCO (Temporary Certificate of Occupancy) on our first phase. In addition, on 9th Street, the other pedestrian street, you'll have another 14,000-square-foot park that's a true park space that will be able to make 1st Avenue a more walkable avenue. In addition to those two parks, in addition to the public space that we have on 7th Street, we'll also have a 25,000-square-foot plaza that will have a vehicular drop-off for the mall, for other hotels that we're looking to do, and -- but that'll still be another nice space as well, plus all of the sidewalks will have throughout the project where we are encroaching on our land to create 18- to 25-foot sidewalks where 4- to 6-foot sidewalks exist today. These are some renderings of what that -- those plazas could look like. This is the 14,000 square foot I was talking about. This one's 20,000 square feet. And one of the things we've looked at is what it looks like if you wanted to host a special event, say a book fair, say a farmer's market. And what we would do by doing a closure of 1st Avenue on special events only, you could get up to four and a half acres of public space for the community, and that's a mixture of plazas, parks, and the Planning Department has been very adamant about creating these great public spaces for the community. So we're very excited about the work that we've collectively done with staff. Again, reminding you that 7th Street does not go through, so the streets we're talking about are not through streets. Eighth Street will remain open and improved to I-95; 10th Street will remain east/west. We are giving back more land to the public than we are taking, not even including the sidewalks -- the additional sidewalks that are in the first illustration there. To give you some context of some of the stuff we're doing: Forbes and Taubman have announced Bloomingdale's and Macy's will be anchoring the retail center. This is that entryway plaza. This is the Bloomingdale store. And this is that 25,000-square-foot plaza I spoke about. Here is that plaza at a closer angle. And if you'll allow us, we'll show you a short two-minute video that will give you -- put this all into context so you can see these spaces more clearly. Oh, and one other thing before I go to that, which I wanted to address, we have been fortunate to -- we've hosted a large public gathering with over 200 people on Tuesday night. We've had a number of meetings with various people. And what we're excited to say tonight is we have 55 residents that signed letters of support, some of which are here today. We have 45 property owners around us that have shown support. And of the approximately 50 businesses within the Park West area, we have over 45 of them have shown support. So this map, what shows as green is the property that we own; blue is all of the adjacent business owners that have supported us, and this number -- this actually has gotten more blue today; just didn't have a chance to update it. And we're very proud of this, because it shows that it's not just Park West that's supportive; we also have Overtown that's supportive and all of our neighbors, many of which have offered letters of support, which we're happy to share with the Commission, if they choose. So pardon me, and we'll show the video now.

Note for the Record: At this time an audio-video presentation was given.

Mr. Motwani: This is coming down 2nd Avenue, so Macy's at the north end at 10th Street and Northeast 2nd Avenue; three levels of retail with the parking above. And this is 8th Street, which clearly shows vehicular and pedestrian traffic will be able to cross through 8th Street. And here is the plaza at 7th Street. And as you can also see, the project incorporates the Metromovers into the design. This is 7th Street heading west. It's a Marriott Convention Center on the west. This is bridge crossing over 8th Street, so as you could see, the cars were able to go right through. As you could see, the sidewalks along the street are significantly wider than exist today; we're encroaching on our property to allow for pedestrians and bicyclists. So with that, I'd just like to say -- to close by saying we're humbled to have staff's support. They've been very involved in this process and have been very creative to what the design came out to be. We were fortunate to receive an 11-0 approval at the PZAB (Planning, Zoning & Appeals Board) Board, and we're sitting before you today asking for your vote in our support. So with that, I'll open to any questions.

Chair Gort: Okay, thank you. This a public hearing, so I'll open up to the public. And could you, please, start breaking that -- Yes.

Iris. Escarra: We just wanted to save a few minutes for rebuttal at the end.

Chair Gort: No problem. Would you, please, put it down?

Ms. Escarra: Yeah.

Chair Gort: Maybe show it that way so people could see it. Tony Regu [sic]. Tony?

Tony Recio: Commissioner Gort, I apologize; my handwriting must have been off. For the record, Tony Recio, law office at 2525 Ponce de Leon Boulevard. I am here on behalf of several property owners in the area and people with interests in property in the area, including MDM (Miami Dadeland Marriott) Development, which will be developing an expo center and hotel in very near proximity to this Worldcenter site, as well as the Simkins Group, with Marc Robert and Michael Simkins. On behalf of both of them, we are strongly in support of the Worldcenter development, and we're strongly in support of everything that Worldcenter is doing to further that development, so we wanted to express our support. Thank you.

Chair Gort: Thank you. Scott Silver.

Scott Silver: Good afternoon. Scott Silver. I'm here on behalf of GC Lounge, also known as Grand Central Lounge. The project is fantastic. I think it's a wonderful project, and I'd like to see it go forward; my clients would as well. However, we have one problem. When they refer to 7th Street as a dead end -- I don't know how many of you are fans of Monty Python, but back when -- they trying to haul the corpse away and they say "I'm not dead yet," I feel like that's my client. We have a nightclub that exists at the end of 7th Street that has five years remaining on a lease that's right at the end there, which is not a dead end; it's actually a T, where the old arena is, and they need to continue to function. This would eliminate the street in front of their space. It could be resolved by not continuing the pedestrian walkway, at least up to their -- up to the property line until the termination of their lease. They have five remaining years. So to go ahead and close off a street where you have a functioning business creates consequences, whether it's for the landlord or for the City that -- we would no longer be able to function. We have productions that take place there. We have a capacity in that facility of 900 people, and it's a very active organization. They not only have concerts, music, nightclub-type operations, but they also have some very significant community events, a lot of organizations that use that facility for events, and we need to be able to function in this space. I'm -- we want this to proceed. We think that there needs to be some sort of an amelioration, some sort of a mitigation in that one section. We're not asking that 7th Street, you know, be -- that they be prevented from having it go all the way through, but we are asking that at least in that front section in front of our place so that people can get into that location; we need that. Otherwise, we're out of business. And I agree that other businesses are supporting it. In fact, we support the overall concept, but we don't support shutting off access to my client's space.

Chair Gort: Thank you.

Mr. Silver: Thank you.

Chair Gort: Peter Ehrlich.

Peter Ehrlich: Good afternoon. Peter Ehrlich. My address is 77 Northeast 69th Street, and I'm here -- I have a few questions and an objection to the proposal. All three of you live in different neighborhoods; and I'm sure all three of you, as you go to your homes and around your neighborhoods, you know different shortcuts on how to get to your houses a little bit faster, and

that's true with people that live in the Upper Eastside, in the Edgewater area, Park West area. When you're going downtown or you're going uptown, you use these streets, 7th Street, 8th Street, 9th Street, to get off Biscayne Boulevard or off Northeast 2nd or off North Miami Avenue. They're very important for moving traffic around downtown to prevent gridlock, to prevent street blockages at intersections. And so I have an objection to closing these streets and the access to these streets, particularly 7th and 9th. In addition to that, it's a lot of square footage. The proposals that we've seen earlier showed 90,000 square feet. I think the Hearing Boards were showing 90,000 square feet. It's being proposed to be vacated. There's a -- the City's only getting a statutory fee. I think it's \$2 a foot; approximately \$185,000 for the vacation of 90,000 square feet. And I think if-- even if you're going to go forward with this, the City should receive more, either more compensation or perhaps a large park immediately in the vicinity; not a pocket park, but a large park. So I hope you'll take these thoughts into consideration. Thanks very much.

Chair Gort: Thank you, sir. Alyce Robertson.

Alyce Robertson: Hi. Alyce Robertson, executive director of the Miami Downtown Development Authority. I wanted to enter into the record that the Miami DDA (Downtown Development Authority) passed and adopted a resolution in favor of Miami Worldcenter on the 11th of April of this year. One of the things about this project that is especially attractive is that it takes an area of downtown Miami that has been largely fallow for a number of years and underutilized -- and we've had a lot of trouble in taking this area and cleaning it up -- and it takes it and makes it a very vibrant pedestrian-friendly development. And I think one of the things that in our downtown master plan in 2025, it addresses several things, including a convention conference center that's very much needed in down -- in the City of Miami and also attracts new businesses into an area, like I said, that has remained fallow. And I think this project takes and does something with this area of downtown that even before when it actually had businesses that were there, that they were mostly warehouse businesses, and turn it into a 24/7 space, and so for that purpose, I want to enter into the record the resolution of the Downtown Development Authority in favor of Miami Worldcenter.

Chair Gort: Thank you. Alicia Cervera Lamadrid.

Alicia Cervera Lamadrid: Hello, good afternoon. I'm Alicia Cervera Lamadrid. I have a business at 20 Biscayne Boulevard and residence is a unit there as well. I've had my office in downtown for several years, looking forward to the vision of a complete downtown, and we've made so much progress since we first moved down there, but there's still a lot to be done, and certainly, Miami Worldcenter is a quantum leap forward to complete what is kind of a hole in the middle of our downtown urban core, not only literally, because there's not much there, but more importantly, in the spirit and soul of the downtown Miami area that's missing so much in terms of retail, and restaurant and entertainment, and this project is a wonderful addition to our city, and I hope to -- you help move it forward today.

Chair Gort: Thank you. Andrew Mirmelli.

Andrew Mirmelli: Good afternoon, Commissioners, Mr. Mayor. I am Andrew Mirmelli.

Chair Gort: Excuse me. Let me clarify something. I'm not the Mayor. I'm just the Chairman of the committee [sic].

Mr. Mirmelli: Mr. Chairman, I apologize.

Commissioner Sarnoff: We could vote now; I'll make you the Mayor.

Chair Gort: Oh, they reading there?

Commissioner Suarez: Yeah, yeah. It says that. It says "Mayor."

Vice Chair Hardemon: Next to you.

Commissioner Suarez: In front.

Chair Gort: Oh, okay. I'm sorry, go ahead.

Mr. Mirmelli: Andrew Mirmelli of 127 Northeast 11th Street Properties, LLC (Limited Liability Company), M&G Northeast 2&6, LLC, the Pack Center Garage, LLC, 116 West Flagler, LLC, and 49 Northwest 1st, LLC. We also own the block directly north of the Miami Worldcenter site and the city block directly south of the Miami Worldcenter site. I'm here today to speak on behalf of myself and all my -- all our partners. We are very supportive of the Miami Worldcenter, in particular the street closures; we think it would be fabulous for the neighborhood, and I haven't seen a plan this exciting in a long time. We are very, very supportive of the project. Thank you.

Chair Gort: Thank you. Okay, anyone else?

Leoncio De La Peña: Good evening, Mr. Chairman. My name is Leoncio De La Peña. I'm an attorney with offices within the City of Miami at 600 Brickell Avenue, Suite 1750, and I represent the Chateau Group. They are the owners of the property located at 600 and 700 Biscayne Boulevard. We're entitled for development of a mixed-use project in accordance with Resolutions Numbers 05-0348 and 05-0708. First and foremost, I would like to make this very clear. We would welcome a significant project. We would welcome a significant project on the land that is owned by the applicant. However, we have grave concerns on the road closure aspect of the project and believe that the traffic and the road closures have not been properly addressed by anyone. The City has not done an appropriate traffic study, and with everything that is planned and discussed in downtown Miami, an appropriate traffic study should be done. There are deficiencies within the applicant's traffic studies that they have not addressed. We have not been provided -- and we believe that other property owners have not been provided -- with appropriate necessary information, and we contend that there is nothing in the record that demonstrates that the closures will be a beneficial impact on pedestrian circulation. As adjacent and abutting property owners, we are here to voice our concerns about the impact of the street closures on our properties, on the adjacent roadway, network, and more specifically, the ability to move residents, visitors, customers, and guests to and from and around this neighborhood. The applicant has not and cannot demonstrate compliance with the requirements of street closure as set forth in Section 55-15 of the City Code. The closure is not in the public interest, and there is no demonstration of benefit in this record. They cannot show and they have not attempted to show that the public no longer uses these streets. They cannot show that the closures of these streets is beneficial to vehicular circulation. They cannot show and have not shown that these street closures will not affect police, fire, or emergency services. We do not and have not consented to the closure of these streets, and we're here to make that quite clear. We believe that our consent is necessary, and we object to the closures without our consent. We would ask that you defer today's applications on the road closures so that those whose properties will be impacted have a greater opportunity to really understand the impact of the road closures on the neighborhood and address the appropriate or potential mitigation of that. We reserve all of our rights judicial, administrative, appellate with respect to the request that is before you and to those related requests that, by law, must come before you in the future. We thank you for your time and consideration.

Chair Gort: Thank you, sir.

Commissioner Sarnoff: Question, Mr. Chair?

Chair Gort: Anyone else? Yes, go ahead.

Commissioner Sarnoff: Mr. Attorney.

Mr. De La Peña: Yes, sir.

Commissioner Sarnoff: I didn't get your name; I'm sorry.

Mr. De La Peña: De La Peña, sir.

Commissioner Sarnoff: De La Peña. Mr. De La Peña, your properties are just south abutting the Freedom Tower, just north abutting the Freedom Tower, and then just, again, north abutting the Freedom Tower?

Mr. De La Peña: Our properties are the ones that are north of the Freedom Towers. The property to the south is owned by Miami-Dade Community College.

Commissioner Sarnoff: (UNINTELLIGIBLE).

Mr. De La Peña: The Freedom Tower used to be ours, and we donated that to Miami-Dade Community College.

Commissioner Sarnoff: So it is the property just to the north adjacent to the Freedom Tower and then the property, again, across 7th Street just to the north, the entire parcel bounded by Northeast 2nd and bounded by Biscayne Boulevard?

Mr. De La Peña: That is correct, sir.

Commissioner Sarnoff: Got you. Thank you.

Chair Gort: Thank you. Anyone else? (UNINTELLIGIBLE) sign up. Sign up, please. Come on up, let's sign. Anybody that would like to speak, please go and sign. Thank you.

Nathan Kurland: Thank you. Nathan Kurland, 3132 Day Avenue. Often as a somewhat of a civic activist, I come before you always in opposition to projects that are being contemplated by the City of Miami. The street closures, as has been eloquently pointed out by Mr. Ehrlich and Mr. De La Peña, I thought were eloquently put up, and I hope that it is part of your discussion. As a realtor, I am often using those streets, and the closure will affect a lot of us who try and transport downtown. In addition, I truly hope that it is part of your discussion that we may observe, and that is, the lack of what some of us feel is less-than-fair compensation for these streets to a private developer. So I hope that we'll be able to hear that discussion from you, the Commissioners. Thank you.

Chair Gort: Thank you. Anybody would like to speak, please go forward, sign up. Yes.

John de Olazarra: My name is John de Olazarra. I'm a citizen of the City of Miami. I'm also a board member of the Urban Environment League. The Urban Environment League submitted a resolution to each of you requesting that you reconsider this matter before you and to ask for you to defer it to provide for additional time to review this matter. As Mr. Kurland did say, we feel that the giving of public lands to a private developer without any compensation to the City is inappropriate. We also feel that the traffic patterns in that area are already impacted, particularly when we have basketball games and events at the Arsht Center; and with the possibility of a soccer stadium in the near future, this area is going to be severely impacted and appropriate traffic studies are warranted. So we would ask that more time be given to this. It's what I understand to be some 90,000 square feet, which is close to two-plus acres of land. That's

a lot of land. From my understanding, land in that area is going for, you know, a very significant price per square foot, and it seems only appropriate that the City be the beneficiary of that, if, in fact, you do choose to give it to the developer. We are in support of the Worldcenter planning in concept, but the concept of the City giving away City lands is, we feel, a mistake. Thank you.

Chair Gort: Thank you, sir. Next.

Michael Slyder: Good evening, Commissioners. My name is Mike Slyder. I'm representing Miami Entertainment District Association. We're a number of nightclubs, parking lots, nightlife businesses downtown. We wholeheartedly support this initiative. And let me also say for the record that I own Mekka Nightclub downtown, and I'm sad to say that this project will put an end to my business, but having said that, it is in the best interest of the City that we go forward and do this. Thank you very much.

Chair Gort: Thank you. Next.

Commissioner Suarez: You don't hear that every day.

Ken Ratner: Good evening. My name is Ken Ratner. I'm a resident at 900 Biscayne, and I support this project. And I listened to the presentation, and I know that there's been a lot of concern about traffic, but I feel that what they've put forth in a plan to accommodate some of the residents by turning buildings and making some adjustments to these plans has gone way beyond what normal developers would do. And I also believe it'll help the property values of where I live and everyone else around there. Thank you.

Chair Gort: Thank you. Next.

Douglas Hirsch: Hello. My name is Doug Hirsch. I'm a resident of Miami. I live at 1100 Biscayne Boulevard; as well, my family's a partner in 1000 Museum, which is a lot right next door to this, and we support it wholeheartedly, that it goes through.

Chair Gort: Thank you. Next.

John Parsiani: Good afternoon. John Parsiani, director of Cervera Real Estate, also a resident of 50 Biscayne in downtown Miami. I wholeheartedly support this project. I know that the tax revenues from this and also the employment creation will be significant, and as a resident of downtown Miami, I can say that we need this project. Thank you.

Chair Gort: Thank you. Anyone else? Seeing none, showing none, close the public hearing. You got a few minutes for rebuttal. I wish you answer some of the questions that been asked, especially about the -- you getting all the land and you not giving anything to the City.

Mr. Bailine: Hundred percent. Thank you, Mr. Chairman. Just a couple points: The first is with respect to the attorney, Mr. Silver, who came up and explained that the closure of 7th Street is the end of his client's business. I just want to make some factual clarifications, put them on the record. The first is that several years ago, his client, knowing full well that our client was doing an assemblage, sold the building to our clients, so they are actually a tenant of our clients. The second thing is that when he mentioned that there is a five-year lease so that it would be the end of his business, there is an option in that lease for us to relocate him as of December 31 of this calendar year. And thirdly, with respect to the requests that 7th Street be pared, if you will, or shortened, the front door to their property and their entrance is not on 7th Street; it's on Miami Avenue. So I just wanted to clarify those three, what we felt were significant points in terms of what they brought to your attention. The second thing is going back to the other counselor, Mr. De La Peña. We have provided both his clients -- and I think there are several who work in the

office -- with our initial traffic analysis, which is exactly what we provided to the City and to Miami-Dade County. We also provided to them several days ago our responses to comments that we received from both the City's Public Works office and staff, as well as the County's Public Works staff. And in advance of filing our revised traffic analysis, which will be going in tomorrow, we sent it to him today. So he's gotten information earlier than the governments have gotten the information, because we have wanted to proactively engage him in and his clients, as we committed to do at the PZAB hearing. So that's the second thing I wanted to clarify. The third thing -- And by the way -- I'm sorry -- in addition to factoring in committed development throughout the area, we have also in our traffic analysis come to agreement, if you will, with the Performing Art -- with the Perez Art Museum, with the Science Museum, and with the Miami Heat, so those folks who are to the east of him are corporate stakeholders, our community partners, have all -- our analysis is sufficient in terms of they believe that the way that we propose to circulate traffic -- cars, as well as pedestrians, fits in with their existing conditions and their projects. Lastly, our traffic analysis does factor in some of the entitlements that Mr. De La Peña alluded to with respect to the 700 Biscayne property, so I don't think it's necessarily a true statement to put on the record that we have not factored in, you know, the surrounding area as well as some of the development or level of development that he's -- his client's entitled to pursue through the City, pursue building permit for. Lastly, going to the Chairman's point, the line about the City giving away property in favor of development, there's just a few things I want to point out for you. Thank you. Very quickly, as Nitin pointed out earlier, 7th Street here, for this two-block area, will be vacated and positioned 50 feet north as a platted pedestrian promenade, so this is not being given at all; it's being relocated in favor of the public immediately to the north. Eighth Street here is being vacated. It's a 50-foot right-of-way, and again, on our plat -- that's been approved by the City and the County -- will be a 75-foot right-of-way, so this will be expanded and will be open, if you will, to the world, vehicles, bikers, people with strollers, pedestrians, and whomever. Lastly, 9th Street will be a 20-foot pedestrian paseo. What I think is a very powerful illustration -- and I know through our discussions with the Planning Department is a very significant addition, if you will -- is we have these two -- one is 20,000 square feet and one is 14,000 square foot -- public parks that we are designing, we are improving, we are creating, we are maintaining, and that both of these spaces will be done not in the future or not when we, you know, build our 21st tower, or something like that, but this is phase one. This is the retail component. In order for the retail component to open and people to start shopping in the stores, these have to be done, these have to be completed, and I would hope staff -- you know, we've been working with staff and that is a factual statement. In addition, the widening of the sidewalks that we're doing at -- you know, we're choosing to do this to create a public pedestrian realm full of parks and plazas and promenades, and I probably can't say that ten times fast -- we think that, you know, when you take a look at the collective four and a half acres that would be -- that doesn't exist now, that will be available for, as Nitin said, special events and what have you, it's a very powerful addition and from a connectivity standpoint along 8th Street, heading east to the arena, as well as on 7th Street, but also 8th Street and 10th Street heading not just east, but also west to Overtown. And when we had our community meeting the other evening, there were residents in Overtown, there with folks who were developing in Overtown who wanted to know about what we were doing to promote connectivity there. And as part of the letters that we submitted to you earlier, several of the builders and property owners in Overtown, based on our discussions and their review of our plans, are supporting us. So with that being said, unless there's some particular issue, I'm going to turn it over to Iris.

Ms. Escarra: With that, I just want to add one particular item. Florida Attorney General 309, from 1978, says: "A municipality possesses no authority to exact payment or otherwise interfere with the property rights of landowners who possess, abuts a public street as conditions to or in exchange for the exercise of its power to (UNINTELLIGIBLE) vacate the streets no longer required for public use." What happens here is that the lands were dedicated for the -- for right-of-way. However, they -- the City does not own them in fee. The City owns them as a trustee for the benefit of the public. So when the streets cease to exist to be streets, they will revert back to the abutting owners; which is different from when the City has it in fee simple,

which go through your procurement process to be able to disregard the properties. So I just wanted to clarify that. I know there's been some questions with regards to the ability to sell versus close and vacate, and I just wanted to put that Attorney General opinion, with the accompanying case law that is in that Attorney General (UNINTELLIGIBLE), into the record for clarity.

Chair Gort: Thank you. Vice Chairman, you're recognized.

Vice Chair Hardemon: Thank you very much. I mean, that was the next thing that I was going to; I don't believe that the City owns those streets. We have a --

Commissioner Suarez: It's a --

Vice Chair Hardemon: -- public right-of-way.

Commissioner Suarez: -- simple --

Vice Chair Hardemon: Right. I mean --

Commissioner Suarez: -- concept to understand; yet, nobody gets it.

Vice Chair Hardemon: Just from the same example as you have homes that have abutting alleyways, it's --

Commissioner Suarez: Exactly.

Vice Chair Hardemon: -- a public right-of-way.

Commissioner Suarez: We just reverted one a second ago.

Vice Chair Hardemon: You revert it back to the property owners, which, in this case, when I look at it, Miami Worldcenter owns all of the property that would be abutting these public right-of-way. Now, earlier there were some mention -- I believe it was the attorney Del [sic] Peña, if I'm pronouncing it correctly. He referred to our Code, Section 55-15, and he went through a number of different things that he believes that the City has not satisfied, if you want to put it that way. So I'm looking at Chapter 55-15, Section "C." The one thing about this section is that further -- it reads that: "further consideration for vacations and closure." So besides the technical compliance, that "The Street and Plat Committee shall consider these further." It doesn't say that they have to be satisfied. It doesn't say it has to be one, two, three, or four of them, but it talks about is in the best public interest or would the public -- "Would the general public benefit from the vacation of the rights-of-way or easements? Two: Is the general public no longer using the rights-of-way or easement, including public service vehicles, such as trash and garbage trucks, police, fire, and other emergency vehicles? Three: Would there be no adverse effect on the ability to provide police, fire, or emergency services? Four: Would the vacation and the closure of rights-of-way or easements have a beneficial effect on pedestrian and vehicular circulation in the area?" I mean, at least just from the plain reading of it, you can identify two of those that are satisfied to the benefit of the public. And what we are here to do, as I understand it from Section 55-15(c), is that -- well, H'r rather -- is the City Commission determines that is it in the public interest? The Plat Commit -- the Street & Plat did their job. Everyone did their job before us. It is now our consideration to determine whether or not it is in the public interest to vacate these streets, and so hearing everything that we've discussed, that becomes my question. So when I look at the plans that we have, I say, "Well, is a grand promenade-type thing in the public interest? Is the tax benefit in the public interest? Will it attract tourism? Will the neighboring communities benefit from the improvement in the area? Will the pedestrian-friendly improvements make sense for the public interest? Is there a

benefit?" It doesn't say that the benefit has to be in the form of traffic control. It doesn't say that the benefit has to be in the form of tax dollar improvements. It doesn't say that the benefit has to be in one form or the other. It does not read that. It says: "Is it in the public benefit?" And I think that when we ask that question, you have to be able to answer it honestly. And I've -- the Commissioners have seen me struggle with answering that question before. In this one, I think I have no trouble, though, in answering that question. I believe that it's in the public benefit for the vacation. However, one thing I would like to know from Mr. Motwani is when you make these improvements to the street -- or whomever else would like to answer the question -- where the City of Miami is vacating these properties, will you be using your own dollars? And to clarify that more particularly, or will you be using some type of assistance from a city, a redevelopment agency, or anything of that nature?

Mr. Bailine: Commissioner, the answer to the question is that the infrastructure and improvements for the project, if you will, particularly phase one, are significant, and that we have had discussions with the CRA (Community Redevelopment Agency). We have not had any particular discussions with the City in terms of funding, although the CRA is a City-related agency. But that being said, their -- the infrastructure and improvements that are needed for this project will be a -- it's hoped there will be some assistance from the CRA, but it will not nearly suffice in terms of building what it is that Miami Worldcenter Holdings looks to achieve.

Vice Chair Hardemon: And I ask you that -- so readily, you're saying that you may require -- you most likely will require some assistance from particularly the CRA, because of course -- I mean, this endeavor that we're looking at here, although it's beautiful, it is quite costly, and the CRA has this -- it's a whole 'nother animal in the sense of the issues that the CRA has in relation to being able to continue to fund itself and to be able to continue to collect TIF (Tax Increment Fund) dollars, but that's what this discussion then becomes about, the TIF revenue to fund this. And, you know, I love getting these big booklets of information, if you want to call it, these binders, because it gives us so much information that we can look at and determine how are we going about of making our decisions, and particularly, what's important to me is there will be a time -- and that time is not today -- that you will come and you will request some type of assistance from, say for instance, the CRA to help fund the public improvements that we're making. And I understand that Miami Worldcenter, if we look at the organizational chart, the Miami Worldcenter ownership disclosure chart. Is that the -- not at the very bottom, because then you have your Miami First, Miami Second, Miami Third, Miami Fourth, LLC, and then Miami "A" slash -- I don't know what that means. But just above that you have Miami Worldcenter, but above that there are a number of different entities that have interest in how this works. So I'm saying that to say when we start thinking of creative financing ways to make this public improvement work, let's do it at the benefit of the public and not the detriment of it. This is one step. There is a public benefit, I can see it. But then there will be another step that I believe that we will have to make a determination of the benefit to the public and not necessarily just the private, so I know it's coming. When it comes, just understand that, please, when you bring it, we think outside of the box when it comes to just financing; what's going to happen in the Worldcenter. I think all of us are excited to see the project, and I think people in the community are excited to see the project, but we can't -- how do we say? -- cut off our nose to spite our face? I think that's the best way to it, but I'm done.

Chair Gort: Thank you.

Commissioner Sarnoff: Mr. Chair, I'd like to move PZ.4.

Commissioner Suarez: Second for discussion.

Chair Gort: It's been moved by Commissioner Sarnoff; second by Commissioner Suarez.
Discussion.

Commissioner Suarez: Thank you, Mr. Chair. I think some of it has already been discussed. I just -- you know, I think that the Attorney General opinion and the resor -- it's hard for me as a real estate lawyer. It's kind of like frustrating one when people continually say that we can sell our streets. We cannot. We don't own our streets. If Ransom Everglades, which just presented a special area plan, if part of their special area plan was to subdivide their property into a bunch of streets where cars could come in, the day that they decided that they wanted to undo that, they could undo that, and that's the way all subdivisions were created. They were one unified parcel, and they were divided and subdivided a variety of different ways. Under Miami 21, this would be a special area plan. It just happens to fall under 11000, which was a prior incarnation of the same concept, which, if you're building a large parcel, you want to develop it in a way that makes sense. So I just -- I mean, I know that the people who continually make this argument, their heart is in the right place, and I understand why they make it, because it kind of is illogical in a certain way, like you think that we control our streets, because we police them, because we traffic them and all those things. We don't own them, so please, please, please, please, so I don't continue to get frustrated as a real estate lawyer up here, stop saying that, because you're making it sound like we're doing something that -- we're giving something away, which is not really ours, so that's a little frustrating. Second thing is, I -- and we talked about this earlier in regards to another -- in relation to another issue. I think there's this continual and there's going to be a continual tug-of-war between Miami and the City of Miami Beach for supremacy, okay? I really do. And I think -- and -- you're laughing, but you know I'm right -- and I think one of the biggest bones of contention going forward is going to be whether we're going to have a major conference room -- convention center, convention center space, state-of-the-art -- and I think we have the ability -- one of the reasons why it's going to work for us and probably not going to work for them, aside from their elected officials and ours, the superiority of ours versus theirs, is that traffic -- we have a lot more ways to get in and out in our urban core than they do. I mean, they only have two ways to get in and out, and they haven't designed Bay Link yet, and they haven't come up with ferries to get people from the mainland over to the beach, so they're going to have some serious logistical issues with having a major conference room space, and I think that's what the current Commission and the current leadership saw, and I think that's why there was a tremendous amount of change in Miami Beach. I just hope don't get -- they don't get too smart, because, you know, for a while we've been beneficiaries of their bad decisions, in my humble opinion, and as Miami sometimes is a beneficiary of dysfunctional governments across the world and flight capital, but -- So I -- I mean, I really think for Miami to be a world-class city, we need a world-class convention center. I don't mean to steal your words, but, you know, that's a big part of my support for this project. You know, and last -- you know, some of my Commissioners would say, "You should never trust anybody. You don't trust anyone. Don't trust developers. Don't trust anyone," you know? I guess I'm really trusting. But I'll tell you what I do trust. This is a billion-dollar-plus project, okay? And anyone who's going to invest a billion dollars is not going to create a traffic problem for themselves, okay? So they're going to make sure that people can get in and out of their project quickly, safely, and effectively so that they can spend money and they can make money on that billion-dollar investment that they've made. It's logical, you know. So, you know, I understand sometimes neighbors are not too thrilled about that, and I think, you know, that's always part of the analysis, of course. But I really do think that the objective cannot possibly be to create worst traffic in an area and worst traffic flow in an area, because that would be detrimental to the project itself, so -- and you cannot design a project where traffic can flow in and out of it to the detriment of everyone in the surrounding area, because by definition, it has to flow through the surrounding area. So, you know, to me, logically, it's not about trusting. It's about -- I do trust people to make decisions in their best economic interests, and that's typically the way rational people behave in a free market economy. So those are the three basic reasons why I support this project, and I look forward to seeing it happen, and I wish them the very best.

Chair Gort: Commissioner Sarnoff --

Commissioner Sarnoff: Mr. Chair.

Chair Gort: -- you're recognized.

Commissioner Sarnoff: So sometimes I wonder how can a project be so good that somebody can find something wrong with it? But then we're Miamians, and we can find something wrong with anything. So I compare this project to Swire. You know, Swire's a one-billion-dollar project. You know, and people have called this a one-billion-dollar project, Mr. Motwani, but by my numbers, this is a two-billion-dollar project, because a convention center itself will be about \$850,000 and the rest of it will be about a mil -- probably a billion, two hundred and fifty million, and I may be a little low on that. So then I compare it to Swire, where we were the biggest cheerleaders in the world, and I thought to myself, "Well, look at Swire. Look at exactly what the land they're taking up." Pretty good, valuable land, of which would have developed on its own, but, hey, they did a great job; we all supported it; and Swire is happening." No reason, Mr. Motwani, to compare you to Swire, other than to say you actually have more property in a part of the City that -- the kindest words you can put to this -- is a "doughnut hole." It is the missing link to the City of Miami. By the way, we're not blind. We all know exactly what goes on on 7th and 9th Street. It is where all the homeless are. It is where all the bad acts happen. And this is a chance to develop the doughnut hole. Some may not have that vision. Some may have ulterior reasons. Some may have different visioning. But the one thing you can say -- and I'll go to Commissioner Gort on this, 'cause probably the day he stepped into Miami, this place looks about the same. It probably looks the same as the day Commissioner Gort said, This is Miami." And this is Miami's chance. This is Miami's chance to fill in the downtown. And this isn't somebody with a pie-in-the-sky idea. They come to you with letters of interest, LOIs [sic], from Bloomingdale's and Macy's. They're telling you they're going to build the retail component first. They're explaining to you that if you are one of these folks that's quid pro quo -- and I have to have exactly what that street is in terms of square footage -- well, they're on the plus side of that ledger. That was an easy one. But I'm not so sure, Commissioner, that those arguments are so genuine. I suspect those arguments are a little less genuine when they are real estate people making those arguments, and they know it's not fee-simple absolute to the City. And as Commissioner Hardemon pointed out, is this in the best interest of the City? For anyone to vote against this is for a person who has never set foot on this land. And I suspect Commissioner Gort is going to have a story about this place, because he probably would say, "In 1981 or in 1977, this looks exactly what it looks like today." And you want to know why? Since 1977 there has not been a building built in this neighborhood. So when the downtown is 41 percent of the tax base of the City of Miami, which it is, this is the doughnut hole. Let this hole fill up and you'll have a bigger tax base. This is an absolute abject no-brainer. Let me close with one thought. From the day I got up here to the day I opposed Marlins Stadium, because they said it would bring jobs, and I said, "It really isn't a job generator," but I will tell you what will be bring jobs to Miami. Biggest job generator of any single thing we can do, even arguably the movie studio, a convention center; 8,000 right-now jobs; 62,000 indirect jobs; 150,000 regional jobs. But we don't talk about that in Miami, 'cause we have always deferred to our cousins to the east. And in that deferral, we have spent two decades watching them play with the ball. This is Miami's time right now to get it right. This is the time for Miami to act. Ronald Reagan had a great expression against Jimmy Carter. He said, Jimmy Carter has opened the window of vulnerability to Russia." Well, Commissioners, our window of opportunity is closing. We need to take that opportunity right now and create this job generation; fill in the doughnut hole to Miami, and the overwhelming evidence presented at this Commission today has been it is in the public's best interest, overwhelmingly, to vacate these streets.

Chair Gort: You supporting this?

Commissioner Sarnoff: Sorry?

Chair Gort: I'm not going to go back to -- in the '70s, but I will go back in the '80s.

Vice Chair Hardemon: The '80s, right.

Chair Gort: City leaders and Dade County leaders for some years have been trying to do something in that area. That area used to be the warehouse for Miami downtown businesses; no longer in existence. So right now you have all the empty buildings there. They become vacant buildings. There's a lot of problems they have within that area. So I think this will be a great project for the City of Miami, so for that reason, I'll be in favor of it, too. There being no further discussion, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Yes, sir.

Mr. Garcia: If I may briefly, can I ask you to remake that motion, including the conditions that I mentioned earlier? And if you'd like me to, I can certainly read them back to you, briefly. The conditions are simply this for your consideration, of course: that an onsite office shall be opened to the public for information regarding the project, which, again, the applicants are aware of and acceded to; and number two, that notice by the applicants to the abutting property owners, including condominium owners, be advised of construction status whenever that comes into play.

Commissioner Sarnoff: What if I don't agree with that last one?

Mr. Garcia: Then, sir, you wouldn't include it in your motion.

Commissioner Sarnoff: All right, I'll make my motion to adopt what Mr. Francisco Garcia, the Planning Department director, said.

Chair Gort: Do the seconder accept the --?

Commissioner Suarez: No, we already voted it. Didn't we already vote?

Commissioner Sarnoff: No.

Commissioner Suarez: No? I guess not. Yeah, we did vote.

Nicole N. Ewan (Assistant City Clerk): We voted.

Commissioner Sarnoff: We did vote?

Ms. Ewan: Yes, we did.

Commissioner Sarnoff: You want to reconsider?

Ms. Ewan: Yes, please.

Chair Gort: Yes.

Commissioner Sarnoff: Motion to reconsider.

Commissioner Suarez: Second.

Chair Gort: Been moved and second. All in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Commissioner Sarnoff: Now it's really risky, 'cause now you guys don't know what we're going to do.

Ms. Ewan: As modified.

Commissioner Sarnoff: We can just be bored and just say, "Ah, you know what? It's been a long day; let's bring them back." See that pregnant pause --

Vice Chair Hardemon: No.

Commissioner Sarnoff: You got to be nervous about that.

Vice Chair Hardemon: You know, Commissioner Sarnoff, you said something when you talk about we come -- we left it to our partners in the east, and you were speaking of Miami Beach. But Miami Beach doesn't compete with the City of Miami; Miami Beach competes with Houston, Orlando. I mean, this is a national competition when you're talking about having that type of space, convention center space. So what we are embarking on is a step in the right direction to build something new to attract residents -- I mean, to attract visitors from all over the country and all over the world to come to Miami not just for our beaches, not just for shopping, but also for conventions, major conventions, so -- you know, this is just -- it's a major win for the community. It's a no-brainer.

Commissioner Sarnoff: So before they have consternation over there, which looks like they're having, I will move to adopt the Planning director's conditions and move to support this.

Commissioner Suarez: Second.

Chair Gort: It's been moved --

Commissioner Suarez: -- again.

Chair Gort: -- and second. Any discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

Ms. Escarra: Thank you. Thank you very much.

Applause.

Chair Gort: Please, please. We got a long agenda. Please.

PZ.5

14-00088ac

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE AN ALLEY LOCATED BETWEEN SOUTHWEST 7TH STREET AND SOUTHWEST 8TH STREET, AND BETWEEN SOUTHWEST 57TH AVENUE AND APPROXIMATELY 310 FEET TO THE EAST OF SOUTHWEST 57TH AVENUE, MIAMI, FLORIDA.

14-00088ac CC 04-24-14 Fact Sheet.pdf
14-00088ac Department Analyses, Maps, & PZAB Reso.pdf
14-00088ac Application & Supporting Documents.pdf
14-00088ac CC Legislation (Version 2).pdf
14-00088ac Exhibit A.pdf

LOCATION: Approximately Between SW 7th Street and SW 8th Street, and Between SW 57th Avenue and Approximately 310 Feet to the East of SW 57th Avenue [Commissioner Francis Suarez - District 4]

APPLICANT(S): Iris Escarra, Esquire, on behalf of Astor 57th, LLC, Developer, Manuel Lemus and Manny's Auto Service, Jose M. and Jose Albert Gonzalez, Lazaro and Lilia Cabezas, Roberta, Zoe and Hortensia Martinez, Esther Soto and Ana Maria Soto, and Dina Kuperman, Owners

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval.

PLAT & STREET COMMITTEE: Recommended approval on September 5, 2013 by a vote of 6-0 subject to a platted easement being provided between the closed end of the alley and SW 7th Street for emergency ingress/egress and for the private use of the homeowners of Block 10, Tamiami Highland Subdivision.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with conditions* on March 19, 2014 by a vote of 8-2.

*See supporting documentation.

PURPOSE: This will allow a unified development site to accommodate a 15,000 square-foot retail building and related parking lot.

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Suarez
Absent: 2 - Commissioner(s) Carollo and Hardemon

R-14-0163

Chair Gort: Now, you're saying PZ.4 is time certain 5 o'clock?

Francisco Garcia (Director, Planning & Zoning): Yes, sir, and it is now 4:58. Would you like to take up PZ.5?

Chair Gort: Sure.

Mr. Garcia: Item PZ. 5 is a proposal for an alley closure. This is located at Red Road, between Southwest 7th And 8th Streets and Southwest 56th and 57th Avenues. This is contained wholly within property owned by the same property owner. Obviously, it's been reviewed by the Plat & Street Committee and recommended for approval; reviewed by the Planning, Zoning & Appeals Board and recommended for approval unanimous -- I'm sorry -- by a vote of 8-2; and it is also being recommended for approval by the Public Works Department and the Planning & Zoning Department. There are two conditions I want to note for the record. They are that the private alley, easement shall be flipped to Southwest 8th Street and that no on-street parking on Southwest 7th Street shall be permitted. There are also provisions in the proposal to connect the remainder of the alley, I guess east of the property, back to 8th Street for continuity sake so that there can be no interruption in the access to the alley itself. That said, we recommend approval,

and we defer to the applicant.

Commissioner Suarez: Move it with conditions.

Commissioner Sarnoff: Second.

Chair Gort: It's been moved by Commissioner Suarez; second by Commissioner Sarnoff.
Discussion.

Commissioner Suarez: Yes.

Chair Gort: Yes, sir.

Commissioner Suarez: I'm very thankful that someone is developing that parcel, because we're eliminating a go-go bar in my district, so -- there's prostitution on 8th Street and Flagler, up and down 8th Street and Flagler, so to the extent that new business owners want to invest in those corridors and get rid of some of the existing businesses that are promulgating that activity, that are promoting that activity, or that are at least being passive with respect to that activity, is a great thing for the City and for District 4, so thank you, Commissioners. I urge you to support this.

Chair Gort: Thank you. We will. Anyone in the public would like to address it, PZ.5? Seeing none, showing no. Close the public hearings, have comments by -- any further discussion? I just like to say it's about time we started moving investment into that neighborhood, which is very important. I think the Brickell downtown area and all that area is very important, but also our neighborhood, and I welcome all those investments. Welcome to the -- Do we have any --? No further discussion? It's not an ordinance. All in favor, state it by saying aye."

The Commission (Collectively): Aye.

Iris Escarra: Thank you.

Commissioner Suarez: Thank you.

PZ.6

13-01452lu

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTIES LOCATED AT APPROXIMATELY 7890 NORTHEAST BAYSHORE COURT AND 7889 NORTHEAST BAYSHORE DRIVE, MIAMI, FLORIDA, FROM "RESTRICTED COMMERCIAL" TO "PUBLIC PARKS AND RECREATION"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

13-01452lu CC 04-24-14 SR Fact Sheet.pdf

13-01452lu Analysis, Maps & PZAB Reso.pdf

13-01452lu CC Legislation (Version 2).pdf

13-01452lu Exhibit A.pdf

LOCATION: Approximately 7890 NE Bayshore Court and 7889 NE Bayshore Drive [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Daniel J. Alfonso, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on February 5, 2014 by a vote of 11-0. See companion File ID 13-01452zc.

PURPOSE: This will change the above properties from "Restricted Commercial" to "Public Parks and Recreation".

Motion by Vice Chair Hardemon, seconded by Commissioner Suarez, that this matter be ADOPTED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

13450

Chair Gort: PZ.6.

Francisco Garcia (Director, Planning & Zoning): Next item, sir, are PZ.6 and PZ.7. They are companion items. They are a proposal for a land use change and a zoning amendment to properties at 7890 Northeast Bayshore Court and 7889 Northeast Bayshore Drive. These are before you as second reading items, and the result of this zoning change will be to take property that is presently zoned T5-O to CS, or civic space, for purposes of building and maintaining a park which has been deeded to the City of Miami. This is a City application. We recommend approval, and the Planning, Zoning & Appeals Board also recommended approval and its time of -- by a vote of 11-0. I'm happy to answer any questions you may have.

Chair Gort: Thank you.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Yes, sir.

Vice Chair Hardemon: I move to approve.

Chair Gort: It's been moved by --

Commissioner Suarez: Second.

Chair Gort: -- Vice Chairman Hardemon; second by Commissioner Suarez.

Commissioner Suarez: Yep.

Chair Gort: This is a public hearing. Anyone in the public would like to address PZ.6 and PZ.7?

Ken Jett: You didn't get my form. Ken Jett, 8320 East Dixie Highway. I wanted to say thank you. This is our silver lining to the out-of-scale development. I do have a question, and it may

not be the right place to ask it. Now how do we get this park developed? I didn't know if that was part of the original MUSP (Major Use Special Permit) or if just the space was the part of the original MUSP. So to get it developed, I have to knock on --?

Commissioner Sarnoff: Well, him, but --

Mr. Jett: Great. But I did want to say thank you. It's nice to see a silver lining occasionally.

Commissioner Suarez: Don't you feel so well represented in your district? I'm setting you up.

Vice Chair Hardemon: I don't -- just say "yes."

Mr. Jett: Yes, yes.

Commissioner Suarez: You know where I'm going with this, right, Commissioner Sarnoff?

Commissioner Sarnoff: Absolutely.

Commissioner Suarez: Host redistricting?

Mr. Jett: Yes.

Commissioner Suarez: Thank you.

Mr. Jett: Thank you

Chair Gort: Any further discussion?

Commissioner Suarez: I have a long memory.

Chair Gort: Anyone? Seeing none, showing none, all in -- No, this is --

Nicole N. Ewan (Assistant City Clerk): Ordinance.

Chair Gort: -- second reading. Sorry; it's an ordinance.

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

Ms. Ewan: Roll call on item PZ.6.

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

Ms. Ewan: Item PZ.6 is adopted on second reading, 4-0.

PZ.7**13-01452zc****ORDINANCE****Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT APPROXIMATELY 7890 NORTHEAST BAYSHORE COURT AND 7889 NORTHEAST BAYSHORE DRIVE, MIAMI, FLORIDA, FROM "T5-O" URBAN CENTER ZONE TO "CS" CIVIC SPACE ZONE; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

13-01452zc CC 04-24-14 SR Fact Sheet.pdf
13-01452zc Analysis, Maps & PZAB Reso.pdf
13-01452zc CC Legislation (Version 2).pdf
13-01452zc Exhibit A.pdf

LOCATION: Approximately 7890 NE Bayshore Court and 7889 NE Bayshore Drive [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Daniel J. Alfonso, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on February 5, 2014 by a vote of 11-0. See companion File ID 13-01452lu.

PURPOSE: This will change the above properties from "T5-O" to "CS". **Item does not include a covenant.**

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

13451

Note for the Record: Please refer to item PZ.6 for additional minutes related to item PZ.7.

Chair Gort: PZ.7.

Victoria Méndez (City Attorney): An ordinance of the Miami City commission, with attachments, amending the zoning atlas of ordinance --

Nicole N. Ewan (Assistant City Clerk): We need a motion.

Vice Chair Hardemon: Well --

Commissioner Sarnoff: I was --

Vice Chair Hardemon: No, no.

Ms. Ewan: For PZ.7.

Chair Gort: For PZ.7.

Vice Chair Hardemon: I'll move it.

Commissioner Sarnoff: Second.

Ms. Ewan: I need a mover.

Commissioner Sarnoff: He was.

Vice Chair Hardemon: I moved.

Ms. Ewan: I'm sorry.

Commissioner Sarnoff: I spoke over him; I apologize, Madam Clerk.

Vice Chair Hardemon: I have a soft voice.

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

Ms. Ewan: Roll call on item PZ.7.

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

Ms. Ewan: Item PZ.7 is adopted on second reading, 4-0.

PZ.8**ORDINANCE****Second Reading****13-01088zt**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 3, ENTITLED "GENERAL TO ZONES", TO CLARIFY EXISTING REGULATIONS AND TO ADD NEW PROVISIONS WITHIN THE PUBLIC BENEFITS PROGRAM TO ALLOW THE DONATION OF PARK IMPROVEMENTS TO SATISFY THE PUBLIC BENEFITS REQUIREMENTS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

13-01088zt CC 04-24-14 SR Fact Sheet.pdf

13-01088zt PZAB Reso.pdf

13-01088zt CC Legislation (Version 4).pdf

LOCATION: Citywide

APPLICANT(S): Daniel J. Alfonso, City Manager, on behalf of the City of Miami

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on November 20, 2013 by a vote of 8-0.

PURPOSE: This will allow the donation of park improvements to satisfy the public benefits requirement.

Motion by Commissioner Suarez, seconded by Vice Chair Hardemon, that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

13452

Chair Gort: PZ.8.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Item PZ.8 is before you on second reading. This is an amendment to the Zoning Ordinance Miami 21, and we are recommending approval of it, as did the Planning, Zoning & Appeals Board by a vote of eight-nothing. I will explain briefly what the contents of the proposal is. As you are well aware,

the Miami Zoning Ordinance has already a public benefits program which allows developers to contribute into the trust funds both to purchase parkland and also to purchase affordable housing units or, alternatively, to contribute land to function as parks in open space. This amendment proposes yet another program whereby a developer would be able to make improvements to existing City facilities, City parks, and in so doing, they would be able to obtain the value of the improvements made as equivalent to a contribution to the trust fund as a base line citywide on a one-dollar improvement, one-dollar contribution ratio. What this ordinance also does to serve as an incentive for underserved areas in the City of Miami is it doubles that rate, so \$2 contribution to \$1 improvement for areas under the median income. And there is one amendment, or one scrivener's error, that I wanted to point out for your reference also. The ordinance contains language that is a little bit confusing. It speaks of 50 percent area median income. That 50 percent is a scrivener's error. Please ignore that, and it should read "area median income." So below area median income, the benefit will be double; over area median income, which is presently at \$49,000 per household, then under that it would be one-to-one ratio. I'm happy to --

Commissioner Suarez: Move it as --

Mr. Garcia: -- answer any questions --

Commissioner Suarez: -- modified.

Mr. Garcia: -- you may have.

Commissioner Suarez: Move it as modified.

Vice Chair Hardemon: Second.

Chair Gort: It's moved as modified. It's second by Vice Chairman --

Vice Chair Hardemon: And I would like to say something. And I really appreciate, Francisco, you for helping me in this. When I first read the ordinance, I thought that there needed to be something to really and truly help parks that were in communities that were underserved, and when I would see developments that would happen on Biscayne, I would see the little pocket parks that were created, beautiful pieces of space, but then watch in an underserved area a park really just disintegrate. I mean, just -- it almost became desecrated space. This is a way -- and I thought that citywide -- where we could benefit, where people -- we can direct these developers to invest dollars in places where children frequent this park, and I think that the money, if the incentive is right, will not only provide the right type of incentive for them to give there, but then if they give with their heart, it makes it that much greater, and I think there are -- the City of Miami as a whole benefits from this program so.

Commissioner Suarez: Mr. Chair, if I may?

Chair Gort: Thank you. Yes, sir, you're recognized.

Commissioner Suarez: I also want to thank Francisco, 'cause it's hard to balance. You know, sometimes we have different districts, and we're trying to do something that's citywide, and we're trying to balance a variety of different competing interests. And I thank my colleagues too, because they passed it on first reading instead of, you know, deferring it, you know, with the trust that you would be able to fix, you know, and kind of make the legislation work, you know, for the entire City based on the different needs of the district. So I commend you for that. Good work.

Chair Gort: Thank you. And I understand CDBG (Community Development Block Grant) areas will probably qualify for all this park, so that'll be a lot easy to be -- the places will be selected.

This time, this is a public hearings [sic], and I have a gentleman by Ken Jett who would like to speak. Not on this; you already spoke.

Commissioner Suarez: Oh, they must have -- he must have got --

Chair Gort: (UNINTELLIGIBLE), okay.

Commissioner Suarez: -- gotten it with the other one.

Chair Gort: Iris Escarra, you already spoke, okay.

Commissioner Suarez: Yeah, that's fine.

Chair Gort: All right. So anyone else in this public would like to come forward? Seeing none, hearing none --

Vice Chair Hardemon: Well, I will say that, Iris, I know you heard that you can now make donations to the areas where there is great need.

Iris Escarra: I have clients lined up. They're waiting.

Vice Chair Hardemon: Okay.

Commissioner Suarez: Awesome.

Ms. Escarra: This is actually a very good thing for the City.

Commissioner Suarez: Awesome.

Vice Chair Hardemon: Very, very.

Chair Gort: Great. Thank you.

Vice Chair Hardemon: Thank you.

Chair Gort: Okay, close the public hearings [sic]. It's a second reading.

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

Nicole N. Ewan (Assistant City Clerk): Roll call on item PZ.8. Commissioner Sarnoff?

Commissioner Sarnoff: On PZ.8, right?

Ms. Ewan: Yes.

Commissioner Sarnoff: I'm not as convinced as my colleagues, but I'll vote yes."

Ms. Ewan: Vice Chair Hardemon?

Vice Chair Hardemon: For.

Ms. Ewan: Commissioner Suarez?

Commissioner Suarez: Yes.

Ms. Ewan: Chair Gort?

Chair Gort: Yes.

Ms. Ewan: Item PZ.8 is adopted on second reading, as modified, 4-0.

Chair Gort: PZ.9.

Mr. Garcia: Thank you, sir. And briefly, a brief point of privilege, I would be remiss if I didn't also thank the office of deputy City Manager Alice Bravo and her team for assisting us greatly in coupling together the ordinance you just approved.

PZ.9**ORDINANCE****First Reading****06-01026lu1**

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 FUTURE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY AT APPROXIMATELY A PORTION OF 7000 BISCAYNE BOULEVARD, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "LOW DENSITY RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

06-01026lu1 Analysis, Maps, PZAB Reso, & Sch. Concurrency.pdf

06-01026lu1 Application & Supporting Documents.pdf

06-01026lu1 CC Legislation (Version 2).pdf

06-01026lu1 Exhibit A.pdf

06-01026lu1 CC 05-22-14 SR Fact Sheet.pdf

LOCATION: Approximately a Portion of 7000 Biscayne Boulevard
[Commissioner Keon Hardemon - District 5]

APPLICANT(S): Gilberto Pastoriza, Esquire, on behalf of 7000 Biscayne, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on March 5, 2014 by a vote of 8-0. See companion File ID 06-01026zc1.

PURPOSE: This will change the above property from "Duplex Residential" to "Low Density Restricted Commercial".

Motion by Vice Chair Hardemon, seconded by Commissioner Suarez, that this matter be PASSED ON FIRST READING PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Francisco Garcia (Director, Planning & Zoning): Items PZ.9 and PZ.10 are companion items. These are a land use change and a rezoning proposal for a property located approximately at 7000 Biscayne Boulevard. The change proposed is from T3-L to T4-L, and there has been a covenant proffered by the applicant which limits the use that can be made of the land rezoned simply for a surface parking lot. The purpose of the request is to have the surface parking lot built and, of course, buffered from the abutting properties to serve in an auxiliary capacity to an existing use fronting on Biscayne Boulevard with a covenant proffered. We are recommending approval to this Commission and also, the Planning, Zoning & Appeals Board at its time recommended approval by a vote of 8-0. I'll answer any questions you may have.

Chair Gort: Thank you. Yes, sir, you're recognized.

Gilberto Pastoriza: Mr. Chairman, Commissioners. Gilberto Pastoriza, 2525 Ponce de Leon. I'm representing here 7000 Biscayne, LLC (Limited Liability Company), who's the owner of the properties. And basically, this -- all we're trying to do here is maintain the current parking facilities that we have to serve the business and restaurants that front Biscayne Boulevard. They do not have any parking, unless they park in the rear. This property back in the other -- under the old ordinance had an SD-12 overlay which allowed surface parking. When Miami 21 came along, it rezoned it to T3, which does not allow surface parking. So all we're trying to do is to keep the surface parking to serve the restaurants and the uses along Biscayne Boulevard. We have proffered a covenant, and we proffered at the Planning & Zoning Board meeting whereby -- they're two significant items. One, limited T4-L property as legally described in Exhibit "B" to all uses permitted under T3 and only surface parking under the T4-L uses. And then we -- at the time of building permit, we will be complying with all of the landscaping regulations under Miami 21, specifically Section 9.7, which provides quite a bit of buffer from the residential neighborhoods to the west. I have, you know, reserved --

Chair Gort: Thank you.

Mr. Pastoriza: -- some time for rebuttal, if any, and I'm here to answer any questions.

Chair Gort: Thank you, sir. Is anyone in the public would like to address this issue, PZ.9? Is anyone in the public? Seeing none, hearing none --

Vice Chair Hardemon: I move it.

Chair Gort: It's been moved by Vice Chairman Hardemon. Is there a second?

Commissioner Suarez: Second.

Chair Gort: Second by Commissioner Suarez. Discussion. Being none, it's an ordinance.

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

Nicole N. Ewan (Assistant City Clerk): Roll call on item PZ.9.

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

Ms. Ewan: Item PZ.9 passes on first reading, 4-0.

Chair Gort: Thank you.

PZ.10
06-01026zc1

ORDINANCE

First Reading

ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T3-L" SUB-URBAN ZONE-LIMITED TO "T4-L" GENERAL URBAN ZONE-LIMITED, FOR THE PROPERTY LOCATED AT APPROXIMATELY A PORTION OF 7000 BISCAYNE BOULEVARD, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

06-01026zc1 Analysis, Maps, & PZAB Reso.pdf

06-01026zc1 Application & Supporting Documents.pdf

06-01026zc1 CC Legislation (Version 2).pdf

06-01026zc1 Exhibit A.pdf

06-01026zc1 CC 05-22-14 SR Fact Sheet.pdf

LOCATION: Approximately a Portion of 7000 Biscayne Boulevard
[Commissioner Keon Hardemon - District 5]

APPLICANT(S): Gilberto Pastoriza, Esquire, on behalf of 7000 Biscayne, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on March 5, 2014 by a vote of 8-0. See companion File ID 06-01026lu1.

PURPOSE: This will change the above property from "T3-L" to "T4-L". **Item includes a covenant.**

Motion by Vice Chair Hardemon, seconded by Commissioner Suarez, that this matter be PASSED ON FIRST READING PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Note for the Record: Please refer to item PZ.9 for additional minutes related to item PZ.10.

Chair Gort: PZ.10.

Vice Chair Hardemon: Move it.

Commissioner Suarez: Second.

Chair Gort: It's been moved by Vice Chairman Hardemon; second by Commissioner Suarez. We had the public hearings [sic]. Public hearing's closed. Any discussion? Being none, it's an ordinance.

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

Nicole N. Ewan (Assistant City Clerk): Roll call on item PZ.10.

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

Ms. Ewan: Item PZ.10 passes on first reading, 4-0.

Gilberto Pastoriza: Thank you.

Chair Gort: Thank you.

PZ.11

ORDINANCE

First Reading

14-00052lu

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 FUTURE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTIES AT APPROXIMATELY 230, 234 AND 250 NORTHWEST 24TH STREET, MIAMI, FLORIDA, FROM "LIGHT INDUSTRIAL" TO "GENERAL COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00052lu Analysis, Maps, PZAB Reso, & Sch. Concurrency.pdf

14-00052lu Application & Supporting Documents.pdf

14-00052lu CC Legislation (Version 2).pdf

14-00052lu Exhibit A.pdf

14-00052lu CC 05-22-14 SR Fact Sheet.pdf

LOCATION: Approximately 230, 234 and 250 NW 24th Street [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Steven J. Wernick, Esquire, on behalf of Wynwood 250, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on March 5, 2014 by a vote of 7-1. See companion File ID 14-00052zc.

PURPOSE: This will change the above properties from "Light Industrial" to "General Commercial".

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Chair Gort: PZ.11

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Items PZ.11 and PZ.12 are companion items. These are a land use and a rezoning for -- I'm sorry -- land use change and a rezoning proposal for properties at approximately 230, 34, and 50 Northwest 24th Street, in the Wynwood area. This is, if memory serves, the third similar application that you have received for a rezoning in this area, which is presently undergoing a master planning process and where we hope to have the zoning realigned to better serve the development needs of the area. In particular, this application is before you for a change that would result in the replacement of the present light industrial zoning, which is D1, with T6-8-O. A T6-8-O allows for mixed-use development up to a height of eight stories. There is a covenant proffered by the applicant that limits the height, and pursuant to the covenant and also pursuant to the recommendation for

approval of the Planning, Zoning & Appeals board, we are also recommending approval of these applications.

Chair Gort: Yes, sir, you're recognized.

Steve Wernick: Good evening. Steve Wernick, offices at 1 Southeast 3rd Avenue, Miami, Florida, on behalf of the applicant, Wynwood 250, LLC (Limited Liability Company). With me this afternoon is David Polinsky, Brad Carlson, principals of Wynwood 250, LLC. I'll keep it very brief. This item is a rezoning from D1 to T6-8-O with a companion land use amendment. The real purpose behind this is to allow for more residential use within Wynwood. Currently under the D1, very limited; 36 units an acre and only work/live as the only permitted residential type, so this would allow us to create more residential opportunities within Wynwood. The site is currently vacant. There's a two-phase approach to this project, with the first part being a little bit lower density; the second part being smaller units and, you know, open to a more affordable base and -- whether it's artists or young professionals in the area; really creating opportunities for people to live, work, and play in Wynwood, diversifying the area. I would say, we are proffering a covenant that would limit the height to eight stories so that we would not be taking advantage of the bonuses that are typically afforded to developers in T6-8. That keeps us consistent with the development pattern in Wynwood which, under D1, is also eight stories. We have great support from the neighborhood. Everyone's worked very cooperatively together. We have letters of support from neighbors, from the Business Improvement District, from the Wynwood Arts District. I'll submit those into the record and pass them out. And I do just want to just ask David Polinsky to come up for a couple minutes, talk a little bit about the project and his vision.

David Polinsky: Thanks so much. I'm David Polinsky, one of the principals on the 250 Wynwood project. We bought our parcel, which is approximately a half acre, two years ago. We've always been in love with the neighborhood. Everybody seems to love Wynwood. And we appreciate all the support that the Commission has shown in the past for the development -- further development of Wynwood. There's exciting office spaces for creative bars and restaurants and, of course, lots and lots of arts programming, but what there's a real shortage of, particularly in the southern part of the Wynwood Arts District, is housing. I did a short drive this morning three blocks east and west of our site and I counted, and there's just five houses on the entire six-block area; so, basically, we have one home per block, which is akin to the housing density of farmland in Kansas. We want to build housing that's appropriate for the neighborhood, so we've worked very hard to try and integrate art into the exterior of the building. If you look at the façade, you can see that we're trying to embrace the spirit of maintaining Wynwood as a 24-hour-a-day museum for the public, but also a place that people can live and work in the future, and I believe we'll be the first new construction project out of the ground. Obviously, we found some challenges in Miami 21 D1 zoning. We're the first new construction work/live project. This application really exists to try and overcome some of those obstacles. Because as we've gone to market and talked to potential end users in these spaces, we found that the market really favors smaller units which would be more affordable, and at the moment, under 36 units per acre, we're forced to build oversized units, so I think this is -- which is exactly what the neighborhood -- well, we'll probably take up on our first phase, but over the long run, we want to make it affordable for young creative people to move into, and we hope to establish a model for boutique housing that will work in other districts in the City. Thanks so much.

Chair Gort: Thank you. Is anyone in the public -- being a public hearings [sic], anyone in the public would like to address this?

Albert Garcia: Good evening, Mr. Chairman, Commissioners. Albert Garcia, 2050 North Miami Avenue. I'm speaking today before you as the vice chairman of the board of directors of the Wynwood BID (Business Improvement District). The -- our planning and zoning committee

and, of course, our board of directors have unanimously supported the applicant in his quest to bring more residential projects to Wynwood, in particular with his change from light industrial to general commercial and D1 to T6-8. We believe these are obviously great changes for the district, and we'd like for you to know that the applicant has worked very closely with the community throughout the project. So thank you.

Chair Gort: Thank you. Is anyone else?

Joseph Furst: Hello. Good afternoon. Joe Furst, 2750 Northwest 3rd Avenue, Miami, Florida, Wynwood, Florida, chairman of the Wynwood Business Improvement District and managing director of Goldman Properties; just here to express our support on the Goldman Properties side for David's project. Having David in the neighborhood has been a true asset and a true value for us as we continue to make Wynwood a better place, and the project that he's developing is a perfect example of where we hope to go in the future with some of our other vacant land sites. So thank you and I hope you consider his application favorably.

Chair Gort: Thank you. Anyone else? Seeing none, hearing none, close the public hearing.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: You're recognized, Vice Chairman Hardemon.

Vice Chair Hardemon: Thank you very much. I think we're all very well aware of what's happening in Wynwood in -- but the transformation started with really commercial buildings. It was the commercial buildings that were being reused in a fashion that was re-energizing the community, and there is a shortage of housing in Wynwood. And so it's funny that we have this conversation. I have a good friend of mine who just recently moved from Australia. She moved back to Miami and she's been in Wynwood a lot, and so I -- she text me today and she said, Oh, I love the area. I'm thinking about moving there. "I didn't burst her bubble, but I wanted to say, "Good luck," because there is not enough housing in Wynwood for her --

Commissioner Suarez: Moving where?

Vice Chair Hardemon: -- to move into. Right. Or the properties are owned by people who have been there for a very long time or being purchased and things of that nature. So it's exciting to see residential development starting to happen so that we have more people moving back to the community. We can have additional residents that can afford to actually live there. And I think the size of the residence definitely plays a part in who can afford to be there, because when you start charging a certain dollar per square foot, suddenly I don't mind having a 600-square-foot unit versus a 1500-square-foot unit. So this is an exciting time. And I think Wynwood 250 understands that in order to continue to attract the same type of patrons to the Wynwood area, you have to make housing that is affordable to those types of people. If not, you'll have a people moving to Wynwood expecting a quiet environment like they do in downtown. I'm just messing with him. So I'm in favor of this, and I move that we pass the ordinance.

Chair Gort: Okay, it's been moved by Vice Chairman Hardemon. Is there a second?

Commissioner Sarnoff: Second.

Chair Gort: Second by Commissioner Sarnoff. Commissioner, I'm not going to give you the history of this site, but let me tell you, this is -- coming to Miami is coming through, seeing all the development that's taking place in all these neighborhoods. There used to be warehouses; factories are no longer there, and now the new art -- this is what art and culture will do for neighborhoods. So thank you all for being here, and I appreciate it and I'm for it. Any further discussion? Being none, it's an ordinance.

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

Nicole N. Ewan (Assistant City Clerk): Roll call on item PZ.11.

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

Ms. Ewan: Item PZ.11 passes on first reading, 4-0.

PZ.12**ORDINANCE****First Reading****14-00052zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "D1" WORK PLACE DISTRICT ZONE TO "T6-8-O" URBAN CORE ZONE-OPEN, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 230, 234 AND 250 NORTHWEST 24TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00052zc Analysis, Maps, & PZAB Reso.pdf

14-00052zc Application & Supporting Documents.pdf

14-00052zc CC Legislation (Version 2).pdf

14-00052zc Exhibit A.pdf

14-00052zc-Submittal-Steven Wernick-letter of support of Wynwood.pdf

14-00052zc CC 05-22-14 SR Fact Sheet.pdf

LOCATION: Approximately 230, 234 and 250 NW 24th Street [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Steven J. Wernick, Esquire, on behalf of Wynwood 250, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on March 5, 2014 by a vote of 7-1. See companion File ID 14-00052lu.

PURPOSE: This will change the above properties from "D1" to "T6-8-O". **Item includes a covenant.**

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Note for the Record: Please refer to item PZ.11 for additional minutes related to item PZ.12.

Chair Gort: PZ.12, companion item.

Vice Chair Hardemon: So moved.

Commissioner Sarnoff: Second.

Chair Gort: *It's been moved --*

Commissioner Suarez: *Second.*

Chair Gort: *-- by Vice Chairman Hardemon; second by Commissioner Sarnoff. Open to the public. Close it to the public 'cause we had a public hearings [sic] already. It's an ordinance.*

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

Nicole N. Ewan (Assistant City Clerk): *Roll call on item PZ.12.*

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

Ms. Ewan: *Item PZ.12 passes on first reading, 4-0.*

PZ.13**ORDINANCE****First Reading****14-00053lu**

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 FUTURE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY AT APPROXIMATELY 622 NORTHEAST 80TH STREET, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL" TO "RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

14-00053lu Analysis, Maps, & PZAB Reso.pdf

14-00053lu Application & Supporting Documents.pdf

14-00053lu CC Legislation (Version 2).pdf

14-00053lu Exhibit A.pdf

14-00053lu CC 05-22-14 FR Fact Sheet.pdf

LOCATION: Approximately 622 NE 80th Street [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Tony Recio, Esquire, on behalf of Pier Real Estate II, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on March 19, 2014 by a vote of 7-4. See companion File ID 14-00053zc.

PURPOSE: This will change the above property from "Medium Density Multi-Family Residential" to "Restricted Commercial".

Motion by Vice Chair Hardemon, seconded by Commissioner Suarez, that this matter be CONTINUED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

Note for the Record: Item PZ.13 was continued to the May 22, 2014 Planning and Zoning Commission Meeting.

Chair Gort: PZ.13.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Items PZ.13 and PZ.14 are companion items. This is a proposed land use change and a rezoning for a property located at 622 Northeast 80th Street. This is before you on first reading, and the proposal is to change the land use and zoning designation so that the end result would be that it would go from its present designation of T5-R to T6-8-O. The Planning, Zoning & Appeals Board made two motions; for neither of which were they able to obtain a majority. However, their failure to obtain a majority in favor or against constitutes a denial, so the recommendation that's coming to you from the PZAB (Planning, Zoning & Appeals Board) is one for denial by a vote of 4-7. I'd like to take a moment to explain some of the details of this item. I'll be quick, as I know the applicant has more details for you. On the land use map amendment side, I would ask you to refer to the backup graphics, and you will notice that this is a bit of an anomaly, as there is a gap between what is restricted commercial land use to the north, restricted commercial land use to the south, and there is a gap between those two of medium density multi-family residential, which affects only this property. To the extent that zoning and land use like straight lines, basically what is being proposed here is to straighten out that line. For that reason, for the land use change we're recommending approval really without reservations, if it seems to make quite a bit of sense. Now, for the zoning side, there is also a bit of an anomaly as to the north across 80th Street. The zoning is T6-8-O; to the south, it's T5-O; and this property is a gap of residential zoning T5-R. They're -- either T5-O or T-6-8-O would make sense, but T6-8-O certainly makes more sense in the sense of straightening out the line than T5-R does. That said, we've noted through the public hearing process that there is significant neighborhood concern -- my apologies -- and you'll be hearing from some of them today. To address, to some extent, those concerns, the applicant has proffered a covenant which restricts the uses of the property to the more benign uses allowed within the "O" designation away from commercial and predominantly to either residential or office. That would go some way towards addressing concerns about probable traffic intrusion. That said, the context, in our opinion, does warrant the approval of this application; and for that reason, we have recommended approval for both accepting the covenant, of course, that has been proffered by the applicant. And the last statement I'll make is we have not -- we, the Planning & Zoning Department, have not had an ability to meet with the abutting property owners. We'd like to do that at some point and time in the future, perhaps between first and second reading, if you see fit to recommend accordingly. That's all I have. Thank you.

Chair Gort: Thank you. Yes, sir.

Tony Recio: Thank you, Mr. Chair, members of the Commission. For the record, my name is Tony Recio, law office at 2525 Ponce de Leon Boulevard, in Coral Gables. I'm here representing Pier Investments, the owners of the property. I'm very happy to be here before you in this application that will contribute to this activity node at 79th Street and Biscayne Boulevard, a very important activity node going forward. One thing I would like to clarify regarding what occurred at the Planning, Zoning & Appeals Board. The land use amendment portion of this application -- as you know, they are companion items -- that was approved. That was recommended for approval by a vote of 7-4 by the PZAB (Planning, Zoning & Appeals Board). It was the rezoning that was a motion to approve that did -- that failed for lack of votes. So that's the way that went down. So it was actually -- the land use amendment was recommended for approval. Now, what we're seeking is a straightforward comprehensive plan change in rezoning application. We're going -- we're seeking to go from T5-R, which would not allow office or commercial uses of any sort, to convert that to a T6-8-O. It's also seeking medium density residential to restricted commercial. As Mr. Garcia explained, as far as the restrictive

commercial category, what we have is restricted commercial is a -- it's not a straight line, in any sense of the word, along Biscayne Boulevard on the east side. There are jagged cut-outs everywhere. Among such cut-outs, this is -- this property has restricted commercial to the north, restricted commercial to the west, and restricted commercial to the south. This particular property is in an interesting block. This 80th Street, which cuts across, actually is blocked off from any access of any kind into Shorecrest. Shorecrest is a very well established single-family neighborhood; some of the streets are blocked. They are -- access and all of that is by design. There is restricted access. Shorecrest is actually protected on two sides close to this property on 80th Street and on 7th Avenue, just north of 79th. This is completely blocked. This is completely blocked. It's not like some of the other blockages which allow either in or out, depending on where they are. This one is a complete block of a street. This area here, the way -- the reason I've shaded it in is because it is not single family. It has never been single family. What it is is a medium density residential and T5-O. It being T5-O, you would think that's -- I'm sorry, T5-R. It has -- that allows the ability to build up to five stories and multifamily housing. Unfortunately, there has not been that kind of redevelopment or that kind of investment into this neighborhood ever. The -- 4 of the 12 parcels that are here are vacant, 1 of which is this property. The newest building on this block was built in 1952. There simply hasn't been the investment in this area. Now, why is this important to this activity node? I keep calling it an activity node. There is commercial -- there's abundant commercial. There are a couple of redevelopment opportunities within existing buildings. One occurred; that was the bank building, which is a successful -- very successful development. This is the immigration building, which we hope will be a very successful development. There are some retail opportunities, but it's really underserved in terms of retail. It's -- and I think there's a reason for that. Retail requires two hands to make -- to be able to work, okay, and you'll see that in successful areas where retail is -- really works. The way it works is you need to have a residential density that's capable of supporting the retail, and then you need an office in an office services capacity. That way, you get round-the-clock use of the retail. When you just have residential, they use it at night, they use it on the weekends, but you don't get the daytime uses. What you need to do is create a critical mass. That's where office developments become important. Office developments have some added bonuses to them. They provide employment for the area, and they provide services in close proximity to where the residents live. Now, this area is a very hot area. I'm sure you all have had heard and been approached regarding redevelopment in this area. This is the next spot in Miami that is becoming very popular with investors. I think they want to start moving this area forward, and I think that's a positive thing for the area. What we want to do is contribute to that, allow this depth of this commercial corridor to match what it is everywhere else, at the very least, and to provide some office opportunities. So, really, the point of this is to provide some office opportunities. Now, as I said, we don't think there will be any kind of traffic impact on this street, because there is no through street. People will access this site via Biscayne Boulevard and 80th Street and will come right back on Biscayne. There is no need -- no reason to come this way, because there's no connectivity. Because of that, because of the way this is situated, because of the already-established commercial depth that is not present at this location, for all those reasons, staff was recommending approval, the PZAB saw the comp plan application and recommended approval, so we certainly hope that you can support this this evening, and to the extent that -- I know that there are some people here that want to speak on this agenda. Now, I have had the opportunity to speak to Mr. Jett previous, and we will be meeting with his association. If we're lucky to proceed from first reading, we will be meeting with his association between first and second reading certainly. We look forward to those discussions and conversations and hopefully --

Chair Gort: Thank you, sir.

Mr. Recio: -- get on the same page.

Chair Gort: Ken.

Mr. Recio: Thank you.

Ken Jett: Thank you, gentlemen. Ken Jett, 8320 East Dixie. I'm here representing Shorecrest HOA (Homeowners Association) on this item. I have a long list of items -- I don't know if you want me to read them to you or not -- out of the Miami Comprehensive Neighborhood Plan and why you should not --

Vice Chair Hardemon: It's not necessary.

Mr. Jett: -- do this.

Vice Chair Hardemon: I don't --

Mr. Jett: Great. Thank you.

Vice Chair Hardemon: Mr. Chairman. You can e-mail (electronic) them, e-mail them.

Mr. Jett: We're opposing this because it's commercial encroachment into our residential neighborhood. He -- Tony, unfortunately, led us to believe that Shorecrest begins at the barricade. No. There are single-family homes and multifamily homes on that strip of street. Shorecrest starts at the canal. You know the boundaries of Shorecrest. But this is akin to the Little River Club encroachment. It's another chance for encroachment to occur. An office building that's T6-8, where there's a vacant lot now, seems problematic when the Biscayne phasing parcel is a one-story building. The other buildings that they showed you to the north that are T6-8, those two parcels are both surface parking. The one north of that, which is the bank building, is an eight story that steps down to a one-story parking structure, that steps down to a surface parking lot, so there is a buffer there. South of that, yes, there're T5-O on 79th Street. Again, we're suggesting that we maintain the commercial corridors and to continue not to encroach into the residential neighborhoods. We are pro-development. We are more than happy to discuss the issue, between readings, with Tony and any other of his staff. So at this point, we're asking that you deny, as the PZAB did, the zoning. We also ask you to reconsider the PZAB decision to change the land use. Thank you.

Chair Gort: Thank you. Okay, anyone else? Close the public hearing. Yes, sir.

Mr. Recio: May I get a quick rebuttal, if I may, Mr. Chair?

Chair Gort: Yes.

Mr. Recio: A very quick rebuttal. I just wanted to make clear, these parcels are (UNINTELLIGIBLE).

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: You're recognized.

Vice Chair Hardemon: Thank you very much. Considering that there are issues that need to be further ironed out -- I think that you, Mr. Garcia, you've identified some issues. I know that I haven't had an opportunity to read the covenant. I know that there needs to be discussions with -- between the applicant and also the homeowners association. By all means, that does not mean that what the homeowners association believes is what should be. However, I do think that there is a necessity for, at least, all of us to put our issues on the table so that we can discuss them. And when we're faced with a situation, especially when I look at the zoning part of it where there is a recommendation for a denial, I think that the Commissioners, who I'm asking to vote one way or another, if I move this item, they have better understanding of why those things occurred.

They certainly would expect me to have a better understanding of why those things would occur. And as I sit before you, I would not be able to articulate that reason, and for that, I am uncomfortable, and when I am uncomfortable, I do not act in a fashion that is for the benefit of someone else. I, at least, will wait until my mind is clear. So with that being said, what I would like to do is move to defer this item to the third maybe -- what is the third meeting from now?

Nicole N. Ewan (Assistant City Clerk): The third meeting would be the June 12 City Commission meeting. That's the third meeting from this meeting.

Vice Chair Hardemon: And the one -- the meeting before that is May what?

Ms. Ewan: May 22.

Vice Chair Hardemon: May 22. April -- May 22 should suffice.

Ms. Ewan: So you move to continue to May 22?

Vice Chair Hardemon: Well, no. It would be -- it will still be a deferral, because to continue, the next one is May 8, right?

Ms. Ewan: The next like meeting would be the continuance.

Vice Chair Hardemon: Okay, so the next like meeting is the --

Commissioner Suarez: Second.

Vice Chair Hardemon: -- (UNINTELLIGIBLE) continuance, yes.

Chair Gort: Been moved by Vice Chairman Hardemon; second by Commissioner Suarez. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Vice Chair Hardemon: May 22, right?

Ms. Ewan: Correct.

Vice Chair Hardemon: Okay.

Mr. Recio: Thank you.

Vice Chair Hardemon: And that's for both items, PZ.13 and 14.

Chair Gort: PZ -- Yes.

Commissioner Suarez: The same for the next one.

Victoria Méndez (City Attorney): The same thing for 14.

Commissioner Suarez: Right.

Chair Gort: Yes.

Vice Chair Hardemon: It's for both.

Ms. Ewan: Yes.

Vice Chair Hardemon: It is for both.

Ms. Ewan: For both items.

Vice Chair Hardemon: Yes.

PZ.14**ORDINANCE****First Reading****14-00053zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T5-R" URBAN CENTER ZONE - RESTRICTED TO "T6-8-O" URBAN CORE ZONE-OPEN, FOR THE PROPERTY LOCATED AT APPROXIMATELY 622 NORTHEAST 80TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00053zc Analysis, Maps, & PZAB Reso.pdf

14-00053zc Application & Supporting Documents.pdf

14-00053zc CC Legislation (Version 2).pdf

14-00053zc Exhibit A.pdf

14-00053zc CC 05-22-14 FR Fact Sheet.pdf

LOCATION: Approximately 622 NE 80th Street [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Tony Recio, Esquire, on behalf of Pier Real Estate II, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval, which failed, constituting a denial to City Commission on March 19, 2014 by a vote of 4-7. See companion File ID 14-00053lu.

PURPOSE: This will change the above property from "T5-R" to "T6-8-O". **Item includes a covenant.**

Motion by Vice Chair Hardemon, seconded by Commissioner Suarez, that this matter be CONTINUED PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Note for the Record: Item PZ.14 was continued to the May 22, 2014 Planning and Zoning Commission Meeting.

PZ.15**ORDINANCE****First Reading****14-00055lu**

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 FUTURE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTIES AT APPROXIMATELY 3734, 3736 AND 3750 BIRD ROAD; 3031 SOUTHWEST 37TH COURT; AND 3090 SOUTHWEST 37TH AVENUE, MIAMI, FLORIDA, FROM "LIGHT INDUSTRIAL" TO "RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00055lu Analysis, Maps, PZAB Reso, & Sch. Concurrency.pdf

14-00055lu Application & Supporting Documents.pdf

14-00055lu CC Legislation (Version 2).pdf

14-00055lu Exhibit A.pdf

14-00055lu CC 05-22-14 SR Fact Sheet.pdf

LOCATION: Approximately 3734, 3736 and 3750 Bird Road; 3031 SW 37th Court; and 3090 SW 37th Avenue [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Ines Marrero-Priegues, Esquire, Authorized Legal Representative, on behalf of TREO Douglas Station, LLC, a Florida Limited Liability Company

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on March 5, 2014 by a vote of 8-0. See companion File ID 14-00055zc.

PURPOSE: This will change the above properties from "Light Industrial" to "Restricted Commercial".

Motion by Commissioner Sarnoff, seconded by Commissioner Suarez, that this matter be PASSED ON FIRST READING PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Chair Gort: Fifteen.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Item PZ.15 and PZ.16 are companion items. These are a land use amendment and a rezoning for a parcel or parcels, located at approximately 3734 and 50 Bird Road, 3031 Southwest 37th Court, and 3090 Southwest 37th Avenue. This is before you on first reading. And the proposal is to change the present zoning from light industrial D1 to T6-12-O, which is mixed-use high density. The Planning & Zoning Department recommends approval. The Planning, Zoning & Appeals Board also recommended approval by eight to nothing. This proposal for change reflects a trend in the area away from light industrial uses and toward mixed use and the context certainly recommends that it should be considered favorably. That's all I have by way of presentation. I'll answer any questions you may have.

Chair Gort: Okay. Yes, ma'am, you're recognized.

Ines Marrero-Priegues: Good evening, Mr. Chair, members of the Commission. My name is Ines Marrero, attorney with offices at 701 Brickell Avenue, here on behalf of TREO Douglas

Station LLC (Limited Liability Company), the applicant on PZ.12 -- I'm sorry -- PZ.15 and 16. As your director indicated, the application before you seeks to rezone and change the land use designation, a parcel of property from essentially light industrial to T6-8 to restricted commercial. This property is one of those where when you see where it is, you say, "Oh, yeah, that's what it is." It is on the corner of Bird Road and 37th Avenue. It's approximately -- oh, we're not on. I'm sorry. I'm scrolling through. Okay. It didn't work at PZAB. (Planning, Zoning & Appeals Board). So as you -- this is actually the most telling of the slides, the one that's up. This is the property that is on the corner of 37th and Bird Road and it -- if you turn left and you're southbound on US 1 and you turn left on Bird Road, you're going to have the old Volvo on your left, and then the next block there's -- on the corner used to be a gas station, which is not part of the application; it's the next property. It's that L-shaped parcel. It is currently designated light industrial, and we're requesting that it be redesignated restricted commercial, which is -- excuse me -- the dark red. And here you see in the map of Miami 21 how everything that is west of the property and south of the property is T6-12-O; and, in fact, the only things that remain light industrial are the FP&L (Florida Power & Light) transmitter facility on the north and all of the other related uses to the east, the car dealerships. But more importantly, it reflects the history of all the industrial properties in this section of the City of Miami, as well as Coral Gables. Everything that was industrial was on -- right next to the FEC (Florida East Coast) railroad lines, which then became the Metrorail. As this area has continued to evolve, the sections of Coral Gables that were industrial are no longer industrial. Now we have Merrick Park, which is the site of the former equipment yard for the City of Coral Gables, and Merrick Manor, and all the projects along Bird Road. And so the same thing is happening on the City -- I'll go back. The property to the west of us is currently being developed with a mixed-use 262-story property -- project by Mill Creek further down the street. We have Hines developing also another project. So this area is no longer going to be industrial. This area is going to be compatible with its proximity to Douglas Station, which is also, I understand, going to be the subject of a mixed-use project in conjunction with Miami-Dade County. And so this is an appropriate rezoning. This is a trend of development. This is what everybody will go, "Oh, yeah, that property." That's the existing building on -- along Peacock Avenue is the former Helen B. Bentley Family Health Center. It closed back in 2013. And then on Bird Road, there's a small one-story building that, right now, is the only thing that remains, because the rest of the property is currently being used for construction staging for another project. So that's the trend of development on this area. Your staff is recommending approval. The Planning & Zoning Board recommended approval. And we -- the project that goes on this parcel would have to undergo review by the UDRB (Urban Development Review Board). It will be subject to all the design criteria of Miami 21. We anticipate 181 units. The property is currently under contract by Stiles Corporation, which is a Florida-based developer, family-owned company that is anticipating development with a rental project, which is much needed as well. And we're here to seek your support; and if you have any questions, we're here to answer those as well. Thank you.

Chair Gort: Thank you. This is a public hearing. Is anyone would like to address this issue? Anyone would like to address PZ.16 or 17? Seeing none, hearing none

Nicole N. Ewan (Assistant City Clerk): Its 15 or 16.

Chair Gort: I mean -- I'm sorry -- 15 and 16. I'm trying to hurry on this. Fifteen and sixteen. Seeing none, hearing none, close the public hearing.

Commissioner Sarnoff: Mr. Chair, I'd move PZ.15.

Commissioner Suarez: Second.

Chair Gort: It's been moved by Commissioner Sarnoff; second by Commissioner Suarez. Any further discussion. Being none, it's a first reading.

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

Ms. Ewan: Roll call on item PZ.15. Commissioner Suarez?

Commissioner Suarez: Yes.

Ms. Ewan: Commissioner Sarnoff?

Commissioner Sarnoff: Yes.

Ms. Ewan: Chair Gort?

Chair Gort: Yes.

Ms. Ewan: Item PZ.15 passes --

Vice Chair Hardemon: (UNINTELLIGIBLE).

Chair Gort: Vice Chairman.

Ms. Ewan: Vice Chairman Hardemon?

Vice Chair Hardemon: For.

Ms. Ewan: Item PZ.15 passes on first reading, 4-0.

PZ.16**ORDINANCE****First Reading****14-00055zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "D1" WORK PLACE DISTRICT ZONE TO "T6-12-O" URBAN CORE ZONE-OPEN, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3734, 3736 AND 3750 BIRD ROAD; 3031 SOUTHWEST 37TH COURT; AND 3090 SOUTHWEST 37TH AVENUE, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00055zc Analysis, Maps, & PZAB Reso.pdf

14-00055zc Application & Supporting Documents.pdf

14-00055zc CC Legislation (Version 2).pdf

14-00055zc Exhibit A.pdf

14-00055zc CC 05-22-14 SR Fact Sheet.pdf

LOCATION: Approximately 3734, 3736 and 3750 Bird Road; 3031 SW 37th Court; and 3090 SW 37th Avenue [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Ines Marrero-Priegues, Esquire, Authorized Legal Representative, on behalf of TREO Douglas Station, LLC, a Florida Limited Liability Company

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on March 5, 2014 by a vote of 8-0. See companion File ID 14-00055lu.

PURPOSE: This will change the above properties from "D1" to "T6-12-O".
Item does not include a covenant.

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon
Absent: 1 - Commissioner(s) Carollo

Note for the Record: Please refer to item PZ.15 for additional minutes related to item PZ.16.

Chair Gort: PZ.16.

Victoria Méndez (City Attorney): The public hearing was held with item 15.

Chair Gort: Yes.

Ms. Méndez: An ordinance -- should we move it, though, or we're --?

Nicole N. Ewan (Assistant City Clerk): Yes, we do need a motion.

Chair Gort: Motion?

Commissioner Sarnoff: So moved.

Vice Chair Hardemon: Second.

Chair Gort: Moved by Commissioner Sarnoff--

Commissioner Suarez: Second.

Chair Gort: -- second by Vice Chairman Hardemon.

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

Ms. Ewan: Roll call on item PZ.16.

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

Ms. Ewan: Item PZ.16 passes on first reading, 4-0.

PZ.17
14-00109zt

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION TO AMEND ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, AS AMENDED, SPECIFICALLY BY AMENDING SECTION 3.15, ENTITLED, "AFFORDABLE HOUSING SPECIAL BENEFIT PROGRAM SUPPLEMENTAL REGULATIONS" TO MODIFY REGULATIONS OF ARCHITECTURAL AND DESIGN STANDARDS REQUIREMENTS IN CERTAIN TRANSECT ZONES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00109zt PZAB Reso.pdf
14-00109zt CC Legislation (Version 2).pdf
14-00109zt CC 05-22-14 SR Fact Sheet.pdf

LOCATION: Citywide

APPLICANT(S): Daniel J. Alfonso, City Manager, on behalf of the City of Miami

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on March 5, 2014 by a vote of 7-1.

PURPOSE: This will modify regulations of architectural and design standards requirements of the Affordable Housing Special Benefit Program to only allow such development by Warrant.

Motion by Commissioner Sarnoff, seconded by Commissioner Suarez, that this matter be PASSED ON FIRST READING PASSED by the following vote.

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

Chair Gort: PZ.17.

Ines Marrero-Priegues: Thank you very much.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Item PZ.17 is the last PZ (Planning & Zoning) item. This is a very straightforward amendment to Miami 21, which we are recommending for approval and the Planning, Zoning & Appeals Board also recommended for approval. I'll describe it very simply as an amendment following up on the series of benefits and flexibilities that the City has provided for affordable and mix-income housing development in the recent past. That has certainly generated the development of many affordable housing units in the City, which is, we feel, a great success. To the extent that some have expressed concerns about the aesthetic results of some of these developments and we were approached to try to address that, we would like to insert the requirement of a warrant which allows the Planning & Zoning Department to conduct design review and review for adverse impact to the these flexibilities in order to ensure that the development is not only benefiting the affordable housing community but also respects the intent of Miami 21 in being of the right form and configuration.

Commissioner Sarnoff: So move.

Chair Gort: Thank you.

Vice Chair Hardemon: Second.

Chair Gort: It's been moved by Commissioner Sarnoff.

Commissioner Suarez: Second for discussion.

Chair Gort: Second by Commissioner Suarez. Being a public hearing, is anyone in the public would like to address this issue? Seeing none, hearing none, it's a ordinance.

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

Nicole N. Ewan (Assistant City Clerk): Roll call on item PZ.17. Vice Chair Hardemon?

Vice Chair Hardemon: For.

Ms. Ewan: Commissioner Suarez?

Commissioner Suarez: Before voting, I just want to say that -- I want to thank Mr. Garcia, and I want to thank Commissioner Sarnoff and all my colleagues on the board, 'cause this is kind of like my baby that we started with a few years ago and, you know, we've been refining it, making it better, and I think that was always the expectation at the beginning. That was always the promise that I made to all the Commissioners; that, look, this was the beginning of the process, but we'll continue to refine it to do things, such as create mixed-income housing and also make sure that it doesn't create any architectural issues, so I -- I'm in favor of it.

Ms. Ewan: Commissioner Sarnoff?

Commissioner Sarnoff: Yes.

Ms. Ewan: Your vote. Chair Gort?

Chair Gort: Yes.

Ms. Ewan: Item PZ.17 passes on first reading, 4-0.

Chair Gort: Thank you.

END OF PLANNING AND ZONING ITEMS

MAYOR AND COMMISSIONERS' ITEMS

CITYWIDE

HONORABLE MAYOR TOMAS REGALADO

END OF CITYWIDE ITEMS

DISTRICT 1

CHAIR WIFREDO (WILLY) GORT

D1.1

DISCUSSION ITEM

14-00391

DISCUSSION URGING THE FEDERAL GOVERNMENT TO APPROVE TEMPORARY PROTECTION STATUS (TPS) FOR VENEZUELANAS AND STOP DEPORTATION OF SAME.

14-00391 E-mail - Discussion Item.pdf

DISCUSSED

(D1.1)

RESOLUTION

14-00391a

**District 1 -
Commissioner
Wifredo (Willy) Gort**

A RESOLUTION OF THE MIAMI CITY COMMISSION URGING PRESIDENT BARACK OBAMA AND THE 113th UNITED STATES CONGRESS TO GRANT TEMPORARY PROTECTIVE STATUS TO VENEZUELAN IN THE UNITED STATES AS STATED HEREIN; FURTHER DIRECTING THAT THIS RESOLUTION IS INCLUDED IN THE CITY OF MIAMI'S 2013-2014 FEDERAL LEGISLATIVE PRIORITIES;
DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN.

14-00391a-Submittal-Legislation Draft.pdf

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

Votes: Ayes: 4 - Commissioner(s) Gort, Sarnoff, Suarez and Hardemon

Absent: 1 - Commissioner(s) Carollo

R-14-0165

Chair Gort: I'd like to, at this time, bring my discussion item, which you all have in front of you. It's -- as so stated before by Commissioner Suarez. The City of Miami benefits from mistakes that made by a lot of individuals, also by a lot of countries when it takes place. So what I'm here is to discuss the urging the federal government to approve Temporary Protection Status, what is called TIPS, for Venezuelan and stop their protection at the same time. We have a representative here that requested that we have this.

Commissioner Sarnoff: So moved.

Commissioner Suarez: Second. I guess -- yeah, I second your motion.

Commissioner Sarnoff: I make the motion for you. The motion should be reflected by the -- well, Chair can't make the motion, so I'm acting as (UNINTELLIGIBLE).

Commissioner Suarez: Yeah, I'll second the Chair's --

Chair Gort: Okay.

Commissioner Suarez: -- discussion item.

Chair Gort: Discussion. Being no discussion, hearing none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: You got it. Thank you. Discussion item.

Commissioner Sarnoff: Mr. Chair, I know Commissioner Carollo had a discussion item, and I know that there are some folks from the CIP (Civilian Investigative Panel), ACLU (Americans Civil Liberties Union), PULSE (People United to Lead the Struggle for Equality), and NAACP (National Association for the Advancement of Colored People) that are here, and they've waited here a long, long time.

Chair Gort: I'm sorry. I think we have representative from the Venezuelan that would like to speak.

Commissioner Sarnoff: Oh, I -- sorry.

Chair Gort: Go ahead.

Carmen Gimenez: Hi. My name is Carmen Gimenez, 10813 Northwest 53rd Lane, Doral, Florida, 33178. Thank you so much, Chairman Willy Gort -- Wifredo, but everybody calls you Will, 'isn't it? Will Gort and all the Commissioners. Thank you so much for approving the resolution. I have to thank you. And when I read the resolution, I start to crying, but it was because this resolution you have just passed and approve is more inclusive than the one we proposed; and we as USA (United States of America) refugees and immigrants are more than thankful. As you should know, Venezuelans are responsible, careful, friendly, professionals who wants to contribute with this amazing country. And with this resolution, you are delivering hope to those Venezuelans who cannot be forced to return, because they will be killed, tortured, or harassed. Now and on, you know a lot of people from many countries, including Venezuela, will come to this friendly city for immigrants. We -- you have shown us the meaning of the three first words of the Constitution: We, the people." I thank you on behalf of those people who are at home feeling hopeful and thanking God for having you sitting there. God bless you. God bless America and the Americans. And let me tell you something: The Facebook media is crazy now. Thank you so much, guys.

Chair Gort: Thank you.

END OF DISTRICT 1

DISTRICT 2

COMMISSIONER MARC DAVID SARNOFF

END OF DISTRICT 2

DISTRICT 3

COMMISSIONER FRANK CAROLLO

D3.1

14-00390

DISCUSSION ITEM

DISCUSSION REGARDING THE CIVILIAN INVESTIGATIVE PANEL.

14-00390 E-Mail - Discussion Item.pdf

14-00390-Submittal-Horacio Aguirre-Miami Herald Article.pdf

14-00390-Submittal-Julia Dawson-Flyer Stop Police Violence.pdf

14-00390-Submittal-Julia Dawson-Letter of CIP's Independent Counsel Obstruction.pdf

DEFERRED

Note for the Record: Item D3.1 was deferred to the May 8, 2014 Regular Commission Meeting with a time certain designation of 10:00 a.m.

END OF DISTRICT 3

DISTRICT 4

COMMISSIONER FRANCIS SUAREZ

D4.1

14-00367

DISCUSSION ITEM

DISCUSSION ITEM REGARDING ADOPTED V. CITY MAINTAINED TRAFFIC

CIRCLES.

14-00367 E-Mail - Discussion Item.pdf

14-00367 Back-Up Documents.pdf

DEFERRED

Note for the Record: Item D4.1 was deferred to the May 8, 2014 Regular Commission Meeting.

Commissioner Suarez: I'm going to defer 4.1, because Mr. Ihekwa and myself are talking about the -- we still have some issues regarding that item. And 4.3 --

Commissioner Sarnoff: Can you also work on the District 2 ones as well?

Commissioner Suarez: We're going to talk about it. We're going to talk about it at the next one.

D4.2**14-00277****DISCUSSION ITEM****DISCUSSION REGARDING SELECTION OF NEXT POLICE CHIEF.**

14-00277 E-mail - Discussion Item.pdf

DEFERRED

Note for the Record: Item D4.2 was deferred to the May 8, 2014 Regular Commission Meeting with a time certain designation of 10:30 a.m.

Todd B. Hannon (City Clerk): What about your discussion?

Commissioner Suarez: No. Oh, it's a --

Chair Gort: You had a discussion? Okay, go ahead.

Commissioner Suarez: Well, okay, let's try to take them as quickly as possible then, 'cause everybody obviously wants to go. I would ask, Mr. Chair, if I may, similar request to the one that Commissioner Sarnoff made about D4.2. If we can have that at a time certain at the next Commission meeting, which is a discussion item regarding the selection of the next Police Chief, in the morning, simply because I think it's a very important item; and by the time we get to the end of the meeting, particularly at 7 o'clock at night, everyone, I think, is a little aghast, and I think it would be good to have that discussion when we're a little bit more energized. And by the way, it's not really a discussion. It's a discussion item. It's more like to let the Manager discuss what his thoughts are on the issue, 'cause I know that I have to be very careful from a Charter perspective on what, if anything, I can say on the matter. So that's issue -- that one.

D4.3**14-00290****DISCUSSION ITEM****DISCUSSION REGARDING SQUATTERS.**

14-00290 E-mail - Discussion Item.pdf

14-00290 Back-Up Documents.pdf

CONTINUED

Note for the Record: Item D4.3 was continued to the May 22, 2014 Planning and Zoning Commission Meeting.

Commissioner Suarez: And then the third one is a discussion item regarding squatters. I don't

know if squatters is a big issue in your districts. The -- Dade County has what's called a Squatters Squad," and they instituted it in September of 2013. It's housed out of the Special Investigations Unit/Economic Crimes Bureau. I put a memo in the backup. I hope you guys had a chance to look at it. If you haven't, I suggest that you look at it. Just some of the data from that squad -- the number of squatter instances or cases resolved from 2009 through 2013 from -- by that squad was 175. So from September 13 through March 18, 2014 -- in other words, in only a year, 164 have been resolved, so, I mean, they're extremely effective. What I'm asking for is that we create a squad that imitates that squad in the City of Miami, and I would ask the Chief and the Manager to work with me. I want to bring this back at the next Commission meeting with an action plan, so if we can work together on -- go ahead.

Daniel J. Alfonso (City Manager): You know, can we get a little more time? Because --

Commissioner Suarez: Of course.

Mr. Alfonso: -- to get to the next Commission meeting is like by Monday, it has to be done.

Commissioner Suarez: Thirty days. Is that --?

Mr. Alfonso: Okay.

Commissioner Suarez: Okay, two Commission meetings from now.

Chair Gort: This is something that I've been asking for a year now. This is one of the major problems that we have with the Code compliance and complaints from the neighborhoods. You have people moving to those houses doing -- all kinds of criminal activities taking place in these homes and -- by these individual and we -- there's nothing we can do. Personally, the police goes there; they don't have the power, because they don't have the attorney and they don't have, my understanding is, the plan is -- and we discuss this before -- contact the property owner. If the property owner can go with the police and an attorney -- somebody from the attorney, they can take the people out.

Victoria Méndez (City Attorney): Chairman.

Chair Gort: They been doing it in the County for a few years now.

Ms. Méndez: Chairman, based on your urging, my office has been looking into those issues for a couple months, and we've been getting more information from the banks and things to be able to solidify our, basically, contact information for banks and things to be able to address the situation. And now with Commissioner Suarez also inquiring about this matter, we've also spoken to Miami-Dade County in how they handle this, and we think that we have a plan that will address your concerns, with the help of resources from the Police Department and our City Attorney's Office, in order to give you a turnaround time of about three weeks to a month on these issues, which, before, really didn't have any solutions. So I think you and the rest of the Commissioners will like the plan when it comes back so.

Chair Gort: So you're going to have it back within 30 days?

Ms. Méndez: Yes, sir.

Chair Gort: Right? Thank you.

Todd B. Hannon (City Clerk): Chair, before you break. Commissioner Suarez, for the Police Chief --

Commissioner Suarez: Yes, please.

Mr. Hannon: -- was there a particular time, Commissioner Suarez?

Commissioner Suarez: At the Chair's discretion. I trust the Chair.

Mr. Hannon: Okay, we'll -- Chair, we'll talk about it. It's going to be a time certain for the selection of the Police Chief, item -- district item D4.2.

Chair Gort: That's going to be a discussion whenever the time comes, and mainly, what it's going to be the City Manager's going to give a response how he's going to do to select this next Chief of Police.

Mr. Hannon: Yes, sir. Just Commissioner Suarez was asking for a time certain, and I'll talk with you about it afterward.

Chair Gort: Yes, 10:30.

Commissioner Suarez: Thank you.

Mr. Hannon: Thank you very much.

Commissioner Sarnoff: That's it. Another one in the book.

DISTRICT 5

VICE CHAIR KEON HARDEMON

END OF DISTRICT 5

NON AGENDA ITEM(S)

NA.1

14-00432

DISCUSSION ITEM

DISCUSSION BY THE CITY COMMISSION REGARDING THE DEFERRAL OF AGENDA ITEM D3.1 TO THE MAY 8, 2014 REGULAR CITY COMMISSION AGENDA, WITH A TIME CERTAIN DESIGNATION OF 10:00 A.M.

DISCUSSED

Chair Gort: Do we have any other discussion items?

Commissioner Suarez: And let me just say something, Mr. Chair, if I may?

Chair Gort: Yes, sir.

Commissioner Suarez: Because I think the -- Commissioner Sarnoff was making a point and I think dovetails on what the Manager just said, which is that if Commissioner Carollo is not going to come back to the meeting, I think the members of the ACLU (American Civil Liberties Union) and PULSE (People United to Lead the Struggle for Equality) and others were under the impression that a pocket item was going to be brought to discuss issues related to the CIP (Civilian Investigative Panel), and they've been waiting here, as you mentioned Commissioner Sarnoff, for several hours -- actually since lunchtime, really -- and so I would -- I'll bring the pocket, you know.

Chair Gort: Okay.

Commissioner Sarnoff: Yeah. Can I join you in that?

Commissioner Suarez: So that -- Yeah, absolutely, of course.

Commissioner Sarnoff: (UNINTELLIGIBLE), you want to join us in that too? How 'bout we bring a discussion item; is that fair? We all bring a discussion item at the next Commission meeting.

Commissioner Suarez: Whatever. I -- whatever.

Commissioner Sarnoff: I don't -- I'll work on it now, but --

Vice Chair Hardemon: Mr. Chairman, if I may?

Chair Gort: Yes, sir.

Vice Chair Hardemon: What I don't want is -- this is one of those tough situations, because I actually had something I wanted to say about the CIP issue also, but I don't want to take away from a Commissioner who actually had it placed on the agenda, so he obviously had something that, you know, he wanted --

Commissioner Suarez: Who has it on the agenda?

Commissioner Sarnoff: Carollo.

Mr. Hannon: Commissioner Carollo.

Vice Chair Hardemon: He does have it on the --

Commissioner Suarez: It's his discussion item on the agenda.

Commissioner Sarnoff: Blue page.

Chair Gort: Discussion item.

Mr. Hannon: Yes, sir, and I was informed that he would like to defer that to the May 8 meeting, his discussion item.

Vice Chair Hardemon: And so when you have a discussion item that a Commissioner wants to talk about, I assume that he had some great things to say. I mean, I can only apologize on his behalf that you all were here, but at least know that we are greatly looking into the CIP issue, so this is not falling upon deaf ears. I mean, there are some things that I think the Commission needs to discuss.

Commissioner Sarnoff: Can we do something for them, Mr. Chair? Can we give them a time certain? Is 10 o'clock okay with you guys next Commission meeting --

Commissioner Suarez: Absolutely.

Commissioner Sarnoff: -- time certain, we address you 10 o'clock.

Chair Gort: Ten o'clock in the morning.

Commissioner Suarez: *Yeah, so we don't -- you guys don't have to sit here all afternoon like you've had to.*

Commissioner Sarnoff: *(UNINTELLIGIBLE) Madam City Attorney had some cogitating, some considering, some due diligence she needs to do, and who knows; maybe by that time she will have exercised her discretionary rights.*

Commissioner Suarez: *Mr. Chair, if I can also apologize on behalf of our colleague. You know, I apologize that you guys have had to wait for several hours.*

Chair Gort: *I was told --*

Julia Dawson: *If I --*

Chair Gort: *-- that he might be able to come back and he will bring -- but I guess he's not coming back. Yes, ma'am.*

Ms. Dawson: *If I may, Julia Dawson. I live in the City of Miami, 1701 Southwest 4th Avenue. I'm with the ACLU and with the coalition that you see in front of you. And I just want to thank you for your consideration on this. We look forward to coming back on May 8 and having a discussion of the issues that we've been raising for quite some time now. And we appreciate your interest in it, and we appreciate your consideration for us. Thank you.*

Chair Gort: *Okay, I believe at this time all of us have nominated people, all sent nominations to the --*

Commissioner Suarez: *Yeah. I think our office, we're working on it, but we -- I think we did actually nominate someone and then --*

Chair Gort: *Two.*

Commissioner Suarez: *Right.*

Chair Gort: *Yes.*

Commissioner Suarez: *And we're trying to get someone on the Nominating Committee as well, but -- you know, I think the benefit to waiting a little bit is -- I just got this today, and I have not had a chance to really look through this, and this is actually -- I took some time to look through it as the meeting was progressing, not that there are some items that are more interesting than others, but I was reading it, and this is some pretty heavy stuff. So I really want to take my time and digest this.*

Commissioner Sarnoff: *Where is Llorente? Where is --?*

Commissioner Suarez: *You're going to put -- throw Melissa like that under the bus?*

Commissioner Sarnoff: *No. I'm --*

Commissioner Suarez: *That's not nice.*

Commissioner Sarnoff: *I love Mike -- you kidding me? I'm saying where --*

Commissioner Suarez: *No. I'm saying you're throwing Melissa under the bus. I have a new chief of staff. She's fantastic.*

Commissioner Sarnoff: I haven't met her yet.

Commissioner Suarez: Well --

Commissioner Sarnoff: I haven't been introduced.

Commissioner Suarez: -- it's not her fault.

Ms. Dawson: Mr. Chair, if I may, just one quick comment. The paper that Commissioner Suarez is referring to was e-mailed (electronic) to each Commissioner, to the City Manager, to several other folks.

Commissioner Suarez: I just got mine.

Ms. Dawson: And we understand that there's usually a process in your office; you may not get things immediately. We do want you to have the time to read through it; and between now and May 8, if you have any questions or anything that you would like to hear from us about, we would be happy to meet with you in your offices to speak with you about this further. We do appreciate you taking a look at it. Thank you.

Chair Gort: Thank you. Do I have a motion to adjourn?

Commissioner Sarnoff: So moved.

Chair Gort: Moved.

ADJOURNMENT

The meeting adjourned at 7:06 p.m.