

City of Miami

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



Meeting Minutes

Thursday, February 26, 2015

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*

CONTENTS

PR - PRESENTATIONS AND PROCLAMATIONS

AM - APPROVING MINUTES

MV - MAYORAL VETOES

CA - CONSENT AGENDA

PH - PUBLIC HEARINGS

SR - SECOND READING ORDINANCES

FR - FIRST READING ORDINANCES

RE - RESOLUTIONS

AC - ATTORNEY-CLIENT SESSION

BU - BUDGET DISCUSSION ITEM

DI - DISCUSSION ITEMS

PART B

PZ - PLANNING AND ZONING ITEM(S)

MAYOR AND COMMISSIONERS' ITEMS

M - MAYOR'S ITEMS

D1 - DISTRICT 1 ITEMS

D2 - DISTRICT 2 ITEMS

D3 - DISTRICT 3 ITEMS

D4 - DISTRICT 4 ITEMS

D5 - DISTRICT 5 ITEMS

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

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

On the 26th day of February 2015, 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 12:01p.m., reconvened at 2:03 p.m., recessed at 6:18 p.m., reconvened at 6:29 p.m., and adjourned at 7:32 p.m.

Note for the Record: Vice Chair Hardemon entered the Commission chamber at 9:05 a.m., Commissioner Suarez entered the Commission chamber at 9:07 a.m., Commissioner Carollo entered the Commission chamber at 9:10 a.m., and Commissioner Sarnoff entered the Commisission chamber at 9:15 a.m.

ALSO PRESENT:

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

Chair Gort: Good morning, everyone. Welcome to the City of Miami February 26 member -- this Commission meeting in these historic chambers. The members of the City Commission are Frank Carollo; Francis Suarez; Marc Sarnoff; Keon Hardemon, Vice Chair; and myself, Wifredo "Willy" Gort, Chairman. Also on the dais, we have Daniel Alfonso, City Manager; Victoria Méndez, the City Attorney; and attorney -- and Todd Hannon, the City Clerk. Will you all stand for the invocation, please? Mr. Mayor, will you do the pledge?

Invocation and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS

PR.1

PRESENTATION

15-00227

<u>Honoree</u>	<u>Presenter</u>	<u>Protocol Item</u>
Georgia Ayers	Mayor and Commissioners	Proclamation
Noel "King Sporty" Williams	Vice Chair Hardemon	Proclamation
Brian Andrews	Commissioner Suarez	Proclamation
Warren Bittner	Commissioner Sarnoff	Recognition

15-00227 Protocol Item.pdf

PRESENTED

1) Mayor Regalado and City Commissioners presented a Proclamation in memoriam proclaiming Thursday, February 26, 2015 as Georgia Ayers Day, one of Miami's most influential civil rights activist who worked tirelessly to guide troubled young people away from the criminal justice system and encouraged them to lead productive lives; furthermore giving recognition for being the founder of the Alternative Program with Miami-Dade Circuit Judge Tom Peterson to help thousands of first-time offenders find a second chance and as co-founder of the area's Daily Bread Food Bank.

2) Vice Chair Hardemon presented a Proclamation in memoriam proclaiming Thursday, February 26, 2015 as Noel King Sporty Williams Day, honoring the memory of one of Miami's best top ten Reggae performers and a true Miami Legend who was a Jamaican DJ, a Reggae musician and record producer who co-wrote Buffalo Soldier with the legendary Reggae artist, Bob Marley; furthermore recognizing his long standing service, goodwill and wonderful commitment to civic responsibility through excellence in communal welfare.

3) Commissioner Suarez presented a Proclamation, proclaiming Thursday, February 26, 2015 as Brian Andrews Day, a long-time Miami resident with a lengthy history as a newscaster covering some of the biggest news events in the City with television stations WFOR, WSVN and WPLG and has served as an appointed member of the Miami-Dade County Film and Entertainment Commission Advisory Board and was named Best TV News Reporter by the Miami New Times; furthermore acknowledging his knowledge and passion for visual media and for reporting throughout the years.

4) Commissioner Sarnoff and City attorney Victoria Méndez presented a Token of Recognition to Assistant City Attorney Warren Bittner, recognizing his twenty-five years of service and dedication as a career employee and applauding him as a wonderful mentor and amazing public servant to the people of Miami; furthermore paying tribute to his commitment and use of critical skills and knowledge in serving the City of Miami and wishing him continued success.

Chair Gort: We'll have presentations.

Presentations made.

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 any minutes?

Todd B. Hannon (City Clerk): Yes, sir. I have for Commission consideration and approval the Planning & Zoning meeting minutes from January 22, 2015.

Chair Gort: Do I have a motion?

Commissioner Suarez: So move.

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

Commissioner Sarnoff: Second.

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

The Commission (Collectively): Aye.

END OF APPROVING MINUTES

MAYORAL VETOES

NO MAYORAL VETOES

Chair Gort: Any of the Commission -- Is there any Mayor's vetoes?

Todd B. Hannon (City Clerk): Chair, there are no mayoral vetoes.

ORDER OF THE DAY

Chair Gort: Madam Attorney, will you go over the procedures, please?

Victoria Méndez (City Attorney): Yes, Chairman. Thank you. We will now begin the regular meeting. 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 Commission chambers; please silence those devices now. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Any person making offensive remarks or who becomes unruly in the Commission chambers will be barred from further attending the Commission meetings and may be subject to arrest. No signs or placards shall be allowed in Commission chambers. 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. At this time, the Administration will announce which items, if any, are being either withdrawn, deferred or substituted. Thank you.

Daniel J. Alfonso (City Manager): Good morning, Mr. Chairman, Commissioners.

Chair Gort: Yes, sir.

Mr. Alfonso: From the regular agenda, we'd like to defer DI.2 to March 26.

Chair Gort: DI point --

Mr. Alfonso: Yes, sir.

Chair Gort: March 26.

Mr. Alfonso: I would just like to mention that there's a number of PZ (Planning & Zoning) items that I know that, officially, we can't defer them or withdraw them now, but I'd like to mention them so that if there's anybody in the audience who's going to stick around, they know that these

probably will not be heard. We're going to ask to continue PZ.1, PZ.2, PZ.11, 12, and 14. We're going to ask that those items to be continued. And PZ.5 will be asked to be withdrawn. I'm sorry; Items 3 and 4 as well. PZs 1, 2, 3, 4, 11, 12, 14 to be continued and PZ.5 to be withdrawn.

Chair Gort: Thank you, sir. Does anyone in the -- any of the Commission would like to defer any of the items? Seeing none, hearing none, Mr. Mayor, you're recognized.

Later...

Chair Gort: I need a motion on the deferred items.

Commissioner Sarnoff: So moved.

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

Commissioner Carollo: Second. Discussion.

Chair Gort: Second. Discussion.

Commissioner Carollo: I just want to confirm what are the deferred items.

Mr. Hannon: Chair, Commissioners, this is item DI.2. The Planning & Zoning items will wait till 2 p.m.

Commissioner Carollo: DI.2. And we're deferring it to when?

Mr. Alfonso: March 26.

Commissioner Carollo: Okay.

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

The Commission (Collectively): Aye.

CONSENT AGENDA**CA.1****RESOLUTION****15-00048***Department of
Procurement*

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BIDS RECEIVED DECEMBER 9, 2014, PURSUANT TO INVITATION FOR BID NO. 471326, FROM ALINA SPORTSWEAR, INC. (GROUP 1 AND GROUP 3) AND YAVOY, INC. (GROUP 2), THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDERS, FOR THE PROCUREMENT OF T-SHIRTS, POLO/GOLF SHIRTS, AND GUAYABERA/CUBAVERA SHIRTS, ON A CITYWIDE, AS-NEEDED BASIS, FOR AN INITIAL TERM OF TWO (2) YEARS, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENTS AND AGENCIES, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING ADDITIONAL SUPPLIERS TO THE CONTRACT AS DEEMED IN THE BEST INTEREST OF THE CITY OF MIAMI.

15-00048 Summary Form.pdf

15-00048 Bid Tabulation.pdf

15-00048 Invitation For Bid.pdf

15-00048 Corporate Detail.pdf

15-00048 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-15-0058**CA.2****RESOLUTION****15-00078***Department of Police*

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING A CONTRIBUTION TO NEIGHBORS AND NEIGHBORS ASSOCIATION, INC., FOR THE "SAVE OUR SONS LIBERTY SQUARE INITIATIVE," IN AN AMOUNT NOT TO EXCEED \$15,000.00; ALLOCATING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND, AWARD NO. 1019, PROJECT NO. 19-690002, ACCOUNT CODE NO.12500.191602.883000.0000, WITH SUCH EXPENDITURES HAVING BEEN APPROVED BY THE CITY OF MIAMI CHIEF OF POLICE AS COMPLYING WITH THE UNITED STATES DEPARTMENT OF JUSTICE'S "GUIDE TO EQUITABLE SHARING FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES (2009)."

15-00078 Summary Form.pdf

15-00078 Grant Request - N.A.N.A..pdf

15-00078 Corporate Detail.pdf

15-00078 Certification of Applicant.pdf

15-00078 Affidavit.pdf

15-00078 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-15-0059**CA.3****RESOLUTION****15-00080**

*Department of Real
Estate and Asset
Management*

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO CONTINUE PAYING RENT IN THE AMOUNT OF \$10,875.00 PER MONTH, AND ASSOCIATED CHARGES, UNDER THE LEASE AGREEMENT ("LEASE") BETWEEN THE CITY OF MIAMI ("CITY") AND GOLDEN SANDS ALLAPATTAH CORPORATION, THAT IS CURRENTLY IN HOLDOVER STATUS WHILE THE CITY ADMINISTRATION IS NEGOTIATING A NEW LEASE, AND RATIFYING THE PAYMENT OF \$54,375.00 IN BACK RENT PREVIOUSLY APPROVED BY THE CITY MANAGER VIA AN EMERGENCY REQUEST; ALLOCATING FUNDS FROM THE CITY'S POLICE DEPARTMENT BUDGET.

15-00080 Summary Form.pdf

15-00080 Lease Agreement.pdf

15-00080 Memo - City Manager's Approval.pdf

15-00080 Back-Up from Law Dept.pdf

15-00080 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-15-0060**CA.4****RESOLUTION****15-00081**

*Department of Real
Estate and Asset
Management*

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO CONTINUE PAYING RENT IN THE AMOUNT OF \$1,500.00 PER MONTH, AND ASSOCIATED CHARGES, UNDER THE LEASE AGREEMENT ("LEASE") BETWEEN THE CITY OF MIAMI ("CITY") AND CENTENNIAL EXPRESS INCORPORATED, THAT IS CURRENTLY IN HOLDOVER STATUS WHILE THE CITY ADMINISTRATION NEGOTIATES A NEW LEASE, AND RATIFYING THE PAYMENT OF \$6,000.00 IN BACK RENT PREVIOUSLY APPROVED BY THE CITY MANAGER VIA AN EMERGENCY REQUEST; ALLOCATING FUNDS FROM THE CITY'S POLICE DEPARTMENT BUDGET.

15-00081 Summary Form.pdf

15-00081 Lease Agreement.pdf

15-00081 Memo - City Manager's Approval.pdf

15-00081 Back-Up from Law Dept.pdf

15-00081 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-15-0061**Adopted the Consent Agenda**

Motion by Commissioner Suarez, seconded by Vice Chair Hardemon, 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: Any of the board or Commissioners would like to pull any program -- any issues -- any items from the agenda? Seeing none, PH.1.

Todd B. Hannon (City Clerk): Chair --

Chair Gort: Yes.

Commissioner Suarez: I second.

Mr. Hannon: -- I need a motion on the consent agenda.

Commissioner Suarez: I move the consent agenda items, 1 through 4.

Chair Gort: I thought we did. It's been moved by Commissioner --

Vice Chair Hardemon: Second.

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

The Commission (Collectively): Aye.

PUBLIC HEARINGS**9:00 A.M.****PH.1****RESOLUTION****15-00074**

*Department of
Community and
Economic
Development*

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ACCEPTANCE OF UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ENTITLEMENT GRANT FUNDS, IN THE TOTAL PROJECTED AMOUNT OF \$20,791,943.00, AS STATED HEREIN, FOR THE FOLLOWING PROGRAMS: COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS, AND THE EMERGENCY SOLUTIONS GRANT, FOR PROGRAM YEAR 2015-2016; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, IN ORDER TO IMPLEMENT THE ACCEPTANCE OF THE ACTUAL AMOUNTS OF GRANT FUNDS, WHEN MADE AVAILABLE, FOR SAID PURPOSE.

15-00074 Summary Form.pdf

15-00074 Notice to the Public.pdf

15-00074 Legislation.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, Sarnoff, Carollo and Hardemon

Absent: 1 - Commissioner(s) Suarez

R-15-0062

Chair Gort: PH.1.

George Mensah (Director, Community & Economic Development): Good morning, Commissioners. PH.1 is the acceptance of all the funds from HUD (Department of Housing and Urban Development) to the City of Miami in the projected amount of about \$20 million. When we do -- we advertise these funds for 30 days. At that time, we didn't have the actual allocations, so I will -- I'll mention the actual allocations for the record and that's: The CDBG (Community Development Block Grant) amount is 4,768,648; the HOME (Home Investment Partnership Program) amount is 2,531,595; the ESG (Emergency Shelter Grant) amount is \$422,030; the HOPWA (Housing Opportunities for Persons Living with AIDS) amount is 11,311,866; for a total of 19,034,139.

Chair Gort: Okay. Public hearing. Is anyone in the public would like to address this issue? Yes, ma'am, you're recognized.

Renita Holmes: Good morning. Madam Holmes for the record, executive director of Women's Association Alliance and Injustice by addressing injustice and violence and empowerment. In regards to PH.1 and also PH.2, all federal housing funds, it is my concern and it is history in advocacy for women, particularly women who are impoverished and who are under the entitlement of 924.935 high priority Section 3, Madam Attorney, through the Chair as well, to acknowledge that we have just set into place a policy about ensuring that those who are in most need receive the exact benefits according to the federal guidelines. And we also know that we have a pattern and trend; we're now beginning to do something innovative when we talk about affordable housing, but there's just a very bottom line minimum according to federal law. We

know that we have, as a matter of fact, a reputation for not going that far, and this social and economic impact has really affected African-American women and people in public housing and persons with disabilities. And while we're dealing with the entitle first priority according to the economic opportunity act of 1968 -- scared to say that. Every time I say that, I seem to get beat up or, like Martin Luther King, shot. But it's a matter of fact that we are entitled as black communities, as poor communities, as subcultures, and particularly as women. And you know as well, through the Chair, Commissioner Carollo, we are the most disparate, so when we talking about how we proportion, how we allow priorities in hiring, how we allow priorities in any project that needs funds, that we have been amiss of ensuring Section 3. I leave you with this question and this recommendation: Would you please consider taking a look at the process, even anti-poverty, that we have closed the gaps of ensuring that poor mothers and poor folks have that first-time entitlement and that disabled persons and veterans in all projects in which any of these funds touch, whether it be one cent or not, go according to those federal guidelines; that way, that we can assure that we're in compliance, that we're impacting, and that poor folks don't get poorer and rich get richer. Thank you.

Chair Gort: Thank you. Anyone else? Seeing none, hearing none, we close the public hearing. Motions?

Vice Chair Hardemon: So move.

Commissioner Carollo: Second.

Chair Gort: It's been moved by Vice Chairman Hardemon; second by Commissioner Carollo. Discussion. Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

PH.2

15-00076

*Department of
Community and
Economic
Development*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PROGRAM YEAR 2015-2016, IN THE PROJECTED AMOUNT OF \$4,734,641.00, AND \$75,000.00 IN PUBLIC SERVICE FROM PRIOR YEAR PROGRAM INCOME, FOR A TOTAL OF \$4,809,641.00, TO THE ACTIVITIES SPECIFIED IN ATTACHMENT "A," ATTACHED AND INCORPORATED, BEGINNING APRIL 1, 2015; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

15-00076 Summary Form.pdf

15-00076 Notice to the Public.pdf

15-00076 Legislation.pdf

15-00076 Attachment A.pdf

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

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

R-15-0063

Chair Gort: PH.2.

George Mensah (Director, Community and Economic Development): Commissioner, PH.2 is a

resolution authorizing the allocation of CDBG (Community Development Block Grant) funds for Program Year 2015 to 2016 in the projected amount of \$4.7 million and \$75,000 in public service from prior program income, for a total of \$4.8 million, to the activities as specified in Attachment "A." As we have received, the actual amounts of CDBG has \$4.7 million. The actual allocations will be: Public Service, 715,302, plus 75,000 program income, for a total of 719,302; Administration, 953,736; Code Compliance, 335,000; Public Works for sidewalk improvement, 335,000; and Economic Development allocation, \$2,429,644.

Chair Gort: Okay, thank you. It's a public hearing. Is anyone in the public would like to address this issue?

Madelin Llanes: Good morning. My name is Madelin Llanes, and I am the director of Centro Mater, and I'm here once again to thank the Commissioner -- Commissioner Carollo, Commissioner Suarez, and Mayor Regalado -- for all their support throughout the years that we've been so blessed to have. And I'm here -- I also have brought someone new to our staff that is here to tell you what the money that the City's giving us is going to help. Centro Mater would not be here today without the help of the City, and you have been with us every step of the way since 1968. And for that, we thank you. And we're so happy to announce that this 19th of March, we're having the street naming in honor of our founder, Mother Margarita Miranda, and you're all invited. It's a recognition to hard work. And when someone has a vision and a mission of love and caring for the needy, especially the future of the world, things can change and things do happen. So thank you again. And I introduce Yanet so she can tell you a little bit about what we do at the after school.

Yanet Amador: Good morning. My name is Yanet Amador. I am the curriculum specialist at Centro Mater. The funds that you provided are extremely important and we are so grateful. We want to extend a "thank you" to everybody who voted for this. And these funds go to the after-school program, which serves children in the Little Havana area and the community, and it serves for the summer school, and these are making a big impact in the intervention, in the homework, and everything that they need. The parents are very grateful. So I thank you so much for your support. That's all.

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

Helena Del Monte: Helena Del Monte, executive director for the Association for the Development of the Exceptional, 2801 North Miami Avenue, but we do serve citywide. Again, my thank you. I always say remember that this podium -- I am not the body you're looking at. You're looking at 140 adults with developmental disabilities that your dollars and your support let them have a better quality of life. There are great things happening at our agency, especially our culinary training program that each year gets better and better. It was through this dais that we received the funding to build the professional training kitchen, and now I'm getting the support of Tallahassee year after year to get the operational dollars. So not just what you're doing this year, but what you have done for so many years that has caused "sustainability," the word that we're all looking for nowadays -- "sustainability." Thanks to all of you. So God bless you all, and the Mayor. Leave the best for last, Mayor? Thank you very much.

Chair Gort: Thank you. Mr. Cruz.

Mariano Cruz: Yes. Mariano Cruz, 1227 Northwest 26th Street. I was a social worker with the Little Havana Activity Centers. I trained there, but you know, I have to leave there because social workers and all of this nonprofit don't make any money. They don't make enough money to send the children to college or anything, so I had to go back on business. So now I don't have to worry about coming here and begging, begging, begging for the money. "Oh, thank you. Thank you very much." No, I don't have to thank anybody. I come here first. I don't come here because -- I'm going to make notice to everybody I know, because I'll be on TV (television). The

Mayor -- the Dade County Mayor, Carlos Gimenez, want to fire my son as a Metro bus driver after being there 30 years, because maybe somebody don't like him. So I'm going to go public. I'm going to go on TV. I'm going to go with -- no, no, no. I have to say that because -- give me -- the soap box give me a chance for people to know what's going on in the County, okay. Now, but I don't have to --

Chair Gort: Mr. Cruz.

Mr. Cruz: No, no, no, I don't have to ask for anybody. I have the wherewithal to come here and dedicate my time to the community. Thank you.

Chair Gort: Thank you. But we're discussing an issue. Yes, ma'am.

Miriam Urra. Yes. Good morning, Mr. Chairman, Commissioners. My name is Miriam Urra. I represent Allapattah Community Action, Inc., located at 2257 Northwest North River Drive. I'm here today to thank you on behalf of our needy individuals in our community. Because of your continued support, we've been able to serve a lot of needy people in that area. I know you're doing a wonderful job to help everybody in the community, so I thank you very much. Thank you.

Chair Gort: Thank you. Next.

Stephanie Brown: Good morning. My name is Stephanie Brown. I'm the regional director for Sagrada Familia, which is located in the East Little Havana area. I'm just here to say "thank you" for the CDBG funds that we received. On behalf of Catholic Charities and all the children and families at Sagrada, we thank you, because that money really helps a lot of the families that we serve in the program. Okay. Thank you.

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

Cristina Penedo: Good morning. My name is Cristina Penedo, and I am the executive director of Southwest Social Services Program. We run a senior center that is located in a City of Miami Park, Badia Senior Center. And through our 34 years in existence, we have always counted with the support of the City of Miami. All of you, Commissioners [sic] Gort, Commissioner Carollo, Commissioner Suarez, the Mayor, are very familiar with our project. They visit us throughout the year, not only during election time, which makes us feel very good. They participate with us during our Christmas party. They donate money whenever we've needed additional funds, like to purchase matching funds for a van. And I couldn't say more because I would be talking for longer than I'm allowed to, but I just want to express my gratitude and my support to all of you for having helped us for so many years. Thank you.

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

Renita Holmes: Madam Holmes for the record again, Women's Association Alliance Against Injustice and Violence; also the Black Women's Association. Again, when I think about how we utilize the consensus and the data, which neighborhoods we targeted when we requested the information, those that are full of persons with disabilities, those that are full of ex-felons, homeless no doubt, still priority. And when I look at the logic and reading the guidelines in the consent agreement that we signed as agencies, whether we City or County, when I look at the identified gaps that we've made through the comprehensive master plan, I compare it to the disproportion amount of money that are given to our poor neighborhoods, such as Liberty City, such as Little Havana, is that -- that are not negotiable, but yet, some of these funds have been negotiated. And when I look at those who are most in need of public service and when I present that, you know, or I access that online, now I don't feel that you exactly understand that we are entitled to that in a great need. And so I leave you with this question again regarding these

federal funds: With only \$75,000 appropriated for public service, how do we sell over 7,500 ex-felons, juveniles, disabled mothers, battered women, and so forth? And I'd like to ask that directly through the Chair to the City. How do we create the formula to proportion monies for public service? And could you give us an update on that? Most of those persons that we're talking about entitled and targeting are not educated beyond the level to understand at least half of this terminology, read a consent degree [sic], or understand what federal guidelines or interpret, Madam Chair [sic] and Madam Attorney, 924.935 CFR. These are questions of monitoring, and I have yet seen that identified as a solution; so I ask you, what is the formula again? Thank you, Mr. Chair.

Chair Gort: Thank you, ma'am. Anyone else? Anyone else? Seeing none, hearing none, we close the public hearing. Do I have any motions?

Commissioner Suarez: I have a question, Mr. Chair, please.

Chair Gort: Yes.

Commissioner Suarez: Thank you. In my briefing, I was told that the public service dollars were not being reduced. Is that accurate?

Mr. Mensah: Yes. The public service dollars that we received from HUD (Department of Housing and Urban Development), by itself, hasn't been reduced. The City, every year, put in program income from previous years. Fifteen percent of program income from previous years we're allowed to put in. And then every year when we get a program income, 15 percent of that amount goes to public service. So what -- If you look at this attachment A, it says the public service, 715,702, plus program income of 75,000 from prior years. What happened this year is that we did not receive 750,000 program income like we've been receiving in the previous years, so we can only appropriate 15 percent of whatever we received, which, as of today, is about \$500,000. And in March 12, you will vote on an item that includes program income, which -- of \$500,000. So we can only --

Commissioner Suarez: So -- okay, so that will supplement the difference, correct?

Mr. Mensah: That's what made up the difference.

Commissioner Suarez: Okay. And I just think, you know, what happens -- sometime -- I think we've done a great job as a Commission of narrowing or filling the gaps when they come up. I -- sometimes we don't think we communicate it that well, and we have agencies that are worried about funding. So I just wanted to make sure that that was on the record for their benefit, for the benefit of their members to know that if there's any deficiency, I think we've committed as a government always to step up and find a way to plug that gap.

Mr. Mensah: Yeah. What we've traditionally done is that we always look at last year's amount and then look at what they're getting this year from CDBG and the public -- the poverty initiative have been used to fill it up so that the amount -- total amount they receive will always remain the same, and this (UNINTELLIGIBLE) we do it and we think that the amount is not enough, we obviously go to the City Manager and say, "We have an issue here." So we haven't reach that state yet.

Commissioner Suarez: Thank you.

Mr. Mensah: Thank you.

Chair Gort: Any other questions? Discussion? Do I have a motion?

Commissioner Suarez: *So moved.*

Chair Gort: *It's moved by Commissioner Suarez. 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.*

PH.3

15-00075

*Department of
Community and
Economic
Development*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FUNDS FOR PROGRAM YEAR 2015-2016, IN THE PROJECTED AMOUNT OF \$710,196.15 FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") ENTITLEMENT GRANTS FUNDS, AND THE PROJECTED AMOUNT OF \$75,000.00 FROM PREVIOUS YEARS PROGRAM INCOME, FOR A TOTAL PROJECTED AMOUNT OF \$785,196.15, IN THE PUBLIC SERVICE CATEGORY, TO THE AGENCIES SPECIFIED IN ATTACHMENT "A," ATTACHED AND INCORPORATED, FOR PUBLIC SERVICE ACTIVITIES BEGINNING APRIL 1, 2015; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

15-00075 Summary Form.pdf

15-00075 Notice to the Public.pdf

15-00075 Legislation.pdf

Motion by Vice Chair Hardemon, 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-15-0064

Chair Gort: *PH.3*

George Mensah (Director, Community and Economic Development): Commissioner, PH.3 is a authorizing the allocation of CDBG (Community Development Block Grant) public services to the agencies that I've provided in here and just to say, for the record, is that these are partial allocations. These are not the full of allocations. On March 26, all the other allocations will be made. So if an agency did not hear their name, it does not necessarily mean that they are not going to be funded; additional funding will take place. Also, at this point, there probably might be amendments made on the floor, but I would just go through and indicate the amount that was advertised. And that's Catholic Charities, Sagrada Familia, 12,444; Centro Mater Child Care Services, 14,519; St. Alban's Day Nursery, 23,960; Allapattah Community Action, Incorporated, 167,751; Southwest Social Services, 79,834; Fifty-Five Years & Up, 8,396; Jose Perez de Castano Kidney Foundation, 8,181; Little Havana Activity Nutrition Centers of Dade County, 134,481 [sic]; Curley's House of Style, 27,500; Sunshine For All, 46,902; Liberty City Optimist Club of Florida, 50,000; Urgent, Inc., 10,000; Association for Development of Exceptional, 26,163; Sundari Foundation, 26,214; Thelma Gibson Health Initiative, 54,876; and then there are other funds that have not been allocated right now. I hope to allocate it later. That is 93,902.

Chair Gort: Thank you, sir.

Todd B. Hannon (City Clerk): I'm sorry, Chair. Mr. Community Development Director, are we amending the legislation on the floor, or you're just reading from the resolution?

Mr. Mensah: I'm just --

Chair Gort: He's reading --

Mr. Mensah: -- reading from the resolution what is provided, yes.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Yes.

Vice Chair Hardemon: I do have some modifications I would like to do.

Chair Gort: Sure.

Vice Chair Hardemon: As the amounts have not been -- well, you probably want to open up the floor first and then we'll get there.

Chair Gort: Yes. Is anyone in the public would like to address this issue? Anyone in the public?

Luther Campbell: Good morning. Luther Campbell, president of Liberty City Optimist. We would just like to say -- we'd like to thank you all for the funds. These funds serve over 300 kids that are on a year-round basis at our program. Thank you, Commissioner Hardemon, for reactivating these funds. We're allowed to be able to send kids to Orlando; for trips that they would have never been able to go to Orlando, girls and boys. These funds will allow us to be able to have after-school care, teaching these young kids the importance of education. And we have a new executive director. I'll let her speak on some of the other things that the funds went to on. Remember, all of our -- everybody that works at Liberty City Optimist, this is our 25th, year and nobody gets paid; it's all volunteer.

Chair Gort: That's great. Thank you.

Eureca Colanges: Good morning. My name is Eureca Colanges. I live at 1451 Northwest 50 Street. I've been currently the executive director; voted in by the board, and I'm proud and honored and humbled to take over the late Coach Sam Johnson's torch of assisting and providing service to our youth and the Liberty City optimist area. I've been a volunteer with the Liberty City Optimist area for 13 years. My daughter started as a super Pee Wee cheerleader, and I moved up as a coach; Commissioner, all volunteer work, and the board saw my desire to assist the youth, and my knowledge of the program, and the vision that the late Coach Sam had, and I was to continue that. What we have been able to do with the funds that were provided was serve approximately over 300 kids participating in football, cheer, baseball; we provided the lunch, dinners for a hundred kids during the summer that came out for a fitness camp that we had. The grant funded approximately 30 to 40 kids, with physical fitness and activity and health, also with tutoring. A lot of our kids had low grade point average, and we provided tutoring to increase their GPA (grade point average); increase in parent involvement. We anticipated the parents to be involved, to also volunteer, so we had an increase of the parent involvement. The cheerleaders who traveled got a great experience in meeting other kids, because in our area, the kids don't really get to see and travel out of their local area. So they got to travel and met with other kids from Georgia, from Alabama, from New York; and also, our boys were able to travel and have that experience.

Chair Gort: *In conclusion.*

Ms. Colanges: *No conclusion as yet. Thank you. I just wanted to say the funds that were provided kept our kids active in an area that is limited with opportunity. As you know, we live in the Liberty City optimist area, and I live right across the street from Charles Hadley Park; and the neighboring area, it's always gunshot: pop, pop, pop, pop all night long. So I just wanted to say thank you for providing these funds to help us keep these kids active and focused and to be able to have a way out of what's basically a lost situation. And I want to give a special recognition to Commissioner Hardemon. I've seen him come out there and be with the kids in baseball and to show them a positive role model. I just wanted to say thank you.*

Chair Gort: *I want to thank you, and I'm sure you have great on-the-job training. You had a good one.*

Ms. Colanges: *Yeah, thank you.*

Chair Gort: *So I think you'll make an excellent director.*

Ms. Colanges: *Thank you, thank you.*

Chair Gort: *Thank you. Anyone else? Anyone else? We close the public hearings. Vice Chairman, you're recognized.*

Vice Chair Hardemon: *Thank you very much, sir. In reference to PH.3, I'd like to modify the allocations that are listed under District 5, and if we can do so in a way that it reflects that the entities that I wish on this day to be granted the funds will be Curley's House of Style and Liberty City Optimist; so all other entities, remove their allocation from them for today. And that will be a motion with that modification --*

Commissioner Suarez: *Second.*

Vice Chair Hardemon: *-- I want to approve the allocation as they are.*

Commissioner Suarez: *Second.*

Chair Gort: *It's been moved and second.*

Commissioner Suarez: *As modified.*

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

The Commission (Collectively): *Aye.*

Chair Gort: *Thank you.*

PH.4

15-00077

***Department of
Community and
Economic
Development***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, FOR PROGRAM YEAR 2015-2016, FOR ECONOMIC DEVELOPMENT ACTIVITIES, IN THE PROJECTED AMOUNT OF \$2,407,516.65, TO THE AGENCIES SPECIFIED IN ATTACHMENT "A," ATTACHED AND INCORPORATED, FOR ECONOMIC

DEVELOPMENT ACTIVITIES IN THE PROGRAM YEAR 2015-2016;
AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY
DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR
SAID PURPOSE.

15-00077 Summary Form.pdf
15-00077 Notice to the Public.pdf
15-00077 Legislation.pdf
15-00077 Attachment 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 Hardemon

Absent: 1 - Commissioner(s) Suarez

R-15-0065

Chair Gort: PH.4.

George Mensah (Director, Community and Economic Development): PH.4. Commissioner, PH.4 is a resolution of Miami City Commission authorizing the allocation of economic development activities in the projected amount of approximately \$2.4 million to the entities as described below: Allapattah Business Development Authority for technical assistance to commercial façade, 84,500; Miami Bayside Foundation technical assistance for for-profit business, 40,000; Neighbors and Neighbors Association, Incorporated, technical assistance to for-profit business, 80,000; façade construction reserve, 424,931; and then funds are that are to be allocated at our March 26 meeting, about \$1.7 million.

Chair Gort: Public hearing. Is anyone would like to address this issue?

Nathan Kurland: Commissioners, ladies and gentlemen in the audience, people listening at home. My name is Nathan Kurland. I have the honor to serve as the chair of the Miami Bayside Foundation. I'm here with our executive director, Kathleen Murphy. For those of you who are not aware of what the Miami Bayside Foundation is, back in 1986, when Willard Rouse built the Bayside Marketplace, the City, somewhat pushy, decided that it would be the developer's -- the landlord's responsibility to create a minority foundation solely for the support, education, loans, and programs for minority residents of the City of Miami. Since 2010, the Miami Bayside Foundation has created endowments at FIU (Florida International University), Miami-Dade College, Florida Memorial University, and the MBA program at FIU on Brickell; again, only available to resident minorities of the City of Miami. We have created in this past year, 2014, scholarships at every single high school in the City of Miami; only for resident minorities of the City of Miami. These should never go unused. We are also -- this -- as we speak, over the next two to three months, creating scholarships at D.A. Dorsey, Lindsay Hopkins, and Baker Aviation Technical colleges; again, only available for residents of the City of Miami. We've given over -- since 2010, over 379 scholarships. We have made over 32 loans, exceeding \$1.2 million. We have this past year been nominated and accepted as a certified CDFI, community development financial institution. "What is that?" you might ask. This enables us to be eligible for Florida enterprise loans. They will match our loans for businesses of residents of the City of Miami. And finally, these jobs and these loans, the Miami Bayside Foundation, in giving loans to these entrepreneurial, minority residents, have created over 200 jobs in the City of Miami. It is indeed an honor for me to be here on days when someone like Georgia Ayers is honored. Finally, I would like to thank Commissioner Suarez for his support of the Miami Bayside Foundation; \$40,000 of his CDBG (Community Development Block Grant) grant goes to the Miami Bayside Foundation to do the good work for minority residents of the City of Miami. Thank you.

Chair Gort: Thank you, sir. Anyone else?

Mr. Kurland: Oh, excuse me. Commissioner, this is a fortune cookie, as you can see, and it says right here, "The Miami Bayside Foundation will continue to do great work in 2015."

Chair Gort: Very good. You spent all night making that one.

Mr. Kurland: Absolutely.

Renita Holmes: Madam Holmes again. I love that guy. But, you know, I don't know about -- Chinese food always leaves you hungry. I don't necessarily want to be a party pooper. I think that's wonderful, so let me say that's great. But like I said, when we look at the monitoring in the past, 30 years of CDBG allegation [sic] and when women are basically becoming more homeless than not, increasingly dying in the streets, and youth in impoverished communities are left homeless and in need of jobs, every dollar that comes here -- I'm looking for 30 cent out of the dollar to be actually applied to those men. Then more so, I need for a large portion of those dollars to be given to women. And women hardly do construction. Women are hardly -- maybe a flag job, elevator job, and I appreciate that. I would also like to raise awareness to the board, if you would, about loans. "Local" is such a big word. Audrey Lord was local, but because of her choices and lifestyle, she was not considered important. So when we talk about local when we're monitoring these funds, Mr. Mensah, do we have a formula to ensure that women and those women that are mostly local, or those women that are home-based business, or those women that are home-based business, local and black are accessing it? And if the Foundation is monitoring the type of -- culturally, what I have found in my 30 years, sir, to be incompetent technical assistance so that I could remain competitive, I'll close and say no doubt that you can have intelligence; no doubt, sometimes you can be outspoken; no doubt, you can be fully aware, but if you're given the bene -- if you're not being given the benefit of doubt having that desire to be economically empowered and wanting to be in business and the rules and the process don't reflect it, but yet you're entitled for other folks to get it, I'm wondering how many of those companies that get this money from Bayside this time will be black, owned by a women, and from Overtown. Thank you.

Chair Gort: Thank you.

Mariano Cruz: Me.

Chair Gort: Yes, sir.

Mr. Cruz: Mariano Cruz, 801 Northwest 37th Avenue. That's where ABDA (Allapattah Business Development Authority) is located. I am the chairman of ABDA, Allapattah Business Development Authority, and I don't get paid for that. I am very qualified, because I am an electrical engineer, Microsoft specialist entomologist -- pest control make plenty of money in fumigation and that, so now I can dedicate my time to the community, but we still -- we cut the expenses. We move to a smaller place, half of the place, less rent because of what's in it. Now the water -- we don't get Zephyrhill water. We get a special company there. So I don't know why the department got to have so many assistant secretaries, you know, deputy -- one director and then two or three or whatever it is. We function with me, one chairman. We don't need to have three or four people there or whatever. Cut the expenses. Cut the expenses too, because the money is limited. So there is no money for the people to travel that have to travel now all around and -- you know, I don't -- I know some of these people, they tell me that, but they don't come here and say like I say, because they don't have the guts. They have people with weak knees. No, they afraid. I'm not afraid of anybody. Thank you.

Chair Gort: Thank you. Anyone else? Anyone else? Seeing none, hearing none, we'll close the public hearing. Do I have a motion? Discussion.

Commissioner Sarnoff: So move.

Commissioner Carollo: Second.

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

The Commission (Collectively): Aye.

PH.5

15-00073

*Department of
Community and
Economic
Development*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS, IN THE PROJECTED AMOUNT OF \$2,756,727.00, FOR PROGRAM YEAR 2015-2016, IN THE CATEGORIES AS SPECIFIED IN ATTACHMENT "A," ATTACHED AND INCORPORATED, FOR THE DEVELOPMENT OF AFFORDABLE HOUSING; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

15-00073 Summary Form.pdf

15-00073 Notice to the Public.pdf

15-00073 Legislation.pdf

15-00073 Attachment A.pdf

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

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

Absent: 2 - Commissioner(s) Suarez and Hardemon

R-15-0066

Chair Gort: PH.5.

George Mensah (Director, Community and Economic Development): Commissioner, PH.5 is the allocation of -- authorizing the allocation of the Home Investment Partnership, in the projected amount of \$2.7 million, for the program year 2015-2016. Since we have the actual amount, I will just read for the record the actual amounts here. For the Home Ownership Zone, \$1.5 million; for Program Administration, 253,159; for Housing Programs, 778,436; for a total of \$2,531,595.

Chair Gort: Thank you, sir. Anyone in the public would like to address this issue? Is anyone in the public would like to address this issue? Seeing none, hearing none, we'll close the public hearings. Do I have a motion?

Commissioner Carollo: Move it.

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

The Commission (Collectively): Aye.

PH.6

15-00072

RESOLUTION

*Department of
Community and
Economic
Development*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE ALLOCATION OF HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ("HOPWA") PROGRAM FUNDS, FOR PROGRAM YEAR 2015-2016, IN THE PROJECTED AMOUNT OF \$11,348,256.00, AND \$1,477,781.00 FROM PREVIOUS YEARS HOPWA FUNDING, FOR A TOTAL ALLOCATION OF \$12,826,037.00, AS SPECIFIED IN ATTACHMENT "A," ATTACHED AND INCORPORATED, TO PROVIDE HOUSING ASSISTANCE AND HOUSING RELATED SERVICES TO LOW-INCOME INDIVIDUALS LIVING WITH HIV/AIDS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

15-00072 Summary Form.pdf

15-00072 Notice to the Public.pdf

15-00072 Legislation.pdf

15-00072 Attachment A.pdf

Motion by Commissioner Carollo, seconded by Commissioner Sarnoff, 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-15-0067

Chair Gort: PH.6.

George Mensah (Director, Community and Economic Development): Commissioner, PH.6 is a resolution authorizing the allocation of program year 2015-2016 Housing Opportunities for Persons with AIDS (Acquired Immunodeficiency Syndrome), HOPWA program funds, in an amount of \$11,348,256, and one -- about \$1.4 million from previous year's funds, for a total allocation of \$12.8 million, and that's as specified -- the program administration -- and as specified in the resolution, when there's any reduction, these amounts proportionately reduced. We had a reduction, so these amounts will -- a portion will be reduced: City of Miami Community & Economic Development, 310,447; Apple Tree Perspective for technical assistance, 30,000. For project base operating support, Miami Beach Community Development Corporation, 28,000; Carrfour Supportive Housing, 28,000; another Carrfour Supportive Housing for another building, 21,000. For the Long-Term Rental Assistance Program, which provide housing specialist services, Move-In/Compliance/Walk-Through/Exit & HQS Inspections, we have Center of Information and Orientation, 457,725; Community AIDS Resource, Incorporated, 215,400; Empower "U," 457,725; Sunshine For All, 457,725; Spanish American Basic Education and Rehabilitation, 210,015. Then for actual payment of rents, which is submitted by the City of Miami, is \$10,050,000. Then for short-term rental and mortgage assistance, Sunshine For All, 78,000; and the total amount of short-term rental payments from the City of Miami will be 48,000.

Chair Gort: Thank you, sir. Is anyone in the public would like to address this issue? Anyone in the public would like to address this issue? Seeing none, hearing none, we'll close the public hearings. Do I have a motion?

Commissioner Suarez: So moved.

Commissioner Carollo: So moved.

Commissioner Sarnoff: Second.

Commissioner Suarez: Second.

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

The Commission (Collectively): Aye.

PH.7**15-00071**

*Department of
Community and
Economic
Development*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION OF EMERGENCY SOLUTIONS GRANT FUNDS FOR PROGRAM YEAR 2015-2016, IN THE TOTAL AMOUNT OF \$399,538.00, AS SPECIFIED IN ATTACHMENT "A," ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

15-00071 Summary Form.pdf

15-00071 Notice to the Public.pdf

15-00071 Legislation.pdf

15-00071 Attachment A.pdf

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

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

R-15-0068

Chair Gort: PH.7.

George Mensah (Director, Community and Economic Development): Commissioner, PH.7 is authorizing the allocation of Emergency Solutions Grant Program Funds for 2015-2016, in the total amount of 399,538, as specified in the attachment, and the attachment will include Citrus Health, Incorporated for Rapid Rehousing & Homeless Prevention Program, 129,851; 38 -- it's made up of 38,000; for Rapid Rehousing & Homeless Prevention, 90,000; Citrus Health Network Program Administration, \$9,056; City of Miami Program Administration, \$20,908; and the City of Miami Homeless Program for the NET (Neighborhood Enhancement Team) will be \$239,722.

Chair Gort: Thank you, sir. Is anyone in the public would like to address this issue? Is anyone in the public? Seeing none, hearing none, we close the public hearings. I have a question.

Mr. Mensah: Sure, Commissioner.

Chair Gort: For the homeless -- City of Miami Homeless Program, we have 298,000, something like that. Who -- what's the matching fund from the -- what do you call them? -- Homeless Trust?

Mr. Mensah: I think -- my understanding is that they get funds from the Homeless Trust, and they also use these funds for matching funds of other funds that they get from the Homeless Trust.

Chair Gort: Do we have the total budget for the City of Miami Homeless Program?

Unidentified Speaker: (UNINTELLIGIBLE) the Homeless --

Chair Gort: The Homeless -- yeah, (UNINTELLIGIBLE).

Commissioner Sarnoff: In other words, the Homeless Trust, how much is -- their annual budget

is --

Chair Gort: How much --

Commissioner Sarnoff: -- \$52 million.

Chair Gort: No, no. I know that's the total, \$52 million.

Commissioner Sarnoff: Sorry.

Chair Gort: But how much do we get for the City of Miami? We put a hundred -- 258,000 and how much we get from the Trust?

Daniel J. Alfonso (City Manager): Commissioner, I don't have that information readily available. In terms of the direct support, we can get that for you.

Chair Gort: Okay, (UNINTELLIGIBLE) get the information; also, the type of services, because my understanding is Green Shirts, they're for the whole county.

Mr. Mensah: Yes.

Mr. Alfonso: Correct. We -- our folks -- our Green Shirts work the entire county.

Chair Gort: But yet, the articles that I've been reading -- and I don't know if I'm correct or not or the papers are correct -- most of the homeless are within the City of Miami.

Mr. Alfonso: That is correct. The majority --

Chair Gort: Okay.

Mr. Alfonso: -- of the homeless folks are within the City.

Chair Gort: So I'd like to get that information, if possible. Thank you.

Mr. Mensah: I'll get it for you.

Chair Gort: Any other discussion? Do I have a motion?

Commissioner Sarnoff: So moved.

Commissioner Carollo: Second.

Chair Gort: Moved by Commissioner Sarnoff; second by Commissioner Carollo. Is there any further discussion? Being none, all in favor, state it by saying *aye*."

The Commission (Collectively): *Aye*.

PH.8

15-00070

*Department of
Community and
Economic
Development*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ACCEPTANCE OF SECTION 8 HOUSING PROGRAM FUNDS, IN THE PROJECTED AMOUNT OF \$3,800,000.00 FOR RENTAL ASSISTANCE, AND IN THE PROJECTED AMOUNT OF \$400,000.00 FOR PROGRAM ADMINISTRATION, FOR A TOTAL PROJECTED AMOUNT OF \$4,200,000.00, FROM FISCAL YEAR 2015-2016 ANNUAL CONTRIBUTIONS FROM THE

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

15-00070 Summary Form.pdf

15-00070 Notice to the Public.pdf

15-00070 Legislation.pdf

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

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

R-15-0069

Chair Gort: PH.8.

George Mensah (Director, Community and Economic Development): PH.8 is a resolution authorizing the acceptance of Section 8 Program Funds, in the projected amount of \$3.8 million, in the projected amount of 400,000 for Administration; for the total projected amount of \$4.2 million.

Chair Gort: This is Section 8 vouchers of the City of Miami, right?

Mr. Mensah: Yes, please.

Chair Gort: Okay. And we have a waiting list of how many thousand?

Mr. Mensah: For the Model Rehab Program, we have about 10,000 people on the waiting list. For the Voucher Program, which we just did a wait list in November, we limited to just a hundred, because it turns over like one or two every year.

Chair Gort: Thank you. Is anyone in the public would like to address this issue? Anyone in the public?

Renita Holmes: Madam Holmes, the Women's Association Alliance addressing injustice and violence for empowerment. Just one question: in regards to Section 8, one of the major category of complaints and direct services that we provide are to women, mothers, and veterans and also women that are moved that live in Section 8 vouchers, Commissioners. And 9.99 percent of the time those entitled, qualified -- and I say "women" a lot, but that also means entitlement; it means poor folks, period, but that's my priority, and I think that is the priority of entitlement described again, but they also -- we also wind up utilizing the Rental Assistance Program. So I was wondering if it was a report or is there any type of comparison, a monitoring, report that we can, you know, say how many actually on Section 8 are utilizing rent, because now they're wrongfully evicted or they're evicted and they utilize other intermediary funds for temporary housing, including Camillus? And I think, if you did that just by my experience and my brain, you may find out that it's a lot of redundant spending, but most important, Commissioner and Chairperson, particularly our Commissioner in Miami, that landlords are keeping money. I can go in my briefcase and pull out three of my clients, not without respect for HIPAA (Health Insurance Portability and Accountability Act) laws, because some of them are sick -- most of us -- most of these women are sick as well in their rights, but these women's name -- and we can call them and they can tell you, "Yes, I've been on Section 8. I used to live in public housing. I'm now homeless. I cannot apply for rental assistance again because it's been less than a year since I did that or someone in my family that's on my lease utilized it; was added." This a cross sector of expenditures here that can be avoided, and I think in the formula that we're utilizing, although I haven't seen it in the lack of a monitoring, that women are giving money to landlords that get

money from them, and then we turn around and we suck the life out of this small amount. It's so disproportionate. The gaps are so big when it comes to us in Section 8. And yes, we do have a long line, but a lot of that is coming from some other places. And I don't have time, but I know I have the opportunity to go in that bag or to project. Nobody likes making complaints, but if you talk about Camillus House, you talk about homeless funds, you talk about rental assistance; we're talking about 90 percent women, Mr. Chair, and I'm just concerned that that woman who access Section 8, used to live in public housing, became homeless, used to work for Camillus, got jumped on and stumped on on a sidewalk right in front of Mother Teres -- Camillus. It's a gap somewhere, because you can't access these little bit of funds. It's not enough funds, and with triple times the number of women. I need to know what are we doing --

Chair Gort: Thank you.

Ms. Holmes: -- to identify that gap?

Chair Gort: Thank you. I'm sure they can get you all the information.

Ms. Holmes: I want you to get it. I want you to get it, Mr. Chair. Thank you, sir.

Chair Gort: I want to give it to you. Yes, anyone else in the public? Anyone else? Close the public hearing. Motion.

Commissioner Sarnoff: So moved.

Chair Gort: Discussion. Moved by Commissioner Sarnoff. Is there a second?

Commissioner Carollo: Second.

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

The Commission (Collectively): Aye.

PH.9

14-01159

Department of Public Works

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE RESTRICTION OF VEHICULAR ACCESS TO THE SOUTHEASTERN END OF CRYSTAL VIEW COURT, LOCATED APPROXIMATELY 800 FEET SOUTHEAST OF ITS INTERSECTION WITH SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA, SUBJECT TO CERTAIN CONDITIONS AS MORE PARTICULARLY SET FORTH HEREIN; AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE HEREIN DESIGNATED AGENCIES.

14-01159 Summary Form.pdf

14-01159 Notice to the Public.pdf

14-01159 Memo - Police Dept.pdf

14-01159 Memo - Fire Dept.pdf

14-01159 Memo - Solid Waste Dept.pdf

14-01159 Map.pdf

14-01159 Legislation V1.pdf

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

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

R-15-0070

Chair Gort: Okay, we left at PH.9 or 10?

Todd B. Hannon (City Clerk): PH.9, sir.

Eduardo Santamaria: Good morning, Mr. Chair, Commission. Ed Santamaria, director of Public Works. PH.9 is a resolution authorizing and permitting the restriction of vehicular access to a portion of Crystal View Court, approximately 800 feet southeast of its intersection with South Bayshore Drive.

Commissioner Sarnoff: So moved.

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

Commissioner Suarez: Second.

Chair Gort: Second by Commissioner Suarez. Any further discussion? Anyone in the public that would like to address this issue? Is anyone in the public would like to address this issue? Seeing none, hearing none, close the public hearing. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

PH.10**15-00047*****Department of Public Works*****RESOLUTION**

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

15-00047 Summary Form.pdf

15-00047 Notice to the Public.pdf

15-00047 Legislation.pdf

15-00047 Attachment 1.pdf

15-00047 Exhibit A.pdf

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

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

R-15-0071

Chair Gort: PH.10.

Eduardo Santamaria: Again, Commission, Ed Santamaria, director of Public Works. PH.10 is a

resolution of the Miami City Commission reflect -- accepting the final plat of Crimson Tower from Alpine Estates, LLC (Limited Liability Company) and authorizing the City Manager to execute the documents for the recordation of the plat.

Commissioner Sarnoff: So moved.

Commissioner Suarez: Second.

Vice Chair Gort: it's been moved by Commissioner Sarnoff; second by Commissioner Carollo. This is a public hearing. Is anyone in the public would like to address this issue? Seeing none, hearing none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

END OF PUBLIC HEARINGS

SECOND READING ORDINANCES

SR.1

ORDINANCE

Second Reading

14-01319

*Department of NET
Administration*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 36 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "NOISE," MORE PARTICULARLY BY AMENDING SECTION 36, ENTITLED "CONSTRUCTION EQUIPMENT," BY AMENDING SECTION 36-6(B) TO ADD DEFINITIONS FOR CONSTRUCTION NOISE WAIVER, CONSTRUCTION NOISE WAIVER APPLICATION AND DESIGNEE; BY AMENDING SECTION 36-6(C) TO PROVIDE FOR THE CITY MANAGER TO SELECT A DESIGNEE AND TO PROVIDE AN APPLICATION DEADLINE, NOTICE REQUIREMENTS, AN APPLICATION FEE, AND A MAXIMUM TIME FRAME FOR THE WAIVER; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-01319 Summary Form SR.pdf

14-01319 Legislation SR.pdf

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

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

Note for the Record: Item SR.1 was continued to the March 26, 2015 Planning and Zoning City Commission Meeting.

Chair Gort: Second readings.

Daniel J. Alfonso (City Manager): Good afternoon. Commissioners, SR.1 is an ordinance change modifying Chapter 36 as it pertains to noise waivers. We're instituting a \$75 fee, designating -- giving the Manager the ability to designate a person to carry the noise waiver out and requiring at least five days for the submittal of the request.

Chair Gort: Okay, thank you. It's a public hearing. yes, ma'am, you're recognized.

Grace Solares: Hi. Grace Solares, 60 Southwest 30th Road. The reason why this matter was before you, Mr. Chairman, the last time was because I received some e-mails (electronic) from the Edgewater neighbors complaining about the fact that -- actually, the one who called me was a nurse -- that she had arrived at her house and then the project next to hers started going at 2

o'clock in the morning. I went looking at the Code and saw that the only person who could give a waiver is the Manager, not the NET (Neighborhood Enhancement Team) office. So I contacted the NET -- the -- Mr. Manager, and I sent him an e-mail; seems that the City has been actually granting noise waivers wrongfully for a long time, so therefore, the matter went before you; last time is when you asked "Why is this before us?" It's because that happened. So now they're making the changes to be the City Manager and/or his designee. When I read the amendments, I went and spoke with Commissioner Suarez, and Ms. Méndez was present at the time, and I said that the designee had to be actually specified, because in anybody -- a designee could be anybody in the City. So we suggested at the time that it be an Assistant City Manager, the director of Building, the director of Planning & Zoning, or the director of Capital Improvement so that people can have actually somebody to actually contact when the noise waiver is given. The other thing that I objected to was that it was changed to -- notice be given to the abutting person. Well, I don't think that is proper, because I can be the abutting neighbor. But if I am out of the country and I am the only one getting the notice, my neighbor who is 10 feet away from me will not know that it's going -- that noise is going to begin at 2 o'clock in the morning or whatever it is, and he will not have had the chance to actually go to his children's house or his parents' house or to a hotel, wherever. So I suggested to the Commissioner that it be to the property owners within 500 feet so people could actually make arrangements to go someplace. Also, I think that providing a noise waiver for 30 days is a tremendously long time to be able to, at will, for a period of 30 days be able to make the noise going on and on. So I gave the suggested changes to Commissioner Suarez, and I would actually ask that you implement them.

Chair Gort: Thank you, ma'am.

Ms. Solares: Thank you.

Chair Gort: Question.

Commissioner Suarez: Mr. Chair.

Chair Gort: Let me ask a question a minute. I'm not a builder. What would be the need of any construction that starts at 2 o'clock in the morning? Is there any specific --?

Mr. Alfonso: Yes, Commissioner. There are projects that require that the construction work be done at night because of the obstruction of traffic, et cetera. So if you're pouring a lot of concrete and you're going to have a lot of trucks parked outside on the road, they require a nighttime. Or if -- sometimes you're building down into the ground and you require an encasement -- like, you know, when you do a digging down --

Chair Gort: Right.

Mr. Alfonso: -- you're required to do it around the clock, because you can't stop; otherwise, the water seeps back into the structure.

Chair Gort: Okay.

Commissioner Sarnoff: If you Google "continuous pour" on You Tube, you will see the Museum of Science; 167 cement trucks were lined up in the streets in the City of Miami, and for a nine-hour period, at night, they continuously poured the aquarium to that. On a parallel basis, a lot of foundations, especially on any high-rise over 30 stories, receives continuous pours. Twenty-seventh Avenue, which is being constructed by the County, received a number of noise waivers because they're doing work at night, because they were disconnecting people's water, and they think it's better to disconnect at night so that in the morning, you have -- you get up and you have water. So there are a number of scenarios that get played out.

Victoria Méndez (City Attorney): Chairman--

Chair Gort: Thank you.

Ms. Méndez: -- in the past, just to -- one more added situation. In the past, these used to be incorporated into the MUSPs, the Major Use Special Permits that used to come before you. Now that a lot of projects are done as of right, they really don't have those waivers that used to come before you, so now it's just --

Chair Gort: Miami 21.

Commissioner Suarez: Thank you.

Chair Gort: You're recognized, sir.

Commissioner Suarez: Thank you, Mr. Chair. Yes, I agree, and I think when I spoke with the Manager on this legislation, he agreed that we should limit the designee, so --

Mr. Alfonso: That is correct. We --

Commissioner Suarez: Yeah.

Chair Gort: (UNINTELLIGIBLE).

Commissioner Suarez: So I have no problem limiting --

Chair Gort: Excuse me.

Commissioner Suarez: No, so I -- I just want -- yeah, that's fine. I want him to state on the record that he agreed to the limitation on the designee.

Mr. Alfonso: That is correct, Commissioner. We have no objection to limiting your designees.

Commissioner Suarez: Okay, so I agree on that point. On the second point of abutting verses some sort of greater notice, I agree that abutting is not enough. I mean, if somebody's right next to them, you know, that's not enough of a notice. I don't know if 500 feet is the right amount, because that's also burdensome from a cost perspective. So I leave it to this Commission. I definitely think it should not be abutting. I don't know what the cost is of 500 feet, and I don't know how often these things are requested, so it could end up being burdensome overall.

Mr. Alfonso: The requests that we're getting, Commissioner, are dozens a week. Now, not all of them are for overnight; some of them are from certain time in the morning to certain time in the evening, but we're getting dozens of requests a week for noise waivers.

Commissioner Suarez: And this is paid for -- borne by the permit -- I mean, the waiving requester, correct?

Commissioner Carollo: By the developer.

Mr. Alfonso: Right now there is no payment fee, and the notification that we do is through the homeowners associations. That's what we do right now via e-mail. So there is no cost, per se, for notifying because we have a registered list of homeowners associations that we e-mail them to all of them as to the noise waivers that have been granted.

Commissioner Suarez: Because that's not in the legislation.

Mr. Alfonso: No, I understand that.

Commissioner Suarez: Okay.

Mr. Alfonso: See, if you were to say, "Well, there has to be notification of people within X" number of feet," then that requires acquiring all of the property owners' information that were within that data and then how do you want that notification to be? Do you want it to be mailed out, et cetera? I mean, that --

Commissioner Suarez: Well, I think it -- in -- when there's a zoning change or whatever, that's like the standard for zoning, and I think that's borne by the person who wants to change the zoning, whether it's the City or whether it's the applicant. You know, again, I agree with the general complaint that abutting is not enough. I don't know what the right answer is, per se. On the third issue, I presume that the reason why it's 30 days is just for ease of convenience. I don't know --

Mr. Alfonso: Well, the reason it's 30 days, sometimes they only need for our five days.

Commissioner Suarez: Right.

Mr. Alfonso: But if they're making the request and we're approving it two weeks ahead of time, then there's a period of time in which it will expire. This is not forever.

Commissioner Suarez: Right.

Mr. Alfonso: And then we have a requirement now; you have to come within X number of days prior to starting.

Commissioner Suarez: Right.

Mr. Alfonso: So some properties --

Commissioner Suarez: I don't have a big issue with the 30 days just because I also don't want it to be continually flooding us, you know. Thirty days seems to me like you can make a reasonable -- that's a limitation, anyways.

Mr. Alfonso: Plus, there's a scheduling issue. You know, they may plan to pour this weekend, but then we have a rain event, and they can't pour, so they postpone it to next one.

Commissioner Suarez: I get it. So my bigger issues are on the notice. I think we're -- I think we're on the same page on the designee.

Mr. Alfonso: Absolutely.

Commissioner Suarez: And I think on the notice, I don't know what this Commission -- if they want to put in the certified list of homeowners associations in the legislation, I think it would be a good idea, at the very minimum. But I don't know if there's anything else that we can require. Go ahead.

Chair Gort: Personally, there's a lot of neighborhoods in our area that they don't have neighborhood homeowners association.

Commissioner Suarez: Right. In my district (UNINTELLIGIBLE).

Chair Gort: I (UNINTELLIGIBLE) be enough.

Commissioner Suarez: Yeah.

Chair Gort: I would like to see some kind of a radius. I mean, our experts should know the noise, how much it will travel, and --

Mr. Alfonso: I -- we understand that, Commissioner. I think --

Chair Gort: And by the way, I understand that very much, because today I was woken up by the train at 4:30 in the morning.

Mr. Alfonso: Right. That --

Chair Gort: They're back at the -- doing it at night.

Mr. Alfonso: That's a quiet zone. That's a different type of noise waiver.

Commissioner Suarez: But Mr. Chair, can I interrupt the --?

Chair Gort: Now, that's no waiver at all. I mean --

Commissioner Suarez: Can I interrupt the Chairman real quick?

Chair Gort: Yes, go ahead.

Commissioner Suarez: For -- if I'm not mistaken, I think I may be right on this. When there's a noise complaint in the City, if the noise is audible from 100 feet, isn't that the threshold or did we change that finally?

Ms. Méndez: No. That's what Chapter 36 is.

Commissioner Suarez: Right. So why don't we make it 100 feet then? If the noise is going to be audi -- go ahead.

Mr. Alfonso: If I may, Commissioner.

Chair Gort: Yes, Mr. Manager.

Mr. Alfonso: Before we move this on second reading, I think that perhaps you'll want to hear from maybe some of the industry people in how --

Commissioner Suarez: Right.

Mr. Alfonso: -- they might be impacted by a requirement to notify every property owner within a certain space, because the only way we will be able to do that would be through direct mailing, which we do not do right now, which would mean --

Ms. Méndez: Or they could post. It can post.

Mr. Alfonso: Or posting. See, posting would be --

Ms. Mendez: Easier.

Mr. Alfonso: -- less onerous.

Commissioner Suarez: Okay.

Mr. Alfonso: And that could be a requirement, but --

Commissioner Suarez: Let's do this, let's defer this.

Mr. Alfonso: Okay.

Commissioner Suarez: Okay? Let's defer this for two weeks.

Mr. Alfonso: You got it.

Commissioner Suarez: I think we've narrowed down --

Mr. Alfonso: Make it a month, because that way -- if it's two weeks --

Commissioner Suarez: A month.

Mr. Alfonso: -- it has been back on the agenda tomorrow

Ms. Méndez: It has to be tomorrow.

Mr. Alfonso: So --

Commissioner Suarez: I move to defer it a month. I mean, to --

Commissioner Carollo: Second.

Chair Gort: Been moved and second.

Mr. Alfonso: Thank you.

Chair Gort: Any further discussion? Being none, all in favor?

The Commission (Collectively): Aye.

Chair Gort: Thank you.

SR.2

15-00149

***District 3-
Commissioner Frank
Carollo***

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI, FLORIDA ("CITY CODE"), ENTITLED "ADMINISTRATION", ARTICLE XI ENTITLED "BOARDS, COMMITTEES, COMMISSIONS", BY ESTABLISHING A NEW DIVISION 22 ENTITLED "STARS OF CALLE OCHO WALK OF FAME CELEBRITY AND COMMUNITY RECOGNITION ADVISORY COMMITTEE", SETTING FORTH THE ESTABLISHMENT, PURPOSE, POWERS AND DUTIES, ITS MEMBERSHIP, QUALIFICATIONS, ORGANIZATION, MEETINGS AND QUORUM, AND AMENDING SECTION 2-892 OF THE CITY CODE TO PROVIDE FOR SUNSET REVIEW OF THE COMMITTEE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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

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

13497

Chair Gort: SR.2.

Commissioner Carollo: Thank you, Mr. Chairman. Mr. Chairman, this is second reading, and what -- and in essence, what we're doing is establishing an advisory committee with regards to the Calle Ocho Walk of Fame Stars. So I move the item.

Commissioner Suarez: Second.

Chair Gort: Been moved and second. It's a public hearing. Is anyone in the public would like to address this issue? Yes, sir.

Mariano Cruz: Mariano Cruz, 1227 Northwest 26th Street. I don't live in Little Havana, but I travel over there a lot, and I know the Calle Ocho Stars, and that's -- I am glad that they coming back, because that's -- I remember going to several of them, and then having parties and all that, and the people coming and looking for the stars. In Hollywood, they got the Walk of Star tour. We have one here too in Miami. Thank you.

Chair Gort: Thank you, sir. Anyone else? Seeing none, hearing none, we close the public hearings. It's a ordinance.

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

Todd B. Hannon (City Clerk): Roll call on item SR.2.

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

Mr. Hannon: The ordinance pass on second reading, 3-0.

4:00 P.M.

SR.3

ORDINANCE

Second Reading

15-00035

***District 5 -
 Commissioner Keon
 Hardemon***

AN ORDINANCE OF THE MIAMI COMMISSION AMENDING CHAPTER 18/ARTICLE III OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "FINANCE/ CITY OF MIAMI PROCUREMENT ORDINANCE", REQUIRING RESPONSIBLE WAGE CONSTRUCTION CONTRACTS, UNDER NEW SECTION 18-120 OF THE CITY CODE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

15-00035 Legislation FR/SR.pdf

15-00035-Submittal-City Manager-Memo-Fiscal Impact of Responsible Wages.pdf

15-00035-Submittal-Cynthia Hernandez-Coalition for Responsible Wages Press Release.pdf

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

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

13500

A motion was made by Commissioner Sarnoff, seconded by Commissioner Carollo, with Chair Gort absent, which FAILED 2/2 (yes: Sarnoff, Carollo / no: Hardemon, Suarez / absent: Gort), directing the City Manager to conduct a forensic accounting analysis three (3) years after the implementation of the ordinance to determine its effectiveness and costs.

Chair Gort: We have time certain, SR.3. SR.3.

Daniel J. Alfonso (City Manager): Mr. Chair.

Chair Gort: Yes.

Mr. Alfonso: SR.3 -- of course, I'm on the wrong page; my apology. SR.3 is an ordinance of the City of Miami Commission amending Chapter 18, Article III of the Code of the City of Miami, Florida, as amended, entitled "Finance/City of Miami Procurement Ordinance," requiring responsible wage construction contracts under new Section 18-120 of the City Code; containing a severability clause and providing for an effective date.

Chair Gort: Thank you, sir. My understanding, there been quite a few speakers that have signed up, but at this time, I would like to call on the chairman of the Miami-Dade County Commission, Chairman Jean Monestime and Pastor William Strange.

Vice Chair Hardemon: The chairman should be arriving from the back.

Chair Gort: We can hear from him.

Jean Monestime: Thank you. Good afternoon, Mr. Chair and members of the City Council -- City Commission. And I want to say congratulations first to Commissioner Sarnoff for being a newly appointed member of the MPO (Metropolitan Planning Organization) and Commissioner Suarez, whose term has just begun serving as our vice chair on the board. It's a pleasure to have you on the board and to serve with you. And it is, indeed, an honor to stand before you and endorse the proposed responsible wage amendment to your Procurement Ordinance. Your action today, as the flagship city of this great County will send a message that other cities should follow. And thank you, Commissioner Hardemon, for inviting me to speak and for reminding me of this issue before you today. The responsible wage policy you are considering is one of the most effective tools available to local government and the State of Florida to improve the lives of our working people. City and County governments cannot raise the minimum wage for workers in the private sector, but when we hire contractors to build public facilities or to construct facilities on public land, we do have the authority under Florida laws to ask for our residents -- that our residents be paid a responsible wage. The County has a responsible wage policy in place for over 20 years, and we believe it is a successful policy that has benefited the working people of our County at no cost, no extra cost to the taxpayers. County contractors still compete to win bids, and they still manage to give us their lowest price to win a bid, but they do not compete by short-changing the workers. When they estimate the overall cost of the project, they know they will have the benefit of experience and skilled workers on the job. County contractors know that paying workers a decent wage dramatically reduces the risk of mistakes. Having skilled, experienced workers is a sure way to reduce the number of working mistake on a job site. With fewer errors, expensive delays are avoided. Using the cheap, inexperienced labor, workers who often make costly mistake can run up the contingency cost on a project and giving the responsible wage is, again, a sure way to end up with over-budget cost [sic]. Commissioners consider value of having projects that are built right the first time, and having public facilities that are built to last. This responsible wage policy you are about to adopt is good for the citizens of Miami, is good for the workforce of our community, is good for our local economy, and I thank you for this opportunity to address you and thank you for taking this important step toward economic prosperity. We need to help sustain families in Miami-Dade County, and that's what

you're doing today, and I encourage all of you to support this policy, and I encourage all of you to continue to work with me and others like us to help sustain the economy of Miami-Dade County. May God bless you and may God bless the City of Miami. Thank you very much for having me before you.

Chair Gort: Thank you, Mr. Chairman, for being here.

Mr. Monestime: Thank you.

Chair Gort: Appreciate it.

Applause.

Chair Gort: Pastor William Strange. It's going to be a lot of speakers, so if you want to, you can -- okay, thank you. Yes, sir.

Willie Strange: Pastor Willie Strange, Mount Calvary Missionary Baptist Church. I want to say thank you first of all for the opportunity to come and to express our concern, as well as our support; to Commissioner Hardemon, who brought this to our attention, and certainly, it's needful, it's necessary. As a matter of fact, we're in a dire strait situation in our neighborhood to find the adequate compensation for our residents to receive to help improve the condition of their lives, and we're here to basically express that we feel it's a remarkable and a commendable thing to be done, and we encourage this Commission to continue to do things of this nature to support and to improve the quality and the condition of the citizens in our community. So we tilt our hat to our Commissioners and to all that's responsible for this bill today, that it continue to move forward and even other things that will come out that will be beneficial, we encourage them and we support them 100 percent; not only me, but I have also a contingency of my members here from the Mount Calvary Baptist Church. We are honored to be here, support you. May God bless the effort that's being exerted to improve the quality of the lives of our citizens, and in particular, of the Liberty City area, which is where I pastor, which is where I was raised and which is -- what's in my heart. And so may God continue to bless the efforts that's being exerted and we strongly support and hope that you all will move forward in this endeavor. Thank you so much.

Chair Gort: Thank you, sir.

Applause

Chair Gort: Thank you. I appreciate it. Next.

Todd B. Hannon (City Clerk): First three speakers: Grace Solares, Alan Eichenbaum and Mark Price.

Grace Solares: Good afternoon, Commissioners. Grace Solares, 60 Southwest 30th Road. First of all, let me tell you that I'm not into construction. I don't do construction work. No one in my family does construction work, and 90 percent or 95 percent of the people in here I've never seen before in my life, but getting ready for my two items before this one today, reading the agenda, I saw this Responsible Wage Ordinance. Today, I've seen you; I've been here all day, and I've seen you vote on hundreds of thousands of dollars, millions of dollars to be given to not-for-profit for a very worthy cause to help society. I also just watched the rebate TIF (Tax Increment Fund) of \$90 million to a for-profit corporation. I also heard Commissioner Sarnoff just now say that he voted for the Worldcenter because it provided hope. Well, this, this Responsible Wage Ordinance does exactly that. I know that four of you voted for it on first reading. I certainly hope that all of you do the same thing, because there's nothing more worthwhile to have somebody get up at 4 o'clock in the morning, or 3 o'clock or whatever, and go to work for 12 to 13 hours, and then

come back and feel that they've done and know that they have enough to support their children. So, please, I ask you, do support this responsible wage. Thank you.

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

Applause

Chair Gort: Look, if we keep this up, I'll take a 10 minute break so you can settle down and then we'll come back. So, please. Thank you. Yes, sir.

Alan Eichenbaum: Good afternoon, Mr. Chairman and Commissioners.

Vice Chair Hardemon: Mr. Chairman, may I? Just to be perfectly clear, and if you have someone next to you, reiterate to them in the City of Miami, we ask with all that we have on the agenda that you not clap. Much like in the County, how you raise your hands to show support, please do that, but when you clap, you take up time, one, for us to hear you clap, to get back to the agenda, and then we have to sit and explain to you why we need you not to clap. So we're losing time and we don't want to lose any time. Thank you.

Mr. Eichenbaum: Alan Eichenbaum, counsel for the South Florida Building and Construction Trades Council, 7890 Peters Road, Plantation, Florida. I'm not going to spend any time today discussing the issue of cost that has been raised because you've been probably inundated with materials and studies on costs, and there will be experts or other people here speaking about the issue of cost. I did want to disabuse, however, the notion that was put forth by the ABC (Associated Builders and Contractors) that the unions are attempting to fleece the City Commission. That inflammatory statement was circulated on their website today. Quite frankly, the ABC represents the interests of contractors and they are in the business of making money and maximizing profit, and there's nothing wrong with that, but it is truly disingenuous for them to attack the motives of unions whose sole purpose is to obtain better wages and working conditions for all workers, and who, along with their cooperating contractors, provide training and upward mobility for their workers. There's a Latin phrase that every law student knows by the end of their first tort course, "Res ipsa loquitur." The thing speaks for itself. In this context, contractors associations exist to represent the interests of their contractors. Unions exist to represent their workers. That is why you have employee organizations and other unions whose workers are not benefiting from this ordinance in support of this, because unions and employee organizations exist to benefit workers; contractors associations do not. And I might add that unions have successfully represented their workers, because otherwise, the ABC would not be here today trying to fight a wage ordinance that has existed in Miami-Dade County for 25 years, and that has governed jobs conducted by the Federal Government under Davis Bacon since 1931 and which would require the ABC contractors to pay their workers more money. Congress passed the Davis Bacon Act for the express purpose of not driving down market wages. The contractor groups are not interested in maintaining high wages. At the end of the day, we can argue about costs, and while I believe the overwhelming preponderance of the evidence shows there is no additional cost to the government, the real issue is, "What agenda do you want to promote?" I'll be done in a minute. Prevailing wage laws result in and the proponent's agenda is to promote workers earning more money; more revenues being received locally; more local hires; more worker training; more participation among African-Americans and women in joint apprenticeship programs; greater worker safety; greater worker productivity; fewer cost overruns. Not many government programs can do that. Those are the fundamental fleecing missions of the proponents of this ordinance. The contractors' mission is to get government construction dollars, pay workers only as much as they have to and to make money. With your vote, support our mission, not theirs. Res ipsa loquitur. Thank you.

Chair Gort: Thank you, sir. Next, next speaker.

Mark Price: Hello, Commissioners. This is the right -- my name is Mark Price. I'm a labor economist at the Keystone Research Center based in Harrisburg, Pennsylvania, where I've worked for a decade. I specialize in the study of construction labor markets. I also, relevant to the matter before you today, did my Ph.D. dissertation in economics at the University of Utah where the focus was on what the effect responsible wage ordinances had on wages, access to health care, access to pensions and skill acquisition within the construction industry. And so I come here today to speak in favor of the ordinance that you're considering, and in particular, I'm going to focus my comments briefly on the impact of these laws on cost. You, of course, are in the very uncomfortable, but I'm sure, familiar position, and you're going to hear two sides of every story. You're going to hear that, you know, these ordinances are going to dramatically raise your cost, and you're also going to hear from people, including me, these ordinances have no effect on cost. And I think there's going to be a temptation -- right? -- to split the middle and just say, "Well, maybe there's merit to both sides." And I want to emphasize to you that there is an active research literature published in peer-reviewed economic journals, journals of public finance that focuses on this question, and the way it does it is it examined actual construction projects over time and ask the question, "In places that have these laws, do costs rise?" One of those studies is by Dr. Peter Phillips from the University of Utah. Dr. Phillips studied 4,000 construction projects, school construction projects over the United States over the course of the 1990's in places that had these laws, in places that didn't, and what Dr. Phillips found, and to put it in terms that you might be familiar with, the thing that drives public construction costs are the number of cranes in your skyline. That's what drives cost; not school, not responsible wage ordinances. Thank you very much.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Mark Weinstein, Bill Riley and Jeanette Smith.

Chair Gort: By the way, you can use both mikes. You can use them both.

Mark Weinstein: Oh, okay, very good. Hello. My name is Mark Weinstein. I'm a faculty member of Florida International University in the College of Business, and I would like to address the impact of responsible wage laws on the overall workforce development. When you have responsible wage laws, it effectively changes the terrain of competitiveness. It forces contractors to compete on the basis of quality and productivity. So in that process, you find employers spending more time looking for qualified workers. Once they go through this extensive search, they have a greater incentive to create workplace policies that really create an incentive for people to remain there. That includes skill upgrading as well as skill upgrading contributes to productivity and these things in turn increases the overall investment of the workforce. This has throughout the economy a overflow effect insofar as once you begin to have one set of employers offering better wages, they compete on quality; they, in turn, increase their investment in the workforce. It overall has an impact of the local economy of increasing the skill base of the workforce and that, in turn, makes Miami a much better place to do business.

Bill Riley: Good afternoon, Chairman Gort and Commissioners. My name is Bill Riley, president of the South Florida Building Trades and Construction Trades Council, 1657 Northwest 17th Avenue, Miami. We're not here -- not asking you to require contractors doing business with the City to pay wages that are just pulled out of the hat. These wages are paid by many contractors doing private contracts and all contractors doing business with Miami-Dade County pay these wages. We are only asking that you not foster the undercutting of those wages by doing business with contractors who pay workers less, provide little or no benefits and subsidize the employee's welfare through public assistance. It's time to stand up and let your constituents and others share in the American dream and not just the chosen few. Thank you.

Chair Gort: Thank you. Next.

Jeanette Smith: Good afternoon. My name is Jeanette Smith. I'm the executive director of South Florida Interfaith Worker Justice, 14539 Southwest -- I forgot my address -- 142nd Court Circle, Miami, Florida, 33186. Quickly, because I know you have a lot of folks waiting, there was a recent report in 2014 from FIU (Florida International University) that stated that poverty continues to increase in the State of Florida, and I'm sure you're all well aware of where Miami has placed. It's disproportionately high for construction workers. Mayor Regalado has actually said that over 220,000 City of Miami residents are on food stamps. To add to those numbers, wage theft is astronomical throughout the State of Florida. And in Miami-Dade County, which has had a Wage Theft Ordinance since 2010, millions of dollars have been recovered in just those few years at an average claim of \$800 per person. So you can imagine how deep the problem is. Construction and hospitality have been the two top industries. Further, another statistic that you may not know is that Florida regularly places in the top three States for workplace deaths and workplace injuries each year. Those are not number -- lists that we want to be on top of. In addition to that, just last year, from May 30 through September 30, there were 30 workplace deaths in South Florida; across Broward, Palm Beach and Miami-Dade; the majority of those were in the construction industry. As you've heard earlier, a responsible wages policy will ensure attracting higher skilled workers, safer workplace conditions, something that's crucial in Florida. Additionally, I think that by taking this step, ensuring responsible workplaces and responsible wages, you're doing well by your community. Miami-Dade, as you heard, has had an ordinance since 1992. I expect nothing less from the beautiful City of Miami, and we are a part, as South Florida Interfaith Worker Justice, a part of the Coalition for Responsible Wages because we recognize that this affects our constituents, it affects the worshippers in the community and it is the right and moral thing to do. And we thank you for taking up this issue.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Solomon Schiff, Mark Schaunaman and Albert Rodriguez.

Jim Junecko: Good afternoon, Mr. Chair and Commissioners. Thank you for your time today. My name is Jim Junecko, 1251 Northeast 108th Street, Apartment 410, Miami, Florida, 33161. Today, I'm speaking on behalf of Rabbi Solomon Schiff of the Rabbinical Association of Greater Miami, who could not attend today, but has a prepared statement for you, so thank you for listening. South Florida Interfaith Worker Justice is a member of the Coalition for Responsible Wages representing diverse faith traditions, but we all share one common conviction: That the dignity of work and the security of family are nonnegotiable moral values. Driven by scriptures' repeated admonitions against exploiting and oppressing workers, we believe that every job must enable those who work to support a family. For a wage to be moral and just, it must be a responsible wage upon which a family can sustain life. Far too many of our neighbors and our loved ones are performing grueling and important jobs every day in which they are paid so little that they must turn to charity and government assistance in order to provide means for their family. History teaches us that in the absence of adequate labor laws, many corporations will pay wages that are too paltry to sustain life. Legislation requiring employers to pay a responsible wage is indispensable to ensuring that no worker will suffer the indignity of poverty. We commend you for taking up the issue today of the Procurement Ordinance and we urge you today to act in the best interest of our community, both employers and employees alike, by ensuring responsible wages. The scriptures abound in passages that address issues of money, wealth and economic justice. As recorded in the first chapter of Genesis, God gave abundant fruits of the earth to all people and animals for their sustenance, and God gave all humanity -- not just a few -- the authority to steward the earth's resources for the benefit of all. As in Genesis, your actions today will ensure that Miami's resources are utilized not just for the few, but for the benefit of all. Thank you for your time.

Chair Gort: Thank you. Yes, sir.

Mark Schaunaman: Good afternoon, Commissioners and staff. My name is Mark Schaunaman.

I'm the business manager of the International Union of Operating Engineers Local 487, located at 1425 Northwest 36th Street. As you look over the ordinance before you, the intent of the Responsible Wage Ordinance is to promote measures to foster and further good corporate citizenship by the citizens, contractors and will promote the City's best interest by establishing requirements that will benefit the contractors and the contractors' employees, and serve the interest of the public health, safety and general welfare. What we're looking at is a bill that's 25 years old, already been in existence, well vetted and well tested by the County. You're not reinventing anything. I think you walk up to the Commissioners over at Miami-Dade County and ask them, "Is it a good bill? Has it affected your budgets?" I'm sure they couldn't tell you which way it affected your budget, just as we know the finance committees and other members, they don't know, but I'm sure they're happy that they have it. As you talk to the staff that looks over these things, they'll tell you, "We couldn't catch the contractors that cheat without this ordinance. It eliminates bad contractors." So just being the fact that it's been in existence 25 years should give you some reassurance. In fact, it was so good they applied it to private money on County land just in 2014 recently. They would never have done that if this was a bad bill. So I think that, hopefully, gives you some confidence moving forward. As you see before, the Miami Herald has done articles over one year. I'm talking about wage theft with crooked contractors stealing wages through misclassification of workers, making them independent contractors, eliminating over \$1 billion from the Florida economy, and that's not just me; that's the Florida Finance -- Jeff Atwater's numbers, right out of the State of Florida. Those are real numbers. We know that they're gone. How do you prevent it? You prevent it by starting with this ordinance. It gives you a paper trail to say, "I got certified payroll, I got a Social Security number, I got a name, I got a classification, what they do for a living and their wage rate." You want to keep a stable economy going, you want to have people that have affordable wages. Police departments, things like that -- I know you were talking about retention of good police officers, you want to lower crime. People do things out of desperation. When they have a decent wage, they won't do desperate things and it lowers the crime rate when people have a living wage. Thank you for your time.

Chair Gort: Let me ask you a question. Your address is 1425 Northwest 36th Street?

Mr. Schaunaman: Yes. That's part of--

Chair Gort: You were not able to get into your office this morning, were you?

Mr. Schaunaman: No, I was. That was a bus accident right in front of --

Chair Gort: It was a big accident in there, yes.

Mr. Schaunaman: And lucky. It was pretty bad, yes.

Chair Gort: You were lucked out. Thank you.

Mr. Schaunaman: You ain't kidding. Thank you.

Chair Gort: Next.

Mr. Hannon: Next three speakers: Camilo Mejia, Wade Helms and Pastor Rhonda.

Camilo Mejia: Good afternoon, Commissioners and everyone present. My name is Camilo Mejia. I live at 3623 Charles Avenue, Miami, Florida, 33133. I am the network's director at Catalyst Miami, which means that my work is to bring in a number of different types of organizations to try to figure out ways to build collective -- to have collective impact and create positive change in the community. Some of the communities that we work with include construction workers, but other also minority low-income communities, undocumented

communities, returning citizens and more. I am here today to speak in favor of the Responsible Wage Ordinance, in part because through my work at Catalyst Miami, I have learned that many of the working people who are struggling to make ends meet every day are not getting the proper returns for their work. These people are working in various industries, including construction, and we're well aware of what happens when these workers don't get enough money to put food on the table, or pay rent, or to pay for daycare, et cetera. One of the things that many of these workers will often do to provide for their families is to look for loans until they fall into the hands of opportunistic money-lending companies who charge buildup interest rates that can climb up to as high as 280 percent interest fees and higher, effectively locking these families into a cycle of poverty. The number of families living in poverty in the City of Miami is in the hundreds of thousands at the moment. In addition to living in poverty, a lot of these families are facing irresponsible, unscrupulous companies and employers who will often deprive them of their low wages and this could lead to eviction, homelessness, malnutrition, psychological issues, health issues and more. A Responsible Wage Ordinance will go a long way in addressing many of these issues and create opportunities for these families. Through the ordinance, the City of Miami has the opportunity to not only create upward mobility for families, but also to send a message to companies that the City of Miami cares a great deal about its residents.

Chair Gort: In conclusion.

Mr. Mejia: Passage of the ordinance will not in itself eradicate poverty, but it's a very important step in the right direction. I want you to know that there are many organizations here, labor, community, faith-based and many more who are in support of this ordinance. We hope that you will do the right thing and vote "yes" for it. Thank you.

Chair Gort: Thank you. At this time, I'd like to recognize former Commissioner, County Commissioner Larry Hawkins. He's hiding back there. Commissioner, it's a pleasure to have you with us. Next.

Wade Jones: Good evening. Again, my name is Wade Jones, and while serving in this community from past board member of PULSE (People United to Lead the Struggle for Equality), for the health clinic that's around the corner, as vice chair, Reece [sic] Health Clinic, and just engaged in this community as the liaison for District 3 with the County Commission, I've had the opportunity to see how much a needed wage ordinance is within this community. It's very important for people to have a living wage that operates in a manner that doesn't cause them to need three or four jobs just to pay their bills. I'm a hundred percent for this item, and I'd appreciate it if all of you voted for it. Thank you.

Chair Gort: Thank you. Next.

Rhonda Thomas: Good evening. My name is Pastor Rhonda Thomas from New Generation Baptist Church, and my husband and I have been pastoring in Miami for over 25 years. I am a product of Miami. With that being said, we care and I care about our parishioners and this community at large. We all understand and recognize the great work that each of you have done in this great City, but we also know that by approving this ordinance [sic], it just makes the work that much greater. Better wages mean a stronger and more fair distributed tax [sic] base. It just drives economic development. We found that every dollar spent in a common construction wage project projects a dollar-fifty in economic activity. It would create great jobs by providing better wages and benefits. It prevents wage theft [sic]. It reduces local unemployment. It reduces workplace injuries and fatalities, but most of all, many of our community, they do not want to result to public assistance [sic]. All they want to do is be able to take care their families, just like you and I. We want God to always bless the City of Miami and He normally blesses us all when we all do the right thing. So my prayer is that you would please support this ordinance. Thank you.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Frank Telfort, Fran Menes and Johan Pedraza.

Unidentified Speaker: Mr. Talbert?

Frank Telfort: Good afternoon. My name is Frank Telfort. I'm the owner of Outlook International Electric. My business is located at 4700 Biscayne Boulevard, Suite 501, Miami, Florida, 33137. As a small business electrical contractor, I take great pride in the level of service I provide to my customers. My projects are completed on time and on budget, and I utilize licensed electricians. I pay my electricians responsible wages. They get health insurance coverage and retirement benefits. I regular bid against contractors that pay their electricians substandard wages and offer no benefits, but my bids are very competitive in comparison. The big difference between me and those unethical contractors in regards to bidding is our profit margin. Contractors that drive down wages for working people end up pocketing higher profits and the customer ends up not receiving the quality of work they pay for. A lot of the contractors, through financial benefit from underpaying workers is cheating the taxpayers and the City of Miami. I ask the Commission to please support responsible small business contractors by voting "yes" for responsible wages. Thank you.

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

Maria Rodriguez: Maria Rodriguez. I'm here in lieu of Franchesca Menes; 2800 Biscayne Boulevard, Number 800, and I'm here representing the 57 organizations of the Florida Immigrant Coalition that stand in support of this ordinance. This ordinance is -- goes way beyond labor unions. This is about families; families in the City of Miami. Recently, I had the opportunity to meet with Mayor Tomás Regalado, who highlighted that almost 50 percent of the families in the City of Miami are poor enough to have to be on food stamps. The legacy of this leadership body around that issue is in your hands with this concrete and specific opportunity to address these issues for the children of these workers, for the families of this City. Immigrant workers are vulnerable to wage theft and exploitation, but all workers are suffering from this as an epidemic. In fact, in 2012, the Florida International University set up a report that found that over \$3 million were stolen from construction workers, specifically. Having this ordinance will ensure that immigrant and U.S.-born (United States) construction workers no longer are cheated out of their wages, and receive the wages and benefits that they deserve and with dignity that they have earned. It's time for this body to join what other municipalities have done in supporting it. It's the right thing to do. It's your leadership that's on the line, and it's a very specific and concrete way that you can address the families and the future of this City. Thank you.

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

Mr. Hannon: Next three speakers: Doug Mercado, Cynthia Hernandez and Sergio Garrido.

Carlos Ramos: Thank you, Commissioners. My name is Carlos Ramos. I live at 2825 Southwest 3rd Avenue, Miami, Florida, 3312 [sic]. Doug Mercado couldn't stay, so I'm just going to read his testimony. "Hello, Commissioners. My name is Doug Mercado, and I am a small minority business contractor with Pita Build Construction since 2001. My address is 3250 Florida Avenue, Coconut Grove, Florida. I am here today to ask that you vote 'yes' on the Responsible Wage Ordinance. As a small minority contractor that bids on projects all over the City, I have seen how contractors cheat their workers using wage theft as a business model to cut labor cost. I have witnessed workers injured on the job who are then told that they are not needed the next day because they have been misclassified as independent contractors. When contractors cheat their workers out of wages, they have lower bids on the projects, which makes it harder for the small businesses like mine to compete with these bids. I have also worked

alongside highly skilled workers who have gone through apprentices and training programs, and who have also worked alongside others who had no training, whatsoever. Clearly, the differences between the highly skilled workers and the non-skilled workers makes a huge impact about a project's budget, timeline, safety standards and the quality of the job. Lastly, the ABC Group insists that this ordinance would hurt small business contractors like myself because we won't be able to afford to pay our employees higher wages, nor provide them with benefits. However, I am living proof that I have greatly benefited from the Miami-Dade County ordinance, and so have my employees. Ensuring that a Responsible Wage Ordinance is in place for the City of Miami will ensure that small business contractors like myself have a fair chance at bids with the City. It would also ensure that contractors don't cheat the employees out of their hard-earned wages and that taxpayers get the most of their money by ensuring that projects are completed on time using quality work, workers are not injured and they are paid what they're owed. I ask that you vote 'yes' on this ordinance, because it's the right thing to do for Miami's small business contractors, workers. Thank you for your time."

Chair Gort: Thank you, sir. Next.

Cynthia Hernandez: Good afternoon, Commissioners. My name is Cynthia Hernandez. I'm a researcher at the Research Institute on Social and Economic Policy at FIU, and I am -- live in Coconut Grove and a constituent of Commissioner Sarnoff. So I'm here this afternoon to talk to you about some of the research that I have conducted on Responsible Wage/Theft Ordinance around the country, and specifically in Miami-Dade County. Miami-Dade County has had a Responsible Wage Ordinance for over 25 years now. Many local and small businesses have been awarded projects through Miami-Dade's Responsible Wage. In fact, members of the Associated Builders and Contractors, ABC, were awarded nearly \$40 million in taxpayers' money to work on projects in Miami-Dade County for a two-year period from 2013 through 2014. Non-local -- Non-union, local, small and ABC members are all benefiting from the County's ordinance. Studies on prevailing wages regulations have no effect on the cost to government of contracted public work projects except the monitoring of the ordinance. In fact, the Responsible Wage Ordinance reduces workplace injuries and fatalities, which are specifically high here in South Florida. Responsible Wage Ordinance also decrease unemployment, poverty, reduces employee turnover, increases trainings that workers receive, which lead to high skilled workers that finish projects on time and do quality work, all of which enhance the City's tax revenues and drive economic development. In an interview with the staff from -- who oversees the Miami-Dade Responsible Wage Ordinance, she stated that the County has had higher productivity rates and more quality jobs because of this ordinance in place; without it, employers would cheat. Responsible Wage Ordinance certainly are worth the cost. Ultimately, if contractors are paying their workers what they are owed, then oversight of this process will not be an added responsibility. So finally, I ask that you do the right thing by voting for this ordinance. Thank you.

Chair Gort: Thank you. Next.

Sergio Garrido: Good afternoon, Mr. Chair, Mr. Commissioners. My name is Sergio Garrido, 1411 West Flagler Street, Suite 405. I'm here in my capacity of vice president of Local 1907 to support the Responsible Wage Ordinance. We think it's the right thing to do and we would like to -- for you for approval [sic]. Thank you.

Chair Gort: Thank you, sir. Next.

Johan Pedraza: Good afternoon, gentlemen. My name is Johan Pedraza, owner of NY Electric Services, LLC (Limited Liability Company), located at 1445 Northwest 23rd Street. I'm a small business owner, so -- and I would like to support, okay, the fair wages.

Chair Gort: Thank you, sir.

Mr. Hannon: Next three speakers: William Delgado, Lisa Johnson and Kit Rafferty.

William Delgado: Good afternoon, Chair Gort and Commissioners. My name is William Delgado. I'm the president of the Latin American Business Association, LABA; address, 2418 Northwest 87th Place, Doral. I'm sure most of you know I have worked my shoes on this issue on both sides of the fence. When I created LABA, I wanted to create an organization that can sit union and non-union people, so when an issue like this came up, we were able to come out with a decision that would benefit all the people in Dade County, and we have achieved that. It's a miracle, but we have achieved it. We've been working together for eight years. We have electrical, plumbing, air condition and we have non-union members that sit together and work out these issues. We understand some of the problems -- and somebody called it "unethical people" -- we'll have with this ordinance. But we have many, many people in the private sector that are already paying, and they don't mind paying, because one of the speakers before was giving his academic background, and I was lucky enough to go to the street, university street of Miami and Hialeah, and in that university, you will learn there are people on 8th Street by the Palmetto Expressway, immigrants, like the lady said before, that are sitting there, waiting for those unethical people to pay them \$3 or \$4 an hour, and take them to work; and put them to do electrical work, which is a life safety issue on our trades. So to conclude, this is the right thing to do for the Miami County [sic] Commission. It has been proven that it doesn't affect any contractor; it does affect the quality of your work, and you're going to get better work for your money and we would like you to support it. Thank you.

Chair Gort: Thank you, sir. Next. Yes, ma'am, you're recognized. Hello, lady; you're recognized.

Kit Rafferty: Good evening. My name is Kit Rafferty. I live at 150 Southeast 25th Road, Miami, 33129. I'm a constituent of Commissioner Sarnoff's. I'm here today to represent the organization that I'm the executive director of, which is South Florida Voices for Working Families. We do a lot of work with the working poor in this community. These people are families; they struggle every day to make ends meet. I can tell you, if you have a Responsible Wage Ordinance, these people will not send their money to the Cayman Islands; they will spend it right here in this community, making us a more prosperous and sustainable community. Thank you.

Chair Gort: Thank you, ma'am. Next. How many more you got?

Mr. Hannon: About 13, 14 more. Next three speakers: Dennis Cadaval, Mario Garcia and Willie Wilder.

Dennis Cadaval: Good afternoon. My name is Dennis Cadaval, 860 Northwest 19th Court, Miami, Florida, 33125. I'm a NJATC (National Joint Apprenticeship and Training Committee) Electrical apprentice. I love being an electrician and I take pride in my work. Apprenticeship has given me the opportunity to develop the skills that I need to be a professional on the job. Before I became an apprentice, I worked for an electrical contractor that did not support apprenticeship training. I had no opportunity to grow. It became evident to me that the company was only concerned about cheap labor. I currently work for a contractor that supports apprenticeship, and it's been a great experience. I make fair wages, and I have good benefits, and I feel safer on the job, because I'm not required to work in unsafe conditions. As a resident of the City of Miami, I ask you to please support apprenticeship programs by supporting responsible wages. Thank you.

Chair Gort: Thank you. Next.

Mario Garcia: How you doing? Good afternoon. My name is Mario Garcia. I'm a electrical

apprentice and a resident of the City of Miami. I live in Coral Gables. I attend apprenticeship classes and work full time for an electrical contractor. When I complete my five years as an apprenticeship training, I will be a certified journeyman. The skills I learn along the way will give me the opportunity to provide for my family. Apprenticeship training is more than just a job. It has provided me with a career path that includes good pay and good benefits. Please support construction workers and the apprenticeship programs by voting "yes" for Responsible Wage Ordinance. Thank you.

Chair Gort: Thank you, sir. Next.

Willie Wilder: Good afternoon. My name is Willie Wilder. I'm a City of Miami resident. I live at 62 Northwest 42nd Street, Miami, Florida. I'm a electrical apprenticeship, also. I'm close to finishing my apprenticeship program and I'm looking forward to finishing. I graduate at the end of June and I'm looking forward to being able to support my family properly by you guys approving this item. Thank you.

Chair Gort: Thank you, sir. Next.

Mr. Hannon: Next three speakers: Seth Berky, Jean Filtidor and Carlos Carrillo.

Seth Berky: Good afternoon. My name is Seth Berky. I'm a fourth year electrical apprentice and I've lived in Coconut Grove for 15 years. I love Coconut Grove. I wouldn't want to live anywhere else, but it's getting to the point where I can't afford to live here. The cost of living continues to rise, and construction wages remain low and stagnant. Florida is ranked among the lowest in the U.S. for construction wages, but everywhere you look, there's new development. New development should mean new opportunities and prosperity for all. Unfortunately, the construction workers that are building Miami are being left out in the cold. Today, the City of Miami has the opportunity to lead by example and set the bar for responsible contracting and responsible wages, so please give workers like me the opportunity to work with dignity and please support responsible wages. Thank you.

Chair Gort: Thank you. Next.

Carlos Carrillo: Good afternoon. Carlos Carrillo, Associated Builders and Contractors, located at 2890 Northwest 79th Avenue. We're very popular today. It seems that we've struck a nerve. I'm pleased to hear that ABC members have done so much work with Miami-Dade County. Sadly, on each of those jobs, Miami-Dade taxpayers have overpaid, and it's not fair, especially considering that they're having so many issues when it comes to hiring police and firefighters in Miami-Dade County. I don't think that's what the City of Miami residents would want to happen within their community. When you adopt this ordinance, you're adopting more than just an increase in wages. You're adopting business practices that are outdated. Right now, the labor unions represent only 2.5 percent of the private workforce in Miami-Dade County, yet you would be allowing them to dictate terms on how you all drive contracting in the City of Miami. To go after my members is a little bit disingenuous. Associated Builders and Contractors is the largest trainer of apprentices in the State of Florida, so we're getting guys to journeyman status. All these buildings that should have fallen down because our members aren't safe or aren't responsible builders, think about that. You have a beautiful downtown Miami that was built without any type of collective bargaining or ordinance like this being instituted on it. So instead of adopting a collective bargaining ordinance, instead of adopting something that you guys do not know what the cost is going to be, because no one's been able to tell you, I'd like to ask for you all to table this discussion, take a look at what Miami-Dade County is paying and compare it directly to what's being paid in the private market right now. I think you'll find that private market wages are competitive. And if you want to protect workers, you can do that without adopting the collective bargaining portion of this, which is going to increase the cost of construction here by 30 percent, if not more. Let's get more cops, let's get more firefighters.

Let's not fatten the pockets of people that are getting paid very well --

Chair Gort: And in conclusion.

Mr. Carrillo: -- and here flying out to represent the unions. Thank you very much.

Chair Gort: Thank you. Next.

Jean Filtidor: Good afternoon. My name is Jean Filtidor. I live on 6511 Miami, Florida. I'm an apprentice at the -- and I work very hard for the electrical contractor, and I attend the apprenticeship classes for the ability provide for my family with a reasonable lifestyle. Please vote "yes" for the Responsible Wage Ordinance. It will pay wage with benefit so I could improve myself, my job and my city. Thank you.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Wade Jones, Derek Brazil and Carlos Aguilar.

Chair Gort: Let's go.

Carlos Aguilar: My name is Carlos Aguilar. I'm a local attorney and I live in Coconut Grove at 3234 West Trade Avenue. I work in the community with One Miami and Flick. There's just a couple of points that I wanted to make, is that, I mean, the studies have shown or the numbers show that despite Miami-Dade County having a similar ordinance, ABC has been able to keep its profit margins. That means that despite the increase in wages that they've been able to maintain operating efficiency. And the only other point is that you're going to get what you pay for. I worked in the banking industry for a very long time, and when you have employees that are underpaid and in conditions where they can't afford to pay their own rent or food, I mean, you're going to get a high turnover rate, which, you know, is going to influence the efficiency of your projects, the completion of your projects. And as a Miami-Dade -- as a taxpayer of the City of Miami that lives right down the block, I -- you know, I'm just shocked that we're paying these people so low. I would come -- I would not hire anybody to come over and work on my house for that little amount. I think that, you know, the City of Miami taxpayers deserve better; that these workers deserve better and I urge that you vote on this Responsible Wage Ordinance. Thank you very much.

Chair Gort: Thank you.

Mr. Hannon: The last speakers I have signed up for item SR.3 are: Sergio Viera, Sam Gilmore, Gregory Kelly and Ian Smith.

Sergio Viera (As translated by Official Spanish Interpreter Maribel Alonso): Good afternoon. My name is Sergio Veira. I was working for a company that was working in a project for the City of Miami. This company was not paying overtime and was not giving us any benefits. We were working for 1099. This project was working under a grant by the City of Miami -- by Miami-Dade County.

Chair Gort: Miami-Dade County.

Mr. Viera: We are fighting to get the return of my salary, of my wages which were not paid. Please help people like me to recover their lost wages.

Chair Gort: Thank you.

Mr. Viera: Gracias.

Sam Gilmore: Sam Gilmore. I've got my address on the record. There are some accompanying ordinances that you may want to consider along with this ordinance. There's a disparity study being done right now by Miami-Dade County that may affect the black businesses, Hispanic, women-owned firms. You may adopt that or you may do your own disparity study that will help. Along with these wages come certified payrolls to verify an individual is getting paid. I hope that's part of the ordinance. We have a supply and a subcontractor discrimination ordinance that helps, and what happens is, if you have a company that gets a lower material price, they beat everybody else out. This is a disadvantage, so the ordinance says you have to give the same price to all companies for those jobs and that helps. With my last bit of time, I want to reiterate, you have no idea how this changes a person's life. When we talk to those young men about going to work and they're making 18, \$19 an hour that they can feed their families, they can lead their lives with dignity, they can come home, Section 8 goes down, food stamps go down, hospitalization cost goes down, those are benefits, and you do have a pension plan, so you have less that you would need on this aging group that comes forward. More important than that is -- and it would -- nobody's talked about it -- 70 percent of all families that are down here in the black community are led by the woman; the woman's the household earner. I've had the pleasure of hiring women on construction jobs. We had 11 on one, and I hired them --

Chair Gort: Go ahead.

Mr. Gilmore: -- thirty seconds. I hired them and I didn't tell them what they were going to make. I just told them, "Well, how much can you live on?" And they said, "Nine bucks an hour; if we got that, it's fine." I ended up getting a 40-hour week for them and a 10-hour overtime week. When they saw their paychecks at 17.50 an hour, which is what it was then, and \$26.25 overtime for those 10 hours, they ran to the office and said, "Mr. Gilmore, you got the wrong amount, the wrong paycheck." I'll conclude very quickly. And I said, "No, I didn't; that's how much you get paid in construction with responsible wages, and to a woman." They sat down on the grass and they cried like little children. They'd never seen that much money in a check; never thought they would. This is very important for single moms supporting families. Thank you.

Chair Gort: Thank you. Next.

Gregory Kelly: Good evening, Commissioners. I'd like to give my time to Alan Eichenbaum.

Chair Gort: Sure.

Alan Eichenbaum: I didn't really have any additional comments, although I would like to say one thing, and this is kind of maybe a little aside. I've lived in South Florida my whole life. I'm going to be 62 years old. I've seen the City of Miami progress to a point that I cannot believe. I see these monumental, multi-million-dollar buildings. The people in the construction work, they're not reaping the benefits of these buildings. You really need to pass an ordinance that allows them to make a -- the highest of the market wages; that's really what you're asking to be done here.

Commissioner Sarnoff: But Mr. Eichenbaum, this ordinance doesn't do that.

Mr. Eichenbaum: Absolutely, it does.

Commissioner Sarnoff: You're telling me that a Jorge Perez, a Tibor Hollo, a private developer building is subjected to this ordinance?

Chair Gort: No.

Mr. Eichenbaum: No, but they will be on your projects.

Commissioner Sarnoff: I -- right. But you just made a statement which didn't -- wasn't really all that true, which is they're not going to benefit from the downtown urban core development.

Mr. Eichenbaum: Absolutely not.

Commissioner Sarnoff: Okay.

Mr. Eichenbaum: But the government should be better than the Tibor Hollos and the Jorge Perezes, because your motivations are not the same.

Commissioner Sarnoff: Mr. Eichenbaum, different issue, and we'll get to that issue in a moment, but you make a statement that these people should benefit from the high-rise buildings, but this ordinance wouldn't apply to that.

Mr. Eichenbaum: I only meant that they should -- the prosperousness of the County they should start to benefit from, particularly when government is doling out the money.

Commissioner Sarnoff: But --

Chair Gort: Thank you. Yes, sir.

Grady Muhammad: Yes. Grady Muhammad. Again, I think with this ordinance being passed, especially with the proposed redevelopment of Scott Carver, that's going to be a lot of public dollars. This will provide -- or not "provide" -- this will apply to that job. This will allow City residents to be able to have a living wage. We get a living wage, we can get off of that list of always either number one, or number two or number three as the poorest city in this country, because we are. And we have to be able to pay the people appropriately so they can be able to live and pay their bills. And again, as Commissioner Sarnoff will always go back, they get a job with a responsible wage, they can buy a house, they can get a wife or a husband, they can buy a dog and walk the dog, and buy groceries, and shop at Walmart. But we have to ensure that they have --

Commissioner Sarnoff: You've been listening, Grady.

Mr. Muhammad: Yes, without question. And I think that's what this ordinance does, and we definitely, from -- the community supports it, and especially with public dollars being a great generator, Jackson, the school board, we must ensure the people who works these jobs get those responsible wages. Thank you.

Chair Gort: Thank you. Next.

Ivan Parra: Hi. My name is Ivan Parra. I'm resident of Miami, 12335 Southwest 17th Avenue. I'm came from Colombia. I am a refugee, and I support this ordinance. It's no only a union ordinance, this ordinance will help Miami working families. In a meeting with the Mayor Tomás Regalado, he said that around 2,070 people in Miami, resident in Miami depends on food stamps. That is incredible number. Research shows that Miami's poverty continue to increase each year. This ordinance would provide living wages and benefits to construction workers, many of whom happen to be immigrants, and we all know that immigrants are typically the ones that are more likely to be cheated out of their wages. In 2012, an FIU report found that over \$3 million was stolen from construction workers. Having this ordinance will ensure that immigrant construction workers are no longer cheated out of their wages and receive the wages and benefits that they and their families need and deserve, because when workers don't receive the pay that they are own [sic], everyone loses. City taxes are not paid. Money is not being circulated through our local economy and workers have to depend on government social services. This ordinance is similar to a school crossing guard. While there are costs to hiring a

crossing guard, the benefits certainly outweigh the cost. Childrens [sic] are safe and won't be injured or possible killed. Please vote "yes" on this issue and it will directly benefit the people who need it in the most in our community, the beautiful City of Miami. It's time that the City of Miami follow suit, just as the County did 25 years ago by passing the Responsible Wage Ordinance. Voting "yes" is the right thing to do by workers --

Chair Gort: Thank you.

Mr. Parra: -- and families in Miami.

Chair Gort: Thank you.

Mr. Parra: Have a good day.

Mr. Hannon: The last speaker I have signed up for item SR.3 is Ian Smith.

Chair Gort: Okay, no show. We close the public hearings.

Vice Chair Hardemon: I move to approve SR.3.

Commissioner Carollo: Second.

Commissioner Suarez: Second.

Commissioner Carollo: For discussion.

Chair Gort: There's a motion by Commissioner -- by Vice Chairman Hardemon; second by Commissioner Carollo. Discussion.

Vice Chair Hardemon: If I may Mr. Chairman?

Chair Gort: Yes, sir.

Vice Chair Hardemon: I think a lot of what we heard is pretty much the sentiment that I wanted to express, and so I won't belabor this Commission by repeating a lot of the things that were said before me, but I will remind this Commission of the importance of the legislation that we pass. And one of the things that I've always learned in legislation, in reading ordinances from the time that I spent time in college drafting legislation was that the "whereas" clauses mean something. Most of us, we jump right into whatever the legislation is, but the "whereas" clauses provide you the foundation of why you're providing this legislation the way that you see best fit. And one of the things that I read when I read the "whereas" clauses in this ordinance, it says: "Whereas the public interest requires that contractors receiving municipal and other public funds for municipal projects be held to certain minimum standards that promote efficiency, ethics, transparency and accountability; and whereas this ordinance will improve and enhance upon the standard of living and quality of life for City of Miami residents and provide for a better quality work product for municipal projects," and goes into some other things. What I'm seeing, when you read not just what the salaries or the wages will be, but when you read the ordinance in its entirety is that this ordinance promotes good quality workmanship, citizenship; it creates corporate citizenship that we should be proud of at a minimum in the City of Miami. And so when I think about the Prevailing Wage Ordinance or laws like it, I think that it's a -- it is truly a public tool that's designed to ensure the safety and quality of work, and to produce and induce positive economic incentives within our communities. We know that we have a local workforce requirement that we passed this year, and we made enhancements to it, and when you take that local workforce requirement and you couple it with a Prevailing Wage Ordinance, you're providing a recipe for success for the people who live in our community. And what's most

interesting about the Miami community -- and we've all said this -- is that it's probably one of the most diverse communities across this nation. And what I see before us is a subset, a sample of the diversity that we're talking about. I see African-Americans or blacks; I see Spanish; I see whites; I see business owners; I see workers; I see academically inclined or graduates of higher institutions and I see those that were educated on the streets of the City of Miami. And what they all have expressed in common is that we need this ordinance to move our community forward. It's not just about the wage; it's about the level of responsibility that's also coupled with this; it's about being able to hold a contractor accountable if he cheats his worker out of the wages that he was promised. Not all of us has the ability to have someone to fight for us. I mean, by God, that's why we've created the work of those who do public interest. Public interest works in different things like in law, and in here, like on a Commission. Our job is to advocate for people, and so many times, there's so many people that don't have an opportunity to fight for themselves, because they don't understand the law, they don't know who to go to, they don't have the time to go and fight. I mean if you took -- look at it on a simple level, how many of you received a ticket that you felt like you wrongfully got, but you couldn't take the day off of work to go and fight it in court? And had the judge had only heard what you had to say or seen the picture that you produce, he would have dismissed that ticket. But if you're going to lose a full workday to fight for what's right, then you didn't have the opportunity to do it. Well, here, we have the time, we have the energy, we have the resources to fight for the people who live within our community, and I think that we have a moral responsibility to do that. The statutory purpose of the prevailing wage policy is to ensure equitable and sufficient wages, protect local job opportunities, and stimulate the local economy. It transfers wealth, it transfers dollars from contractors and owners to blue collar workers. I've had the personal opportunity to witness two things over this time period that I've had this Responsible Wage Ordinance to be in front of this Commission. One was someone telling me she had no idea what "prevailing wage" was. We just got into a discussion about the building that was going on in Miami. And in the Brickell community, there was a development that is being improved upon or built. And she said, "Oh, my brother works here." I said, "Really?" I said, "Well, we have some things that are being drafted that look at wages, so what does your brother get paid?" She said, "Well, it's interesting, because he told me that he gets paid a certain amount. I think it's a little more" -- this is what -- these are her words -- "I think it's a little more than he would normally get, but he's not really on the books." And so I said to her, "Are you serious?" I said, "Do you know who you're talking to?" One. And she said, "Well, he told me that." And I explained to her how, when you're not on the books, it affects the local Miami-Dade community; how it affects hospitalizations; how it affects the ability for the government to track the productiveness of a project, or to make sure that they're following what they're actually supposed to be doing. And I said -- and when I talked about hospitalizations, that was one of my concrete examples about how it straps the local people in our community with the cost of caring for someone who's injured on a job, because we were just talking about injuries, correct? If it wasn't a week and a half ago, she gave me a phone call and she said, "My brother was hurt on the job, and we don't know if we should take him to the hospital here" -- it was a very -- it was -- the conversation was odd, because she was rushing off the phone -- "if we should take him to the hospital here, because we don't know if he's really injured, so we want to wait. How long do you think we should wait before we take him to the hospital?" She was worried about his job. She was worried about how was it that she was going to explain that he doesn't have any insurance, but he was working on this project that should have been paid a certain amount; that was one experience. And the other experience that I had was actually in the Overtown community. Many of you know that we're doing a lot of redevelopment in the Overtown community and having some new development that's being made. And one of the developers who was assigned to a project, I saw him on the corner as I was passing by on 3rd Avenue. So I stopped and I was speaking to him, and I was asking him about the workers there. And they've been priding themselves about getting employees or workers from the Overtown community, and they have. And so I happened to ask him, "How much are you paying the workers?" Now, this is a development agreement that was negotiated before our time -- before my time, rather, where I would say that wages weren't necessarily the focus at the time that the development agreement

was created. And in shame, because he knows that I'm an advocate for people being paid respectable and decent wages for whatever job they do. He looked at me and he shied away from me, and he said, "Well, you know" -- like this -- "\$8.05 an hour." And I looked at him and I said -- and he said -- and he started to explain himself. I said, "Don't explain, it's okay, it's okay." And the reason I told him it was okay, because it's not his fault, because when you look at developers -- and he was a co-developer -- when you look at the developer's standpoint, if you can increase your profitability, because you're in a profit-making business, you will, most people will; that is what being in business is all about. And so, for many people, they won't increase their wages of their people if they don't have to. What was interesting about what was said earlier was that it wasn't the increase in the cost of the wages that drives the cost of wages in our economy, it's the number of cranes that are in the air; the competitiveness that you have amongst workers in other projects. And this, to me, isn't about competitiveness. This is about the bare minimum of providing our families with decent housing, with food on their table, with decency, and respect and dignity for themselves. And so when there's talk about what the high cost of wage increases are for construction projects, because this is so very narrowly tailored in this one instance, I think to myself that providing responsible wages -- and I -- even though I've read information that says it doesn't increase the cost of labor, they cited a number of different reasons why. You have a more motivated workforce; you have a more -- a better trained workforce, so you reduce the number of injuries; you have different things where the timeline for the productivity for the product that you're producing is shortened. You have other variables that are detailed in actually producing a building or producing a project, and so because you have these things, I think that there is no significant increase from what I've read, and my conclusion is there's no significant increase in the cost of a total project when you implement a Responsible Wage Ordinance. What we've heard, the cost of not having, though, is there; it's very clear: Increased number of people on public assistance. You're talking people who are getting paid where you do not have a Responsible Wage Ordinance sometimes on the low end, \$800 of public assistance to the high end, more than \$3,000 a month. And that is the type of thing that we need to stop from happening within the City of Miami. I had no idea that the Mayor had quoted a number that half of its residents, half of its residents are on some type of public assistance. That's an incredible number to think about. And so then you have to ask yourselves, well, what is the responsibility of our government? Should we be in the business of driving those costs or the cost of wages down, or should we be encouraging better wages, more improved quality of living for our community? And when I look out at the people that are in front of me, that's what I've seen. I've seen people from my community express a strong desire to have better wages in our community. And what I've seen who are not on that same note are -- it's one organization that encompasses a lot of different organizations, but I haven't seen members of that one organization step up and express themselves the way that that umbrella organization did. When I look at what someone is paid to do, I tip my hat to them. If I was a public defender, like I was, my job is to fight to defend the Constitution of the United States. If I was a prosecutor, my job as they -- it's also to defend the Constitution, but more importantly, to protect the rights of our citizens on an everyday basis. So at any time, whatever hat I put on, I will represent it to the best of my ability. And when I look at someone who is against a Responsible Wage Ordinance, I believe that they're doing what they believe is right or what they're being paid to do. Now, as it goes for those of us who are on the Commission, it's completely different. Some of us are going to say that we don't have any defined cost, and we don't know if this is going to be doomsday for the City of Miami when we talk about planning our developments in the future. What I do know is that this document that we have before us doesn't affect projects that have been completed in the past or that have been approved in the past, so it doesn't run up the cost of different projects that we've been struggling to get onboard. It's all about new developments. It's all about the new gymnasium, the new parks. It's all about the new public housing facilities. It's all about the new things that are coming to this community that we're going to benefit from as a whole. Now, contractors benefit when they win bids, but let us now have workers benefit no matter which contractor wins the bid. That's what this is about. So for me, gentlemen on this Commission, of course, you knew I supported this because I am the one who proposed it, but I urge you to consider this an issue that is a moral necessity. It is not something that affects our budget

greatly. It is not something that will call for doomsday in the City of Miami. It is something that the City of Miami is late to the party about. There are hundreds of cities that have Prevailing Wage Ordinances; some as late as the '70s and '80s, and Miami-Dade County, I believe in the '90s. We are late to the party. Let us show the rest of the city -- the cities that reside within the County of Miami-Dade County that we are serious when we talk about reducing poverty; we are serious when we talk about reducing crime; we are serious when we talk about improving the ability for our people in our community to gain employment, and this is part of the way we go about doing it. Commissioner Sarnoff, we've increased the police. We did that to improve upon the safety of our communities. We did it at a financial cost. We've implemented the local workforce participation to give our people an opportunity to work more jobs within our community. We forced Miami Worldcenter with penalties upwards of \$50,000 for each percentage point that they don't hire within our communities. We're doing what it takes to make our community a better place to live in, and I believe that not giving our people an opportunity to earn a responsible wage will be a death blow, a tragedy within the City of Miami when what we're saying we want to do is make this community a world class city where we can pay competitive wages. Thank you very much.

Chair Gort: Thank you. Commissioner.

Commissioner Suarez: Thank you, Mr. Chair. You know this -- sometimes, we get caught up in what I consider to be false arguments. I don't think this is about contractors versus union workers; that's my personal opinion. When you look at the census numbers in the City of Miami, in the City of Miami, the wealthiest district has gained 20 percent population and the poorest district in the City of Miami has lost 20 percent of population in the last 10 years from the year 2000 to the year 2010, which is a clear indication that it's becoming prohibitively expensive to live in the City of Miami. Poor people are being pushed out and people that are wealthy are being pushed in. So it's not about -- to me, it's not about the contractor versus the union. At the end of the day, the City's going to pay for it, so we pay what we want to pay, how we want to pay it. We get the right to decide who we want to pay and what we want to pay. So then it becomes a question of, you know, are we being good fiduciaries with the funds that we're given? And when I look at what have we done as a government historically, I would -- and when I say "historically," I mean since I've been here in the last five years. And ironically, in our government, the lowest paid workers are actually not unionized, which is interesting. The ones that are part-time, the ones that are temps, a lot of them are not unionized workers, so no one really actually gets to negotiate on their behalf. And one of the things that I've pushed for in the five years that I've been here is to do the right thing by them. And I thank the Manager and I commend the Manager for helping me along doing that, because it's been a priority of this government to do the right thing by our employees, and that has a cost. Could we have paid those employees less? Could we have kept them on as part-time or temp workers for 10, 15, 20, 30 years, as we have in some cases; maybe not 30 years, but 10, 15, certainly? Yeah, we could have, and we would have kept cost down. Could we have not let the living wage suspension be lifted? We knew there was a cost to that, you know, so, I mean -- but we let it happen because we wanted to send -- we wanted to do the right thing at the end of the day. And in a city like ours, to me, that's kind of what it comes down to. Could we find someone, for example, to do the City Manager's job or the City Attorney's job for less money? I'm sure we could, but that's not the basis that we -- that's not what we're looking for. We're trying to find the best person to do that job. So we're not always trying to save money on a particular employee. Is this legislation perfect? It's not. There are things that we can debate and argue about forever in this legislation. I said in first reading that I was willing to let it go into effect and see, you know, kind of take a look at it in the future. You asked for information. Sometimes, you got to be careful what you wish for. You asked for information, and this is the information that we got, just in the last couple of days. So -- and what does this information tell us? It tells us everything. There's some studies in here that says the costs go up. There's some studies in here that says the costs don't go up, you know. So I don't think you're going to be able to go back and recreate history, and try to find out exactly what the costs are, whether the costs will go up, but assuming that they do go up,

I think we've already made policy decisions that reflect an understanding that our costs do go up when you pay the employees less -- I'm sorry -- when you pay the employees more money; particularly those who are getting paid less money, and we've done that. We've already made those kinds of policy decisions, so for me, that's kind of what carried the day with me. I struggled tremendously and mightily with this, to be honest with you. We had asked for a certain amount of information. I'm not so sure that we've gotten that, and I'm not so sure that we can get it, to be honest with you. I think that the Administration has done the best that they can to try to provide that with the information that they can be certain about, and a big part of it is speculative, because you can't go back and really apply formulas in the way that -- you just can't recreate history. So, you know, I think at the end of the day, what it comes down to for me is doing the right thing and understanding that even if there is a -- some sort of a cost increase, our citizens should -- many of which, by the way, live at the levels, as Commissioner Hardemon stated, that would -- that struggle to live in our community, you know. And what we do for affordable housing, for job training, we're doing a tremendous amount in the poverty realm to try to change some of those statistics, but there's only so much that government can do. This is one small step that we can take to send the right message, and it's something that I'm willing to do.

Chair Gort: Thank you, sir. Commissioner Sarnoff.

Commissioner Sarnoff: So whenever I debate and I'm not absolutely sure of the outcome of what I'm going to inevitably do, I usually go back to my core responsibility, which is I'm a fiduciary on behalf of the taxpayer of the City of Miami; just like a police officer would say, "Go back to your training, go back to what you've been taught to do," I go back to being a fiduciary of the City of Miami. First off, let me applaud Commissioner Hardemon. This is a conversation that this country needs to have. I wonder if I was in congress if I would approve a higher minimum wage. I like to believe I would, though I'm not dispossessed with the knowledge that I would be creating inflation and maybe doing nothing, but on the other hand, how minimum wage could be \$8.05, if it is something like that, is kind of abhorrent. But I did hear a number of times and I really do -- so if I was ever a judge -- and I don't think I'll ever be a judge; it's a good thing I won't be -- "this will have no effect on your budget." I heard that 14 times. Well, I also heard that the Mayor of the City of Miami has told us we -- either we have 200,000 or 256,000 people on food stamps, okay? That's a lot of people. We're the fourth or fifth poorest city. You know, I usually don't make those kind of quoted statements, I usually talk about where the City's going. But if all that's true, you're asking the taxpayers to foot the bill. So we then have a policy statement to make. Is this what we want the taxpayers to do? Because I suspect what you really all want out there -- and I think if for one moment you just dispossessed yourself of what you were told -- you really want is a higher wage; not because the City of Miami pays it, but because people are either mandated to do so or they really do pay it. You want that Jorge Perez-built building. You want that Tibor Hollo-built building. You want that Melo-built building to be paying 15, \$16 an hour to the flagmen -- which is, I think, the most menial job I can come up with -- to flag the people away from the project so there's safety. And then, of course, you want the plumbers, the electricians making 45, and 50 and \$60 an hour, because that seems to be about the rate that --

Unidentified Speaker: Ha, oh yeah.

Chair Gort: Excuse me, excuse me, excuse me. We heard all of you very respectfully. I expect the same for the Commissioners. Thank you.

Commissioner Sarnoff: So I say that's, I think, what you all want. So instead, you come to the City of Miami and you say, so for any one hundred thousand dollar contract, you want the following criteria set: Okay, Davis Bacon. Davis Bacon was passed in 1931, so it's a very long, well stated law. It was passed by Senator James Davis, who was a Republican from Pennsylvania and Robert L. Bacon, another Republican from New York; from Long Island, actually, where I'm from, and they passed this act. And since then, there's been a number of what they call baby Davis Bacon Acts passed in many, many states. And Davis Bacon's pretty easy to

figure out exactly what it is you'll be paying, because I could go right on government.org, and it will tell me exactly what that flagman will make here in the South Florida area; what that plumber will make right here in the South Florida area, and I then can understand what it is I'm doing for the taxpayer in terms of increase. So the part of this whole statutory or ordinance scheme that troubles me is the "or"; it's the higher of Davis Bacon, which, very clearly, is a 20 to 25 percent raise, or the higher of what they call a negotiated contract essentially from -- between organizations who represent employees and contractors; wasn't hard to get that out of a couple of case law that that is unions. So I go from a defined notion of what it is the increase is that I could actually go on a website and determine to an undefined moment of "I don't know how much that cost." So, to me, I could vote for a Davis Bacon Act and have a baby Davis Bacon Act here in Miami. What I can't do is take that leap of faith to the "or the higher of," because I don't know what it is. I don't know what you will negotiate for, whose contract you will negotiate on behalf of or any combination thereto. And I was left very confused by somebody who got up and said, "I support this," when that same person made the statement, when we were doing the pedestrian pathways downtown Miami, and they said, "Who are you going charge to have these pedestrian pathways make it a more walkable city?" She said, "Because the little people can't pay for this." Well, who's going to pay for this? The little people. By the way, my district can afford this. I candidly admit District 2 can readily afford this. I just don't know if this is right to do for the rest of the City; though I do agree with one sentiment, Commissioner Hardemon: You got to start moving the needle the direction that it needs to go. I just don't know as a fiduciary on behalf of the City of Miami Commission -- I do know what Davis Bacon will do, because it's right in this book right here; it's right on that computer. It's called "Online Government." I could tell you exactly what that flagman will make in South Florida. What I don't know, what I don't know, what I don't know is what that flagman will make under a union contract. I don't know what anybody will make until that contract's negotiated for. It's an unknown expense, and, you know, candidly, it was an interesting conversation we had today with the Police, and I fully intend on asking for more people, for more cops, because I'll be honest with you, I am walking my district. Very candidly, 85 percent of the people, you know what their response is? Crime. And I think Commissioner Hardemon is right in some respects. You can't just throw more cops out there, you got to make people's lives better. I completely agree with him in that sentiment, and I am prepared to make lives better. I'm prepared to do so with Davis Bacon. We haven't even gone through a Davis Bacon scenario. And I don't want to compare us to Miami-Dade County. I don't want to compare us to an agency, or I should say a government that presently has a BB-plus rating, when the City of Miami and you gentlemen brought us to an A-plus rating, and that wasn't easy. It does have a cost. To me, it's a balancing act. I'm willing to balance the act on Davis Bacon, because I know what that will cost. I know that there's a number there. I don't know the unknown part of this, when it says, "or the higher of a negotiated contract between" -- "which represents employees and contractors." That's the part I don't know what that is. I don't know what that number will be, and I don't know what that number will fluctuate to and from. So on the one hand, I congratulate Commissioner Hardemon. I think he did a great job. I think this conversation needs to be had. He is right; you can't just have a bunch of cops out there without improving the lives of people. But on the other hand, if we are the fourth or fifth poorest city, which is something I don't quote; if we are a city that has -- I don't know if the Mayor said 200 or 256,000 people --

Chair Gort: Two-fifty.

Commissioner Sarnoff: -- on food stamps, which is not a good sign, then those are the folks you're going to tax to make up the difference, the delta on what we pay today and either what Davis Bacon pays or what a union negotiates for, so I will support this, but only if it's Davis Bacon.

Chair Gort: Thank you. Look, I understand what you're saying, but at the same time, we do have a program to help the poverty that exists within the City of Miami. And I know your district

can afford it. In my district, I have half and half, but the legislation that we have passed in the past, it guarantees -- and then I'm going to go add some additional things that I want to add to this -- it's going to guarantee that the people that are going to be hired, the people that are going to be trained live in the neighborhood, they're going to improve themselves [sic]. We have neighborhood that the property value has gone down; not like in your neighborhood with property values going up. So I can see, definitely, it's going to cost, but I think it's one way to help to fight the poverty that we exist and that we have in the City of Miami. That's the only reason why I support. And I agree with you, but like today, we went for a five-year contract and you said, "No, let's look at a one year." Well, this could be the same thing. We can look at a one year and we can see in one year what the effect has been and what it's done for the -- for us in the City, and there could be the expenditure, what it's been. And we can always come back and make changes if we have to.

Commissioner Suarez: And we've done that before, by the way.

Chair Gort: I know, but that's what I like to do. I think the benefit is there, because it's going to benefit the neighborhood that needs to be benefited. Those people, they're going to be able to pay the taxes they were not able to pay before. They will be able to pay higher rent. They will be able to pay living and better quality of homes and so on. But the most important thing is the workers are paid a fair wage, but also need to make sure that there is a monitoring system to ensure that this compensation is being shared with everybody. There's a need to check and balance for this, because, let's face it, people always look for a way to go around the regulations and so on, so we need to really have the safeguard of all the construction workers that participating not excluded from the benefits; that, we need to make sure that we have. Okay, that's all I have to say. Thanks.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: Thank you, Mr. Chairman. In our last meeting that we addressed this issue and we voted, we requested from our Administration financial information. I know I addressed it earlier, but we received it today, and I just want to verify with our Administration. It appears to me from what -- the memo that you wrote -- again, dated today -- that the only part that you can know for certain is the cost of compliance. You really couldn't tell us if it's going to cost the City more or if it's going to cost the City less. And then you -- I see you nodding your head, but you agree with that, Mr. Manager?

Mr. Alfonso: Commissioner, that is correct. There's literature out there that will defend either position, and until we really experience what it is for us, we really won't know. I can certainly say, as it is in the memo, that if you want to see it happen, you're going to have to have some kind of enforcement; therefore, we're going to need some staff to go out there and do the audits, and review the payrolls, and track the information; otherwise, who's going to be checking? And so, yes; you're absolutely correct about that.

Commissioner Carollo: Okay, so I guess the official position of our Administration is that, no, there is -- "We don't know if it's going to be a higher cost or even a lower cost," and you provided various literature out there, research that documents both; that it could be higher, it could be lower, it could stay the same, it will not affect cost. And obviously, we received this e-mail (electronic) today, so I wouldn't have been able to read some of this, but in all fairness, already, some of this, I had been reading, because it had been provided, and we've done some research and the bottom line is that it's over with the board, and I think that's what our Administration came back saying that there's no certainty that it will increase cost other than the compliance, correct?

Mr. Alfonso: Through the Chair, that is correct, and I also wanted to point out that what -- Commissioner Sarnoff is absolutely correct. What he said is absolutely correct.

Commissioner Carollo: I understand.

Mr. Alfonso: It is one thing to look at the Davis Bacon, which is there for us to compare against versus local contracts, which we don't know. So even as we go forward, we would have to -- it would be simpler to enforce something that is available for everybody to know.

Vice Chair Hardemon: Mr. Chairman, may I?

Chair Gort: Yes.

Commissioner Carollo: Can I continue?

Vice Chair Hardemon: Sure, if you --

Commissioner Carollo: Thank you, Commissioner. And from what I'm seeing -- and I briefly mentioned it to you, Mr. Manager, and I think we're on the same page -- in order to really see how it would affect contracts in the City of Miami. We were looking -- we're looking at at least two years minimum, and that's a start. So you would say at least three years to start getting a good grasp to see if really it's increased on the cost or not, correct?

Mr. Alfonso: I would say so, because from what I understand, Commissioner Hardemon, and the way this is put together, it is for future contracts. So it would take some time to cycle those projects in, and even then, I would say, Commissioner, that people would -- still are going to make the argument that, you know, it's not increased cost, because of the wage action, or inflation or -- so I'm not sure that you'll even be able to get there, but I'm sure that there's some Ph.D.'s here or students in the universities that local -- that can figure those things out, as well.

Commissioner Carollo: And, Commissioner Hardemon, what I would like to make sure that this includes, that -- let's say three years from now, the Administration comes back and gives us their determination of has the cost actually increased or not, or at the very least, do their analysis. And what I -- and we're saying it now already so you're not prepared. It's not like two years from now we're going to say, "Okay, where are we with it?" No. I think right now, you should start thinking of the methodology used and discussing it to see if, let's say, three years from now we -- you could come back to the Commission and say, "Hey, okay, this has been a reasonable amount of time. "This, it really has increased," or "it has not." We've seen with the County, it's been 20 years, and they've stayed the same. And I'm not saying I want to be like the County, but at the same time, we would have more concrete facts as it pertains to the City of Miami for us to make a determination. And listen, just like we pass an ordinance, in the future, we could pass an ordinance and go back to the old way. However, I think if this does pass, it gives us enough time to really see and at the same time, do a leap of good faith because it does have a lot of good benefits to it, and obviously, I don't have to say to family and so forth and -- Mr. Manager.

Mr. Alfonso: Yeah.

Chair Gort: Mr. Manager.

Mr. Alfonso: Mr. Chair, one more thing. I wanted to point out that we're actually one-upping the County on this because in the County, it started with only federally funded projects, and I think, as one gentleman noted, in 2012, they went to privately funded projects on County land. We're doing it on all City projects, so we're actually one-upping the County. I just want to make sure we all understand that. And the one thing I wanted to say, Commissioner, to make it -- and we have talked about this before -- if we take the threshold and tie it to our local workforce --

Commissioner Carollo: It's two-fifty, right?

Mr. Alfonso: -- reso, which is two-fifty, then that would also kind of--

Commissioner Carollo: Instead of a hundred.

Mr. Alfonso: -- bring things together. That was the only thing that we wanted to consider.

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

Commissioner Carollo: Commissioner, will you be amicable to in three years coming back and addressing what the Administration has observed, what they -- you know, their analysis as if it has increased cost or not? And by the way, by the way, when we asked in the last Commission meeting, I think a lot of people expected for the analysis to be different, and we've seen that even the Administration has admitted that there's no known -- with certainty -- way to know if it would increase or not at this point, so.

Vice Chair Hardemon: Mr. Chair.

Chair Gort: You're recognized.

Vice Chair Hardemon: That's why I -- from the very beginning, one of the things that I said was that there are no significant cost increases. I know that I've read there are no cost increases. I know that I've read -- some studies say that there is cost increase, but I'm very comfortable in some of the things that I've read that said there are no significant cost increases. And I think that part of the reason that we're struggling with this is because there is a tendency for us as -- well, I'll speak for myself. There's a tendency for us as elected officials to wonder if we're making the right decision; if the decision that we're making is the most prudent decision; if it's the most financially responsible decision; if it is something that will affect us in the future, and affect our city and our community in the future. And I believe that we, as elected officials, are different in our roles, even as attorneys, those of us who are attorneys as we sit here. Most of us, as attorneys, we're very cautious. We want to tell you why something can't work. Well, you can't do that, because "X," "Y" and "Z." And one thing that I've learned as an attorney in working with attorneys is to make an attorney tell you, "Well, how can you do it?" because, ultimately, what we as public servants want to do is improve upon our communities. We want action. And I think that that lionheartedness as public servants, we have to continue throughout all of our actions through our legislation. And I say that to you because in three years, you won't have a study to come back and to tell you that there is a significant cost increase. In three years, you're going to have ABC come back and say, "It was terrible," and they've been awarded 60 percent of the contracts. In three years, you're going to have people come back, though, and say, "I collected" -- what -- I think the gentleman said the average collection for those who are underpaid under responsible ordinance when they were collecting on their dollars was about \$800 a person? I mean, those are significant amounts of money for people who earn the least in our communities. And so this isn't about numbers, and the reason that it's not about numbers is because if it were, then I think that then the numbers would be clear. The numbers would be something that we, as a Commission, would be able to look at amongst all these studies and say, "We can't do this because 'X,' 'Y' and 'Z.'" We'd be looking at cities that would be repealing their Responsible Wage Ordinances. We'd be looking at counties that would have repealed the Responsible Wage Ordinance. We'd be looking at a Federal Government that would've strapped this a long time ago, because it was too expensive for our government to handle. And there are things within our government that we are saying are too expensive for us to handle, and there are things that some people believe should be strapped that are safety nets for those of us who are in our community that depend upon the government for many different things. So when we say three years and let's come back and look at to see if it benefited us, I don't think that that's necessary; I mean, that's

me, personally. I do believe that in granting these dollars or in creating this ordinance for citywide projects is somewhat of a one up on the County, because they're using it on federally-funded projects. We're using it on City of Miami-funded projects, so I think that we're tackling a bigger issue, because we want to be frontrunners in how we address poverty here in South Florida. So I am amenable to increasing the threshold from \$100,000 to \$250,000, to make those separate ordinances come into some type of congruence. However, I'm not amenable to putting a timeline on it.

Chair Gort: We don't need that.

Vice Chair Hardemon: I think if we want to repeal it, we can. We can order a study because we can at any time that it is there. The County want to do a study on theirs, they could. So I don't think that it's something that we have to make it come back before us to have this discussion once again in three years when, in the City, because it takes a little more than -- it takes maybe -- what? -- 15 to 20 months to build a building in the City. So in three years, when we have two buildings built, it'll be one in Commissioner Sarnoff's district and it'll be one in Commissioner Gort's district, because I think mine are going to be built -- finished in this next year. I just -- but we won't have a way -- thank you all for that, too -- we won't have a way to really measure the way that everyone wants to measure it, because this is about quality of life. This is about morality. This is about reducing the number of people that are being moved out of our communities. The poor -- gentrification is not just about moving people of color or people of a certain ethnicity out; it's a class of people. We have classes of people being pushed out of our communities, and we are celebrating it. I love Wynwood, but there are classes of people being moved out of that community, and so thank God for public housing where they can't move them out, because there are certain people who won't be able to participate in the success of our communities. So the question then becomes: What can we do to ensure that the people who were born and raised in the City of Miami are here to stay if they choose to; if they choose to? And I think that this is along those steps. And when it comes to finding out what is the negotiated rate between the industry and those who are workers or who are represented by workers and such, it's not rocket science. Miami-Dade County posts it every year. Miami-Dade County shows the results of it every year, and they respond to Responsible Wages and Benefits Package. It's something that you can go to, you could look at, you can finger, you can touch, you can -- I don't like to lick my finger, but you could lick your finger, you can turn to the next page and you can see it, clearly written out for every single trade that there is involving construction. So it's there. We're not doing something -- we're not inventing something new. What we're doing is the right thing, and so I think we need to continue on doing the right thing and let's be lionhearted about this. Let's not hide behind one small thing. Let's really support what the true spirit of this ordinance is, and that's to improve upon the people who live in our communities and our ability for all of us to share in experiences that don't matter if you are able to live on Brickell, but that matter because you are able to share in this great place that we call the City of Miami. If it were -- because when I think about it, if not for the cost of living within my community, I probably would not be Commissioner. I wouldn't be, because the only way that I'm Commissioner today is because I could afford to move into a small condo that's just near the Public Defender's Office so I can enjoy my walk from the Public Defender's Office to the courthouse and to my home every single day without driving. And fortunately for me, the costs have been somewhat stagnant. But when the new development comes and I don't own that condo, and I don't own that home or who -- anyone else around me doesn't own it, the cost of living will go up. And so the people who cannot afford to own -- one day I will -- will be moved out, and so the fabric of our community changes, and I want to play a part in having those same people enjoying the success of the City. Thank you, sir.

Chair Gort: Gentlemen, I believe we've had a lot of arguments already.

Commissioner Suarez: Call the question.

Chair Gort: I'd like to call the question. There's a motion and there's a second.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: Real quick, I understand you don't want to make it part of the ordinance, so I understand that, but it's also my understanding that any one Commissioner can request to direct the Administration to, you know, look at, analyze and come back to this Commission with an analysis. So I won't make it part of the ordinance, but I also think we should do our due diligence. I mean, I'm not saying that your arguments aren't valid, and I don't understand -- I really don't understand why the City couldn't do their due diligence. I mean, there's no concrete evidence whether it's going to cost the City more or not. I'll be honest with you, I don't even think that it really should cost the City \$297,000 to administer the program. I mean, we have an Auditor General, we have I don't know how much staff under the Auditor General. They should be able to do audits of, you know, this ordinance and it shouldn't cost us \$300,000, and it shouldn't be three additional people, you know. So even that, I mean, I have issues with, but the bottom line is there's no reason why we can't do our due diligence, you know. And I'm not even saying that it has to come back for a vote. What I'm saying is that, you know, I would like to know three years from now, realistically, you know, what the Administration feels or has seen, if it's increased our cost quite a bit, because the truth of the matter is if it has increased our cost quite a bit, that's less CIP (Capital Improvements Programs) projects that we could do. I mean, there's not a infinite amount of money there. I mean, and you know that we have a lot of issues in the City of Miami, you know, all kinds of road repairs we need to do, pot holes. I mean, you don't have to go to too many places and town hall meetings for people to tell you, "Hey, this is broken, this sidewalk's broken." We heard it today. So, listen, all I'm saying is let's do our due diligence, you know. And maybe even at that time, we say, "Yeah, it was a increase of cost; however, we feel that this is, you know, more important, you know, and we need to think of our families beforehand." But the bottom line is, listen, we don't have an infinite amount of money. We have a lot of repairs that we have to do, a lot of CIP projects, and if the cost is a lot more, that means there's less CIP projects that we could actually do. So all I'm saying is, you know what? Three years from now, just do our due diligence. Let's see what the Administration thinks. Let them come up with the methodology. Let them see, you know, where we're at.

Vice Chair Hardemon: And Mr. Chairman --

Chair Gort: Yes, sir.

Commissioner Carollo: And I'm not even saying let's make it part of the ordinance -- motion, okay?

Vice Chair Hardemon: And Mr. Chairman, the question was called, but I want to clarify that it includes the modification that the City Manager proffered for the \$250,000.

Chair Gort: At the same time, Commissioner Carollo, and all of us, I can tell you our Administration, the one that got us in the financial shape that we're in today, if they can see any changes taking place immediately they're not going to wait two years or three years. They're going to come back to us and they're going to tell us what's going on, where are we at. At the same time, this ordinance can be amended at any time that we think we can do it, okay?

Commissioner Carollo: Right. But Mr. Chairman, it has to be at least two years, because that's how long it's going to take before it really starts implementing, so that's why I'm saying three years, because at the very least, it's going to take two years to actually take effect with the new projects, because this is all for future projects. And I don't have to tell you, because I've been up

here and I've said it many times, by the time the Commission votes for a CIP project, it takes at least a year for a shovel to go in the ground. So if you just go by that a little bit, I mean, it's going to be at least three years, so that's why I'm giving that time frame.

Chair Gort: Thank you. There's an ordinance.

The Ordinance was read by title into the public record by Assistant City Attorney Rafael Suarez-Rivas.

Mr. Hannon: Roll call on item SR.3. Commissioner Suarez?

Commissioner Suarez: Yes.

Mr. Hannon: Commissioner Sarnoff?

Commissioner Sarnoff: I'll take the leap of faith, but I'll say yes, and then I'm going to make a motion to have this thing determined by resolution in three years to come back with a forensic accounting to determine all new projects; to see the delta between what it would have cost and what it did cost. But I will say yes to this.

Mr. Hannon: Commissioner Carollo?

Commissioner Carollo: Yes.

Mr. Hannon: Vice Chair Hardemon?

Vice Chair Hardemon: For.

Mr. Hannon: Chair Gort?

Chair Gort: Yes.

Mr. Hannon: The ordinance passes on second reading --

Applause.

Mr. Hannon: Excuse me, Chair. Chair, there is an ore tenus motion on the floor.

Commissioner Carollo: Yeah, Mr. Chair, that's -- and I second that; I second that motion.

Vice Chair Hardemon: And I just want to -- everyone, please calm down so we can make sure we address the motion. There's a ore tenus motion on the floor. Can you clarify what the motion is again for the record, please?

Commissioner Sarnoff: The ore tenus motion is that the City of Miami Manager come back with a forensic accounting by whatever person, personnel, consultants he deems appropriate to determine the effectiveness and cost associated with this new ordinance that we just passed.

Commissioner Carollo: Second.

Vice Chair Hardemon: It's been properly moved and seconded. Is there any discussion about this?

Commissioner Suarez: You don't want me to discuss it?

Vice Chair Hardemon: No, you can discuss all you want. I know how I'm going to vote.

Commissioner Suarez: I know what you're going to vote, too. I don't know what I'm going to vote, that's the problem, because I just -- this motion was presented right now. I guess my issue is we talk about not knowing cost, and we don't know the cost of what a forensic accounting --

Victoria Méndez (City Attorney): That's what I was going to ask. Will you be amenable that it could be either the Auditor, or an accountant, or staff or not necessarily forensic? Because that might be a whole bunch --

Commissioner Suarez: Right.

Commissioner Sarnoff: A forensic accounting means somebody who is going to selectively -- you want to help me with this? -- selectively go through a series of contracts -- not every one, because that's the forensic part of it -- to show a statistical trend to see whether, in fact, there has been a delta, a change from the ordinance of today to the ordinance of now in 10 days, which will, I assume, pass through the Mayor, and provide us with an effectiveness as well as the delta of what is the difference.

Commissioner Carollo: The cost difference.

Commissioner Sarnoff: Yeah. That's a forensic accounting.

Mr. Alfonso: But I think there's a concern about cost. I mean, that's still some time down the road.

Commissioner Carollo: Yeah.

Mr. Alfonso: So that would have to be for us to budget.

Chair Gort: Three years down the road.

Commissioner Carollo: Three years down the road.

Ms. Méndez: But would you give the flexibility on just if -- that it could be in-house versus --

Commissioner Sarnoff: I didn't demand it to be out-house, in-house.

Mr. Alfonso: I think I heard by whatever professional means.

Commissioner Sarnoff: Yeah.

Ms. Méndez: Okay.

Commissioner Sarnoff: I think everybody here is comfortable with you.

Mr. Alfonso: But I may not -- thank you.

Commissioner Carollo: As long as --

Commissioner Sarnoff: I know.

Commissioner Carollo: -- the Auditor General at that time feels that he is properly qualified to do that type of -- I don't want to call it an audit, but that type of -- I don't want to use "review," either; that has special meaning -- follow the motion that Commissioner Sarnoff and I sent.

Commissioner Sarnoff: General accepted accounting principles.

Commissioner Carollo: That has --

Commissioner Sarnoff: You don't want to use those?

Commissioner Carollo: No. That has special meaning.

Commissioner Sarnoff: Okay.

Commissioner Carollo: Yeah.

Commissioner Sarnoff: All right, so as stated.

Ms. Méndez: Analysis, to do the analysis.

Commissioner Carollo: Yes.

Commissioner Suarez: And by the way, let me --

Commissioner Carollo: Or it could be an agreed upon procedure.

Commissioner Suarez: Mr. Chair, if I may?

Commissioner Carollo: An agreed upon procedure.

Vice Chair Hardemon: You're recognized.

Commissioner Suarez: Thank you. I just want to be clear what we're trying to accomplish here. That -- and I want to be clear for the audience's sake, at least the members that have stayed. What we're asking for is an analysis of the financial impact of this ordinance. It doesn't mean we're bringing the ordinance back in three years.

Commissioner Sarnoff: Right.

Commissioner Carollo: Right; no, no.

Commissioner Sarnoff: Right.

Commissioner Carollo: Which is --

Commissioner Sarnoff: Correct.

Commissioner Suarez: Okay.

Commissioner Carollo: -- what I was saying in the first place.

Commissioner Suarez: Understood.

Commissioner Sarnoff: It'll be a whole -- matter of fact, maybe even you guys won't be here by then.

Commissioner Suarez: It's very possible.

Commissioner Sarnoff: Just trying to figure up -- just doing the numbers. I don't know if you are

still here.

Vice Chair Hardemon: You know, and if I may --

Commissioner Sarnoff: Might be sitting in different capacities; who knows.

Commissioner Suarez: My son, hopefully, will be here.

Vice Chair Hardemon: If I --

Commissioner Sarnoff: Not that soon.

Vice Chair Hardemon: The unreadiness that I have for the motion as it's presented is that when I think about when we increased the cost of the wages for our employees to living wages, we accepted that there was an increase in the cost.

Commissioner Suarez: I agree.

Vice Chair Hardemon: And at that point, we didn't say, "Well, let's come back in a few years to see if that cost increase improved the productivity of those employees so much so that it saves us money on working on projects such as" --

Commissioner Suarez: I agree.

Vice Chair Hardemon: -- "painting, sweeping," or whatever it may be.

Commissioner Suarez: I agree.

Vice Chair Hardemon: And so for me, when we come here, when we have all these studies that say, okay, there was an increase, there wasn't an increase, there was no significant increase, so we're going to add the City of Miami study into it. They come back and tell us the same thing, but the question is: For what?

Commissioner Suarez: Right.

Vice Chair Hardemon: So we say, "Okay, but it's not bringing the ordinance back" --

Commissioner Suarez: You know what?

Vice Chair Hardemon: -- but it's like the camel putting its nose under the tent. To me, it is to do just that, and so that's my unreadiness with it, and that's why I won't be (UNINTELLIGIBLE).

Commissioner Suarez: And I would just say also, because I'm obviously digesting this in the moment. You know, my thinking I think right now is that it's actually possibly better for a future Commission three years from now if that's what -- if that's how the economics play out in three years to do something like this, because to predetermine it in three years, we may not need to do that, you know. In other words, we lifted the living wage -- we suspended the living wage because we were on the verge of bankruptcy. I suspect that, if, in three years, we're on the verge of bankruptcy, we're going to be looking at all our options. I don't think today, when we're making this policy decision to do the right thing, we should say, "Oh, well, by the way, we're going to take another look-see in three years." Well, if in three years we need to look at it, we'll look at it. You know, I just don't -- it's not -- is that what -- what are we doing that for; to comfort ourselves? I mean, to comfort some aspect of our self?

Commissioner Saroff: Well --

Chair Gort: Don't do it.

Commissioner Sarnoff: -- let me just say this. I mean, as I looked up Davis Bacon, do you know how many times Davis Bacon was lifted by the Federal Government in the state of Florida?

Commissioner Suarez: How many times was what?

Commissioner Sarnoff: Do you know how many times Davis Bacon was lifted as a requirement in the state of Florida?

Commissioner Suarez: No idea.

Commissioner Sarnoff: It was lifted during Katrina. It was lifted during all the major hurricanes.

Commissioner Suarez: That makes sense.

Commissioner Sarnoff: It was lifted during the 2008 economic crisis. So things do get changed, and Davis Bacon got changed --

Commissioner Suarez: Right.

Commissioner Sarnoff: -- from the federal level. So, you know, I think it's prudent what we're doing.

Vice Chair Hardemon: I think what Commissioner Sarnoff just stated actually moves more towards your point --

Commissioner Suarez: I agree.

Vice Chair Hardemon: -- which is that if there's an emergency, then we have the ability to enact change within our laws.

Commissioner Suarez: Of course.

Vice Chair Hardemon: And so that's why I don't think that it's necessary.

Commissioner Suarez: I don't want to dilute what we've done here today.

Vice Chair Hardemon: I want this to be a victory for what it is for our community and not let us water down the victory with the eve of this being repealed. That's the way that I see it. Is there any further discussion?

Commissioner Suarez: No.

Vice Chair Hardemon: A roll call vote, please.

Mr. Hannon: Roll call vote on an ore tenus motion by Commissioner Sarnoff. Commissioner Suarez?

Commissioner Suarez: No.

Mr. Hannon: Commissioner Hardemon?

Vice Chair Hardemon: Against.

Mr. Hannon: Commissioner Carollo?

Commissioner Carollo: Yes.

Mr. Hannon: Commissioner Sarnoff?

Commissioner Sarnoff: Yes.

Mr. Hannon: The motion fails, 2-2.

Commissioner Suarez: Do it in three years, guys.

END OF SECOND READING ORDINANCES

FIRST READING ORDINANCE

FR.1

ORDINANCE

First Reading

15-00176

*District 4-
Commissioner
Francis Suarez*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 22/ARTICLE VIII OF THE CODE OF THE CITY OF MIAMI, FLORIDA AS AMENDED, MORE PARTICULARLY BY CREATING A NEW SECTION ENTITLED "DISTRIBUTION OF COMMERCIAL HANDBILLS DURING CERTAIN EVENTS PROHIBITED; PENALTY; ENFORCEMENT," SETTING THE GUIDELINES, PENALTIES, AND ENFORCEMENT OF THE DISTRIBUTION OF COMMERCIAL HANDBILLS DURING CERTAIN EVENTS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

15-00176 Legislation SR.pdf

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

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

Chair Gort: Commissioner Suarez, we skipped you.

Commissioner Suarez: Yes.

Chair Gort: First reading.

Commissioner Suarez: Thank you, Mr. Chair. And I apologize; I wasn't here when it first came up. The City Attorney was working on some revisions, and they're last-minute, unfortunately, and I'll pass them out now. But essentially, what her revisions are needed for is to make sure that the legislation is constitutional, so let me pass them along. And so what happens with major events -- and it's something that's happened in the City of Miami Beach for many, many years -- is you have people who try to take advantage of the fact that there's a critical mass in a particular area, whether it be downtown or otherwise, and they come to these events and they kind of hang around the periphery of these events, and they hand out literature. And, of course, they don't care -- some of them actually, as a tactic, throw it on the ground, because the idea is to catch people's attention; to see if somebody picks it up, or whatever, to look at it. And obviously, it creates a tremendous burden on the City of Miami to have to police this and to take care of picking this up, and it's really disgusting, and it's an unfair to the neighbors, no matter where the event is located. So what this does -- and I'll explain what the modifications are, and I'd like the

Commissioner's indulgence to pass it on first reading and, obviously, have more time to digest them. But if it's an event with attendance of more than 15,000, not 30 -- which I think is what it says in the legislation -- and the person is operating on the property or within a thousand-foot radius of the property, they have to get a permit to do that. And there is a scheme by which if they are found to be littering, in essence, or not in compliance with the permit, then they would have to pay -- there's a penalty portion of it, so there's a penalty for not getting a permit, for not properly removing, you know, these handbills. And that is essentially my motion, and I'd -- I understand that it's been modified at the last second, so I would indulge the Commissioners to please pass it on first. And if they have any questions, you know, we can debate them on second. Thank you.

Commissioner Sarnoff: I'm going --

Commissioner Carollo: Second. Discussion.

Commissioner Sarnoff: I'm going to --

Chair Gort: Okay, it's been moved and second. Discussion. Yes, sir.

Nathan Kurland: Nathan Kurland, 3132 Day Avenue. Commissioner Suarez, I think this is a remarkably good first reading. As one who serves on the board of the Coconut Grove Art Festival, thousands of cards were strewn all over our neighborhood. As the announcer and on the board of the King Mango Strut Parade, thousands of these circulars are thrown all over the neighborhood. I absolutely support this measure by you. Thank you.

Chair Gort: Nathan, you're on the go today. Thanks.

Mr. Kurland: Pardon?

Chair Gort: You're on the go today.

Commissioner Suarez: Yes, on a roll.

Chair Gort: Let me ask you a question, though. I think it's very nice, but at the same time, we have this "Clean Up Miami" campaign, and you have people standing in corners where you have thousands of cars and thousands of people going by, giving it to the cars and all of a sudden, you see them coming out of the window. I would like to see if it can be expanded also to anywhere.

Commissioner Suarez: Yeah, and --

Chair Gort: Matter fact, I think there is an ordinance that we have -- the problem that I have with all this, we have all these ordinance; who's going to enforce it?

Commissioner Suarez: And I think there's a --

Chair Gort: That's my question.

Commissioner Suarez: -- difference between what you're -- the scenario you're talking about are people a lot of times will go into the street -- on the street and will actually, like you said, give to cars, and I think there's an ordinance on point with that, because I know we have an anti-loitering ordinance. I think this case, people might be in public right-of-way, like on sidewalks, so they're not creating any sort of issue there, but they're passing it around. So we just want to be clear that in the case of an event, they need to get a permit if they're going to pass them around; they need to -- if they're going to pass them and they're found to be irresponsible

and not picking them up, that they have to pay a fine, et cetera, et cetera.

Chair Gort: Or (UNINTELLIGIBLE).

Commissioner Sarnoff: We had passed an ordinance already where the actual promoter itself was being held responsible -- the "handbill" ordinance.

Victoria Méndez (City Attorney): Yes, yes, you're correct. And it was done, I want to say, in 2010.

Commissioner Sarnoff: Yes.

Ms. Méndez: And you were mainly responsible for it. This is an additional -- this will have to do with large venues.

Commissioner Sarnoff: Right. I get it.

Ms. Méndez: The first one was just when you were, you know, posting them and placing them and that -- when you litter that way, those will be addressed. In this one, in order to be able to do a preemptive strike --

Commissioner Sarnoff: Right.

Ms. Méndez: -- for the big events that you know is automatically going to have this type of problem, it's putting the -- you know, basically making it for the persons that are going to be distributing at these large events to know whatever they distribute, they have to pick up, they have to get a permit for it; we know who they are already; we'll be able to identify them. And if they don't, we'll be able to address it. So this is a part two to what you started in 2010.

Commissioner Sarnoff: Right. So in the event they're legal and they don't even bother to register and the hand bills are all over the place, this goes to sort of what this Commission is saying, which is like, "Okay, we already have a law on the books" -- we do -- and I think -- and I'm -- you're going to stand correcting me, and I'm asking you to do that -- I think we've collected \$140,000 to date, since the 2010 ordinance has passed, of people who are advertised -- you know, I'll wash your car, whatever, whatever it is they're going to do, or some -- usually, it's a rock concert or rave or whatever -- back then it was raves, by the way -- and I'd like to know exactly how much we've collected. And so what this is doing is saying, "Hey, you're on notice that if you're coming to Calle Ocho, if you're coming to another large event, you've got to actually get a permit; and failure to do so, there's a ramification for that.

Ms. Méndez: Correct.

Commissioner Sarnoff: Good.

Chair Gort: Okay, any further discussion? It's an ordinance.

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

Todd B. Hannon (City Clerk): Roll call on item FR.1. Commissioner Sarnoff?

Commissioner Sarnoff: Yes.

Mr. Hannon: Vice Chair Hardemon?

Vice Chair Hardemon: For.

Mr. Hannon: Commissioner Carollo?

Commissioner Carollo: Yes, on first.

Mr. Hannon: Commissioner Suarez?

Commissioner Suarez: Yes.

Mr. Hannon: Chair Gort?

Chair Gort: Yes.

Mr. Hannon: The ordinance passes on first reading, as amended, 5-0.

Commissioner Suarez: Thank you.

END OF FIRST READING ORDINANCE

RESOLUTIONS

RE.1

15-00139

***Department of Capital
Improvement
Programs/Transportation***

RESOLUTION

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 \$1,000,000.00, THEREBY INCREASING THE TOTAL CONTRACT AMOUNT FROM \$1,500,000.00, TO AN AMOUNT NOT TO EXCEED \$2,500,000.00; ALLOCATING FUNDS FOR SAID INCREASE, FROM THE APPROPRIATE CAPITAL IMPROVEMENT PROJECTS; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO THE PSA WITH SCS ENGINEERS, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

15-00139 Summary Form.pdf

15-00139 Memo - City Manager's Approval.pdf

15-00139 Amendments - SCS.pdf

15-00139 Original PSA - SCS Engineers.pdf

15-00139 Legislation.pdf

15-00139 Exhibit - Agreement.pdf

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

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

R-15-0073

Chair Gort: First reading.

Commissioner Carollo: Thanks, Commissioners. That's Commissioner Suarez.

Chair Gort: RE.1.

Mark Spanioli: Good morning, Commissioners. Mark Spanioli, director of Capital Improvements & Transportation. RE.1 is a capacity increase to SCS (Stearns, Conrad and Schmidt) Engineering -- they're one of our miscellaneous environmental consultants -- in an amount not to exceed of a million dollars. Happy to entertain any questions that you may have.

Chair Gort: I have a couple of questions.

Mr. Spanioli: Yes, sir.

Chair Gort: My understanding, we -- according to reading the following RE (resolution), also articles, we spending about \$3 million into consultants and engineering consultations, and I want you -- from my understanding and the understanding of the public, how this being utilized.

Mr. Spanioli: Mr. Chairman, amongst the three consultants that we have engaged for miscellaneous environmental services, we spent approximately \$1.5 million between the three of them. All this is basically due to the environmental remediation activities we've been doing throughout the parks. As you know, going back a couple of years, the County required that we do an evaluation of all our parks. We evaluated over 100 parks, and we determined through historical analysis, reviewing aerials, site assessments, et cetera, that seven of those parks did have some type of environmental contamination that required remediation.

Chair Gort: Well, my understanding, RE in this one is going to go up a total not over 2.5 million.

Mr. Spanioli: That's correct.

Chair Gort: RE.1. RE.2, we're talking about another million, so we're talking about 3.5 million.

Mr. Spanioli: Right. Overall -- I thought you wanted to know spent to date. Spent to date was only about a million and a half.

Chair Gort: Yeah. In total, we spending \$3.5 million.

Mr. Spanioli: That's correct. In consulting services we'll be close to that, and construction remediation, we'll be well over 10 million.

Chair Gort: According to -- because my understanding is, and part of the process have been with you guys, they dig holes, you take those samples, they get the approved, you take it to DERM (Department of Environmental Resources Management); DERM looks at it and says, "No, no, we want more." And then they continue to dig more holes and then they come up with the answer and you go to DERM, and DERM says "Come up with a mediation plan." You come up with a mediation plan. DERM Says, No, wait a minute. That is not good enough. We want additional holes to be built [sic] and additional work to be done." That's why we up to \$3 million right now, 3.5. And I got to know. There's got to be an end to this. Do we have to sue DERM, the Federal Government, the State Government? Because my understanding is, the regulation that being used, the standards set up by the Federal Government, the State Government, and the County. Does anybody ever challenge that? Because scientific results that we have received, from what I heard, is someone has to eat a whole glass of dirt for 30-some years before anything can happen to them. And I played in all those parks as a kid and I've never seen -- I mean, I've never gotten sick.

Commissioner Suarez: Can I just say, I think you'll die from the dirt before you die from what's in the dirt? I just want to make that comment.

Chair Gort: You know, it's --

Commissioner Carollo: No. But in the meantime, the Chairman's absolutely correct.

Commissioner Suarez: Right.

Commissioner Carollo: In the meantime, we're going to allocate an additional three -- what, three million, three point five million dollars? No. It's an additional \$3 million?

Chair Gort: Total.

Commissioner Carollo: Towards --

Chair Gort: Now. Up to now.

Commissioner Suarez: And the parks are closed.

Chair Gort: (UNINTELLIGIBLE) --

Commissioner Suarez: And the parks are closed.

Chair Gort: -- and DERM comes back, says Wait a minute. I don't like those samples. We need more samples."

Alice Bravo (Deputy City Manager/Chief of Infrastructure): Through the Chair.

Chair Gort: Yes.

Ms. Bravo: Alice Bravo, Deputy City Manager.

Commissioner Suarez: And the parks are closed.

Ms. Bravo: I think what we need to keep into perspective is that we're trying to minimize our construction costs, so we have a budget allocated already, which was approved by the City Commission, for a certain bond issuance. That included the dollars needed for the plans and the testing that needs to be prepared to receive the DERM approval to proceed to a construction. So what we're talking about here is not additional funding being approved, but capacity through contracts where we need to allocate that funding. So that's one issue. We're trying to be conservative in our approach to these parks and minimize construction costs, so there were times where in those discussions, we proffer that if we do some additional sampling here, it addresses a DERM concern, and now that area doesn't need to be remediated. So there's a small increase in testing costs, but that offsets a construction cost that we don't need to incur. So we're trying to get the best value engineering out of this, and we need the consultant services to do that.

Chair Gort: I understand all of that, but the problem is our parks are closed. People need to use our parks. We get kids off the street when they're in our parks. And this is something we got to come up with a plan where we can start opening our parks.

Ms. Bravo: Right.

Chair Gort: I mean, we were able to open part of Curtis Park because we sat down with the chairman of the County Commissioners and DERM and yourselves, and we were able to -- the basketball, the football field, be able to do a lot of things. Now, that park that -- in Curtis Park, they have a kiddie park there that was used a lot, because we had a lot of family that live there.

Ms. Bravo: Right. And we're prioritizing for these parks opening up the playgrounds in advance, like for example, at Douglas Park, while we do the remediation for the rest of the park. But I think, perhaps, we could have our --

Chair Gort: Look --

Ms. Bravo: -- Capital Improvements director go over the project schedule.

Chair Gort: -- I understand what you're doing. I'm trying to help you, believe me. That's -- this is what I'm trying to do. But like the baseball stadium, I could see where the sand is, fine, where the clay. But in the field, the person has to dig the grass out and -- I'm not an engineer; maybe that's why I don't understand the whole thing. Okay.

Commissioner Carollo: I think you're right on target, Mr. Chairman. As a matter of fact, I'll go a step further just to say, I don't think any of us -- maybe Commissioner Sarnoff -- but I don't see any of us see the light at the end of the tunnel. It just -- it's a continuous thing, a continuous thing, and I -- we keep hearing the same thing. But in the meantime, it's costing a lot of money.

Commissioner Suarez: And the parks are closed.

Commissioner Carollo: And the parks are closed

Chair Gort: Okay. I guess we got to continue through this.

Commissioner Suarez: Yeah.

Commissioner Sarnoff: Well, I'll make a motion.

Chair Gort: Go ahead.

Commissioner Sarnoff: Is it RE.1, right?

Chair Gort: Yes.

Commissioner Sarnoff: We're doing them all -- all three at the same time?

Commissioner Carollo: Nope.

Commissioner Sarnoff: Can we take them all three?

Ms. Méndez: One by one, because I believe that the public hearing was --

Commissioner Sarnoff: All right, I'll make a motion on RE.1.

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

Mr. Alfonso: Commissioners, if we don't get this, there is --

Commissioner Suarez: Second.

Mr. Alfonso: -- (UNINTELLIGIBLE) one sure way --

Chair Gort: Right.

Mr. Alfonso: -- that it's not going to happen.

Chair Gort: No, I understand, I understand.

Commissioner Suarez: Yeah. I--

Chair Gort: Yeah. Wait a minute.

Commissioner Suarez: wait, wait, wait.

Chair Gort: Yes, ma'am.

Commissioner Suarez: Wait. I'm going to vote for this, but I don't think that's a correct statement either, because I think what we're saying is does this all have to happen? You know what I mean? I mean, I understand we kind of have started to go down this train, but the result is that, you know, there's been information that's come to us that indicates that there's not a tremendous amount of toxicity and that you would probably die first from consuming the soil rather than the toxic substance that's in the soil, supposedly.

Mr. Alfonso: Yeah, I understand, Commissioner. I'm not trying to be sarcastic.

Commissioner Suarez: No, I know.

Mr. Alfonso: I'm trying to say we're trying to comply with the regulatory agencies, and we need these agreements so that we could comply with them.

Chair Gort: No, I understand that, but this is just a question. Can we challenge that? I mean, my understanding is they guided by the Federal standard, State standard, and then the County standards.

Ms. Bravo: Right. The County's following State standards that are handed down from EPA (Environmental Protection Agency).

Chair Gort: That's what I've been told. Yes.

Ms. Bravo: And their soil reuse criteria for the parks, they apply a residential criteria since children are playing on the ground, and that residential criteria is that certain contaminants -- in this case, heavy metals -- have to be below a certain threshold for that area to be useable. So, you know, that's why we received the orders closing the parks to prevent human contact with these materials that exceed the soil -- clean soil levels that are part of the County Code.

Chair Gort: I understand all of that. My question is can that be challenged? That's all. I don't want -- I don't -- you don't need to give me the answer today, but I'd like to see (UNINTELLIGIBLE). It's been over two years now.

Mr. Alfonso: For the record --

Chair Gort: Parks are being closed.

Mr. Alfonso: -- the Administration is just as frustrated as you are.

Chair Gort: No, I understand that.

Mr. Alfonso: We would like to have the parks open.

Chair Gort: I know that. And believe me, I'm trying to help.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Let's hear from the -- yes, ma'am.

Renita Holmes: Thank you. Renita Holmes, resident and also graduate of the Brownsville Mediation Program in which the City received \$5 million. And again, I'm not looking for problems, but I like to look for solutions; and when it comes to parks and poison, I'm still surprised that every park but parks in District 5, you know, in the City are not being tested or have not been found, but we had a whole list of parks --

Commissioner Sarnoff: Whoa, whoa, whoa.

Ms. Holmes: -- that we were given --

Commissioner Sarnoff: Stop, stop, stop, stop. That's not -- don't --

Ms. Holmes: Excuse me.

Commissioner Sarnoff: Don't --

Ms. Holmes: Through the Chair.

Commissioner Sarnoff: -- put that on the record. That is so unfair. Every park in the City of Miami has been tested. That is so unfair to do.

Ms. Holmes: If I may, through the Chair, and continue. With all due respect, Mr. Sarnoff, I'm only utilizing the knowledge that was given to me in Brownsville. And if you are sure, you can check -- there's a list of parks --

Commissioner Sarnoff: No. I know it's occurred, and I just think it's unfair for somebody to go on the record, make a statement like that --

Ms. Holmes: I think it's rude, Mr. Sarnoff --

Commissioner Sarnoff: -- (UNINTELLIGIBLE) nothing more --

Ms. Holmes: -- for you to do this --

Commissioner Sarnoff: Let me finish, Mr. Chair. -- do nothing more than upset people; and you're saying District 5, so you're --

Ms. Holmes: I'm a resident and a EPA technician. I mean, with all respect, Mr. Chair --

Chair Gort: Wait a minute.

Ms. Holmes: -- who am I to --

Chair Gort: Hold on a minute. Hold on a minute. I'm chairing the meeting, please. I understand and I agree with you, but according to State, we have to let everybody speak. Yes, ma'am, go ahead.

Ms. Holmes: Thank you. Well, I'm still challenging two million of that five million missing, but I'm not going to challenge the fact that we never got to work as EPA technicians, and the

majority of us came from the poor districts. We were Hispanic women; women, men from veterans and so forth that sat in class, and they still offer that class at Brownsville, so when I think about job opportunities, the federal funds, those who are working on those local projects and where the consulting is being done, I'm concerned like you, Mr. Chair, and -- but you learn first when we could talk federal regulations, and I'm wondering if we're asking the right folks, but I do think that that money should be spent on other jobs and other professionals within -- And then lastly that within the County -- and may I have another 30 seconds, since some of my time -- a majority was taken? -- that DERM of the County performs, and I'd like to accept that challenge from Commissioner Sarnoff, and also to consult with the rest of you about that list, because I will call the EPA today and find out. But I'm still concerned, as I said, that a majority, if not the only parks that -- and lastly to add, I'd like to know where the dumping of the soil that has come from all those they have consulted professionally on, whose district are they dumping that in? Because I know it takes 30 years for some of that --

Chair Gort: Thank you.

Ms. Holmes: I'd like to know --

Chair Gort: Thank you, ma'am.

Ms. Holmes: -- why is --

Chair Gort: Thank you.

Ms. Holmes: -- Commissioner Sarnoff's district the only district --

Chair Gort: (UNINTELLIGIBLE). Excuse me.

Ms. Holmes: -- that they have health issues found?

Chair Gort: Thank you, ma'am. Appreciate it. Thank you. Okay, yes.

Mariano Cruz: Sure. I am going to talk on that because that's my expertise. I am an entomologist with a degree -- termites and wood-destroying organisms and everything, and we did -- we did -- and I did myself -- thousand of job sites in South Dade, pretreat -- we call pretreat the foundation before they pour the concrete, and we were using at the time all dry floor and (UNINTELLIGIBLE) that is not biodegradable, that stay there forever and ever, and those (UNINTELLIGIBLE) -- South Dade thousand of sites being there; people are living there forever and ever and don't think any -- they don't turn green or anything. So I really don't know what is that thing about -- because I, myself, I dig that for many years and made plenty of money on that, because we were charging so much per foundation before they pour the concrete to establish a chemical barrier. That way, the subterranean termite that was -- that gave the was -- that does the most damage can grow up and eat the houses, because I seen houses with the floor down. That's the most thing here. And then people are living there in South Dade. Go and check there. Thousands of sites there. Thank you.

Chair Gort: Thank you, sir. My understanding -- let me explain this, because I think it's very important. I was told by our City Attorney that there's a State law, even though it's not a public hearing, anyone would like to address, I have to give them the opportunity to address this for two minutes. Am I correct?

Victoria Méndez (City Attorney): Yes. And -- but it's through the Chair, and the Chair has the ability, like you have in the past, to, you know, curtail that, depending on the tone or -- et cetera, which you've done when needed.

Chair Gort: Thank you.

Commissioner Suarez: Mr. Chair, if I may?

Chair Gort: Yes, sir.

Vice Chair Hardemon: Mr. Chairman. Well --

Commissioner Suarez: I'll yield to my younger, better-looking colleague.

Vice Chair Hardemon: I appreciate that. I've asked this question in the past, so I just want to clarify it once again on the record, and I'd like to have this done through the City Manager and if known by the City Attorney, that'd be great also; if you can confirm, rather. Have all the parks and public spaces within District 5 been tested?

Mr. Spanioli: Commissioners, as I stated earlier in the presentation, all the City parks were evaluated. The County allowed us to evaluate them in various different methods. We didn't have to necessarily take physical soil samples at every park, because you can look at -- as an example, you can look at historical area photographs and see that it was never any type landfill or dumping site over the years, so some of them were easy to evaluate. But yes, we did evaluate the parks in District 5.

Ms. Bravo: And to further elaborate the process that we went through --

Chair Gort: And you are?

Ms. Bravo: Alice Bravo --

Chair Gort: Thank you.

Ms. Bravo: -- Deputy City Manager. Thank you. Our -- we actually had a three-tiered approach to the evaluation of the parks, a total of 112, I believe. So there was a -- first, a City document search that did yield information with regard to some additional parks that -- for example, Douglas; then there was a review of aerial -- historical aerial photographs for every single park; and the third tier was that our consultants actually did a visual observation of every single park, and it's that visual observation that originally led to the identification of issues at Merrie Christmas Park, Douglas Park, and some of the others, because as you look at the soil, you can see if there's the remnant debris that results from the incinerator activity.

Vice Chair Hardemon: And so it's within their professional opinion that there was no contamination in the District 5 parks beyond what we have identified as far as District 5 sites, such as 12th Avenue and 62nd Street?

Mr. Spanioli: That is correct.

Vice Chair Hardemon: And --

Mr. Spanioli: And if --

Vice Chair Hardemon: -- fancy me about -- is there being any contaminated dirt being dumped within our District 5 areas.

Mr. Spanioli: Commissioner, all of the soil that's removed from any of our parks is properly disposed of at a type of landfill that accepts this type of material. None of them are in District 5. I think some of them are actually outside of the County. So no, we're not dumping any soil in

District 5.

Vice Chair Hardemon: And so you're very comfortable with the level of scrutiny that was been -- that has been made within the District 5 area regarding the contamination in the parks?

Mr. Spanioli: Yes, I feel comfortable they were evaluated to the best professional engineering abilities that we could, and we didn't find any parks there that needed remediation.

Vice Chair Hardemon: Is this the same type of evaluation that you did within District 1 or District 2?

Mr. Spanioli: An evaluation we did citywide.

Vice Chair Hardemon: District 4?

Mr. Spanioli: All districts --

Vice Chair Hardemon: And District 3?

Mr. Spanioli: -- equal evaluation.

Vice Chair Hardemon: Thank you.

Ms. Méndez: And may -- if -- I just wanted to clarify, because we have also spoken with DERM and the Health Department, and they have, you know, clarified that these are not the type of things that would endanger, you know, the community, unless certain things, like if you eat this thing for, you know, ten years and -- because I just -- I -- you know, we talk a lot about remediation and things. There are certain levels that obviously need to be addressed, pursuant to DERM and such, but this is not anything that if you just come near it, it's radioactive or anything. Actually, Commissioner Sarnoff has been very helpful in making sure that the Health Administration comes in and discusses it with the community and that DERM comes in, so I just -- we're just taking precautions, and we need to comply with certain, you know, DERM criteria, but this is not anything that if you -- you know, you have to ingest this for like ten years and --

Commissioner Suarez: Mr. Chair.

Ms. Méndez: -- eat like a gallon a day.

Chair Gort: Okay, let me stop you a minute.

Ms. Méndez: Okay. It's just a lot of discussion and I wanted --

Chair Gort: And that's -- let me stop you for a minute.

Ms. Méndez: Okay.

Chair Gort: That's my argument: Why can't we do the mediation? And why do we have to close the park? That's --

Ms. Méndez: Right. Those -- that --

Chair Gort: There's a liability (UNINTELLIGIBLE), yeah.

Ms. Méndez: Right. That, unfortunately, is just based on restrictions that are brought down from the State and DERM. However, with that said, we will work with -- and maybe another meeting

is necessary with DERM so that we can -- certain parts, like a basketball court. If nothing needs to be done in that basketball court --

Chair Gort: That we took place of it and took -- and we took care of that, but if we -- if they're not that dangerous, why can't we work -- why do we have to close the park?

Ms. Méndez: Unfortunately --

Chair Gort: That's the question.

Ms. Méndez: Right.

Chair Gort: Well, all I'm giving you is food for thought and for you to work on.

Commissioner Suarez: Mr. Chair.

Chair Gort: Commissioner.

Commissioner Suarez: Thank you. I'd like to sponsor for charity a soil-eating competition of elected officials. I'd be more than happy to eat some of the soil, if it makes people feel better. No. Honestly, I think we're losing sight of what's important here. What started off initially as a concern about the health and safety and welfare of our citizens because of contaminated parks has now metamorphosized [sic] into a debate where we're -- I believe this is going to be our third summer with some of these parks closed, okay, and Douglas Park being one that I get con -- and it's in Commissioner Sarnoff's district; I share it, because it's a big park and it's a park that our whole entire community uses. And I get tons of calls. One of the calls I get the most of is our facilities, our park facilities. And as the Manager knows this and everyone, Shenandoah Park pool; when it gets shut down and there's an issue, we get a flood of calls from the parents. So, you know, I think we're kind of losing site of the ball here; and I think what happened at the beginning was, we all said, okay, we want to be responsible; we want to make sure that there's no contamination. But this has been out in the public for a long time. If there was anyone that was sick or wanted to sue the City, trust me, and a lawyer would have organized them a long time ago and they would have been suing us by now. That's -- well, I think --

Commissioner Sarnoff: They're creating a class action as we speak.

Commissioner Suarez: Well, it is what it is. You know, we'll cross that bridge when we get there. But I think if -- you know, the people who are being disenfranchised by this right now are our own citizens, and I think that's the real sad truth. Our citizens are the ones that are disenfranchising -- are being disenfranchised. And when you look at someone who's trying to do a good thing, I guess, in trying to bring this to light, the consequence of it is that lower-income and middle-income kids cannot use our parks, and this is now the third summer that we're approaching without the use of those parks.

Commissioner Sarnoff: Mr. Chair.

Chair Gort: Yes, sir.

Commissioner Sarnoff: It -- you know, I -- seems like our prime responsibility is to get the parks open. If somebody wants to subsequently deal with what is a contaminant, what is not a contaminant, it will take the better part of six to eight years with the Federal Government litigating or promoting or lobbying or maybe a series of all the above to change that. It's been my aim, since learning of this, just simply to get the parks open. And the process of DERM is a frustrating process, because DERM doesn't see it as a priority as this Commission sees it as a priority. They just see it as a pile of papers on their desk. You're number 115 of 137 issues they

need to get to that day and they'll get through that issue. Now, occasionally, Alice Bravo has been extremely good at getting Wilver Majorca (phonetic) to work on a park, but I am extremely frustrated with Douglas Park and the progress we've made there. I have put three meetings on, I think, on park contamination and what that means, and I'm sure that's where you're getting the information that you have to drink a glass of dirt a day for the next 36 days. University of Miami professor of toxicology told us that. And of course, the lawyers came and said "not true," but didn't promote their own toxicologist. So my aim is to get the parks open. I don't think we're going to change EPA; I don't think we're going to change the State; I don't -- DEP (Department of Environmental Protection); and I don't think we're going to change DERM in the next six years. I'd certainly be more than glad to be part of a process, including a committee, including a chair of a committee, if you'd like to look at how to change the process, because it is a shame. There are parents that came to this Commission, at a meeting, whose child was born a year before the park closed. The child's now almost three or four years old; they never got to use the park, and that's the shame of this whole thing. And all I'm saying is, if we don't move these issues along and give our Administration the tools that they need to get these parks open -- I just don't want to be part of the responsibility of doing that; yet, I completely understand your frustration, and I don't think you've ever seen me walk off this dais before.

Mr. Alfonso: I know.

Commissioner Sarnoff: But it is frustrating for people to get up here and make statements which are so contrary to the facts, and I am -- and then the -- there's an illusion of race put towards it, and it's just frustrating.

Chair Gort: Well, let me tell you what I find, especially when people speak negative and then speak things that they're not aware of, because later on, the Commissioner of that district asked the question to answer all that was stated before.

Commissioner Sarnoff: I watched it.

Chair Gort: Now, my understanding, I was told by my attorney that the State of Florida legislation -- passed a legislation that every citizen has a right -- you have to give them the right to speak for two minutes. That's not according to me. That's why when I go to the radio programs, I love to get negative calls, because it gives me an opportunity to express to them what -- that they're not correct, and that's something that we did today here. I agree with you; I think we got to proceed with this. But the problem we have, like you stated before, DERM gets all those documents. All I'm asking is -- and I know we're not going to fight the Federal Government, the State or DERM -- but to expedite the process. Every time we need -- and my suggestion to all of you, sit down with your Commissioner that represent that district from the County Commissioners so we can move it on, and I think that's what I've been doing, and I think we all need to do that, talk to our County Commission to make sure we expedite this. Thank you. There's a motion.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: Real quick. And I think you're on target, Commissioner Sarnoff, regarding the priority is to open the parks. However, you cannot overlook what's -- what it's costing. And not only is it a mammoth amount; our parks are still closed. So I think, you know, that adds to the frustration. Now, on a side note, and to make a proud plug: The only City park that is funding their own remediation and funding and all that is Bayfront Park. So Bayfront Park is also being tested, but it is being funded by the Bayfront Park Management Trust and not using City resources or City funding. With that said --

Chair Gort: That's (UNINTELLIGIBLE).

Commissioner Carollo: -- I'm ready to vote.

Chair Gort: We also -- we need to understand that we spend about \$50 million in establishing that park, so -- and that was part of the DDA (Downtown Development Authority) staff. Who made -- is there a motion?

Commissioner Sarnoff: That was a good plug.

Commissioner Suarez: Motion.

Commissioner Sarnoff: That was a good plug. Thank you.

Chair Gort: Is there a motion?

Todd B. Hannon (City Clerk): Chair, Commissioner Sarnoff moved it, with Commissioner Hardemon seconding it at 11:07.

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

The Commission (Collectively): *Aye*.

RE.2

15-00140

*Department of Capital
Improvement
Programs/Transportation*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AN INCREASE TO THE PROFESSIONAL SERVICES AGREEMENT ("PSA") WITH TY LIN INTERNATIONAL/HJ ROSS, ("TY LIN/HJ ROSS"), FOR THE PROVISION OF MISCELLANEOUS ENVIRONMENTAL ENGINEERING SERVICES, IN AN AMOUNT NOT TO EXCEED \$500,000.00, THEREBY INCREASING THE TOTAL CONTRACT AMOUNT FROM \$500,000.00, TO AN AMOUNT NOT TO EXCEED \$1,000,000.00; ALLOCATING FUNDS FOR SAID INCREASE FROM THE APPROPRIATE CAPITAL IMPROVEMENT PROJECTS; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE PSA WITH TY LIN/HJ ROSS, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

15-00140 Summary Form.pdf

15-00140 Memo -City Manager's Approval.pdf

15-00140 Original PSA - TY Lin/HJ Ross.pdf

15-00140 Legislation.pdf

15-00140 Exhibit - Agreement.pdf

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

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

R-15-0074

Chair Gort: RE.2.

Mark Spanioli: Good morning, Commissioners. Mark Spanioli, director of Capital Improvements & Transportation. RE.2 is similar to RE.1, but this increase -- capacity increase is to TY Lin International for \$500,000.

Commissioner Sarnoff: *So moved.*

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

Commissioner Carollo: *Second.*

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

The Commission (Collectively): *Aye.*

RE.3

15-00141

Department of Capital Improvement Programs/Transportation

RESOLUTION

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

15-00141 Summary Form.pdf

15-00141 Memo - City Manager's Approval.pdf

15-00141 Original PSA - URS.pdf

15-00141 Legislation.pdf

15-00141 Exhibit - Agreement.pdf

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

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

R-15-0075

Chair Gort: *RE.3.*

Mark Spanioli (Director, Capital Improvements & Transportation): *Thank you, Commissioners. RE.3, again, is similar to RE.1 and to RE.2. This is for URS Corporation, in the amount of \$500,000.*

Commissioner Sarnoff: *So moved.*

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

Commissioner Suarez: *Second.*

Chair Gort: *Second. Yes, ma'am.*

Renita Holmes: *Public hearing? My name is Madam Holmes, again, for the record. Again, it's my concern of that the focus on extending expenditures for consultation is something that I have to pay for; and when I ask a question, it's becoming difficult to get a factorial answer. And so I'd like to inquire, through the Chair, if I may. Point of clarity, Mr. Chair: Is -- as a public or a*

member of the public, am I entitled to ask what is the status of those -- the services and the performance of them thus far? And with -- am I entitled to ask you to ask them is there an actual breakdown -- it's a public record and a public request -- of what they have discovered or not discovered or what it is that they are rediscovering? Because if we're going to make extra money and create a line item every time something new comes up or something new has to be found or something new has to be hidden or not disclosed under the EP (Environment Protection) Act, "Right to Know," right to clean water, right to clean air, I like "right to know," because I'm going to tell you the truth. I'm asking now because maybe 30 years ago -- and it take some time. Some of that stuff takes 30 years to be found, and you can go find people in other countries that played and visit and so forth and so on. Would you like to know -- or could we come back and see how many people have actually died just simply by visiting the park or how many are still living in the stuff? Or have we had our "Right to Know" complied with with those parks that we did discover; and when did we know; when did we learn; and all that, because that's still a "right to know"? But I have a right to know what's being spent so that I can assure that we don't have to spend no more. And you know what? I'm just going to say this: You can spend all the money you want, but it takes about that much to cure cancer. You can't bring back a life. I like to be there when my child plays in a park, just like everybody's district; and I'm in no disrespect. But to my understanding, firefighters have cancer in places that they weren't even told that they were cleaned up, let alone park rangers.

Chair Gort: Thank you, ma'am.

Ms. Holmes: It be something we would want to be transparent about.

Chair Gort: Thank you.

Ms. Holmes: Thank you.

Chair Gort: Thank you.

Ms. Holmes: Besides spending the money.

Chair Gort: Let me assure you, the rec -- public records, that you're entitled to receive all that information. I'm sure they'll have it for you. Thank you. Anyone else? Anyone else?

Vice Chair Hardemon: Mr. Chairman, I have --

Chair Gort: Yes.

Vice Chair Hardemon: -- just a question. Is there a report that we have that shows all of the findings that happened throughout our parks in all of our districts?

Mr. Spanioli: Yes, Commissioner. We have actually numerous reports for all the parks, including all the soil sampling we've taken at the parks that we found contamination. I mean, we can provide any data you need or anybody needs, for that matter.

Vice Chair Hardemon: Can you provide it to me --

Mr. Spanioli: Absolutely.

Vice Chair Hardemon: -- via e-mail (electronic)?

Mr. Spanioli: Yeah, absolutely.

Vice Chair Hardemon: Thank you.

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

The Commission (Collectively): Aye.

Mr. Spanioli: Thank you.

RE.4**15-00079**

*Department of
Finance*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING AND APPROVING THE AMENDED AND RESTATED CITY OF MIAMI INVESTMENT POLICY ("INVESTMENT POLICY"), ATTACHED AND INCORPORATED; DIRECTING THE CITY MANAGER TO INSTRUCT THE DIRECTOR OF FINANCE TO IMPLEMENT THE AMENDED AND RESTATED INVESTMENT POLICY.

15-00079 Summary Form.pdf

15-00079 Back-Up from Law Dept.pdf

15-00079 Legislation.pdf

15-00079 Exhibit 1- Investment Policy.pdf

15-00079 Exhibit 2 - R-01-448.pdf

15-00079 Exhibit 3 - R-05-0463.pdf

15-00079 Exhibit 4 - R-07-0504.pdf

15-00079 Exhibit 5 - R-14-0347.pdf

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

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

Absent: 2 - Commissioner(s) Suarez and Hardemon

R-15-0081

Chair Gort: Time certain. Like I told you before, we have six different items that are time certain. We have -- we can go back to RE.4, because my understanding, some of the people wanted to wait until about 3 o'clock for the amendment to the development agreement between the Miami Worldcenter, so -- Let's go to RE.4, investment amendment policy.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes.

Commissioner Carollo: Why was it a time certain of 3 p.m.? Was there certain -- I think there's certain members of the Finance Committee that wanted to --

Daniel J. Alfonso (City Manager): That is correct.

Chair Gort: Excuse me, the mike, mike, mike, mike, mike.

Mr. Alfonso: That is correct. We had the president of the Finance Committee, Mr. Eli Feinberg wanted to come and --

Chair Gort: Is he here?

Mr. Alfonso: He's here?

Chair Gort: Okay. Well --

Jose Fernandez (Director/Finance): Good morning, Commissioners. RE.4 is a resolution of the City of Miami adopting or recommending and authorizing the revisions to the investment policy. The investment policy was worked in collaboration with PFM (Public Financial Management), our financial advisors, and the Finance Committee. We made some changes to it. The majority of the changes were centered around changing the composition of who sits on the committee. Currently, it requires myself, the assistance director of Finance, the treasurer, and the portfolio manager as the Investment Committee. The recommendations are to include myself, the Budget director, the director of Community & Economic Development, and another member of the Finance Committee. Another change that we made is to allow for a financial advisor to manage our portfolio for us, since we brought the item back in December and it was approved by the Commission. And another change that we made to it was to require any sale of an investment at a loss by the CFO (Chief Financial Officer). I mean, other than that, the other changes that we made were to change some language here and there, but those were the primary and significant changes.

Chair Gort: Also, my understanding, there's certain criteria for the investment. If you could express the criterias [sic], I would appreciate it.

Mr. Fernandez: Yes.

Chair Gort: The type of investment that can be utilized.

Mr. Fernandez: Well, the type of investments that can currently utilize are the ones that fall under Florida statute, you know, for a municipality. But what we did also is some of the investments that, even though they were eligible under Florida State law -- one of them being the asset backed securities and the mortgage backed securities -- we dwindled them down to five percent of the portfolio. Prior, they were 25 percent of the portfolio. So I mean, that -- you know, at -- based on discussions within the Finance Committee, it was determined that even though that the City would -- you know, would be allowed to get into them, it would mitigate its risk in the future by minimizing the amount of the portfolio that could be invested in these investments. And one last thing is that it was unanimously recommended by the Finance Committee to the Commission to -- the changes that we made. Mr. Feinberg is here, the chair. I don't know if you want to --

Chair Gort: Sure.

Commissioner Carollo: Mr. Chairman, real quick.

Chair Gort: Yes.

Commissioner Carollo: When it was voted unanimous, were all the members present?

Mr. Fernandez: The only ones that weren't present -- well, two -- there aren't two members on there from two districts, but the members that were there present, yes, they all unanimously supported.

Unidentified Speaker: (UNINTELLIGIBLE).

Mr. Fernandez: Yes.

Chair Gort: Yes, sir.

Eli Feinberg: No. Just to -- Eli Feinberg, 6761 Southwest 89th Terrace, and I'm -- the chair of

the Finance Committee. We've been laboring over this now for about a year. And in your finance -- your financial staff has done a wonderful job, you know, in putting this all together from the debacle, which we had a few years ago where we lost a lot of money (UNINTELLIGIBLE) the sale of certain bonds. And we've had a lot of input. We've had a lot of corrections made, amendments, whatever, and thanks to your very good appointments to the Finance Committee, we've had a lot of really good input. So we'd appreciate you moving on this. Thank you.

Chair Gort: Thank you. Any questions?

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes.

Commissioner Carollo: I just want to thank Mr. Feinberg and the Finance Committee, also our Finance staff for putting this together.

Mr. Feinberg: Thank you, sir.

Chair Gort: By the way, the Finance Committee is all volunteer.

Commissioner Carollo: Yes.

Mr. Feinberg: We are.

Chair Gort: Pro bonos. Okay, thank you.

Mr. Feinberg: (UNINTELLIGIBLE) pro bono.

Chair Gort: Okay.

Commissioner Carollo: Move it.

Chair Gort: I don't think we need a motion. It's just a report.

Commissioner Carollo: No. I --

Todd B. Hannon (City Clerk): A resolution, Mr. Chair.

Commissioner Carollo: Yeah.

Chair Gort: We need a resolution?

Commissioner Carollo: Yes. I move it.

Chair Gort: Moved by Commissioner Carollo.

Commissioner Sarnoff: Second.

Chair Gort: Second by Commissioner Sarnoff. All in favor, state it by saying "aye."

The Commission (Collectively): Aye.

RE.5

RESOLUTION

14-01164

*Honorable Mayor
Tomas Regalado*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI AND FORMULA E, FOR THE PURPOSE OF CONDUCTING THE FORMULA E CHAMPIONSHIP, COMMENCING MARCH 14, 2015, AND OCCURRING YEARLY FOR A TERM NOT TO EXCEED FIVE (5) YEARS, WITH TERMS AND CONDITIONS MORE PARTICULARLY SET FORTH IN SAID AGREEMENT.

14-01164 Legislation.pdf
14-01164 Exhibit-MOU SUB.pdf
OBSOLETE

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

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

R-15-0076

Chair Gort: PH.9.

Mayor Tomás Regalado: Mr. Chairman.

Chair Gort: Yes.

Mayor Regalado: If I may?

Chair Gort: Sure.

Mayor Regalado: Can I address RE.5? RE.5 is the Formula E resolution, and thank you. About two years ago, this City Commission approved and endorsed the concept of Formula E in downtown Miami, but a year ago the City Commission approved the race that is taking place on the 14th of March. This afternoon, on a ship at the Port of Miami, we -- they're bringing the cars that will be participating in the race in downtown Miami. What you have before you is an agreement moving forward, because this race already has all the permitting. They went to the County. They rented Parcel B from the County. They're making an improvement of the road of about \$1 million. The impact of the race, three days is 1,500 jobs, temporary jobs in three days, and about \$10 million impact in downtown Miami. But I think the most important thing is the fact that the races are back in downtown Miami and 25 million people will be watching live throughout the world. They already had successful races in Beijing, Buenos Aires, and Punta del Este, and from here they're going to Long Beach in California. So this is the race. We have Chuck Martinez, the principal here in the City of Miami. He's in charge of the local race. And if -- whatever -- if you want -- or if he -- if you guys wants to hear more or if you just want to vote on it and invite the people.

Chair Gort: Thank you. My understanding is, there's going to be about 120,000 people visiting the -- watching the race in the City of Miami. I'm sure a lot of those people will be using the hotels and the facilities within the City of Miami, so it's an economic development for that one area. At the same time --

Mayor Regalado: Right.

Chair Gort: -- it will be -- the good will that you'll receive, the City of Miami -- every time you see any program where it shows the City of Miami, the people up north, they're freezing and they can't come out, and they look at this -- what do we look like? It's millions of dollars' worth of

advertising.

Commissioner Sarnoff: Mr. Chair.

Chair Gort: Yes, Commissioner.

Mayor Regalado: Sorry.

Chair Gort: By the way, there's no noise.

Commissioner Sarnoff: No, no, no. I -- I'd like to think I was in the beginning with the Mayor looking at this and, certainly, I'm an advocate for it. However, under this agreement, it binds us to five years and -- Doesn't?

Commissioner Carollo: I -- that was a question that I had.

Commissioner Sarnoff: Right. I'm reading the agreement --

Commissioner Carollo: I gotcha.

Commissioner Sarnoff: -- and it binds us to five years. We've never run the race. We don't even know what will, will not be like. We don't even know -- I mean, to me, before we bind the City to a five-year plan, we should run the race once, see how it is, see how it works, see how it affects whatever quality of life exists; and to me, bring it back to the Commission next year. You know, I'm kind of a one-year, go-by-go kind of guy, but --

Commissioner Carollo: Mr. Chairman.

Commissioner Sarnoff: And I was an advocate for this.

Mayor Regalado: Mr. Chairman, if I may?

Chair Gort: Let's hear from the Commissioner.

Mayor Regalado: Oh, okay.

Chair Gort: (UNINTELLIGIBLE).

Mayor Regalado: Well, I just want to say that in terms of quality of life, it would be quieter than Ultra.

Commissioner Sarnoff: I wasn't going to bring that up, Mr. Mayor. Here we go again.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Here we go. Yes, sir.

Commissioner Carollo: I don't know if now I want to help out my colleague or not.

Commissioner Sarnoff: Well, just bear in mind, I didn't bring that up.

Commissioner Carollo: Anyways, no. I had the same question, and I do agree with you, to be honest with you, so I had the same question. And if you see under Section 7.1 -- and I'm not the attorney, but I did -- I checked with our attorneys. If you see under Section 7.1 "Termination," it clearly stipulates that any party can --

Chair Gort: *Terminate.*

Commissioner Carollo: *-- terminate within 30 calendar days, and let me verify it is 7.1.*

Commissioner Sarnoff: *And I'm reading it as well.*

Victoria Méndez (City Attorney): *Commissioner, you're correct.*

Commissioner Carollo: *And I'm sorry; it's 7.2: "Any party may terminate this MOU (Memorandum of Understanding) at any time for convenience upon 30 days' calendar" -- upon 30 calendar days' prior written notice to the other parties." So --*

Ms. Méndez: *Which (UNINTELLIGIBLE).*

Commissioner Carollo: *-- I'm not the attorney. However, I specifically asked our City Attorney and she opined that, "yes" --*

Chair Gort: *Let me give you a non-attorney opinion.*

Commissioner Carollo: *-- That we could terminate.*

Chair Gort: *Any business that wants to establish itself, they need to be assured that the original investment -- because I'm sure, if you all go back to the Grand Prix, the first race was ruined because of the rain and all that, and they lost I don't know how many millions of dollars. So if they don't have the assurance that they can come back --*

Commissioner Sarnoff: *This does exactly what you --*

Chair Gort: *-- why should they spend the money? I mean, they got to protect their investment.*

Mayor Regalado: *No. I mean, the question that will be asked by the media when they do the March 14 race is "Are you coming back next year?" And this is why this is in the agenda. It -- like -- and I have spoken to the City Attorney about this. Commissioner Carollo is correct; any -- this -- the way that this is written, it can be --*

Commissioner Suarez: *Terminated.*

Mayor Regalado: *-- resolved in terms of any --*

Chair Gort: *(UNINTELLIGIBLE).*

Mayor Regalado: *-- parts doing --*

Commissioner Carollo: *Exactly.*

Mayor Regalado: *-- their (UNINTELLIGIBLE). I guess that this is something that is aspirational in terms of coming back and coming back. On this race, they have rented Bayfront for their tents. They have fixed the streets at their own dime. And they have -- also have all the permitting from DOT (Department of Transportation) and they got also the stakeholders. They're doing a concert at American Airlines. They have a reception at the PAMM (Pérez Art Museum Miami). They have worked with Bayside, so I guess --*

Chair Gort: *Thank you.*

Mayor Regalado: -- it's on to go.

Chair Gort: Thank you, Mr. Mayor. Nathan, you're recognized.

Nathan Kurland: Public hearing. Nathan Kurland, 3132 Day Avenue. Mr. Mayor and Commissioners, activists many times are always considered negative. I do not object to the electric car Grand Prix. I want to make that perfectly clear. However, I would like to make a comment for the record, and that is, years ago, when American Airlines Arena was built, Parcel "B" was promised to be a park, and now it is anything but, as we have removed the trees and removed the grass; and now we're talking about a five-year commitment to, once again, push away a promise to the citizens of Miami that Parcel "B" would be a park. Thank you.

Chair Gort: Thank you.

Mayor Regalado: Wrong Commission.

Mr. Kurland: Same property.

Mayor Regalado: Wrong Commission. Because I remember -- I was here and Willy was here, and there was -- when the City sold the land to build the American Airlines Arena to the County, Parcel "B" was included; and in the contract, it said that the Miami Heat Organization and the County will work to create a park so --

Mr. Kurland: There we go.

Mayor Regalado: Maybe we can -- since we're doing this every day, maybe we can sue the County.

Mr. Kurland: Or maybe even find a way to interface and work with the County to make sure they keep their promises.

Chair Gort: Thank you, sir.

Mr. Kurland: Thank you.

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

Commissioner Carollo: Thank you, Mr. Chairman. And Commissioner Sarnoff, because of 7.2, that's why I am comfortable, because, yes, we -- it's five years. However, it clearly stipulates in 7.2, "Any party may terminate this MOU at any time for convenience, upon 30 days" -- "calendar days' prior written notice to the other party." So again, I'm not the attorney, but that's why I'm comfortable with it. And I'll go a step further: In the past, I don't know if the City -- I do know that the City did not, but let's say the City did not obtain all the promised revenues from the race, so that's an issue that I have. So I want to make sure that, you know, everything is paid up before we sort of commit to next year. Now, that doesn't mean that I wouldn't want the race, especially if it's successful, to come back. I definitely do. But I think we have an out in case there's any issues.

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

Commissioner Sarnoff: Sorry. You know, first off, I think I was at the very ground stage of this, and I certainly made sure that -- with the Mayor, that these gentlemen walked to every involved stakeholder they could, and I think they did that. You know, every time an issue came up, they would go back, they'd go back. Look, I want to be clear. I certainly am promoting this idea, and let me be candid too. I would not have promoted this -- I'm going to say it one more time -- if

this was a gasoline engine. I'm promoting it because I think it's exposure to a new concept that some people apparently are not exposed to, whether you believe in greenhouse gases or not, that's your own choice. Global warming is a fact. Tidal influences are a fact. This will at least give people the opportunity to find out more information. However they choose to assimilate that information is up to them. But this is why I'm supporting this particular event. Now, having said that, I think we could improve the language a little bit, and let me just say: 7.2 should read, "notwithstanding any term or condition within this agreement, any party may" so that it's not read in pari materia with 7.1 and somebody arguing there could be a five-year right. So that would be a motion I would make, and let me tell you the reason, Commissioner Carollo.

Commissioner Carollo: And I will second that motion. And again, like I said, I'm not the attorney up here.

Commissioner Sarnoff: I know.

Commissioner Carollo: But I --

Chair Gort: Excuse me. Let him finish his motion.

Commissioner Carollo: -- we looked at the same issue.

Commissioner Sarnoff: And let me tell you why. As an attorney that does this kind of work for a living, we play scenario games. What is the worst-case scenario? The worst-case scenario is one of these cars goes off, is able to get over the barrier, injuring or killing a number of people; there's inadequate insurance. You know what happens. Everybody gets sued. So I would hope -- and I won't be here -- the next Commission would turn around and say, "We need to terminate this agreement immediately." Now, I don't think that's going to happen. I certainly pray and don't expect it to happen, but it could, because it is the nature of the sport. So, you know, I -- Commissioner Gort -- or the Chairman's right: people like to know that they have a commitment of a certain amount of time; no doubt about that, Mr. Chair. On the other hand, I strongly urge this Commission, run it once; see how it goes; see whether you like it; see whether it works, for a host of -- myriad of reasons.

Chair Gort: Well, if you don't like it, it doesn't work, we can apply the 30 days and --

Commissioner Sarnoff: Right.

Chair Gort: -- get it over with.

Commissioner Carollo: Yep.

Chair Gort: You're making a motion?

Commissioner Sarnoff: Yeah.

Ms. Méndez: Chairman.

Commissioner Carollo: And I second.

Chair Gort: You second the motion?

Ms. Méndez: Chairman, I just wanted to --

Chair Gort: Yes.

Ms. Méndez: For the record, there's a scrivener's error. The date is supposed to be March 14, not --

Commissioner Carollo: Right.

Ms. Méndez: -- March 15. Saturday, March 14.

Commissioner Carollo: Right.

Chair Gort: It should be March 14.

Commissioner Carollo: So you're voting on the modified version, right?

Commissioner Suarez: Correct.

Chair Gort: I want to hear the motion.

Commissioner Carollo: Say it again.

Commissioner Sarnoff: We're approving it, with the exception 7.2 says, Notwithstanding any term or condition to the contrary, any party may."

Commissioner Carollo: And I --

Commissioner Sarnoff: -- so that there is not a reading that 7.1 is read in pari materia with 7.2.

Commissioner Suarez: And the scrivener's error that was articulated by the City Attorney.

Commissioner Sarnoff: Right, with the scrivener's error.

Commissioner Carollo: So he --

Ms. Méndez: Thank you.

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

Commissioner Carollo: Second.

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

The Commission (Collectively): Aye.

Mayor Regalado: Thank you.

Chair Gort: Thank you.

RE.6**15-00143**

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

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION RESCINDING RESOLUTION NOS. 94-755 AND 95-480 IN THEIR ENTIRETY, AND SUBSTITUTING IN LIEU THEREOF A NEW RESOLUTION ESTABLISHING CRITERIA AND PROCEDURES FOR NEWSPAPERS WHICH, CONDITIONED UPON COMPLIANCE WITH ALL REQUIREMENTS THAT MAY BE IMPOSED BY FLORIDA STATUTES, CITY DEPARTMENTS AND OFFICES ARE

PERMITTED TO USE FOR PUBLISHING PUBLIC NOTICES; AND FURTHER LISTING THE NAMES OF THE NEWSPAPERS APPROVED FOR SAID USE.

15-00143 Legislation.pdf

15-00143 Pre-Legislation.pdf

15-00143 Letter - Miami Today.pdf

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

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

Absent: 1 - Commissioner(s) Sarnoff

Note for the Record: Item RE.6 was continued to the March 26, 2015 Planning and Zoning City Commission Meeting.

Chair Gort: RE.4.

Todd B. Hannon (City Clerk): That is a time certain for 3 p.m.

Chair Gort: Okay, RE.5.

Daniel J. Alfonso (City Manager): We had that one. It's RE.6 now, Commissioner.

Chair Gort: That's -- RE.6.

Mr. Alfonso: Commissioner, this is the item about the Miami Today, adding Miami Today as a newspaper to some of the advertisements that we do.

Chair Gort: My understanding, I had a request from the individual from the Miami Today. Miami Today is a newspaper that began over 30 years ago with a very small section. It was just going to cover downtown Miami. Today, this is a paper that's gone all throughout the County, and it's being read by quite a few people. It's a weekly paper. And I would like to see if the advertising took place in there. Now, my understanding, one of the things that I'd like to do, what makes it very expensive [sic] is the CDBG (Community Development Block Grant) advertising. Every time we have the CDBG advertising, maybe the CDBG advertising do not have to go into that section, since it goes into other newspaper that goes to the local neighborhoods.

Michael Lewis: Good morning.

Chair Gort: Administration want to --?

Mr. Alfonso: Yeah. Commissioner --

Chair Gort: Mr. Lewis, you're recognized.

Mr. Lewis: Thank you so much. I'm Michael Lewis. I'm the publisher and editor of Miami Today at 2000 South Dixie Highway. I want to thank the Chairman, Commissioners for giving us the opportunity to come before you today. We've been public -- writing about Miami for more than 31 years. As you know, we'd like the opportunity as well to publish the public notices of the City, just as we publish, I think, the most thorough news content about this city. If not, we'll certainly be happy to debate that with someone. Thank you very much.

Chair Gort: Thank you, sir.

Mr. Alfonso: Yeah.

Chair Gort: Yes, sir.

Mr. Alfonso: Mr. Chairman, we provided a memorandum earlier today that basically says the City spends roughly \$500,000 a year in advertising in the three different publications that we're required to. We've sort of did an analysis of what it may cost to add another required publication, and we estimated that it could be as much as \$150,000 to add for every requirement; but you're right, Community Development being the most expensive because of the volume of their work. It is a matter of policy if you would like to reduce or exempt or add -- you know, whatever you would like to do on this.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes.

Commissioner Carollo: Since the memo was, I guess --

Chair Gort: Just got a new one.

Commissioner Carollo: I have not seen it as of yet, but I think we all know the Miami Today, and I think it's definitely a reputable newspaper. So I think, somehow, it should be added or rotated somehow or so forth. But the bottom line is, you know, I don't think it's a -- however, without seeing --

Mr. Alfonso: Yeah. The --

Commissioner Carollo: -- that document.

Mr. Alfonso: I think -- I believe the Clerk handed it to you earlier today, sir, so it should be right there in front of you.

Chair Gort: Yeah, but it's very difficult to make a decision within here. I think a lot of this expenditure they put in here they --

Victoria Méndez (City Attorney): Mr. Chairman, if I may?

Chair Gort: Yes.

Ms. Méndez: I -- my office had issued a memo a couple years ago. And if you would allow me to have a little bit of time to look at that memo and see the requirements for posting of like Planning & Zoning items and things of that nature, and then I can put it together with this, and see if I can give you an idea -- a better idea --

Commissioner Suarez: Mr. Chair.

Ms. Méndez: -- with regard to some of the items here.

Chair Gort: Yeah, like to have the -- like (UNINTELLIGIBLE) --

Commissioner Suarez: Mr. Chair.

Chair Gort: -- impact and if that impact can be reduced and be super.

Commissioner Suarez: Mr. Chair.

Chair Gort: Yes.

Commissioner Suarez: Thank you. Yeah, I just want to kind of echo Commissioner Carollo's statement. You know, first of all, I think we oftentimes hear complaints from the community and from neighborhood associations that we don't do a good enough job notifying them of our activities, so I think notice is a pretty consistent complaint that we get. So I think advocating -- I mean, sorry -- adding a publication as reputable and well read as the -- as Miami Today is a good thing. Having said that, I agree with Commissioner Carollo as well, that you know, the first thing I asked him at briefing was, Well, how much is this going to cost? I honestly had no idea what it was going to cost. I thought it was going to be far less than what was given to us today. So -- I mean, just in my mind, I had a number in my mind, but -- so -- you know, I think it makes sense for us to maybe take a little bit more time just to make sure -- since we got this information -- I'm sure Commissioner Carollo hasn't looked through every single -- he's looking at it right now pretty carefully, but you know, we haven't been able to dissect every line item to see, you know, what are the things in a kind of buffet that maybe we can refine the proposal in a way that allows us to, you know, be able to pay for it, because, obviously, we want to make sure that we start this relationship off on the right foot and it be one that I think continues for a long time.

Chair Gort: Yes, sir.

Commissioner Carollo: Mr. Chairman, real quick.

Chair Gort: Yes, sir.

Commissioner Carollo: And again, I hate to start doing this on the dais, so I prefer not to, but just real quick. Say "increase cost." Where are these estimates coming from? How are you coming up with these estimates? And I see the current budget. Do you have last year's actuals so we could compare the actuals to see exactly and see your estimated increase, if how --?

Mr. Alfonso: Right. We don't have the actuals on this, Commissioner; we can get that for you. But the estimates are simply based on if you are required to have a fourth publication, then you have an actual cost of advertising for each of those things on a fourth publication. Right now we're required to have them on three. Now, if you notice on Planning & Zoning, for example, there is no cost because that cost would be passed on to the advertiser.

Ms. Méndez: Unless it's --

Chair Gort: Well, look --

Ms. Méndez: -- a City item.

Chair Gort: My understanding is -- I just received this here today, where you allocate the cost according to the use of the publication, where they're going to be used. There are certain things that I see here that I don't think they'll be interested -- we will not be interested and place it here. So I would like to have a more comprehensive. I would like for the Law Department to go into it and come out with the real numbers.

Commissioner Carollo: Yeah.

Chair Gort: Okay?

Commissioner Carollo: Yeah. It --

Grace Solares: Mr. Chair.

Commissioner Carollo: -- seems kind of high.

Chair Gort: Yeah. Wait a minute, wait a minute. Yes, ma'am.

Ms. Solares: Mr. Chair, Grace Solares. I just want to get clarification. I subscribe to the -- Mr. Lewis' newspaper, but I wanted to know -- not everybody gets Miami Today, so my question is when you publish in Miami Today, are you simultaneously publishing it in the Herald or something else? Because then part of the --

Chair Gort: Yes, ma'am. Yes.

Ms. Méndez: That's how this resolution is placed, that it would not be a rotation; it would be the fourth periodical that you're putting it in.

Ms. Solares: So it's simultaneously, okay.

Ms. Méndez: Right.

Ms. Solares: Thank you.

Chair Gort: Thank you.

Vice Chair Hardemon: And if I may --

Chair Gort: Yes, sir.

Vice Chair Hardemon: -- Mr. Chairman. I didn't become aware of the Miami Today until I probably started practicing law, and that's what brought me back of course to Miami, after working in the pharmaceutical industry, of course. But I would see the Miami Today, of course, in the courtrooms and courthouses and all of our business centers, so many of our professionals subscribe to Miami Today. And it seems to me that the Miami Today touches a different population of folks that we address within the City of Miami.

Commissioner Carollo: Yes.

Vice Chair Hardemon: So when I think about the Miami Herald and I think about the Miami Times and I think about the Spanish newspaper -- and I -- it escapes my mind.

Commissioner Suarez: Diario de las Americas.

Commissioner Carollo: Yeah.

Vice Chair Hardemon: -- I wonder how it is that enhancing our outreach to the Miami Today will benefit us in the City of Miami or benefit the residents, because I feel as if -- and it's just a feeling; it comes and goes -- but I feel as if those who read the Miami Today tend to be more in tuned to what's happening within the City of Miami.

Chair Gort: Personally, I believe that you're right; it becomes a lot of the business, but a lot of those business people, they're residents of the City of Miami. They might be reading this specific. And most of the people that work in downtown and most of the places where they going and it has expanded circulation quite a bit, and this is the type of newspaper that really talks about the City of Miami and the articles in the City of Miami that quite effective and makes it knowledgeable for a lot of people to what's going on in the City of Miami, especial [sic], we have investors; we have individuals, like you said, the very professionals, that this type of information will be very helpful to them that make decision. That's my personal opinion.

Vice Chair Hardemon: What type of information would be included in the advertisement that is special, I would say, to the Miami Today?

Chair Gort: This is what the -- this document is so important. Because in here, there's, like you stated, a lot of the advertising that is placed here does not need to go in there, so we can select the type of advertisement that can go in here, specifically for that target market that they have.

Vice Chair Hardemon: Right.

Chair Gort: So we can accommodate this to that target market that you just mentioned.

Commissioner Carollo: Right.

Mr. Alfonso: Right. That's precise. I mean, the way the ordinance is written right now, Commissioner, it would be -- everything that we're required to advertise in the other three publications, we would advertise in the Miami Today. So that's why the --

Chair Gort: But it can be amended.

Mr. Alfonso: Right. No, I know, I know.

Chair Gort: And that's what we can do.

Mr. Alfonso: Right.

Chair Gort: Yes.

Commissioner Carollo: And Mr. Chairman, just real quick. Just on a side note, I want to try as much as possible as getting away of the practice that on Commission day or the night before, we get information that is pertinent to our decision. You know, that's why the five-day rule was established. I'm not going to invoke the five-day rule on this, but let's try to get away from, you know, having pertinent information. I think the Administration knew this item was coming a long time ago. So, you know, I just don't want -- Listen, all I'm saying is going forward, for the future, let's try not to have items, you know, or additional information that I think had been provided, you know, way before --

Chair Gort: Look, we need to --

Commissioner Carollo: -- the day on Commission day.

Chair Gort: -- defer this item; bring it to the next Commission meeting with all the information so we can all sit down and look at them, work out with the Administration. And I'll sit down with you all and I'll work it out with you all on that, okay?

Ms. Méndez: Mr. Chairman, if I may --

Chair Gort: Yes.

Ms. Méndez: -- ask, though? The next Commission meeting deadline would be tomorrow. Could we put it for the one after?

Chair Gort: All right. Okay, do I have a motion?

Todd B. Hannon (City Clerk): So you're looking at continuing the item to March 12.

Chair Gort: No.

Mr. Hannon: You want to de --

Ms. Méndez: Twenty-sixth, because I believe --

Mr. Hannon: Oh, to 26.

Ms. Méndez: -- the deadline --

Mr. Hannon: I'm sorry.

Ms. Méndez: -- to get the legislation in and the information and all that would be technically --

Mr. Hannon: Understood.

Ms. Méndez: Okay.

Mr. Hannon: Understood.

Chair Gort: Do I have a motion?

Mr. Hannon: Understood. My apologies.

Commissioner Carollo: Yes, if that's how you preference, I would defer then to what meeting?

Chair Gort: Twenty-six. March 26.

Commissioner Carollo: To March 26 meeting.

Vice Chair Hardemon: I second it.

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

The Commission (Collectively): Aye.

Mr. Alfonso: Thank you, Commissioners.

RE.7

15-00059

*District 4-
Commissioner
Francis Suarez*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING THE CITY OF MIAMI SEA LEVEL RISE COMMITTEE, TO STUDY SEA LEVEL RISE AND ITS EFFECT ON THE CITY OF MIAMI AND MAKE RECOMMENDATIONS TO THE CITY COMMISSION, INCORPORATING ALL AVAILABLE INFORMATION ON THE SUBJECT, INCLUDING, BUT NOT LIMITED TO, RECOMMENDATIONS MADE BY THE FEDERAL GOVERNMENT AND MIAMI-DADE COUNTY; STATING THE COMMITTEE'S PURPOSE, POWERS, DUTIES, COMPOSITION, APPOINTMENT QUALIFICATIONS AND REQUIREMENTS FOR MEMBERSHIP; PROVIDING FOR OFFICERS, RULES OF PROCEDURE, MEETINGS, QUORUM, LEGAL AND STAFF SUPPORT, ASSIGNMENT OF PERSONNEL, WAIVERS, AND PUBLIC NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

15-00059 Legislation.pdf

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

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

R-15-0072

Chair Gort: RE.8 -- 7.

Daniel J. Alfonso (City Manager): RE.7 is, Commissioner Francis Suarez' item; establishing the City of Miami Sea Level Rise Committee.

Commissioner Suarez: Thank you, Mr. Chair. As I've detailed in discussion items before, Commissioner Carollo has also incorporated some of the findings from Miami-Dade County's investigation of this issue. I think we have unique -- a unique stake, particularly given the fact that we have a tremendous amount of development that's going to happen along our boundaries and along our -- close to what would be considered a coastal flooding area, so I just simply think it's wise for us to put together a panel of qualified individuals that could continue to study this independently and come up with solutions that are needed to make sure that we're prepared. It's a long-range thinking type of committee, and I think it behooves everyone in this City for us to look at this issue from a long-range perspective. I did get a request from the Fire Department, that their emergency management officer, for lack of a better terminology -- I'm not sure if that's the exact term -- be included and have an appointment on this board, and I agree with that. So I would just ask --

Commissioner Carollo: Would that be the Manager's --?

Commissioner Suarez: It could be. It could be the Manager's selection. I just want to make sure that that happens.

Commissioner Carollo: That way we maintain the same (UNINTELLIGIBLE)?

Commissioner Suarez: Yeah, that's fine with me, as long as -- you know, I just want to bring that then to the Manager's attention. I don't have a problem making that -- right, but it makes sense, because then you start playing with the numbers so --

Mr. Alfonso: I would have no objection to that.

Commissioner Suarez: Okay. I move the item.

Commissioner Carollo: Second.

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

Victoria Méndez (City Attorney): Chairman.

Chair Gort: Yes.

Ms. Méndez: I ask that this be passed, if possible, by a four-fifths vote, because there are waiver provisions in here that, for it to be consistent with our City Code, require a four-fifths. So it would be best if this is passed by four.

Chair Gort: Yes, ma'am.

Commissioner Carollo: Mr. Chairman, if I may real quick?

Chair Gort: Yes, you're recognized.

Commissioner Carollo: Commissioner Suarez --

Commissioner Suarez: Yes.

Commissioner Carollo: -- the only other thing -- and I'm not sure. And again, I never profess to be an attorney. In the vacancies, I just want to make sure, obviously, anything we bring to the Commission by any district Commissioner, we still vote by the City Commission. So it stipulates here that any vacancies, should someone leave, gets appointed by, you know, the -- gets reappointed by --

Commissioner Suarez: I get where you're going with this. Yes.

Commissioner Carollo: I just want to make sure that if a district Commissioner --

Commissioner Suarez: I know where you're going with this. Yes, I agree with what you're saying. I think it's vague. What he's saying is that we have created a scheme by which to appoint people, but the vacancy -- the reappointment of a -- or filling of a vacancy doesn't really adhere to the scheme necessarily. So I think what he's trying to say is that it should be in conformity with -- any vacancies are being filled in conformity with -- for example, if it's your appointee that resigns, for example, you should be the one to nominate the appointee, not just anybody else, because a vacancy -- you're right, the vacancy provision does not really specify that so -- you understand what I'm saying, Madam City Attorney?

Ms. Méndez: Yes. We'll be sure to --

Commissioner Suarez: Thank you.

Ms. Méndez: -- address that. So this will be as amended.

Mr. Alfonso: Yes, as amended.

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

The Commission (Collectively): Aye.

Chair Gort: Four-fifth.

Commissioner Suarez: Thank you, Mr. Chair.

RE.8

15-00092

*District 4-
Commissioner
Francis Suarez*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION EXPRESSING SUPPORT FOR A WYNWOOD COMMUNITY INTERSTATE 95 RAMP AND URGING THE METROPOLITAN PLANNING ORGANIZATION AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY, ADOPT A PLAN, AND SEEK THE FUNDING NECESSARY FOR THE IMPLEMENTATION OF SUCH A PROJECT; AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS DESIGNATED HEREIN.

15-00092 I-95 Corridor Study.pdf
15-00092 Legislation.pdf

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

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

R-15-0077

Commissioner Suarez: I'll try to be brief on the next one, on RE.8.

Chair Gort: RE.8.

Commissioner Suarez: As the City's member of the MPO (Metropolitan Planning Organization), it was brought to my attention that the Wynwood community is looking at the possibility of studying an off ramp on I-95 and asking or requesting that the MPO look at this. I think it makes a lot of sense for a multitude of different reasons, not only just for purposes of improving that community, which, as we all know, is a community that's growing tremendously and it's improving on its own, but also I think -- as an MPO board member that's been there for five years now, I could tell you that it's a good idea for us to have ideas that we can present to the Department of Transportation, to the Federal Government, and even sometimes -- and I hate to say it this way, because obviously, we're in an open meeting -- as a bargaining tool, you know. It's good to have things that we can kind of work with and say, Look, you know, fine. If you don't want to fund this, maybe you'll fund this." And I think this is something that is worthy of funding. It's something that will improve, you know, our City as a whole. And anyone who was -- I'm sure all the Commissioners were here -- went to Art Basel in Wynwood and saw how that community has transformed from, you know, 5, 10, 15 years ago. So I move it.

Chair Gort: What's important --

Commissioner Carollo: Second.

Chair Gort: -- the transformation that it takes in one community extends out to the next neighboring community, and that's very important. Okay, there's a motion and a second. Any further discussion?

Vice Chair Hardemon: I do --

Chair Gort: Yes.

Vice Chair Hardemon: -- have some discussion. What I found to be interesting about this item -- And of course, of your service on the MPO is greatly needed, so I completely appreciate that someone's thinking about long-term transportation needs within the City of Miami. But it would not make sense for me not to express the one report that we did have from 1980s that described that it was not feasible to actually have the on ramp from Wynwood, and the feasibility wasn't couched in terms of funding, but it was more so couched in terms of how is -- how that exit or entrance ramp would be in relation to other exits and entrance ramps onto the highway system, and it showed there that because you had the entrances that were near it that it was not feasible to have that on ramp there, because it would come -- I don't want to put words in my mouth, because I (UNINTELLIGIBLE) --

Commissioner Suarez: I know what you're saying.

Vice Chair Hardemon: (UNINTELLIGIBLE).

Commissioner Suarez: *I've seen the report.*

Vice Chair Hardemon: *It would cause more problems than it would bring solutions --*

Commissioner Suarez: *Right.*

Vice Chair Hardemon: *-- to the congestion on the expressway.*

Commissioner Suarez: *Right.*

Vice Chair Hardemon: *And so --*

Commissioner Suarez: *It was more of an engineering issue than it was --*

Vice Chair Hardemon: *Right, it is, and so that part alarms me, even though this isn't -- we're not allocating any funds, this is not going to affect the City of Miami in one bit --*

Commissioner Suarez: *Right.*

Vice Chair Hardemon: *-- for them to study this. So that's part of the reason that I don't feel too uncomfortable with the item, but when I think about what that report said and then I think about what Wynwood is to not just the Wynwood community, but those neighboring communities; and I, in some ways, like the idea that those who are in Wynwood have to drive through Overtown to get to the expressway.*

Commissioner Suarez: *Well, I --*

Vice Chair Hardemon: *The connectivity that I envision happening in District 5 from north of 20th Street and south of 20th Street is -- to me, it is emboldened by them driving through each other's community to make it to the next available expressway entrance or exit. I think now, if you get off on 8th Street, you would have to travel through Overtown to get --*

Commissioner Suarez: *Absolutely.*

Vice Chair Hardemon: *-- to Wynwood. Or you can get off on the north side of Wynwood, which would be like the one -- I think it's close to 395?*

Chair Gort: *Thirty-Six Street.*

Commissioner Suarez: *Yeah.*

Vice Chair Hardemon: *Thirty-Sixth Street.*

Chair Gort: *Thirty-Six Street.*

Vice Chair Hardemon: *Right. And then --*

Commissioner Suarez: *Right.*

Vice Chair Hardemon: *-- you would have to come south into Wynwood. So Wynwood is its own special place, because you have to travel through some other neighborhoods to make it there; and the big bus, as we've talked about before, will drive through Overtown and up to Wynwood, and so there's that connectivity that I enjoy between those different communities. And sometimes it makes me wonder if we -- well, I like to be careful of the legislation that I pass, because I don't*

want Wynwood to be an island in the middle of a growing community that's around it.

Commissioner Suarez: No. I totally get it, and I think it makes a lot of sense. And I included that study, by the way, in the backup, because I think it's important for us to be fully informed. I think, obviously, the study's a little bit outdated. It's a 30-year-old study, approximately. And, you know, I think with technology and the way that Wynwood has kind of changed a little bit, I think it merits relooking at. I think you're right; it doesn't really obligate us to do anything. And I think you're also right -- and I saw the Commissioner shaking his head too; I'm kind of shaking my head at the same time that I drive through Overtown to get to Wynwood. Some people might take Biscayne; other people, like you said, might take the northern exit and come back down or (UNINTELLIGIBLE). I personally drive through Overtown, and I enjoy it as well, because that also allows me to drive through the heart of the City and see what's going on there, whether good, bad or indifferent. So I get what you're saying. So, look, I still think it's not a bad idea to study it. At the end of the day, we're not committing to it. And like I said, it's a feather in our bow to be able to use, and I think when I -- one of the things I've learned being on that board, which is incredibly difficult to operate under 23 members -- I'm sure some of you may have heard about the whole vice chairmanship issue on the MPO; and we're very blessed, I think as a city, to have, you know, one of the members -- now we have two members, which is unusual, first of all, and then to have one that's -- you know, the vice chair is also a good thing. But definitely, we have a variety of projects that are going to try to help us get around the City, and I think what's important is making sure that we have some ability to potentially horse trade if we do in the future. So I would also keep it in our bow for that reason, too.

Chair Gort: Let me tell you how I feel about it. I think a study, it be good, because maybe when people get together and they begin these studies at the same time -- and I can see your point of view, because I use 3rd Avenue --

Commissioner Suarez: Me too.

Chair Gort: -- to go home --

Commissioner Suarez: Yeah.

Chair Gort: -- from the police station. I use 3rd Avenue all the time, so I go through there all the time, and I think it's good to see the changes that are taking place and improving. Maybe by asking for this study, people look for a better way to connect, because there are some curves; once you go beyond 20th Street, you cannot continue to go straight. You either have to go to 7th Avenue. Maybe they can come up with a solution with -- we can continue to do so. Especially, we want to create this -- what do you call them? The trains? The rail cars?

Unidentified Speaker: Light rail.

Chair Gort: The light rails and so on, and this will be helpful to that. Now, by the way, will you also put the study about the water transportation, public water transportation?

Commissioner Suarez: Yes, I will.

Chair Gort: Thank you.

Commissioner Suarez: Absolutely. That's --

Chair Gort: All right.

Commissioner Suarez: -- on the agenda, Mr. Chair.

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

The Commission (Collectively): Aye.

RE.9**RESOLUTION****15-00082**

***District 5 -
Commissioner Keon
Hardemon***

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING THAT THE MEANS BY WHICH THE FUNDS FOR THE ANTI-POVERTY INITIATIVE BE ALLOCATED AMONG THE FIVE (5) DISTRICTS OF THE CITY OF MIAMI BE PROPORTIONATE TO THE PERCENTAGE OF POVERTY LEVELS BASED ON THE FIVE (5) YEAR POVERTY RATE AS DETERMINED BY THE AMERICAN COMMUNITY SURVEY, AS ADJUSTED ANNUALLY.

15-00082 Legislation.pdf

15-00082-Submittal-City Manager-Distribution of Anti-Poverty Initiative Funds.pdf

15-00082-Submittal-Milton Vickers-Presentation-Gateway to Self-Sufficiency.pdf

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

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

Absent: 1 - Commissioner(s) Gort

Note for the Record: Item RE.9 was deferred to the March 12, 2015 Regular City Commission Meeting.

Vice Chair Hardemon: We still have items that are on the agenda. I know one item that people have been waiting on thus -- for a very long time -- and we actually have a few of them. In the PZ (Planning & Zoning) calendar, PZ -- well, first of all, do any of the Commissioners need to take a restroom break or anything of that nature?

Commissioner Suarez: Can I --

Vice Chair Hardemon: Let's recess -- yes.

Commissioner Suarez: Can I ask for the indulgence of the Commission on an item? This is my humble opinion. We still have the Poverty Initiative allocation. I -- can I make a suggestion that we table that to the next meeting and that we do that as the first item of the next meeting? Because I think it's an incredibly important initiative, and I don't think we should be taking it up at 6 o'clock in the afternoon when we've --

Vice Chair Hardemon: I agree. If there's no objection, we can move it. No objection.

Commissioner Suarez: Move it.

Vice Chair Hardemon: Motion passes.

Todd B. Hannon (City Clerk): Sorry, we actually need a motion and a second and a vote.

Commissioner Suarez: I move it.

Mr. Hannon: Okay.

Commissioner Suarez: To defer it to the next meeting.

Commissioner Carollo: Second.

Vice Chair Hardemon: *And there's no -- is there any objection?*

Commissioner Carollo: *Second.*

Vice Chair Hardemon: *Is there any objection to the motion? Seeing none, motion passes.*

Commissioner Suarez: *Thank you.*

Vice Chair Hardemon: *And if we can, let's take a 10-minute break. Come back in 10 minutes. Thank you. We're in recess.*

Later...

Chair Gort: *Francisco, how many items do we have left?*

Francisco Garcia (Director, Planning & Zoning): *Sir, to my knowledge, there are three Planning & Zoning items left, and I believe there is one discussion item left, as well.*

Chair Gort: *Okay.*

Mr. Garcia: *I'm sorry; two.*

RE.10

15-00199

*Office of the City
Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE EXPENDITURE OF ATTORNEY'S FEES AND COSTS FOR THE ENGAGEMENT OF THE LAW FIRM OF KURKIN BRANDES, LLP, AS CONFLICT COUNSEL, FOR THE REPRESENTATION OF THE CITY OF MIAMI IN THE CASE OF RAQUEL REGALADO, ET AL. VS. CITY OF MIAMI, ET AL., PENDING IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA, CASE NO.: 15-2861 CA 15; ALLOCATING FUNDS FROM ACCOUNT NUMBER 00001.980000.531010.0000.00000.

15-00199 Memo - Office of City Attorney.pdf

15-00199 Legislation.pdf

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

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

Absent: 1 - Commissioner(s) Sarnoff

R-15-0078

Chair Gort: *RE.9.*

Commissioner Suarez: *Mr. Chair, if I may?*

Chair Gort: *Yes.*

Commissioner Suarez: *Would it be okay if we put RE.9 in the afternoon? Just because I had to go to a Miami-Dade League of Cities executive board meeting right now, and it's 12 o'clock. We're at the 12 o'clock lunch hour.*

Chair Gort: *No. I have a question. I have about --*

Commissioner Suarez: It's going to take some time.

Chair Gort: -- four time certain items. My understanding is a couple of Commissioners are not going to be here after 4, and I have to step away for -- at 5: 30 for about maybe half an hour. So we're all going to be here then?

Commissioner Suarez: I'll be here.

Vice Chair Hardemon: Four.

Commissioner Carollo: I'll be here.

Vice Chair Hardemon: I will be here at 4.

Chair Gort: We'll all be here, okay.

Commissioner Suarez: Yeah. Thank you, Mr. Chair.

Chair Gort: Okay. What time you guys want to come back?

Victoria Méndez (City Attorney): Chairman --

Chair Gort: Yes.

Ms. Méndez: -- if I can -- if -- I know that you wanted to put RE.9 for the afternoon, but if we could just quickly hear RE.10, which is the conflict counsel that my office requested. The law firm of--

Chair Gort: Bring it up.

Ms. Méndez: -- Kurkin Brandes.

Commissioner Suarez: I move it. I move RE.10.

Ms. Méndez: Thank you.

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

Commissioner Carollo: Second.

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

The Commission (Collectively): Aye.

Chair Gort: Thank you.

Ms. Méndez: Thank you.

Chair Gort: Be back at 2:30.

Commissioner Suarez: Yeah.

Vice Chair Hardemon: 3:30?

Chair Gort: Two.

Vice Chair Hardemon: Two thirty?

Chair Gort: Two-thirty?

Chair Gort: Two-thirty.

Todd B. Hannon (City Clerk): Chair, we do have -- PZ.10 and PZ.13 are time certain for 2.

Ms. Méndez: And I believe that there's also a time certain appearance at 2 o'clock for the -- for ACA (Agency for Healthcare Administration) representatives that may be coming --

Chair Gort: Two o' clock.

Ms. Mendez: -- and -- thank you. And --

Vice Chair Hardemon: Two o' clock.

Chair Gort: Be back at two.

RE.11

15-00021

*Department of Real
Estate and Asset
Management*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE CITY MANAGER'S RECOMMENDATION APPROVING THE FINDINGS OF THE SELECTION COMMITTEE THAT VIRGINIA KEY OUTDOOR CENTER, LLC ("PROPOSER") IS THE TOP RANKED PROPOSER FOR REQUEST FOR LETTERS OF INTEREST NO. 12-13-068, FOR A LEASE OF CITY OF MIAMI OWNED PROPERTY FOR A RECREATIONAL SUPPORT FACILITY LOCATED AT 3801 RICKENBACKER CAUSEWAY, MIAMI, FLORIDA; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A LEASE, IN SUBSTANTIALLY THE ATTACHED FORM, SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY ATTORNEY, FOR A TERM OF FIVE (5) YEARS AND MINIMUM RENT FOR LEASE YEAR ONE (1) OF SEVEN HUNDRED FIFTY DOLLARS (\$750.00) PER MONTH, AND PERCENTAGE RENT OF FIVE PERCENT (5%) OF GROSS REVENUES UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND TEN PERCENT (10%) OF GROSS REVENUES IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00); FOR LEASE YEAR TWO (2) AND THEREAFTER, TENANT SHALL PAY A MINIMUM RENT OF ONE THOUSAND DOLLARS (\$1,000.00) PER MONTH AND A MINIMUM PERCENTAGE RENT OF TEN PERCENT (10%) OF GROSS REVENUES UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND TWELVE PERCENT (12%) OF GROSS REVENUES IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), WITH TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED IN THE LEASE.

15-00021 Summary Form.pdf

15-00021 Memo - City Manager's Approval.pdf

15-00021 Evaluation Forms.pdf

15-00021 Request for Letters of Interest.pdf

15-00021 Legislation.pdf

15-00021 Exhibit - Agreement.pdf

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

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

Absent: 2 - Commissioner(s) Suarez and Hardemon

R-15-0082

Chair Gort: Development of -- PZ.9.

Todd B. Hannon (City Clerk): Chair, per the request of Commissioner Suarez, he would request to table it till this afternoon. I believe he's still at a meeting. So I don't know if the Commission would like to continue on with RE.11.

Chair Gort: RE.11.

Daniel Rutenberg (Director): Good afternoon. Daniel Rutenberg, Department of Real Estate & Asset Management. RE.11 is a resolution approving and accepting the RFP (Request for Proposals) winner of the Virginia Key Outdoor Center. It's a five-year lease, located at 3801 Rickenbacker Causeway.

Commissioner Sarnoff: So moved.

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

Commissioner Carollo: Second.

Chair Gort: Second by Commissioner Carollo. Discussion. Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

RE.12

15-00187

***Department of
Procurement***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PROPOSAL RECEIVED FROM WORLD WASTE RECYCLING, INC., AS AN ADDITIONAL QUALIFIED PROPOSER, AS IDENTIFIED ON "EXHIBIT A," ATTACHED AND INCORPORATED, PURSUANT TO SECTION 2.29 OF REQUEST FOR QUALIFICATIONS (RFQ) NO. 222246, AS AUTHORIZED PER RESOLUTION NO. 10-0419, TO PROVIDE COMMERCIAL SOLID WASTE HAULING SERVICES WITHIN THE CITY OF MIAMI; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A NON-EXCLUSIVE COMMERCIAL SOLID WASTE FRANCHISE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THIS ADDITIONAL QUALIFIED PROPOSER FOR SAID SERVICES, FOR THE REMAINDER OF THE INITIAL CONTRACT PERIOD OF FIVE (5) YEARS WITH OPTIONS TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS.

15-00187 Summary Form.pdf
15-00187 Proposal - World Waste Recycling.pdf
15-00187 Corporate Detail.pdf
15-00187 RFQ - Request for Qualifications.pdf
15-00187 Legislation.pdf
15-00187 Exhibit A.pdf
15-00187 Exhibit - Agreement.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-15-0083

Chair Gort: RE.12.

Annie Perez (Director, Procurement): Good afternoon, Commissioners. RE.12 is a resolution approving --

Chair Gort: And you are?

Ms. Perez: Oh, I beg your pardon. Annie Perez, director of Procurement. RE.12 is a resolution approving the addition of World Waste Recycling as an additional prequalified commercial solid waste hauler, and this resolution also authorizes the Manager to enter into a franchise agreement.

Chair Gort: Thank you. Mr. Manager, you want to elaborate on that?

Daniel J. Alfonso (City Manager): Well, Mr. Chair, the franchise agreement is about to expire, really. We're going to be coming out with a new RFP (Request for Proposals). However, there are less haulers that are currently in the franchise because of buyouts or companies that just left. So this just offers another opportunity to the people that need hauling services out of their apartments or whatever to have another company come and compete for their business, and they pay a franchise fee to the City, as per the current Code.

Chair Gort: So we're going according to the Code, the existing Code right now?

Mr. Alfonso: Absolutely.

Ms. Perez: Mm-hmm.

Chair Gort: All right, thank you. Any discussion?

Vice Chair Hardemon: I move it.

Chair Gort: It's been moved by Vice Chairman Hardemon; second by Commissioner Sarnoff. All in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

Ms. Perez: Thank you.

14-01032**Department of
Information
Technology**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT ("PSA"), IN SUBSTANTIALLY THE ATTACHED FORM, WITH MINDS AND MACHINES, LLC, TO ESTABLISH, OPERATE, AND ADMINISTER THE ".MIAMI" TOP-LEVEL DOMAIN PROGRAM, FOR THE CITY OF MIAMI'S DEPARTMENT OF INFORMATION TECHNOLOGY, PURSUANT TO RESOLUTION NO. 12-0089, ADOPTED MARCH 8, 2012, FOR AN INITIAL FIVE (5) YEAR TERM, WITH TWO (2) FIVE (5) YEAR OPTIONS TO RENEW, AND SUBJECT TO OTHER TERMS AND CONDITIONS AS STATED IN THE PSA.

14-01032 Summary Form.pdf

14-01032 Pre-Legislation.pdf

14-01032 Legislation.pdf

14-01032 Exhibit - Agreement.pdf

Motion by Commissioner Suarez, 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

R-15-0084

Chair Gort: RE.13.

Kevin Burns: Good afternoon, Mr. Chairman. Kevin Burns, director of Information Technology. RE.13 is a resolution of the Miami City Commission, with attachments, authorizing the City Manager to execute a professional services agreement with Mines and Machines, Limited, to establish, operate and administer the .Miami Top-Level Domain program for the City of Miami's Department of Information Technology.

Commissioner Suarez: Move it for discussion.

Chair Gort: Moved for discussion.

Commissioner Sarnoff: Second.

Chair Gort: Is there a second?

Commissioner Sarnoff: Second.

Chair Gort: I'm glad it was finally brought here. I think -- I have the e-mails (electronic) here. The first time I sent this up to the City Manager was in 2013, and I've been asking for reports constantly, and I'm glad that you finally pushed it, that I have it in front of us. I mean, you have more influence than I do.

Commissioner Suarez: Mr. Chair.

Chair Gort: I've been trying since 2013.

Commissioner Suarez: Well, Mr. Chair, if you'll remember, it was an initiative of mine that started this RFP (Request for Proposals) process, and you know, it's way long overdue, and it's taken way longer than it should have. But for me, it's just kind of a water shed day to be here, and hopefully, this will be something that the City of Miami will financially benefit from and also

from a branding perspective we'll benefit from as well, so thank you.

Chair Gort: It's a great program. Is any discussion? Being no discussion, all in favor, state it by saying ðye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

Mr. Burns: Thank you.

ATTORNEY-CLIENT SESSION

2:00 P.M.

AC.1

ATTORNEY-CLIENT SESSION

15-00224

*Office of the City
Attorney*

UNDER THE PARAMETERS OF FLORIDA STATUTES §286.011(8) [2014]. THE PERSON CHAIRING THE CITY OF MIAMI COMMISSION MEETING WILL ANNOUNCE THE COMMENCEMENT OF AN ATTORNEY-CLIENT SESSION, CLOSED TO THE PUBLIC, FOR PURPOSES OF DISCUSSING THE PENDING LITIGATION CASE OF: SHANIKA A. GRAVES, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF TRAVIS MCNEIL, AND ON BEHALF OF THE ESTATE OF TRAVIS MCNEIL AND THE SURVIVORS OF THE ESTATE, T.M. AND K.J. P. VS. CITY OF MIAMI, CASE NO. 13-22501-CIV-KMM, PENDING IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, TO WHICH THE CITY IS PRESENTLY A PARTY. THIS PRIVATE MEETING WILL BEGIN AT APPROXIMATELY 2:00 P.M. (OR AS SOON THEREAFTER AS THE COMMISSIONERS' SCHEDULES PERMIT) AND CONCLUDE APPROXIMATELY ONE HOUR LATER. THE SESSION WILL BE ATTENDED BY THE MEMBERS OF THE CITY COMMISSION: CHAIRMAN WIFREDO (WILLY) GORT, KEON HARDEMON, MARC DAVID SARNOFF, FRANK CAROLLO, AND FRANCIS SUAREZ; THE CITY MANAGER, DANIEL J. ALFONSO; THE CITY ATTORNEY, VICTORIA MÉNDEZ; DEPUTY CITY ATTORNEYS JOHN A. GRECO AND BARNABY L. MIN; LITIGATION DIVISION CHIEF KEVIN R. JONES; AND ASSISTANT CITY ATTORNEY HENRY HUNNEFELD. A CERTIFIED COURT REPORTER WILL BE PRESENT TO ENSURE THAT THE SESSION IS FULLY TRANSCRIBED AND THE TRANSCRIPT WILL BE MADE PUBLIC UPON THE CONCLUSION OF THE ABOVE-CITED, ONGOING LITIGATION. AT THE CONCLUSION OF THE ATTORNEY-CLIENT SESSION, THE REGULAR COMMISSION MEETING WILL BE REOPENED AND THE PERSON CHAIRING THE COMMISSION MEETING WILL ANNOUNCE THE TERMINATION OF THE ATTORNEY-CLIENT SESSION.

15-00224 Memo - Office of the City Attorney.pdf

15-00224 Notice to the Public.pdf

DISCUSSED

Chair Gort: Do you have the --?

Victoria Méndez (City Attorney): Yes. Actually, if you -- you could continue until --

Chair Gort: You got it? Okay. Now, let's go to the regular agenda. The reason we -- with the Planning & Zoning now is because it might be a lot of individuals here for those. Since they're not going to be heard today, we want to make sure they know so they won't spend all afternoon here. Although, I can tell you, it becomes very interesting in here. Thank you all. Regular agenda. AC.1, time certain, 2 o'clock.

Ms. Méndez: Right. With the -- that item is no longer needed with regard to the shade meeting.

END OF ATTORNEY-CLIENT SESSION

RE.14

15-00155

*Office of the City
Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY OF MIAMI DIRECTOR OF FINANCE TO PAY SHANIKA GRAVES, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF TRAVIS MCNEIL, AND ON BEHALF OF THE ESTATE OF TRAVIS MCNEIL AND THE SURVIVORS OF THE ESTATE, T.M. AND K.J.P., WITHOUT ADMISSION OF LIABILITY, THE AGGREGATE TOTAL SUM OF NINE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$975,000.00) TO THE PLAINTIFF IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS, INCLUDING ALL CLAIMS FOR ATTORNEY'S FEES, AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS, AND EMPLOYEES, IN THE CASE STYLED GRAVES VS. CITY OF MIAMI, PENDING IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA, CASE NO.: 13-22501-CIV-KMM, UPON THE EXECUTION OF GENERAL RELEASES OF ALL CLAIMS AND DEMANDS, AND A DISMISSAL OF THE CITY OF MIAMI WITH PREJUDICE; ALLOCATING FUNDS FROM ACCOUNT NO. 00001.980000.531010.0000.00000.

15-00155 Memo - Office of City Attorney.pdf

15-00155 Legislation.pdf

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

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

Absent: 2 - Commissioner(s) Suarez and Hardemon

R-15-0080

Victoria Méndez (City Attorney): If we can call RE.14.

Chair Gort: Do call it, RE.14.

Ms. Méndez: That is for the settlement of the Graves matter. We would ask for the City Commission to approve this settlement.

Chair Gort: Okay. Thank you. Any motion?

Commissioner Sarnoff: I think the CPA (Certified Public Accountant) should move this one.

Chair Gort: Or the attorneys.

Commissioner Carollo: CPA's going to ask the right question, though.

Commissioner Sarnoff: Well, I'll make a motion for discussion.

Commissioner Carollo: Second for discussion.

Chair Gort: It's been moved by Commissioner Sarnoff; second by Commissioner Carollo. You're recognized.

Commissioner Carollo: What's the total amount for the settlement, Madam City Attorney?

Ms. Méndez: The full amount of the settlement will be in 975,000, approximately.

Commissioner Carollo: However, how much of that \$975,000 would actually be paid by the City of Miami?

Ms. Méndez: The -- it'll be a settlement, and then we will address any other reimbursements if we could potentially address them.

Commissioner Carollo: From the way you're speaking, I take it you don't want to get into the details of the reimbursement?

Ms. Méndez: Correct.

Commissioner Carollo: But would it be fair to say that the City will not be paying the whole 975,000?

Ms. Méndez: That is a fair statement, but it is a fair settlement with regards to this matter, and we're asking for the Commission to settle -- to authorize the settlement.

Commissioner Carollo: Understood.

Chair Gort: Commissioner Sarnoff, you're recognized.

Commissioner Sarnoff: Just one of those things where you just grin and vote on it.

Chair Gort: Okay, no further discussion. Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

END OF RESOLUTIONS

BUDGET DISCUSSION ITEM

BU.1

15-00067

**Office of Management
and Budget**

BUDGET DISCUSSION ITEM

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

I. 2014-2015 BUDGET II. PROPOSED 2015-2016 BUDGET

15-00067 Summary Form.pdf

DISCUSSED

Chair Gort: RE.14.

Barnaby Min (Deputy City Attorney): RE.14's already been addressed.

Chair Gort: Right.

Daniel J. Alfonso (City Manager): We're getting to the --

Commissioner Suarez: What do we have left?

Mr. Alfonso: We have the budget discussion.

Commissioner Suarez: RE.9.

Chair Gort: Go ahead, budget discussion.

Christopher Rose (Director): Good afternoon, Commissioners. Chris Rose, Office of Management & Budget. The fiscal year is one-third of the way done now and trends are starting to emerge. We are putting forth a projection for the first time, and we are projecting a \$14.8 million surplus in the general fund at the end of the year. This is early; it will change, but that's what we're looking at at the moment for the first time out. I have alerted to you -- you to a few anomalies over the last few months, such as overtime in the Police Department and some software in the Police Department. We have a few new ones this month. We have emergency repairs to the elevators at the garage at the James L. Knight Center. We have some structural issues that -- pools that we're going to need to take care of. All of these are things that we will likely be bringing back before you in the mid-year budget amendment. And the Police Department, we are continuing to watch because, actually, they're hiring a bit faster than we had anticipated them doing, and we're not realizing the attrition savings that we had expected, so we're watching all that. I do expect the mid-year budget amendment to come before you on the April 9 Commission meeting. We're still working on it. Right now, revenues: We're \$32 million higher than through the same period last year; expenses are \$15 million also higher than last year. And really, the only department that is materially above their budget in the projection right now is the Police Department, and we're working very closely with the Chief to keep an eye on that. But we will keep you up-to-date as the year progresses.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Thank you. Yes, sir.

Commissioner Carollo: Thank you, Mr. Chairman. Question: With your projected surplus to date, does that include the reduction in the pension expense that we will have? No? Because that -- because what you're doing --

Mr. Alfonso: Commissioner, if you recall, the number that we got from GESE (General Employees and Sanitation Employees) and/or FIPO (Firefighters and Police Officers) for the actuarial required contribution to pension, that is actually the contribution that will be made --

Commissioner Carollo: Well --

Mr. Alfonso: -- in fiscal year '15/'16.

Commissioner Carollo: Which starts --

Mr. Alfonso: So that -- right. That doesn't impact this budget at all.

Commissioner Carollo: Understood.

Mr. Rose: In answer to that question, we're projecting exactly what they had told us last year at this time.

Chair Gort: Okay, thank you. Any other -- further questions? Thank you, sir.

Mr. Rose: Thank you, Commissioners.

Chair Gort: Keep up the good work.

END OF BUDGET DISCUSSION ITEM

DISCUSSION ITEMS

DI.1

DISCUSSION ITEM

15-00068

City Commission

STATUS OF HIRING POLICE OFFICERS.

15-00068-Submittal-City Manager-Police Department Hiring and Staffing Update.pdf

DISCUSSED

Chair Gort: You want to hear your -- Commissioner Sarnoff, since we're talking about the budget in Police, or you want to --?

Commissioner Sarnoff: Thank you.

Chair Gort: DI.1. Thank you. DI.1.

Armando Aguilar: Good afternoon, Commissioners. Armando Aguilar, executive assistant to the Chief of Police. To provide you with an update on our hiring efforts, since the last Commission meeting, we've hired two police officers. That brings us to 16 hired year-to-date. We have five who are awaiting medical clearance; another 13 undergoing their background investigations. We expect them to be hired by March of 2015. And we concluded our recruitment drive, as you know, in January, where we received in excess of 1,800 applications, and we'll be processing those in short order as soon as we finish with the current list.

Commissioner Sarnoff: So --

Chair Gort: Yes, sir.

Commissioner Sarnoff: Mr. Chair, thank you. I'm going back to the January meeting just to address something called FTOs (Field Training Officers). We had approximately 42 folks waiting for field training operations to commence. We were told in a January meeting that there were approximately 42 FTOs, and that turned out to be incorrect; and then in a -- I believe a memo of late January, we received notification that there are actually only 27 FTOs. Twenty-seven.

Sergeant Aguilar: I believe 37 at that time -- and correctly --

Commissioner Sarnoff: Have you -- pull out the memo?

Sergeant Aguilar: Yes. The memo says that there were 27 officers in field training, but 37 field training officers in the FTO program.

Commissioner Sarnoff: Okay. So now just -- and then at the next meeting, nobody bothered to tell us that that number was incorrect; I guess relying upon a memo and for the Commissioners to have received that memo, which apparently we did receive, but I just wasn't aware of it at the February meeting. Now, just with regard to FTOs, you have what's called the minimum qualifications of an FTO, right?

Sergeant Aguilar: Yes, sir.

Commissioner Sarnoff: And that was an FTO memo that was signed by Chief Orosa in November 2014.

Sergeant Aguilar: I don't have that memo with me, sir, so I couldn't say.

Commissioner Sarnoff: Okay. Well, that reduced the qualifications for being an FTO, correct?

Sergeant Aguilar: I'm not familiar with the memo.

Commissioner Sarnoff: Well, having said that, your FTOs are simply required to have two years in uniform after the commencement, above-average performance evaluations and attendance records, no more than two court missed appearances within a 12-month period and no more than two preventable accidents within a 12-month period. So essentially, your requirements for an FTO are two years on the job, slightly above-average performance, and slightly above average not missing duty, if you will. And this was done -- correct me if I'm wrong -- because you had trouble attracting FTOs beforehand.

Sergeant Aguilar: Yes.

Commissioner Sarnoff: So --

Sergeant Aguilar: Now, I'm not certain if the requirements at the time that this was published were lowered to two years. These were pretty much the standard requirements for most specialized units within the Police Department.

Commissioner Sarnoff: So, let me ask you this: If I were to go to Miami Beach, Coral Gables, or any parallel police department, what do you think the FTO requirements would be there; two years average attendance, two years okay results on your evaluations? I'm just curious, what do you think they'd be?

Sergeant Aguilar: I would say they'd be no less than two, probably closer to five in some places.

Commissioner Sarnoff: Yeah. And if I were to look at Coral Gables and I were to look at the Beach, it would be a lot more than two, wouldn't it?

Sergeant Aguilar: I can only assume.

Commissioner Sarnoff: Okay. All right, well, being that we're at two years -- and you're a rookie your first year, right?

Sergeant Aguilar: Yes.

Commissioner Sarnoff: So I guess you're a veteran your second year?

Sergeant Aguilar: I wouldn't say that.

Commissioner Sarnoff: I wouldn't either. So you have somebody training a brand new police officer with two years' experience.

Sergeant Aguilar: Yes, sir.

Commissioner Sarnoff: And that is the minimum qualifications that you're willing to say in front of this Commission as satisfactory?

Sergeant Aguilar: No. I wish that we could attract officers that were more experienced, but for whatever reasons, we have not been able to attract that ten-year officer.

Commissioner Sarnoff: What do you think some of those reasons could be? Could it be -- no. Well, the only time I get to speculate with the other Commissioners is right now.

Daniel J. Alfonso (City Manager): I -- Commissioner, if I may? I would ask our department if they have a professional opinion, that, yes, he can give you a professional opinion, but I prefer he not speculate. I mean, the Commission can voice -- I understand your concern, but -- go ahead, please. I'm sorry.

Commissioner Sarnoff: Okay. Thank you. So -- and I'm trying to figure out what changed. We know that in '09/'010 [sic], we went to a flat rate for FTOs.

Sergeant Aguilar: That's right. They were reduced from 5 percent to 1,500.

Commissioner Sarnoff: Right. And again, if we did a parallel between the City of Miami, Miami-Dade County, the Beach, Coral Gables -- if there's a better police department I should be comparing, please bring it to my attention -- would they be doing flat rates, or would they be doing the 5 percent or is that standard in the industry?

Sergeant Aguilar: No. The standard is the -- closer to the 5 percent.

Commissioner Sarnoff: Okay. So we're not paying the standard rate. Could it be that we're not attracting the veteran police officers because we're not paying the standard rate?

Sergeant Aguilar: It's very possible, yes, sir.

Commissioner Sarnoff: Okay. And correct me if I'm wrong, Chief Orosa somewhat corrected this with something called a "commendation pay"; is that correct?

Sergeant Aguilar: Yes.

Commissioner Sarnoff: Would you describe to the other Commissioners what commendation pay is?

Sergeant Aguilar: It's pay that while -- it's adding time to an officer's time balance as a reward for work well done.

Commissioner Sarnoff: And that work well done was simply showing up and being a field training officer, correct?

Sergeant Aguilar: Yes.

Commissioner Sarnoff: So what they -- what Chief Orosa did was he was paying them eight hours of comp?

Sergeant Aguilar: Yes.

Commissioner Sarnoff: So, in essence, what Orosa was doing was almost giving them the 5 percent, if you work it out on an annual basis?

Sergeant Aguilar: It could be close to the five.

Commissioner Sarnoff: Okay. And are you comfortable in front of this Commission telling us here today that we should continue on at the rate pace that we are with regard to just the issue -- so I'm not talking about collecting the net of all your applicants, because we'll get into that in a moment -- but just with regard to those that have made it through the academy and now require FTO training. Are you saying to this Commission that in your professional opinion -- how long have you served?

Sergeant Aguilar: Fourteen years.

Commissioner Sarnoff: As a 14-year law enforcement officer, that the City of Miami is doing everything it possibly can do to train and prepare rookie officers for the streets?

Sergeant Aguilar: We could always do better.

Commissioner Sarnoff: Now, I suspected you'd say that. But I'm going to ask the question again. Are you doing all you can do?

Sergeant Aguilar: No.

Commissioner Sarnoff: Okay. And do you feel like your officers, after FTO training, are satisfactorily ready to go and do the arduous or non-arduous duties associated with being a Miami -- a City of Miami street cop?

Sergeant Aguilar: The officers finishing our FTO program?

Commissioner Sarnoff: Yes.

Sergeant Aguilar: I believe, for the most part, they are.

Commissioner Sarnoff: Okay. All right, so that's the FTO issue and that's the issue with regard to -- we presently have adequate FTOs now training our officers that came out of the academy that are awaiting to go through the FTO program, right?

Sergeant Aguilar: Adequate in the sense of the number of FTOs?

Commissioner Sarnoff: Well, yeah. I just want to make sure --

Sergeant Aguilar: Yes. We have 58 right now.

Commissioner Sarnoff: And some of those FTOs you had to kind of break the rules for, right?

Sergeant Aguilar: I'm not aware of any rules having been broken for them, sir.

Commissioner Sarnoff: Well, I know one of your FTOs has 50 -- had 50 complaints against him. That wouldn't fit your minimum qualification.

Sergeant Aguilar: That would not. And I don't know who we're talking about and I was not involved in that selection process.

Commissioner Sarnoff: Okay. So you're not aware of us possibly breaking our process?

Sergeant Aguilar: That's right.

Commissioner Sarnoff: Okay. Now, just moving forward, what I'm noticing is that we're getting a trend again of vacancies, and the trend I'm looking at -- of course, after September of 2014, we create a greater disparity of vacancies because we have now allocated, from this Commission's standpoint to the Administration standpoint, I believe the number is 1,259 officers.

Sergeant Aguilar: Yes.

Commissioner Sarnoff: But we've never had 1,259 officers in the history of Miami, right?

Sergeant Aguilar: Right.

Commissioner Sarnoff: But we have had as many as 1,166 officers.

Sergeant Aguilar: We have.

Commissioner Sarnoff: But today, as we sit here, despite our best efforts or, I would say, sufficient efforts or, I would say, adequate efforts, we have 1,150 officers?

Sergeant Aguilar: Closer to 1,160 right now.

Commissioner Sarnoff: And all I have is --

Sergeant Aguilar: Or 1,159.

Commissioner Sarnoff: -- the best information you gave me as of -- the paper you gave me right now.

Sergeant Aguilar: Yeah.

Commissioner Sarnoff: So my point is, do you not see that we're not catching up? I mean, I don't see it. I know that there is that magic date that's supposed to be happening in September or August, that we're supposed to have a full allocation -- gee -- because Mr. Alfonso is saying "no," what I'm going to do at the next Commission is read back to him what Chief Orosa said to us at two Commission meetings.

Sergeant Aguilar: I believe that in August, we could be near full staffing of -- this is August of 2016. We'll never be at full staffing.

Commissioner Sarnoff: Right.

Sergeant Aguilar: We'll always have people leaving.

Commissioner Sarnoff: We'll always be some short; "some" being 10 to 20.

Sergeant Aguilar: Could be.

Commissioner Sarnoff: Okay. So -- but looming in September of 2017, we're going to lose in excess of 217 to 239 cops.

Sergeant Aguilar: From now till then?

Commissioner Sarnoff: Yes.

Sergeant Aguilar: Yes.

Commissioner Sarnoff: So even if, for instance, Mr. Alfonso got us up to 1,260, which would be one more than we allocate today, we can anticipate that we really will be at about 1,000 cops.

Sergeant Aguilar: No, sir, because we have to take into consideration the hundred that we're hiring every year. When that happens -- and that would be a big hit in --

Commissioner Sarnoff: You've answered my question.

Sergeant Aguilar: -- in September.

Commissioner Sarnoff: That was a great statement.

Sergeant Aguilar: Okay.

Commissioner Sarnoff: A statement that I'm going to hold you to. You want to say it again?

Sergeant Aguilar: That we can hire a hundred cops per year?

Commissioner Sarnoff: That we will be, not "can." We will be hiring 100 cops.

Sergeant Aguilar: Yes.

Unidentified Speaker: Per year.

Commissioner Sarnoff: Per year.

Sergeant Aguilar: We did 110 the year before last and 101 last year.

Commissioner Sarnoff: Are those net new officers?

Sergeant Aguilar: No, sir.

Commissioner Sarnoff: Okay. All right, I want to thank the Administration for all their indulgences with my impetuous questions.

Javier Ortiz: I think the Manager wanted to say something.

Mr. Alfonso: I will yield to the union president first. Go ahead, by all means.

Mr. Ortiz: No, please; you're my boss.

Mr. Alfonso: You first.

Chair Gort: Oh, come on, guys.

Mr. Alfonso: Yes. Mr. Chairman, Commissioners, I just -- I want to put a couple of things on the record. First, that the FTO program is something that we certainly are looking at. The FTO compensation is also something that we're looking at; that is the subject of labor negotiations. And since we're starting labor negotiations right now practically with the FOP, that is something that we'll certainly take into consideration. I want to point out that, currently, in order to be an

FTO, you also get certified in crisis intervention so that to be an FTO, you get two and a half percent for being a crisis intervention pay, plus the \$1,500 which is the stipend for being an FTO, so it -- I mean, it amounts to about 3,500 a year, depending on what your salary is, which could be anywhere from 4 to 5 percent, depending on where you are in the pay scale. I want to also add that there was a time when being an FTO was something looked upon with pride. And if you look at our senior staff right now, many of them were FTOs and didn't get any extra pay to be an FTO, you know. There was a certain pride in bringing the young kids and showing them how to be good police officers. But we -- you know, we understand that we go to a time when everything has to be paid for, so yes, that is something that we'll consider in labor negotiations.

Commissioner Suarez: Mr. Chair.

Chair Gort: Yes.

Commissioner Suarez: Thank you. I think -- look, I think the frustration is that we, as Commissioners -- as I think the Chairman has articulated earlier today and Commissioner Sarnoff is trying to articulate now -- we get the blunt -- the brunt of the complaints. They come to us. We're the frontline for receiving complaints. We also, just like everybody else here, gets the alerts, as well. And I think, you know, even though we're not on the administrative side, we're not creating strategies necessarily, even though we're trying to create -- creative solutions from this side of the dais that, hopefully, will be implemented on the other side. I think, you know, when we come up with a strategy, whether we're lay people, whether we're police officers, or past police officers or we've been a police officer for a day, whatever the case may be, you know, we expect that to be carried out. And I think this Commission has been very, very consistent in two policy objectives -- well, three if you consider one of them being kind of a technology-based one, but certainly in terms of paying our officers what they deserve so we don't lose them; and secondly, increasing the number of officers such that we increase our patrolling force. Maybe that's a winning strategy; maybe it's not a winning strategy, but it's a strategy that we've developed and it's a strategy that we feel, as the board that budget and appropriates, is a strategy that we think is a winning strategy. We'll never know if it's a winning strategy or not if we never get there, and I think that's the frustrating part, particularly when we start off a year with six murders in the first seven days. And, you know, I think sometimes -- and I've been to some community meetings. And I think sometimes we try to rationalize what's going on or try to make excuses for what's going on, but I think, given the way things are happening, I'm not ashamed to say that we're failing, you know, and I'm not blaming anybody right now. And unfortunately, I wish I could tell you that right now at this minute I have the solution, but we're failing. That part is pretty clear to me. And until we get it turned around, we're going to continue to have the same issues that we've been having and that are getting worse in 2015. And by the way, 2014 we talk about our crime statistics, part-one crime, yada-yada-yada, all that stuff. The one thing that we haven't talked about is our murder rate is up from 2014 to 2013. That's indisputable. That happened. And we did not start off 2015 well. So, you know, I understand we're dealing with a lot of obstacles and challenges, et cetera, but, you know, we have to at least execute on the things that we are -- the tools that we're being given and then we can come back and say, "Well, you know what? We did hire those 300 officers. And guess what? Our murder rate didn't go down. Our" -- "you know, our burglaries didn't go down." You know, those things didn't happen, Commissioner Sarnoff, so you know, we appreciate your leadership on the issue. Let's try something different. Let's use those resources for something else, because let's face it, 300 officers cost, you know, I think 10 -- I think we were at \$10 million every hundred, something like that, on a recurring annual basis. So you're talking about 300 -- you know, \$30 million, where we want to go in a different direction strategically with that kind of money, so I just -- I think that's the frustration, you know. And when you start to see the horizon, it doesn't look good. It's like a team that's up against a salary cap, you know. It doesn't look good; if you're a mediocre team and you're coming up against a salary cap, you know, and that's the part that's scary. Thank you, Mr. Chair. Appreciate your indulgence.

Chair Gort: Yes, sir.

Mr. Ortiz: Javier Ortiz, president of Fraternal Order of Police. I want to start out by just saying that I'm not attacking the Chief; I'm attacking the process. This is a problem that's been going on for years. And the last couple years, I've been saying that we weren't going to be able to meet any of the expectations of this Commission when it comes to police hiring; can't blame the Chief. Again, our recruitment and selection department is one of the largest departments in the Police Department. It's bigger than our homicide bureau. So with that said, they're doing everything that they can, but you know -- and the Manager made the comment that there's some things that we should be doing for free, and we'll get into that in a second. The bottom line is people want to be compensated reasonably, and when you compare us to other police departments, we don't meet that. We don't meet those expectations. And the bottom line is when you call 911, you don't care how much that police officer, that firefighter is making; you don't care how much taxes you're paying; you demand service. And I was in Keon Hardemon's district last Friday, in which there was a guy that was shot -- he was shot in the rear and a woman was shot in the leg, and I went by that call because I had just seen that Andiamos down the street by Model City. And when I arrived, I asked him, you know, "What's going on?" He goes, "No, this happens all the time. Just the way it is." Well, that's not the way it's supposed to be. It's not supposed to be like that. And so what we have in front of us is a pandemic, and we're just not meeting our goals. I agree with the Manager; we're going to start labor negotiations. That contract will not kick in until October 1. So what happens for the next six months? We just keep on lollygagging? The Field Training Officer program is in shambles. It's not the Chief's fault. It's not the Chief's fault. But now he is responsible for that program, okay. The field training lieutenant that was running it is quitting April 1, an excellent police lieutenant, and it's because they don't have the wherewithal or he doesn't have the motivation to continue to do the job. There are beat officers that are now being forced into the program. I've spoken to some beat officers; asked them "why did you join the FTO program?" "Because I just got to do the paperwork. I just do the paperwork and I'll make an extra 1,500 bucks a year," okay. They're not taking pride in it. And with all due respect, Mr. Manager -- and we spoke about this last week -- when it comes to just doing the job for free, there's something called "civil liability." There's something called "civil liability." And I know that when I was a police officer right in the beginning, I'm given a badge, I'm given a gun; I'm not given a lot of authority. I'm given incredible responsibility, okay, to use deadly force, to take people's freedoms away. And so, you don't want someone that's just mediocre, that's just doing it because they can slide on by. We want to get the best police officers out there to do the job. I commend Chief Llanes for stopping the EO, that compensatory time. It's like eight hours of overtime. That's what it comes out to. We have the money. We just had someone up here saying we got a \$14 million surplus. Let's enact that 5 percent now. I'm more than willing to negotiate with the Manager, and let's start getting some qualified people to do that job. One other thing that has become an issue also. Unlike the Fire Department that has mandatory staffing, we don't. And so right now we have 18 supervisory positions in patrol that are empty. If we have the funds in order to properly fund those crews and have overtime allocated in order to have supervisors supervise those people, you're going to have not only more leadership on the street, but you're going to have more motivation, you're going to have more supervision, okay, and that's also an issue that we have with the Department of Justice when it comes to this whole civil rights investigation, the fact that we don't have the staffing. You're not going to be able to hire -- I know we've got about another 2,000 applicants. A lot of those applicants are the same applicants. They're doing everything possible, everything possible, but the bottom line is, you know, you got to show the money in order to get those applicants. Again, when you put those eight hours of comp and you put in the -- that \$1,500, it comes out to almost 5 percent, to let's just do it right. Let's make sure that we get the -- you know, the best applicants. But you're not getting people with above-average, you know, attendance, you're not getting those good evaluations and the interviews need to be done. And one other thing, when they tell you about the CIT (Crisis Intervention Training) program, most of those officers are not CIT certified; and the City of Miami doesn't choose who goes to that training, so it could be quite some time to do that. Let's get the best people out there to do the job. Thank you.

Chair Gort: Thank you. Chief, you want to add anything?

Rodolfo Llanes: Rodolfo Llanes, Chief of Police. Yeah, I just want to say that we went from advertising for field training officers in our official bulletin to actually having some of my staff go out and recruit some folks to join the program. It's not where I would like it to be. That is the truth. I would like it to be -- to get to a point where I have a pool of a hundred, and I can replace and keep only the very best. That's where I would like it. That's not where it's right now. We're working to get towards that. In my philosophy, I ask them to reach out to beat officers to be FTOs. I want young policemen who are starting out on this job to get the experience of what it is to be on a beat and to have positive contacts with the community, not just negative contacts, which happens a lot when you're a patrol officer. And so that was part of my overall philosophy in policing, is that we need to get officers in positive contacts with their community, and so it wasn't because we were trying to reach out to whoever we could. Patrol officers are the optimal, but I think that beat officers provide excellent service every day, and I'd like to see young, new policemen have that experience also. I'd like to see them have positive experiences with the police -- with the community. And like I said, we're not where we want to be, but that's where we're moving towards. Whatever happened in the past is really not of my concern right now. What I want to see is looking towards the future to be able to have a pool of qualified candidates that when somebody doesn't do something right or is subject to discipline that we can move them out and put in somebody who will do the job right. And so that's what I'm moving towards. That's where our -- my staff is moving towards. And so do I think that --? Listen, in the end, I think my officers should be compensated well for the job that they do, whatever specialty it is. And so I'm not opposed to whatever the Manager and the union decide is the right compensation. But I was an FTO for free too, so.

Chair Gort: Thank you, sir. Okay, any other questions.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes.

Commissioner Carollo: Without getting into labor negotiations, Chief, what do you think you need in order to get the FTO program to where it needs to be? And we've spoken in the past. And I'm a former law enforcement officer; I went through the FTO program, and I definitely understand the importance of the FTO program, because you're getting all these new recruits, all these new officers, and this is their first look at police work; and these FTOs are, in essence, the mentors for someone starting their career for many, many years to come, so it's extremely important. So without trying to get into labor negotiations -- because I know the Manager pointed it out -- what do you feel you need? And what do you think this Commission could do?

Chief Llanes: I think that whatever compensation packages -- you know, the union president has a great saying that says --

Mr. Ortiz: Five percent.

Chief Llanes: -- "You don't get what you deserve; you get what you negotiate." And so whatever he can negotiate, there is value to properly compensating in order to recruit. You're just making my job easier to recruit officers to get into the program. And so whatever they can negotiate, I'm all in favor of, so better compensation --

Chair Gort: Okay.

Chief Llanes: -- will make my job easier.

Commissioner Carollo: For FTOs?

Chief Llanes: Yes.

Chair Gort: Thank you. Thank you, sir.

Mr. Ortiz: Thank you. Thank you

Commissioner Suarez: Thank you.

DI.2**DISCUSSION ITEM****14-01264***City Manager's Office*

DISCUSSION OF PROPOSED CITY MOTTO.

14-01264 Summary Form.pdf

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

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

Note for the Record: Item DI.2 was continued to the March 26, 2015 Planning and Zoning City Commission Meeting.

DI.3**DISCUSSION ITEM****15-00178***City Manager's Office*

DISCUSSION ON EXPANDING THE NUMBER OF PERIODICALS AND PUBLICATIONS USED BY THE CITY OF MIAMI.

15-00178 Summary Form.pdf

DISCUSSED

Note for the Record: Please refer to Item RE.6 for the minutes pertaining to this item.

DI.4**DISCUSSION ITEM****15-00226***Department of Police*

DISCUSSION REGARDING SUPPORT FOR PROVIDING A PUBLIC RECORDS EXEMPTION FOR VIDEO FOOTAGE OBTAINED FROM LAW ENFORCEMENT OFFICER BODY-WORN CAMERAS WHEN NECESSARY TO PROTECT INDIVIDUAL PRIVACY.

15-00226 Summary Form.pdf

15-00226 Draft Legislation.pdf

NO ACTION TAKEN**END OF DISCUSSION ITEMS****PART B: PLANNING AND ZONING ITEMS**

Chair Gort: At this time, I understand we have about 14 time certians at 2 o'clock, so I don't know how we're going to do this, but I guess we got to do it like the doctor's office. Mr. Manager, do you have any --?

Daniel J. Alfonso (City Manager): Yes. Mr. Chairman. Well, I'm going to announce some items that will be -- we will be asking to defer later. Or do you want to do the proclamations?

Chair Gort: I'd like to -- the -- if there are any Planning & Zoning items that are going to be --

Mr. Alfonso: Correct.

Chair Gort: -- I want it to be notified so people will not have to come if they're not going to be heard.

Mr. Alfonso: Correct. So I will mention for you, Mr. Chair, that we will be asking to continue PZ.1, 2, 11, 12, and 14; and PZ.5 is to be withdrawn.

Chair Gort: Okeydoke. At this time, we can't hear any -- after 2 o'clock, we can hear the -- and put some time certain for certain items for next meeting at a certain time, okay, once we have a quorum.

Later...

Chair Gort: City Manager, my understanding -- well, we can't vote either yet; we only have two of us.

Mr. Alfonso: Got it.

Chair Gort: We need one more.

Mr. Alfonso: When we have quorum, I think we had some Planning & Zoning items that were set time certain.

Chair Gort: We can't; we don't have quorum.

Victoria Méndez (City Attorney): Chairman, would you like me to read -- go reading the Planning and Zoning materials?

Chair Gort: Once -- yes, let's do that.

Ms. Méndez: We will now begin the Planning & Zoning items, and I will state the procedures to be followed during this portion of the meeting. P&Z (Planning & Zoning) items shall proceed according to Section 7.1.4 of the Miami 21 Zoning Code. Before any PZ (Planning & Zoning) item is heard, all those wishing to speak will be sworn in by the City Clerk. Please note, Commissioners have generally been briefed by the City staff and City Attorney on items on the agenda today. The members of the City Commission shall disclose any ex parte communications to remove any presumption of prejudice, pursuant to Florida Statute Section 286.011(5) and Section 7.1.4.5 of the Miami 21 Zoning Code. Staff will briefly present each item to be heard. The appellant or petitioner will then present their application or request to 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 --

Chair Gort: Excuse me. Wait a minute.

Ms. Méndez: -- anyone for agreement --

Chair Gort: One meeting at a time, please. Go ahead.

Ms. Méndez: -- 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 a part of the agenda materials will be entered into the record at the City Commission's discretion. Thank you.

Chair Gort: Thank you. Mr. Clerk.

Todd B. Hannon (City Clerk): Good afternoon, ladies and gentlemen. If you will be speaking on today's -- on any of today's Planning & Zoning items, may I please have you stand and raise your right hand?

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

Mr. Hannon: Thank you, Chair.

Chair Gort: Francisco, you want to mention the -- for the benefit of those that are here the items that are going to be deferred?

Francisco Garcia: Yes, sir. Thank you. For the record, Francisco Garcia, Planning & Zoning director. And there are a number of items in today's Planning & Zoning agenda that are being proposed for continuance or deferral. I will first read the items themselves so that if anyone here is concerned with any of them, they will know so. And as soon as we have quorum, we will then be able to take action on these. The items proposed to be continued or deferred today are as follows.

Chair Gort: Wait.

Mr. Garcia: PZ.1, PZ.2, these are companion items at 180 Northeast 50th Streets; PZ.3, PZ.4, companion items at 622 Northeast 80th Street; PZ.5, an alley closure at -- on Northwest 20th Street and North Miami Avenue approximately; PZ.6, PZ.7, PZ.8, all three companion items are relating to a property at 220 Northeast 43rd Street; PZ --

Vice Chair Hardemon: Can you state that one again, please?

Mr. Garcia: Yes, sir.

Vice Chair Hardemon: Mr. Chairman.

Mr. Garcia: The last three I mentioned were PZ.6, PZ.7, and PZ.8, which are three companion items pertaining to 220 Northeast 43rd Street.

Vice Chair Hardemon: You want those to be continued?

Mr. Garcia: Yes, please. And the reason for that, as I believe the City Attorney's Office will explain, is that there are some minor modifications that need to be performed prior to full hearing.

Vice Chair Hardemon: Okay.

Mr. Garcia: I will complete the list: PZ.11 and PZ.12, which are companion items pertaining to

properties at approximately 2900 South Miami Avenue. And that completes the list at this moment, sir.

Vice Chair Hardemon: So I guess --

Chair Gort: Unfortunately, we cannot take a vote until we get --

Vice Chair Hardemon: So a better question: What are we hearing from the PZ items?

Mr. Garcia: All right, sir. Thank you for the question. The items that are ready to be heard today are as follows: Items PZ.9, PZ.10, PZ.13, PZ.14, PZ.15, PZ.16, and PZ.17.

Vice Chair Hardemon: I thought that we were deferring PZ.14. No?

Chair Gort: I thought it was.

Mr. Garcia: PZ.14 is ready to proceed, but if it is the Commission's wish to continue it, we're certainly happy with that as well. I apologize; you're exactly correct, Commissioner Hardemon. My apologies.

Chair Gort: In the morning, yeah.

Mr. Garcia: Item PZ.14 is also being continued.

Vice Chair Hardemon: Thank you.

Chair Gort: We have quorum. Will you go over again the items that are going to be deferred for Commissioner Carollo?

Mr. Garcia: Thank you, sir. What I'd like to do next then is to read the items again and also put forth for your consideration specific dates to which these items are to be continued. Here's what I have at present -- and I understand that some of the applicants are here present as well, so if any of them want to chime in, then by all means, this is the time to do so. Items PZ.1 and PZ.2, again companion items at 180 Northeast 50th Street, are being proposed for continuance to April 9. Items PZ.3 and PZ.4, companion items pertaining to 622 Northeast 80th Street, are being proposed for a continuance to March 12. Item PZ.5 is being withdrawn. The applicant has sent a notice in writing, which I'm happy to submit to the City Clerk's Office for the withdrawal of this item. Items PZ.6, PZ.7, and PZ.8, companion items pertaining to 220 Northeast 43rd Street, are being proposed for a continuance to March 12. Items PZ --

Chair Gort: Hold it, hold it, hold it. We don't have quorum again. Okay, we're back on.

Mr. Garcia: Thank you, sir. Items PZ.6, 7, and 8, again companion items, 220 Northeast 43rd Street, are being proposed to be continued to March 12. Items PZ.11 and PZ.12, companion items, are being proposed -- I'm sorry; affecting properties near and including 2900 South Miami Avenue. Those are being proposed for a continuance to, I believe, April 23. And Item PZ.14 is proposed to be continued to March 12. That's all I have by way of continuances or withdrawals, sir.

Chair Gort: Okay, thank you. Do I have a motion?

Commissioner Sarnoff: So moved.

Commissioner Carollo: Second.

Chair Gort: It's been moved by Commissioner Sarnoff; second by Commissioner Carollo. Yes, ma'am. I had a request from her first.

Grace Solares: We're in the same case.

Chair Gort: Okay.

Ms. Solares: April 23, you said -- okay. As long as Commiss -- Mr. Chairman to be around 6 o'clock in the afternoon, because the Cliff Hammock Neighborhood Association, which is the one on the east side where Adrienne Arsht, that's her homeowners association, and the Roads and neighbors.

Chair Gort: And you are?

Ms. Solares: Six o'clock. Grace Solares, the Roads Association.

Chair Gort: Thank you.

Ms. Solares: So could it be at 6 o'clock on the 23rd?

Chair Gort: Six o'clock time certain. Okay, thank you.

Lucia Dougherty: for the record, Lucia Dougherty, offices at 333 Avenue of the Americas, here on behalf of the applicant; and we have no objection.

Chair Gort: Okay, thank you.

Ms. Dougherty: Thank you.

Chair Gort: Anyone else?

Ms. Dougherty: Sorry?

Chair Gort: No, anyone else?

Ms. Dougherty: Okay.

Wendy Stephen: Hello. My name is Wendy Stephen. I live at 101 Northeast 43rd Street. I just wanted to bring it to the attention of the Commission that items number 1 and 2 have been in -- been either continued or deferred seven times. This is the eighth time I've been here on the item, and it's being again continued. So, for the community, I don't know when it was noticed last, but I think it was in 2013. This is really a burden. So eighth time, not counting the first two PZAB (Planning, Zoning & Appeals Board) meetings; it's really not fair to the community. Thank you.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, Commissioner Carollo.

Commissioner Carollo: I don't know the reason for the continuance, but instead of continuously continuing it, can we just have a longer continuance period? Do you need more time? Is that the issue? Should instead of continuing it for two weeks or a month, should it be for two months or three months so it's not every, you know --?

Mr. Garcia: Yes, sir. Thank you for the question. The reason for the continuances has been that the applicant and the community stakeholders -- this happens to be in the Shorecrest

neighborhood -- have been actively involved in trying to cobble together an acceptable compromise. We, ourselves, your Planning & Zoning Department, have also been involved. And it was very close to having been heard today, because the compromise has, in essence, been achieved. They have to iron out a few things amongst themselves, and we do believe that we will be ready to proceed on April 9 as noted.

Commissioner Carollo: So, Mr. Chairman.

Chair Gort: Okay. Yes.

Commissioner Carollo: So what you're saying is that there has been progress, though?

Mr. Garcia: Absolutely.

Commissioner Carollo: So --

Ms. Stephen: Not on this side, I'm sorry. This item is actually in the Bellaire neighborhood, PZ.1 and 2.

Mr. Garcia: I apologize.

Ms. Stephen: Yeah.

Commissioner Sarnoff: It's not Shorecrest.

Mr. Garcia: What I just stated on the record pertains to items PZ.3 and PZ.4; my apologies. As pertains to PZ.1 and PZ.2, there is a different reason for the continuance. What the applicants have done in this case is they have submitted for a waiver request, which will address the conditions for development they were seeking, so very soon they will be able to, in essence, withdraw this request for rezoning, which is the ultimate goal. And I believe the neighborhood association would be in favor of withdrawing the rezoning request. However, at this time the waiver is not complete yet; it is still within the appeal period. By April 9, that appeal period will have been completed. If there are no appeals, then the applicants will (UNINTELLIGIBLE) withdraw their request for rezoning. That is the reason for the request for continuance, sir.

Chair Gort: Okay.

Ms. Stephen: Okay.

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

The Commission (Collectively): Aye.

Chair Gort: Okay.

PZ.1
13-00865lu

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF THE ACREAGE

DESCRIBED HEREIN OF REAL PROPERTIES AT APPROXIMATELY 180 NORTHEAST 50TH STREET, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "MEDIUM DENSITY RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

13-00865lu FR Fact Sheet.pdf
 13-00865lu Analysis, Maps & PZAB Reso.pdf
 13-00865lu Application and Supporting Docs.pdf
 13-00865lu Legislation (v3).pdf
 13-00865lu Exhibit A.pdf

LOCATION: Approximately 180 NE 50th Street [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Ben Fernandez, Esquire, on behalf of Douglas Gardens Holding Corp.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval to City Commission on October 16, 2013 by a vote of 5-2. See companion File ID 13-00865zc.

PURPOSE: This will change the above properties from "Medium Density Multifamily Residential" to "Medium Density Restricted Commercial".

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

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

Note for the Record: Item PZ.1 was deferred to the April 9, 2015 Regular City Commission Meeting.

PZ.2

ORDINANCE

First Reading

13-00865zc

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 "T4-R" GENERAL URBAN ZONE-RESTRICTED TO "T4-L" GENERAL URBAN ZONE-LIMITED, FOR THE PROPERTY LOCATED AT APPROXIMATELY 180 NORTHEAST 50TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

13-00865zc FR Fact Sheet.pdf
 13-00865zc Analysis, Maps and PZAB Reso.pdf
 13-00865zc Application and Supporting Docs.pdf
 13-00865zc Legislation (v3).pdf
 13-00865zc Exhibit A.pdf

LOCATION: Approximately 180 NE 50th Street [Commissioner Keon

Hardemon - District 5]

APPLICANT(S): Ben Fernandez, Esquire, on behalf of Douglas Gardens Holding Corp.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with modifications to City Commission on October 16, 2013 by a vote of 6-1.* See companion File ID 13-00865lu.

*See supporting documentation.

PURPOSE: This will change the above property from "T4-R" to "T4-L". **Item includes a covenant.**

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

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

Absent: 2 - Commissioner(s) Suarez and Hardemon

Note for the Record: Item PZ.2 was deferred to the April 9, 2015 Regular City Commission Meeting.

PZ.3

ORDINANCE

Second 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 SR Fact Sheet.pdf

14-00053lu Analysis, Maps & PZAB Reso.pdf

14-00053lu Application and Supporting Docs.pdf

14-00053lu Legislation (v2).pdf

14-00053lu Exhibit.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 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 Commissioner Sarnoff, seconded by Commissioner Carollo, that this matter be DEFERRED PASSED by the following vote.

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

Note for the Record: Item PZ.3 was deferred to the March 12, 2015 Regular City Commission Meeting.

PZ.4**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 03-12-15 FR Application and Supporting Docs.pdf

14-00053zc SR Fact Sheet.pdf

14-00053zc Analysis, Maps & PZAB Reso.pdf

14-00053zc Application and Supporting Docs.pdf

14-00053zc Legislation (v2).pdf

14-00053zc Exhibit.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: Motion to approve failed on March 19, 2014, by a vote of 4-7, thus constituting a denial. 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 Commissioner Sarnoff, seconded by Commissioner Carollo, that this matter be DEFERRED PASSED by the following vote.

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

Note for the Record: Item PZ.4 was deferred to the March 12, 2015 Regular City Commission Meeting.

PZ.5**RESOLUTION**

07-01499ac1

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE NORTH/SOUTH AND EAST/WEST ALLEYS LOCATED BETWEEN NORTH MIAMI AVENUE AND NORTHWEST MIAMI COURT FROM NORTHWEST 20TH STREET TO APPROXIMATELY 215 FEET NORTH OF NORTHWEST 20TH STREET, MIAMI, FLORIDA.

07-01499ac1 Fact Sheet.pdf

07-01499ac1 Analysis, Maps & PZAB Reso.pdf

07-01499ac1 Application and Supporting Docs.pdf

07-01499ac1 Legislation (v2).pdf

07-01499ac1 Exhibit A.pdf

LOCATION: Between N Miami Avenue and NW Miami Court from NW 20th Street to Approximately 215 Feet North of NW 20th Street [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Miguel Diaz de la Portilla, Esquire and Elinette Ruiz, Esquire, on behalf of Southern Waste Systems, Ltd.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval.

PLAT AND STREET COMMITTEE: Recommended approval on February 6, 2014 by a vote of 6-0.

PLANNING, ZONING AND APPEALS BOARD: Recommended denial to City Commission on March 5, 2014 by a vote of 5-2.

PURPOSE: The alley closures and unification of the site will secure the sites as a safety precaution.

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

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

Absent: 2 - Commissioner(s) Suarez and Hardemon

PZ.6**ORDINANCE****Second Reading****11-01196ap2**

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, AN AMENDMENT TO THE PREVIOUSLY APPROVED "MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN," ("SAP") ADDING ADDITIONAL PROPERTIES LOCATED AT APPROXIMATELY 220 NORTHEAST 43RD STREET, MIAMI, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED, PROPOSING: A) ADDING APPROXIMATELY 80,976 SQUARE FEET (1.86 ACRES) OF LOT AREA SPLIT AMONG TWO (2) ADDITIONAL PARCELS FOR A TOTAL COMBINED LOT AREA OF 995,668 SQUARE FEET (22.92 ACRES); B) INCREASING THE COMMERCIAL SPACE BY APPROXIMATELY 70,000 SQUARE FEET FOR A TOTAL OF 1,444,689 SQUARE FEET; C)

INCREASING THE RESIDENTIAL UNITS BY APPROXIMATELY 82 UNITS FOR A TOTAL OF 643 UNITS; D) INCREASING THE PARKING SPACES BY APPROXIMATELY 304 SPACES ABOVE GROUND AND BELOW GRADE FOR A TOTAL OF 4,056 SPACES; E) INCREASING THE CIVIC SPACE BY APPROXIMATELY 4,049 SQUARE FEET FOR A TOTAL OF 45,784 SQUARE FEET; F) INCREASING THE OPEN SPACE BY APPROXIMATELY 5,264 SQUARE FEET FOR A TOTAL OF 46,830 SQUARE FEET; AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, BY CHANGING THE ZONING CLASSIFICATION OF THE ABOVE REFERENCED PROPERTIES FROM "T3-L" SUB-URBAN TRANSECT ZONE LIMITED AND "CI" CIVIC INSTITUTIONAL ZONE TO "T4-L" GENERAL URBAN TRANSECT ZONE LIMITED AND "T5-O" URBAN CENTER TRANSECT ZONE OPEN; 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 ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

11-01196ap2 SR Fact Sheet.pdf
11-01196ap2 Analysis, Maps & PZAB Reso.pdf
11-01196ap2 Application and Supporting Docs.pdf
11-01196ap2 Legislation (v3).pdf
11-01196ap2 Exhibit A.pdf
11-01196ap2 Exhibit.pdf

LOCATION: Approximately 220 NE 43rd Street [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Javier E. Fernandez, Esquire, on behalf of 4201 NE 2nd Avenue, LLC and Miami Design District Associates, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID's 11-01196lu1.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval, with conditions, on December 17, 2014, by a vote of 11-0.

PURPOSE: This will add additional properties and allow the rezoning of certain parcels for the development of approximately 1.86 acres for the "Miami Design District Retail Street Special Area Plan" ("SAP")

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

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

Note for the Record: Item PZ.6 was deferred to the March 12, 2015 Regular City Commission Meeting.

PZ.7

ORDINANCE

Second Reading

11-01196lu1

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 PROPERTY LOCATED AT APPROXIMATELY 220 NORTHEAST 43RD STREET, MIAMI, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT A, ATTACHED AND INCORPORATED, FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION & UTILITIES" AND "SINGLE-FAMILY RESIDENTIAL" TO "MEDIUM DENSITY RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

11-01196lu1 SR Fact Sheet.pdf
 11-01196lu1 Analysis, Maps and PZAB Reso.pdf
 11-01196lu1 Application and Supporting Docs.pdf
 11-01196lu1 SR Legislation (v2).pdf
 11-01196lu1 Exhibit.pdf

LOCATION: Approximately 220 NE 43rd Street [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Javier E. Fernandez, Esquire, on behalf of 4201 NE 2nd Avenue, LLC and Miami Design District Associates, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID's 11-01196ap2.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on December 17, 2014, by a vote of 11-0.

PURPOSE: This will change the land use designation for the above property from "Major Institutional, Public Facilities, Transportation and Utilities" and "Single Family Residential" to "Medium Density Restricted Commercial".

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

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

Note for the Record: Item PZ.7 was deferred to the March 12, 2015 Regular City Commission Meeting.

PZ.8**ORDINANCE****Second Reading****11-01196da2**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN 4201 NE 2ND AVE, LLC, AND THE CITY OF MIAMI, FLORIDA ("CITY"), BY ADDING AN

ADDITIONAL PROPERTY LOCATED AT APPROXIMATELY 220 NORTHEAST 43RD STREET, MIAMI, FLORIDA, TO THE PREVIOUSLY APPROVED MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN ("MDDRS SAP") AND RELATED DEVELOPMENT AGREEMENT, FOR THE PURPOSE OF REDEVELOPMENT OF SUCH LAND FOR MIXED USES; AUTHORIZING THE FOLLOWING USES INCLUDING, BUT NOT LIMITED TO: RESIDENTIAL, COMMERCIAL, LODGING, CIVIC, EDUCATIONAL, CIVIL SUPPORT, AND ANY OTHER USES AUTHORIZED BY THE MDDRS SAP AND RELATED DEVELOPMENT AGREEMENT, AND PERMITTED BY THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN-FUTURE LAND USE MAP DESIGNATION AND THE MIAMI 21 CODE, THE CITY OF MIAMI ZONING ORDINANCE; AUTHORIZING A DENSITY OF APPROXIMATELY 65 UNITS PER ACRE; AUTHORIZING A MAXIMUM BUILDING HEIGHT OF 81 FEET; AND 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.

11-01196da2 SR Fact Sheet.pdf

11-01196da2 Legislation (v3).pdf

11-01196da2 Exhibit A.pdf

11-01196da2 Exhibit.pdf

LOCATION: Approximately 220 NE 43rd Street [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Javier E. Fernandez, Esquire, on behalf of 4201 NE 2nd Avenue, LLC and Miami Design District Associates, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PURPOSE: This will allow the City Manager to execute a development agreement.

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

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

Absent: 2 - Commissioner(s) Suarez and Hardemon

Note for the Record: Item PZ.8 was deferred to the March 12, 2015 Regular City Commission Meeting.

PZ.9

ORDINANCE

Second Reading

08-01015da2

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN THE CITY OF MIAMI AND FORBES MIAMI NE 1ST AVENUE, LLC; MIAMI WORLDCENTER HOLDINGS, LLC; AND AFFILIATES AND SUBSIDIARIES OF MIAMI WORLDCENTER HOLDINGS, LLC RELATING TO THE PROPOSED DEVELOPMENT OF A PROJECT KNOWN AS "MIAMI WORLDCENTER" ON APPROXIMATELY ± 24 ACRES, ZONED

"MIAMI WORLDCENTER DISTRICT" AND IDENTIFIED AS APPENDIX D OF THE MIAMI 21 CODE, AND LOCATED BETWEEN NORTHEAST 6TH STREET AND NORTHEAST 11TH STREET AND BETWEEN NORTH MIAMI AVENUE AND NORTHEAST 2ND AVENUE, MIAMI, FLORIDA, FOR THE PURPOSE OF REDEVELOPMENT OF SUCH LAND FOR MIXED USES; AUTHORIZING THE FOLLOWING USES: RESIDENTIAL, OFFICE, HOTEL, RETAIL, COMMERCIAL, ACADEMIC SPACE, AND ANY OTHER USES PERMITTED BY THE APPLICABLE ZONING DISTRICT REGULATIONS; DESIGNATING EACH BLOCK OF THE DISTRICT AS A RETAIL SPECIALTY CENTER AND ENTERTAINMENT SPECIALTY DISTRICT PURSUANT TO CHAPTER 4 OF THE CITY CODE; AUTHORIZING CERTAIN ENCROACHMENTS INTO CITY-OWNED PUBLIC RIGHTS-OF-WAY PURSUANT TO CHAPTER 55 OF THE CITY CODE; AUTHORIZING DENSITY, BUILDING INTENSITIES, AND BUILDING HEIGHTS ALL IN COMPLIANCE WITH THE MIAMI 21 CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

08-01015da2-Submittal- Javier Betancourt-DDA Resolution in Support of Miami Worldcenter.pdf

08-01015da2-Submittal-Frank Telfort-Letter of Support.pdf

08-01015da2-Submittal-Iris Escarra-Magazine Article.pdf

08-01015da2-Submittals-Paul Savage-Florida Statutes, CityCode, and documents.pdf

08-01015da2-Submittal-Paul Savage-Emails Regarding File 08-01015zt1-Appendix D.pdf

08-01015da2 SR Fact Sheet.pdf

08-01015da2 Exhibit.pdf

08-01015da2 Legislation (v2).pdf

LOCATION: Between NE 6th Street and NE 11th Street and Between N Miami Avenue and NE 2nd Avenue [Commissioner Marc David Sarnoff - District 2]

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval. Please also refer to the record for File ID 08-01015da1, which is being incorporated and made a part of File ID 08-01015da2.

PURPOSE: This ordinance will allow the City Manager to execute an amended and restated development agreement.

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

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

13498

Chair Gort: PZ.9, time certain, 4:45. PZ.9.

Vice Chair Hardemon: Francisco, you're recognized whenever you'd like to begin.

Francisco Garcia: Thank you very much, sir. Again, for the record, Francisco Garcia, Planning & Zoning director. Item PZ.9 is before you on second reading. This is the second reading of the Development Agreement for the project known as Miami Worldcenter. For everyone here who

might be interested in the item, I'll describe briefly the boundaries of the project. The northern boundary is 11th Street -- that is 11th Street Northeast; the southern boundary is 6th Street, also northeast; the eastern boundary is Northeast 2nd Avenue and the western boundary is Miami Avenue, and it is not regularly shaped. It is somewhat crenelated, but that is the area involved as part of Miami Worldcenter. This item has been heard by the Commission before a number of times, and although I think there will be perhaps a more detailed presentation by others as necessary, there are three particular items that I would like to highlight that are essentially changes from the previous version that was considered by the City Commission. One has to do with the landscape requirements in the previous consideration of this item; not the first reading, but prior considerations of this item. It was the case that landscaping requirements were phased as the project, itself, is intended to be phased. The amended language that you will find in amended Section 9 requires full compliance as the project progresses, so landscaping is not to be phased, but full compliance with landscaping requirements will be obtained as the project moves forward. As pertains to signs, I know there have been questions about the signage requirements. These can be found in Section 8, and I'm here to ensure and to commit to this Commission that it is clearly set forth that all signage -- I repeat -- all signage as part of this development proposal will conform with the regulations set forth in Miami 21. There are no exceptions and there are no special provisions for signs other than that. And also, perhaps to preemptively address other concerns as pertains to alcoholic beverage licenses, there were in the first iteration or previous iteration, I should say, of this particular Development Agreement, provisions to allow for a certain number of alcoholic beverage licenses to be spread out throughout the area of this project. Those provisions have been amended in Section 12, amended Section 12, and it is now the case that the regulations pertaining to alcoholic beverages are perfectly aligned with those already in existence in the City Code. In particular, it requires that alcoholic beverage licenses be assigned to components of the development that are designated and comply with the requirements for specialty retail centers, and as set forth in the Code, if they reach those thresholds, then five alcoholic beverage licenses will be provided. And what we mean by "will be provided" is that they will be exempt from distancing requirements. They will, of course, have to comply with other regulations as set forth in State statute, and to be reviewed and approved by our Zoning Office and by the State of Florida ATF (Alcohol, Tobacco and Firearms) Division. That's all I have by way of brief presentation. Our recommendation is for approval on second reading, and I'll gladly answer any questions you may have.

Commissioner Suarez: Move it.

Commissioner Sarnoff: Second.

Vice Chair Hardemon: It's been properly moved by Commissioner Suarez; seconded by Commissioner Sarnoff. At this time, what I would like to do -- well, first, I want to know if -- I know that the City has made its presentation. Is there anyone from Miami Worldcenter like to say a few words before we begin to open the public hearing?

Brian Bailine: Good afternoon. Brian Bailine with offices at 333 Southeast 2nd Avenue, here with Iris Escarra and Lucia Dougherty representing Miami Worldcenter. We heard everything that the Planning director said. We agree wholeheartedly. We would request that you continue your support of this item and approve it on second reading so we can move forward and begin construction in the next, you know, four or five months.

Vice Chair Hardemon: Thank you very much.

Mr. Bailine: Thank you.

Vice Chair Hardemon: Seeing that the item has been properly moved and seconded and placed before this Commission, I'm going to open up the floor for public hearing. Mr. Clerk, please call the list.

Todd B. Hannon (City Clerk): Thank you, Vice Chair. The first three speakers: Kim Stone, Alyce Robertson and Gabriela Castelao.

Vice Chair Hardemon: And I hope that everyone adheres to the two-minute time limit that you have. You will be warned by the beeps that come from the dais, and just respect the time period that we have established for you. Thank you so very much.

Chair Gort: Yes, ma'am.

Kim Stone: Good afternoon, Commissioners. Thank you very much for this opportunity. I'm Kim Stone, the executive vice president of the Miami Heat, and general manager of American Airlines Arena. As I've previously stated, we fully support the Miami Worldcenter development as we think it's going to really transform the last area of empty City blocks in our downtown. We also think it will be very vibrant for our guests. We are happy to have more than 1.7 million come to our building on an annual basis, and we're very excited about what this will mean for those guests, as well. Additionally, I want to let you all know that Miami Worldcenter and its principals have been exceptional neighbors with us. They've engaged us from the beginning of this process. They've been very transparent in their plans, and they've listened to our feedback. We look very forward to the day that they will cut that ribbon and we can have our guests start enjoying their development. Thank you all very much for the time.

Chair Gort: Thank you, ma'am. Next. You have the list, Mr. Clerk?

Alyce Robertson: Good afternoon. Alyce Robertson, executive director of the Miami Downtown Development Authority. Thank you. You've heard me present before. I won't re-enter into your record the resolution of the Downtown Development Authority, but it is in favor of this development. It will transform the Park West area from a largely disinvested area into a vibrant, pedestrian-oriented urban corridor, and the size and scope will provide the critical mass that has not existed in my time in Miami. I've been here over 35 years, and I've not seen that area really have any economic output. It is a critical link between other projects: All Aboard Florida and their Miami Central Station; the Downtown Conference Center; the American Airlines Arena and Museum Park. And it also is part of a number of goals of the Miami Downtown Master Plan with national retailers; the conference center, which I mentioned previously; walkable streets; transit-oriented development and the connectivity to adjacent neighborhoods of Overtown. It's important for the economic revitalization and enhancement of the downtown Miami. I won't -- I also -- I don't -- I was trying to count how many times I've appeared before the Commission and said basically the same thing, but the community involvement has been exceptional in this case, where a number of hearings, a number of public hearings in front of the Commission, in front of the CRA (Community Redevelopment Agency), and so I think that the principals in this have done a very good job of reaching out to the community. Thank you.

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

Gabriela Castelao: Hi. Good afternoon. My name is Gabriela Castelao, and I'm from 1010 Northeast 2nd Avenue, and I'm here representing 31 tech (technical) businesses working in the Park West area. The more than 70 entrepreneurs and all the jobs they have created would not be in downtown if Miami Worldcenter hadn't given us the space for us to work and build our businesses. Not only have jobs been created, but we shop and eat in downtown, too, supporting the small businesses over the Park West and Omni areas. When we moved in January of 2013, there were 13 homeless people sleeping in the front of the building. Now we have the building packed with job creators from all over the world. We also host the first Microsoft Innovation Center in the entire US (United States). Park West has been revived and it's only going to get better. People visit us from all over the world to see what we have built in downtown Miami in just two years. Imagine when we have All Board -- All Aboard Florida connecting us to

Orlando, when companies can have direct connection to the Terremark NAP (Network Access Point) from their offices and homes at Miami Worldcenter. In the meantime, tens of thousands of jobs will be created to make that dream a reality. On behalf of the 31 companies working in Park West, we would like to thank Miami Worldcenter for giving us a home so we can have a 7.3 million dollar economic impact on Miami-Dade County in our first 18 months. Thank you.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Ken DeGori, Tony Recio and Joseph Herndon.

Ken DeGori: Good day, Commissioners. Ken DeGori. I am the operating partner for E11even Miami, Touché Miami, located at 29 Northeast 11th Street. At the risk of sounding redundant, I am here to offer my adamant support for the Miami Worldcenter Project. We at E11even are profoundly excited about the expansion and growth of the area, and most especially, in the tens of thousands of jobs that it'll create. Commissioners, I feel like my partners and I speak to this with some authority having already invested \$40 million in the future of downtown with E11even Miami, and created nearly 300 jobs and hundreds of thousands of dollars added to the City coffers. I lastly want to say thank you for having just celebrated two weeks ago a very successful first year in the downtown area. Thank you.

Chair Gort: Thank you.

Tony Recio: Good afternoon, Commissioners. Tony Recio, with law office at 2525 Ponce de Leon Boulevard. I'm here on behalf of MDM Development, the developers of the Expo Center, which is immediately adjacent to this development; as well as Miami Big Block, LLC (Limited Liability Company) and Related Companies, owners of about 10 -- roughly 10 acres to the northwest of this property. I am here again to speak in favor of this item. I've relayed to you and others have relayed to you on many occasions the positives of this project, and we again speak in favor of this project. As adjacent property developers, we're very excited about this. Thank you so much.

Chair Gort: Thank you.

Joseph Herndon: Good afternoon, Commissioners. My name is Joseph Herndon of 300 South Biscayne Boulevard. I am here basically to make the point that this is a very good project. It's a game-changing project for the area, for downtown and for the community. It is -- will bring an awful lot of jobs, and it is represented with an extremely well-crafted document and agreement. There is a great deal of -- it is -- that agreement has provided that those jobs will, indeed, largely give preference to the local community. It has set a better than market rate standard for wages and it has inserted a program of enforcement and scrutiny over the process. We ask you for your support and move this project along. Thank you.

Chair Gort: Thank you, sir. Next.

Mr. Hannon: Next three speakers: Brian Barton, Stephen Beatus and Charles Haynes.

Brian Barton: Good afternoon, Commissioners. I am Brian Barton. I am a resident of Doral. I have been in the hospitality business for about 20 years. I also may seem redundant having been here before, speaking before you in favor of the Miami Worldcenter Project. We know that it will transform downtown; it'll transform the community. We are here to work with everyone that is concerned and we ask for your support. Thank you.

Chair Gort: Thank you. Yes, sir.

Charles Haynes: Good evening. My name is Charles Haynes. I live 219 Northwest Overtown

[sic]. I been a Overtown resident for 52 years, and I support this project because we need this project because we need these jobs, and I'm going to give a shout out to Miami Worldcenter for coming to the neighborhood. We had like eight meetings with them. They had one at the Lyric Theater; we had two at Greater Bethel Church and we had one at the Lyric -- two at the Lyric Theater, and I was -- and thank you for the support. And I want to get a shout out to my Commissioner Hardemon for the work you doing on this project, plus the work you and -- y'all doing Overtown, tearing a lot of building down, bringing that new building. We got a new gym; we got some new businesses in the neighborhood; we got some old business that getting makeover and we got a grocery store, so thank you.

Chair Gort: Thank you, sir. Yes.

Stephen Beatus: Commissioners, I'm Stephen Beatus, second vice president for Beacon Council, 80 Southwest 8th Street, Miami. Beyond the 20,000 construction and construction related jobs just in phase one alone and the 14,000 direct and indirect permanent jobs that'll be created by the project, we'll be realizing a billion dollars of economic impact as a result of the project's implementation. Beyond that, Miami Worldcenter will transform 27 acres of currently economically disadvantaged urban core into a retail, residential and tourist destination. This expands to new job generation for the residents of the City of Miami and Miami-Dade County, coupled with a potential for significant new public sector revenues that will be generated by the project for the City and the County, make Miami Worldcenter economically compelling and truly a landmark project. It's very encouraging to support a project with this enormous potential to stimulate jobs and economic growth in Miami and Miami-Dade County. Thank you very much.

Chair Gort: Thank you.

Mr. Hannon: Next three speakers: Andre Williams, Juan Cuba and Saliha Nelson.

Juan Cuba: Good afternoon, Commissioners. Juan Cuba, 253 Northeast 2nd Street, Apartment 2804, Miami, Florida, 33132. I recently moved to downtown and, you know, I look outside my window and I see no shortage of cranes or construction happening. And trust me, I want to see a thriving downtown and a strong urban center; I really believe in that. But what I don't understand is why we need to coax the developers into building this and promise them \$88 million. That's -- you know, it's -- this is going to be adjacent to two of the fanciest buildings I've seen in downtown, because I tried to rent in there. It's 888 Marina Blue and also 10 Museum Park. It's one and a half blocks away from the Heat Arena. It's two and a half blocks away from the Perez Art Museum; four blocks away from the Adrienne Arsht Center. People should be really wanting to build here. I don't think we need to give up \$88 million in public money to coax them into doing so. I know they're saying that they're going to walk away if they don't get this money. I don't think that's accurate. At worst, they'll just scale back a little on their project. So, you know, what else could we be doing with this public money? What else can the City with that -- you know, use it for things that we really do need to incentivize, like affordable housing, or workforce housing or parks. You know, those are, I think, better uses of \$88 million in public money. And, well, I appreciate you guys giving me the time to speak. Thank you.

Chair Gort: Thank you. Yes, sir.

Andre Williams: Good day. My name is Andre Williams, of eyeurbanTV.com, Internet Broadcast and Video Production, and the Overtown Media Hub. And we are in support, me and my colleagues at the workforce; we are in support of the Worldcenter. We think that it will bring a great economy to the City of Miami, but we do want to install and definitely want to make sure that we say we do not want the small businesses of Overtown overlooked, because you have viable businesses that are in Overtown now that is actually about helping that community, whether it be training or employment. So I also invite -- because it's about transparency -- anyone from the Worldcenter to come to the community talks that we're going to have there that's

going to address the youth and young adult of Overtown, and we will be -- you know, because that's what we're focusing on, visual media. We supply documentation, so we are documenting the changes that are going around, that are coming up around us. So I definitely invite them to come out to explain, because it's about transparency, and I think people suffer for lack of knowledge thereof, not having proper knowledge, so I would like to see that happen. But we are definitely in support of the Worldcenter. And I want to give a shout out to all our Commissioners.

Chair Gort: Thank you, sir. Next.

Saliha Nelson: Good afternoon, Commissioners. Saliha Nelson, vice president of Urgent, Inc., 1000 Northwest 1st Avenue. Our offices will actually be just a couple blocks away from the Miami Worldcenter. We think it's a very exciting project, and we're happy to see it continue. But as always, what I like to do is make sure the young people are kept in the forefront of this discussion, because they are the ones that are going to be helping to power some of those activities in the Worldcenter, and I think that if we are looking to really engage our young people in the economic development opportunities that are emerging in this City, we need to be very intentional and not just hope that it will happen just because. And so what I offer is that we want to be a strategic partner with the City of Miami. We want to partner with the CRA. We want to help to continue to grow the summer youth employment to probably, you know, a year-round opportunity so that there are continual opportunities all year long for our young people to develop skills so they can participate fully in what's coming aboard so they can be prepared. And so along with the City's Anti-Poverty Initiative, My Brother's Keeper, and CDBG (Community Development Block Grant) and all the other things that we can wrap around a lot of strategic activities, and we hope to play a significant role to make sure our young people are included in a meaningful way. Thank you very much.

Chair Gort: Thank you.

Mr. Hannon: Next three speakers: Ken Ratner, Sam Gilmore, Andrew Mirmelli.

Ken Ratner: Good afternoon, Commissioners. My name is Ken Ratner. I live at 900 Biscayne. I work downtown and I am also here are a representative to adjacent 10-acre landowners. We made an investment in downtown a long time ago. We see significant progress being made. Every single question we've had that we brought to the developer, they've answered. They've given us complete, honest answers. We know that there are going to be pains to get this thing going, but in the long run, jobs are worth everything. People need the work. People come to us daily looking for work. We need the opportunities to give these people in the neighborhood work. Every single day when I'm downtown, people are asking me, "When is this thing going to start?" I just -- I shrug my shoulders. I say, "Hopefully soon." There are really good people in downtown looking for work. Please help them do this by getting this approved. Thank you.

Chair Gort: Thank you.

Sam Gilmore: Good afternoon, Commissioners. Sam Gilmore, residing at 2230 Northwest 193rd Terrace, Miami Gardens, 33056 and vice president of the Allied Minority Contractors Association, which is the black contractor association for Miami-Dade County. The one thing I always remind politicians or the people who are public servants is that the best way to bring down the amount that you put out in social services, and police officers, and fire department resources, and hospital resources, daycare centers, all areas of education, all those areas come down when you've got a community that works. And my company has been involved in several -- what they call research or laboratories in which they say, "How much money actually is brought down in social services when you put a felon to work, where you're not paying \$165 a day for them to be in prison, or his family to be on food stamps, or Section 8 resources? What actually happens when you put people to work?" And it's just very important to remember very clearly

that jobs are number one. I've sat down with Mr. Nitin Motwani; I've sat down with sat down with Bob Keiffer (phonetic). As far as we can go, they have gone; until you get plans, until you go through the research, they've gone as far as they can go. They've agreed in principle to pay every two weeks. They've agreed in material supply counts, breaking up the packages; working with Elsie Hamler, as we did on the American Airlines Arena. He's gone as far as he can go. And as I told you at the meeting, Commissioner Hardemon, I'm letting the community hold me to my word, and I'm going to hold you to yours and we're going to monitor this process from beginning to end. That's the best that we can do. Thank you so much for your time. I am very much in support of this project. We will put Overtown to work. I know where they are. We'll put them to work.

Chair Gort: Thank you, sir. Next.

Andrew Mirmelli: Good afternoon, Commissioners. Andrew Mirmelli from 127 Northeast 11th Street Properties, LLC; M&G Northeast 2 and 6, LLC; PAC (Performing Arts Center) Garage, LLC; 49 Northwest 1st, LLC and 116 West Flagler, LLC. I want to thank you for your continued support of the Miami Worldcenter Project. I know the principals of this project for almost 10 years. I've been a tenant of the Miami Worldcenter. I've watched these individuals and this group sacrifice millions of dollars, giving up so that hundreds of jobs can be created, and artists could afford parking and all sorts of other amenities that they would not otherwise be able to exist without. Again, I wanted to thank you and all the other leaders of this community who've come out repeatedly to support this project.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Carl Morrison, Carlos Carillo and Wade Jones.

Carl Morrison: Greetings to all Commissioners and everyone in their respectful places. My name is Carl Morrison and I am employed at E11even Miami, located on 29 Northeast 11th Street. My title there is a lead server assistant in hospitality extraordinaire, and I just want to let you all know that I am in great agreeance [sic] with this project just for the mere fact that not only is it pushing us forward as a city, but a state and a whole, to reach for better, because we live in a very vibrant area and everyone deserves a opportunity to grow, not just be looked upon or pushed to the side for what they have and what they may not have. Therefore, I just want to continue to give my utmost support and I appreciate you all to continue pushing this project forward for the mere fact that without you all, we cannot get forward and we cannot do what we out here to do, which is to become one people and move forward. Thank you.

Chair Gort: Thank you. Yes, sir.

Carlos Carillo: Carlos Carillo, Associated Builders and Contractors, 2890 Northwest 79th Avenue. Everybody's talking about job, but "jobs" isn't the right word; it's really about people. So let's talk about people. We just had a hiring fair for the Miami Entertainment Center Complex two weeks ago. At that fair, we had 300 folks from the Overtown area who came out looking for jobs. None of these folks had any skills in the construction industry. They were all looking to get their foot on the ground and get started in construction. This type of project is going to give those folks an entryway into the construction industry starting from scratch. So, yes, very much so, let's get this project on the road. Thank you.

Chair Gort: Thank you. Next.

Wade Jones: My name is Wade Jones, and I'm very much for this project. I actually live outside of the City boundaries; however, as the -- as a person that was a staff member of the Miami-Dade County Commission for District 3, I had an opportunity to go inside a number of the homes in the Park West/Overtown neighborhoods, and when I saw that they were trying to

revitalize these areas, it compelled me to come out and say something about it because those areas are very much in need of being revitalized. And when I can look around and see good people like Sam Gilmore, every time there's a need in the community, I see him stepping up and writing checks all the time. I just feel compelled to be supportive of an item such as this with -- involving great people that I know has put skin in the game for this community. So without further ado, if anyone could do anything to help this move forward, I'm very much in favor of it. And by the way, again, my name is Wade Jones. Thank you.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Hattie Coleman, Rafael Nunez and Fernando Gonzalez.

Rafael Nunez: Good afternoon. My name is Rafael Nunez. I live at 1990 Northwest 29th Street, Apartment 20. I want my Commissioners to explain me why we are going to spend millions of dollars to a rich, private project. In my neighborhood, Allapattah, the sidewalks are very broken; streets are full of holes with trashes, and the parks are very dirty. There are not enough police and not enough security in school. This public money that goes to building luxury condos and hotel that will never step my foot on, I don't know how it's going to benefit us, the City of Miami. Thank you very much.

Chair Gort: Thank you. Next.

Hattie Coleman: Good afternoon, City Councilmen. My name is Hattie Coleman and I live at 1361 Northwest 4th Street, Apartment 9, Miami, Florida, 33125, and I would like to ask y'all, City Council -- I would like the City Council to explain to me why we are giving \$90 million to a rich developer.

Chair Gort: Thank you. Next.

Fernando Gonzalez: My name is Fernando Gonzalez. I live 128 Northwest 18th Avenue. I live in the City of Miami for more than 50 years. In our neighborhood, we have a lot of businesses, a lot of people living in the area live out of poverty. To make new buildings to the beautification of the City is good, but to take the money from the City to be invested in a private business like that project, I don't think it's fair. And you are here, please, to serve our community. Do this; do it in favor of -- think in the poor people, because I have to work all my life to make living, to grow my two boys and make them professionals; was very hard for me, I tell you. Thank you very much.

Chair Gort: You're welcome. Next.

Mr. Hannon: The last four speakers that I have signed up for item PZ.9 are Elsie Hamler, Grady Muhammad, Steven Gamson and Paul Savage.

Elsie Hamler: Good afternoon, Commissioners and Mr. Chair. My name is Dr. Elsie Hamler, and I am president of CRC Leadership. We reside at 697 North Miami Avenue, Loft 3, Miami, Florida, 33136. We're here in support of this item, and I am also the tenant of Miami Worldcenter. We have a very good business relationship that we've enjoyed over the years, and we are tremendous -- this is a tremendous opportunity with this project to allow some of the small contractors who reside in the CRA along with residents to get some of the business opportunities that will come from this project, so we're very excited about it and we're looking forward to working with the Miami Center development team to bring that participation level up as high as possible for these contractors and these residents, so we support this project.

Chair Gort: Thank you.

Grady Muhammad: Good afternoon, Commissioners. Grady Muhammad, president and CEO

(Chief Executive Officer) of Miami-Dade First, 566 Northwest 7th Avenue. We in favor of this project. Think. As Mr. Gilmore has stated, everything that they can do, they've done. It's a process, it's a long-term process. As long as the proper measures to monitor, to compliance are there, as well as the willingness of the owners to be able to work with those that they're working with to ensure compliance and jobs for the neighborhood and the residents, it's a win/win/win for everybody. I think, just like the Commissioner Sarnoff was talking earlier about the parks, they been closed for three years, this stuff has been vacant and abandoned for decades. Now it's time to build. It's time to redevelop our communities and let our communities come into the 21st Century, just like every other community. Not only the jobs; the services, the businesses, the entertainment, the things that everybody else have; the retail, the hotels. We want to be able to have a tourist mecca just like Miami Beach, and when they come, they don't have to come to the Beach, they can come to our community. Thank you, because at the end, with the Greater Miami Convention and Visitors Bureau open up at the Lyric Theater, allowing the buses to stop, they'll be able, the tourists, to come, it is the first step in a long process, but I think it's a process, again, if we all partners -- and we are -- we'll be able to allow this to be a -- successful for everyone, especially the City of Miami and its residents. Thank you.

Chair Gort: Thank you, sir. Next.

Steven Gamson: Good afternoon. My name is Steven Gamson, and I have an art studio at 147 Northeast 7th Street, and I am in support of this project moving forward for many reasons. Just a few in particular are: The relationship that I've had over the years, getting to know the developers behind this project, and their generosity for artists like myself, and their consciousness, and commitment to our community as a whole. And I know that there are many stereotypes that are surrounding us on a daily basis, and I just want you to know that I really do know these developers personally, and I've only seen wonderful things from them. They have been very compassionate to the arts, and as an artist, they've been real supportive, and I'm grateful for that, and I'm sure that they will be the responsible type of developers that will only make improvements in our community not just for today, but for our future. Thank you.

Chair Gort: Thank you, sir. Next.

Paul Savage: Good afternoon, Commissioners. It's good to see you again. My name is Paul Savage. I have law offices at 100 Almeria Avenue, Suite 220 in Coral Gables, Florida. I'm here on behalf of Grand Central, Ltd. (Limited) and the Omni/Park West Redevelopment Association. I see that the Chairman is taking time pretty strictly today, so if you'll allow me to reintroduce my exhibits and my presentations from the last record into this one, I will refrain from showing the boards and going through the whole thing. I think you understand my position from last time that I'm honing in on the Florida Local Government Development Act that governs the agreement. I think we heard some things from the Planning director that he made some tweaks to bring it more in line with the existing development regulations; although I still see some issues in Section 7 that talks about right-of-way and easements is not in line with Section 55-14 of the existing Code. And also, Section 12 of the agreement that goes to nightclubs, and its nonconformity, according to my argument, of Section 4-3.2 of the existing Code. It really is a creature of statute, so we have to be sure and follow it. I appreciate you letting me -- letting me make my record today. Finally, we have had some issues with mailing of this and getting a good copy of the Development Agreement, and also getting a good copy of Appendix "D" of the attachment, and I think those things have been addressed, but I just want to ask the Board through the Chair to ask the City Attorney's Office did they do the mail-out as the statute, you know, requires, and is the Appendix "D" the legislation, the companion legislation, is that now final, and if so, on what date did -- you know, was that final? Again, we think that it's contrary to the statute and I appreciate you letting me make my record. And again, it's a pleasure to see you again today. Thank you.

Chair Gort: Thank you.

Mr. Hannon: Chair.

Chair Gort: Yeah.

Mr. Hannon: I have one last person signed up to speak, Jihad Rashid.

Jihad Rashid: Good afternoon, Commissioners. My name is Jihad Rashid, 3628 Grand Avenue. I am president and CEO of Collaborative Development Corporation. I'm here at this time to reiterate my support for the project. I think, basically, from my constituencies that you've already dealt with the touch points: the job creation; very sensitive to the areas that have been under-representative and unprecedentedly [sic], or not too many times before have been so thorough in making sure that the different job lines, all trades have been represented; and also, to reiterate that we, through our own efforts and successes in the Coconut Grove West Village area have a pool of qualified workers ready to go in all trades, and I ask that you also consider professionals in architecture, accounting and other areas. And I thank you, and basically to commend you for having such a thorough position toward this. Thank you.

Chair Gort: Thank you, sir. We now close the public hearing. Comment of our Board Members. Vice Chairman.

Vice Chair Hardemon: Well, we know that the reason that we're here is for the Development Agreement. And a lot of times, we hear discussion about what we've already closed the door on within the Community Redevelopment Agency in Southeast Overtown/Park West area, and that is the TIF (Tax Increment Fund) Agreement. And so today, this Development Agreement mentions the TIF Agreement, of course, because it references that if the TIF Agreement has better wages than -- and other -- some other strengths, then that agreement, when it comes to wages and such, will be binding on this entity, Miami Worldcenter. And it's ironic that the responsible wages ordinance is on today, as well as this agreement, because all of you who are wearing "I Support Responsible Wages" shirts actually should be in support of this one, because this agreement has responsible wages in it, and this would be one of the first agreements that has responsible wages and enhanced living wages that the City of Miami has seen and the CRA has seen. So this is a major accomplish for our community and for the people that live in our community, those who don't make the wages that we believe are dignified in America, and I'm proud to have that. There was a question that was posed not too long ago that said at worst -- well, the statement was, rather, "At worst, they will scale back the project." And I can wholeheartedly disagree to that. I think at worst, people will still be getting shot and killed in the streets. We talked about what's neighboring this development or this potential development, and we talked about some of the major projects or major condos and such, but you didn't talk about what's on the other side of it, which are other vacant parcels of land by landowners who have no intention of developing their property, who are only there to make a profit, who only want to flip their properties' values by up-zoning it, and they have no intention, whatsoever, to contribute to the enhancement of the Southeast Overtown/Park West community, and that is part of the cancer that we face within our area that we're trying to redevelop because we're landlocked. We're landlocked with land that's not owned by the City or by the CRA. It's owned by people who make their own decision about what they want to do with their property. And I'm happy that Worldcenter decided that they wanted to develop a property in a way that would attract thousands of visitors to that redevelopment agency -- that redevelopment area, rather. We have 14 years to get this right; 14 years left within the CRA; 14 years to spark some type of true development within this community, and for decades, it has not happened. At worst, it's not that they will just scale back their project. At worst, nothing will be built. At worst, we won't get the values and the increments that we deserve within the Community Redevelopment Agency to provide for more affordable housing, to provide for rehabbing the buildings that are there in Overtown, because what happens is still -- yes, you have this new development there, but walking distance --

Chair Gort: That's it, that's it.

Vice Chair Hardemon: -- you're going to find dilapidated buildings that are reprehensible and that people live in every single day. And so the more that this project is successful, the better opportunity we have to take TIF dollars, tax increment financing to redevelop those properties that are right near it; those properties that have tenants many times that are suffering from drug abuse, lack of employment and all other types of social ills, so for me, this is a win/win situation, and we have to rid ourselves of the fallacy that there's a grant of 88, \$90 million that we're giving to Miami Worldcenter. Miami Worldcenter will only get a rebate on the dollars and tax revenue that they generate. If they don't build it, they won't get the dollars and it's actually written in plain language within the Development Agreement. So these are things that are there to protect the City's interest and the Community Redevelopment Agency's interest in that area. The bottom line is that we have major problems that we're dealing with within that area; it's part of the reason why we created a community redevelopment agency there. And now we have an opportunity to do something, and we should be celebrating. We should be celebrating on the future of this urban core that we're investing all these dollars in, because without the CRA, without the economic ability to give money back to that area, I highly doubt that this type of investment would be made in that community and I stand by that. Those of you who have been here -- not in City Hall but in the City of Miami -- who witnessed the terrors that we face within our communities, we spoke of earlier about gunshots and deaths, and what's interesting about all that is that we probably have more gunshots, more people getting shot by guns in this community than in many other large communities. The thing about Miami is that it just -- unfortunately, if you want to put it that way, they're not dying. So people are getting shot every single day, but people aren't dying every single day from gunshots. The Police union president came up here and said he had two people shot; one was shot in the buttocks and one was shot in the leg, but they spoke about the occurrence. So we have to ask ourselves, "Well, what's really happening in our community?" That's what we should be outraged about. We should be outraged about the crime. We should be outraged about the attempted murders. We should be outraged about the lack of prosecution. We should be outraged about people getting out of prison way before they deserve to because of overcrowding. We should be outraged about spending hundreds of -- well, millions of dollars on building courthouses for children to be warehoused before we give them the opportunity to become adults and become positive citizens within the City of Miami. We should be outraged about not having the ability to provide training for those children to become productive citizens. We should be outraged that for so long within a community like Overtown, we had food deserts, lack of new businesses, deplorable housing; all these things that are real social ills in our community. What we should not be outraged about is taking dollars that Worldcenter creates to invest in the infrastructure of the community of Overtown and Southeast -- and the Park West community; that's what we should not be outraged about. And in closing, Mr. Chairman, when I hear about different business owners going to Miami-Dade County and being upset that they have to invest dollars in improving the water and sewer so that they can get proper water and sewer hookups in their area, because they've chose to come first and invest in the community, and they expressed the deterrent that it is, and the barrier that it causes them to actually invest in a business in Miami-Dade County, they express such discontent with our community and say that they will go elsewhere. Here we are in the City of Miami, saying, "You know what? We can help you. Bring your business here." And that's something that we should be proud of that we have the ability to do, because if not here, they can take it elsewhere. Thank you very much.

Chair Gort: Thank you. Anyone else?

Commissioner Suarez: Mr. Chair.

Chair Gort: Yes.

Commissioner Suarez: Thank you. I didn't get a chance -- I wasn't here on first reading and I

know this is a little bit of Groundhog Day, because we're redoing a vote that we already took, and I know, as Commissioner Hardemon says, that this discussion ultimately ends up being a discussion about the TIF Agreement, and not necessarily the Development Agreement, but I want to reiterate some of the points that he said, and I want to start by saying that, you know, it's easy to say this project either, "A," would have been built with -- without CRA money; or it's easy to say, you know, that the project doesn't need CRA money, but the bottom line is that in the history of the City of Miami -- in the history of the City of Miami, as far as I know -- and I just talked to the Planning director to see if he could think of any other example -- there's only one project that has been built in the history of the City of Miami of this magnitude -- one -- Brickell City Centre. And it's going to be probably half; it's going to be probably half if this is built to the size that has been contemplated. When you think of the leverage that we get from -- it's not even a rebate, it's a return of taxes that are created by the project, itself. It's a leverage rate of over 10 to one. So to me, we're getting a thousand percent return on our investment, and with that thousand percent return, we get to control how a good portion of that money gets spent and continue the mission of the CRA, which is to cure slum and blight. So, you know, we're going to have a battle on our hands going forward, because it's very easy to be a critic in this town, real easy to be a critic, but it's very hard to be a creator, and, you know, I think that one of the frustrating -- most frustrating parts -- and I've said this many times before -- about being a City Commissioner is being a CRA Board Member, and we obviously, I think, are now headed in the right direction, given the time that we've been there and things that we've had to deal with, but, you know, the criticism is -- and the noise is getting louder, and the decisions that we have to make going forward are going to be bigger. And so I really, really think that we have to change the conversation and start really doing a better job of explaining to the public why a CRA exists.

Chair Gort: I think it's very important. You'd be amazed how many people in here are not aware what a TIF is or what a CRA is. And a CRA is a specific area that was designated about 15, 20 years ago. The funds that are produced in that area cannot be used in all the other neighborhood. Now, I heard numbers from 150 to 80 to \$90 million in a grant. This is not a grant. This is a rebate on the taxes that these individuals are going to pay once the building gets done. If the building doesn't get done, they don't get any funds at all. And now, if I may, I'm going to say -- the same thing I said in English I'm going to say in Spanish.

Note for the Record: Comments made in Spanish by Chair Gort.

Chair Gort: Thank you. Anyone else? Yes, sir.

Commissioner Sarnoff: Thank you, Mr. Chair. First off, I have no intentions of trying to even delve into as well said as Commissioner Hardemon said it and as well said as Commissioner Suarez has said it. And the end of the day, anyone gets up in the morning does so because they have hope; hope for a better day and hope for a better tomorrow. And until you put something in that neighborhood that demonstrates hope, there's really no reason to get up, and you'll find a lot of people in that neighborhood simply don't get up. So this project is all about hope; may not succeed exactly as we hope for, but it is a success to move forward. And I know one thing when I got up on this dais, I did not want to succeed at doing nothing. I wanted to attempt to do something and this is the best strategy from the CRA, City level that we can come up with to create 32 acres of change that has never been done before. Swire has 10 acres of change in a pretty nice neighborhood. This is 32 acres of change in what I would describe to you as one of the most rugged neighborhoods in Miami, in South Florida, in Florida and maybe in the United States.

Chair Gort: Thank you. Anyone else? Let me ask a question. How many permanent jobs will be created once this is finished?

Mr. Bailine: Mr. Chair, 8,000 permanent jobs.

Chair Gort: Eight thousand permanent jobs.

Mr. Bailine: Yes.

Chair Gort: I know a lot of construction jobs will be created, but permanent jobs, I'm talking about 8,000.

Mr. Bailine: Yes.

Chair Gort: We're talking about jobs in the hospitality, technology and information, and I think it's very important. A lot of the programs that we have within the CRA, a lot of the neighborhood to trained individuals, because this will take about three or four years before it's finished when you start hiring permanent jobs, to be ready. Right now, we have eMerge, which is something that's taking place in here with all the people involved in the social media, and computers and all that. They're going to be getting together here and they -- one of their question is, do we have enough person with the knowledge to be part of the eMerge? And this is the things we have to look for to make sure that once they get established, we have the people that can be employed. Thank you. Any further discussion? Do I have a motion?

Mr. Hannon: Chair, it was already moved, and we already have a second.

Chair Gort: We have a moved and a second. Okay, it's a ordinance.

Barnaby Min (Deputy City Attorney): Yes. Mr. Chair, just -- there were two questions that were directed at the City Attorney's Office that I can respond to just so the record is clear.

Chair Gort: Sure.

Mr. Min: Notices were sent out to all abutting property owners pursuant to Chapter 163 of the State Statute and Appendix "D" of the Development Agreement was finalized as adopted by the City Commission on September 2014.

Chair Gort: Thank you.

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

Chair Gort: Thank you. Yes, sir.

Mr. Garcia: If I may, prior to your vote, just to clarify. I may have misheard, but I do want to make this clear. The notification went out to property owners within 500 feet of the subject property; not just to abutting property owners, but property owners within 500 feet of the abutting property. Thank you.

Chair Gort: Thank you.

Mr. Hannon: Roll call on item PZ.9.

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

Mr. Hannon: The ordinance passes on second reading, 5-0.

Chair Gort: Thank you.

PZ.10
14-01188sc

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING, AND DISCONTINUING FOR PUBLIC USE A PORTION OF NORTHEAST 31ST STREET, LYING EAST OF NORTHEAST 7TH AVENUE AND WEST OF BISCAYNE BAY; AND A PORTION OF NORTHEAST 31ST STREET, LYING 280 FEET WEST OF NORTHEAST 7TH AVENUE, AND 490 FEET WEST OF NORTHEAST 7TH AVENUE, MIAMI, FLORIDA.

14-01188sc Fact Sheet.pdf
14-01188sc Analysis, Maps & PZAB Reso.pdf
14-01188sc Application and Supporting Docs.pdf
14-01188sc Legislation (v2).pdf
14-01188sc Exhibit.pdf

LOCATION: Approximately a portion of Northeast 31st Street lying east of Northeast 7th Avenue and west of Biscayne Bay; and a portion of Northeast 31st Street lying 280 feet west of Northeast 7th Avenue and 490 feet west of Northeast 7th Avenue [Commissioner Marc Sarnoff - District 2]

APPLICANT(S): Iris Escarra, Esquire, on behalf of PRH NE 31 Street, LLC, and PRH Paraiso Four LLC, and Thirty First Street Property Owner LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions.

PLAT & STREET COMMITTEE: Recommended approval subject to conditions on October 2, 2014, by a vote of 6-0.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval, with conditions, on December 17, 2014, by a vote of 8-0.

PURPOSE: This will close the portion of Northeast 31st Street that is east of Northeast 7th Avenue and west of Biscayne Bay; and a portion of Northeast 31st Street that lies 280 feet west of Northeast 7th Avenue and 490 feet west of Northeast 7th Avenue. **Item includes a covenant.**

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-15-0079

Chair Gort: Time certain. We also have street closure, PZ (Planning & Zoning) -- no, let's wait on that one.

Francisco Garcia: Mr. Chairman, this happens to be a Planning & Zoning item as well. I'll present from here. For the record, Francisco Garcia, Planning & Zoning director. And I believe you are referring to item PZ.10?

Chair Gort: Yes.

Mr. Garcia: Very well, sir. Item PZ.10 is a street closure that pertains to Northeast 31st Street,

and it affects two portions of the right-of-way, of the 31st Street right-of-way, between 7th Avenue and the bay and a portion slightly further west. The applicants I know are here to introduce some additional information. What I'd like to note about this item is that it has been before you previously. As the applicants were attempting to assemble land to do a unified project that embraces roughly a two-block area of land, they had been able to assemble a significant portion of the land, and the right-of-way they owned was at that point in time vacated, in essence, to allow for a Bayfront walkway and also a Bayfront park to be developed for public use. Subsequently, additional land has been aggregated, and they are now in a position to go above and beyond and further enhance that project. And so you will see in the illustrations they will show you that some of the right-of-way that is proposed to be vacated will itself turn into part of that park, and the other portion of the right-of-way will be actually restored for public use once a median is developed for purposes of actually placing art, which will, again, enhance the appearance of the right-of-way and of the area, in general. But in order to do that, it is required that the right-of-way be vacated. I'm sure they'll be happy to enter into further detail as needed. I would just like to note for the record that your Planning & Zoning Department is recommending approval with conditions; the PZAB (Planning, Zoning & Appeals Board) unanimously recommended approval by a vote of 8-0. And one last note for the record is that there is one condition, which is possibly somewhat ambiguous, and I would like to clarify it. The condition states that a restaurant that is proposed to be abutting the parkland itself is not to have a liquor license or an alcoholic beverage license. I would like to refine that to mean that it will not have a stand-alone alcoholic beverage license. It will only be able to serve alcohol as an ancillary use to a restaurant that is being proposed; so not a bar, not a nightclub, but a restaurant that will be able to serve alcoholic beverages accordingly through a 4COP (Consumption on Premises) SRX if they are able to obtain it, of course, which they likely would be. That's all I have, sir.

Chair Gort: And that would be stated in the CU (Certificate of Use). That's the only use they can have, because a lot of people confuse the CUs.

Mr. Garcia: That actually will be a condition to the -- to this approval and it will be reinforced through the certificate of use, yes, sir.

Chair Gort: Okay, thank you. Yes, ma'am.

Iris Escarra: Good afternoon, everyone. Iris Escarra, with offices at 333 Southwest 2nd Avenue. If I may, just to walk you through the application. Before you today is actually to close and vacate a portion of a dead end piece that faces Biscayne Bay, as well as a portion just west of the project site. If you may recall, in 2013 we appeared before this board. At that time it was the original development that was being proposed. We requested to close and vacate this portion of the street; and in doing so, we provided a 20,000-square-foot park on the waterfront in connection with that, as well as the dedication of 28,000 square feet to create two new roadways. Since that time, as you all are aware, Edgewater has been very happening and our clients have been very active in assembling additional land, and particularly, trying to coordinate with the project to the north to be able to close and vacate that dead end piece. In doing so, the one Paraiso project to the north dedicated 2,700 square feet to this portion here, as well as a portion of this site here, which is being closed and vacated, is being unified in order to provide for the park going from 20,000 square feet to 26,000 square in that we are reserving a 9,600-square-foot lot for a restaurant use to activate the waterfront. Part of the reasoning why we're activating this particular waterfront -- and I've been at liberty now to be able to say that it's going to be a Michael Short's restaurant that's going to be at the waterfront here -- is that they wanted to create a destination along the bay walk to be able to not only come to the park, but to be able to come and have a destination right on the bay as people circulate throughout the area. Now, the second request that we're doing for the closure is this portion that's right here on the western edge of the project, and that's simply because we're closing and vacating and then rededicating it back as right-of-way. However, we're keeping a median in the center of the project in order to

have public art displayed there. And unfortunately, our art director from the Perez Art Collection was going to come, but she's running a little bit behind to be able to explain to them. One of the initiatives that Mr. Perez has is to have public displays of art, and they have already selected a piece that hopefully, if everything gets approved, it'll be on display right here. So as you're coming in to Edgewater and to this particular section, you'll be able to experience and enjoy the art. The other thing that we worked closely with the City on, since this was an assemblage of not only one developer, but there's a different developer here, we worked very closely with the City to coordinate a master plan of all the landscape so that everything -- because we had different architects on different projects to be walking down the street, having one type of tree and then another type of tree. So we worked closely with the City to make sure we put all the landscape architects in one room to come up with a nice, uniform plan. In addition to that, I wanted to let you know that the project has a required 37,000 square feet of open space. They're providing 2.1 -- 2.4 acres of open space, consisting of -- 26,000 of that is the park; 37 of that is required; however, they have an extra 42,000 square feet of open space throughout the project that's being provided above and beyond the required and above and beyond the park that's being dedicated. With that said, I'm happy to answer -- oh, if I can, this is actually the median piece here where we're actually -- we're asking to -- and it's a technical issue. We're asking to close and vacate it, so we're giving it back as right-of-way, but we're keeping this median here with the curb to be able to put the art piece on display as you come in, because we can't put the art piece on the public right-of-way right now as it stands.

Chair Gort: Thank you. It's a public hearing. Is anyone in the public would like to address this issue, PZ.10? Seeing none, hearing none, close the public hearings.

Commissioner Sarnoff: Move it, Mr. Chair.

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

Chair Gort: Thank you.

Ms. Escarra: Thank you very much.

PZ.11

14-00729lu

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTIES AT APPROXIMATELY 2900 SOUTH MIAMI AVENUE AND 2890, 2900, 2920, 2940, AND 2960 SOUTH FEDERAL HIGHWAY, MIAMI, FLORIDA, FROM "SINGLE-FAMILY RESIDENTIAL," TO "LOW DENSITY MULTIFAMILY RESIDENTIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN

EFFECTIVE DATE.

14-00729lu FR Fact Sheet.pdf
 14-00729lu Analysis, Maps & PZAB Reso.pdf
 14-00729lu Application and Supporting Docs.pdf
 14-00729lu Legislation (v2).pdf
 14-00729lu Exhibit.pdf

LOCATION: Approximately 2900 S Miami Avenue and 2890, 2900, 2920, 2940 and 2960 S Federal Highway [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Jorge L. Navarro, Esquire, on behalf of Southeastern Investment Group Corp.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial. See companion File ID 14-00729zc.

PLANNING, ZONING AND APPEALS BOARD: Recommended denial by a vote of 11-0. See companion File ID 14-00729zc.

PURPOSE: This will change the land use designation of the above properties from "Single-Family Residential" to "Low Density Multifamily Residential".

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

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

Absent: 2 - Commissioner(s) Suarez and Hardemon

Note for the Record: Item PZ.11 was deferred to the April 23, 2015 Planning and Zoning City Commission Meeting with a time certain of 6:00 p.m.

PZ.12**ORDINANCE****First Reading****14-00729zc**

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 T3-R "SUB-URBAN TRANSECT ZONE- RESTRICTED" WITH AN NCD-3 "COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT" OVERLAY TO T4-R "GENERAL URBAN TRANSECT ZONE-RESTRICTED" WITH AN NCD-3 "COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT" OVERLAY, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2900 SOUTH MIAMI AVENUE, AND 2890, 2900, 2920, 2940, AND 2960 SOUTH FEDERAL HIGHWAY, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00729zc FR Fact Sheet.pdf
 14-00729zc Analysis, Maps & PZAB Reso.pdf
 14-00729zc Application and Supporting Docs.pdf
 14-00729zc Legislation (v2).pdf
 14-00729zc Exhibit.pdf

LOCATION: Approximately 2900 South Miami Avenue and 2890, 2900, 2920, 2940 and 2960 S Federal Highway [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Jorge L. Navarro, Esquire, on behalf of Southeastern Investment Group Corp.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial. See companion File ID 14-00729lu.

PLANNING, ZONING AND APPEALS BOARD: Recommended denial by a vote of 11-0. See companion File ID 14-00729lu.

PURPOSE: This will change the zoning classification for the above properties from "T3-R" with an "NCD-3" overlay to "T4-R" with an "NCD-3" overlay. **Item includes a covenant.**

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

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

Note for the Record: Item PZ.12 was deferred to the April 23, 2015 Planning and Zoning City Commission Meeting with a time certain of 6:00 p.m.

PZ.13

ORDINANCE

Second Reading

14-00515zt

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, MORE SPECIFICALLY BY MODIFYING ARTICLE 7, SECTION 7.1.1.4(d)(4), ENTITLED "PLANNING, ZONING, AND APPEALS BOARD", SUBSECTION (D)(4), ENTITLED "PROCEEDINGS OF THE BOARD", TO PROVIDE THAT TO APPROVE CERTAIN ACTIONS, OR TO RECOMMEND APPROVAL OF CERTAIN ACTIONS, AS SPECIFIED BELOW, THE CONCURRING VOTES OF A SUPERMAJORITY OF BOARD MEMBERS, WHICH CONSISTS OF ONE (1) MORE MEMBER THAN A SIMPLE MAJORITY, BE REQUIRED; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00515zt SR Fact Sheet.pdf
14-00515zt SR PZAB Reso.pdf
14-00515zt Legislation (v2).pdf

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

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on September 3, 2014, by a vote of 8-0.

PURPOSE: This will make Miami 21 consistent with Chapter 62, and provides

that to approve, or to recommend approval of certain actions, the concurring votes of a supermajority of board members, which consists of one more member than a simple majority, be required.

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

Votes: Ayes: 3 - Commissioner(s) Gort, Sarnoff and Carollo
Noes: 1 - Commissioner(s) Hardemon
Absent: 1 - Commissioner(s) Suarez

13499

Chair Gort: PZ.13, amendment, Miami 21 voting requirements.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Item PZ.13 is before you on second reading, and this is an amendment proposal to the Zoning Ordinance, Miami 21, which is basically intended to realign the Zoning Ordinance with a provision already existing in the City Code. This is basically to set forth and better define what is a supermajority requirement by the Planning, Zoning & Appeals Board. There are certain matters before the Planning, Zoning & Appeals Board that require a supermajority of the members voting in favor so that they can be recommended to this body, to the City Commission, as recommended for approval. And presently, we have a -- an apparent conflict between two provisions. In the City Code, a supermajority of the Planning, Zoning & Appeals Board is defined as a majority of the members present, plus one. The Zoning Ordinance, that definition is a majority of the members of the Planning, Zoning & Appeals Board, which is, of course, given that the appointment number is 12, although there are only 11 voting members, the number is 7. So the supermajority number is fixed at seven. I have to tell you that the Planning, Zoning & Appeals Board rarely does not reach quorum; although, sometimes it does not reach quorum. But it is often the case that one or more members are not able to attend; and at your request, we have actually counted the number of times over the last year, as a sample, in which elevating the supermajority requirement to seven always would have made the difference between a recommendation for approval and a recommendation for denial. Ultimately, the decisions are yours, but we do like to establish as clean and as orderly a record as possible in order to bring to you only those proposals that are recommended for approval. The difference then is tallied as follows: There are 11 instances over the last year in which there were favorable recommendations with six votes in favor, which fell shy of the seven minimum requirement -- if the supermajority were seven -- which would have then come to you as a recommendation for denial, as opposed to a recommendation for approval; although, the spirit of the conversation and the intent, we believe, was possibly to actually recommend for approval. We submit this to you, respectfully, and we're happy to answer any questions you may have. Our recommendation is for approval, and also lastly to note, the recommendation of the PZAB (Planning, Zoning & Appeals Board) themselves was also for approval of this amendment.

Chair Gort: My understanding, the quorum is seven, right?

Mr. Garcia: The quorum, frankly, at present, sir, because the City Code supersedes the Miami Zoning Ordinance, is being counted as quorum is seven, yes, and the supermajority is being counted presently as majority of members present plus one.

Chair Gort: So what you're talking about, in order to make a decision, you have to have a quorum. If you don't have seven members, that cannot happen. So you need five positive votes.

Mr. Garcia: That is correct.

Chair Gort: Okay, thank you. Anyone else?

Vice Chair Hardemon: I think I've expressed myself at length about this, Commissioners. I don't believe that we should artificially create a supermajority. I think the supermajority should be what a supermajority typically is, which is a higher vote count than a simple majority. And when you reduce the supermajority to a --

Chair Gort: Five.

Vice Chair Hardemon: Right. -- to a smaller number, that in some ways is less than what a required quorum would be, it's troubling for me, so I'm not in favor of this. I believe the proper action would be to vote this down, to vote this in the negative -- that's the way I will vote -- and to amend the Code so that it properly reflects what a supermajority would be.

Chair Gort: Okay, anyone else? Yes, sir.

Mr. Garcia: If I may, for your consideration and just to clarify; although, I think that we're all on the same page. Just to clarify, the proposal is not that the supermajority requirement be reduced to five. If there were 11 members present, the supermajority requirement would still be 7.

Chair Gort: Seven.

Mr. Garcia: It is only when a lesser number of members attends that that supermajority requirement would be reduced. Just to clarify, sir.

Chair Gort: Okay. Any -- it's a public hearing. Is anyone in the public would like to address this one issue? Seeing none, hearing none --

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: I just want to -- I just want clarity. And it's a supermajority of the members present, not the supermajority of the members of the board, correct?

Mr. Garcia: That is the --

Commissioner Carollo: That's my understanding of what we're trying to do; the supermajority of the members present.

Vice Chair Hardemon: Right, which would -- what I'm saying -- Mr. Chairman, what I'm saying is that when you make it a supermajority of the members present, if you take a simple quorum and then get the supermajority of that voting -- that passing number requirement is much less than the supermajority of the board. And the point of having a supermajority is that you want the approval of the board. For instance, if we were sitting here as a Commission and there were -- we needed a supermajority, or four-fifths of a vote, that is of the entirety of the board. Now, if you had a simple -- if you had a -- if there were three of us sitting here and you had the majority of that or you titled it a simple majority, a simple majority with just two to one would get the same effect of a four-fifths voting, so I don't understand why you would call it a supermajority if it's not a supermajority.

Chair Gort: It all depends what you consider a supermajority. If you had seven people out of seven, five's got to vote, I think that's a supermajority. Being a past member of the Zoning Board in the past, a lot of times you had problems when you didn't have -- you only had the seven members present, that makes a quorum. And then when you have seven members present to

make the quorum, but six are in favor of it, I think that's pretty much the supermajority. I'm ready to make a motion.

Commissioner Sarnoff: So moved.

Chair Gort: You moved it?

Commissioner Sarnoff: Yeah, I moved it.

Chair Gort: Moved by Commissioner Sarnoff. Is there a second?

Commissioner Carollo: Second.

Chair Gort: Second by Commissioner Carollo. Any further discussion? Being none, all in favor --

Todd B. Hannon (City Clerk): Chair --

Commissioner Sarnoff: Ordinance.

Mr. Hannon: -- it is an ordinance.

Chair Gort: Ordinance.

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

Mr. Hannon: Roll call on item PZ.13. Vice Chair Hardemon?

Vice Chair Hardemon: Against.

Mr. Hannon: Commissioner Carollo?

Commissioner Carollo: Yes.

Mr. Hannon: Commissioner Sarnoff?

Commissioner Sarnoff: Yes

Mr. Hannon: Chair Gort?

Chair Gort: Yes.

Mr. Hannon: The ordinance passes on second reading, 3-1.

Chair Gort: Thank you.

PZ.14

14-01198zt

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY ESTABLISHING A NEW TRANSECT ZONE SUB-CLASSIFICATION T6-24(B), WITH A FLOOR LOT RATIO OF FIFTEEN (15), AND A THIRTY PERCENT (30%) PUBLIC BENEFIT BONUS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-01198zt SR Fact Sheet.pdf
14-01198zt PZAB Reso.pdf
14-01198zt Legislation (v4).pdf

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

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on December 17, 2014, by a vote of 7-0.

PURPOSE: This will establish a new Transect Zone sub-classification of T6-24(B) which will have a higher Floor Lot Ratio (15) and a higher percentage of public benefits eligibility (30%).

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

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

Note for the Record: Item PZ.14 was deferred to the March 12, 2015 Regular City Commission Meeting.

PZ.15

ORDINANCE

Second Reading

14-01216zt

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 1 ENTITLED: "DEFINITIONS," ALLOWING ANIMAL CLINICS TO BOARD SEVEN (7) OR LESS HEALTHY ANIMALS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-01216zt SR Fact Sheet.pdf
14-01216zt PZAB Reso.pdf
14-01216zt Legislation (v2).pdf

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

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on December 17, 2014, by a vote of 6-1.

PURPOSE: This will amend Article 1, Section 1.2 "Definition of Terms" of the Miami 21 Code by allowing Animal Clinics to board seven (7) or less healthy animals to emphasize the intent of the Code and clarify language previously approved by the City Commission.

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 Hardemon
Absent: 1 - Commissioner(s) Suarez

13501

Chair Gort: The -- do you need to hear the other two items or --?

Francisco Garcia (Director, Planning & Zoning): Yes, sir, I'm prepared to move forward, and they should be fairly straightforward, I'm happy to report. They are two Zoning Ordinance amendments. The applicant is the City of Miami City Manager, Daniel Alfonso. Item PZ.15 is an amendment to the definition of "animal clinics" to allow for animal clinics to -- I'm sorry, I should have said that was item PZ.15. I'm not sure if I have mentioned it. But it is an amendment to Zoning Ordinance Miami 21 to amend the definition of "animal clinics" to allow for animal clinics to be able to board healthy animals, up to seven, no more than seven overnight. Presently, that is not the case. Presently, the only uses that can do so are kennels, and they are only allowed in industrial districts. By doing this, sir, we are proposing that animal clinics, which are certainly well established to care for healthy animals as well as not healthy animals and are probably more closely located to the intended audience or the intended users of these services can be allowed to do so legally.

Commissioner Sarnoff: So move.

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

Commissioner Carollo: Second.

Chair Gort: Second by Commissioner Carollo. Is there any further discussion? Being none --

Todd B. Hannon (City Clerk): Chair.

Chair Gort: -- it's an ordinance.

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

Chair Gort: Roll call.

Mr. Hannon: Chair, if you could open up and then close your public hearing real quick for me.

Chair Gort: I did.

Mr. Hannon: Oh, my apologies, sir.

Chair Gort: Opened and closed; there's nobody here.

Mr. Hannon: Roll call on item PZ.15.

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

Mr. Hannon: The ordinance passes on second reading, 4-0.

PZ.16
14-01215zt

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING

ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 5 "SPECIFIC TO ZONES," TO ALLOW BALCONIES LOCATED ABOVE THE EIGHTH STORY TO ENCROACH A MAXIMUM OF THREE (3) FEET INTO THE DEPTH OF THE SETBACK; AND TO ALLOW FAÇADE COMPONENTS ABOVE THE FIRST STORY TO ENCROACH A MAXIMUM OF THREE (3) FEET INTO THE DEPTH OF THE SETBACK; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-01215zt SR Fact Sheet.pdf
14-01215zt PZAB Reso.pdf
14-01215zt Legislation (v2).pdf

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

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval by a vote of 7-0.

PURPOSE: This will amend Article 5 "Specific to Zones" of the Miami 21 Code to emphasize the intent of the Code by allowing balconies above the eighth story in T6 Transect Zones to encroach up to three feet into the depth of the setback and by allowing facade components above the first story that promote energy efficiency to encroach up to three feet into the depth of the setback.

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

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

Absent: 1 - Commissioner(s) Suarez

Chair Gort: Next.

Francisco Garcia (Director, Planning & Zoning): And item PZ.16 is before you on first reading. This is an amendment to Miami 21, the Zoning Ordinance, which allows in T6 transect zones a three-foot encroachment into the setback for the platform or plinth of the tower and a three-foot encroachment for the towers themselves to accomplish two objectives. On the platform or plinth of these developments, the three-foot encroachment can serve to allow for shading devices, and on the towers, they can actually allow for the encroachment of those three feet for balconies, as well. We are recommending approval as did the Planning, Zoning & Appeals Board unanimously, 7 to 0.

Chair Gort: This is above eight stories?

Mr. Garcia: This is for the portion under eight stories for shading devices --

Chair Gort: Right.

Mr. Garcia: -- balconies are already allowed; and above eight stories for balconies.

Chair Gort: Right. Okay.

Commissioner Sarnoff: So move.

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

Commissioner Carollo: Second.

Chair Gort: Second by Commissioner Carollo. Any further discussion? Being none, it's an ordinance.

Barnaby Min (Deputy City Attorney): An ordinance of the Miami City Commission --

Chair Gort: Public hearing is open and closed.

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

Todd B. Hannon (City Clerk): Roll call on item PZ.16. Vice Chair Hardemon?

Vice Chair Hardemon: For.

Mr. Hannon: Commissioner Carollo?

Commissioner Carollo: Yes, on first.

Mr. Hannon: Commissioner Sarnoff?

Commissioner Sarnoff: Yes.

Mr. Hannon: Chair Gort.

Chair Gort: Yes.

Mr. Hannon: The ordinance passes on first reading, 4-0.

Chair Gort: Thank you.

PZ.17

14-01189x

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DENYING THE APPEAL FILED BY DESIGN DISTRICT STUDIOS II, LLC, APPROVING THE DECISION OF THE PLANNING, ZONING AND APPEALS BOARD, AND APPROVING AN EXCEPTION TO ALLOW A LEGAL, NON-CONFORMING PARKING AREA TO BE RE-ESTABLISHED AND TO BE INCIDENTAL AND SUBORDINATE TO THE PROPOSED PRINCIPAL USE FOR THE PROPERTY LOCATED AT APPROXIMATELY 162 NORTHEAST 50 TERRACE, MIAMI, FLORIDA.

14-01189x Fact Sheet.pdf
14-01189x Appeal Letter.pdf
14-01189x Exception Analysis and PZAB Reso.pdf
14-01189x Exception Application and Supporting Docs.pdf
14-01189x Legislation (v3).pdf
14-01189x-Submittal-Javier Fernandez-Ordinance 11000-SD-12 Special Buffer Overlay District.pdf
14-01189x-Submittal-Javier Fernandez-Photo of Property.pdf
14-01189x-Submittal-Javier Fernandez-Previous Business Usage.pdf
14-01189x-Submittal-Javier Fernandez-Zoning Interpretation City of Miami.pdf
14-01189x-Submittal-Ryan Bailine- Order of the Unsafe Structures Panel Case.pdf
14-01189x-Submittal-Ryan Bailine-Aerial Map.pdf
14-01189x-Submittal-Ryan Bailine-Parking Plan.pdf
14-01189x-Submittal-Ryan Bailine-Photos of Property.pdf
14-01189x-Submittal-Ryan Bailine-Supporting Letters.pdf
14-01189x-Submittal-Ryan Bailine-Surveyor's Affidavit.pdf
14-01189x Legislation (v4).pdf
14-01189x Exhibit.pdf

LOCATION: Approximately 162 NE 50 Terrace [Commissioner Keon Hardemon - District 5]

APPELLANT(S): Javier E. Fernandez, Esquire on behalf of Design District Studios II, LLC

APPLICANT(S): Ben Fernandez, Esquire, on behalf of BVM Development, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions.

*See supporting documentation.

PLANNING, ZONING AND APPEALS BOARD: Approved the Exception, with conditions, on December 17, 2014, by a vote of 9-0.

PURPOSE: This will allow a reconfiguration of an existing asphalt parking area that is subordinate to the principal use of the property as a commercial storage garage.

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, Sarnoff, Carollo and Hardemon

Absent: 1 - Commissioner(s) Suarez

R-15-0086

Chair Gort: You want to get the appeal first?

Vice Chair Hardemon: We can handle the appeal first if you wish, Mr. Chairman. That's PZ.17. And before we begin on PZ.17, I would like to state for the record that briefly, both the proponent or the appellant and the respondent have mentioned to me the benefits of: One, if we grant this appeal or if we deny this appeal. So both of them have equally expressed their desires for what they want to see out of this hearing, so I want it to be very clear for the record that I've heard that from both the respondent and the appellant.

Chair Gort: Thank you. Go ahead.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. I'll introduce the item briefly, and I know that the applicant and the appellant are both here, so I'll defer to them to make it perhaps a more detailed presentation of their respective positions. I will say that PZ.17 is an appeal of an exception granted by the Planning, Zoning & Appeals Board at their hearing of December 17, 2014, by a vote of 9 to 0. The appeal is for -- rather the exception was granted for a property at 162 Northeast 50th Terrace, and the exception was for a parking facility which was subordinate to the major use. Our recommendation, the Planning & Zoning Department's recommendation was for approval, which was, in fact, the result of the Planning, Zoning & Appeals Board, and our recommendation today is that the Planning, Zoning & Appeals Board decision be upheld. I think I will defer to the applicants for their presentation and I'm certainly happy to answer any questions you may have.

Chair Gort: Okay, thank you.

Javier Fernandez: Commissioners, good evening. Javier Fernandez, with Stearns, Weaver Miller; office at 150 West Flagler Street, 22nd Floor; here on behalf of BVM Development, the appellant. Commissioners, we are the abutting property owner located immediately south of the property that was the subject of the appeal. We're here because we believe that the approval that was granted violates the text of Miami 21; specifically, the letter and intent of Section 3.6.1(e) of the Code, which is the authorizing provision that they're attempting to travel under. That text reads as follows, if I can read this into the record. That is: "Parking that is otherwise not allowed, but that is customarily incidental and subordinate to a principal use may be provided in a T3 or T4-R transect zone by process of exception and only if" -- and again -- "only if there is an existing legally built parking lot." So there's two elements to that standard. One is you have to have a parking lot that's incidental and subordinate to a principal use. And second, you need to have an existing legally built parking lot. We think that on both counts the request fails the standard. You may recall that this provision was grafted into Miami 21 after its initial adoption. In large measure, I think the intent and rationale for it was to revive some of the provisions of the form SD districts that allowed for parking where you had a commercial district abutting a residential district, and in many cases, the parking for those commercial uses was located on a residential lot. So under -- and by way of illustration, I would like to introduce into the record a copy of SD-12, which is one such -- I apologize -- district that was previously authorized under 11000. I'll provide copies to opposing counsel, as well and to the Board, if it's your wish. And I would refer you to the language regarding conditional accessory uses, about midway down the first page, and you'll see that in the underlying district, they allow surface parking to serve an abutting district by special exception only with Commission approval, subject to certain criteria which consisted of a couple of different things, and I'll highlight them briefly, because I think they're illustrative in this instant circumstance, and that is they had to abut a commercial district, and there had to be commonality of ownership in the lots, and that could happen either through common ownership under title or unity of title in lieu thereof. So that's the background, I think, and the legislative intent of this provision; again, to bring some life back to and render conforming what would otherwise be legal nonconforming uses created by Miami 21. Now, what are we talking about in the instant case? We're talking about a parking lot or an alleged parking lot, and I'll circulate some pictures if I may. As you can see in the pictures, the parking lot -- in their application, the applicant included a copy of a tax card from a 1930-some-odd building approval whereby a lot was at one point present on this particular site. As you can see from the picture I've distributed or that the Clerk has distributed for me that today, it's -- I'd say nearly impossible to discern any of the traditional elements that would constitute parking facility improvements. There is no discernible landscaping, there's no discernible asphalt, no striping, no headstones, no lighting, site drainage; all the typical elements I think the Planning director would concur are requirements under the Code for a parking facility. So while the lot may have been legally built back in 1932 as evidenced by the tax card, you do have a zoning interpretation with respect to nonconforming legal uses which is still in effect; Zoning Interpretation 12-002, and I have copies for the Board if you'd like to see it, that establishes the criteria for validating a

nonconforming legal use. And I think to summarize, basically, this interpretation requires two elements that need to be satisfied to establish a legal nonconforming use, and the reason I reference "a legal nonconforming use" is because that is the express intent of this application; to basically reestablish or render this use conforming with today's Code. A legal nonconforming use is established by providing evidence that the lot was or the improvements were legally built and that the use has been continuously in existence. And evidence of that is the form -- I think to satisfy initially in terms of the improvements being legally built through the tax card that's part of the application, but there is no evidence in the record to support that this use or any use on this lot has been in continuous existence on the site. And by way of a question to the director, I would ask if there has been -- if he could confirm for me whether the principal use that is -- that the parking lot is subordinate to in serving, which is referenced as a garage storage facility, is actually present on the site, or anywhere in the vicinity. That's not clear from the application. So, director, could you clarify that for the record, please?

Mr. Garcia: I will gladly address that issue. What I would like to request is that the applicant be allowed to present evidence that will support their claim, and after having reviewed both the evidence presented by you and by the applicant, I will be in a better position to be able to address that issue.

Mr. Fernandez: So absent an answer, I think it's unclear whether there's a principal use on site that this parking lot would be serving, and I offer by way of evidence into the record a CU (Certificate of Use) record request dated February 23 of 2015, which I'll also enter into the record, which indicates that for the subject address, there is no CU history at all, none whatsoever, whether for the garage storage facility that's being alleged is the principal use, or any other use, for that matter. These records provide evidence of uses on the site going back to the mid-'80s, so for the most of my life, my adult life, there's not been a use that has been legally authorized on this site. If the -- if there's some other evidence (UNINTELLIGIBLE) aware of, we'd love to see it. Going back to the intent, there is no commonality of ownership. The only nearby garage storage is located at the corner of Northeast 2nd Avenue and 50th Street, and I'll provide again for the record a couple other exhibits, and these are the tax appraiser's folios for both BVM Development site, the applicant's site, and the abutting corner service station, which is the only service station, garage storage, roughly approximate use in the vicinity. And as you can see from the information provided in the summary reports, there is no commonality of ownership between these two facilities, no unity of title or other covenant that's been provided in the record to basically establish that that or any other principal use is being served by this proposed parking lot. So in summary, I would say that the improvements may have been legally built; that's arguable and I think it's evidenced by the tax card. But they're certainly no longer in existence. And I think "existence" means that they are currently being used. If you look at the common definitions in the Merriam Webster Dictionary, other sources, they have to be concurrent, they have to be existing, they have to be ongoing. That's certainly not the case here, and the use -- CU history certainly speaks to that. Secondly, there is no evidence in the record of a principal use being served by this particular parking lot, which is part of the required standard that must be satisfied for the exception to be granted. And I'll close by noting as a matter of law that the controlling holding in Town of Key Largo -- sorry -- Town of Longo Key versus Island Properties Coalition should inform the decision of this Commission, and that cite is 95 So.3d 1037 out of the Second DCA (District Court of Appeal) in 2012. This is a case that was cited, as you all may recall, in the appeal of the Walmart Class II where there was an allegation that the staff departed from the specific textual language in the Code in approving additional loading bins for that facility. And the holding in Longo Key is the following: "As the wording of its laws binds a legislature, a town is similarly bound by the wording of its Code." So here, the City is bound by the express text of 316(e) of Miami 21, and both elements have to be satisfied in order for this exception to be granted. So we would ask in closing that you deny this exception and reverse the decision of the PZAB (Planning, Zoning & Appeals Board) as we believe that the -- again, the approval by the PZAB violates the text of the controlling provision. Thank you for your time.

Vice Chair Hardemon: Before you go, first of all, to the Board Members, with all you lawyers here, I had a slip in my mind, because I said "respondent" and "appellant," and none of you corrected me, and I'm surprised you didn't correct me, Commissioner, because you know that it's appellee and appellant. That's neither here nor there. Second, for you, counselor --

Mr. Fernandez: Yes, sir.

Vice Chair Hardemon: -- do you concede that there was a use of parking initially; that there was an initial use of parking as is --?

Mr. Fernandez: There may have been back in 1932, assuming the tax card indicates that there was a -- some sort of a lot built. I don't know if it was for parking, per se, or -- I don't know what the principal use was; I don't recall. So I want to -- certainly, there's evidence that the facility was legally built; however, I think the condition evidence is that it's probably not been used or in service for a very long period of time.

Vice Chair Hardemon: So the -- but the evidence that is on the record --

Mr. Fernandez: Correct.

Vice Chair Hardemon: -- and that you've stated here today is that there is at least some record from the City of Miami that it was built for parking or it was a --

Mr. Fernandez: Built in conformance with the Code at that point in time, that's correct.

Vice Chair Hardemon: So the evidence that you presented to us to show that it is not continuing in existence as a parking lot is the picture that you submitted to the record that shows a property that may need some TLC, some tender loving care.

Mr. Fernandez: A little more than TLC, Commissioner, but respectfully, TLC is probably a very generous way of characterizing it.

Vice Chair Hardemon: Okay. Thank you very much.

Mr. Fernandez: Further, if I can just clarify again for the record that the standard requires both the improvements and the principal use which they serve, and there's no evidence in the record that any principal use is being served by this lot as part of the application.

Commissioner Sarnoff: I took what you said as meaning "BG," before Google.

Mr. Fernandez: Before Google, certainly, yeah. Thank you again for your time.

Vice Chair Hardemon: Thank you very much. If we can have the appellee, please.

Ryan Bailine: Good evening. Ryan --

Vice Chair Hardemon: And specifically, I want you to be aware that you touched the issue that has been identified here as the real issue, which is per Article III, Section 3.1 -- 3.6.1(e), but continue on with your presentation; just make sure you talk about that, please.

Mr. Bailine: Absolutely. For the record, Ryan Bailine, 333 Southeast 2nd Avenue. We are here representing BVM Development. I think Javier may have said that he represented them, but it was probably just a slip of the tongue. He represents our neighbor, Design District Studios II, or something like that. I will be brief, because, frankly, I agree with much of what was presented in

the last seven or eight minutes. Our clients acquired -- just by brief background, our clients acquired this property in March of 2014 and began going through the process to reestablish -- to obtain an exception and design the surface parking and what have you, as I'll talk about in a couple minutes. In October, the exception application, October of '14 was filed. It was supposed to go to the PZAB in early December, and there was no quorum, so instead -- I'm sorry, in November -- so instead, December 17, it went to the PZAB and was approved. All throughout that time, our client and Mr. Fernandez' client were in discussions. We cannot be more open about what we intend to do, what we'd like to do, what we'd like to do for -- not just for our property, but for the neighborhood. Mr. Fernandez -- I was not counsel at the time, but Mr. Fernandez and his clients --

Mr. Fernandez: Let me just object for the record, because counsel's comments are the subject of confidential negotiations and not material to the current proceedings.

Commissioner Sarnoff: Got a good point there.

Mr. Bailine: I just said we were talking. I didn't say what they were saying.

Vice Chair Hardemon: Continue.

Mr. Bailine: Okay. January 2 -- the PZAB issued a unanimous approval in December, and this is not confidential, but Mr. Fernandez and his clients were at the hearing, and there was nothing put on the record. On January 2, 2015, there was an appeal that was filed. We understood it was supposed to go last month, but because of the volume of matters on the PZ agenda, we got bumped to this month. I went through that history not just to provide you with a timeline, but since October, my clients, who are Israelis, and, you know, reside in Israel, have been staying here, and they've been delayed, and they're going back next Wednesday, so we're very happy to have this hearing this evening. Going to the merits of the hearing, Mr. Fernandez is correct under Article III that parking is otherwise not allowed, but there's customary and incidental, so subordinate or principal use may be provided only if there's an existing legally built parking lot. We have an existing legally built parking lot. The appeal -- and again, this evening, there were photographs introduced into the record without dates. The January 2, 2015 date is not the date of that photograph; that's the date that the photograph was printed. So what I would like to do is, I have a series of photographs of the property, along with affidavits from people in the neighborhood, along with people here tonight who are going to speak in favor and give their testimony to their personal knowledge on the existence -- better said, the continuing existence of the parking. In addition, and -- in addition to what we're going to submit in a few moments, we will be submitting now for the record approximately 28 letters of support, including from the Buena Vista Neighborhood Association, all of whom have met with our client, have reviewed the application, have reviewed the merits of the application and are in support of, and I will give counselor a copy, as well. So with respect, as Commissioner Hardemon asked, to the substance of the application, of the exception that was approved unanimously, it -- we see that it's uncontroverted that the -- and un-debated that the improvements, the parking lot was permitted properly, and as such, is a legal set of improvements or series of improvements. In fact, together with the application and the need to, as you said, bring the property through some TLC, you know, back to more clearly parking lot conditions, so to speak, we have submitted plans and are actually reducing the number of parking spaces, and we're ready to process those plans through the City, but we were appealed. So let me introduce the series of photographs to you that -- as well as some affidavits, and I'd like -- if you could indulge us, we have some neighbors who've been waiting for a few hours to speak on this application to provide you with their first-hand personal testimony regarding this particular request.

Vice Chair Hardemon: Counselor, have you entered into the record the photographs, or are we doing that now?

Mr. Bailine: I'm doing that right now.

Vice Chair Hardemon: Okay.

Mr. Bailine: These photographs, for the record, were taken approximately five days ago. We sent them -- I e-mailed (electronic) them to the Planning Department yesterday.

Chair Gort: Thank you.

Mr. Bailine: In addition, going to something that was in Mr. Fernandez' letter in which he suggested that the photographs he submitted documented it's not a parking lot, and we submitted a survey saying it was a parking lot, I'm introducing again an affidavit from our surveyor speaking -- signed and sealed -- speaking to this exact issue, confirming that the property is presently used and improved as a parking lot.

Mr. Fernandez: Again, I would object to the --

Mr. Bailine: No question.

Mr. Fernandez: -- introduction of this item. That person is not here to be cross-examined, and so no opportunity to further delve into the basis for his statements.

Chair Gort: Is he here with the -- ignore the statement that has been made?

Vice Chair Hardemon: Well, Mr. Chairman, this is an affidavit that was created. There is no opportunity for cross-examination as I see it. The question then becomes, is what -- I believe I would say what the surveyor's affidavit states, is it so prejudiced that it would -- so prejudicial to the appellant that it would greatly -- I would say affect the decision of the court, right; moving forth?

Commissioner Sarnoff: So he's doing a 403 now which is --

Vice Chair Hardemon: That is --

Commissioner Sarnoff: -- the probative value is outweighed by its prejudicial effect in that -- in light of the fact that there's no opportunity for cross-examination.

Mr. Fernandez: Again, Commissioner, I recognize that the formal rules don't apply here, but --

Chair Gort: Right.

Mr. Fernandez: -- in all fairness, there's just no -- there's no opportunity to delve into the --

Commissioner Sarnoff: He brought up a great point.

Mr. Fernandez: -- (UNINTELLIGIBLE) for this particular testimony.

Vice Chair Hardemon: He said it -- I mean it -- it was said, I think, greatly. I think what we're looking at here is, for instance, we didn't go through and look at the way that we introduced the evidence when you introduced the evidence from the Google maps. We didn't make you qualify or anything of that nature. And so, equally so, the evidence that was just turned in by opposing counsel is -- are photos, and those photos differ in significance of color to the building, grass, to the ground, and some other things that are really identifiable so --

Mr. Fernandez: Commissioner, to clarify -- I don't mean to interrupt, but to clarify my

objection, it's not to the photos. It's to the affidavit, itself.

Vice Chair Hardemon: Right. No, no, I understand that, but I'm just -- I'm getting to the affidavit. So as to the affidavit, itself, considering that the rules of evidence don't apply, what I do look at, though, there is something before, and this is for the edification of the court; doesn't necessarily have to understand it, but this is an affidavit from a surveyor that includes pictures of the facility that shows that he's sworn, as it states, this is to confirm that the property located at 162 Northeast 50th Terrace, Miami, Florida, 33137 -- and then he goes through the legal description of the property -- was built as per the tax card as a garage/storage. During my last visit on the site dated 1/6/2015, I noted the property is presently used as a parking/storage, attached picture. Although the asphalt is in bad condition, which, I guess, speaks to what the court brought up earlier, no changes have occurred on property and it still reflects the initial -- reflects exactly the initial tax card. Now, this is one witness, and this is one witness you do not have an ability to cross-examine, and I will grant you that. However, as I've been told, there will be additional witnesses that will come before this body that will swear to tell the truth and the whole truth, and they will give us their opinion. So at this point, I don't see necessarily the benefit of believing necessarily what the surveyor is saying because there are other witnesses that are going to give us, from what I understand, the exact same account. So with that, I would say for the record that I would not consider the surveyor's affidavit in lieu of the witnesses who are here that you have the ability to cross-examine that will say effectively the same thing.

Mr. Bailine: And Commissioner, I appreciate that. And the reason that we did submit the surveyor's affidavit was simply because Mr. Fernandez and his client took the position that that exact same surveyor submitted a survey, signed and sealed, to the City that was not accurate. So we felt it -- who better to say, "No, I signed and sealed it, I put my license on the line. Here's my affidavit," and in responding directly to the point.

Vice Chair Hardemon: Can counselor move on?

Chair Gort: Go ahead.

Mr. Bailine: With that being said, I would like to introduce -- we have three speakers. We had four, but one had to go, so I would ask that they each come on up.

Chair Gort: Mr. Clerk, they all been sworn in?

Todd B. Hannon (City Clerk): Thank you, Chair. That's a good suggestion because they may not have been here earlier when we did the initial administration of the oath. Anyone speaking on the remaining Planning & Zoning items, if I can have you please stand and raise your right hand.

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

Mr. Hannon: Thank you, Chair.

Chair Gort: Thank you.

Vice Chair Hardemon: And counselor, will you be guiding them in their testimony?

Mr. Bailine: I don't see any need to guide them. I don't want to seem like we're coaxing, or leading or anything like that.

Vice Chair Hardemon: Well, I don't expect you to lead, but if he's going to cross-examine, I'm sure that he's going to go to questions that he believes are going to come to his favor, so you may

want to consider questions that are in your favor that you want to ask, especially when you turned in photos that are -- just photos.

Mr. Bailine: Do we have another microphone I could use?

Vice Chair Hardemon: Yes, we do.

Chair Gort: They have one over there.

Mr. Bailine: Can you please state your name and address for the record?

Julie Mansfield: Hi. My name is Julie Mansfield. I live at 50 Northeast 50th Terrace, Miami, Florida, 33137. I don't need a photograph to tell you what I see every day. I live down the block. I walk my dogs. I go by there every single day, and I see -- unless by magic, it magically disappeared, there is a structure and a parking lot. There's a storage and a parking lot every day I go by. That's my block. I know it better than anybody else. I've been there for -- since 2008.

Commissioner Sarnoff: Did you guys work in the same office together?

Mr. Fernandez: We did; a friend.

Ms. Mansfield: Hi, Javi.

Commissioner Sarnoff: I want to see you just rip her apart.

Ms. Mansfield: He loves me.

Mr. Fernandez: I only have one question at the appropriate time.

Vice Chair Hardemon: Counsel, do you have any further questions for her?

Mr. Bailine: No.

Mr. Fernandez: Commissioner, just one question by way of cross. Ms. Mansfield, good evening. I hope you're doing well. My only question to you is do you have any personal knowledge of whether or not this facility is properly licensed to operate as a parking lot; whether it's operating legally under the Code requirements currently?

Ms. Mansfield: What I know is what was presented here today, and that it was legally built, and that the exception was to reestablish what was legally built.

Mr. Fernandez: Thank you.

Chair Gort: Thank you.

Vice Chair Hardemon: I have one question I may ask of her. The photos that I have that have been passed to me by the appellee's attorney, are these photos reflective of what the condition of the property looks like today?

Ms. Mansfield: Today, absolutely.

Vice Chair Hardemon: Thank you.

Commissioner Sarnoff: Wait, wait. Help her out a little better.

Ms. Mansfield: Thank you.

Commissioner Sarnoff: So the photo in my right hand, which the record will reflect will be marked as --

Vice Chair Hardemon: Wait, there's no exhibit numbers.

Commissioner Sarnoff: Well, put an Exhibit Number 1 on it. Does this fairly and accurately depict what you would see on that property --

Ms. Mansfield: Right now.

Commissioner Sarnoff: -- if you went out there right now, with the exception of the 2014 Maserati out there?

Ms. Mansfield: I'd like to have that, but yes, it does.

Commissioner Carollo: It'll start.

Commissioner Sarnoff: Is that your car, Mr. Bailine?

Mr. Bailine: It is not.

Commissioner Sarnoff: Okay, just checking.

Ms. Mansfield: But that is a true reflection as it is today, as of this morning, as of this afternoon before I left to come here.

Mr. Bailine: Thank you.

Chair Gort: What is the use of the facility? No, I'm going to ask, what is the use of the facility?

Commissioner Sarnoff: Good question.

Wendy Stephen: Good evening. My name is Wendy Stephen. I live at 101 Northeast 43rd Street, Miami.

Mr. Bailine: And Wendy or Ms. Stephen, who are you here on behalf of this evening?

Ms. Stephen: This evening, I'm here actually first and foremost on behalf of the Buena Vista East Historic Neighborhood Association. Buena Vista East is the neighborhood to the south of this area. I'm also here on behalf of Kelly Crawford, who is the president of the Bellaire Neighborhood Association. He did have to leave earlier. Both of our neighborhood associations were -- did speak at the Planning & Zoning for this -- hearing for this item in support of the reestablishment or the granting of the exception. We had no objections to it. We felt that it was an appropriate location for a parking lot with minimal impact on neighbors, because it -- the egress goes out onto a very quiet street that's bordered by the Douglas Gardens, so we felt that it was appropriate. And the rest of the project that David and Michelle are doing is very attractive, and we think will add to the neighborhood.

Mr. Bailine: Thank you.

Mr. Fernandez: Again, one question, if I may, Commissioner. Ms. Stephen, good evening. How are you doing? Again, do you have any personal knowledge of whether or not there is any

legally authorized use, be it the garage storage room or parking lot currently licensed for this --?

Ms. Stephen: I do not.

Mr. Fernandez: Thank you.

Chair Gort: That is a residential area, right?

Claude Postel: Mr. Commissioner, good evening. My name is Claude Postel. I'm living on 50 Northeast 50th Terrace, and I have three businesses between 45th and 46th on Northeast 1 Avenue. And I pass by the (UNINTELLIGIBLE) property from, oh, eight years, every day, many time a day, and if, you know, I remember the tenants who were there before and always see this lot as a parking lot with some activity.

Mr. Fernandez: Again, same question. Good evening, sir. Do you have any personal knowledge of whether or not there's any legally licensed permitted use on this site, be it a garage storage as represented in the application, or a parking facility currently?

Mr. Postel: I do not.

Mr. Fernandez: Okay, thank you.

Vice Chair Hardemon: Francisco, I just want to clarify for the record. The application is also considered a part of our evidence that we can review on this, correct?

Mr. Garcia: I'm sorry, the --?

Vice Chair Hardemon: The application that was turned in for this, for -- on the behalf of the applicant; the application that they actually turned in that showed the evidence so that the PZAB Board could see or make the determination of whether or not it was legally conforming and continuous use.

Mr. Garcia: Absolutely, sir, along with the record which has been appended to your packet, which is the evidence that the Planning, Zoning & Appeals Board considered in approving the exception originally.

Mr. Bailine: Thank you. Just a couple more moments. I appreciate your time. From our perspective, we stand by and stand with staff in their findings, in their analysis, in the substantial competent evidence in terms of legal threshold that they made in recommending to the Planning, Zoning & Appeals Board as well as to this body that the requirements of Section 3.6.1 Sub "E" of Miami 21 were satisfied in recommending approval of the exception. It was unanimously approved, and we're asking for you to, I guess, deny the appeal and allow us to move forward. Let me just speak to something, because good lawyers often will use arguments that may be somewhat persuasive, but I can't stress enough that the entire portion of the previous presentation which talks about the intent of this provision is really not applicable, and the reason it's not applicable under Florida law is because the statute or the regulation here and our satisfaction of the regulation is patently clear. In the absence of satisfaction -- and I can reel off 15 or 18 cases; I'm going to read them into the record for purposes of housekeeping -- in the absence of black and white compliance with the criteria in this particular provision, intent can be a factor. But when you do satisfy the standards -- and it's a two-prong standard here which we satisfied -- with all due respect, the Board is not permitted under Florida law to look into intent. For housekeeping, I would like to read into the record: When the language of a statute or regulation is clear and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation and construction. It must be given the plain and obvious meaning. That's Holly versus Auld, 450 So.2d 217, Florida 1984, quoting

A.R. Douglas versus McCraney, 102 Florida at 114, So.157. In addition, an ordinance should be construed -- construed -- so as to give reasonable effect to its provisions and it should be given plain and obvious meaning. That's Canal Insurance versus Giesenschlag 450 So.2d 88, Florida 2nd DCA, 1984, all of which is still controlling law. A basic rule in constructing statutes and ordinance is that words are to be given their plain meaning. In instances -- bless you --

Commissioner Sarnoff: Thank you.

Mr. Bailine: -- of an ambiguity in statutory language, courts or other bodies may resort to the rules of statutory construction which permit the examination of the legislative history to aid in their determination. Diamond Aircraft Insurance versus Horowitch, 107 So.3d 367. That's a 2013 case and it is in line with Gelzer versus Diamond, which says, "In circumstances" -- and I'm almost done -- "in which the meaning of a legislative enactment is ambiguous, we generally look to its legislative history to determine the intention of the legislative body. So that is -- in short, our position is that we -- and staff would agree -- satisfy the criteria for the granting of the exception. This was reviewed by staff. It was reviewed by the PZAB; unanimously recommended approval, and we're asking for you to deny the appeal this evening. If you would grant me two more moments, there is another aspect of this particular proceeding I would like to bring to your attention. Perhaps, I should have done this at the beginning. Our clients -- this is the subject property that I showed you the photo of (UNINTELLIGIBLE) 162. Our clients own what's all shaded in gold, if you will, and Mr. Fernandez' client owns this particular property here and this particular property here. This -- it's worth noting that this particular property, what I would call the southern property, is improved with a -- I think a 15- or 18-unit apartment building.

Mr. Fernandez: Can object -- object as to materiality for the proceedings.

Vice Chair Hardemon: Well, let's allow him to make -- see where he's going.

Mr. Bailine: And this property here is zoned T3, which is different than this previous zone -- than this zoning, and is improved, I think, with a really, really large tree and a house that's not in great shape. This particular property here -- and I'm just giving -- I'm providing this in terms of -- to give you an idea as to what's really happening here, and then I'm going to ask our clients to testify. This particular property is -- does not have any parking.

Mr. Fernandez: Again, objection as to materiality. It's -- no bearing on the determination of whether the exception should be properly granted, and I strenuously object to this line of testimony by appellee's counsel. No point in going there.

Vice Chair Hardemon: Mr. Chairman --

Chair Gort: Go ahead, yes, sir.

Vice Chair Hardemon: I think I understand where this is going. I understand where this is going, and considering that I understand where this is going, I'm going to sustain the objection. All right. And what I'm going to ask, counselor, is that -- and I'm speaking to the appellee. But what I'm going to ask is to give you an opportunity to ask the appellant one simple question, and that question to the appellant is: Do you believe that the law as it is written, where we're looking at, 3.6.1 is ambiguous?

Mr. Fernandez: No. Frankly, I concur with counsel's legal dissertation as part of his closing to his presentation. There is no ambiguity. The truth of the matter is they just don't satisfy the standards, Commissioner, and I wouldn't be making this case if I didn't wholeheartedly believe that. I have an ethical duty to fully argue cases I think are meritorious. In this case, it's my firm belief that there is no evidence in the record establishing that there is any sort of principal use on the property to be serviced by this parking facility or any principal use and a common ownership

to be serviced by this parking facility. And to my ears, no evidence has been brought forward that this lot has been legally used over its existence or that there is any legally recognized use evidenced by a BTR or a CU or any other document the City in its controlling zoning interpretation recognizes as establishing a legal use.

Chair Gort: Francisco, you're recognized.

Mr. Garcia: Yes, sir. If appropriate or when appropriate, I would like to address that point, as well, because I know it was a question earlier addressed to me, and I haven't answered it purposely so that you could benefit from all the evidence presented. At the appropriate time -- and I yield back to you -- at the appropriate time to address that issue.

Vice Chair Hardemon: Please, can you address it now?

Mr. Garcia: I'd be happy to, sir. I would first like to confirm Mr. Fernandez' statement -- the appellant's statement that there is no active use on the subject property. Full stop. But I would further like to say that there is no need for there to be an active use on the subject property, because they are not seeking to establish the legal nonconforming status of any use on the property. They are, instead, trying to abide by the requirements set forth in Miami 21, Section 3.6.1, Sub-Section "E." And there, the requirements are twofold: One, it must be that the facility or the improvements were originally duly permitted, and I think we have sufficient evidence to establish that by virtue of the tax card and by virtue of the Code language submitted by the original applicant; and number two, that those improvements continue to exist. And although admittedly, they continue to exist in a very degraded fashion, it is the intent of this application to make the necessary improvements to bring the facility fully into compliance with -- or further into compliance, I should have said, with the present ordinance, and that we are satisfied they are doing.

Mr. Bailine: And I have a copy of the plans that I'm going to introduce for the record that confirms the Planning director's statements.

Mr. Fernandez: Again, immaterial to the proceedings, but nonetheless, if I can at some point, Commissioner, since I didn't have a chance at direct exam -- cross the --

Vice Chair Hardemon: You will have the opportunity, yeah.

Mr. Bailine: Thank you.

Mr. Garcia: And I'd like to make one more brief statement, which is this: It is also correct, of course, that the parking facility, upon being reestablished, if this were to happen, must function as an incidental use to a primary use on the property; said primary use yet to be established. So here's what will not happen: What will not happen and cannot happen in compliance with Miami 21 is that this parking facility, when refurbished, if refurbished, can function as a primary use. What must happen is that it must function as a subordinate or ancillary use to a primary use on the property, and that, they will have to comply with Miami 21 on. I hope that suffices, and I'm happy to answer any questions, sir.

Chair Gort: Let me ask a question. The primary use, what's the zoning on that?

Mr. Garcia: Thank you. And you asked that previously, Commissioner Gort. The zoning designation for the property is T4-R, which is T4 and the "R" stands for "restricted," which implies that it is for -- primarily for residential uses. It is the case that they could refurbish that structure or that they could erect an additional structure for residential purposes, which it must be, and the parking facility can function in a supporting capacity or in an ancillary capacity to said residential uses.

Chair Gort: *To the residential (UNINTELLIGIBLE).*

Mr. Garcia: *Absolutely.*

Chair Gort: *Okay.*

Commissioner Sarnoff: *Francis -- do you mind?*

Mr. Fernandez: *If I may, I just would like to -- Commissioner, I know you have a question, but at some point, I'd like to clarify or seek clarification of the Planning director's opinion, if I may.*

Commissioner Sarnoff: *I might be able to help you with that.*

Mr. Fernandez: *Thank you.*

Commissioner Sarnoff: *So I was kind of a Home Depot fan, and before Home Depot, there was a use there called Zayre's. And Zayre's closed down for four years. I took the position that there was no longer any kind of grandfathering because the use was no longer there. At what point would Zayre's and Home Depot -- what kind of connectivity would you need in terms of time frame for Zayre's to be the Home Depot and that use not have been lost?*

Mr. Garcia: *You are correct, that -- in that case. And to follow your hypothetical, in that case, Zayre's, if that were the use, if that use had expired for longer than -- I believe the standard now is 18 months -- earlier than 18 months, there are recourses that one could avail themselves of, but beyond that, there aren't. So if the elapsed period of time exceeds 18 months in which there is no active CU, that primary use in and of itself could no longer be reactivated, unless it were in full conformity with the existing zoning regulations at the time.*

Commissioner Sarnoff: *Fair enough. So once the primary use is lost, is the ancillary use equally lost?*

Mr. Garcia: *Miami 21, in particular, in this section, allows for parking facilities specifically, which are subordinate to principal uses to be reestablished through the process of exception. In that regard, we find the original application fully compliant with Miami 21. And by virtue of explanation, what I will offer you is that since in Miami 21, we did away with Special District 12, which used to provide for ancillary parking facilities, we purposely inserted this section here to allow for those ancillary parking facilities to continue to operate, even though we understood that upon the implementation of T4-R, they would not be in full compliance with the zoning regulations applicable at this time after the implementation of Miami 21.*

Commissioner Sarnoff: *So I want to assimilate what you said. What I'm hearing you say is even though the primary use goes away, Miami 21 took that into consideration and allowed the ancillary use to remain.*

Mr. Garcia: *And more particularly for parking purposes, yes, sir.*

Chair Gort: *Right.*

Commissioner Sarnoff: *So any argument made, it's been lost -- on you is a lost argument, because you're saying 21 affords it the right to go forward, because the ancillary use does not have to be maintained, correct?*

Mr. Garcia: *Correct, so long as it continues to function in an ancillary capacity; that is correct.*

Commissioner Sarnoff: Well, how -- then there's a good question. So how does it continue to use in an ancillary capacity once the principal use has expired?

Mr. Garcia: So I will say again, and maybe now in context, I think, for the introduction, it will make more sense. What cannot happen here is that this parking facility can operate as a commercial parking facility or as a primary use in and of itself. What it can do is to continue to serve in an ancillary capacity to whatever primary use is developed on the property in the future.

Commissioner Sarnoff: So again, then what you're saying is that the principal use can go away. The ancillary use does not need to be used; that that is the specific intent of 21; the primary use could go away, but the ancillary use did not need to be continued, but stays ancillary.

Mr. Garcia: That is correct. Two modifications: It must be parking, pursuant to this section, because the language is very specific. And the primary use now has to come into full compliance with the applicable regulations of Miami 21. So we know that the new primary use, whatever that use may be, has to be one that is allowed in T4-R, which is the present zoning designation. However, the parking facility has to do two things: Continue to function in an ancillary capacity, one; and two, come into further compliance with Miami 21, which they have done.

Mr. Fernandez: Commissioner, if I may, I desperately need to seek clarification of the Planning director's testimony as I believe it's very inconsistent with the analysis in the staff report. If I may, on direct very briefly?

Chair Gort: Go ahead.

Mr. Fernandez: Thank you, Mr. Chairman. Mr. Garcia, I turn your attention to page 1 of the analysis for the exception, Section "B." Is it your staff's testimony as evidenced in the report -- and I direct you to the second sentence, beginning "the applicant is seeking" -- that the use on the site is commercial storage garage use; that that is the principal use supporting this request? Or is that no longer your testimony?

Mr. Garcia: I believe that in your -- we're now referring to Section "B," which is titled "Background," correct?

Mr. Fernandez: That is correct; the second sentence.

Mr. Garcia: I will read it again, I'm sorry, and I was trying to listen to you while reading at the same time so --

Mr. Fernandez: Is it now your testimony -- it appears on the record to be your testimony that a commercial storage garage use was the basis for supporting this request. Is that still your testimony?

Mr. Garcia: No, that is not my testimony. I would like to clarify and thank you for the opportunity to do so.

Mr. Fernandez: If I may then ask you, what is the principal use currently authorized in order to support this request?

Vice Chair Hardemon: Counselor that's -- before you ask your second question, let him clarify his answer --

Mr. Fernandez: Okay.

Vice Chair Hardemon: -- that you asked him on the first question, please.

Mr. Garcia: I appreciate that, sir. And so, again, in order to clarify, I believe the intent of that statement is to clarify that originally, this parking facility was a -- as an ancillary parking facility to the original principal use of -- and I'm going to read from the sentence -- storage garage. And I believe that there is also -- again, for further clarification, there is also a copy introduced in the backup to this item of the Code applicable at the time, which defines the use and sets it forth as an allowable primary use in that particular zoning designation.

Mr. Fernandez: So that would have been the legal nonconforming use that would serve as a principal use to support this request; is that correct?

Mr. Garcia: No, sir.

Mr. Fernandez: It's not correct. So then what would be the either legal nonconforming use they're relying upon or the conforming use that would support this exception application?

Mr. Garcia: Thank you. That frames the question very clearly. What I am asserting is that there is no requirement for a legal nonconforming use in order to be able to reestablish this ancillary use.

Mr. Fernandez: If I may --

Mr. Garcia: I'll complete it quickly.

Chair Gort: Let him finish.

Mr. Garcia: I'll complete the statement quickly. There will, however, be a requirement for a new principal use to be established in full compliance with the applicable regulations of Miami 21 zoning designation T4-R prior to the ancillary use of this parking facility as modified if this item should pass.

Mr. Fernandez: So it's your interpretation, then, that 36 -- let me direct you to 3.6.1(e) and the language specifically in Miami 21, which reads again, "Parking that is otherwise not allowed but is customarily incidental and subordinate to a principal use." So your testimony would be that this should be a -- it could be a prospective use or a prior use; is that correct?

Mr. Garcia: That is correct.

Mr. Fernandez: And again, that is not language that is in the text of the Code section that is being relied upon for this application, correct?

Mr. Garcia: I'm sorry, please say again.

Mr. Fernandez: There is no such language, either prospective or prior principal use to modify the term, "principal use" in the existing text of the controlling provision; is that correct?

Mr. Garcia: I'm going to ask you to repeat it one more time. I'm sorry.

Mr. Fernandez: I believe -- and please correct me if I'm wrong -- your testimony is that you interpret this Code provision to read that a prospective or prior legal, legal nonconforming use provides an adequate basis for processing an exception for an ancillary parking facility. And I ask you, does the text of the controlling provision being relied on for this application include such modifying language?

Mr. Garcia: I'm sorry. It is not my assertion that a prospective legal nonconforming use is acceptable; that is not the case.

Mr. Fernandez: So then I fail to understand what the use is that supports this application. If you could again clarify your testimony, I would appreciate it.

Commissioner Sarnoff: Here's the question: What's the principal use in 3.1.6? That's the question.

Mr. Garcia: Any -- right. So, right. Thank you. Any use that is in compliance with the applicable zoning regulations as set forth in T4-R, which is the present zoning designation for this parcel, will be an acceptable principal use which can benefit from an improved surface parking lot, which will then be the ancillary use to said primary use.

Mr. Fernandez: Commissioner, I'm satisfied. If I could just be -- by way of rebuttal making a couple of quick points, and I'll be very brief.

Chair Gort: Mr. Chair, go ahead.

Vice Chair Hardemon: In your rebuttal, I mean, consider your rebuttal your closing.

Mr. Fernandez: It will be my closing.

Vice Chair Hardemon: And I'll also give an opportunity for -- I would like to give an opportunity through the Chair for opposing counsel to have his closing.

Mr. Fernandez: Mr. Chairman, again, and members of the Board, thank you for your time, and I apologize for taking up so much of it at this late hour. Again, you've heard no evidence this evening of any existing use, whether legal, nonconforming or otherwise that supports this application. That's assuming we're conceding the point that the current improvements are existing. I think the evidence by way of the pictures submitted by the applicant further confirms that there's no visual evidence to support that any of the typical improvements associated with the parking facility continue to exist on the site. Their own pictures, by admission, indicate an unimproved surface parking lot, which, again, is not legally permitted under your Code. Secondly, with respect to the witness testimony, including the affidavit, no one has asserted any sort of a basis for confirming again the existence of a legal use for either a surface parking lot or any sort of other principal use on this site. And again, I refer you back to the holdings and the many cases cited by learned counsel opposite this matter and myself, in terms of Town of Longo Key where the City is governed by the express language of its Code, and to the extent that your staff's interpretation runs counter, is inconsistent with that, which would be our contention here, this application should be denied for failing to meet the Code requirements. Thank you for your time.

Chair Gort: Thank you. Yes, sir.

Mr. Bailine: Very briefly in responding to Mr. Fernandez. The application -- the appeal, if you will, alleged primarily two items: One, that we had provided evidence that did not, whether it be a survey, a signed and sealed survey and photographs, that did not confirm that the subject property at 162 here was improved with a surface parking lot. We think it's clear, regardless of the weight or not given to the surveyor's affidavit that was in direct response to the appeal that the information provided this evening, both in terms of firsthand personal testimony from people who have lived in the neighborhood, the substantial competent evidence in the form of a staff recommendation requesting and suggesting that the appeal be denied and that our application be -- the approval of our application be confirmed; and if I may, one last time, we believe that this provision is clear. We believe, as does staff and the City Attorney, that we satisfy it. And for just good housekeeping purposes with respect specifically to municipal ordinances, Rose versus Town of Hillsborough Beach, 216 So.2d 258 Florida, a 9 -- Southern District of -- Florida

Fourth DCA -- I'm sorry -- a 1968 case, a foundational case in this area. The substantive proposition arose is that courts or adjudicating bodies must give to a statute -- or in that case an ordinance -- the plain and ordinary meaning of the words employed in the legislative body or the ordinance. We believe we satisfy the plain and ordinary meanings, as does your professional staff, and we would request that you deny the filed appeal and allow us to move forward, consistent with the plans that are on record in front of you that I introduced to the Clerk, as well, with the City of Miami. Thank you.

Chair Gort: Thank you, sir. We'll now close the public hearings and have comments among Board Members and --

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Yes, sir.

Vice Chair Hardemon: I believe that there's been competent substantial evidence that's been presented to us to support the denial of the appeal and specifically, when I think about the crux of these arguments, which was: One, we've concluded that there's no ambiguity within the language that's written in the ordinance; and so, two, once -- now that we've decided there's no ambiguity, the question then becomes about the existing use of that parking lot. And so evidence has been presented that shows that there is no existing use and evidence has been presented that there is existing use. The evidence as presented that there was existing use included photographs and actual testimony from those that live within the vicinity of this parking lot, and presented evidence that as early as today, this morning that there was parking -- that it was being used as a parking lot. And also considering the evidence that Mr. Garcia presented before us that staff believes that it is and does fulfill the requirements of Section 3.6.1. So when I consider the evidence that has been presented before me today, and only today, within the application and from the statements that were made, I believe that there is enough substantial evidence to justify the denial of the appeal and to affirm the lower or the PZAB's ruling. So I move that we deny this appeal.

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

Commissioner Carollo: Second.

Chair Gort: Second by Commissioner Carollo. Now, my understanding is that they were being allowed to build a four-apartment building; it's going in TR-4 [sic]?

Mr. Garcia: That is correct. They can certainly develop residential uses or any other use allowed by T4-R; yes, sir.

Chair Gort: So the use of the parking facility is -- the use of an existing parking facility will have to comply with all regulations of TR-4 [sic] for whatever development they're going to do. How does that affect the adjacent properties? What is the zoning, the adjacent properties?

Mr. Garcia: There are a number of zoning designations immediately abutting the property. There is, if I -- my memory serves me correctly -- I stand to be corrected -- CI, so civic institutional to the north --

Chair Gort: Right, in 2nd Avenue.

Mr. Garcia: -- and -- right, along 2nd -- no, that's along the -- along 2nd Avenue, there is T -- more T4-R and then T4-L some distance away; a short distance away; all of them predominantly residential uses as zoned today. And the end result of any development on this side would be -- thank you; that is helpful -- and so I failed to mention in this evidence is that immediately to the

west, there is a T3 zoning designation, which is a less dense residential area. The end result, to answer your question, Chairman Gort, is that there will be an improved and enhanced surface parking facility which is to function solely in an ancillary capacity to whatever primary use is duly allowed by the T4-R zoning designation present today.

Chair Gort: In other words, this would not be able to use commercial.

Mr. Garcia: Not this surface parking lot; no, sir.

Chair Gort: Okay. Thank you. Any further discussion? All in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

Mr. Fernandez: Thank you, gentlemen. Have a good evening.

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

END OF DISTRICT 1

DISTRICT 2

COMMISSIONER MARC DAVID SARNOFF

END OF DISTRICT 2

DISTRICT 3

COMMISSIONER FRANK CAROLLO

D3.1

DISCUSSION ITEM

15-00152

DISCUSSION REGARDING THE CREATION OF A PENSION STABILIZATION PLAN.

15-00152 E-Mail - Discussion Item.pdf

15-00152-Submittal-Commissioner Carollo-Graph of Historical Pension Contributions.pdf

15-00152-Submittal-Commissioner Carollo-Assumption Change Consideration FIPO Pension.pdf

15-00152-Submittal-Commissioner Carollo-Actuarial Valuation Report for GESE Pension.pdf

DISCUSSED

Chair Gort: Do I have a motion to adjourn?

Commissioner Sarnoff: So move.

Commissioner Carollo: No, no, let me do my discussion item. I promise I'll be real quick.

Commissioner Sarnoff: Okay.

Chair Gort: You sure?

Commissioner Carollo: Yes.

Chair Gort: Is that a promise?

Commissioner Carollo: Yes.

Commissioner Sarnoff: Come on, we'll walk off quorum.

Chair Gort: Go ahead, go.

Commissioner Carollo: Actually, it's a discussion item, so you don't even need quorum, but I shouldn't be saying that. I'm arguing against myself. But anyways, just real quick, Commissioner. I mean, my -- the biggest thing I grappled with is how to put this in laymen's term. I know the Manager sent a whole bunch of financial information, but I think the most important thing is this graph that you all should have received, and the bottom line is that our pension cost goes up and down depending on the years. And what I want to do is I want to establish a pension stabilization plan and the idea behind it is that when pension costs start going down, which they already are starting to that that savings now gets put in an account and it's held there so that in the future, when pension costs, should they go up, and you know a lot of it is cyclical, we will have that as a reserve fund.

Commissioner Sarnoff: Are you -- because -- you are saying when it's zero contribution, we should be making a contribution to the --

Commissioner Carollo: To the reserve, yes, or when -- let's say last year we paid "X" amount. Next year, we pay less. That amount should go to this fund.

Chair Gort: Escrow account.

Commissioner Sarnoff: And have you picked that number?

Commissioner Carollo: We haven't picked a number. What I'm saying is let me work with the Administration, bring it back with an ordinance and we'll have further time to discuss it, but that's the idea behind it; at least you get the gist of what I'm trying to do.

Commissioner Sarnoff: You're not going to zero. You're just picking that --

Commissioner Carollo: Right, exactly, exactly. You know, I want to put some safeguards so in the future, you know, the account isn't raided and so forth, so if you let me work with the Administration, we'll bring back an ordinance, but in essence, that's the idea behind it. Sound good?

Commissioner Sarnoff: Good idea.

Chair Gort: Sounds good.

Commissioner Carollo: Thank you.

Chair Gort: We'll all work with it.

Commissioner Sarnoff: It's a good idea.

Commissioner Carollo: Thank you.

Commissioner Sarnoff: Danny'll like it.

Chair Gort: (UNINTELLIGIBLE) Motion to adjourn.

Commissioner Carollo: Motion to adjourn.

Chair Gort: Thank you. Bye.

END OF DISTRICT 3

DISTRICT 4

COMMISSIONER FRANCIS SUAREZ

D4.1

DISCUSSION ITEM

15-00142

DISCUSSION REGARDING WALLET CARD PROJECT.

15-00142 E-Mail - Discussion Item.pdf

15-00142 Article - Miami Herald.pdf

DEFERRED

Note for the Record: Item D4.1 was deferred to the March 12, 2015 Regular Commission Meeting.

END OF DISTRICT 4

DISTRICT 5

VICE CHAIR KEON HARDEMON

END OF DISTRICT 5

NON AGENDA ITEM(S)

NA.1

DISCUSSION ITEM

15-00283

LIEUTENANT COLONEL ANTONIO COLMENARES, DIRECTOR OF VETERANS SERVICES IN THE CITY OF MIAMI, THANKED THE MAYOR, CITY COMMISSION AND CITY MANAGER FOR THEIR EFFORTS AND CONTINUED SUPPORT WITH THE IMPORTANT MISSION OF ENDING VETERAN HOMELESSNESS; FURTHER RECOGNIZING THAT THE CITY OF

MIAMI'S EFFORTS HAVE ASSISTED NINETY-SEVEN HOMELESS VETERANS WITH SHELTER AND SOCIAL SERVICES, DRAMATICALLY IMPROVING THEIR QUALITY OF LIFE.

DISCUSSED

Mayor Tomás Regalado: Thank you very much, Mr. Chairman. Thank you for the point of privilege. And Commissioners, good morning. Next May there's going to be an important event in the City of Miami. Last year on May, at Legion Park, we had the veterans -- the first veterans' stand down, and it had an article on the front page the next day of the Miami Herald, but that went beyond an article. The City of Miami is the only city in the US (United States) to have a veterans affairs office in the Mayor's Office; and because of that, a lot of work has been done; a lot of work of many volunteers; a lot of work of many people that want to end homelessness in the veterans of the US Armed Forces here in South Florida, and especially in Miami. Much has been done. The media has been reporting a lot about homeless, but the fact of the matter is that many veterans today have a home because of the efforts of a group of people that have partnered with the Florida Veterans Foundation. And I am proud to say that the person that has led that project is Lieutenant Colonel Antonio "Tony" Colmenares, retired; that he, as a volunteer, has been the team leader for the City of Miami, helping the veterans and is organizing this major event at Robert King High Park in May of this year. If you allow me, Mr. Chairman, I would ask Colonel Colmenares, United States Marines, to explain to the Commission and the people of Miami what we have done and what we are doing next May.

Chair Gort: Thank you, Mr. Mayor. You're recognized, Colonel.

Antonio Colmenares: Thank you, Mr. Mayor. Thank you, Chair. I'm Lieutenant Colonel Tony Colmenares, United States Marine Corp. retired. I served 30 years in the Marines and came home back in 2008 after my service. Since then, I've worked closely with the Mayor, Tomás Regalado, and other Commissioners to truly bring about something monumental here in the City of Miami; that is, to become the first city, the first region in the country to end veterans homelessness. We have taken that undertaking. You can imagine what it takes to create those opportunities to be able to pull these veterans off the streets. I'm happy to report, with the Mayor's leadership three years ago, in the creation of the Homeless Veterans Task Force for the City of Miami. I am privileged to serve as the chair, and I'm also privileged to serve as a volunteer director of Veterans Services for the City of Miami. We have been able to take 97 veterans off the streets of the City of Miami. We still have some work to do, Mr. Chair. We currently have about 240 veterans remaining on the streets. This year -- and I give you this -- my commitment -- this year we'll end all homelessness for veterans in the City of Miami through your support, through the Mayor's support, through the support of the community. I want to kind of do something a little different. I know mainly the Commission recognizes efforts. I want to recognize your effort. I want to recognize the City Commission; the City Administration led by Danny Alfonso, who's a veteran himself; the City Commission, who has veterans serve within the City Commission: Commissioner Sarnoff, whose father was a marine as well. We have people in this community that have really stepped up and said, "You know, we are going to help these people that have given and sacrificed so much for this country." I thank you for that. I'm going to recognize you today, and I recognize you on behalf of the Florida Veterans Foundation, a State of Florida created, non-profit, created by the State of Florida eight years ago, and it resides in Tallahassee at the capitol building in direct support of the Florida Department of Veterans Affairs, which I happen to be the director for this region down here, appointed by the Governor through the executive director of the FDVA (Florida Department of Veterans Affairs). So I just want to thank you, Mr. Mayor. We are going to really do something monumental together. I want to recognize Commissioner Francis Suarez, who's already stepped up and provided donations to this effort. Just so you know, we will raise over \$400,000 this year. Not one single penny will come from the City coffers. This is through patriotic Americans who will give generous donations so we can help these veterans. So I thank you, City Commission. I thank you, Mr. Manager, for your leadership. And I just got a little token of appreciation for each of you and the Mayor. This comes from the Florida Veterans Foundation, and I'll quickly

just go around and each one of you one of these token coins. And by the way, these are challenge coins. Those that have served really understand what this means, but I want to present it to all of you, because we're going to work together to make this a reality this year. You have my commitment and my promise that I'll work tirelessly to make that happen. I just need your support and the support of the community to be able to do that. So thank you again, Mr. Mayor, for the opportunity.

Chair Gort: Thank you, Colonel.

Applause.

Chair Gort: Thank you.

Vice Chair Hardemon: Mr. Chair, may I say something?

Chair Gort: Yes.

Vice Chair Hardemon: I did not serve in any armed forces, but my -- as many people know that my grandmother had 15 children, and six of them did serve our country, and so I'll most definitely pass this on, 'cause I like to express my uncle George Hardemon, my uncle Ronnie Hardemon, who's passed away now; my Uncle Walter Hardemon, who was also a City of Miami police detective; and my Uncle Philip Hardemon; my Uncle Billy Hardemon; and then my mother, April Hardemon, who still serves our community as a City of Miami police officer. So I'll pass this on to her.

Chair Gort: Thank you.

NA.2

15-00285

DISCUSSION ITEM

REPRESENTATIVES FROM THE AGENCY FOR HEALTH CARE ADMINISTRATION (AHCA) AND CITY OF MIAMI PLANNING AND ZONING DEPARTMENT DISCUSSED ISSUES PERTAINING TO NEW GREENVIEW II ASSISTED LIVING FACILITY (ALF) LOCATED AT 2650 NORTHWEST 15TH AVENUE.

DISCUSSED

Direction by Chair Gort to the City Manager to work with the Agency for Health Care Administration (ACHA) on a report detailing how many people are currently at the facility, the criteria and guidelines this facility should be following, as well as the funds received by this facility from the State of Florida for each individual under its care.

Vice Chair Hardemon: Mr. Clerk, time certain for 2:30 is for what items?

Todd B. Hannon (City Clerk): At least the information that I have, PZ.10, PZ.13, time certain for 2 p.m.; and then PZ.9 will be time certain for 2:45 p.m.

Vice Chair Hardemon: So --

Chair Gort: Mr. Clerk, what time is it?

Mr. Hannon: Chair, it is 2 o'clock.

Chair Gort: What time were we going to come back?

Mr. Hannon: 2 p.m., sir.

Chair Gort: Okay. Madam Attorney, since we cannot take any vote, we don't have a quorum, I'd like to -- we have a 2 o'clock time certain for a presentation --

Unidentified Speaker: From ACA (Agency for Healthcare Administration).

Chair Gort: -- from ACA, yes.

Victoria Méndez (City Attorney): Yes. I believe that there's some representatives for the Agency for Healthcare Management, or ACA, present.

Chair Gort: Well, I'd like to hear from my staff. My understanding is I filed complaints about two years ago about the problems we're having in one of those facility [sic] in the -- in a section of -- in Allapattah. And my understanding is the reason I discovered that because people were throwing away trash, violating the laws and so on, and they were doing some construction and so on. And my understanding, we've had a lot of problems with those facility [sic], according to the Police and all that, so I'd like to get a report from you all. I understand one of your member of the Planning has been meeting with them.

Ms. Méndez: Yes. Young lady -- She's ready for a presentation from the Planning Department or discussion.

Miradys Fernandez: Yes. Good afternoon. Miradys Fernandez, City of Miami Planning and Zoning Department. We have representatives from the Agency for Healthcare Administration here to discuss the issue with the assisted living facility at 2650 Northwest 15th Avenue. And this is in the wake of a recent incident that happened at the location, so we also have a staff member from ACA that will be on the phone, Catherine Avery, and we're actually in the process of calling her right now. She would like to be conferenced in.

Chair Gort: Okay. Miradys, it was brought to the attention of the City when I saw illegal dumping taking place right across from the facility, and that's one of the reasons went after it. And my understanding, I'd like to get some information from the ACA personnel; how many people we have there; what are the criterias [sic], the guidelines; how much does the State pays for it, for individual and --

Ms. Fernandez: We are in the Commission meeting right now, and Commissioner Gort would like to ask you some questions. Can you hear us?

Anne Avery (via teleconferencing): Yes.

Ms. Fernandez: Okay.

Chair Gort: Now, my understanding, in the City of Miami there's certain ACLFs [sic] that are not allowed to be in a residential area; am I correct?

Ms. Méndez: Depending on the use of these ALFs (Adult Living Facilities), certain ones are not allowed to be in residential areas. The ones that are allowed, pursuant to 419 and 429, require certain --

Ms. Avery: I apologize. I can't hear what the question is.

Chair Gort: Right now the question's addressed to our staff and Planning.

Ms. Méndez: The -- there are certain ALFs that are allowed if it's certain people that are sent to those ALFs. So for the agency for the elderly --

Ms. Avery: Miradys --

Ms. Méndez: -- or agency --

Ms. Avery: -- I can't hear. I --

Ms. Méndez: -- with disabilities, or Department of Children and Families, those things; but not the criminal justice system or things of that nature that would turn it into a de facto halfway house, for instance. Those are not allowed in residential areas. It is -- arguably, they're not allowed in the City at all, but definitely not in residential areas.

Chair Gort: Well, my understanding, the -- from the e-mails (electronic) that I read, the statements were made that the -- they don't have too much of the power to close the facility; that it was up to us to take the remedies to close the facility if they're not in compliance. Now, my understanding, they didn't have CUs (Certificates of Understanding); they didn't have any BTRs (Business Tax Receipts); they're not in compliance with a lot of the requirements and codes for the City of Miami. So my understanding, the -- what I've read in the e-mails, it says that we are the one that have to take the action. Now, what I'd like to do is write some questions. I want to know if this ACLF [sic] that exist in this particular area -- and we'll send some more -- what is the use of it? What are the criterias [sic] for them? How much do they get paid for individual? And what is the service that they have to provide? Those are the questions I'd like for them to answer, okay?

Ms. Miradys: Okay.

Chair Gort: And they can do it in writing. They don't have to do it right now, because we don't have the communications.

Ms. Miradys: Okay.

Chair Gort: Okay?

Ms. Miradys: And just to give you a follow-up.

Chair Gort: Yes.

Ms. Miradys: What -- the City has been conducting a complete audit of all assisted living facilities and group homes, and we've commenced -- started a task force as well with Planning and Zoning, Code Enforcement, Fire Department, Police Department, and our legal staff to tackle these issues moving forward and have a proactive approach instead of reactive.

Chair Gort: I appreciate that. At the same time, I think it should be considered that most of the -- this facility, halfway house, they're in certain neighborhoods; and my understanding is, these individuals, they going to get a second chance, they should be in neighborhoods where there's not too much of a crimes and so on, so I think the -- this is some of the things that I'd like to look at it when the department -- the Planning Department looks at the regulations for this.

Ms. Miradys: Yes, and we will --

Chair Gort: Okay?

Ms. Miradys: -- do so. Yes.

Chair Gort: So those questions I'd like to get answers from them, all right?

Ms. Miradys: Thank you.

Chair Gort: Thank you. Thank you for the work.

Ms. Miradys: Sure.

ADJOURNMENT

The meeting adjourned at 7:32 p.m.