

City of Miami

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



Meeting Minutes

Thursday, March 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*

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RE - RESOLUTIONS

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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 March 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 9:01 a.m., recessed at 11:45 a.m., reconvened at 3:07 p.m., and adjourned at 7:00 p.m.

Note for the Record: Commissioner Sarnoff entered the Commission chamber at 9:02 a.m., Commissioner Carollo entered the Commission chamber at 9:04 a.m., Commissioner Suarez entered the Commission chamber at 9:08 a.m., and Vice Chair Hardemon entered the Commission chamber at 9:25 a.m.

ALSO PRESENT:

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

Chair Gort: Good morning, everyone, and welcome to the March 26 meeting of the City of Miami Commission in these historic chambers. The members of the City Commission is Frank Carollo, Francis Suarez, Marc Sarnoff; Vice Chairman Keon Hardemon, and myself, Chairman Wifredo “Willy” Gort. Also on the dais is Daniel Alfonso, our City Manager; he should be here any minute; Victoria Méndez, City Attorney; and Todd Hannon, our City Clerk. At this time I'd like you to stand for the prayer and, Todd, you do the flag. Thank you.

Invocation and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS

PR.1

15-00377

PRESENTATION

<u>Honoree</u>	<u>Presenter</u>	<u>Protocol Item</u>
Judge Diana Vizcaino	Mayor and Commissioners	Proclamation
Pam Farber	Commissioner Carollo	Certification of Appreciation
Robyn Sachs	Commissioner Carollo	Salute

15-00377 Protocol Item.pdf

PRESENTED

1) Mayor Regalado and the Miami City Commission presented a Certificate of Commendation to Judge Diana Vizcaino recognizing her leadership in the City of Miami, striving to honor the trust of the people as the Division Chief of the Labor & Employment Division of the Office of the City Attorney, serving in that capacity since November 2010, demonstrating a strong understanding of the law which has enabled her to serve our citizens since becoming a member of the Office of the City Attorney in 2008; furthermore, acknowledging her representation of the City in

employment litigation matters, arbitration, collective bargaining and formerly before the Civil Service Board as well as the Recruitment & Internship Coordinator for the Office of the City Attorney; moreover paying tribute to her appointment to the Miami-Dade Court bench on March 12, 2015 by Governor Rick Scott. It is fitting and appropriate that local authorities of the City of Miami, on behalf of our citizens, pay special tribute to Judge Diana Vizcaino, who is committed to a stronger Miami and who continues to give untiringly of herself in order to make a difference in our City and to elevate the quality of life for all of our community.

2) Commissioner Carollo and Chief Maurice Kemp presented a Certificate of Appreciation to Pam Farber recognizing her nearly thirty years of service and dedication as a career employee and applauding her use of critical skills and knowledge in service to the people of Miami; furthermore paying tribute to her commitment to public service and wishing her continued success.

3) Commissioner Carollo presented a Salute to Robyn Sachs for the occasion of being named one of 26 under 36 in Florida CPA Today Magazine, paying tribute to her outstanding contributions to South Florida and commending her for her service in a long-lasting commitment to the betterment of our community.

Mayor Tomás Regalado: Going back to this, Mr. Chairman and Commissioners.

Presentations made.

APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

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

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

Chair Gort: Do we have any minutes to be approved?

Todd B. Hannon (City Clerk): Yes, sir. I have for Commission consideration and approval the Planning & Zoning meeting minutes from February 26, 2015.

Chair Gort: Do I have a motion?

Commissioner Carollo: Move it.

Commissioner Sarnoff: So moved. Second.

Chair Gort: 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.

END OF APPROVING MINUTES

MAYORAL VETOES

NO MAYORAL VETOES

Mayor Tomás Regalado: Well --

Chair Gort: Let me ask a question before -- Mr. Clerk, do we have any Mayor's veto, since he's (UNINTELLIGIBLE)?

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

Chair Gort: Thank you.

ORDER OF THE DAY

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

Victoria Méndez (City Attorney): Mr. Chair, one moment; I misplaced my procedures on the dais. One second.

Daniel J. Alfonso (City Manager): While we wait, Commissioner -- Mr. Chairman, would you like me to talk about the items that are going to be deferred or --?

Chair Gort: Yes.

Mr. Alfonso: Okay. For the record, the SR.1, the DDA (Downtown Development Authority) ordinance, it's been asked that it gets deferred to 6/26; that is, June 26. SR.4, the amendment to the noise ordinance, we would ask that it be deferred to April 23. RE.9, it is asked that that item be deferred to April 23. Also RE.4, it's been asked that that item be deferred to April 9. The DI.2 is being withdrawn by the Administration. And D4.1, the discussion on Ludlum Trail, is to be continued to 4/23.

Chair Gort: D4?

Mr. Alfonso: D4.1, discussion item 4.1, that is -- it is asked that it be continued to April 23.

Todd B. Hannon (City Clerk): And excuse me. Chair, for the record, item SR.1 will be deferred to June 25, June 25

Mr. Alfonso: Twenty-fifth, excuse me.

Chair Gort: SR.1.

Mr. Alfonso: SR.1, that is the ordinance change to the DDA Board. Just for information purposes -- because I know that we can't really make a move now, but Planning & Zoning, rezoning item PZ.3 is going to be continued to April 23.

Chair Gort: Well, make sure you announce it in the back so people will be aware of it.

Mr. Alfonso: Yes.

Chair Gort: PZ.3, right?

Mr. Alfonso: Yes, sir. Yes, Commissioner.

Ms. Méndez: We'll now begin our City Commission meeting. Any person who acts as a lobbyist, pursuant to City Code section, Miami Ordinance Number 11469, must register with the City Clerk prior to engaging in any lobbying activities before City staff, boards and committees and City Commission. A copy of said ordinance is available in the Office of the City Clerk in City Hall. Any person or entity requesting approval, relief, or other action from the City Commission or its boards, authorities, and agencies concerning any issues shall disclose in writing at commencement or continuance of the hearings on the issue following -- the following information, if any consideration has been provided or committed to whom the consideration has been provided or committed, the nature of the consideration, and the description of what's being requested in exchange for consideration. The disclosure is available from the City Clerk's Office.

Any person who becomes unruly in Commission chambers shall be barred from further attending meetings. The City Commission will accept, at its consideration, whether or not things have been entered into the record at least five days before the meeting. If anyone needs a verbatim transcript of the hearing, they can access that on www.miamigov.com or can ask the Department of Communications. Anyone that becomes boisterous while addressing the Commission shall be barred from further attending Commission meetings or may be subject to arrest. Please note that the Commissioners have been briefed generally on all the items on the Commission today. Thank you.

Chair Gort: Thank you, ma'am. Mr. Manager, any -- you already -- can you state again -- wait until the board member comes. Any of the board members would like to pull any item or defer any items?

Commissioner Sarnoff: (UNINTELLIGIBLE) motion on what --

Chair Gort: Just make a motion.

Commissioner Sarnoff: I'll make the motion.

Vice Chair Hardemon: Second.

Chair Gort: It's been moved by Commissioner Sarnoff; second by Vice Chairman Hardemon. All in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: You have that, right? Okay.

CONSENT AGENDA**CA.1****RESOLUTION****15-00241***Department of Public Works*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT TWENTY (20) RIGHT-OF-WAY DEEDS OF DEDICATION, AS DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED, FOR HIGHWAY PURPOSES; APPROVING AND AUTHORIZING THE RECORDATION OF SAID DEEDS IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; FURTHER DIRECTING THE CITY CLERK TO KEEP COPIES OF SAID DEEDS.

15-00241 Summary Form.pdf

15-00241 Back-Up from Law Dept..pdf

15-00241 Legislation.pdf

15-00241 Exhibit A.pdf

This Matter was ADOPTED on the Consent Agenda.

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

Absent: 2 - Commissioner(s) Carollo and Suarez

R-15-0134**CA.2****RESOLUTION****15-00237***Department of Public Works*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE BID RECEIVED APRIL 16, 2013, PURSUANT TO INVITATION FOR BIDS NO. 12-13-022, FROM FLORIDA LAWN SERVICES, INC. (PRIMARY), AND SUPERIOR LANDSCAPING & LAWN SERVICES, INC. (SECONDARY), AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER(S) FOR THE PROJECT ENTITLED "CORAL WAY MEDIAN LANDSCAPING AND MAINTENANCE CONTRACT, M-0088," IN AN ANNUAL AMOUNT NOT TO EXCEED \$165,495.00; AUTHORIZING UP TO FOUR (4) ADDITIONAL ONE (1) YEAR OPTIONS TO RENEW, IN AN ANNUAL AMOUNT NOT TO EXCEED \$165,495.00; ALLOCATING SAID FUNDS FROM ACCOUNT NO. 13000.201000.449000; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE SAID OPTIONS TO RENEW SUBJECT TO THE AVAILABILITY OF FUNDS AND THE CONTRACTOR'S PERFORMANCE.

15-00237 Summary Form.pdf

15-00237 Legislation.pdf

15-00237 Exhibit.pdf

This Matter was ADOPTED on the Consent Agenda.

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

Absent: 2 - Commissioner(s) Carollo and Suarez

R-15-0135

CA.3**RESOLUTION****15-00235***Department of
Procurement*

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BIDS RECEIVED JANUARY 20, 2015, PURSUANT TO INVITATION FOR BID NO. 475334, FROM HERRERA TIRE SERVICE, INC. AND YLLADA MOBILE TIRE SERVICE, LLC, THE RESPONSIVE AND RESPONSIBLE BIDDERS, FOR ROAD SERVICE TIRE REPAIRS ON A CITYWIDE, AS NEEDED CONTRACTUAL BASIS, FOR AN INITIAL PERIOD 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.

15-00235 Summary Form.pdf

15-00235 Bid Tabulation.pdf

15-00235 Corporate Detail.pdf

15-00235 Invitation For Bid.pdf

15-00235 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.

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

Absent: 2 - Commissioner(s) Carollo and Suarez

R-15-0136**CA.4****RESOLUTION****15-00272***Department of
Procurement*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE PROCUREMENT OF FLOOR COVERINGS WITH RELATED SUPPLIES, EQUIPMENT, AND SERVICES FROM VARIOUS VENDORS, THROUGH EXISTING STATE OF FLORIDA ("STATE") CONTRACT NO. 360-240-12-1 NJPA, AVAILABLE THROUGH THE NATIONAL JOINT POWERS ALLIANCE ("NJPA") COOPERATIVE PURCHASING ORGANIZATION, EFFECTIVE THROUGH MARCH 18, 2016, SUBJECT TO ANY RENEWALS, EXTENSIONS, OR REPLACEMENT CONTRACTS BY THE STATE AND/OR THE NJPA, TO BE UTILIZED ON A CITYWIDE, AS-NEEDED CONTRACTUAL BASIS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; FURTHER ACKNOWLEDGING THE COOPERATIVE PROCUREMENT BENEFITS OF THE NJPA COOPERATIVE PURCHASING ORGANIZATION THAT ENABLES THE CITY OF MIAMI ("CITY") TO AGGREGATE ITS PURCHASING VOLUME WITH THAT OF OTHER PARTICIPATING MEMBER PUBLIC AGENCIES, IN ORDER TO REALIZE A LARGER PERCENTAGE DISCOUNT PRICING STRUCTURE TO THE FINANCIAL BENEFIT OF THE CITIZENS OF THE CITY; FURTHER AUTHORIZING THE USE OF ALL COMPETITIVELY SOLICITED AND AWARDED CONTRACTS AVAILABLE THROUGH THE NJPA, AS SET FORTH IN EXHIBIT "A," ATTACHED AND INCORPORATED, SUBJECT TO ANY RENEWALS, EXTENSIONS, OR REPLACEMENT CONTRACTS BY THE NJPA, TO BE UTILIZED ON AN

AS-NEEDED CONTRACTUAL BASIS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

15-00272 Summary Form.pdf

15-00272 Legislation.pdf

15-00272 Exhibit.pdf

This Matter was ADOPTED on the Consent Agenda.

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

Absent: 2 - Commissioner(s) Carollo and Suarez

R-15-0137

CA.5

14-01302

*Office of the City
Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY TO AND ON BEHALF OF RICHARDSON GEORGE, SUBJECT TO THE CONDITIONS IMPOSED BY CHAPTER 440, FLORIDA STATUTES, THE TOTAL SUM OF \$37,400.00, IN FULL SETTLEMENT OF ALL CLAIMS AND DAMAGES OF ACCIDENT ALLEGED AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS, AND EMPLOYEES, WITHOUT ADMISSION OF LIABILITY, UPON THE EXECUTION OF A SETTLEMENT, HOLD HARMLESS, AND INDEMNIFICATION AGREEMENT, AS WELL AS A SEPARATE \$100.00 PAYMENT IN CONSIDERATION OF THE EXECUTION OF A GENERAL RELEASE OF THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS, AND EMPLOYEES, FROM ANY AND ALL CLAIMS AND DEMANDS, FOR A TOTAL SETTLEMENT AMOUNT OF \$37,500.00; ALLOCATING FUNDS FROM ACCOUNT NUMBER 50001.301001.524000.0000.00000.

14-01302 Memo - Office of the City Attorney.pdf

14-01302 Memo - Budget Sign-Off.pdf

14-01302 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.

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

Absent: 2 - Commissioner(s) Carollo and Suarez

R-15-0138

CA.6

15-00246

*Department of
Procurement*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BIDS RECEIVED FEBRUARY 19, 2015, PURSUANT TO INVITATION FOR BID NO. 475326, FROM SUPERIOR LANDSCAPING AND LAWN SERVICE, INC., FOR GROUP ONE (1), BCLS LANDSCAPING GROUP, INC., FOR GROUPS TWO (2) AND THREE (3), AND DAYSI YNIGO LANDSCAPING AND LAWN SERVICE, LLC, FOR GROUP FOUR (4), FOR CITYWIDE GROUNDS MAINTENANCE SERVICES ON AN AS-NEEDED CONTRACTUAL BASIS, FOR AN INITIAL CONTRACT PERIOD OF TWO (2) YEARS, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS,

FOR AN ESTIMATED ANNUAL COST OF \$127,570.27; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS OF THE END-USER DEPARTMENTS, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

15-00246 Summary Form.pdf
15-00246 Bid Tabulation.pdf
15-00246 Corporate Detail.pdf
15-00246 Invitation For Bid.pdf
15-00246 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-15-0139

CA.7

RESOLUTION

15-00245

Department of Police

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE PROCUREMENT OF WORKFORCE MANAGEMENT SYSTEM SOFTWARE FROM KRONOS INCORPORATED, FOR THE CITY OF MIAMI, PURSUANT TO SECTION 18-111 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, UTILIZING THE COMPETITIVELY BID AND EXISTING CONTRACT OF U.S. COMMUNITIES CONTRACT NO. 14-JLR-003, FOR A WORKFORCE MANAGEMENT SYSTEM INCLUDING TIME, ATTENDANCE, LEAVE, SCHEDULING, PAYROLL SOLUTIONS, AND RELATED PRODUCTS, SERVICES AND SYSTEMS FOR THE POLICE DEPARTMENT, SUBJECT TO ANY RENEWALS, EXTENSIONS, AND/OR REPLACEMENT CONTRACTS BY U.S. COMMUNITIES; WITH FUNDS ALLOCATED FROM THE END-USER DEPARTMENT, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED.

15-00245 Summary Form.pdf
15-00245 Legislation.pdf
15-00245 Exhibit.pdf

This Matter was ADOPTED on the Consent Agenda.

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

R-15-0140

Adopted the Consent Agenda

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

END OF CONSENT AGENDA

Chair Gort: Do I have a motion for the consent agenda?

Commissioner Sarnoff: So moved.

Chair Gort: Been moved by Commissioner Sarnoff--

Vice Chair Hardemon: Second.

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

The Commission (Collectively): Aye.

PUBLIC HEARINGS

9:00 A.M.

PH.1

RESOLUTION

15-00274

*Department of
Community and
Economic
Development*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION OF PROGRAM YEAR 2015-2016, COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FUNDS IN THE AMOUNT OF \$1,800,190.00 IN THE ECONOMIC DEVELOPMENT CATEGORY 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.

15-00274 Summary Form.pdf

15-00274 Notice to the Public.pdf

15-00274 Pre-Legislation.pdf

15-00074 Legislation.pdf

15-00274 Attachment A.pdf

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

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

Absent: 1 - Commissioner(s) Suarez

R-15-0141

Commissioner Suarez: Beautiful. Public hearing, right?

Chair Gort: PH.1.

George Mensah: Good morning, Commissioners. George Mensah, director of Community Development. PH.1 is a resolution authorizing the allocation of CDBG (Community Development Block Grant) funds in economic development category, in the total amount of about approximately \$1.8 million to the activities that are described in your attachment.

Chair Gort: Thank you, sir. This is a public hearing; be open to the public. Anyone in the public would like to discuss PH.1? Anyone in the public? Seeing none, hearing none, Commissioners?

Vice Chair Hardemon: So moved.

Chair Gort: It's been moved by Vice Chairman Hardemon --

Commissioner Sarnoff: Second.

Chair Gort: -- second by Commissioner Sarnoff.

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

Chair Gort: Yes.

Mr. Hannon: Just for the record, there's a scrivener's error in the title. We just need to add "with attachments" in the title.

Mr. Mensah: It just says "specified in Attachment "A."

Chair Gort: Yeah.

Mr. Hannon: No. Currently, it reads "A resolution of the Miami City Commission," but there is an attachment that we consider an exhibit, and so --

Mr. Mensah: Okay.

Mr. Hannon: -- the title needs to read "A resolution of the Miami City Commission, with attachments," comma, "authorizing" and so forth.

Mr. Mensah: Okay.

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

The Commission (Collectively): Aye.

PH.2

15-00275

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

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION FOR PROGRAM YEAR 2015-2016 COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FUNDS IN THE AMOUNT OF \$135,217.00 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.

15-00275 Summary Form.pdf

15-00275 Notice to the Public.pdf

15-00275 Pre-Legislation.pdf

15-00275 Legislation.pdf

15-00275 Attachment A.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-15-0142

Chair Gort: PH.2.

George Mensah (Director, Community Development): PH.2, Commissioners, is a resolution of the Miami City Commission, with attachments, authorizing the allocation of funds for 215 [sic] and 216 [sic] in the CDBG (Community Development Block Grant) category for the public service, in the total amount of 135,217 to the agencies that's provided in the attachment.

Chair Gort: Thank you, sir. This being a public hearing, is anyone in the public would like to address PH.2? Anyone in the public? Seeing none, hearing none, close the public hearings. Further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: PH.3.

Mr. Mensah: Commissioner, PH (Public Hearing) --

Todd B. Hannon (City Clerk): Chair, I need a motion and a second on PH.2.

Commissioner Sarnoff: So moved.

Chair Gort: Oh, I'm sorry. It was moved by Commissioner Sarnoff; second by Vice Chairman Hardemon, okay? All in favor, state it by saying "aye."

The Commission (Collectively): Aye.

PH.3

15-00230

*Department of
Community and
Economic
Development*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE CITY OF MIAMI'S ("CITY") ANNUAL ACTION PLAN FOR FISCAL YEAR 2015-2016, ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO SUBMIT THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2015-2016 TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR REVIEW AND APPROVAL.

15-00230 Summary Form.pdf

15-00230 Notice to the Public.pdf

15-00230 Back-Up from Law Dept.pdf

15-00230 Legislation.pdf

15-00230 Exhibit - Annual Action Plan.pdf

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

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

Absent: 1 - Commissioner(s) Carollo

R-15-0143

Chair Gort: PH.3.

George Mensah (Director, Community Development): Sir, PH.3 is a resolution approving the City of Miami's annual action plan for Fiscal Year 2015-2016, as attached; authorizing the City Manager to submit the annual allocation action plan for Fiscal Year 2015/2016 to the United States Department of Housing and Urban Development for review and approval.

Chair Gort: Thank you, sir. George, my understanding, these plans have been put together by the different meetings that we had at the public meetings throughout the City of Miami.

Mr. Mensah: That is correct --

Chair Gort: Am I correct?

Mr. Mensah: -- Commissioner.

Chair Gort: Thank you. Okay, this is a public hearing. Is anyone in the public would like to address or -- this issue, PH.3? Seeing none, hearing none, any further discussion? Being none, all in favor, state it by saying --

Vice Chair Hardemon: So moved.

Todd B. Hannon (City Clerk): Chair, a motion.

Chair Gort: Oh, I need a motion, right.

Vice Chair Hardemon: So moved.

Commissioner Suarez: Second.

Chair Gort: Moved by Vice Chairman Hardemon --

Commissioner Suarez: Second.

Chair Gort: -- second by Commissioner Sarnoff [sic]. All in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Mr. Mensah: Thank you, Commissioners.

Chair Gort: Thank you.

PH.4

15-00231

Department of Real Estate and Asset Management

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO FLORIDA POWER AND LIGHT COMPANY, A FOR-PROFIT FLORIDA CORPORATION, FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT OF APPROXIMATELY FOUR THOUSAND FOUR HUNDRED NINETY SEVEN (4,497) SQUARE FEET OF CITY OF MIAMI-OWNED PROPERTY LOCATED AT 3801 RICKENBACKER CAUSEWAY, MIAMI, FLORIDA (VIRGINIA KEY), AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED, FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES, WITH THE RIGHT TO RECONSTRUCT, IMPROVE, ADD TO, ENLARGE, REMOVE, AND CHANGE THE VOLTAGE AND SIZE OF ANY OR ALL OF THE

FACILITIES WITHIN SAID EASEMENT.

15-00231 Summary Form.pdf
15-00231 Notice to the Public.pdf
15-00231 Legislation.pdf
15-00231 Exhibit.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-15-0144

Chair Gort: PH.4.

Daniel Rotenberg: Good morning. Daniel Rotenberg, director of the Department of Real Estate & Asset Management. This is a granting of an easement to FPL (Florida Power & Light) for the recreational facility at Virginia Key, the one that's being constructed right now by CIP (Capital Improvements Program).

Commissioner Sarnoff: So move.

Chair Gort: Thank you, sir. It's been moved --

Commissioner Suarez: Second.

Chair Gort: -- by Commissioner Sarnoff. This is a public hearing. Is anyone in the public would like to address this issue? Seeing none, hearing none, we'll close the public hearings. Further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: By the way, it's important, because you see how fast we're going through this, but I want people to know we receive this about week and a half before and we get a chance to read all of this; we pretty much aware of it. Thank you.

PH.5**15-00236****Department of Public Works****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PLAT ENTITLED "MIAMI DOUGLAS STATION," A REPLAT IN THE CITY OF MIAMI, OF THE PROPERTY DESCRIBED IN "ATTACHMENT 1," SUBJECT TO THE 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.

15-00236 Summary Form.pdf
 15-00236 Notice to the Public.pdf
 15-00236 Legislation.pdf
 15-00236 Attachment 1.pdf
 15-00236 Exhibit A.pdf

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

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

R-15-0145

Chair Gort: PH.5.

Eduardo Santamaria: Good morning, Commission, Mr. Chair. Ed Santamaria, director of Public Works. PH.5 is a resolution accepting the final plat of Miami Douglas Station from Treo Douglas Station LLC (Limited Liability Company). The location is Southwest 37th Avenue and Southwest 37th Court between Bird Road and Peacock Avenue.

Chair Gort: Okay, thank you. PH.5 is a public hearing. Is anyone in the public would like to address PH.5? Seeing none, hearing none, we close the public hearings. Discussion? Being none, do I have a motion?

Commissioner Sarnoff: So move.

Vice Chair Hardemon: Second.

Chair Gort: Been move by Commissioner Sarnoff; second by Commissioner -- Vice Chairman Keon Hardemon. All in favor, state it by saying ðŸ™‚."

The Commission (Collectively): Aye.

PH.6

15-00244

Department of Capital Improvement Programs/Transportation

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING, AND CONFIRMING THE CITY MANAGER'S RECOMMENDATIONS AND FINDINGS, PURSUANT TO SECTION 18-85 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND SECTION 255.20, FLORIDA STATUTES, WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AS NOT BEING PRACTICABLE OR ADVANTAGEOUS TO THE CITY OF MIAMI FOR PROJECT NO. B-78513 "NE 2 AVENUE/DESIGN DISTRICT," FOR IMPROVEMENTS AND ENHANCEMENTS TO PORTIONS OF MIAMI-DADE COUNTY-OWNED PUBLIC RIGHTS-OF-WAY ALONG NORTHEAST 2ND AVENUE, FROM NORTHEAST 38TH TO NORTHEAST 42ND STREET LOCATED IN A DESIGNATED ENTERPRISE ZONE WITHIN THE CITY'S DESIGN DISTRICT; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A MANAGEMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH FCAA, LLC, AS DEVELOPMENT MANAGER FOR THE PROCUREMENT AND CONSTRUCTION OF THE RIGHT-OF-WAY IMPROVEMENTS BASED UPON THE CITY MANAGER'S WRITTEN

FINDINGS, ATTACHED AND INCORPORATED, IN AN AMOUNT NOT TO EXCEED \$2,000,000.00; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS AND TRANSPORTATION PROGRAM PROJECT NO. B-78513 "NE 2 AVENUE/DESIGN DISTRICT," FOR SAID PURPOSE.

15-00244 Summary Form.pdf
 15-00244 Notice to the Public.pdf
 15-00244 Memo - City Manager's Approval.pdf
 15-00244 Legislation.pdf
 15-00244 Exhibit.pdf

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

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

R-15-0146

Chair Gort: PH.6.

Mark Spanioli (Director, Capital Improvements & Transportation): Good morning again, Commissioners. PH.6 is a four-fifths bid waiver to authorize FCAA, LLC (Limited Liability Company) to be the development manager of the roadway project along Northeast 2nd Avenue from Northeast 38th Street to Northeast 42nd Street, in an amount not to exceed of \$2 million to be covered by a grant from the State of Florida, which was RE.1 that we just heard. There's also a scrivener's error on this one; just one item. On page 2, the third "whereas" should read on the third sentence, "Northeast 42nd Street and Northeast 51st Street," and the project number should be "78508." Thank you.

Commissioner Sarnoff: So --

Chair Gort: Thank you, sir. It's been moved by Commissioner Sarnoff.

Commissioner Suarez: Second.

Chair Gort: Second by Commissioner Suarez. This is a public hearing. Anyone in the public would like to address this issue, PH.6? Seeing none, hearing none, close the public hearing. Further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Mr. Spanioli: Thank you.

Todd B. Hannon (City Clerk): As amended.

Chair Gort: As amended.

END OF PUBLIC HEARINGS

SECOND READING ORDINANCES

SR.1

ORDINANCE

Second Reading

14-01248

**District 2-
Commissioner Marc
David Sarnoff**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 14/ARTICLE II/DIVISION 2, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "DOWNTOWN DEVELOPMENT/DOWNTOWN DISTRICT/DOWNTOWN DEVELOPMENT AUTHORITY," MORE PARTICULARLY BY AMENDING SECTIONS 14-52 AND 14-53 TO INCREASE THE NUMBER OF BOARD MEMBERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY ("DDA") BOARD, AND TO INCREASE THE NUMBER OF BOARD MEMBERS NECESSARY TO CONSTITUTE A QUORUM; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

14-01248 Legislation SR.pdf

14-01248 DDA Resolution FR/SR.pdf

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

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

Note for the Record: Item SR.1 was deferred to the June 25, 2015 Planning and Zoning City Commission Meeting.

SR.2

ORDINANCE

Second Reading

15-00284

**District 2-
Commissioner Marc
David Sarnoff**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62/ARTICLE XIII/DIVISION 9 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ZONING AND PLANNING/ZONING APPROVAL FOR TEMPORARY USES AND OCCUPANCIES; PERMIT REQUIRED/FARMERS' MARKET PILOT PROGRAM," MORE PARTICULARLY BY AMENDING SECTION 62-622 ENTITLED, "FARMER'S MARKET PILOT PROGRAM"; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

15-00284 Legislation FR/SR.pdf

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

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

13508

Daniel J. Alfonso (City Manager): SR.2.

Commissioner Sarnoff: Mr. Chair.

Chair Gort: Yes.

Commissioner Sarnoff: SR.2 simply is taking a pilot project which was the first temporary ordinance I've seen that was actually temporary in the City of Miami --

Chair Gort: Yeah.

Commissioner Sarnoff: -- and making it permanent and it is the farmer's market. It allows people to have farmer's markets in selected parts of the City. I think for Commissioner Hardemon, it certainly takes -- hopefully takes some of the brunt away from food deserts; and for

other folks, it's just a great opportunity to have a farmer's market in the City of Miami. They've been -- they're pretty much all over, but started out in the Upper Eastside in what is now your district, and it has actually come all the way down as far south as downtown Miami, so I move this, Mr. Chair.

Chair Gort: It's been moved by --

Vice Chair Hardemon: Second.

Chair Gort: -- Commissioner Sarnoff; second by Commissioner Hardemon. I have to tell you, the Jackson Memorial, they do farmer's market there and they teach individual how to health -- eat healthy, know how to maintain their self healthy through the food and habits and that's very important. Commissioner -- Vice Chairman, any --?

Vice Chair Hardemon: No. I think this is an exciting program. Obviously, the food -- the farmer's markets have been successful not just in the City of Miami, but all over the country. So this is something that we greatly need. And this was a pop-up shop for fresh food and you can't beat that. And so it brings about a certain level of experiences and a coacher that I think that all of us are -- we benefit from. I know in Overtown we had a food desert. We have a supermarket coming now, so that's great. But just in Wynwood, they just had a farmer's market just recently. So it's a way that we can have people from -- visit from all over all of our districts to experience something that's unique and I'm definitely something that -- well, it's definitely something that I want to go for in the future.

Chair Gort: Yeah, that's something that I wanted to create with the produce market on 12th Avenue, which has to be the next (UNINTELLIGIBLE) place for it. This is a public hearing. Is anyone would like to address SR.1? Seeing none, hearing none, we'll close it, close the public hearing. 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 SR.2.

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

Mr. Hannon: The ordinance passes on second reading, 4-0.

Chair Gort: Thank you, sir.

SR.3

15-00041

Office of the City
Clerk

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PROVIDING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2015, FOR THE PURPOSE OF ELECTING THREE (3) COMMISSIONERS; FURTHER PROVIDING FOR A RUNOFF ELECTION, IF REQUIRED, ON NOVEMBER 17, 2015; PROVIDING FOR THE REGISTRATION OF PERSONS QUALIFIED TO VOTE IN BOTH ELECTIONS; DESCRIBING PERSONS QUALIFIED TO VOTE IN BOTH ELECTIONS; DESCRIBING THE REGISTRATION BOOKS AND RECORDS MAINTAINED UNDER THE PROVISIONS OF THE GENERAL LAWS OF FLORIDA AND CHAPTER 16 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, WHICH THE CITY HAS ADOPTED FOR USE IN GENERAL MUNICIPAL AND RUNOFF ELECTIONS; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY

COMMISSION WITH RESPECT TO THE USE OF SUCH REGISTRATION BOOKS AND RECORDS; AND DIRECTING THE CITY CLERK TO GIVE NOTICE BY PUBLICATION OF THE ADOPTION OF THIS ORDINANCE AND THE PROVISIONS HEREOF; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

15-00041 Memorandum FR/SR.pdf
15-00041 Letter from Supervisor of Elections FR/SR.pdf
15-00041 Estimated Costs for Nov 3 2015 Election FR/SR.pdf
15-00041 2015 General Municipal Election Calendar FR/SR.pdf
15-00041 Legislation FR/SR.pdf
15-00041 Exhibit No. 1 FR/SR.pdf

Motion by Commissioner Suarez, 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

13509

Chair Gort: SR.3.

Todd B. Hannon (City Clerk): Good morning, Commissioners. SR.3 is an ordinance of the Miami City Commission, with attachments, providing for a general municipal election on November 3, 2015, for the purpose electing three Commissioners; further providing for a runoff election, if required, on November 17, 2015; providing for the registration of persons qualified to vote in both elections; describing persons qualified to vote in both elections; describing the registration books and records maintained under provisions of the general laws of Florida and Chapter 16 of the Code of the City of Miami, Florida, as amended, which the City has adopted for use in general municipal election and runoff elections; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of such registration books and records; and directing the City Clerk to give notice by publication of the adoption of this ordinance and the provisions hereof; containing a severability clause and providing for an immediate effective date.

Commissioner Suarez: So move.

Commissioner Carollo: Second.

Chair Gort: Moved by Commissioner Suarez; second by Commissioner Carollo. This is a public hearing. Is anyone would like to address this issue being discussed? Seeing none, hearing none, we'll close the public hearings. It's an ordinance.

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

Commissioner Suarez: Yes.

Mr. Hannon: Vice Chair Hardemon?

Vice Chair Hardemon: For.

Mr. Hannon: Commissioner Carollo?

Commissioner Carollo: Yes.

Mr. Hannon: Commissioner Suarez?

Commissioner Suarez: Yes.

Mr. Hannon: I'm sorry. Commissioner Sarnoff?

Commissioner Sarnoff: Well, I don't know how you can mix the two of us up.

Commissioner Suarez: (UNINTELLIGIBLE).

Commissioner Sarnoff: One is slightly older; the other one's just (expletive) free.

Commissioner Suarez: I don't know if you heard me the first time, but --

Vice Chair Hardemon: I'll take a double vote on some of my measures.

Commissioner Sarnoff: Yes.

Mr. Hannon: And Chair Gort?

Chair Gort: Yes.

Mr. Hannon: The ordinance passes on second reading 5-0.

Chair Gort: By the way, it's a pleasure to have Sergeant Solero back in here again doing off-duty, volunteer.

Commissioner Suarez: Max, Max. Where is Max?

Commissioner Sarnoff: Where is Max? There he is. He's hiding. He's going in his closet.

Chair Gort: There he is. He's (UNINTELLIGIBLE).

Commissioner Suarez: Hiding in a closet. There's no terrorist back there, Max.

Chair Gort: SR.4.

Daniel J. Alfonso (City Manager): Commissioner, SR.4 was deferred.

Chair Gort: Right.

SR.4

14-01319

*Department of NET
Administration*

ORDINANCE

Second Reading

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

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

Absent: 2 - Commissioner(s) Carollo and Suarez

Note for the Record: Item SR.4 was continued to the April 23, 2015 Planning and Zoning City Commission Meeting.

END OF SECOND READING ORDINANCES

FIRST READING ORDINANCES

FR.1

ORDINANCE

First Reading

15-00234

*Department of
Planning and Zoning*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 35, ARTICLE V OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "COCONUT GROVE BUSINESS DISTRICT AND DESIGN DISTRICTS PARKING IMPROVEMENT TRUST FUNDS," TO CLARIFY AND CORRECT LANGUAGE AS TO EXCLUSIONS OF PARKING REDUCTIONS AND RELAXATION OF PARKING REQUIREMENTS WITHIN THE ALREADY ESTABLISHED PARKING TRUST FUND; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

15-00234 Summary Form FR.pdf

15-00234 Legislation FR.pdf

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

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

Daniel J. Alfonso (City Manager): So that we are in FR --

Chair Gort: FR.1 --

Mr. Alfonso: -- 1.

Chair Gort: -- is deferred. FR.2.

Mr. Alfonso: FR.1, yes.

Chair Gort: I thought you defer.

Mr. Alfonso: No, no. SR.1 was deferred.

Chair Gort: Oh, SR.1.

Mr. Alfonso: We're to --

Chair Gort: Okay.

Mr. Alfonso: -- SR (Second Reading). Yeah, first reading, second reading; it's confusing.

Francisco Garcia: Good morning, Mr. Chair and Commissioners. Francisco Garcia, Department of Planning & Zoning director. FR.1 is a proposed amendment to the City Code, Chapter 35 in particular, and this is basically to make it clear -- we think it already is, but to

make it abundantly clear that the parking waivers or parking exemptions that are available generally in the City of Miami do not apply to the two shared parking districts in the City, which are the Design District and the Coconut Grove Village Center. This -- again, it's a very surgically drafted item to make that correction and to make it abundantly clear that those exemptions are not available.

Commissioner Suarez: Move it.

Chair Gort: Been moved by Commissioner Suarez. Is there --

Commissioner Sarnoff: Second.

Chair Gort: --a second? Second by Commissioner Sarnoff.

Commissioner Sarnoff: Or you can call me Suarez if you'd like.

Chair Gort: This is a public hearing. Is anyone in the public would like to hear this? Yes, sir, go ahead. You're recognized.

Victoria Méndez (City Attorney): Mr. Chairman.

Chair Gort: Yes.

Ms. Méndez: I also wanted to ask Mr. Cruz for his e-mail (electronic) before he leaves, because he left last time and I couldn't get his e-mail so that I can send him the information you asked me to. Thank you.

Chair Gort: Did you get that?

Mariano Cruz: Sure.

Chair Gort: Okay.

Mr. Cruz: Mariano Cruz, 1227 Northwest 26th Street. I'm going and speaking on this, because I see many ordinance (UNINTELLIGIBLE) coming, but the main thing of the ordinance is the implementation of the ordinance, okay. Sure, it look good to have many members and the quorum, but the quorum should be the people that go to the meeting will know the half plus one, or whatever it is, get the people that bother to go to the meetings; that there should be taken care. That's the way I feel. But now because many people like to be in the board because it will look good in the résumé. "Oh, look at me; "I am a member of this board." (UNINTELLIGIBLE). No, what you doing in that board? What you doing?

Chair Gort: This issue is about parking -- okay, thank you.

Mr. Cruz: Right. Thank you.

Chair Gort: Thank you, sir. Thank you. Any further discussion? Anyone else in the public? Seeing none, hearing none, close the public hearing. It's an ordinance. We had the motion and a second, right?

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. Vice Chair Hardemon?

Vice Chair Hardemon: For.

Mr. Hannon: Commissioner Carollo?

Commissioner Carollo: Yes.

Mr. Hannon: Commissioner Sarnoff?

Commissioner Sarnoff: Yeah, and I'll also vote for Suarez.

Commissioner Suarez: Yes.

Mr. Hannon: Commissioner Suarez?

Commissioner Suarez: Yes.

Mr. Hannon: Chair Gort?

Chair Gort: Yes.

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

FR.2

ORDINANCE

First Reading

15-00317

*Department of
Procurement*

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 42/ARTICLE IV/DIVISION 2 AND CHAPTER 42/ARTICLE IV/DIVISION 4 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "POLICE/TOWING AND IMMOBILIZATION OF MOTOR VEHICLES/NONCONSENSUAL TOWING OF MOTOR VEHICLES FROM PRIVATE PROPERTY," AND "POLICE/TOWING AND IMMOBILIZATION OF MOTOR VEHICLES/POLICE TOWS AND DEPARTMENT OF OFF-STREET PARKING TOWS" RESPECTIVELY, MORE PARTICULARLY BY AMENDING SECTIONS 42-110 AND 42-119 IN ORDER TO ADOPT THE MAXIMUM TOWING RATES AS ESTABLISHED BY MIAMI-DADE COUNTY FOR RECOVERING, TOWING, REMOVING, AND STORING OF MOTOR VEHICLES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

15-00317 Summary Form SR.pdf

15-00317 Back-Up - MDC Towing Rates FR/SR.pdf

15-00317 Pre-Legislation FR/SR.pdf

15-00317 Legislation FR/SR.pdf

Motion by Commissioner Suarez, 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 Suarez

Absent: 1 - Commissioner(s) Hardemon

Chair Gort: FR.2.

Annie Perez: Yes, good morning. Annie Perez, director of Procurement. FR.2 is an ordinance of the Miami City Commission amending Chapter 42/Article IV/Division 2 and Chapter 42/Article IV/Division 4 of the Code of the City of Miami, Florida, as amended, entitled "Police/Towing and Immobilization of Motor Vehicles/Nonconsensual Towing of Motor Vehicles from Private Property;" and "Police/Towing and Immobilization of Motor Vehicles/ Police Tows and

Department of Off-Street Parking Tows” respectively, more particularly by amending Sections 42-110 and 42-119 in order to adopt the maximum towing rates as established by Miami-Dade County for recovering, towing, removing, and storing of motor vehicles; containing a severability clause and providing for an immediate effective date.

Commissioner Suarez: Move it for discussion.

Chair Gort: Thank you, ma'am.

Commissioner Carollo: Second for discussion.

Chair Gort: Moved by Commissioner Suarez; second by Commissioner Carollo. This is a public hearing. Is anyone in the public would like to address this issue? Seeing none, hearing none, you're recognized, Commissioner Suarez.

Commissioner Suarez: Thank you, Mr. Chair. I've almost never pushed for an increase on anything, except for bad behavior when it comes to penalties and things of the sort where you're penalizing people for bad behavior or misbehavior. I've often allowed for an increase to reconcile for the discrepancies between what is fair and what is just. And I also, in fairness, have met many times with the industry and understand that they have many, many challenges. I have to commend the City Manager in many ways and our Police Department, and I believe the FBI (Federal Bureau of Investigations) has also been involved in a variety of different operations that has actually justified the complaints of the towing industry that have come before us and said, "Hey, this is happening. These pirate towers are out there. They are proliferating our streets. They are paying cash and getting cash towing cars to body shops," et cetera. So, you know, I commend them for having the courage to come before us and tell us what was going on. And I commend the Administration for working with -- and the City Attorney's Office for working with the various agencies. I think we've made a huge dent in what was a big problem in the industry, and I think we have to finalize it by finally issue -- you know, having those meetings with the operators so we can have an RFP (Requests for Proposals) out and get this process finalized. This has taken far too long, you know, and I really feel for them, because they come and they meet with me periodically and they tell me, "Hey, what's going on?" And I'm just embarrassed to say that, you know, this hasn't been finalized. But I think this is a first step. I think the Administration took another step by taking our resolution seriously and asking them to go after the pirate towers, and I commend them for it. Thank you.

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

Commissioner Carollo: Thank you, Mr. Chairman. And I, too, believe that this has taken way too long, and we still, I don't think, have the RFP out, but -- It is out? It's -- Mr. Manager.

Daniel J. Alfonso (City Manager): No. Commissioner, I want to point out that we are working the RFP. We wanted to have an industry day. We have already announced that industry day for April 15, so we're going to have a conversation first --

Commissioner Suarez: Tax day.

Mr. Alfonso: -- with companies that are out there so that when we do put out the RFP, we take into account the input from the industry.

Commissioner Carollo: Okay, excellent, excellent, because I think that's something that we strive for in the past, and it has taken some time. But at the same time, it's not -- there hasn't been progress, because I think their concerns have been definitely heard, and we just saw in the newspaper not too long ago, unfortunately; however, some of the allegations that were made, we could see now that, you know, were happening and there were arrests because of those -- of that.

And I just want to verify with FR.2; we're going to then follow rates and exactly everything like Miami-Dade County so we'll all be uniform.

Mr. Alfonso: That is correct.

Commissioner Carollo: Thank you.

Chair Gort: Thank you. My understanding is those rates are lower than the private sector rates, because I was towed away once for 30 --

Mr. Alfonso: They are closer to what the --

Chair Gort: -- for about 30 minutes and I had to pay about close to \$300, so.

Mr. Alfonso: Yeah. That's not where we are with this, but it's higher than we were.

Chair Gort: I understand. But at the same time, we've been working on this for a long time now. We had -- an RFP went out and came back, and so this time we're going to get it straight, okay. Any further discussion?

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

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

Mr. Hannon: The item passes on first reading, 4-0.

END OF FIRST READING ORDINANCES

RESOLUTIONS

RE.1

15-00243

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

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING FUNDS IN THE AMOUNT OF \$2,000,000.00 FROM THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, FOR PUBLIC INFRASTRUCTURE AND RIGHT-OF-WAY IMPROVEMENTS ALONG NORTHEAST 2ND AVENUE FROM NORTHEAST 38TH STREET TO NORTHEAST 42ND STREET WITHIN THE CITY OF MIAMI DESIGN DISTRICT ("CAPITAL IMPROVEMENTS AND TRANSPORTATION PROGRAM PROJECT NO. B-78513, NORTHEAST 2ND AVENUE/DESIGN DISTRICT"); AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.

15-00243 Summary Form.pdf

15-00243 Pre-Legislation.pdf

15-00243 Legislation.pdf

15-00243 Exhibit - Agreement.pdf

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

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

Absent: 1 - Commissioner(s) Carollo

R-15-0147

Victoria Méndez (City Attorney): Sir, PH.6, Chairman, if we can hear RE.5 -- I mean, RE.1 first and then PH.6?

Chair Gort: RE.1.

Mark Spanioli: Good morning, Commissioners. Mark Spanioli, director of Capital Improvements & Transportation. RE.1 is a \$2 million grant agreement for Northeast 2nd Avenue, from 38th Street to 42nd Street, from the State of Florida Department of Economic Opportunity; matching funds are being provided from CITP (Capital Improvements and Transportation Program) project already funded for Northeast 2nd Avenue from Northeast 42nd/51st Street. There are three small scrivener's errors on the resolution. On page 1, the last "whereas" -- the last sentence of the last "whereas" should read "Northeast 42nd Street and Northeast 51st Street," and the CITP project number should be 78508. On page 2, the second "whereas" should read -- "B" number should be 78508, and on Section 4 --

Chair Gort: Seven eight.

Mr. Spanioli: Seven eight five zero eight. And on Section 4, the same thing; the "B" number should read 78508.

Chair Gort: Okeydoke.

Mr. Spanioli: Thank you.

Chair Gort: Thank you, sir. RE.1, do I have a motion?

Commissioner Suarez: So moved.

Commissioner Sarnoff: Second.

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

The Commission (Collectively): Aye.

Todd B. Hannon (City Clerk): As amended.

Chair Gort: As amended.

RE.2**15-00233*****Office of Grants
Administration*****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF FUNDS FROM THE CITIES FOR FINANCIAL EMPOWERMENT ("CFE") FUND, INC. IN AN AMOUNT NOT TO EXCEED \$491,970.00, AND ESTABLISHING A NEW SPECIAL REVENUE PROJECT ENTITLED "SUMMER YOUTH EMPLOYMENT AND FINANCIAL EMPOWERMENT PROGRAM 2015," FOR THE PURPOSES OF SUPPORTING UP TO ONE HUNDRED TWENTY TWO (122) SUMMER YOUTH EMPLOYMENT OPPORTUNITIES, AS WELL AS DEVELOPING PROGRAM COMPONENTS TO CONNECT PARTICIPANTS TO FINANCIAL COUNSELING AND BANKING OPPORTUNITIES; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE AWARD

AGREEMENT, AMENDMENTS, AND EXTENSIONS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, IN ORDER TO IMPLEMENT SAID GRANT AWARD.

15-00233 Summary Form.pdf

15-00233 Back-Up Documents.pdf

15-00233 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-15-0148

Chair Gort: Yes, ma'am.

Lillian Blondet (Director): Good morning. Lillian Blondet, Office of Grants Administration. This resolution has to do with funding we're receiving from the City's -- for financial empowerment. It's the second year they allocate funding to the City to be able to implement a summer youth program and financial empowerment program. Last year we had 108 students assigned to different City departments. This year we're able to increase that number to 122 students. The program is for youth 16 to 19 years old; and we'll be going to the high schools and also to the career -- through the career center identifying students that meet the criteria, which one of them is that they have to live in disadvantaged neighborhoods, and they still going to be assigned to City departments. So we had a great success in 2014 and we expect to have the same success this year. So RE.2 is a resolution of the Miami City Commission authorizing the acceptance and appropriation of funds from the Cities for Financial Empowerment Fund, Inc., in an amount not to exceed \$491,970, and establishing a new special revenue project entitled "Summer Youth Employment and Financial Empowerment Program 2015," for the purpose of supporting up to 122 summer youth employment opportunities, as well as developing program components to connect participants to financial counseling and banking opportunities; further authorizing the City Manager to negotiate and execute the award agreement, amendments, and extensions, in a form acceptable to the City Attorney, in order to implement said grant award.

Chair Gort: Thank you. I want -- that program, it was -- at least in my office and what I heard from other offices, it was very successful. I mean, the students they had working in our office, they were great, they did a great job, and it helps them to understand how the government works and how to work in different environment, their behavior, their dress codes, and so on. So, can you go a little bit into the follow-up that you explain to me the other day that you do with the students that go through this process? And explain a little bit to the program for those that are out there; they understand what the program is like.

Ms. Blondet: Yeah. The goal of the program is not only give employment to the youth; it's also educate them in financial matters; you know, what is a check, what are the deductions in a check, how to do a budget, what is a budget, savings, saving accounts, how to cash a check, how to balance a bank account. So, you know, the purpose of the grant is to be able to educate stu -- you know, people at a young age so that in the future they can maintain a credit; and while maintaining a credit, then eventually they can -- you know, they can borrow money, they can buy a house, they can buy cars, and move up in that. Because, you know, what's found is that if you don't have good habits at a young age, then in the future it affects a lot of your purchasing power. So this --

Chair Gort: And it's important they get a good job to do that.

Ms. Blondet: Yeah. So, you know, the Department do support -- they allowed this program. They go and they do a lot of mentoring. These are City of Miami residents. It's only for City of

Miami residents. So we expect to have these youth, you know, be more aware of the City work, and they work in Police, and understand the government work and create good working habits at a young age.

Chair Gort: Thank you. Do I have a motion?

Vice Chair Hardemon: So move.

Commissioner Carollo: Second.

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

The Commission (Collectively): Aye.

Ms. Blondet: Thank you.

RE.3

15-00242

Department of Public Works

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AN INCREASE IN SOLE SOURCE CONTRACT NO. 13-14-004, FOR THE SCAVENGER 2000 DECONTAMINATION BOAT, IN AN AMOUNT NOT TO EXCEED \$50,000.00, THEREBY INCREASING THE CONTRACT CAPACITY FROM AN AMOUNT NOT TO EXCEED \$600,000.00, TO AN AMOUNT NOT TO EXCEED \$650,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI AND WATER MANAGEMENT TECHNOLOGIES, INC., FOR SAID PURPOSE.

15-00242 Summary Form.pdf

15-00242 Pre-Legislation.pdf

15-00242 Legislation.pdf

15-00242 Exhibit - Agreement.pdf

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

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

Absent: 1 - Commissioner(s) Suarez

R-15-0149

Chair Gort: RE.3.

Eduardo Santamaria: Good morning, Commissioners. Ed Santamaria, director of Public Works. RE.3 is an amendment to the sole source contract for the Scavenger 2000 Decontamination Boat.

Commissioner Sarnoff: So moved.

Mr. Santamaria: It increases --

Chair Gort: Thank you.

Vice Chair Hardemon: Second.

Chair Gort: It's been moved by Commissioner Suarez -- moved by Commissioner Sarnoff; second by Vice Chairman Hardemon. Any further discussion? Good. I have to tell you, I don't know if you guys seen this boat work. It's a great -- it's wonderful how they pick up all this dirt and on the river and they maintain our river and our lakes clean, which is very important to us. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

RE.4**RESOLUTION****15-00173*****Department of Procurement***

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED DECEMBER 16, 2014, PURSUANT TO INVITATION FOR BID NO. 472330, FROM ENTERPRISE LEASING COMPANY OF FLORIDA, LLC, THE SOLE RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE RENTAL OF VEHICLES ON A CITYWIDE, AS NEEDED CONTRACTUAL BASIS, FOR AN INITIAL CONTRACT PERIOD OF TWO (2) YEARS WITH THE OPTION TO RENEW FOR TWO (2) 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.

15-00173 Summary Form.pdf

15-00173 Bid Tabulation.pdf

15-00173 Corporate Detail.pdf

15-00173 Invitation For Bid.pdf

15-00173 Legislation.pdf

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

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

Absent: 2 - Commissioner(s) Carollo and Suarez

Note for the Record: Item RE.4 was deferred to the April 9, 2015 Regular City Commission Meeting.

RE.5**RESOLUTION****15-00251*****Department of Real Estate and Asset Management***

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT ("AGREEMENT") FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 735 SOUTHWEST 63 COURT, MIAMI, FLORIDA ("PROPERTY"), CONTAINING A TOTAL LOT AREA OF 10,357 SQUARE FEET MORE OR LESS, AS LEGALLY DESCRIBED IN THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF MIAMI ("CITY") AND FEDERAL NATIONAL MORTGAGE ASSOCIATION ("SELLER"), ATTACHED AND INCORPORATED, FOR A TOTAL PURCHASE PRICE OF TWO HUNDRED NINE THOUSAND NINE HUNDRED DOLLARS (\$209,900.00); AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO EFFECTUATE SAID ACQUISITION; WITH FUNDS

ALLOCATED FROM DISTRICT FOUR (4) PARK LAND ACQUISITION PROJECT B-50568 IN THE TOTAL NOT TO EXCEED AMOUNT OF TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$215,000.00), TO COVER THE COST OF SAID ACQUISITION INCLUSIVE OF THE COST OF THE SURVEY, ENVIRONMENTAL REPORT, TITLE INSURANCE, AND RELATED CLOSING COSTS ASSOCIATED WITH SAID ACQUISITION, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE AGREEMENT, WHICH TERMS MAY BE AMENDED BY THE CITY MANAGER AS MAY BE NECESSARY IN ORDER TO MEET THE BEST INTERESTS OF THE CITY OF MIAMI.

15-00251 Summary Form.pdf

15-00251 Legislation.pdf

15-00251 Exhibit.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 Hardemon

Absent: 1 - Commissioner(s) Suarez

R-15-0150

Chair Gort: RE.4.

Todd B. Hannon (City Clerk): Chair, that was deferred to April 9.

Chair Gort: That's right.

Chair Gort: RE.5.

Daniel Rotenberg: RE.5. Good morning. Daniel Rotenberg, Department of Real Estate and Asset Management. I'm the director. It is a resolution to execute a purchase and sale agreement for the acquisition of a property located at 735 Southwest 63rd Court, Miami. The land, which is a home on 10,000 square feet, will be converted to a small park.

Chair Gort: This is Commissioner Suarez --

Commissioner Carollo: Move it.

Chair Gort: It's been moved --

Commissioner Sarnoff: Second.

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

The Commission (Collectively): Aye.

Chair Gort: Thank you, sir.

Later...

Commissioner Suarez: Mr. Chair, if I may?

Chair Gort: Yes.

Commissioner Suarez: Just a point of privilege. I know I just missed RE.5, which was a

purchase of a property in my district. I just want to say very briefly that I want to commend the Administration; the Asset Manager [sic], Daniel Rotenberg. I don't know if he's around here. I just wanted to commend him. I wanted to commend the City Manager and members of his team. They worked very quickly, very diligently to make this happen. And you know, we have some options going forward in terms of trying to expand Parkland. I know Commissioner Carollo has been very adamant about that and the lack of park space in our City generally, and I think we're going to have a really unique opportunity going forward that I want to bring to the Commission's attention at the right moment. But in the meantime, you know, unless we can get a big parcel, we're going to be doing the same thing that Commissioner Carollo did, that I've done, which is buying small parcels and trying to convert them and maximize them into small pocket parks for our residents. So I just want to thank you for your support on that item.

Chair Gort: Okay.

Commissioner Suarez: Thank you.

Mr. Rotenberg: My pleasure.

RE.6

15-00346

***OMNI Community
Redevelopment
Agency***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, PURSUANT TO SECTION 62-521(B), OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, WAIVING THE TEMPORARY EVENT TWO (2) EVENT LIMITATION PER PROPERTY, IN ORDER TO HOST ARTS AND ENTERTAINMENT RELATED EVENTS AT 90 NORTHEAST 17 STREET, MIAMI, FLORIDA, THROUGH NR MAX MIAMI, LLC, OCCURRING AT VARIOUS TIMES DURING THE YEAR AND BEGINNING MARCH 1, 2015, AND ENDING JANUARY 1, 2017.

15-00346 Summary Form.pdf

15-00346 Legislation.pdf

15-00346-Submittal-Peter Bockweg-March Event Calendar Flyer.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-15-0151

Chair Gort: RE.6.

Pieter Bockweg: Good morning, Commissioners. Pieter Bockweg, executive director of the Omni and Midtown CRA (Community Redevelopment Agency). RE.6 and RE.7 are two items requesting a waiver for two special (UNINTELLIGIBLE) limitation on two properties within the Omni CRA.

Commissioner Sarnoff: So moved.

Commissioner Suarez: They voted on it?

Commissioner Carollo: Second.

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

The Commission (Collectively): Aye.

RE.7**RESOLUTION****15-00368**

*OMNI Community
Redevelopment
Agency*

A RESOLUTION OF THE MIAMI CITY COMMISSION, PURSUANT TO SECTION 62-521(B), OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, WAIVING THE TEMPORARY EVENT TWO (2) EVENT LIMITATION PER PROPERTY, IN ORDER TO HOST ARTS AND ENTERTAINMENT RELATED EVENTS AT 1430 NORTH MIAMI AVENUE, MIAMI, FLORIDA, THROUGH 14 STREET DEVELOPERS, LLC, OCCURRING AT VARIOUS TIMES DURING THE YEAR AND BEGINNING MARCH 1, 2015, AND ENDING JANUARY 1, 2017.

15-00368-Submittal-Peter Bockweg-March Event Calendar Flyer.pdf

15-00368 Summary Form.pdf

15-00368 Legislation.pdf

Motion by Commissioner Suarez, 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-15-0152

Chair Gort: RE.7.

Pieter Bockweg (Omni and Midtown): Pieter Bockweg, executive director of the CRA (Community Redevelopment Agency). RE.7 is an item for a different property. It's a waiving the two events permit limitation on a property within the Omni CRA.

Commissioner Suarez: Move it.

Commissioner Carollo: second.

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

The Commission (Collectively): Aye.

RE.8**RESOLUTION****15-00366**

*District 2-
Commissioner Marc
David Sarnoff*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DIRECTING THE CITY MANAGER TO DEVELOP A FINANCIAL ASSISTANCE PACKAGE AND INITIATE NEGOTIATIONS WITH THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY TO UNDERWRITE A PORTION OF THE COSTS OF CERTAIN IMPROVEMENTS AT THE FUTURE MIAMI CENTRAL STATION, FOR THE PURPOSE OF ACCOMMODATING FUTURE TRI-RAIL SERVICE TO DOWNTOWN MIAMI; FURTHER DIRECTING THE CITY MANAGER TO COORDINATE WITH THE EXECUTIVE DIRECTORS OF THE SOUTHEAST OVERTOWN/PARK WEST AND OMNI COMMUNITY REDEVELOPMENT AGENCIES, MIAMI-DADE COUNTY, AND OTHER GOVERNMENT AGENCIES OR ENTITIES TO SEEK COMPANION CONTRIBUTIONS FROM SUCH AGENCIES OR ENTITIES FOR THE TRI-RAIL IMPROVEMENTS TO INCLUDE NO LESS THAN \$5.5 MILLION

FROM THE PUBLIC TRANSPORTATION PLAN; FURTHER DIRECTING THE CITY MANAGER TO PRESENT AN ASSISTANCE PACKAGE FOR CONSIDERATION BY THE MIAMI CITY COMMISSION, WITHIN NO LATER THAN SEVENTY-FIVE (75) DAYS OF THE DATE OF ADOPTION OF THIS RESOLUTION.

15-00366-Submittal-Alyce Robertson-DDA Resolution of Support for Tri-Rail.pdf

15-00366-Submittal-Commissioner Esteban Bovo Jr-Letter of Support.pdf

15-00366-Submittal-Commissioner Sarnoff-Article regarding New York's Grand Central Station.pdf

15-00366-Submittal-Commissioner Sarnoff-Tri-Rail Improvements Draft Resolution.pdf

15-00366-Submittal-Jack Stephens-Letters of Support.pdf

15-00366-Submittal-Jack Stephens-Presentation.pdf

15-00366-Submittal-Mariano Cruz.pdf

15-00366 Legislation.pdf

15-00366 Exhibit.pdf

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

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

R-15-0156

Chair Gort: Okay. Now you want to go into time certain? RE.8.

Commissioner Sarnoff: Thank you, Mr. Chair. RE.8 is South Florida Regional Transportation Authority requesting the aid of the City of Miami to bring Tri-Rail to the City of Miami in a Grand Central Station. I'm probably best suited to allow Tri-Rail to do a presentation to this Commission, Mr. Chair, and if -- with your point of privilege, I'd like to speak last on the item?

Chair Gort: Sure.

Commissioner Sarnoff: Mr. Chair, as they're setting up, maybe what I'll do is I'll hand to each the Commissioners -- and if you would indulge and help me --

Commissioner Suarez: What is this?

Commissioner Sarnoff: The way this originally came about, to my fellow Commissioners, I was approached by Tri-Rail SFRTA (South Florida Regional Transportation Authority) to ask the Manager to come up with a resolution -- a funding source to help as part of a partnership of a number of governmental entities to try to fund the infrastructure improvement to a downtown rail to add two additional viaducts, if you will, to what is known as All Aboard Station. The one I'm -- be handing you out right now was the one that was presented to actually Alice Bravo on March 12, 2015. In that particular one, I just want to point out to you all it didn't have a funding source in it.

Commissioner Suarez: I was going to say.

Commissioner Sarnoff: Right. And I want to be very clear --

Commissioner Suarez: Meaning, no one else drafted your resolution; is that what it means?

Commissioner Sarnoff: What's that?

Commissioner Suarez: That no one else drafted your resolution.

Commissioner Sarnoff: No, no, I candidly admit resolut -- I don't know how each one of you

Commissioners operate. When something of this large scale comes about, I simply say to somebody, "Would you like to sponsor it?" And I said, "Please work with the Administration so that the Administration will come back to something that they would support." Unfortunately, the Administration did not come back with this one, which didn't have a funding source; just let's work together to try to find a way to make this happen.

Chair Gort: Right.

Commissioner Sarnoff: The second one, Mr. Chair, is the one that was put on this Commission for the \$11 million. How the \$11 million got put on there may be a subject of some interesting conversation for people to have drinks with a little bit later. It certainly wasn't my intention to put the 11 million out there, but what I decided was I wasn't going to let this opportunity go by. I figured whatever I put up would be amended, changed, thought about, debated, in the words of Commissioner Carollo, and we would come up with a means, manner of funding this particular issue. And having been here all these years, candidly, I know that in the 11th hour, things happen, but I never -- I knew we'd never get to the 11th hour unless I put something on this Commission agenda. So, candidly, I would have preferred the first one go, but I knew the Administration wouldn't support it; and then when I went the second time -- and I'll -- as part of a drink someday, many years later I'll discuss with you how the \$11 million came about. It certainly wasn't necessarily me. But when I finally learned the Administration was not going to move forward with anything, I just wanted to put something down there. I probably -- candidly, Commissioner Suarez, probably should have gone back to the original, but said, you know what? I think you guys know me well enough. This is going to get changed. It's going to get --

Commissioner Suarez: Sure.

Commissioner Sarnoff: -- played out; may get played out one more time. I just thought it was time for the debate.

Commissioner Suarez: Mr. Chair, if I may?

Chair Gort: Yes, sir.

Commissioner Suarez: Thank you. First of all, I think I want to start by commending you, actually, for having the courage to do it. I think I did it in my own way, and my way was to call a sunshine meeting, because I think there was an -- there was a lot of information being put out there, much of which I didn't really feel was accurate. And, you know, what I wanted to do was I wanted to get everyone who's a leader in transportation at the table, and that's exactly what we did. We brought the Chairman of the Dade County Transportation Committee; Esteban Bovo, who also brought -- or actually wrote and sent us all a letter of support for connecting Tri-Rail to downtown. We invited the Chairman of SFRTA, which was Commissioner Barreiro, who came and attended. And we also invited the Chair of the MPO (Metropolitan Planning Organization), which is also the Chair of the County Commission, Commissioner Monestime, who had an emergency and couldn't make it, but thankfully, Commissioner Bovo was able to discuss his thoughts and his conversations with Commissioner Monestime that were had in the sunshine -- in a prior sunshine meeting. And what I -- what became apparent to me after that meeting was one thing: that everyone nearly unanimously supported the idea of bringing Tri-Rail to downtown. That doesn't mean that everyone had the same vehicle by which it could be done, but everyone supported the objective. Why? Because the objective was clear, and it's to decongest what is -- what started off as rush-hour; now has become rush-day in the City of Miami. The north/south and downtown north traffic in an area, as you know because you represent it, that has 80,000 residents now, and during the day, has 400 percent of that population explode and kind of -- and decompress all in a few hours. So I listened, because I think a big part of a sunshine meeting is not just to talk, but it's to listen to what are the different perspectives that people are offering, and how is there a way to reconcile them, if such a way exists? And if I mischaracterize what

you guys have said, please correct me when it comes to your turn, but I want to tell you what I gathered from listening. And one of the things that I gathered from listening to Commissioner Hardemon was that he wanted the City to be involved. He wanted the City to put skin in the game, and I think he's -- I understand exactly why he wants the City to put skin in the game. I heard you, Commissioner Sarnoff, say essentially what you're saying here today or what the resolution ultimately became, which is that you -- you want this project to happen so badly in the sense of -- it's just so needed that you were willing to commit general fund dollars to the effort. You know, I heard the Mayor talk about how he doesn't particularly want general fund dollars. Obviously, we all heard him say that he's going to veto potentially what we do, and my hope is to avoid that, because I think, in sincerity, if we all work together, there's no reason why there should be any sort of a confrontation, whether it's a veto or whether it's an override of a veto. But I heard him say, you know, a variety of things, one of which is obviously that, you know, that the general fund should not be used for this, and also that the County should increase its contribution. And, unfortunately, I didn't have the pleasure of having two of my four colleagues there, but, you know, I'm ready to listen to their perspective today. After that meeting, I called the County Mayor, and I told the County Mayor, "Look, the solution that I think will make this work is as follows: There's 11" -- "we're in \$11 million discrepancy here, which is \$11 million that we were going to contribute from the general fund to reduce the Overtown/Park West and the Omni CRA (Community Redevelopment Agency) contribution to the total project. Why don't we split it? You guys do half and we'll do half." And he said, "Well, obviously, I have to talk it over with my board members," et cetera. And I said, "Fine. Just, you know, think about it and let me know." And I called our staff and asked them, you know, "Do we have, for example, PTP (People's Transportation Plan) money in reserve?" which I kind of already knew the answer. And they said, "Yes, Commissioner. We have close to or, if not, in excess of \$18 million in PTP capital monies in reserve." So I said, "Well, would you feel comfortable if we used five and a half million from that fund? And I'm asking the County Mayor to do five and a half million from whatever source he can identify. He called me back and said that he would be willing to do that." What I think that does is several things. I think, first, it increases, obviously, the County's contribution, which was a concern of the Mayor; secondly, it maintains the City with skin in the game, which I think was a concern of Commissioner Hardemon, which is a valid concern; it also, you know, uses non-general fund dollars to meet the City's contribution so that myself, who had expressed misgivings about using the general fund, the Mayor, and others could also be satisfied. So that's my proposal. I think we should leave here today with a resolution, and I think we should give clear direction to the Administration to chart a course forward on how we should fund this. Does that mean that between now and whenever the date the final funding package is put together there can't be other sources? Absolutely not. I mean, we should look for other sources, and I think the Manager should have the ability to negotiate and see what other sources are available. But I think, you know, at the end of the day, what's most compelling to me -- this is one of the issues, to be honest with you, where -- we get a lot of emails on stuff, but a lot of times they're not -- they're generic, they're not tailored -- you could tell there's not that passion. It's just somebody regurgitating the same thing over and over and over again. In this case, the number of emails that I got that were originally written -- 'cause they were all different -- on this issue just drove home the point to me that, you know, this is something that I'm not doing for myself; this is not even something that I possibly am doing for today and tomorrow. This is something that I'm doing for my 13-month-old son in terms of what kind of city am I going to be passing on to him. And from my perspective, I'll finish my initial thoughts by saying, on something this big, we cannot afford to be small. Thank you.

Chair Gort: Gentlemen, let me tell y'all something, we have public presentations. Why don't we listen to the presentation, take notes down, because I've also met with both mayors, and I've talked to the Manager, and there are solutions, but let's not tie it or give it away at this time. I think the negotiations should be taken by the Administration and the other people. So if you don't mind, I would like to go ahead and go through their -- to their presentation; take notes; any questions you would like to ask, take the notes so we can ask them later. I have a lot of question that I have. At the same time, there's a lot of perception, a lot of things that people think that can

come out of this. Well, I want to make sure they understand what the impact of this is going to be, because a lot of people think it's going to be a lot more than what it really is, okay? Thank you. Yes, sir.

Jack Stephens: Thank you, Mr. Chair. I appreciate this opportunity. And I will tell you, feeding on the comments from Commissioner Sarnoff and Commissioner Suarez that we are truly humbled by the support for the vision of what's possible and what the City of Miami can do and be. So with that, I'll start the presentation. Madochey. Just for everybody's information, we talked about Commissioner Sarnoff's [sic] 13-year-old son --

Chair Gort: And your name is?

Mr. Stephens: Oh, I'm sorry. It says -- me say it right here. Jack Stephens, executive director, the South Florida Regional Transportation.

Commissioner Suarez: It's my 13-month-son, and it's Commissioner Suarez.

Mr. Stephens: Thirteen-month son.

Commissioner Suarez: That's okay; don't worry about it.

Mr. Stephens: Thirteen-month son.

Commissioner Sarnoff: He's my nephew.

Mr. Stephens: Yeah. We've been in business for 26 years, so hopefully --

Chair Gort: (UNINTELLIGIBLE).

Mr. Stephens: -- 26 years from now, he'll be taking this.

Commissioner Suarez: It's been a long four days. Today they've been confusing us, so.

Mr. Stephens: We have been in operation for over 26 years. We carry over four million riders and we're growing. We've carried over seventy million riders since we began. We've done and carried out successfully a half-a-billion dollar double-tracking program under all the Federal guidelines to prepare the old CSX (Chassis Seaboard Express) Corridor, now called the South Florida Rail Corridor, for full activity and traffic, freight and passenger. We operate a 72-mile system; 17, soon to be 18 stations; we open the MIC (Miami Intermodal Center) and our activities in the MIC on April 5. We'll start hauling passengers in there. And then we have "Stand Up For Transportation Day" where we'll cut a ribbon -- y'all will all be invited, of course -- to open that station officially. We carry 50 trains a day; 25 north, 25 south. We have hourly service on the weekends, and we have a growing and changing ridership pattern, which I think is rather important for what we're talking about today. As you can see, we have steady growth. It's solid, and it's based on performance and our support for our riders and their need for this type of transportation. Significant changes I talked about. This is very odd for a mass transit commuter rail system. Most commuter rails -- and you know the big cities -- they take people from the suburbs and bring them into the city to jobs and activities; then in the afternoon, they take them back out. And our system -- current surveys indicate very clearly that we have slightly more northbound travelers out of Miami-Dade and South Broward than we do southbound into Miami-Dade and South Broward. That is unusual. So what that says is that we have activity in the morning that's going both ways, and I think that's critical. People are leaving Miami-Dade and going north for jobs, and that's good. Then they bring the money back home, spend it here with you. That's a good thing. Right now our Metrorail Station used to be absolutely unquestionably the busiest station we have. You're now tied with Boca Raton and

Palm Beach County. Boca can sometimes edge out Metrorail Transfer Station as the busiest station on the corridor. The other issue we're dealing with is the millennials, the 16- to 24-year-olds. We're getting more and more of those. And we're getting greater use of bicycles, and people are accessing our shuttle buses, and we're constantly having demand for more shuttle services. Our shuttles, by the way, are free, like your trolleys. One of the things we're trying to deal with is the number of bicycles that are on our trains. The bicycle community is a huge advocacy group. They love transit. They love not having to drive cars. So what we're doing by the end of this summer, we will have onboard a reconfigured car, double-decker car, but the bottom part of the car will have two seats taken out all along one side; in place of those, there will be places for bicycles to go safely and the people can sit in the other two seats and watch their bikes. We think this will be a great program prototype by the end of the summer, and if it is as successful as we believe it's going to be, then we will do more of them going into the future. We're working on Wi-Fi at all of our stations. We've got a few of them converted at this point in time. We need a real-time information app. We currently have a static app that's very good at giving the schedule and fare calculations and that kind of stuff, but we want to take it a step further, and we're working on that. Current Tri-Rail markets. Current Tri-Rail markets is between the counties. Nobody really sees the county lines, except for us, when we're dealing with the issues we have to deal with. The public doesn't see it. Major service to all the airports. The suburban employment centers. We run our shuttles. They bring shuttles and pick up their people and take them out there. College and universities are huge draws for us. FAU (Florida Atlantic University) is one of the reasons that Boca is so active in terms of that activity. And we have 2,500 to 3,000 students, high school-level students, that are going to magnet schools all the way up in Palm Beach County in Mangonia Park in West Palm Beach. They draw from as far away -- I know for a fact -- as Opa-Locka, as Miami-Dade, traveling up to the magnet schools. We serve downtown currently using the transit systems, Miami-Dade Transit, BCT (Broward County Transit), and Palm Tran. And interestingly enough, one-third of our riders are transit-dependent. That means two-thirds of our riders are choice riders; they have other options. One of the things that we have been coming with you -- to you about over the last 13 years or more is the Tri-Rail Coastal Link. That's going to feed into this discussion towards the end, by the way. It's an 80-plus mile new commuter rail system running along the FEC. It's going to be 20 to 25 stations, to be determined, when we seek Federal funding, exactly where those stations are going to be. We're going to share new and existing track with All Aboard Florida and the FEC Railroad, and we're also going to have to build in some sidetracks where we have pinch points that'll be built at our cost to make sure that it's working well. Strong ridership potential, extensive economic development activities and projected opening in 2020, 2021. Now, this, in effect, is the birth of the idea of Miami's downtown link. What happened was FDOT (Florida Department of Transportation) was in the business of doing freight rationalization. We all know the economic impact of freight, particularly in your case, the Port of Miami and the FEC Railroad. If Panamax happens like everybody's envisioned it, Miami is going to be inundated with more and more and more freight. It's going to be critical that that freight always be able to move to where the markets are going to be. A lot of it's going to be perishable. In that regard, FDOT took it upon themselves to go for a Tiger V grant from the Federal Railroad Administration. They successfully obtained that. The Federal Government put in 3.7 million, FDOT put in 29 million, CSX -- they got a million from CSX, that wasn't easy; FEC put in a million, and we put in 2.5 million to see that there'll be connections for the first time between the FEC old Flagler Corridor on the east and the old CSX Corridor, the South Florida Rail Corridor on the west. They're going to connect at the top through what's called "Northwood." That will be done and in place by 2018. And then the critical one for what we're talking about today is what's called the "Iris." That's going to connect on the south end near 71st Street, between Metro Transfer Station and Hialeah Market Station. Go ahead. That's what it's going to look like. This is absolutely fully funded. FDOT is getting ready to begin the work on it now. It's going to come south off the CSX Line. It's going to turn east, run into the FEC Line, and at that point, we will merge the two systems; and if there's a freight problem on the FEC Line, then they will be able to come off and go up the CSX Line, maintaining those kinds of activities on both corridors. So that's good for economic development. So with that one, we

began a unique conversation and a partnership. This is a true public-private partnership that we're discussing here. It's unique. The president of FECI (Florida East Coast Industries), Vince Signorello, called me this morning. He's between his office and off to China. But he wanted to point out before this meeting, remind me that a year and a half ago, we met and became good, close friends; worked out a very difficult deal between us, the Feds, and we became partners, and this is the result of the partnership. We discovered that once that connection is in place, if freight can run on it, passengers can run on it. And with All Aboard Florida building the downtown station, we could actually use that line and connect to the Miami link downtown. So we're talking in conceptually, to begin with, running 26 direct trains into downtown Miami. We -- I told you we have 50 now; 24 will continue on to the airport, Miami International; 26 will come to downtown Miami; reason being, all of our research shows most of our riders want to be in downtown Miami, so you try to match your ridership with the demand. We're talking a fast implementation. You all have worked, I know, for decades on certain transportation solutions; they take decades. This can be done in two years. That's unfathomable in my world; that does not happen. Public-private partnerships, sometimes government, has to change the way they do business. And this allows us to do an All Aboard station with All Aboard in two years. I'm discussing this now with yourselves and other various agencies, and anybody else I can find to talk to about this; it's that important. Here's what it's going to look like. You see, coming out of Golden Glades down into Opa Locka and hitting the Tri-Rail Metrorail Station, all 50 trains will continue to operate in that area. That's when they split. If you look up there, you see how the system is beginning to grow, and that's important. I think the Chairman alluded to that in his opening comments to me. There is not one solution to the transportation problems of the City of Miami, and the County of Miami-Dade and South Florida. It just doesn't exist; I wish it did. Well, any minute, we'll hit it, we're great; doesn't happen. So you'll see that we're beginning to build a system out of that. The Green Line, the Metro-Dade Transit Green Line goes through the Tri-Rail Metrorail Station. The Orange Line coming out of downtown area goes directly into the Miami International Airport; that's great. And then the yellow squiggly stuff all over the downtown Miami/City of Miami area is the Metro Mover. So that is the system that we want to become an even more integral part of. We'll talk more about the possibility of the future Tri-Rail Coastal Link at the next slide, but right now, you will notice -- and there's been some discussion and misinformation shared that the -- that maybe the Miami International Airport would be the appropriate place for this to -- If you come to Miami International Airport and you want to come to downtown, you don't want to take my Tri-Rail, okay? You want to take the Miami-Dade Transit Orange Line; brings you directly into downtown, perfect connection, no need for that. But we need to be in downtown. Here's what it looks like, and here's the possibilities, okay? This is important. This project, if it's built or when it's built -- let me be positive about this -- opens up the possibilities for the City of Miami, Miami-Dade County that do not currently exist. For \$69 million, we will be able to anchor our system, the Tri-Rail system in downtown Miami in the Miami Central Station that All Aboard Florida will be building. At that point, you'll be able to have a one-seat ride from as far away as Mangonia Park all the way into downtown Miami, going through Fort Lauderdale and -- as you see there. At that point, once we are anchored in downtown Miami, the concept on the Tri-Rail Coastal Link has always been a little bit north and Broward-centered. I mean, that's honest. We were talking kind of centering it in Fort Lauderdale. This changes that whole game plan. This is a game changer. Tri-Rail Coast Link, as far as I'm concerned, makes sense to be anchored at the downtown Tri-Rail Station in downtown Miami, and at that point, begin building north to Midtown Design District to 79th Street, North Miami, North Miami Beach and all the way to Ventura, and the first place you hit a significant block is New River, on the other side of the Fort Lauderdale Airport. So -- and that can happen very quickly, depending on the negotiations with the FECR (Florida East Coast Railroad) and All Aboard Florida, but that becomes a real possibility that does not exist today, to be blunt with you. You'll all -- back one quick, just so everybody understands. Commissioner Bovo with the County is also very excited. You can see there that he's looking at the opportunities and for us to explore the opportunities to be able to develop east/west connections to Kendall and the Dolphin Mall; again, tied into the entire system that will serve the City of Miami. This is what it's going to look like, the station. It's over a billion dollars in investment.

If you look to your far -- you're looking at it in front of you, right? So your far right, that's where we come in, that white track coming in there; two lines coming in that belong to Tri-Rail, if we're successful; the other three lines, All Aboard Florida. It's going to be -- next one, please, Merdochey. That's how the tracks in the platforms are laid out, okay, and this is the important part. The City of Miami, All Aboard Florida has designed this station with the City of Miami and its communities in mind, so as not to break them up and create barriers. We want to create connections, okay? Both of us, Tri-Rail and All Aboard Florida want to create connections. To do that, when we come in off the east/west FEC (Florida East Coast) Line, hit the mainline and head south at I-395, All Aboard Florida will begin raising their tracks up off ground level and proceed to 50 feet in the air, leaving all that space underneath for either retail activities, cross traffic, pedestrians, cars, everything that goes there now. Communities stay connected; they're not blocked by a railroad. That, to me, is extremely exciting. It's going to be extremely impressive when they create it, and that's the proposal -- two platforms on our side, three platforms on their side. Merdochey. The cost totals 69 million. How it's divided out: Rail infrastructure is one of the things that our friends at Florida Department of Transportation have accepted as a concept that they would fund. I have it -- don't have it in writing at this point in time, but my understanding from conversations that my board members and others have had with FDOT (Florida Department of Transportation), and the secretary, is that he wants to see what the local governments are going to provide and put up before he puts up the State money; makes sense. That's going to cover all the track and signals coming from where the Iris Connection enters the FEC all the way over to the mainline, allowing for quiet zones on the east/west portion; great crossing upgrades and crossovers, and then coming south all the way -- the rail, the actual rail -- all the way into the station, and that's where FDOT's support stops. We are agreeing as part of that -- and the secretary wanted us to have skin in the game, SFRTA (South Florida Regional Transportation Authority) -- we have agreed to pay 3.1 million of that for positive train control, a safety feature that the Federal Government is requiring on all commuter rails and freight railroads by the end of this calendar year. In addition, we're asking FDOT -- and I believe they will -- to pay \$1 million for a permanent perpetual easement into the station and along those rail lines. Once this money is raised from the public and it's invested, it cannot be withdrawn. I think that's important. This is not a lease. This is as close to ownership as you can get and have an insurable interest. We -- "we," being FDOT; Tri-Rail being their representative -- will be there and own that for as long as this exists, so. And 1 million is a sweetheart deal, I will tell you. When we looked at how much they paid per mile when they bought Sun Rail, it was \$8 million a mile. They're asking us to pay them \$1 million one-time fee, for eight miles of track and access. Finally, the piece that we're trying to build now is the Miami Central Station. That's the walls, that's the ceilings, that's the platforms, that's the head houses. That's all those other items -- ticket vending machines and ticket agent booths -- all of that type of activity is the 48.6 million and all of those pylons that hold that up, the concrete that's going to hold it up at 50 feet, and the elevators and escalators to get you up and down. Where it's all ours and All Aboard Florida doesn't use it, they're asking us to pay a hundred percent. Where it's all theirs, they're paying a hundred percent. Where we share, it's proportional; we've agreed on a proportional allocation of shared infrastructure. This is the item -- I think you all have all seen it. I don't particularly need to dwell on it. At this point in time, Miami-Dade County, CITT (Citizens Independent Transportation Trust) has committed \$8.357 million to the project that has to be approved by the County Board of Commissioners. The Florida Department of Transportation is holding 17.19 million, waiting to see what the local governments and local funding is going to be. We're committing 3.1 million of our money. All of that money will be delivered up front -- that's not for debt, that's not for financing -- that's up front, which is a very good thing in this project.

Commissioner Suarez: Mr. Chair, if I may, can I interrupt?

Chair Gort: Yes, sir.

Commissioner Suarez: Please. Thank you. You have here as -- and I know this is a presentation

that was pre-prepared --

Mr. Stephens: Absolutely, yes.

Commissioner Suarez: -- and was passed out at the sunshine meeting. I just want to specify that if the City were to contribute -- or if the total contribution would change by \$11 million, the CRA's (Community Redevelopment Agency) contribution would go down to 28 million, and Miami-Dade County's contribution would go up to 13.8 million, and the City's contribution would be at five and a half million.

Mr. Stephens: Absolutely.

Commissioner Suarez: So I just want to specify that, because I think that's important to understand.

Mr. Stephens: Thank you, Commissioner Suarez. So the situation we're at now is we -- the Omni CRA is discussing the opportunity to provide \$1.2 million to the project, because a lot of the tracks, and the crossings and that kind of stuff is going to be in the Omni CRA. And the rest, the remainder of whatever we cannot put together amongst ourselves, the ask will be to the Southeast Overtown/Park West CRA. So that right now is sitting at 39, but as Commissioner Suarez said, as other monies come to play, that will shrink. So here's the problem we've got: time run. This is not government. If it was government, we could have months, and months and months to play with this; years, even. We could do more studies. But this is a private development. All Aboard Florida is committed and on a timeline to be up and operating out of Miami-Dade County, City of Miami, downtown Miami Link, all the way to West Palm Beach, through Fort Lauderdale by 2016. They have got to determine how they're going to build that facility. They're going to build it with us in it or they're going to build it with us not in it. And they have to answer to their private investors. All you have to answer to the voters. They have to answer to their private investors. You've got two different constituencies here. We're hoping we'll be able to bring them together and come up with a solution by the end of June, so that everybody can move forward and we can get this thing in the ground. And that, gentlemen, is my presentation, and I am more than willing to answer any questions you might have.

Chair Gort: Thank you, sir. At this time, we're going to have it open to public hearings. Do you have a list of individuals that want to speak?

Todd B. Hannon (City Clerk): Thank you, Chair. The first three speakers --

Chair Gort: Thank you.

Mr. Hannon: Neisen Kasdin, Jerome Hollo and Alyce Robertson.

Alyce Robertson: Hi. Alyce Robertson, executive director of the Miami Downtown Development Authority. I'm here to present the board resolution of the Miami DDA (Downtown Development Authority) in support of the City of Miami contribution into this project. This is critical for the traffic patterns in downtown Miami in mitigating the traffic congestion in and out of the downtown area. Right now, as you all know, I've presented here before where you talk about the 80,000 residents that have moved into downtown as well as many businesses, we're booming. Our tax base has grown from \$9 billion to \$13 billion. And so we have to find a way outside of cars to be able to bring in people as far as from -- as far as Palm Beach County. The job opportunities for the surrounding area are -- will greatly help the economic development of downtown Miami, and I urge you to support this. Thank you.

Chair Gort: Thank you. Next.

Neisen Kasdin: Mr. Chair, members of the Commission, good afternoon. Neisen Kasdin, 1 Southeast 3rd Avenue. I'm here this afternoon in my capacity as the vice chairman of the Downtown Development Authority and as an employer of over 300 people in downtown Miami and the long history on this specific issue. In 2008, I was on the Tri-Rail Board and introduced in their strategic plan this exact link between Tri-Rail and downtown, because even at that time, it was apparent to me that the most popular link and usage would be to get people to the leading employment center of South Florida downtown from residential areas north of downtown; and the leading activity center, as this has become, as well. Then in 2009, I chaired the DDA's master plan effort for downtown Miami, and one of the elements of that master plan is linking Tri-Rail to downtown. This has been thought out and planned for years. We have now a unique opportunity to act on it in a shorter period of time and at less cost than any transit improvement I can think of, bringing transit into downtown. And the cost of this -- let me talk about that for a moment. The State is now spending over half a billion dollars to rearrange the intersection of 836 and 826. All that's going to do is move the same cars around in a little different manner. Maybe, if we're lucky, it'll let more cars come onto our roads. Here, for \$69 million, you get to collect -- connect millions of residents in the Southeast Florida Corridor with downtown Miami, the leading activity center. It would be in arts, entertainment, sports, restaurants, as well as the leading employment center in South Florida. But let me, if I may, just bring this home a little more closely. We have over 300 employees in our office; one of the largest employers in downtown Miami. And I will tell you, not a week goes by that I do not get a complaint from people working in our office. And let me say this: Many of them live in Hollywood, in Fort Lauderdale, in Plantation, and their commutes are an hour, sometimes two hours. And the point I'm getting at is this, Mr. Chair and Mayors, that -- there's one of them who works directly for me who actually lives in Boynton Beach, takes Tri-Rail; used to take it to 79th Street, then to downtown, Metrorail to downtown. He gave up on that, because it was too difficult to do. The fact of the matter is this is a big swing for Miami, and the City of Miami and downtown Miami. If we do not do this, people who work in our offices will not want to come to work downtown and other employment centers may get those jobs. If we do this --

Chair Gort: In conclusion.

Mr. Kasdin: -- we will have better transit and connectivity than any other employment center in the region, and that will help the growth of downtown. So I urge you to support this. Any government agency that's asked to should do that.

Chair Gort: Thank you, sir. Next.

Mariano Cruz: Let -- yeah.

Jerome Hollo: Mr. Chairman, Commissioners, good afternoon. Jerome Hollo, 100 South Biscayne Boulevard. I come here not only as a member of the DDA Board, but also as a stakeholder, and difficult to follow Neisen, because he said it so eloquently how important this project is. We've struggled for many years to build Miami to a great city, and I think we've all done a great job at that. I mean, you look at media all over the world, and they espouse the City of Miami. But you can't be a great city unless you have availability of mass transit, and that's -- there's no question about that. Growing up -- although I don't have the historical information -- but my father tells the story in the late '60s, early '70s about how some smarter people than us came up with the idea with a tunnel under the bridge. And at that time, there was no forethought, and, no, they decided not to do it. At that time, it would have been very, very cheap. It's exponentially now more expensive to do something like that, and we need it most. And that project, the impact it would have on a local level would be incredible. This project far exceeds that, and to miss this opportunity now would be a shame, a true missed opportunity for the City that you may not be able to get back, because once Florida East Coast Railway builds it, the cost to add on Tri-Rail would be enormous. So, please, I would ask you to think about this, think about it long and hard and understand how important this is for the City of Miami. Thank you.

Chair Gort: Thank you, sir.

Mr. Cruz: Thank you.

Chair Gort: Next.

Mr. Cruz: Willy.

Chair Gort: Wait, he's got the list; he's calling.

Mr. Hannon: Next three speakers: Alan Ojeda, Michael Hernandez and Mariano Cruz.

Mr. Cruz: Okay.

Alan Ojeda: Thank you for this opportunity. I've been developing in Miami for 30-something years, and, yes, we're building a nice city. We're building a great city. We brag about the word, "global." We're not global; without public transportation, we're not global. We have the same public transportation that we had when I came here in the mid-'80s; same, same, same. And whatever money is spent is spent thinking about cars. Great cities have great public transportation, and public transportation means not how to handle cars, but how to handle passengers in a good way. So I urge you, I ask you, I beg you, please support this, because without public transportation, we cannot keep growing the city that we love and we fight for. Thank you.

Chair Gort: Thank you, sir. Next, Mariano.

Mr. Cruz: Mariano Cruz, 1227 Northwest 26. But before I go to me, make sure you (UNINTELLIGIBLE).

Chair Gort: Mariano, give it to the Clerk; he'll give it out. Give it to the Clerk; he'll give it out.

Mr. Cruz: I ask a very simple question: How, how you came here from over there, here? And me, I use public transportation, oh, yes. Look at my easy card. I go the Tri-Rail. I don't have to -- I got bad knees when I got out the service. I got service-collected disability. I don't drive. I use public transport -- and most of you came in your BMW's (Bavarian Motor Works), in your Mercedes-Benz, in your Escalade, because you don't have to. You make plenty of money coming here, because all of you come to the City of Miami looking for money. Why don't you go to the County? Why don't you go to the County and look for the money there? You know, what they did, they terminate my son after 28 years. I am no lawyer. I am an electrical engineer, specialization in transmission of power on the power plant, the sub-station; and also, I have entomology degree, that I got a pest control company that I made plenty of money -- I still have that money -- to come here and bother all of you, because I have the money --

Chair Gort: Thank you.

Mr. Cruz: -- and the time.

Chair Gort: Mariano, you're talking to us.

Mr. Cruz: Right. No. The main thing is it's one million only, one million only. Send somebody with deep pockets to get the money out, but not from the City of Miami, because we don't have -- we are a very poor city, and everybody come here looking for money. Why don't you go to other place?

Chair Gort: Thank you, Mariano.

Mr. Cruz: Why don't you go to other place?

Chair Gort: Mariano, in conclusion.

Mr. Cruz: No, no, no. I got to say, because my son can't come here, because after 28 years of service in the County, they terminate him. You know what is that?

Chair Gort: Okay.

Mr. Cruz: Termination -- no, no, no, termination. What about if your son was terminated? What would you be doing? No, you don't have any son. Well, I have son, and my son have me that take care of him.

Chair Gort: In conclusion, Mariano.

Mr. Cruz: In conclusion. Oh, you didn't tell him that, "in conclusion." Wow, I remember --

Chair Gort: Mariano --

Mr. Cruz: Did you tell him that, "in conclusion"? No. Well --

Chair Gort: Mariano --

Mr. Cruz: -- I know I told -- I say the County, Mrs. -- they have a dead person at the Northside Station, Mrs. Levine that was crushed for two buses. They have a lot of problem, a lot of problem, and I know the lady, because I read and I go into the Internet. I am a Microsoft specialist. I don't need to be a lawyer.

Chair Gort: Thank you, Mariano.

Mr. Cruz: Okay, thank you.

Chair Gort: Thank you. Next.

Michael Hernandez: Michael Hernandez, Office of Mayor Carlos Gimenez, 111 Northwest 1st Street, 29th Floor. First of all, thank you all, Commissioners, for hearing the item. As you all should know by now, Mayor Gimenez is very supportive of this, and he has agreed to even go to our Board of County Commissioners, the CITT and anyone else he has to, to put whatever funds are necessary, because he views this as a once-in-a-lifetime opportunity to improve mass transit in an area of our County; not only the urban core, but also an area that has seen population -- I believe DDA statistics say since the turn of the century, it's doubled in terms of population. Mayor Gimenez, like all of you, can't really just afford to look one year down the line or to the next election. We've got to look five, 10, 15, 20 years down the line. And so he supports this. He will be supportive however he can. Unfortunately, he can't be here, because he's on spring break with his grandchildren, but he asked me to come in his place to reiterate that support. I know you all know, but I wanted to put it on the record and I wanted to thank you all again for the leadership that you have shown in taking up this very critical issue for the future of our community, and, really, for the South Florida region, because it benefits all of us; Miami-Dade County and eventually our neighbors to the north. Thank you.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Adam Schadner, Marta Vicedo and Barry Johnson.

Chair Gort: Mr. Johnson, go ahead.

Barry Johnson: Good afternoon. My name is Barry Johnson, president and CEO (Chief Executive Officer) of the Greater Miami Chamber of Commerce, 1601 Biscayne Boulevard in Miami. And I'm here today to let you know that the Greater Miami Chamber of Commerce is fully in support of the Tri-Rail coming to downtown Miami. Our chamber is a regional chamber. We serve four counties. Our members represent more than 400,000 employees in South Florida. And as we all know, getting in and out of downtown Miami has become pretty much a NASCAR (National Association for Stock Car Auto Racing) event on the surface streets; there's very little capacity left. We need to bring mass transit into the hub of our business center here. For us to really become a global city, a global city that works, connecting to the other major employment centers across South Florida, it's an imperative that we have it. And as other speakers have spoken before me, it is far more efficient to do it as we are building it than ever to add it on in the past. So I'm here representing our chamber, our members, our community in saying that this is probably the biggest no-brainer decision in the history of the earth, but we encourage you, and we support your efforts on this, because it's something that its time has come. Thank you very much.

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

Marta Viciado: Hi. Thank you for the opportunity. Marta Viciado, 915 Northwest 1st Avenue, Miami, Florida. I'm going to keep it very brief. I'm here representing Transit Action Committee today. We are known as "Trapper," a political action committee in support of transit in Miami-Dade County. We are fully in support of the Tri-Rail Station in downtown. Commissioner Suarez has often said, "What happens with our traffic now? We're stuck in rush day." I can only imagine what will happen two years from now, five years from now or 10 years from now if this doesn't happen. What is rush day going to look like? Again, we are fully in support. Thank you for the opportunity.

Chair Gort: Thank you. Next.

Mr. Hannon: Next three speakers: Juan Cuba, Maggie Fernandez and Carlos Martovich.

Commissioner Suarez: Mr. Chair, can I just -- while they're getting ready, can I just say one thing?

Chair Gort: Yes, sir.

Commissioner Suarez: The amount of density that's coming to downtown with the projects -- they're looking to expand the DRI (Development of Regional Impact) because the density explosion is so large. So imagine how much more people we're going to have to bring into downtown.

Chair Gort: I can tell you, I have an office in Brickell Avenue, so.

Commissioner Suarez: There you go. You know.

Chair Gort: Go ahead.

Juan Cuba: Thank you. My name is Juan Cuba, 253 Northeast 2nd Street, Apartment 2804, Miami, Florida, 33132. I come today as a voter; I come today as a resident of downtown and someone who gets around Miami-Dade County using public transit, using my car, et cetera. You know, I always hear ourselves calling ourselves a great city, but we can't be a great city simply by repeating it over, and over and over. It's going to take major investment into one of the

greatest challenges that we face, which is mobility. And mobility -- and this is a unique opportunity to tackle that challenge at a relatively affordable price tag. And we need to jump on this opportunity. I've seen this Commission find funds for many other projects, and this one, this project is so much more deserving than many others that I have seen. And I urge the Commission to vote "yes," to bring Tri-Rail to downtown. I urge the Mayor to work with the Commission to do just that, and please do not leave this meeting without identifying the funds to bring this project to downtown. It is a game changer. Transit hits equity; it hits quality of life; it hits economic development; it hits the brain -- it reverses the brain drain; it hits so many issues at the same time. It is so necessary for downtown and for Miami, for Miami-Dade and all of South Florida. Thank you so much.

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

Maggie Fernandez: Good afternoon. Maggie Fernandez. I'm just so happy to be here to speak, not in favor of a mall, but of a true American dream, which is economic freedom through transportation options. Again, my name is Maggie Fernandez, and I am a super voter. I'm also Catholic. I went to Catholic elementary school, I went to Catholic high school, I went to Catholic college. So by 22, I overdosed on Catholicism and I became a wandering Catholic, pretty much lost. But until recently, I began praying again, and I reconnected with my faith. And much of my prayers have been about purpose. What am I here to do and what am I here -- what am I meant to do? Because since I've been a child, I've had this feeling that I was brought into this world to do something really special, and to really make a difference. And since you're sitting up there, I know that you've had that same feeling and that same unexplainable desire and fire, because you responded. You responded to it by being elected officials, and that takes a very special person with huge responsibility and huge gifts. So something that I also think about is my legacy. What do I want to be remembered for? So I ask you that same question today. Mayor and Commissioners, we have an opportunity today to change the course of our transit woes that have plagued our community for years, and changing this can be your legacy. What a gift. Because 10, 20 years from now, nobody's going to remember what the funding source for this project is, but they're going to remember that you, the leaders, had the vision to make this happen. So today, I urge you to be our visionary transportation leaders. Let this be your legacy. Thank you.

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

Carlos Martovich: Thank you. Carlos Martovich, 2423 Southwest 13th Street, Miami, Florida, 33145. I want to start off by saying that I'm 23 years old. I'm a millennial. I come here representing myself and, I think, everyone in my generation, because I grew up in West Kendall. The last time I was in this office, this room, I was 15 years old, and much has happened since then in our City. We've seen it expand and new buildings come up throughout the City, and congestion is becoming a nightmare. To get home, my mom travels two hours to get home to West Kendall from the Port of Miami. That's unheard of. And much of the congestion comes at I-95, 395 connection; that's where a lot of congestion starts. And I-95 traffic, which I found myself working in Fort Lauderdale in the past, is awful. It's completely two hours of your life right there; three hours if you count back and forth. If we build this we have the opportunity to connect our City to the whole district, to the whole region, South Florida region, from West Palm, to Broward, to Miami-Dade County. We're connecting everything south from Dadeland all the way up to Jupiter, Florida, with the hope of the Florida Coastal Link. I want to thank Commissioner Sarnoff for presenting this in the first place. I want to thank Commissioner Suarez for negotiating with the Mayor of Miami-Dade County, because Mayor Regalado had a point. You know, maybe we shouldn't cover for \$11 million, especially if the PTP (People's Transportation Plan) money is there. And the money has been invested there for a long time, and that should be used for this project. We're inviting more development now. We're facing a second boom of construction, unseen since maybe five years ago, so it's not that long ago. We're seeing new cranes; there's countless cranes in Miami-Dade County, in the City of Miami, and we

need to handle that congestion in a smart manner. We need to be ready for it. We can't go back later, 10 years from now, and be like, "We need a train connection," because that's going to happen. We're going to need one later, so why not just do it now, avoid that, and provide our City with 10 years or however many years of economic growth that is stable, successful and futuristic in its outlook. So thank you. I hope you guys come up to something. I don't know if this will be the final proposition you guys vote "yes" on, but I hope that it'll be one that is "yes" on in that. Thank you.

Chair Gort: Thank you, sir. Next.

Mr. Hannon: The last speaker I have signed up for item RE.8 is Prem Barbosa.

Prem Barbosa: Good afternoon, everyone. My name is Prem Barbosa. I am a County resident, not a City resident, and I rode my bike here, unlike the gentleman who took the bus. My mother used to commute to downtown from Miami Beach, and I can recall how much she complained about the traffic. I remember a time when there was a rush hour, and now, it's all traffic all the time. Since the economic retraction back in, you know, '07, '08, this Commission, the previous Commission and certain members on this Commission through CRAs have given hundreds of millions of dollars in sweetheart deals to high-end developments which only guarantee low-end employment, and everyone here probably knows exactly what I'm talking about. So my question and my comment today is simply: What responsibility does the Commission have to the public who live, play and pay for the City of Miami that we all know and love? Thank you.

Chair Gort: Thank you. Next.

Derek Cole: Hi. Derek Cole, 1010 Northwest 11th Street. I was born and raised in Miami in 1949. All my life getting around has been a pain. This is a wonderful project. You've got a chance to do something really cool here. It's not like it's a private developer getting the money. It's a public institution that's getting it. It's a govern -- basically a quasi-government entity. So the people that think that private developers are getting it are wrong, and this is great.

Chair Gort: Thank you, sir. That's it, that's the last speaker. Close the public hearings.

Vice Chair Hardemon: Mr. Chair.

Chair Gort: Yes, sir.

Vice Chair Hardemon: When the idea of providing funding to Tri-Rail to bring reliable transportation to our downtown community came to me, there weren't any partners. There was no State, there was no County, there was no City. And so from that point forward, I had three objectives: One, to diversify the funding; two, to increase the funding; three, to create community benefits. And when I think about that equation of things, we have to ask ourselves, "Where are we in that equation?" Over that time period, we've managed to diversify the funding. Could have used additional diversification? Maybe. And now, we're on the stage where we're talking about increasing the funding. And the reason I'm concerned about increasing the funding is because it troubles me --

Commissioner Suarez: Decreasing the funding?

Vice Chair Hardemon: Increasing the funding. Decreasing -- well, I said "increasing," correct?

Commissioner Suarez: Yeah, de --

Vice Chair Hardemon: Stop talking to me; it's my time on the mike. So at the point now where I'm talking about increasing the funding is because I want to see the amount of the dollars that the Southeast Overtown/Park West Redevelopment Agency contributes lessen. I want to see that

amount go down to an amount that I think is equitable in this deal, and I'll explain why. When I think about the purpose that the Community Redevelopment Act was drafted for and ultimately enacted for is because our governments neglected certain areas. This is the same Overtown/Park West area that was there when it was thriving with a diver -- a population of people that have been moved to other parts of our community; it's the same place. The downtown area that's just southeast of it is the same downtown area that was projected to grow many years in the past. And what I'm seeing is the same type of neglect happening on the City and the County level, and I mean that by this: On the City level, we've said, "We don't want to use general fund dollars." On the County level, they've said, "We don't want to use general fund dollars." But on the CRA level, to me, the way that I read how we get our funding, which would typically be general funding to the City or the County, you're telling the CRA to use general fund dollars. So when we change the formula and we say, "Okay, well, we will increase the funding that the County gives by \$5.5 million," is that a good thing? Sure. I'll take that, and we want that. But then you say, "We decrease the funding that the City commits by 5.5" -- I'm sorry -- "by 4.5" -- "5.5," yeah, by 5.5, because we're only giving 5.5 at this point, the equa -- the way that I've been -- I've explained it to. So what that means is that we're giving a total increase of or a total increase beyond what the presentation said of \$11 million; \$11 million between the City and the County.

Commissioner Suarez: Right. What Commissioner Sarnoff proposed -- yeah, when we were talking --

Chair Gort: Let him finish.

Commissioner Suarez: Okay.

Vice Chair Hardemon: So the problem with that to me is that I think that we can do more. And the question is: At what point do we not continue on the continual action of the City and the County of giving our general fund dollars to that area? It boggles me that if you combine the County and you combine the City's contribution to this, it is still less than the commitment that you want a neighborhood to make as a neighborhood. At the end of the day -- and I'm sitting here as a City Commissioner -- at the end of the day, though, no matter what, the development that All Aboard wants to build will be built; if it has Tri-Rail or it does not has negligible impacts on the amount of revenue that we'll receive to the CRA. So, really, this all comes about reliable transportation and it links that downtown area to further north. So then who has the greatest impact? And so when you read the media, the media will tell you that Overtown community has the greatest impact, and I don't necessarily agree with that. I think that the downtown area has the biggest impact, because that's where they're going. Now, there are ancillary benefits to the Overtown community. There are things that will benefit that community because it is suffering from poverty, because it is suffering from lack of jobs, and it gives them access to those jobs via the rail, I agree. And I also agree that because we have that ability to improve the quality of life for those individuals in that community that Overtown Park West/CRA should contribute, but I think that the amount has to be more equitable than what it is, because at the end of the day, the more money that we give from the CRA to this project, the less money the CRA actually has to use to eliminate slum and blight in other parts of that community. What I appreciated about what -- the comment that the County Mayor's Office said, he said, "Whatever funds are necessary." So I am saying this to say I think we need to come to a number from the City that shows a commitment from us, not only to the people in the County, in the City, but the residents, especially of that area, because where we are in my equation with this whole thing is on step two, increasing the funds, because we have not began the community benefits arrangement part about this. And the one thing I will say is that All Aboard and Tri-Rail has made it very clear that they're willing to participate in creating these community benefits, because, like we've said before, and I've said it in gest, but I'm very serious that no one is giving, from the CRA's perspective, no one is giving away 28, \$29 million for a rib sandwich; it just does not happen. So what we need to do moving forward on step three is create the community benefits, but before

we get there, on a City level, because that's where we are now, is increase the amount of funding that we can to this project to bring down the burden on the CRA, because the CRA only has 14 years of life left to make this project for connectivity a reality, but the impact that it could have on that community and how they perceive the use of their general fund dollars for projects, I think it's something that will last for a very long time. And unlike what the speaker said earlier about they will not know where the funds came from, the Overtown community will always remember that the funds were not used in their favor, as they see it.

Commissioner Suarez: Mr. Chair, if I may?

Chair Gort: Yes, go ahead.

Commissioner Suarez: Thank you. You know -- and I hear the Commissioner, and here's my perspective on what he said, because, first of all, I don't want to seem like I disagree with what you're saying. What you're saying makes all the sense in the world. I think we should strive, and I think part of this resolution should give the Manager latitude to find alternate funding sources over a period of time -- I would suggest 60 instead of 45 days, thank you -- so that the CRA's contribution is minimized. I don't have a problem with that, okay? When this deal was floated to us, just like this -- thank you for bringing it -- yeah, that was very timely. Just like this, the one that Mr. Stephens presented to the Commission, this contemplated zero skin in the game, if you will, zero. And to me, at the time when I saw it, I actually, to be honest with you -- and I think you disagree with me on this point, and it's okay. We don't have to agree on every point. I thought this was a great deal for the CRA, to be completely frank with you, because it was a 33 percent TIF (Tax Increment Fund) deal. And we had just -- what? -- two weeks ago, a month ago done a 57 percent TIF deal? So that's double the deal than -- that this deal. So when it came to me as a strictly TIF deal, I thought, "Wow, this is actually pretty conservative." Now, when Commissioner Sarnoff said, "You know what? I think the City needs to put in another million dollars," that reduces it to 28 million. I don't know what the percentage is, because I just got this number, but it -- I'm sure it drives it below 30. So, you know, I don't have a problem with creating some wiggle room in this reso, because I'm going to make a motion right now, okay? I'm going to make a motion on this reso. I don't have a problem with creating wiggle room to continue to reduce the CRA's portion, because I hear you, and I think there is ways to do it, okay? Clearly, it took one phone call, you know, or one series of phone calls for the County to up their contribution five and a half million dollars and for us to find an alternate source, because we are dealing with some political realities, and one political reality we're dealing with is that there's been a veto threat, which means that we have to be as close to unanimous, I think, in our decision-making as possible for this project to go forward. And I think that's important, and that's why I've tried to reconcile what many might think is the unreconcilable [sic], but reconciling, you know, six different egos. And that's why I said at the sunshine meeting we need to check our ego at the door to get this done. But that reduces the CRA's contribution by more than 25 percent, your proposal of putting in \$11 million. The only thing I've done is said, "Let's find that \$11 million from two different sources that will prevent, you know, more friction"; that's the only thing I've said. Now, that there may be some other sources, you know, the Manager and I have talked about other sources in -- behind closed doors. The resolution that I'd like to -- the motion that I'd like to make tracks the first resolution that you made, and it says also that the City will be contributing five and a half million dollars in PTP funding, and that it will give the Manager 60 days to work with the various agencies to identify other funding sources, which would further potentially reduce the CRA's contribution. As you stated, we don't know what that will be. And, certainly, you're absolutely right that there is a separate body, which is the CRA Board that we have to sit on. And you have every -- you have all the leverage, really, in that body, because you're controlling in many ways -- and I don't say "you," like you, specifically. I mean you as a board and we as a board. We have the leverage, because we still have to vote for that funding in that body. And so we do have the ability there to extract what I think is absolutely correct, which are community benefits. So for me, I think that this was a good deal before Commissioner Sarnoff suggested 11 million dollar contribution. I think diversifying the

funding source for that 11 million dollar contribution makes the deal better. And I think that the Manager and all of us putting our heads together can probably make it better even still in the next 60 days. But my -- that is my motion, and I hope I have a second --

Commissioner Sarnoff: Second.

Commissioner Suarez: -- and I hope we have unanimous support.

Commissioner Sarnoff: Second.

Chair Gort: There's a motion and there's a second. Discussion.

Victoria Méndez (City Attorney): Chairman.

Chair Gort: Yes.

Ms. Méndez: The only -- one of the things that -- is the timing. I believe that this one -- we need to negotiate whatever agreements and everything in 45 days.

Chair Gort: Before June.

Commissioner Suarez: No. I just extended it to 60. Seventy-five.

Ms. Méndez: We were hoping 90.

Commissioner Suarez: Seventy-five, 75.

Commissioner Sarnoff: Secunder accepts.

Chair Gort: Let me tell you, I think everyone here understands the needs of Tri-Rail, and I think we all in favor of it, and I don't think we should be negotiating from up here. Just as you talked to the Mayors, I talked to both Mayors and I talked to the Manager, and I think they can come up with the right instrument to go ahead and find this. For us to discuss here how we're going to do it, I think we should give the Manager the leverage to do so. We all understand how important this is for all of us. I think we going -- want to get it done. I have talked to the Manager, I've talked to both Mayors and everybody is willing to give. Well, let's give the ability of the Manager to have some leverage to negotiate. You all know whenever we go out for a bid and people know that we have "X" amount of money for a bid, guess what? When the bids come in, that's the same amount that we projected it was going to be. So if we really want to do this the right way, they want to reduce it, which I understand, we want to make sure that we get the right financial so it will take place, and that's what we're trying to do, because, remember, whatever decision we take here, there's always someone that's going to try to sue for whatever reason and so on, and that will even delay it even more. So for those reasons, I think -- I understand your motion, but if you do away -- any "X" amount, I will go forward. I cannot go forward with a specific amount. I'd like to see the Manager negotiate.

Commissioner Suarez: And let me just say I don't think this is a specific amount. I think the only specific amount in this is a change for us to specifically have five and a half million dollars, which is a specific reduction to the CRA's contribution. So I think that's the only specificity that this has. And I think, you know, I think the entire community is waiting for us to do something. So it -- look, everybody here has to vote their conscience, and, you know, at the end of the day, the Mayor -- we have a razor thin margin, because the Mayor may -- I don't know if this is palatable for the Mayor based on my attempts to listen to his concerns and try to modify and negotiate on that basis; I guess we'll find out in a few seconds. But regardless, I think I'm ready to vote on it, and I really hope that we have a supermajority of the Commission at the very

minimum.

Commissioner Sarnoff: Mr. Chair.

Chair Gort: I'd like to hear from the -- yes, sir.

Commissioner Sarnoff: I was going to say something. I don't know if the Mayor wants to speak first but --

Mayor Regalado: No, no.

Commissioner Sarnoff: -- sometimes, sometimes, it's a great moment to step back and think about other places that have done something like this. So I look -- I asked everybody to research Grand Central Station in New York City to find out what did it take to build the Grand Central Station. Interestingly enough, the New York Times did a story on it January 18, 2013. I won't bore you with the entire reading of it, but if you wouldn't mind, I'm going to read a couple sections, Mr. Chair. So 100 years ago on February 2, 1913, the doors to Grand Central Terminal officially opened to the public after 10 years of construction, and at a cost of more than 2 billion in today's dollars. The terminal was a product of local politics, bold architecture, brutal flexing of corporate muscle and visionary engineering. No other building embodies New York's ascent as vividly as Grand Central Station. Hear the tale of its birth excerpted from "Grand Central: How a Train Station Transformed America," by Sam Roberts. So the cause and more, why did they create Grand Central Station? And I'm going to bring a parallel here. A fatal 1902 crash in which the morning local train from White Plains slammed into the rear car of Danbury, Connecticut train, stopped on the tracks of what was then called 4th Avenue, but today, we call it Park Avenue; killing 15 passengers instantaneously, and convinced Wilgus, who was the person who was in charge of the project, that it was no longer possible to run a chaotic railroad yard two avenue blocks wide that was becoming very heart of the nation's largest. So I-95, between 2004 and 2008, 600 people lost their lives; not 15. It is the deadliest highway in the entire American system, is where we live. So, parallel? You judge. So what did it take to build Grand Central Station? Now, can you imagine this, if this was Miami? On 17 acres, bought by the railroad, existed 120 houses, three churches, two hospitals and an orphan asylum, which would have been obliterated, as would the stables, warehouses and other ancillary structures. I guarantee you, if that was Miami, it wouldn't have happened. Construction would take fully 10 years. By the time it was barely halfway finished, the person who was in charge of the project was fired, as his costs had doubled to \$2 billion. As construction on the terminal progressed, New York Central was keeping one eye on its very wary arch rival. The Pennsylvania Railroad was challenging Central's monopoly by finally providing direct service to Manhattan. The Central and Pennsy (Pennsylvania) were like Coke and Pepsi; perennial rivals for routes, passengers and the market share. In the 19th Century, Pennsylvania was also -- was an -- also run in New York City, because it had no midtown station. Passengers had to be transported between Exchange Place in New Jersey and Manhattan by boat. Think about that; that's how they got people to and fro. So I won't bore you with too much more reading, but you know what the actual cost of Grand Central Station was in "their -day" dollars? So this is the biggest rail system in the United States. It cost \$80 million back then. People lost their jobs. They were told, "This is too big. This is too robust, and we already have something a couple of miles away; Pennsylvania Railroad." And New York knew that it takes a hub and a series of spokes if you're ever going to have mass transit. Thirty-five years ago, we created the Metrorail; one spoke on a hub. The second spoke could be Tri-Rail. The third spoke could equally be Tri-Rail, just to the west. The fourth spoke could be an east/west corridor. This is not going to be a simple solution to traffic. It may not be my generation; might even not be Commissioner Hardemon's generation. And I was brought up in a car. My natural instinct is to get in the car. But there's a whole series of people out there that the coolest thing they own is this (indicating). And the next thing they don't want to own is a ten thousand dollar a year obligation; 10,000 after-tax dollars on a person making \$50,000 a year, who could ride mass transit for \$2,000 a

year, and that's if they override it, meaning -- I don't think we could ever get to that level, but let's assume we could -- an \$8,000 delta in their pay. So now they go and they're really making \$50,000. It's never easy; it's never easy when you've run a tight fiscal ship, as this Commission has done, to want to be part of something that maybe you feel like it's not your obligation. But I could tell you this: No citizen understands, no citizen cares -- that's not my job, that's not my function. Any one of you that has had a complaint on a County road, if you said, "Go see Commissioner such-and-such in the County," you are never going to get that person's support ever again. Instead, what you say is, "You know, this really isn't the City's, but let me get in touch with Commissioner so-and-so for you, so that I can make sure that gets done for you"; that's what we've learned up here on the dais. People don't care whether it's the Federal Government's obligation, the State Government's obligation, whether it's the County's obligation or whether it's the City's. The closest person to them, both physically and figuratively, is the City Commissioner. How many people have come up here and shook our hands? It is impossible to do at the County, because they have built that building so you can't do that. You cannot walk up in that bully pulpit and say "hello" to somebody. Well, fortunately or unfortunately, we choose to serve. It is our responsibility, and it is part and parcel of a grand plan to be a small player in. Now, I was up here for the debate with the tunnel. It was a one billion dollar project; to be more precisely, a nine hundred and forty million dollar project of which the City was obligated to put \$50 million in, period. Some people didn't believe that the project would leave. Historically, it was going to. This is a very parallel situation. If we were to take the track from whether it's going to be 71st Street or Fort Lauderdale, as they're going to do, we will be a very small player in this, but I would suggest to you there is a moment in time -- it will either be recorded or it won't be recorded -- where the failure to act here will result in the failure of Tri-Rail to come to downtown. And you may have a Central Station for those folks that want to go as far as they want to go on All Aboard, but you will never have a Grand Central Station, and the economic vitality and impact that that will bring to the surrounding neighborhoods; not only SEOPW (Southeast Overtown/Park West), but Omni; not only Omni, but the DDA. And I'm suggesting to you that we all need to be a part of this, because all of our neighborhoods will vehemently benefit from the financial impact of this, which every stat will show you, every \$1 you put into public transportation, you get \$4 in return. This is going to generate over \$500 million in property taxes. How we can be hedging on how we do this or if we do this -- because I guess the "if" is Suarez' concern and mine [sic] concern. The "how" is -- I wish my first resolution was the one put in there -- leave it to Danny Alfonso, who's pretty good at this stuff, and let that be the way it's going to be. For one reason or another, probably over drinks, someday we'll figure out why that didn't happen, but I think it's imperative for history to be recorded right now. It's not about "how," but it is about "if," and we need to make a strong showing that we intend to bring Tri-Rail into Miami, and that we are going to have a Grand Central Station. Thank you, Mr. Chair.

Chair Gort: Commissioner, I think we all stated here we want it. I don't think there's anyone here that says, "We don't want Tri-Rail to be in downtown." The only thing is I don't think we should be negotiating from up here. I think we've talked about it, and we have faith in our City Manager, and he's done it in the past. They have had conversations, and I think you need to get everybody involved, because I want to make sure that whatever we do, it's safe. I want to make sure the decision is one, like the Commissioner was stating a little while ago, that we have 100 percent; that we have the Mayors, we have the Manager and we have all of us onboard, so we can really get this onboard, going. Yes, sir, you're recognized.

Vice Chair Hardemon: Thank you very much, Mr. Chairman. And Commissioner Suarez, I think about the moment that you stated when the agreement came to you, it was a sweetheart deal. I mean, from that point, you thought it was good, it was a good deal.

Commissioner Suarez: Right.

Vice Chair Hardemon: When the agreement --

Commissioner Suarez: For us.

Vice Chair Hardemon: Right. But I saw the agreement before all the other parties, so I saw the price tag when it said, "\$69 million, Southeast Overtown/Park West CRA."

Commissioner Suarez: Oh, I have no doubt.

Vice Chair Hardemon: So I'm watching this agreement develop. And so when you saw the document, it didn't have a contribution. Your perspective is that it's a good deal for the CRA. My perspective is, why isn't there skin in the game from the City of Miami? And that's why step one was always diversified funds; and step two, for me, was always increase the funding. So now that we've put skin in the game, I'm saying let's move on to step two. I think that we can do that here. Earlier today, we talked about fund balances that were going to be in the 100 -- 132, around \$132 million, right? We know that even in our motion -- and I'd like to make a small change to your motion, so much so -- just a word -- that in your motion, you state \$5.5 million from the fund, from the --

Commissioner Suarez: From the --

Vice Chair Hardemon: PTP.

Commissioner Suarez: -- PTP fund.

Vice Chair Hardemon: PTP. I'm saying at least 5.5.

Commissioner Carollo: Additional.

Vice Chair Hardemon: At least 5.5.

Commissioner Suarez: Okay, I'll go -- I'll agree with that.

Vice Chair Hardemon: And I'm saying at least 5.5, because that fund increases in value, and there are additional dollars that will come from that.

Commissioner Suarez: Listen, I'll agree with creating that flexibility. I think that makes sense, so I will amend my motion accordingly.

Vice Chair Hardemon: Thank you. And when the City Manager -- with you looking for different ways to fund this source. We have to remind ourselves that we know that there are dollars that will be coming from sharing agreements that will kick in probably 2017 that the City had and also the County had with Southeast Overtown/Park West CRA, and in those sharing agreements, a percentage of the TIF revenue that was generated was going back to the City. So if we're talking about really putting skin in the game and increasing the value, we have all these different opportunities of dollars that we don't have today that are promised for tomorrow that were already designated for that area. So let's use funds like that, if you can negotiate -- as you start your negotiations to look into how we go about decreasing the responsibility on the CRA and increasing the equity between what the City and the County is paying to what that neighborhood is paying.

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

Mayor Regalado: Commissioner Carollo wanted to --

Commissioner Carollo: Thank you, Mr. Chairman. I've learned over my years here to just be

patient, and sooner or later, when it comes around and you get a chance to speak. I'd like to begin by saying that, you know, this Commission has tackled over the last few years many difficult situations, and even though we've had some passionate debates, it seems like we've always, one way or another, have reached some type of consensus, or at least have been able to move the City forward. And I don't have to remind Commissioner Sarnoff that one point -- well that minute or minute and four seconds --

Commissioner Suarez: Four seconds.

Commissioner Sarnoff: I think Francis records it as 94 seconds or 90 --

Commissioner Suarez: A minute and four seconds.

Commissioner Sarnoff: Minute and four seconds.

Commissioner Suarez: Sixty-four seconds.

Commissioner Carollo: And if you remember, I actually chaired that meeting, and I ended up chairing that meeting, so we've been through a lot together. And, you know, what I was hoping is that, you know, we would reach consensus once again. I have to tell you, I'm not sure if we are or not, but again, I'm not ready to leave, either. So I think there's still a lot of more debate and discussion to be had. And the reason why I was hoping that we could reach some type of consensus is because, you know, in May of 2014, this Commission --

Commissioner Suarez: That's right.

Commissioner Carollo: -- passed a resolution, unanimously approved --

Commissioner Suarez: That's right.

Commissioner Carollo: -- that was not vetoed --

Commissioner Suarez: That's right.

Commissioner Carollo: -- discussing Tri-Rail coming to downtown Miami. And I was the one who started putting different amendments, with the support of everyone here, because of the funding sources. However, everyone here supported that resolution to bring Tri-Rail to downtown Miami --

Commissioner Suarez: That's right.

Commissioner Carollo: -- and it was not vetoed, so even the Mayor was in support of it. And that's why I'm -- I really do believe that and I was hoping that we could reach some type of consensus, because I believe the Mayor deep in his heart also believes that Tri-Rail should come to downtown Miami, and now we just need to discuss the funding. I'm not going to get into all the reasons why I think that Tri-Rail should come into downtown Miami. I think they've been well stated in the press and the media, and frankly, everywhere you turn, it's there. You know, I'm also -- and I'll be quite frank with you -- I'll also quite know and understand that this is not necessarily going to solve the traffic problems for Little Havana, nor Allapattah, nor Flagami.

Commissioner Suarez: That's right, that's true.

Commissioner Carollo: But there is an opportunity; there is an opportunity here, and, you know, a lot of times, it's timing, and you need to realize when there's an opportunity and be able to capitalize on it. You know, I have been -- I had a chance to speak to a lot of people in the last

few days. You know, with our schedules, sometimes, you know, it doesn't allow us, or we have prescheduled meetings, so sometimes a sunshine meeting that pops up or that you can't make it. I mean, I hope, you know, no one feels that or expected that I had to be there, but, you know, ultimately, we were going to be here discussing this and debating this, so, you know -- and it's funny, because something that I realized today, actually, that -- and it's funny, because it's a true showing that we do not violate the sunshine law, because I didn't know that Commissioner Suarez was having conversations with Mayor Gimenez. I didn't know that Commissioner Gort was having conversations with Mayor Gimenez. I also was having conversations with Mayor Gimenez, and I have a feeling they didn't know that I was having conversations with Mayor Gimenez.

Chair Gort: He's been talking to everyone.

Commissioner Carollo: So, you know, which shows that, in all fairness, you know, we do not violate the sunshine law. And you're seeing a Commission that is actually cooperating, and participating, and negotiating and trying to partner up with another agency. And I, too, knew about the \$5.5 million, not only -- and I'll be quite frank -- from Mayor Gimenez, but also from Steve Bovo, the chairman of the Transportation Committee, which I had long conversations with him, and, you know, again, I don't have to state the importance that they're looking at; the importance that they feel that this should happen. Before I continue with some of the other people that I spoke with, I need to understand the motion that's on the floor. I need to understand a little further your position, Commissioner Hardemon, because, quite frankly, I am not sure what your position is. I get the gist, but I still don't know really what your position is. Are you okay with the way it is right now? Because I think that's sort of what Chairman Gort is saying. Are you okay with 5.5 from the County and then 5.5 from --

Commissioner Suarez: At least; at least 5.5.

Commissioner Carollo: -- our PTP? And then, are you okay with the amount from the Southwest [sic] Overtown -- Omni -- I'm sorry -- South -- Overtown CRA? The Omni is a separate item. Because I'm not sure if you're okay with it or not as it is.

Vice Chair Hardemon: I think we can do better.

Commissioner Suarez: Thank you. Thank you.

Commissioner Carollo: And if we don't do better, then what?

Vice Chair Hardemon: Well, that's for the Manager to negotiate.

Commissioner Suarez: Absolutely.

Vice Chair Hardemon: He's negotiating us doing better. And so what you have to understand, as I said, there are three things for me: diversification, increasing of the funding and then also the community benefits. We're moving from step one to step two. So when the media reports this, they report it as if we've committed to doing something in the Southeast Overtown/Park West CRA at a cost that many believe is too much, without any other benefits. And so I'm trying to make very clear here today for everyone that I would love to see Tri-Rail come to the City of Miami. I voted just the same as everyone else voted, and I want to move things forward, and that's why we're here today having this discussion about where the funding is coming from. And so my point is that we should not just have skin in the game, but we should have more equity in the amount of money that we put into this as a city, as what the CRA does as its unit, and that's both the City and the County. So I'm saying right now, no one has put in general fund dollars, dollars that are slated for anything that we want to put it towards, except, really and truly, if you will, the CRA. So I'm saying that I'm not going to tell you to use general fund dollars, Mr.

Manager. I'm saying that we should -- the reason I agree with the motion is because it gives us an opportunity to look into the different funding sources to find more funding to make this more equitable between the County and the City partners and the CRA. We cannot as a city neglect certain areas, allow them to deteriorate, start a CRA to put money in those areas and then take the money from those areas through a sharing agreement, and then instead of using those dollars to tackle regional projects like this, we take the money that was supposed to be used for those areas for elimination of slum and blight on projects, right? And this project, I always said, is going to be developed no matter what, except for the fact that we have to determine whether or not Tri-Rail will be there and whether or not we'll have connectivity for our residents. All of us want to see that happen. So I'm saying let's make this fair, let's make it equitable and when we do that, I think that we have -- I know at least my support. But it's a three-step process, and we're going from step one to step two.

Commissioner Suarez: Thank you.

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

Commissioner Carollo: I'm not done.

Chair Gort: Oh, I'm sorry.

Commissioner Carollo: Mr. Chairman, I was just asking my colleague, because I'm not really sure if the amount that is pledged, because there is -- yeah, Mr. Manager, and I understand, and you want to negotiate, because I get it, I get it; you want to negotiate this. You have a Commissioner here that already says that he wants you to have free reign, and he doesn't want the PTP from the City to be there, so I get it.

Commissioner Suarez: No, I'm not saying that. I'm not saying that.

Commissioner Carollo: No, no, no, hold on. I think --

Commissioner Suarez: Or Commissioner Gort may have.

Commissioner Carollo: -- that's what Chairman Gort is saying. I think Chairman Gort doesn't want the PTP there --

Commissioner Suarez: You don't want the PTP there?

Commissioner Carollo: -- and let me be clear with you. I'm not crazy about the PTP being there, either. You know, you said that we cannot -- and I don't want to misspeak, but the bottom line is, look, the trolleys are going to a lot of areas in the City of Miami, you know, and I think they've done a great job. And prior to you being here, Commissioner Hardemon, you know, Commissioner Sarnoff, myself, Commissioner Suarez, we had a robust conversation with regards to how much it would cost, we were going to charge or we were not, and I think it's been extremely successful. A lot of those routes actually were starting to formulate prior to me being here, and I went with some of those routes because, frankly, it made sense. We added some new routes into the Marlins Stadium, because it made sense to go over 12th Avenue Bridge and to the Health District, but in all fairness, you have -- you still have an area -- and I don't know where are all those people, because right now, you know, Little Havana is the hot thing, and everybody wants to ride and stuff about Little Havana, but, you know, I want to see all those people now about Little Havana, because Little Havana doesn't have those free trolleys, quite frankly. Southwest 8th Street, Flagler, which are major corridors, you know, they don't have those free trolleys for all those people that are also very needy, because we share some of those zip codes. You understand what I'm saying. So when you tap into those PTP dollars, you know, at the same time, I've been somewhat cautious, because I understand that in order for it to be free, there is

"X" amount of years that we have before the money runs out, but it is something that I would like to, you know, explore in the near future, and I think it'll be great, so we really do connect. And I didn't bring a map, I apologize, but I'm sure you seen the City of Miami map. And when you look at the City of Miami map, you have a big circle right in the middle, and that's District 3, which I represent; touches everything, we're right in the middle. And that's the only place, real place that doesn't have any free trolley system. So I'm not crazy about using those PTP dollars, but now I'm saying, okay -- and you guys know me; I'm not just about talk. Maybe I could find other dollars, but if I find other dollars, is those other dollars going to be to replace PTP dollars, or is it going to lower CRA, the CRA amount, or where are we? So that's what I want to really comprehend, you know, before we speak, so we really see, okay, what amount are you, you know, okay with? What amount is everyone here okay with so we could really, you know, negotiate that? And that's why I'm saying I don't mind, and I could be here for a while. You know, I'm not ready to just go on and leave, but my intention is to really see if we could find consensus. So that's why I want to see where you're at. Yes, I spoke to the County Mayor. Yes, we know we got 5.5. Could there be more? In all fairness, I'm not the attorney here, but I do listen pretty well when it comes -- especially when it comes to money, and I didn't hear 5.5 from Mr. Hernandez. I heard that the Mayor would do whatever it takes. So maybe there is a chance to -- that there's more. And I'll tell you right now, I have found other sources, but I want to make sure, you know, those other sources, where is the money going to go to? And in essence, what I'm saying, and I guess Commissioner Borrego isn't here, but Commissioner Borrego also represents, you know, Little Havana; something that I had spoke with him, also. You know, that area, we would like to see, you know, the trolleys in the future. And I understand; maybe we need to do it in a way where, you know, there's a good study, but when you're talking about areas that, you know, for lack of better terminology, are very needy, you know, and we want to have some type of transportation where -- I can assure you, no one in East Little Havana picks up the phone and calls for Uber, or Lift or any of those people; just like you know very well they don't do it in your district.

Commissioner Suarez: Mr. Chair --

Commissioner Carollo: So all I want is somehow that, you know, we come to some true discussion to see the true numbers to see where you feel comfortable with, because I want you to feel comfortable. But I just want to make sure that we're all fair, so we do have a consensus and we move forward, because, you know, like I mentioned before, I'm not here going to say all the reasons why we should do this. I mean, it's pretty clear; there's an opportunity that doesn't come around too often, and we need to capitalize on opportunities, and I get it. You know, I spoke with the Greater Miami Chamber of Commerce. They expressed, you know, concerns that this wouldn't pass -- and not that this wouldn't pass -- that this opportunity will be missed. So I've reached out to plenty of organizations. Yes, I can tell you there's additional dollars. I just want to make sure where are we with this, because I would like to see if we could reduce that amount of PTP dollars from the City.

Commissioner Suarez: Mr. Chair, can I just make one --

Chair Gort: Yes, go ahead.

Commissioner Suarez: -- clarification? My understanding is that the PTP money that I'm talking about here is from the capital fund, not the operational PTP money. Can you confirm that, Mr. Manager?

Mr. Alfonso: That is correct, Commissioner.

Commissioner Suarez: Thank you. I just wanted to make that clarification so that no one misunderstands; that this does not affect the operation of the trolley program. This is PTP capital funds, so I just wanted to put that out there. And I agree with Commissioner's statement,

which is at least five and a half. I'm okay with that.

Commissioner Carollo: And --

Chair Gort: Mayor, you're --

Commissioner Sarnoff: And just so the record's clear -- sorry, seconder needs --

Chair Gort: Wait a minute.

Commissioner Sarnoff: -- to say he accepts.

Commissioner Suarez: Okay, sorry.

Commissioner Sarnoff: Sorry. I didn't mean to say anything, Mr. Chair.

Chair Gort: Mr. Mayor.

Mayor Regalado: Thank you. You know, I -- first of all, I'd like to say that a few days after the meeting, Commission of May 12 last year, I did sign the resolution. I did not veto. It's a resolution that was important, because it talked about the Coastal Link; the resolution of the Miami City Commission supporting the Tri-Rail Coastal Link commuter rail service was important, I think. It is important to remember this resolution, because in the media -- I listen the media -- there is plenty of talk about the Coastal Link, and even the Miami Herald Editorial Board wrote that the Coastal Link will be up and running next year. And I'm glad to hear all the details in terms of the Coastal Link, because that's a possibility, and when they get the money, they will do it. And the Coastal Link seems to be the focus of all discussion. But I just wanted for the record, as a former journalist to -- for the people to understand that we are not discussing the Coastal Link as an immediate problem-solver; that is the future. That would be for Commissioner Suarez' baby, as a teenager, to go to Fort Lauderdale, Las Olas Boulevard, and my grandchildren to do the same. I just want to say first that I do support the project. It's -- I have -- I cannot be more clear that I do support bringing Tri-Rail to downtown Miami. The reason that I was talking about opposing is what the agenda has before you today, and it's about the general fund. I completely understand what the chair of the Overtown/Park West CRA is saying, but this Commission and this Administration has been very, very focused on saving the general fund; on improving the core services of the City of Miami; of looking ahead many, many years. And the chairman was correct, but he left in 2001. The City Commission, I remember vividly that we had in 2002 \$141 million in the reserve. And when I came in and you guys came in, we had \$13 million, because of that. So this Commission has been the steward of the people's money. This Commission today approved a three-year contract with AFSCME (American Federation of State, County and Municipal Employees), which is important. They were happy. The contract was approved by 98 percent of our City employees, and after many years and years of them hoping and waiting. So we have to look for the core services, protect the employees, and the only thing I ask you guys -- you're looking for consensus. The only thing I ask you is to give the Administration flexibility. Commissioner Suarez, if we were to on this resolution -- on this motion, if we were to say a number, that would limit the ability of the Manager and his team to go and talk and let me just say that I have heard today two important things: One, you said on the radio this morning at 8:15 --

Commissioner Suarez: Right.

Mayor Regalado: -- and another one, Neisen Kasdin just said a few minutes ago. Neisen said that any government agency that is requested to support this should, and that is the consensus here. And Commissioner Suarez said, when asked today, well, you know, it's going to stop the Coastal Link, the possibility of the Coastal Link and other cities, many cities. Why you guys

don't go to other government? And Commissioner Suarez responded, "We have not had time" --

Commissioner Suarez: No, I --

Mayor Regalado: -- "to go to the other" -- "to other government." That's what I heard. That's what --

Commissioner Suarez: It's okay.

Mayor Regalado: -- more or less.

Commissioner Suarez: No, I said --

Mayor Regalado: Okay.

Commissioner Suarez: -- that we should. I think we should go to other governments.

Mayor Regalado: Yeah, but more or less, they said that there is no time to talk to --

Commissioner Suarez: Oh, no, no; I said we should. I never said anything about time.

Mayor Regalado: Okay. Well, so we should.

Commissioner Suarez: We should.

Mayor Regalado: And --

Commissioner Suarez: We still should.

Mayor Regalado: -- that is what the chairman is asking. I mean, I spoke to the chairman and he has ideas, he has idea. He has mentioned impact fees, so that's an idea.

Commissioner Suarez: Of course.

Mayor Regalado: So -- but to place -- and Mr. Hernandez, according to Commissioner Carollo -- and I heard, too -- said that the County and the Mayor is willing to do whatever it takes to do this. So the only thing that I'm requesting -- and I don't know how that can change the dynamics, or the will, or show that there is political will is do not put any numbers in the resolution; just don't limit the City to five million, or don't limit the Administration, and include in the resolution that the Administration is directed to talk to other government's agencies and entities, and other municipalities to do what this take. That will reduce the burden on the CRA, on the City, on the Omni CRA, even on the County. So that's all I ask. I think, you know, the fact that I said I will veto that resolution is because you had the \$11 million of the general fund, and apparently, that resolution is not being voted on. But the only thing I ask is to allow the Manager and his team to have flexibility and not say any numbers, because that would -- you go announce to other government entities.

Commissioner Suarez: Mr. Chair.

Chair Gort: Yes, sir.

Commissioner Suarez: Thank you. And --

Chair Gort: Excuse me, excused me. Are you finished, Mr. Mayor?

Commissioner Suarez: I'm sorry.

Mayor Regalado: Yes. I just want to know if you have a serious problem by taking the number out of the resolution.

Commissioner Suarez: Well, first of all, we passed a resolution like that on May 22, 2014, unanimously.

Mayor Regalado: Right.

Commissioner Suarez: So there's no need to pass another one. What I'm saying is --

Mayor Regalado: No. The resolution was about the Coastal Link, Commissioner.

Commissioner Suarez: No. The resolution on May 22 was about connecting Tri-Rail to downtown, and was passed unanimously, and you didn't veto it, okay? So what I'm saying now is that we need to do something significant. We cannot just sit back and say, "Let's leave it for another day, let's let the Manager do it." Well, we're giving the Manager specific direction. I think the Board has been clear; Commissioner Hardemon has been extremely clear about his issues; Commissioner Carollo has been, as well and I think it's time to act. And I think your concerns, honestly, have been answered. So the issue now is, you know, I think we have a consensus to go forward and I'd like to call the question.

Commissioner Carollo: Mr. Chairman. No.

Chair Gort: Yes, go ahead.

Ms. Méndez: May I read the reso that I think passed --?

Chair Gort: Wait a minute. Commissioner Carollo wants to speak. Yes, sir.

Commissioner Carollo: Yeah. No, I don't think it's time to call the question yet. I think we should have more discussion, because if we -- listen, if we speed this up, you may have a solution that you may not want, and I truly believe that, you know. And, like I said, I've been very patient here. I've learned over the years, you know, you don't have to be first. There's actually a Spaniard song with the mariachis and the whole nine yards that says that you don't necessarily have to be first; you just know how to get there. And I don't think it's time for the vote just yet. I think we -- there's still more discussion that needs to be had. Mr. Chairman, I don't know if you -- I think the City -- Madam City Attorney wants to speak.

Chair Gort: She wants to read the ordinance --

Ms. Méndez: Well, I just wanted to --

Chair Gort: -- I mean the resolution.

Ms. Méndez: Right. I wanted to read the reso based on everything that you've discussed and that you're directing us to do, that's all. So whenever you're ready for that, I'll --

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: Okay, question: Let me see if I understand. So you still are -- and by the way, Commissioner Sarnoff -- Commissioner Suarez, I do believe that we should have some type of specific and -- in the motion. I, just right now, I'm seeing mixed signals, because in a

way, we're saying, yeah, for the City Manager to negotiate, but at the same time, we're saying 5.5 PTP and "X" amount from here and so forth. So are we asking him to negotiate or are we not? And if what we need --

Commissioner Suarez: No.

Mayor Regalado: That's my point.

Commissioner Carollo: -- is specifics, well, then, let's continue speaking about the specifics.

Mayor Regalado: That's my point. You are directing in that -- in this resolution, you are directing the Manager 5.5 and the CRAs will take care of. The Manager has no authority over the CRA.

Chair Gort: Mr. Mayor, let me see if I can get some consensus as Chair. My understanding is we can pass this motion with whatever number he wants to put in, but it's up to the Manager to sit down and maybe come back to us in about 30 days or whatever that he has to come back, and he does not have to use that number, because my understanding is, in conversation we had, it can be done without using those type of numbers, but we have to let him negotiate. I don't have any problem, Mr. Mayor, to pass it this way and let the Manager come back, and maybe he changes the whole thing.

Commissioner Carollo: Let's do it.

Chair Gort: He might not have to use that. He might have to use other sources.

Commissioner Suarez: And the County started at 8.3, and now they're up to 15.8, so (UNINTELLIGIBLE).

Chair Gort: Let's try to bring this to a conclusion.

Commissioner Suarez: I agree.

Chair Gort: So --

Mayor Regalado: Well, the County hasn't approved anything, but --

Commissioner Suarez: Right, that's true.

Mayor Regalado: -- not even --

Chair Gort: Mr. Mayor --

Mayor Regalado: No, no, I'm just saying --

Chair Gort: -- I'm going to have to --

Mayor Regalado: -- that any amount would limit the ability of the Manager to maybe talk to Broward, you know. Broward County will be impacted favorable. Maybe -- and that -- knowing, the people knowing that the City already is committed to five, they can say, "Well, why don't you bring it to 10?" And he has to come back to this Board. So I'm just saying don't limit the ability. I'm saying direct the Manager to start looking for funds and come back. I think Commissioner Suarez said 75 days for --

Commissioner Suarez: Yeah.

Commissioner Sarnoff: Well, if he's going to go looking in Broward, well then, we're really --

Mayor Regalado: I'm just saying --

Commissioner Suarez: And by -- and let me --

Mayor Regalado: I'm just saying --

Commissioner Suarez: -- let me --

Mayor Regalado: -- Aventura, Aventura --

Commissioner Suarez: Mr. Mayor --

Mayor Regalado: -- North Miami Beach (UNINTELLIGIBLE).

Commissioner Sarnoff: I don't want to hamstring the guy either, but he's not going to be looking in Broward.

Commissioner Suarez: No --

Mayor Regalado: If we --

Commissioner Sarnoff: (UNINTELLIGIBLE) to the Super Bowl --

Mayor Regalado: No. If we --

Commissioner Suarez: Listen.

Chair Gort: Excuse me.

Mayor Regalado: -- ever have the Coastal Link, Aventura.

Commissioner Suarez: But listen, Mr. Chair --

Commissioner Sarnoff: They're not going to --

Commissioner Suarez: Listen.

Chair Gort: Gentlemen?

Commissioner Suarez: Mr. Chair --

Chair Gort: Yes.

Commissioner Carollo: Are you --

Commissioner Suarez: -- thank you. I just want to say that part of what I said this morning -- which you quoted part of what I said -- the other part of what I said, and I said in many interviews with you and even in debates with you is that we cannot wait for other governments. If we wait for other governments, we may be waiting forever. So from my perspective -- you know, and we didn't do that with the trolley system. We didn't wait for anybody else to solve the problem for us. We decided to take a step in the right direction and lead, rather than waiting for someone else to follow. So from my -- look, I think you're right. We can go out there and ask and

I think we should.

Mayor Regalado: But you did go to other government. You just said that you go to -- you went to the County and got --

Commissioner Suarez: Right. And they increased their contribution.

Mayor Regalado: -- another 5 million.

Commissioner Suarez: And hopefully if--

Mayor Regalado: What if it goes and talk to the Budget director and the CIP (Capital Improvements Program) Department --

Commissioner Suarez: Good. I think that's great. That's what he has 75 days to do. But we are crystalizing what we have accomplished so far, which is moving the ball forward.

Mayor Regalado: I'm just saying, look, I'm okay because you guys took out the \$11 million, and I'm sorry, Commissioner Hardemon, but I'm okay with that. That was my main issue. What I'm saying is by setting a number, you are limiting the Manager's ability to demand. And by the way --

Commissioner Suarez: I disagree.

Mayor Regalado: -- I would ask you to amend that resolution and direct the Manager to ask in behalf of the Commission, and the Mayor and the Administration to -- funding from other government's agency.

Commissioner Suarez: I'll accept that amendment.

Mayor Regalado: Good.

Commissioner Carollo: Mr. Chairman.

Commissioner Suarez: Does the seconder accept that amendment --

Chair Gort: Yes, sir.

Commissioner Suarez: -- to ask other agencies and other cities?

Commissioner Carollo: Mr. Chairman.

Commissioner Suarez: Of course. That's a logical thing to do. That's acceptable.

Commissioner Sarnoff: Sure.

Commissioner Suarez: Okay.

Chair Gort: Commissioner Carollo, you're recognized.

Commissioner Carollo: Thank you, Mr. Chairman. Mr. Mayor, before we go to Broward, I know of three local agencies that have committed to me as of yesterday and today, so we don't have to go all the way to Broward. I know of three local agencies already that have said "yes," with a dollar amount.

Mayor Regalado: Oh, okay.

Commissioner Carollo: But --

Mayor Regalado: He could use the express lane, which is illegal, by the way, and pay \$14 to go to Broward and talk to the people.

Commissioner Suarez: Okay, let's call the question.

Commissioner Carollo: Now, with that said, with the three local agencies -- and this is why I wanted to continue the conversation with Commissioner Hardemon. Commissioner Hardemon, I know of three local agencies that have committed funds already, at least to me. Obviously, it still needs to go through the boards, but it's pretty, let's say -- listen, when they speak, you know, they know the consensus of the board even though they're not speaking for them. But, yes, realistically, it -- they're -- everybody knows the importance of this. But where I'm going with this, I would like to use some of these -- the monies from some of these boards, the additional monies to maybe reduce the PTP amount so that maybe we could add an additional lane; doesn't have to be big, but like a loop somehow for Little Havana, so we could now -- we use the doughnut. We use the doughnut on various occasions. When you look at our transportation of the trolley, there is a little bit of a doughnut. So what I'm saying is there's going to be some additional fundings. Can we reduce that for the PTP? Are you okay with it, so that we could then use some of that trolley system into Little Havana, and areas of Flagler and Southwest 8th Street? Because it is a high tourist area, and I'm sure they're going to want some free transportation, too; not to mention the locals, which, like I said, listen, we share some of those zip codes, and the same issues you're facing are the same issues that I'm facing. And that's why I'm saying you can comprehend what I'm saying. And I'm not asking for much. I'm actually even looking for the funding. I just want to make sure that the reduction -- I'm not saying if the County comes with more money, but I'm saying from at least these three agencies, the reduction will be to the PTP, so then some of those monies could be used for an additional line or loop in the future for Little Havana.

Commissioner Suarez: Mr. --

Chair Gort: Yes, sir.

Commissioner Suarez: Call the question.

Mayor Regalado: And, you know, I -- Commissioner Carollo, I -- and that's precisely what the Administration wants, you know, to understand that other local agencies, other governments can participate, and that is why it's so important. Thank you, Commissioner Suarez, to accept the amendment that the Manager is directed to go to other government entities and work with them, and come back to you guys. And it doesn't have to -- that we have to wait 75 days and, you know --

Chair Gort: Might even be before.

Mayor Regalado: -- if we can brief and bring updates before. The CITT asked when they approved the \$8.3 million that the County Administration goes on June 17 to brief them. So even the CITT, it's giving time for the \$8.3 million. So we don't just have to do this next week. So I want to thank you, because that is flexibility for the Administration to go, and it's important that government agencies and governments understand that the City of Miami needs their cooperation to bring this to downtown, because it's going to serve all Miami-Dade County, and even Broward and West Palm. So I just -- I agree with this, with the amendment.

Chair Gort: Thank you. Okay, Commissioner Hardemon.

Vice Chair Hardemon: The question was asked of me by my fellow Commissioner.

Commissioner Carollo: Yes. And we -- like I said before, we don't violate the sunshine. This is the only time we get to, you know, speak, see what each other are thinking, and solve, you know, problems and even say what the problems are. So we work as a collegiate body and get all of our problems for the City of Miami solved as one city.

Vice Chair Hardemon: No, I completely understand. The first thing I think that Commissioner Suarez made clear and that the Manager echoed was that this is a fund, not the operating -- recurring operating budget. So as of right now, the way that I understand it is that there is a reserve for those operating dollars that goes into a fund. So this fund will grow. So this is a one-time expenditure from that fund, but the fund will be replenished with additional dollars.

Unidentified Speaker: Absolutely.

Commissioner Carollo: From?

Vice Chair Hardemon: So if you have --

Commissioner Carollo: From?

Vice Chair Hardemon: -- yeah, every year.

Commissioner Carollo: That could go to an additional line.

Vice Chair Hardemon: That can go -- well, yeah. So what I'm saying to you is that even if we use at least \$5.5 million from this fund, next year there will be a reserve that will create additional dollars --

Commissioner Suarez: Yes.

Vice Chair Hardemon: -- that you can use through that fund to do the projects, to move it to the area that you want them to. So I understand your concern is bringing the connectivity through the trolley system for your area and the areas that we share. That is a legitimate concern for you to have. I don't think that this precludes you from doing just that, one. Two, my worry is that in reducing the amount that we're going to take from PTP, we may reduce the likelihood that we'll be able to have an additional -- through the negotiations -- dollars committed through the City of Miami; thereby increasing the commitment the Southeast Overtown/Park West, or keeping it flat, that they have to make. So that becomes part of my concern. So --

Commissioner Carollo: Say --

Vice Chair Hardemon: -- if I --

Commissioner Carollo: Yeah, say that again.

Vice Chair Hardemon: Say it again: If the dollars that the City is committing do not increase from 5.5.

Commissioner Carollo: If the dollars that the City are committed do not increase from 5.5. Okay.

Vice Chair Hardemon: Right. Then the amount that the Southeast Overtown/Park West CRA will be committing would either be the same or possibly -- well, we know that it'd be the same.

We know that it'd be at least --

Commissioner Carollo: Right.

Vice Chair Hardemon: -- it'd be the same. What I'm saying is that we can do better than being the same. I want it to go down.

Commissioner Carollo: And that was my original question, "Are you okay with what we are?" because you're actually voting --

Vice Chair Hardemon: I'm saying --

Commissioner Carollo: -- that, yes.

Vice Chair Hardemon: -- I'm saying --

Commissioner Carollo: So are you okay with what we have?

Vice Chair Hardemon: -- we can do better. This is where I am. Diversify funds; increase the funding source, the funding dollars to the project and then negotiate the community benefits. So as of right now, we're moving from part one to part two. Part two is actually increasing the funds, and that's what we're directing the City Manager to do, to increase the funds. So my vote in this --

Commissioner Suarez: Yes, yes.

Vice Chair Hardemon: -- is to say to the City Manager, do better than what we have negotiated or what we have --

Commissioner Suarez: Absolutely.

Vice Chair Hardemon: -- today.

Commissioner Suarez: Yes.

Vice Chair Hardemon: And when he comes back with what he's done better, I fully expect that the commitment that the County makes and that the City makes will be more equitable to what the Southeast Overtown/Park West commitment is.

Commissioner Suarez: Yes.

Vice Chair Hardemon: That's what I'm saying.

Commissioner Suarez: And we have 75 days. We're all going to be trying to get more money from every place. And I think Commissioner Carollo has three good ideas. I want to hear them on the right moment, and everybody else, too.

Chair Gort: Mr. Manager.

Mr. Alfonso: Through the Chair, Commissioner Hardemon, the commitment that all entities make is greater to reduce the load on the Southeast Overtown/Park West CRA. I don't want you to say City and County only. There are other parties involved. So give us the power to negotiate with all entities --

Commissioner Suarez: We did; that's part of the reso.

Mr. Alfonso: -- to bring that number down.

Commissioner Suarez: That's part of the reso.

Vice Chair Hardemon: I'm perfectly fine with that.

Commissioner Suarez: That's already part of the reso. That was the Mayor's amendment.

Vice Chair Hardemon: How about a hundred dollar check, please?

Commissioner Carollo: And Commissioner Hardemon, just so you know, with regards to capital operation, I mean, I just spoke to the Manager, and he just said -- you know, I just learned from capital. It wasn't like, you know, when -- and when I spoke to the Mayor and he mentioned PTP dollars, it wasn't like we went to the specifics as far as capital or operational. Now, also understand that even though additional monies will be coming in through PTP, also know that, to a certain degree, we're running in a deficit, because the trolley system, by year -- last I heard was 2020 -- which got better, but it was 2017 just a year or two ago. So we are running in a deficit, and that's why I'm saying we're running in a deficit right now. We still add an additional line, obviously, instead of 2020, it might be reduced to, you know, 2019, because I don't foresee this to be, you know, a big line or anything; just some type of loop in the middle of the doughnut so we could, in essence, start connecting all the lines to that center of the doughnut. And in essence, you bring one great service to all the needy residents of that area and that's why I said that.

Chair Gort: Thank you.

Commissioner Carollo: So as long as you understand that, and that's what, you know, I'm looking for, I'm looking towards it, you know, I will be okay, but that's something that in the future I do want to bring, and that's why I'm cautious. I'm cautious with using PTP dollars, because sooner or later, either we're going to have to start charging some type of fare, which Commissioner Suarez and myself never really wanted to do --

Commissioner Suarez: No.

Commissioner Carollo: -- or we need to find some type of other funding for it.

Chair Gort: Thank you, gentlemen. My understanding is the Manager might come back; might be not 75 days. He might be able to come back maybe within 30 days and come up with even larger number than we're proposing here; that's why I don't have any problem with this. And going to your Grand Central Station from New York, I think we have a chance to do the Grand Central Station here in today's price for very little, and we could do the same thing. So roll call.

Mr. Hannon: Roll call on item RE.8. Vice Chair Hardemon?

Ms. Méndez: Excuse me. Can I please --?

Chair Gort: You want to read it?

Ms. Méndez: Yes. Can I please read so that we're clear for the record what we're doing the reso, please, really quick?

Chair Gort: Yes.

Ms. Méndez: A resolution of the Miami City Commission, with attachments, directing the City

Manager to develop a financial assistance package and initiate negotiations with South Florida Regional Transportation Authority to underwrite a portion of the cost of certain improvements at the future Miami Central Station for the purpose of accommodating future Tri-Rail service to downtown Miami; further directing the City Manager to coordinate with the executive directors of the Southeast Overtown/Park West and Omni Community Development [sic] Agencies, other agencies and Miami-Dade County to seek companion contributions from such agencies for the Tri-Rail improvements; further directing the City Manager to present an assistance package for consideration by the Miami City Commission within no later than 75 days of the date of adoption of this resolution.

Mayor Regalado: And the amendment.

Ms. Méndez: I said other agencies, the --

Mayor Regalado: Yeah, other agencies, other governments; directing the City Manager --

Ms. Méndez: I'll put "other government agencies."

Chair Gort: Yeah.

Mayor Regalado: Okay.

Ms. Méndez: Or other -- and agencies; other government agencies and agencies.

Chair Gort: Whoever they can get money from.

Commissioner Suarez: That sounds better.

Ms. Méndez: Okay.

Chair Gort: Yes, sir.

Ms. Méndez: Thank you.

Chair Gort: This is a resolution, right?

Commissioner Suarez: Yes.

Chair Gort: Any further discussion? No. All in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you. PZ (Planning & Zoning).

Commissioner Sarnoff: You did a nice job.

Later...

Chair Gort: I need one more Commissioner.

Ms. Méndez: Mr. Manager, could you come here, please?

Mr. Alfonso: Sure, yes, ma'am.

Chair Gort: Okay, gentlemen, we got to get going.

Commissioner Sarnoff: *What are we doing?*

Chair Gort: *PZ.1 and PZ.2, it's your items. We got to go.*

Ms. Méndez: *Chairman, Chairman, I just wanted to clarify for the record on the resolution that we passed, based on the amendments that were requested specifically by Commissioner Suarez that it's to -- this package is to include 5.5 million from the City's PTP funds.*

Commissioner Suarez: *No; it was a minimum of 5.5.*

Ms. Méndez: *Minimum.*

Chair Gort: *Minimum.*

Ms. Méndez: *A minimum of 5.5, based on the --*

Chair Gort: *It might not have to be, so.*

Ms. Méndez: *Okay, thank you.*

RE.9

15-00143

*District 1 -
Commissioner
Wifredo (Willy) Gort*

RESOLUTION

TO BE DEFERRED

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

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

Absent: 2 - Commissioner(s) Carollo and Suarez

Note for the Record: Item RE.9 was continued to the April 23, 2015 Planning and Zoning City Commission Meeting.

RE.10

15-00345

*Department of
Planning and Zoning*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RESCINDING RESOLUTION NUMBER 14-0086, ADOPTED MARCH 13, 2014, IN ITS ENTIRETY, AND RESTATING SUPPORT TO THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS ("BOARD") FOR THE CREATION OF THE MIAMI WORLD CENTER COMMUNITY DEVELOPMENT DISTRICT ("CDD") BY FORBES MIAMI NE 1ST AVENUE

LLC, AND MIAMI WORLDCENTER HOLDINGS, LLC, AND THEIR AFFILIATES AND SUBSIDIARIES ("DEVELOPER"), FOR THE TWENTY-FIVE (25) +/- ACRE SITE GENERALLY BOUNDED ON THE NORTH BY NORTHEAST 11TH STREET, ON THE SOUTH BY NORTHEAST 6TH STREET, ON THE EAST BY NORTHEAST 2ND AVENUE, AND ON THE WEST BY NORTH MIAMI AVENUE, MIAMI, FLORIDA, WITH THE EXCEPTION OF THE PARCELS LISTED ON EXHIBIT "A," ATTACHED AND INCORPORATED, AND URGING THE BOARD TO APPROVE THE PETITION SUBMITTED BY THE DEVELOPER FOR THE CREATION OF THE CDD; FURTHER DIRECTING THE MIAMI CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD.

15-00345 Summary Form.pdf

15-00345 Pre-Legislation.pdf

15-00345 Legislation.pdf

15-00345 Exhibit A.pdf

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

R-15-0153

Chair Gort: RE.8.

Todd B. Hannon (City Clerk): Chair, that is time certain for 3 p.m.

Chair Gort: Okeydoke.

Chair Gort: RE.9.

Mr. Hannon: Chair, that was continued to April 23.

Daniel J. Alfonso (City Manager): RE.10.

Chair Gort: RE.9 was deferred. RE.10.

Commissioner Suarez: Move it.

Francisco Garcia (Director): Thank you, Mr. Chair. Francisco Garcia, Planning & Zoning Department; here to answer any questions you may have.

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

Commissioner Sarnoff: Second.

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

The Commission (Collectively): Aye.

Mr. Garcia: Thank you.

RE.11

RESOLUTION

15-00343

Department of Human Resources

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MIAMI AND THE EMPLOYEE ORGANIZATION KNOWN AS THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, LOCAL 1907, FOR THE PERIOD OF OCTOBER 1, 2014, THROUGH SEPTEMBER 30, 2017.

15-00343 Summary Form.pdf

15-00343 Legislation.pdf

15-00343 Exhibit.pdf

Motion by Commissioner Suarez, 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-15-0154

Chair Gort: RE.11.

Amy Klose: Good morning, Commissioners. Amy Klose, director of Human Resources. This is a resolution ratifying the 1907 contract for the period of October of 2014 to September of 2017.

Chair Gort: Thank you, ma'am. I think you all been going through the process. It's been a long process. We've been working very hard. And Diana, I know you've been at it, and we going to -- really going to miss you. So by the way, when are you leaving? When do you take over?

Diana Vizcaino (Assistant City Attorney, Supervisor): I start the Dade County Court bench on April 20 in North Dade.

Chair Gort: In North Dade, okay, great. Yes, sir, you're recognized.

Sean Moy: Yes, Commissioners. Sean Moy, Union President, Local 1907. It's a very long, challenging process, but I -- we just want to say thank you. We reached an agreement; we feel comfortable; and the employees have ratified it, and it puts us in a direction moving forward, and we look forward to a good relationship with the Manager and Administration, and we believe this will give us some relief and we can move forward. So I just want to say thank you.

Commissioner Suarez: Move it for discussion.

Commissioner Carollo: Second.

Chair Gort: Moved by Commissioner Suarez; second by Commissioner Carollo. Mr. Manager, you have anything to say?

Daniel J. Alfonso (City Manager): Mr. Chairman, I just want to thank all the staff and union membership and the leadership for coming to an agreement that's appropriate.

Chair Gort: Thank you. Commissioner Suarez.

Commissioner Suarez: Thank you, Mr. Chair. Yeah, I want to say a few things on this. First, this was definitely long, a long struggle, and I really commend everyone who was involved; not only the Manager, but the president of AFSCME (American Federal, State and County Municipal Employees) for their steadfast and continual desire to get this done. I think we all came at a time of disharmony between our employees and elected officials, and I think we've all worked really hard not only to salvage the City and get the City to the financial condition that it is in, but also to repair the relationships that we've had with our employees, and this is a big first

step. I've asked the Manager to try to see if we can work on -- with the other employees so that we also have multi-year contracts that line up with your contract. But I think, ultimately, what I want to say is I commend you --

Mr. Moy: Thank you.

Commissioner Suarez: -- because I think, if it wasn't for your leadership, it would not have been ratified by over 99 percent. I don't think that there's anything that I've ever seen in the political process, since I've been involved in -- and even the recalling of a mayor that almost 90 percent of the people voted for that's been voted for by over 99 percent, and I think that's a testament to the information that you're sharing with people, to your good faith and your goodwill, and the fact that people believe in your leadership and you fighting for them. And it's really also a testament to the Manager and this Administration that we've all been willing to work together to do something that is right for the employees.

Mr. Moy: Thank you, sir.

Chair Gort: Thank you. Yes, sir.

Vice Chair Hardemon: There aren't many jobs that I'd like to say that I won't like to do, and in many of the times in negotiations that happen between the City and Administration -- I'm sorry; the City and our bargaining units, and for in -- or the City and a developer. I mean, those aren't fun negotiations. And we always, if you're representing a group of people, you find yourself in a position where you're going to be ridiculed; you're going to be questioned.

Mr. Moy: Absolutely.

Vice Chair Hardemon: And it's not a fun position to be in. And when you were elected to that position, you had these high hopes of getting things done, and then you get into those meetings and you realize just how difficult it is. And so now you wear the war wounds.

Mr. Moy: I know.

Vice Chair Hardemon: But like Commissioner Suarez said, to achieve the vote that you did is commendable. And there's going to always be someone to tell you "you could have got more," "you could have done it different," but just remember that it's behind you, and so you can sleep well at night.

Mr. Moy: Absolutely.

Vice Chair Hardemon: You worked very, very hard; you've done all that you could; and you've come to an agreement. Now you have to focus on the next one.

Mr. Moy: Thank you, sir.

Vice Chair Hardemon: Okay? You're very welcomed. Good job.

Mr. Moy: Thank you.

Commissioner Sarnoff: Sean, it's okay to smile. That's illegal in here.

Mr. Moy: I know.

Chair Gort: They're not going to charge you if you're smiling.

Mr. Moy: I know.

Chair Gort: Let me tell you, I think the -- people, we have to remember, back in 2010 we could have taken different measurements, we could have taken -- eliminated a lot of jobs, getting rid of a lot of people, and we work as a team and we were able to save the City of Miami, and that was all of us working together. And I think part of the negotiations was -- it's important. It's not easy, because we have to be very fiscal responsible, because we don't want what happened in 2010 to happen again.

Mr. Moy: Absolutely.

Chair Gort: When I left here in 2001, there was a \$200 million surplus. When I came back in 2010, there was only 13 million, and that because the people keep touching and going into the reserve, which is not the way to do it.

Mr. Moy: Correct.

Chair Gort: I think we're trying to do it. And we have said it before: As the City is improved, we'll improve for the Commission, and it's not easy. It's very hard, and we all know it because we go through that all the time, like working with employees, but I think the Administration and working with you all and keeping people informed is very important, both from the Administration part and from your part. Let the people know when negotiations are taking place and what's going on. I think that's what -- congratulations for the 99 percent, but I think we have to give some credit to the Administration also.

Mr. Moy: Absolutely.

Ms. Klose: Thank you.

Chair Gort: So thank you, enjoy, and have a good one.

Mr. Moy: Thank you.

Chair Gort: Thank you.

Mr. Moy: Bye-bye.

Chair Gort: Okay, all in favor?

The Commission (Collectively): Aye.

Chair Gort: Go celebrate.

END OF RESOLUTIONS

BUDGET

BU.1

15-00240

Office of Management and Budget

BUDGET DISCUSSION ITEM

STATUS (SEC.18-542(B) CITY CODE)
I. 2014-2015 BUDGET
II. PROPOSED 2015-2016 BUDGET
15-00240 Summary Form.pdf

DISCUSSED

Daniel J. Alfonso (City Manager): That's it. Discussion.

Chair Gort: Yes, sir.

Fernando Casamayor: Good morning, Commissioners. Fernando Casamayor, Assistant City Manager and pitch hitter for Chris Rose today. BU.1 is the budget report. Books for February 2015 closed on March 10, including the known items that will be a part of the mid-year budget amendment, which is still a work in progress. We are projecting a '14/'15 year-end surplus of \$17.4 million. Revenues received year-to-date in the general fund through 2015 are \$340.7 million, which we're \$28.4 million higher, and through the same period last year; and are projected to end the year at \$562.2 million for a -- or \$2.3 million higher than budgeted. Even with a no mid-year amendment expenditures, only four departments are over the 41 and two-thirds percent of spending, if expenditures were linear, which, of course, they're not. Expenditures year-to-date in the general fund through 2015 are \$199.7 million, which we're 18.4 million higher than through the same period last year; and are projected to end the year at 544.9 million, or 15.1 million under budget. The mid-year amendment will likely include departments mentioned in previous monthly reports, things like overtime in the Police Department, repayment to Federal HUD (Department of Housing and Urban Development), and additional positions in GSA (General Services Administration), and one-time emergencies, such as the elevators in the G4 garage, and some other legal settlements that we've heard. The mid-year amendment will also include approved agreements with collective bargaining units, such as the FOP (Fraternal Order of Police) and, as you voted on just now, the AFSCME (American Federal, State, County Municipal Employees) 1907. We expect to present the mid-year budget amendment on the April 23 Commission meeting. And our 2014 CAFR (Comprehensive Annual Financial Report), which was completed earlier this morning, is expected to include a year-end balance of \$112.4 million, which is approximately \$8.8 million above the financial integrity principal threshold. Again, we are trending toward a year-end surplus of \$17.4 million. And I will take any questions you have at this time.

Commissioner Suarez: Mr. Chair, I just have one question.

Chair Gort: Yes, sir. Thank you.

Commissioner Suarez: My one question is -- and I know that there's a mid-year, and I know that there -- the Manager may have proposals on that mid-year, so I don't know want to -- my question, I don't want you to take it as I'm prejudicing the Manager's ability in the mid-year to identify other priorities and potentially do things, certainly. I just wanted to know if we did nothing in the mid-year, what would be our general fund balance at the end of the year, if the surplus held true, if it held to form; 132, 115 plus 17?

Mr. Alfonso: Yeah.

Mr. Casamayor: Yes.

Commissioner Suarez: One thirty-two.

Mr. Casamayor: That's correct.

Commissioner Suarez: A hundred and thirty-two million. Just -- I just want to be clear. I know that that's not necessarily the way it's going to work out, because I know you have -- we've had preliminary discussions about the mid-year and some very, very good and important objectives that you have. I just want to put that on the record.

Chair Gort: Okay. Question, how long it's been since we had any work on our infrastructures in

the City of Miami properties and so on?

Mr. Alfonso: It has been a long time, Mr. Chairman, since we've done significant infrastructure work. We are certainly looking forward to taking some of our newfound surplus and whatnot and to start that work, but we were asking to meet with each of you and we've requested those meetings already and as -- a lot of them, I believe, are already scheduled. So, we want to sit with you, talk about the priorities that you have; we want to explain what the priorities are that the City has from infrastructure perspective, from some of the needs of some of our departments, like Planning & Zoning, Building, et cetera, so that we'll share the information and then you give us some feedback and we'll come back with a mid-year amendment that is reasonable.

Chair Gort: Okay, thank you. Thank you, sir. Any other questions? I'm sorry. Thank you.

END OF BUDGET

DISCUSSION ITEMS

DI.1

15-00247

City Commission

DISCUSSION ITEM

STATUS OF HIRING POLICE OFFICERS.

15-00247-Submittal-City Manager-Police Department Hiring and Staffing Update Memo.pdf
15-00247-Submittal-Commissioner Sarnoff-Email Regarding Police Hiring.pdf

DISCUSSED

Chair Gort: Police.

Rodolfo Llanes: Good morning, Commissioners. Rodolfo Llanes, Chief of Police. The hiring status for today's meeting: We've hired 3 officers more since the last Commission meeting; 20 officers total hired in 2015 calendar year. We have four officers -- or four candidates awaiting medical clearance; seven officers -- or officer candidates undergoing background at this time. We should have all processes completed by the third week of April. We've also scheduled an orientation for 400 applicants off the new list for April 6 through the 9th.

Commissioner Sarnoff: Okay. Can I, through the Chair?

Chair Gort: Yes, sir.

Commissioner Sarnoff: I'm not sure I understand, so let me back up. I -- there's a list that's been out that was supposed to have closed over a month ago, right?

Chief Llanes: That's the list we're talking about for the orientation, sir.

Commissioner Sarnoff: Okay. And why is that list taking so long?

Chief Llanes: There was an issue -- and maybe HR (Human Resources) can speak to it. But there was an issue with qualifying veterans that delayed it a bit, and now we have it, and so we scheduled it for (UNINTELLIGIBLE).

Daniel J. Alfonso (City Manager): I'm sorry. Commissioner, is that the old list or the new list you're talking about?

Commissioner Sarnoff: There you go. There was a list that was supposed to close about six weeks ago and --

Mr. Alfonso: But the new --

Chief Llanes: Was closed.

Mr. Alfonso: -- list of recruits, the 2,000 employees --

Commissioner Sarnoff: Call it -- you call it whatever you want.

Chief Llanes: Let's separate the two.

Commissioner Sarnoff: Okay.

Chief Llanes: The list --

Chair Gort: Let's speak (UNINTELLIGIBLE) the list.

Chief Llanes: -- that's closed, we are closing with these final candidates that I just gave you. That's the oldest.

Mr. Alfonso: That was the first list.

Chief Llanes: Correct. So that will be closed with this numbers that I gave you now.

Mr. Alfonso: That's it.

Chief Llanes: The four that are awaiting medical clearance and the seven that are undergoing background. As that list will be closed, then we will open the new one that we just recruited this year, and that's what the 400 oriented applicants are going to be --

Commissioner Sarnoff: So with the list that's about to close, we'll call that the "A" list.

Chief Llanes: If you say so, sir, the "A" list.

Commissioner Sarnoff: Well, we're going to start naming these things, 'cause I've been going through the transcripts --

Chief Llanes: Okay.

Commissioner Sarnoff: -- and apparently, we do need to name these. The "A" list, how many are on the "A" list?

Chief Llanes: The "A" list is what's left here now. That's it.

Commissioner Sarnoff: Give me a number.

Chief Llanes: I couldn't give you a number.

Commissioner Sarnoff: Couldn't give me a number?

Chief Llanes: No.

Commissioner Sarnoff: Okay. So, you know how many are on the "A" list?

Unidentified Speaker: Eleven.

Commissioner Sarnoff: Eleven. There are 11 people left on the "A" list?

Chief Llanes: Yes, sir.

Commissioner Sarnoff: And of those 11, you expect to make offers to those 11?

Chief Llanes: Probably all 11 --

Commissioner Sarnoff: Okay.

Chief Llanes: -- at this point.

Commissioner Sarnoff: And so that's -- so coming out exterior the "A" list, you're going to create a "B" list, but let's not get into the "B" list.

Chief Llanes: Okay.

Commissioner Sarnoff: How many people do you have -- of the 1,151 actuals, how many of those were in the academy?

Chief Llanes: Eighty-three.

Commissioner Sarnoff: And those are counted in that 1,151, right?

Chief Llanes: Correct.

Commissioner Sarnoff: Okay. So we are still under our budgeted amount by 108. This new list -- did I hear you correctly, this "B" list --

Chief Llanes: Okay.

Commissioner Sarnoff: -- will have 400 -- did I hear the number "400"? I'm not trying to put words in your mouth.

Chief Llanes: There is 1,800 eligible applicants on that "B" list; the first 400 will be oriented on the first week of April, which will be April 6 through the 9th, that we will begin to orient those candidates and start the screening process in order to begin hiring from that list.

Commissioner Sarnoff: So this 1,800 list gets culled down to 400.

Chief Llanes: No.

Commissioner Sarnoff: No.

Chief Llanes: This is the first 400.

Commissioner Sarnoff: So, just first come, first served, 400.

Chief Llanes: No. You have to -- City employees; veterans, they have preference first; then there's a random selection of the 1,800 to make the 400 people that are going to be screened first; and then we -- when we get through those 400, we will orient another random selection of candidates.

Commissioner Sarnoff: All right, so of the -- when does that list close? When does the "B" list you anticipate closing that you could make offers to people?

Chief Llanes: Well, it'll be an ongoing process. I would not like that list to become stale. I expect sometime in April or May of '16 that we will have exhausted screening of that list and we'll conduct another recruiting drive.

Commissioner Sarnoff: So your former colleague, Chief Orosa, said, "We would have all of our 1,259 hired" -- maybe not on the street -- "by August or September of this year." You still make that same projection?

Chief Llanes: I don't think that we can reach that number, no.

Commissioner Sarnoff: You also gave me -- and I would expect the other Commissioners got -- a brand-new listing of what you would describe as the actual numbers that were hired versus what was given to us on 22 consecutive or 24 consecutive months.

Chief Llanes: This is -- the memo that is written for the Commission meeting are estimates, and then we go back and give you actuals based on the personnel actions that are taken.

Commissioner Sarnoff: Well, to be clear, for instance, on this sheet that you handed out to everybody right now, you have an April 2014 budgeted actual vacant. You should actually have those numbers by now, right?

Chief Llanes: I'm sorry; I'm not following. Which one?

Commissioner Sarnoff: I can understand how your February count or even your March count could be (UNINTELLIGIBLE).

Chief Llanes: (UNINTELLIGIBLE)?

Commissioner Sarnoff: Yeah. I'm looking at the one you gave me. I don't even have the one you gave me with the new scrub numbers.

Chief Llanes: Okay.

Commissioner Sarnoff: So, on this list -- and I'm just picking the top category -- you have an April 2014 budgeted, actual, vacant, hired, et cetera. Are those actual good numbers now?

Chief Llanes: Yes.

Commissioner Sarnoff: And the one you can't be confident of, I take it would be like the February 2015 number; is that right?

Chief Llanes: I would be -- yes.

Commissioner Sarnoff: Okay. And you gave my office a list on March 16, which changed the numbers that we had been receiving for 24 months. It's right here.

Chief Llanes: Yes.

Commissioner Sarnoff: Numbers are -- well, I shouldn't put the modified-- the numbers are different.

Chief Llanes: Yes.

Commissioner Sarnoff: And are these the -- these are what you would call the actual real

numbers?

Chief Llanes: I don't see that. The actual numbers are Oracle numbers that have been passed -- it's the further that we get from the actual date that the more solidified the numbers become. And so, the actual number is the actual number in the Oracle system that has been pathed [sic] through.

Commissioner Sarnoff: Yeah, and I just want to -- I don't want to use the word "Oracle" and I don't want to use the word --

Chief Llanes: Or in the system. That is the actual solid number.

Commissioner Sarnoff: Right, right. I -- but what we receive as Commissioners -- so I'm just trying to verify -- you just handed the Chair and gave -- he dispersed to us your most recent March 24, 2015 memo.

Chief Llanes: Yes

Commissioner Sarnoff: And I asked you, are you confident of the April 2014 numbers, because those are now four, five month -- well, they're old.

Chief Llanes: Yes.

Commissioner Sarnoff: And when do you start getting confident of your numbers? In other words, I can understand you saying, "Commissioner, my February 2015 numbers, which are six, eight weeks old, I'm not a hundred percent sure of them. But do you get more confident by November 2014, December 2014, January 2015? When do those numbers solidify that we can rely on them?"

Chief Llanes: I would say that 90 days would be the number that --

Commissioner Sarnoff: Okay.

Chief Llanes: -- would be correct.

Commissioner Sarnoff: So if this is March 2015, second meeting, you would be confident that by February, your February 2015 numbers are pretty good numbers?

Chief Llanes: In 90 days.

Commissioner Sarnoff: Right.

Chief Llanes: So I would say that we are now -- I would be very comfortable with January.

Commissioner Sarnoff: You'd be -- okay, you're comfortable with -- So these numbers found in this memo in January are rescrub numbers based on the memo I just provided to you?

Mr. Alfonso: No.

Commissioner Sarnoff: No?

Mr. Alfonso: This sheet is a continuation of the numbers that were provided. I understand -- I think -- I know where you're going. The old -- the new number that says "in Oracle," I think for April of 2014 has an actual count of, I believe, what, 1,105? And this number in this memo hasn't changed. This is the same number that was provided previously so that the April 2014 number had not changed.

Commissioner Sarnoff: Well, see -- now, fair to have the debate with you on this. So this number here says April 2014 actual cops, so those would be on the street, in chairs, in the academy are 1,126.

Mr. Alfonso: That is the (UNINTELLIGIBLE).

Commissioner Sarnoff: Right, but --

Mr. Alfonso: Yes, that is correct.

Commissioner Sarnoff: But --

Mr. Alfonso: Yes.

Commissioner Sarnoff: -- the rescrub number show 1,104.

Mr. Alfonso: That's what I just said, yes.

Commissioner Sarnoff: So then, Mr. Manager, how do I account for that discrepancy of 22 cops?

Mr. Alfonso: That is what the Chief was trying to get to, is that the personnel actions that happen at a certain point don't happen immediately so that the number changes after the fact. The memo that has been provided on a regular continual basis, they have not gone back and updated the number that was provided back in April of 2014 in the memorandum.

Commissioner Sarnoff: Well, that's my point. So my point now is when are the Commissioners going to get the real numbers?

Mr. Alfonso: Right, so that -- I can definitely direct the Administration that as soon as we have a final number on our prior month, adjust the prior month number. What the intent of the previous way the memos were being provided was not to necessarily restate the previous month number once it changed. We already provided that number on a previous month and it was an estimate at the time, so we're not going back and saying, "Oh, by the way, three months ago, now we have a different number than what we thought." You know, at that point, we're discussing the new hires and whatnot, so we haven't restated the numbers, but if that's the -- that's certainly something we can easily do.

Commissioner Sarnoff: Okay. So, by the next Commission meeting -- because, you know, I'm actually doing a PowerPoint presentation that I think is going to demonstrate -- you could dispute this if you'd like -- that if we remain at the rate and pace that we're remaining right now, by September of 2017 we will have fewer police officers than we do today. That is the statement I'm making that I'd love for you to disprove.

Mr. Alfonso: You got it. We'll work diligently to disprove that, sir.

Commissioner Sarnoff: So all the work that this Commission has done -- and I think the Chair is tired of me with "Police"; maybe he's not. I don't know.

Chair Gort: No.

Commissioner Sarnoff: I'm --

Chair Gort: I think those are good questions. I mean, a lot of departments are losing people

and they're not being replaced. At one time, we had a plan where we're going to replace everyone and these holes would not take place in any of our departments. I think this is very important.

Mr. Alfonso: Yes, sir.

Chair Gort: Not only for the Police but for all departments.

Mr. Alfonso: Absolutely. And Mr. Chairman and Commissioners, we -- as I said, we'll work to prove how we're going to get there. Commissioner, I want to point out that in the Fire Department, over the last two years, we've now replaced a third of the Department. Almost 300 firefighters will have left by the end of this fiscal year, and we have achieved replacing them. So our departments can certainly replace that number of employees over a short period of time and we're going to work -- I don't want to --

Commissioner Sarnoff: But Mr. Manager --

Mr. Alfonso: -- very diligently to get it done.

Commissioner Sarnoff: -- all you've done is enforced my point. We have not been able to over the past three years hire adequate number of police officers for the projected -- September 2017 has been the date we've been known as the looming day. If we just project out -- you know, you've had a Chief of Police come up in front of this Commission -- not this Chief -- and say, "By August, September of 2015, you will be at your budgeted amount of 1,259." We now know that won't happen. Wait, let me finish. The numbers that this Commission has relied upon for the past three years -- and probably tired of me doing it -- we've now learned the numbers are -- if you want to use the word "significant," I would use it. Twenty-two is a lot, lower than what was given to us. I think the information we should be given from here forth should be the real numbers, and I can understand 90 days. He's right; that's the hard number to fix. But what I'm -- the reason I gravitated to April of 2014 -- that's almost a year ago, and by now those numbers should have been cleaned up. And, you know, I won't be sitting here in September of 2017, and maybe they all will be. And I think everyone here intended to add cops as opposed to either maintain the status quo or lose 70 cops than they presently have now. If you just do your projections -- and I know you're good at this, Mr. Manager -- you're not going to get there, unless you do something different. You're absolutely right. You have the intellect, the ability, the proclivity to hire fire officers. You have the intellect, the proclivity, the ability to hire general employees. However, for the past three years, we are not even heading a direction necessary for September 2017; you're going to have a shortfall, less police officers than you have on the street today. And we've been talking about this and talking about this. We blamed some folks three years ago. We made some changes two years ago. We made some modification a year ago. The Chief of Police told us -- not this Chief -- "By September 2015, we will have 1,259 police officers." Lists don't close. Lists do close. Mistakes get made. We didn't get veterans. We needed to have City of Miami employees. All that for the past three years is going to end up not hiring enough cops to offset what's going to be in, I believe, September 2017, 100 officers on that date resign -- retiring. What is the right word? End of their employment. That doesn't account for the accumulation of approximate another hundred employees by September 2017 who will no longer be employed. And I -- you know, I know I sound like a canary in the cave, but I would say to you, I'm not sure anybody's listening to the canary.

Mr. Alfonso: I want to make sure that I express that we are listening. You're not in -- a canary in a cave. That number worries us as well. But in the past 24 months, we've hired 200 police officers. We've hired 100 per 12 months, roughly, so that we have the rest of '15, '16, and into '17. We can hire another 300 in the next 36 months, so I believe we can get there. We can do what we did with Fire, where we actually got to the point where we overfilled. We had -- if you added the people in class and the people on the street and we had more officers than were in the

table of organization, temporarily, because now we're losing 40 firefighters, so we get back into line. And in the next 36 months, just at the current pace, we can bring another 300 men on board or women or -- what?

Chief Llanes: Police officers.

Mr. Alfonso: Police officers.

Commissioner Sarnoff: And just so you know, we've come up with an algorithm that shows based on your past performance and based on the projected futures. At 100 police officers a year, you will fall short by over 200 police officers, unless you find a different way of doing this. And I'm going to share that algorithm with the Commission. I just wanted to get the numbers scrubbed, reinserted, show that some of the numbers we were given -- and I'm not blaming this Chief. This isn't his fault -- some of the numbers we were given before were not accurate. They were as much as 5 percent off. And I can understand the vagaries [sic] of computers, the vagaries [sic] of inputs, but I don't understand why an Administration wouldn't come forward to this juridic body and tell us, "Commissioners, there's been some mistakes made; the numbers are" -- if you (UNINTELLIGIBLE) -- "different." You may categorize them as significant. I would like to categorize them as significant. And we have now figured out how to hire at a higher pace than ever before, but what you don't realize is you have a lot of people coming off the payroll at a higher pace than you had before.

Commissioner Suarez: Mr. Chair.

Mr. Alfonso: Can I just --? Through the Chair, may I --

Chair Gort: Yes, go ahead.

Mr. Alfonso: -- respond? Just real briefly, I want to say I fully agree with you that if we found out that a number had changed, we should have made that correction. At the time that the number was originally given, that was not a mistake; it was the number that was available. If the number changed later, we should have corrected it; I agree with that, and we will do that going forward.

Chair Gort: Yes, sir.

Chief Llanes: Can we get -- I'm sorry, and I don't want -- I'd like to have specific direction as to exactly what you want on this report, because I don't want, going forward, to be questioned as to what my numbers are. And so, specifically, what would you like on the report so that I know exactly what you want on these reports so that we don't run into this as long as I'm here.

Commissioner Sarnoff: For me, which is -- this has been primarily my task, I guess, with Suarez, to some degree, although I was called "Suarez" today; thank you. I like this report. I understand this report. The only number you have to keep in mind as a Commissioner on your actual is, you know, 83 of those 1,151 are in the academy and they're not on the street. But I like this report. I just think the numbers should be updated based on the new information, whether it was Oracle, inputters, whatever you'd like to call it. I think this useful information.

Commissioner Suarez: Mr. Chair, if I may?

Chair Gort: Go ahead.

Commissioner Suarez: Thank you. I guess my issue on this is as follows: On the one hand, it's awesome that we have a projected \$17 million surplus. I suspect that a part of that surplus is on the basis that we've allocated funds, and we talked about this when we were doing the budget

process. We've allocated funds to fill police officer positions that have not been filled, and I'm not blaming you, Chief, because I think you have -- and let me just say, you know, in the short time that you and I have been able to work together, we've been able to establish a very, very good rapport, and I feel my level of confidence in you is growing by the day. But what is indisputable that is also happening every day is shootings in our inner city --

Chief Llanes: Yes, sir.

Commissioner Suarez: -- and we just saw one where a small boy was shot. And people come to us and they say, "Why is this happening?" I mean, I was interviewed -- in an interview the other day where someone asked me "What are you doing about this?" "What is happening?" And it's hard for me to say, for example, "Well, we've allocated resources to add more police officers; yet we just can't seem to get over the hump," and I understand how challenging it is, what the challenges that you're dealing with. And I think while Commissioner Sarnoff's frustration gets frust -- he gets pinned down in the frustration over the details of the information, which I can understand, I think the bigger picture is that we have budgeted for a lot more officers than what we're getting, and we're going to lose a lot of officers in the near future. So we see this perfect storm, if you will, happening, and I think the concern is that if problems are -- and things are bad now in terms of violent crime, how are things going to develop in the future if we're not meeting our goals? And that's the part that, for me, is the bigger concern. Because, I mean, look, being off by a few numbers, one way or the other -- I understand it's frustrating for you; I get it. I get your frustration, because you're trying to mark the progress, if there is any. But for me, I think it's a bigger picture -- discussion of "Man, we really need to come up with a plan to get to where we need get to," because you -- your initiative was not to stop where you're at now. Your initiative was -- that was like the second, you know, step out of a three to four potentially step process to get us to where we need to right size, and I know that you may have different philosophy on that, and that's okay. I think at the end of the day, from my perspective, it's about solving the problem of violent crime and of crime generally, and deterring crime in our City, and we've done good in a lot of different areas. I appreciate the implementation of ShotSpotter. You know, I've already seen some of the ShotSpotter notices go out, but that's where my concern lies, just to put it on the record.

Chair Gort: Thank you. Let me ask a question. List "A," when was it initiated? What year?

Mr. Alfonso: I'm sorry, Mr. Chairman; what was the question?

Chair Gort: List "A," the list --

Mr. Alfonso: Oh, the original list?

Chair Gort: Uh-huh.

Mr. Alfonso: January of '13.

Chair Gort: Of '13.

Mr. Alfonso: Thirteen.

Chair Gort: And --

Mr. Alfonso: Fourteen. I'm sorry; '14.

Chair Gort: Fourteen. It takes year to go through that list.

Mr. Alfonso: Took a year to go through roughly --

Chair Gort: Okay. How long does it take to get to 400? My understanding, you're going to need four month to get -- to go through this 1,800, you're going to need another year to go through it. So, somehow, how -- what's the difference between -- and I guess the requirements of the police is a lot higher than the requirement of the firefighter?

Mr. Alfonso: Right. It will take a year to go through the entire list, but that's for everybody. The first 400 will take a couple of months and --

Chief Llanes: (UNINTELLIGIBLE).

Mr. Alfonso: -- we'll start going through it and people'll get hired and then you move on to the next list of 300 and so forth.

Chair Gort: I understand, but out of the 400, you might get maybe 20, 60?

Chief Llanes: Out of the 400, 40 to 50.

Chair Gort: Forty or fifty. Is there a way that we can expedite that? Because, let's face it, out of 1,800, how -- what was -- List "A," how many people that we had?

Mr. Alfonso: Thirteen hundred.

Chair Gort: Thirteen hundred. Out of 1,300, how many did we -- able to qualify?

Mr. Alfonso: Yeah. We don't have how many were hired out that 1,300, but roughly 10 percent.

Chair Gort: So one of the things, we got to help him, because he loves to have all the police officers in there, but he's -- the procedure, somehow we have to look into it and see if we can make changes. This is something I've been saying for the last three years: what changes? And I've been asking all the directors and everyone, "What changes would you like to see to be able to expedite?" Look, I still get complaints from different people; although, when we get together in there, nobody has a problem. But when they come to me, they say it takes them a long time to hire people.

Mr. Alfonso: Commissioners, you know, I'm just going to make the plea that to the extent that we'd like to expedite the hiring of police officers, we will. However, we want to take our time with hiring police officers.

Chair Gort: No, I agree with that.

Mr. Alfonso: And I'm --

Chair Gort: And that should be the Chief's responsibility.

Mr. Alfonso: Yeah.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes.

Commissioner Carollo: Thank you, Mr. Chairman. And I, too, share the frustration, but I want to be perfectly clear that I don't want to cut corners with regards to the hiring of police officers because, you know, we have to learn from our mistakes; and back in the '80s, we had the Miami River Cops. Now, with that said, I'm concerned -- because I'm already looking at, "Okay, we're

getting closer to mid-year; what about next year's budget?" Because we have a one-year contract with the Police Department, so I'm thinking about next year already. And I can tell you, I don't think -- I don't believe that even what we budgeted for is enough. I think we should increase once again.

Mr. Alfonso: Well --

Commissioner Carollo: So if we're not -- we're still not at the level -- and we had this discussion, Commissioner Sarnoff. I said, "Listen, every year we budget for more; we do not receive them." So I think that's the bigger problem, because we're going to -- well, I can only speak for myself, but I would imagine that this Commission is going to be requesting additional police officers. So I don't know what the solution is, but I guess the Commission is saying, "Hey, listen, we're doing our part; fix it; get it right without cutting corners," and -- Mr. Manager.

Chair Gort: Correct me if I'm wrong. We budget for enough police officers. We have not been able to get to our budget.

Mr. Alfonso: We --

Chair Gort: That's what the problem is.

Mr. Alfonso: -- have --

Chair Gort: I mean, the funds are there for the police officers. The process is what takes a long time.

Mr. Alfonso: So --

Chair Gort: And I agree with you, I think the Chief's has got to be -- make sure that everyone that he recruits is a person -- they're not going to fail him in the future.

Mr. Alfonso: So I want to make a point. First of all, the Police Department right now for this current year, we are projecting that they will go over budget, so that -- put that on the record. We are hiring police officers, and we're using overtime, and they will go over budget. That is the projection right now for the Police Department.

Commissioner Carollo: Mr. Manager, hold on. Why will they go over budget? Like, let's get into now details. You're saying overtime. Is it because we're paying more overtime because we don't have the officers and, therefore, it's costing us more? And that's why -- I mean, why are we going over the budget?

Mr. Alfonso: Commissioner, we've had a number of events this year --

Commissioner Suarez: Right.

Mr. Alfonso: -- that required the use of our police officers in overtime, in excess of that which we normally would have, so that is one of the events.

Commissioner Suarez: But if you had more officers --

Commissioner Carollo: If we had more officers --

Mr. Alfonso: No, no, no. Commissioners --

Commissioner Carollo: -- possibly, there'll be more of a pool that would want to work the

off-duty and so forth, but --

Mr. Alfonso: This is not about off-duty, Commissioners. There was a number of events this year in our community which required significant use of overtime that was not anticipated, but --

Commissioner Suarez: Can I just chime in on that? If we had more officers, we could staff it under normal circumstances, is what I'm trying to say. We could. Of course we could. We're talking about a hundred more officers.

Mr. Alfonso: I understand that, Commissioner, but a hundred officers are not on the street all at one time.

Commissioner Suarez: Of course not.

Mr. Alfonso: And when you have an event where --

Commissioner Suarez: Of course not.

Mr. Alfonso: -- you have hundreds of people taking streets, you know, you're not -- you have to bring people on overtime to do so.

Commissioner Sarnoff: Well, can I say something?

Mr. Alfonso: But I also want to point out that our budget included a projection on how we're going to be doing recruitment, when those people are going to come on board, et cetera. We are currently at a pace which exceeds our anticipation, so we're bringing people on faster than we thought we were going to bring them, so that's causing pressure on the overtime -- I mean, not the overtime, but on the salary budget of the department. So we are hiring. Now, if you look at this, your 1,151, you are 28 positions away from the number of budgeted police officers of last year if we hadn't added the 80 that we did --

Commissioner Carollo: You did.

Mr. Alfonso: -- but we added 80, I know, I know, so that -- you know, we keep adding to the number. Now, in terms of the labor negotiations, you know, that is something that we will definitely take into account, understanding that whatever we do with our existing police officers puts pressure on how many more we add.

Commissioner Sarnoff: Can I say something, Mr. Chair?

Chair Gort: Yes, sir.

Commissioner Sarnoff: So the Fair Labor Standards Act, which is the overtime provision, that is not intended to compensate the employee. Believe it or not --

Commissioner Carollo: Exactly.

Commissioner Sarnoff: -- it is intended to act as a penalty to the employer for the failure to have an adequate staff. The theory behind -- and I think it's the 1934 Fair Labor Standards Act -- was to create full employment for America. It was not intended to say to the police officer or the fireman or this -- I guess you would be exempt -- or anyone in general employees to say, "Gosh. Sorry we worked you so hard today; here's an extra half of your pay." It is intended to be a wake-up call to the employer: "You do not have adequate staffing." I'm telling this Commission, if you maintain the rate and pace you have been going -- 100 police officers per year -- in September 2017, three things will happen. We'll find out. One, you will be low where you are

today by about 20 officers; two, you will 20 above where you are today, or you could be exactly where you are today. If it was your intention to bring Miami up to the standards of other major metropolitan cities, we will not make that goal. And I'm not suggesting, Commissioner Carollo, that somebody cut some corners or change some processes. None of us are in the Administration. None of us are sitting on a phone investigating hires, potential hires. But somebody's got to start listening to us. And, you know, again, it's not -- I've been doing this for three years. I usually don't delve into numbers like you do. I did decide to look into these numbers, and the numbers weren't what we were being told. Okay, and there may be a reason for that. I would like to see numbers come back to us, but I'm going to show you three scenarios, and you're going to say, "Well, Commissioner, I'm going to put a hundred more cops in the budget this year, and I'm going to show where that's going to get you in 2017. It's not going to be as far as you think."

Chair Gort: Okay, thank you.

Chief Llanes: Mr. Chair, can I --

Chair Gort: Yes, sir.

Chief Llanes: -- say something about the overtime issue?

Chair Gort: Yes.

Chief Llanes: You know, with respect to the Commission's knowledge of how the department works, when you have an anticipated demonstration with four days to prepare, there's no way to change times; or even if you had 200 more cops, unless you had them sitting in a roll call room not doing anything, waiting for something to happen; you couldn't muster up 200 officers to manage a situation like that without using overtime to do that. Second of all, when you all budget for the number of officers that you indicate is correct, it is not my job or duty to tell you what you think the number should be; it's my job to manage that number and give you the best service that I can for the community with that number. So whatever you all decide is what we'll go with, but there are other ways to give effective service; and although overtime seems to be a looming ugly word, it's not. You know, we -- in this industry, we use overtime sort of as our seasonal workers in private sector. You can actually deploy extra officers to hot spots by using that effective model. It is not -- it's not an ugly word, and if you budget properly and you do things properly, you can accomplish a lot by getting cops on the dots when you use that model effectively. It was -- it's been done here. It was done in New York. It's been done across the country. So there is a little flexibility there. And I understand the theory, Commissioner Sarnoff, but in practice, it's --

Commissioner Sarnoff: Can I just -- through the Chair?

Chair Gort: Yes, go ahead.

Commissioner Sarnoff: And you always let the Chief have the last word. I don't want this Commission left with the impression that overtime last year was as a result of a demonstration, because you've been over budget -- not you -- your department's been over budget through overtime for the past three consecutive years, so you only had that demonstration one -- last year. So the two previous years, you were over budget as a result of overtime. The year before that, you were over budget through overtime. And last year, you were over budget through overtime.

Chief Llanes: I won't say anything else, sir.

Chair Gort: Chief, how long you've been in now, three month?

Chief Llanes: January, sir.

Chair Gort: I think you've done a hell of a job.

Chief Llanes: Thank you, sir.

Chair Gort: I think you're making some changes. And like I tell all my people here, "Don't take things personal."

Chief Llanes: Well, I (UNINTELLIGIBLE) take it personal.

Chair Gort: We -- don't take it personal. You're a professional, so you tell us how you feel, what you think you have, and what you need.

Chief Llanes: Yes, sir.

Chair Gort: I think you have made some changes that been very good. I know you're going to be meeting with some of the people that have a lot of problems tonight at 6:30 --

Chief Llanes: Yes, sir.

Chair Gort: -- which is very important. And I know you are a community police officers; you've been through all that. So --

Chief Llanes: Yes, sir.

Chair Gort: -- you inherit a lot of things, but I know you'll take care of it.

Chief Llanes: Thank you, sir.

Chair Gort: Thank you, sir.

Later...

Chair Gort: Chief, let me tell you something. It's not only the problem of the police officers. We had a problem -- you had a shooting in Gwen Cherry, south of 20th Street yesterday, and we, for the last two years, have been getting together with the -- with HUD (Department of Housing and Urban Development) and the people in the public housing. We went with our police officers; we went with the -- Commissioner Edmonson's individuals, and we talk to the manager of that area, and we were talking about the force that we're going to put together, go talk to the individuals and all of that; we're still waiting to take that place. Unfortunate, it takes a crisis, like what happens today, for people to take steps. I also had the problem that you had on 20 -- 15th Avenue, 2630 15th Avenue, where the gentleman got killed by a knife in the -- That was a ACLU (Americans Civil Liberties Union) -- not ACLU -- it's -- adult living facility, which is being implemented in all our neighborhood, especially in the low-income neighborhoods, and we tried to address that, and we're working with that for two years, but it's a State -- the City -- my understanding is don't have any jurisdiction in there and there's nothing we can do, but we have those place in there. And I'm promise you, I'm working with the legislation, because we got to make some changes. Because you guys and our City and our people in Code Enforcement has got to have the ability to go in those places and sort of supervise those places. So you have my commitment; we're going to be working on those changes. Thank you, Chief.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: Thank you. And, Chief, listen, when we -- when I was questioning you with regards to the overtime, I'm not saying that having overtime is good or bad, but our Manager -- and I know we're discussing this openly. So our Manager stated that, you know, we are going to be over our Police budget, which the way I understood it was, "Listen, even though the Commission is saying we budgeted for 'X' amount of officers" -- and we're not there yet -- the Manager's saying, "Yeah, but we're still going to be over budget." So, in essence, to a certain degree, I believe that I and the Commission are correct; we need more officers, you know. Now, with that said, that doesn't really mean that, you know, we're trying to give you a hard time because you're over budget in the overtime and so forth. It's just that when the Manager mentions something, I want to go into details. You know, I want to see, "Okay, we're over budget." I'm not saying that's good or bad. Where are we over budget so we can analyze it and see maybe there was some special event that occurred or not. You know, we want -- I want to know the details and the reason why so we could see the bigger picture and not necessarily "you're over budget." Understood? Just like -- Listen, it's quite obvious that we could name it many different things, but indirectly, you know, the Commission as a whole is putting stress on the Administration that, yes, we want the additional officers, period. And I just wanted to make sure, when I said it before, that does not mean that we're looking for all of you to cut corners, but at the same time, yes, we believe we need these additional officers. And I'll be honest with you. I think it's going to be even more come budget time. So I just wanted to put everything in perspective so it's not that we're saying that you having some overtime or you're over budget because of the overtime; it's a bad thing. Maybe there were reasons for it. I just wanted to know the "why" and the detail and get a little bit more -- start getting into -- you know, drilling more, a little bit more into the reasons. Thank you.

Chief Llanes: Thank you, sir.

Chair Gort: Thank you. Yes, sir.

Commissioner Sarnoff: Mr. Chair, and let me just close with this, so -- 'cause I know -- maybe this is something Commissioner Carollo, who's pretty good at budgets, would look into. In fiscal year 2011 and 2012, this Commission budgeted 1.980 million for overtime. The overtime expenditures actually occurred in the '11/'12 budget were \$4,079,000. The department was over budget by about \$1 million. In 2012-2013, this Commission budgeted \$3,280,000 in overtime. The actual overtime budget was \$5,079,000. The budget -- the department was slightly over -- well, maybe not slightly over budget; it was \$3 million over budget, meaning their entire department. In '13 and '14, so fiscal year '13 and '14, Commissioner Carollo, we budgeted \$2,430,000 in overtime as a sub line item on the Chief's budget; actual overtime expenditures made, \$5,837,000. They were over budget by about \$1 million that year. So I just want to go on the -- I want the record to be clear that the inability to hire is a direct consequence to the citizens, and you're seeing it.

Commissioner Carollo: Yeah.

Commissioner Sarnoff: You're seeing the pattern.

Chair Gort: Thank you, sir. Thank you, Chief.

Chief Llanes: Thank you.

DI.2

14-01264

City Manager's Office

DISCUSSION ITEM

DISCUSSION OF PROPOSED CITY MOTTO.

14-01264 Summary Form.pdf

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

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

DI.3

15-00364

City Manager's Office

DISCUSSION ITEM

PRESENTATION BY THE CHAIRPERSON OF THE FOLLOWING
BOARDS/COMMITTEES CONCERNING THEIR ANNUAL REPORTS:

-BAYFRONT PARK MANAGEMENT TRUST
-MAYOR'S INTERNATIONAL COUNCIL

15-00364 Annual Board Reports 3-26.pdf

15-00364-Submittal-Commissioner Carollo-Bayfront Park Trust Board Presentation.pdf

15-00364-Submittal-Mayor Regalado-Mayor's International Council 2014 Annual Report.pdf

DISCUSSED

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

Mayor Tomás Regalado: Thank you, Mr. Chairman. In the agenda you have the report of the Bayfront Trust and the Mayor's International Council, and the chairperson has to do that report yearly to the City Commission. And I'm here to briefly tell you about the Mayor's International Council and what -- the consequences of the actions of the Mayor's International Council, so good morning, members of the Commission. I think it's important to note that the Mayor's International Council has existed for many, many years in different ways in the City of Miami, and sometimes it was just a signature, a photo op, and no consequences. So now we have many, many results of the Mayor's International Council, and I just like to point out some of these actions from the Mayor's International Council. For instance, we signed a sister city relationship with Mérida in the state of Yucatán in Mexico. The Chairman and myself, we went there. We met with the governor of Yucatán, with the Mayor of Mérida. We signed the agreements. As a result of that, now we have an office of the State of Yucatán. It's called Pro Yucatán in the City of Miami. That office was approved because of the visit of the meeting, but I think more important than that is that after that office was approved, through the Mayor's International Council, we organized a media trip from Miami to Mérida and -- sponsored by the government of Yucatán, and those media persons returned; did a lot of stories. As a result of that, Aeroméxico, which had two direct flights from Mérida to Miami for several years, increased another frequency, so now we have three flights from Mérida to Miami, three direct flight. For that announcement, we have the president of Aeroméxico here, who publicly thank the City of Miami for contributing to increase traffic between Mérida and Miami. Another action of the Mayor's International Council that I believe is important took place in Madrid. And first of all, I want to thank -- before I go on to Madrid, I want to thank the Chairman, because when we had all these visit, he was instrumental in bringing all these delegation to CAMACOL (Latin Chamber of Commerce), and they have been -- and as a matter of fact, through CAMACOL and the Chairman, the Port of Yucatán was able to establish links between the Port of Miami, so we're doing things for the airport and for the port through the Mayor's International Council. So going to Madrid, Madrid is one of the global cities of the world. After eight years, we were finally able to sign a relationship. The past Administration had begun the process, but it never

happened. And last year, alongside with Commissioner Frank Carollo, we signed the agreement. We signed the agreement, but what probably was not published in the media is that because of that agreement, many things happens [sic]. And one of the things that happened because of that agreement and because of that trip, you just saw in downtown Miami, "Formula E." And I want to thank Commissioner Carollo, because he was a key component of that proposal that brought the "Formula E" to Miami, and he follow up with, of course, as you know, the Bayfront Trust. So we have that race here because of that sister city relationship. Also, next week we're going to have the visit here of Ana Botín. Ana Botín is -- was in the Forbes Magazine -- is the fifth more powerful woman in the world. She is the president and CEO (Chief Executive Officer) of Banco Santander, one of the biggest bank in the world. And Ana Botín will be coming for a donation to Goberna Institute. Goberna Institute is a new division of the Miami Dade College that came through the Mayor's International Council and the Fundación Ortega Marañón. Agencia EFE, EFE News Service is one of the oldest wire news services in the world; 75 years of history. Agencia EFE launch its 75th anniversary celebration in Wynwood several month ago with a photo exhibit that was first shown in Madrid and then in Miami, and now it's traveling throughout the world. That is part of the Mayor's International Council and the sister city relationship. The government of Germany. The government of Germany donated to the Mayor's International Council -- and the only city in the U.S. (United States) -- a piece of the Berlin Wall. The piece of the Berlin Wall sits in the plaza at Miami Dade College. And next -- in the next three or four week [sic], we will have the naming of the street that the Commission approved as "Berlin Wall Way." A sister city relationship with Beirut; a sister city relationship for the first time with any country -- in any country in that region. The mayor of Beirut came to Miami, and as a result of that, next -- in the next two week [sic], the Anthony Abraham Foundation will be bringing an exhibit of art from Beirut, and they will be meeting -- visiting the Paris Art Museum to bring (UNINTELLIGIBLE) Garan art exhibits. And next week we will have the governors of two provinces in Colombia: the provinces of Caldas and Quinbio. They will be visiting Miami, along with four mayors of Pereira, Manizales, and other cities in Colombia because we are sister city with Colombia. And recently, we have, as the Chairman knows, the Mayor Won-soon in South Korea is a new sister city relationship with the Republic of South Korea, and the delegation was hosted by CAMACOL. So this is some of the things that the Mayor's International Council has done, but it is no longer a photo op; it's something that has consequences, important consequences to our community; just look at Formula E; just look at Goberna Institute; just look at Aeroméxico; just look at Pro Yucatán. Thank you.

Chair Gort: Thank you. Any questions?

Victoria Méndez (City Attorney): Mister --

Chair Gort: (UNINTELLIGIBLE).

Ms. Méndez: Mr. Chairman --

Chair Gort: Yes.

Ms. Méndez: -- if I may just briefly. We had a meeting with Joe Centorino of the Commission on Ethics, and just for us to note that whenever this Commission thinks that valuable things like this that the Mayor and other Commissioners are doing that obviously are a public purpose and that the Commission feels that are important things that elected officials should attend and go to, that you know, resolutions and things of support of that nature are always a favorable thing. So I just wanted to bring that your attention, especially in light of all the good things that the Mayor and the Mayor's International Council have been doing for the City in establishing sister city relationships and bringing an economic development to the City. So thank you.

Chair Gort: Thank you.

Commissioner Carollo: Thank you, Mr. Chairman. And that conversation actually happened at Bayfront Park Management Trust where we invited Mr. Centorino so we could discuss ticket policies and gift laws, all that, and that's where it came about. So I'm sure the City Attorney in the future would brief us a little bit more as a Commission as a whole for some of these events, because I think we all take our work very seriously. And with that said, Bayfront Park Management Trust, Tim, could we see with regards to the -- we got a PowerPoint presentation. I'll be quickly [sic], and when you see that the presentation, the way it's worded, there's a series of questions that are being asked to see if the board is actually working, the Board, the Trust, committee is actually working the way it's supposed to work. So there's a series of questions that are asked, and we will go through the PowerPoint presentation. The first question is: "Is the Board serving the purpose for which it was created?" Absolutely, yes. The Miami City Commission created the Trust in 1987 to -- and I quote -- "direct, manage, and maintain all aspects of Bayfront Park." And further directed, the Trust shall, to the greatest extent it determines to be feasible, implement the exercise of its powers in a manner which utilizes and encourages the fullest and most active participation and cooperation of private enterprises. Next question: "Is the Board serving the purpose for which it was created?" Yes. During Fiscal Years 2009 through 2013, the City of Miami realized \$4,340,000 in savings by not subsidizing the Park's operation, which is and continues to be self-sustaining. "Is the Board serving current community needs?" Yes. In addition to maintaining two of the City's premier public parks, the Trust produces two of our community's most important public events: the America's Birthday Bash on July 4 and Bayfront Park New Year's Eve celebration. On New Year's Eve 2014, the Trust hosted Pitbull's New Year's Revolution; the premiere of Miami's newest celebration broadcast on Fox Television to an audience of approximately 2.3 million viewers and drew approximately 150,000 attendees. Bayfront Park Management Trust Board's major accomplishments: From fiscal year 2009 to fiscal year 2013, amphitheater renovations have equaled \$2.7 million; Bay walk improvements have been a little over \$800,000. We talked about overtime for Fire and Police. There has been one point -- close to \$1.4 million in overtime or additional pay for Fire-Rescue personnel, and an additional \$3.8 million to Police services as various events that we have hosted. The impact to the City of Miami parking charge is approximately \$1.4 million. The one thing that we don't here -- and in the future we will have -- is the fiscal impact to the -- all the surrounding area in the City of Miami from some of these events. Going into the -- continue with the Board's major accomplishments. I've already mentioned it, but I think it's worth saying again, that I believe the nation is realizing that there is a new "it" place to be and see New Year's Eve, and we are currently starting discussions on how this coming year's New Year's Eve event is going to be again hosting Pitbull and, in his words, we made history this past year, but now we're going to make tradition. So we want to make sure that this is an event that everybody knows about and year after year, they know that it's not just Time Square; now we have a new "it" place to be for New Year's Eve. In the past five years, the Trust has demonstrated an ongoing commitment to facility improvements by investing, on average, \$750,000 in capital improvements. It just opened the newly renovated Museum Park to the public on June 14, and we had the visit of the Coast Guard Eagle. On July 4, American's Birthday Bash 2014 served as the host site for the Columbian Consulate World Cup Watch Party, and attracted overall attendance of an estimate of over 70,000. In fiscal year 2013-2014, operating budget included a \$542,000 line item titled "Senior Homestead Exemption Relief" to help the City of Miami. We reached over 117,000 people through our free yoga classes. And the Trust Fitness Caravan, supported by the Public Space Challenge and the Health Foundation of South Florida traveled from Bayfront Park to Little Havana and Little Haiti, providing 44 free yoga classes from April through August 2014 to over 800 participants contributing to a healthier Miami. The classes proved so popular that an anonymous donor underwrote a full year at Jose Marti Park. We installed a permanent statue of Julia Tuttle adjacent to the Lee and Tina Hills playground. This educational installation will enhance the experience for children, and we continue to maintain the statues, plaques throughout the park, as well as Torch of Friendship. Also, we continue to host our community's premier fundraising events, such as Race for the Cure, Making Strides Against Breast Cancer, the Corporate Run, and Walk for the Animals. The Trust's success is the City's success, and the success is a direct result of the social entrepreneurial

model that has guided our operations for the past 10 years. Our mission is to create social value. "Is there any other board, either public or private, which would better serve the function of the Board?" No. As demonstrated by the previous list, the Trust has accomplished much in the past and should serve as a model for other City boards. There is no other board, neither public or private, that would better serve the public's interest. "Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created?" No. The founding ordinance for the Trust is sufficient for its current purposes. "Should the Board's membership requirements be modified?" No. Self-explanatory. "What is cost, both direct and indirect, of maintaining the Board?" The Bayfront Park Management Trust is an extremely cost-effective method for the City to operate and maintain Bayfront and Museum Parks. Total operating budget for both parks in fiscal year 2014/'15 totals \$5.8 million with no funding from the City. Conclusion: The Bayfront Park Management Trust has been extremely successful in bringing guidance and leadership to the development of Bayfront and Museum Parks and serving as a catalyst for positive change in downtown Miami. It has fulfilled and surpassed the mandate of its charter and will continue to do so in the future. The Trust's board of directors and staff continue build on past accomplishments. I saw one of our board members here, Mr. Kurland also, and as you could see, we have our executive director, Mr. Tim Schmand, here. So I'd like to thank both of you for being here. And if there's any questions, we'll be more than glad to answer them.

Chair Gort: Thank you, sir. Any question? Thank you. Keep up the good job. Do we have Civil Service Board? Okay. Code Enforcement?

Todd B. Hannon (City Clerk): Chair, we're good to go with item DI.3, so you can move on to DI.4.

DI.4

15-00316

Department of
Finance

DISCUSSION ITEM

DISCUSSION REGARDING THE CITY'S CAFR FOR FISCAL YEAR 2014.

15-00316 Summary Form.pdf

DISCUSSED

Chair Gort: Okay. One of the DI's (Discussion Items) was pulled.

Commissioner Carollo: DI.4 is regarding our CAFR (Comprehensive Annual Financial Report), and good news.

Chair Gort: Yes, sir.

Jose Fernandez (Director): Good morning, Commissioners. Jose Fernandez, with the Department of Finance. As you all may know already, last night we submitted the CAFR to everyone here at the Commission, the Mayor, the Manager. Consistent with prior years, we will be contacting your offices individually to have a meeting with the auditors and yourselves to address any concerns, any issues that you may have, and also present the results of the audit personally with you. And then subsequent to that, we will be having a presentation. McGladrey will come, the external auditors, and present the results of the audit to the full Commission. It was an unmodified opinion, which means it was a clean opinion. And I just want to thank the Manager and the CFO (Chief Financial Officer) for their guidance and their leadership, which helped us to be able to finish this on time. So I don't know if guys have any questions.

Commissioner Carollo: Mr. Chairman.

Chair Gort: Thank you. Yes, sir.

Commissioner Carollo: *No, I just want to congratulate our Administration and our Finance team. There -- like I said earlier, there was a time when there was not too many CPAs (Certified Public Accountants) here in the City. There was a time where we just couldn't issue the financial statements on time, and I think those days are behind us, as shown once again. So, congratulations to all of you.*

Mr. Fernandez: *Thank you.*

Chair Gort: *Thank you, sir. Any questions? Good job.*

Mr. Fernandez: *Okay.*

Chair Gort: *Yes.*

Daniel J. Alfonso (City Manager): *Mr. Chairman, if I may, I just want to recognize again the work that the Finance Department overall has done, because when it comes time to do the CAFR, it's an all hands on deck type of effort; a lot of information has to be provided to the auditors; and there's a lot of long hours, as evident by getting that letter last night, I think at -- you know, after midnight. So I just want to commend the staff of the Finance Department for doing a real good job.*

Chair Gort: *Thank you.*

DI.5

15-00327

*Department of
Finance*

DISCUSSION ITEM

QUARTERLY UPDATE OF NON-REIMBURSABLE GRANT EXPENDITURES FOR QUARTER ENDING DECEMBER 31, 2014.

15-00327 Summary Form.pdf

15-00327 Memo - Unreimbursed Grant Exp..pdf

15-00327 Back-Up from Law Dept.pdf

DISCUSSED

Chair Gort: *DI.5.*

Jose Fernandez (Director, Department of Finance): *DI.5, Commissioners, in accordance with the Financial Integrity Principles, on a quarterly basis, I have to present any non-reimbursable grant expenditures. I'm happy to report that for the fiscal -- for the quarter ended 12/31/2014, there were no expenses -- there were no non-reimbursable expenditures, so.*

Commissioner Carollo: *Excellent.*

Chair Gort: *Thank you.*

Mr. Fernandez: *Thank you.*

END OF DISCUSSION ITEMS

PART B: PLANNING AND ZONING ITEMS

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

Chair Gort: *We're ready? Okay, Francisco. Francisco.*

Barnaby Min (Deputy City Attorney): Mr. Chair, may I read the proceeding?

Chair Gort: Yes.

Mr. Min: Procedures. We will now begin the Planning & Zoning items. PZ (Planning & Zoning) items shall proceed according to Section 7.1.4 of the Miami 21 Zoning Code. Before any PZ item is heard, all those wishing to speak will be sworn in by the City Clerk. Please note, Commissioners have generally been briefed by City staff and the City Attorney on items on the agenda today. The members of the City Commission shall disclose any ex parte communications to remove the presumption of prejudice, pursuant to Florida Statute Section 286.0115 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 and request to the City Commission. If the applicant agrees with the staff recommendation and if 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 City Code and Miami 21. Members of the public will be permitted to speak through the Chair for not more than two minutes, unless modified by the Chair. The City of Miami requires that anyone requesting action by the City Commission must disclose before the hearing anything provided to anyone for agreement to support or withhold objection to the requested action, pursuant to City Code Section 2-8. Any documents offered to the City Commissioners that have not been provided seven days before the meeting as part of the agenda materials will be entered into the record at the City Commission's discretion. Thank you.

Mr. Hannon: Good afternoon --

Chair Gort: Thank you.

Mr. Hannon: -- ladies and gentlemen. If you will be speaking 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: Thank you. Francisco, will you announce the deferrals?

Francisco Garcia (Director, Planning & Zoning): Yes, sir. I -- I'm under the impression that item PZ.3 is going to be continued. I see the applicant there. And if so, we would recommend that it be continued for a time period of two months. I defer to the applicant.

Chair Gort: Any other?

Mr. Garcia: No others, sir.

Chair Gort: Okay. Yes, ma'am.

Commissioner Sarnoff: So moved.

Commissioner Carollo: Second.

Chair Gort: It's been moved and second. Any further discussion?

Mr. Hannon: Excuse me, Chair.

Chair Gort: Yes.

Mr. Hannon: Now, are we deferring this? Is that for two months, Mr. Planning Director?

Chair Gort: Yes.

Mr. Hannon: So then June 25 is acceptable?

Iris Escarra: Yes, that's acceptable.

Mr. Garcia: Thank you.

Mr. Hannon: Thank you.

Chair Gort: And you are?

Ms. Escarra: Yes. Iris Escarra with offices at 333 --

Chair Gort: No, (UNINTELLIGIBLE) ask for the -- Okay. Any further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

Later...

Chair Gort: Do we have to swear in again?

Mr. Hannon: I can, yes, sir. Anybody speaking on today's Planning & Zoning items that has not already taken the oath, may I please have you 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.

PZ.1

14-00053lu

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO §163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF 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 Vice Chair Hardemon, seconded by Commissioner Sarnoff, that this matter be ADOPTED PASSED by the following vote.

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

13510

Chair Gort: PZ.1. We need a Commissioner.

Todd B. Hannon (City Clerk): Commissioner Hardemon --

Chair Gort: I need a Commissioner.

Mr. Hannon: He left, sir.

Chair Gort: PZ.8 -- no; PZ.1 and 2.

Francisco Garcia (Director, Planning & Zoning): Yes, sir.

Chair Gort: Companion items. We're going to listen to them together.

Mr. Garcia: Thank you, Mr. Chair. For the record again, Francisco Garcia, Planning & Zoning director. Items PZ.1 and PZ.2 are companion items. They are for the land use and rezoning of a parcel at 622 Northeast 80th Street in the Shorecrest neighborhood, the northern part of the City of Miami. It is before you on second reading -- or they are, I should have said, before you on second reading, and they are basically to change the zoning of a parcel -- of this parcel of land from T5-R to T6-8-O. There have been numerous meetings with the affected stakeholders, which have resulted in a covenant, which is attached to the proposal, and this has been vetted, and, I think, has been favorably received. I'll refer to the applicant to explain it further. We are recommending approval of the proposal. Thank you, sir.

Chair Gort: Thank you.

Later...

Chair Gort: Yes, sir.

Tony Recio: Thank you, Mr. Chair, members of the Commission. My name is Tony Recio; law office at 2525 Ponce de Leon Boulevard. I was here a couple of weeks ago on first reading on these items. There was a -- an agreement struck between the applicant and the Shorecrest Homeowners Association. Troy Howard has sent all of you a communication. I have copies of that if you'd like to see it, but there is a covenant in place and an agreement with the association, and they are in support of this; that's what you had asked us to do. If you have any questions, I'm happy to answer those questions.

Chair Gort: Thank you. Yes, sir.

Vice Chair Hardemon: And Mr. Chairman, I know that I've been receiving emails from the community. I cannot specify whether it's 1 and 2, but it's at least one of -- 1 and 2 or 4 and 5 that have been showing their -- either opposition to the projects or their support. So here, I know that we have some members from District 5 that are here to show their -- either support or opposition to certain items. So what I would appreciate, Mr. Chairman, is for us to allow the public to speak, but I'm sorry I couldn't get as -- more specific with the requests, but I'm getting hundreds of emails because of the Tri-Rail, then also these things going on, so it's very difficult to keep up with what they're for or against. So at this time, through the Chair, I would love to hear what the community has to say regarding this project. I do thank you for meeting with the community to get a consensus, but I know there's either 1 and 2 or 4 and 5 where there was supposed to be some meeting, and there seems not to be a consensus, so I just want to get clarification on what's going on.

Mr. Recio: Certainly.

Vice Chair Hardemon: Thank you.

Mr. Hannon: Excuse me, Chair. Just for the record, most of the speakers that I have signed up for this evening are for PZ.4 and 5. I have no speakers for PZ.1 and 2.

Vice Chair Hardemon: Are there any speakers for 1 and 2? No? Thank you very much for getting the support that you needed from the community. I'm glad that you made the concessions that the community needed to make this project work for the business, the business owner, but then also for the community that resides in that immediate area. We take in District 5, especially on our northeast corridors, the zoning very seriously.

Mr. Recio: Sure.

Vice Chair Hardemon: And I think you'll see that on 4 and 5 if you choose to stay, but I recommend that you don't.

Mr. Recio: I'll watch it on TV.

Vice Chair Hardemon: Watch it on television. So with that being said, I move to approve items -- well, because the public hearing is open and closed for PZ.1 and 2 --

Chair Gort: The public hearing, we closed it for both of them.

Vice Chair Hardemon: -- I'll move to approve PZ.1

Commissioner Sarnoff: Second.

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

It's an ordinance.

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

Mr. Hannon: Roll call on item PZ.1.

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

Mr. Hannon: The ordinance passes on second reading, 4-0.

PZ.2**ORDINANCE****Second 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-Submittal-Tony Recio-Declarations of Restrictions Covenant.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 Vice Chair Hardemon, seconded by Commissioner Sarnoff, that this matter be ADOPTED PASSED by the following vote.

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

Absent: 1 - Commissioner(s) Carollo

13511

Chair Gort: PZ.2.

Vice Chair Hardemon: I move to approve item PZ.2.

Commissioner Sarnoff: *Second.*

Chair Gort: *Been moved by Vice Chairman Hardemon; second by Commissioner Sarnoff. It's an ordinance.*

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

Barnaby Min (Deputy City Attorney): *Is the City Commission accepting the covenant?*

Vice Chair Hardemon: *Yes.*

Mr. Min: *Thank you.*

Tony Recio: *Thank you.*

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

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

Mr. Hannon: *The ordinance passes on second reading, 4-0.*

PZ.3**ORDINANCE****Second Reading****14-00054zc**

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 "T6-24-O" URBAN CORE ZONE-OPEN TO "T6-36A-O" URBAN CORE ZONE-OPEN, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 1410, 1420, 1424, AND 1432 NORTHEAST MIAMI PLACE; 1415, 1421, 1425, 1433, AND 1445 NORTHEAST MIAMI COURT; AND 47, 55, AND 67 NORTHEAST 14TH STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00054zc FR Fact Sheet.pdf

14-00054zc Analysis, Maps & PZAB Reso.pdf

14-00054zc Application & Supporting Documents.pdf

14-00054zc Legislation (v3).pdf

14-00054zc Exhibit.pdf

LOCATION: Approximately 1410, 1420, 1424, and 1432 NE Miami Place; 1415, 1421, 1425, 1433, and 1445 NE Miami Court; and 47, 55, and 67 NE 14th Street [Commissioner Marc David Sarnoff - District 2]

APPLICANT(S): Iris Escarra, Esquire, on behalf of 14th Plaza Corporation

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING, ZONING AND APPEALS BOARD: Motion to approve with conditions failed on March 5, 2014, by a vote of 3-5, thus constituting a denial.

PURPOSE: This will change the above properties from "T6-24-O" to "T6-36A-O". **Item does not include a covenant.**

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

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

Note for the Record: Item PZ.3 was deferred to the June 25, 2015 Planning and Zoning City Commission Meeting.

PZ.4**ORDINANCE****First Reading****14-00727lu**

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 APPROXIMATELY LOCATED AT 5907 NORTHEAST 5TH AVENUE, MIAMI, FLORIDA, FROM "SINGLE-FAMILY RESIDENTIAL" TO "LOW DENSITY RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-00727lu FR Fact Sheet.pdf
14-00727lu Analysis, Maps & PZAB Reso.pdf
14-00727lu Application & Supporting Documents.pdf
14-00727lu Legislation (v2).pdf
14-00727lu Exhibit.pdf

LOCATION: Approximately 5907 Northeast 5th Avenue [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Jacques and Denise Miodownik, Joint Tenants with Right of Survivorship, on behalf of DJ 2014, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID 14-00727zc.

PLANNING, ZONING AND APPEALS BOARD: Recommended denial on November 19, 2014 by a 7-1 vote. See companion File ID 14-00727zc.

PURPOSE: This will change the land use designation for the above property from "Single-Family Residential" to "Low Density Restricted Commercial".

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

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

Note for the Record: Item PZ.4 was continued to the April 23, 2015 Planning and Zoning City Commission Meeting.

Chair Gort: PZ.3 is continued. PZ.4.

Tony Recio: Thank you all very much. Have a good evening.

Vice Chair Hardemon: You're welcome.

Chair Gort: Good presentation.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Items PZ.4 and PZ.5 are also companion items. These are a request for a land use change and a zoning change for parcels at 5907 Northeast 5th Avenue, 5900 Biscayne Boulevard -- I'm sorry, those two, because 5907 repeats. And I'd like to, by way of introduction, briefly tell you that this parcel located on the intersection of Biscayne Boulevard and Northeast 59th Street has two zoning designations presently. Fronting Biscayne Boulevard, there is a zoning designation of T5-L and on the west, fronting Northeast 5th Avenue, there is a zoning designation of T3-L. The request before you is for a rezoning of the entire parcel to T4-O; however, our recommendation is that the T5-L designation on Biscayne Boulevard remain and that the T4-O change on the western end of the property fronting Northeast 5th Avenue be approved. I would like to add that this property is also overlaid by historic designations, both on the Biscayne Boulevard frontage that happens to be within the MiMo (Miami Modern) District, and that, as you are aware, of course, brings with it a height cap of 35 feet. And on the western end, it is within the Palm Grove Historic Neighborhood. And in addition to that, the last thing I'll submit for your consideration, and I think the applicant will address it, is that there is a covenant being proposed, or rather proffered by the applicant, which also provides for further limitations. With that, I'll yield to the applicant and answer any questions you may have. Thank you.

Chair Gort: Thank you. We'll have the -- open the public hearing for both PZ.4 and PZ.5.

Ben Fernandez: Good afternoon, Mr. Chairman, Commissioner Hardemon.

Mr. Garcia: My apologies, Mr. Fernandez. I neglected to mention one thing that I've just been advised to do. We are in receipt of letters from Dr. Kim Kristine Jacobsen and Ms. Karen Jacobsen, both residing -- I'm sorry -- one residing at 5900 Northeast 5th Avenue and the other residing at 5928 Northeast 5th Avenue, both of whom are in opposition to the approval of this item, and those two letters are with the City Clerk's Office. Thank you.

Mr. Fernandez: So again, Commissioners, Ben Fernandez, 200 South Biscayne Boulevard, here on behalf of the owner, Mr. Jacques Miodownik. With me is our architect, Dean Lewis, as well as in-house counsel, Mr. Dean Dibartolomeo. Jacques Miodownik is the operator of Collectania. Collectania is a high-end design furniture gallery for primarily residential applications. We believe that this Collectania Store is really perfect for this particular location, because this is one of the most visible locations on the Biscayne Boulevard Corridor in this area. As you can see from the PowerPoint, the view of this site is really quite panoramic as you're driving northbound on Biscayne Boulevard. The architecture of the building that has been designed by Mr. Lewis follows the design of the product that's being sold. It's a very high-end design. It features large expanses of glass that wrap the corner and follow 59th Street to create a continuous building façade. The building fully complies with the MiMo (Miami Modern) restrictions of 35 feet, and it's only about 14,000 square feet in size; and significantly, it provides all parking underground, which most small buildings don't do. They can't afford to do it, or they choose not to do it because it's something that's extremely expensive, but because this is Jacques' really pride and joy, this is his home base, this is going to be the headquarters for his international operation, he has spared no expense, and underground parking is critical to his project. The building is also designed to create a transition into the residential area to the west by providing residential units on 5th Avenue. We're requesting a land use change and a transect change in order to avoid the inefficiencies of developing the two parcels separately, and to

combine them to develop them in a more logical manner. Individually, these lots make up a non-standard -- individually, they're non-standard, they're atypical, they're difficult to develop. So by rezoning the rear parcel to a commercial transect, you can unify them and provide the underground parking that is really necessary in order to create this attractive structure above it. It's impossible to provide underground parking on just one of these lots, because it's too small. But aside from the benefit of underground parking, the rezoning to commercial, light commercial on the back property makes perfect sense, because both properties are anomalies on the boulevard when you take them separately. First, from a standpoint of use, the rear property has been vacant, even though it's zoned T3, has been vacant forever; there's never been a house on it. We checked the tax cards at the City of Miami. There's never been any development. Why? Because it's just not appropriate or not as appropriate as other lots in the area for residential use. Here's the aerial from 1964; nothing on it all this time. Why? Because it's an anomaly. It's smaller in comparison to any of the other lots on that strip of 5th Avenue. Second, the property is an anomaly when you consider that more than half of its frontage is in plain view of Biscayne Boulevard. Typically, T3 is a transect that applies to residential lots that are more shielded from the boulevard. So this one is highly exposed, which accounts for why it has never been developed. Thirdly, this property is an anomaly -- the commercial component is an anomaly, because the median depth of commercial lots along this corridor is about 160 feet. And if you look at this exhibit here, this shows you what the lots look like all the way from the Cushman School up here, down to the property, itself, and you can see the averages: 160 feet, 180 feet, 160 feet. This property is only 82 feet deep, this commercial property. The property below it is zoned -- this is the same property here. The property below it, which is on the other side of 59th Street, is zoned commercial all the way back to 5th Avenue, I think, in recognition of the fact that it makes sense to create a deeper lot right at the intersection of 59th and Biscayne Boulevard. Yet this one, which was zoned R3 under your prior code, was zoned T3-L under this Code, and again, it remains undeveloped. Since at least 1964, no tax cards on record. Nobody's ever going to build a single-family home on this lot, because it's so exposed, because it's very small and it's always been part and parcel of the lot in front of it. And the lot in front of it can't be developed, because it is too small to provide a quality development with underground parking. It makes sense to combine them, but in order to provide that underground parking and combine them, we need to unify title. We need the rear parcel to be rezoned T4-O, which will allow parking to serve the commercial component. So again, the consequence of the condition that we have that these properties are an anomaly is that there's very little usable commercial area left if the property is developed independently, the commercial component is developed independently. As staff indicated, they are in support of our application. They are not recommending the down-zoning of the front parcel, as we had suggested, to T4-O, but we're okay with that; we're not objecting to that, our project works without that. And we would ask you to support their recommendation. Another important fact to consider -- and I'll be brief; I know it's been a long day for all of you -- is that this is at the entrance to Palm Grove, and Palm Grove is supportive of our application. You'll be hearing soon from Mr. Bob Powers, who's the president of the homeowners association. He has written a letter of support for the application, as has the Cushman School, the MiMo Biscayne Association, Alva Jane (phonetic) and several owners from the immediate area that are in support of the project. Also, as I said, I think it's important to note that the property immediately to the south is zoned for commercial use exactly as par, is what we're requesting; I can't say that enough. It's -- actually, the line is further west than where our line would be here. From a technical standpoint, I believe that our land use change complies with your Miami Comprehensive Neighborhood Plan. The transition that exists today is really an abrupt change from a land use designation that allows up to 65 dwelling units per acre to a very low density designation. There's absolutely no transition, and the request that we're making for the T4-O zoning is one that is very transitional, and in fact, it's one that exists on the same block already today. Just look at the north end of the block here, and you'll find the transition from T5-L to T4-R. So -- and you have T4-O across the street. So what we're asking for is not something that's foreign to the area. It's a transect that is compatible in terms of the master plan. It's also consistent with Miami 21 in that it's successional, it's the next step from T3 up, and so we believe that you should follow your staff recommendation and support our application. One last thing

that I will say is that I don't believe that this application, if approved, would create a domino effect, whatsoever, because the dimensions of these properties, as I indicated earlier, are so atypical. These are the anomaly on the boulevard, and so they would have zero precedential value for anyone else trying to make an application for a similar change. I think that this is really a specific, you know, solution, it's not addressing a general problem on the boulevard, it's a site-specific request and we don't believe that it has any precedential value, whatsoever. So with that, I will close my comments, save some time for rebuttal, and if you'd like to hear from our architect with respect to the details of the plan, I'd be happy to do that. I will mention that we also distributed to you a covenant. The covenant has been amended as a result of conversations with various property owners in the area. It has been strengthened to include some additional restrictions in it. And what we're saying in the covenant is basically that we won't provide any garbage service from 59th Street and that we will agree if we don't obtain a building -- or submit a building permit application within a certain period of time, we will agree to apply to rezone the property back to the T3 transect. So I think that that would allay any concerns that property owners might have over the possibility that this might develop in some other way than what we're proposing. I think that we have some time to work out the details of the covenant between first and second reading if you would allow us that opportunity, but we're open to further discussions with the neighbors on this, and we look forward to your comments. Thank you.

Chair Gort: Thank you, sir. It's a public hearing, so.

Vice Chair Hardemon: Mr. Chairman, if I [sic] will.

Chair Gort: Yes.

Vice Chair Hardemon: Before we take public comments, I'd like to just get some direction from the Administration as to this -- if you are aware how -- the Planning & Zoning Department I see in PZ.4 recommended approval, but then PZAB (Planning, Zoning & Appeals Board) recommended denial by a vote of 7 to 1. So just please make clear for the record, so we have some perspective moving forward.

Mr. Garcia: I appreciate that, sir, and I was about to interject to remind everyone that I had been remiss in not conveying to the Commission that, in fact, the PZAB, at their meeting of November 19, did vote, 7 to 1, to recommend denial for both the land use change and the zoning change. I wanted to put that in the record; I always do. This time, I overlooked it; my apologies. And it was very clear at that time that there were a significant number of stakeholders from the area that had great reservations about the project. The difference between then and now is, certainly, that the applicants have undertaken to interact and reach out to many area stakeholders, and have refined the project, and have introduced a covenant to give further assurances that the project, as proposed, is going to be one that is harmonious with, contextual with the area. I have attended some -- not all -- of the public meetings that have been had, and the last one, I would characterize as a largely positive meeting with some dissent, admittedly, but a largely positive meeting where most of the residents of the Palm Grove area were in support of the project as proposed. I would like to add that we in the Planning & Zoning Department find that the project, as proposed, really does quite a number of things, above and beyond providing for proper development of the site. They certainly address parking conditions, which are always difficult to address, at great expense to the property owner by virtue of providing underground parking. The service features of the site are very well provided for, and the overall scale of the building proposed is actually rather compatible, both on the Biscayne Boulevard frontage, the MiMo part of the site, as well as the Palm Grove part of the site, especially if you take into consideration that the previous zoning designation R3 allowed for a five-story building as of right. They are proposing a two-story building, and it has a residential component fronting the residential portion, which is highly desirable at two stories; certainly underneath the 35-foot cap that would be applicable to the MiMo District, and that is also, of course, the case on the

Biscayne Boulevard frontage. I think they've really done significant work to address the major concerns of the stakeholders. That said, I know there is some dissent, and I'm happy to address any other questions you may have.

Chair Gort: Thank you.

Vice Chair Hardemon: And if I may, sometimes I like to be a little organized in my mind, and I don't know if it always comes out that way in reality, but I know that there should be some that are for and against, and if we may, if we can organize it to those who are against and then those who are for, so that we have some clarity in what -- as I'm taking down my notes.

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

Elvis Cruz: Perhaps Mr. Powers can go while the video people get me online.

Unidentified Speaker: (UNINTELLIGIBLE).

Chair Gort: Did anybody sign up?

Vice Chair Hardemon: Is there any --

Chair Gort: Call the names then.

Vice Chair Hardemon: -- other dissent? If you are someone who is dissenting or -- (UNINTELLIGIBLE) -- are against this, please come forward.

Eileen Bottari: Good evening, Commissioners. My name is Eileen Bottari. I reside at 505 Northeast 76th Street. I own a historic home in Palm Grove since 1983. I am opposed to this attempt to spot-zone commercial zoning in my historic residential neighborhood. I have brought a presentation board that I created so all of you can see the beautiful historic homes surrounding this empty lot located at 5907 Northeast 5th Avenue. The zoning on this lot is T3-L, which means it's very, very applicable to build a single-family home. Most of the homes were built in the 1930s and 1940s. Historic Palm Grove is only two blocks wide. We have Biscayne Boulevard on our east border with commercial businesses and zoning, and we have Northeast 4th Court on our west border with warehouses and businesses. We are surrounded by commercial businesses. Most of the people that stated they were for this project are commercial business owners, commercial entities on Biscayne Boulevard. Commissioners, you must make sure that Miami 21 protects the boundaries of all residential neighborhoods throughout Miami. Commercial spot-zoning is unacceptable. You must protect the privacy and quality of life for all homeowners in the City of Miami. My closing statement is directed to Francisco Garcia, director of Planning. Francisco, I've known you for many years. I am very alarmed and extremely concerned by the continuation of your staff to recommend commercial development within the boundaries of my historic neighborhood. This is the second time I have come before the Commission in six months to oppose commercial development in my neighborhood. I hope as we move forward, there will be a greater emphasis by you and your staff to make single-family neighborhoods a priority to protect from commercial encroachment. Thank you.

Vice Chair Hardemon: I have one question for her. You are a part of the Palm Grove?

Ms. Bottari: No, I'm not. I'm --

Vice Chair Hardemon: No?

Ms. Bottari: -- a community activist. I've lived in the neighborhood for 1983 [sic]. I'm here representing myself. I'm working with a group of homeowners. Most of them sent you letters.

They were unable to come because of their work schedules, because it was really scheduled earlier during the day, so we are working together to protect our historic designation and the integrity of our neighborhood. We're working with Code Enforcement, and Public Works and I'm also working with these issues that have to do with the encroachment of commercial.

Vice Chair Hardemon: So just to be clear, I understand that you're here representing yourself and then that group of homeowners.

Ms. Bottari: Right.

Vice Chair Hardemon: But are you a member of the Palm Grove Neighborhood Association?

Ms. Bottari: No, I am not --

Vice Chair Hardemon: Okay.

Ms. Bottari: -- a member of any neighborhood association, and I also want to say that I did not attend any meetings, and I have spoken to many neighbors who don't even know about this. I've said, "Are you aware that they're trying to up-zone commercial on a residential lot?" So Mr. Garcia's statement that most of the homeowners in Palm Grove know about this is not true.

Vice Chair Hardemon: Thank you very much.

Todd B. Hannon (City Clerk): Chair, I -- for the record --

Chair Gort: Wait a minute, wait a minute, wait a minute. Mr. Garcia.

Mr. Garcia: Thank you, sir. For the record, if I may, I wanted to correct slightly Ms. Bottari's statement. I at no time represented to this Commission that most of the neighbors were aware. I did say, and repeat that the public meetings that I have attended, and in particular, the last public meeting, after a significant number of revised iterations, were, in my impression, favorable or mostly favorable towards the project; although I did say that there had been some dissents. Thank you.

Chair Gort: Thank you.

Mr. Hannon: And Chair, I'll need -- I'll read the name of speakers who are opposed to items PZ.4 and 5. The next three speakers: Grace Solares, Luis Herrera and Carl Jacobsen.

Grace Solares: Grace Solares, 60 Southwest 30th Road; hope you can understand me. Okay, I was dumbfounded when I read the analysis on this application, because what you have before you today, the zoning analysis that you have in your book, it says that the proposed (UNINTELLIGIBLE) would result in spot zoning. There's a recognition from your experts that this would be spot zoning, as there is no T4-O adjacent to this property. I must remind Commissioner Sarnoff about the Mercy Hospital issue. The citizens took it to court at that time, alleging that it was spot zoning. The court ruled that it was, indeed, spot zoning, and struck this Commission's vote down. That's why the Mercy Hospital, it's not there now. Here, the City has it written in advance that this is, indeed, spot zoning. If this zoning change is approved, the City's own zoning analysis may result as an Exhibit "A" for some of the citizens' court challenges. Please protect the residential neighborhoods and historic district from a commercial encroachment and vote against this land use and zoning change. This would only cause a domino effect and detrimental to the single-family neighborhoods in the City of Miami. Thank you.

Chair Gort: Thank you.

Elvis Cruz: Thank you, Commissioners. Elvis Cruz, 631 Northeast 57th Street. Gentlemen, we've seen this movie many times before where a developer comes before you with backwards logic. Instead of designing a project to fit the zoning, they want you to change the zoning to fit their project. They knew exactly what they bought. There is no hardship here. This is a simple case of the developer wants it. There are plenty of other places where they could have their furniture store without up-zoning single-family residential in a historic district. The PZAB voted 7 to 1 to deny this up-zoning, and for good reason. It violates Comprehensive Plan Goal LU1: Protect and enhance the quality of life in the City's neighborhoods; protect and preserve residential sections within neighborhoods. This rezoning would not protect and preserve the residential neighborhood; it would harm the residential neighborhood, as the PZAB said on the record; it's that simple. Here's the requested zoning change: Two lots of T4, in purple. Commissioners, if you think that small, isolated piece of T4 looks like illegal spot zoning, you are correct; the Planning Department even says so in its analysis, which I've highlighted in your handout that you got in the yellow tab. The proposed request would result in spot zoning, as there is no T4-O adjacent to the property. How bizarre is that? The Planning Department is telling us in advance that this would result in spot zoning, which is illegal. What's more, according to that document, the zoning change is not even eligible to be considered for rezoning, and is before you illegally. Miami 21, Section 7.1.2.8(c)1 says that for property to be considered for rezoning, it must have at least 40,000 square feet, which this does not; or it must have at least 200 feet of frontage on one street, which this does not; or it must be an extension of an existing transect boundary, which this is not. As the Planning Department's own analysis says, there is no T4-O adjacent to the property. When this proposal was first reviewed by the Zoning examiner, it was turned down, because it did not meet any of those three criteria. According to the zoning analysis, it is illegal for this item to come before you today. However, the application was reviewed a second time, and the Planning Department then decided it was acceptable to jump across Biscayne Boulevard to the T4 on the east side and call this proposal an extension of that zoning. That's why they want to down-zone one lot to T4, so they can say it's an extension of the T4 zoning across Biscayne Boulevard. That is horrible. Allowing them to use a transect across a major thoroughfare in order to qualify for an up-zoning would be a horrible precedent, which would expose the City to all sorts of problems. I'm not convinced that's even legal, the same way the Zoning examiner wasn't convinced it was legal, but if that loophole is legal, I highly recommend you immediately initiate legislation to make it illegal. Please don't set that horrible precedent. And there's another bizarre twist. The Planning Department is recommending keeping the T5 on Biscayne, but up-zoning one residential lot to T4. That's an even more egregious example of spot zoning than what the applicant is asking for. Commissioners, a covenant cannot supersede the Zoning Code; to the contrary, Section 222 says, "Where the regulations in this Code are more restrictive than covenants, the restrictions of this Code shall govern." This hearing is not about accepting or approving a project; it's about a land use and zoning change. Lot 2 is already properly zoned, with a 78-foot buffer, which is the width of 59th Street, between the residential and commercial zoning to the south. If the proposed rezoning happens, there would be a zero-foot buffer between the residential and commercial zoning. There would be a commercial intrusion into a single-family residential historic district, with commercial zoning on two sides of Mary Ann Guilavogui's home immediately to the north. This is Mary Ann Guilavogui's home next to the vacant lot, and this is Mary Ann Guilavogui and her daughter, Grace. She strongly opposes this zoning change and testified against it at the PZAB. The proposal would put commercial zoning directly in front of the Jacobsen home, which has been in that family since 1955. Dr. Kim Jacobsen and her brother, Carl grew up in that house; they're sitting right over there. Her sister, Karen owns the house to the immediate north, and they both oppose the rezoning. The Planning staff often recommends denials of up-zonings, because they set a negative precedent by creating a domino effect. The domino effect would happen here, because once you let the first one happen, others want to follow; also in violation of the Comprehensive Plan. The fact that this is a vacant lot is legally irrelevant. It is a buildable lot. The reason those two lots have been vacant for so long is because the owners chose to not build on them. Please ask yourselves, if this were proposed next door to your home

or one of your family members, would you be in favor of this up-zoning? Please uphold the law and the Comprehensive Plan, and protect Miami's residential neighborhoods by denying this land use change and up-zoning. Thank you.

Chair Gort: Thank you.

Mr. Hannon: The last two speakers I have signed up in opposition to PZ.4 and 5 are Carl Jacobsen and Kim Jacobsen.

Carl Jacobsen: I yield my minutes to my sister.

Chair Gort: Okay; smart move.

Kim Jacobsen: He's older, too, so it's a big move. Hi -- I guess good evening. My name is Dr. Kim Jacobsen, owner of the single-family home now located at 5900 Northeast 5th Avenue, which has been in my family since 1955. I did grow up there, and it's like my heart and my soul. It's such an important part of my life, and my entire family's life and we always congregate there for any get-together. I just can't believe this is going on, but okay. My house is directly across the street from the property that's being considered for up-zoning; therefore, I have -- I'm standing here as truly an aggrieved party to challenge this proposed up-zoning under Florida Statute 163.3215, and I would also like to adopt Elvis Cruz' arguments rather than say them all again, verbatim, especially for time's sake. Commissioners, the item before you is not about a particular project. Please don't be misled. Rezoning applicant should not be allowed to show you a project before you've decided if the zoning has been approved, but it's up to you, again. This up-zoning would violate the intent and goals of Miami 21. The very first goals mentioned by Miami 21 from Section 2.12(a) are, quote, "preserving neighborhoods and historical resources," unquote. Also, the proposed land use change and up-zoning is inconsistent with Miami's Comprehensive Neighborhood Plan. There are many, many examples, but I'm trying to be brief. First, Policy HO-118, quote: "Through the land development regulations, the City will protect existing viable neighborhoods in those areas suitable for housing," unquote. This up-zoning will harm, not protect my existing viable neighborhood. Second, Objective LU-23, quote: "Encourage the preservation of all historic and architectural and archeologic [sic] resources that have major significance to the City," unquote. This single-family lot is in Palm Grove Historic District, as you've seen so many renderings and pictures. Changing the zoning to commercial would not preserve the historic district, but would rather harm the existing character of this historic district. Third, briefly mentioning something that came before you in February 27, 1914 -- 2014 -- was a change of land use by Morningside, located at 5445 Biscayne Boulevard, and, quote: "Land Use Goal LU-11 encourages that land use pattern that protects and enhances the quality of life in the City's residential neighborhood and promotes the efficient use of land, and minimizes land use conflicts." This amendment will increase conflicts, because the proposed designation will allow for development densities and intensities that are out of scale with all of the surrounding residential houses that I've known my entire life. Yes, I'll admit I'm 55 years old. Okay, (UNINTELLIGIBLE). In addition, it allows for encroachment of commercial use into a residential area. As I stated again, I'm right directly across the street, and my house even faces Biscayne Boulevard. As you can see, the lot size in comparison to the proposal size property that they only have two lots, my house is on three, and next door, my sister's house is another; that's four, right in a row that are against this.

Chair Gort: Thank you.

Ms. Jacobsen: I'm almost done. This is -- this lot is a -- Historic Palm Grove is completely buildable if someone wants to for a single-family home, so this proposed up-zoning would be an even greater departure from the intent letter of the Comprehensive Plan. Should this issue go to trial, the City of Miami Planning Department's own analysis of similarity [sic] situated properties will provide plenty of substantial, competent evidence proving the inconsistencies with

the Comprehensive Plan. The applicants have proffered a covenant, but the Comprehensive Plan contains no language, whatsoever, that would allow a covenant proffered by a developer to supersede the Comprehensive Plan. I did attend the meeting that was held at Legion Park on February 19 where the applicant's architect tried to convince neighbors to support the change in zoning by showing them the proposed project. At that meeting, the applicant did not mention the Comprehensive Plan, nor the spot zoning, nor the domino effect, nor the fact that if it is built, the proposed building could be used for any use allowable under T4-O. I had to directly ask -- who knows (UNINTELLIGIBLE) -- after the meeting, the Planning director, who attended --

Chair Gort: And in conclusion?

Ms. Jacobsen: I'm coming; I'm on the last -- that it could be allowed, et cetera. A change to T4-O will allow -- could allow after -- if this furniture store just say was built and they grow out of that site, then it's opened up Pandora's Box; anything can go there from a gas station to entertainment club, a bar, anything, right in front of my home, and it's incompatible with a residential area. Final paragraph: The applicants were able to persuade some neighbors to support their project, but most of the neighbors that support it do not live anywhere near where the project is going to occur. They're on 60s, and 70s and further up. They're part of Palm Grove, but they are not directly affected, as I am. So based on these inconsistencies with the Comprehensive Plan, I please ask you to use your common sense, as well as your intelligence, in voting and deny this change in up-zoning and land use --

Chair Gort: Thank you.

Ms. Jacobsen: -- as the PZAB did with their 7 to 1 vote.

Chair Gort: Thank you.

Ms. Jacobsen: Thank you very much.

Chair Gort: Thank you.

Mr. Hannon: Chair, the next speaker has signed up to speak for informational purposes, and that speaker is Peter Ehrlich.

Peter Ehrlich: Good evening, Mr. Chair, Commissioners. Peter Ehrlich. I live at 720 Northeast 69th Street, and I work at 395 Northeast 59th Street in Lemon City; that's one block from the subject site. I've driven by the subject site three or four times a day for the past 15 years, and I would be considered a stakeholder, because I own or co-own three acres one block away. This item is for a change in zoning, not for a specific project. I think we need more information. I think the property owner needs more dialogue with his immediate neighbors. Thank you very much.

Chair Gort: Thank you. Next.

Mr. Hannon: The last speaker I have signed up is a speaker who is a proponent of PZ.4 and 5, and the speaker's name is Bob Powers.

Bob Powers: Bob Powers, 565 Northeast 66th Street, Miami, Florida, 33138. I'm also the president of the Palm Grove Neighborhood Association. Historically, that's a R3 neighborhood, as the district -- as Mr. Garcia told you, so -- and we -- when we changed the zoning, we knew we were going to have an issue there eventually, I mean, and Commissioner Sarnoff, as far as from a historical standpoint, and I defer to you to -- just to -- Commissioner Hardemon, to understand that -- District Commissioner Sarnoff, as our Commissioner at the time that we were going through all that, and we knew we were going to have a problem there, because one block

just on the other side of Mrs. Jacobsen's property is a 16-unit apartment building; and then, right across the street from there is another 11-unit parking -- apartment building. So the area is not -- what they're alleging is that it's a single-family neighborhood, and it's not that. Most of these homes have ancillary living things behind them, so it's not like Morningside, where all the homes are these historic homes with no ancillary living condition behind them; most of them are being used in a duplex-type capacity, if not more than that. It was an R3 that was down-zoned to a T3, okay? It's been down-zoned to a T3, and the Courtney family owned that property for over 30 years and never developed it. And the reason they never developed it is right through the middle of that property runs an easement, and that easement is for a water and sewer easement. It was too expensive for them to do anything as far as from a -- commercial only being part of the property, and residential being the other part of the property. We in Palm Grove have -- I discussed with North Palm Grove and other members of -- that sit on our board, and also, Ms. Jacobsen just moved into that neighborhood. Her father owned that house for many, many years, and I -- he was an attorney, a very famous attorney in the neighborhood.

Ms. Jacobsen: (UNINTELLIGIBLE).

Mr. Powers: Doctor, beg my pardon, doctor; she was a doctor. Beg my pardon, Mrs. Jacobsen. I didn't mean any offense.

Ms. Jacobsen: I'm a doctor.

Mr. Powers: Dr. Jacobsen. I've never met her other than at these meetings. So all I can tell you is that the neighborhood voted to support this project; both of them, North Palm Grove as well as Palm Grove. We sent you letters of support in that vein, saying that this is a perfect, perfect thing for this. They've all -- they've proffered that if they don't develop the site that they'll put it back to what it was. So I don't understand the difficulty here, and we knew we were going to have this issue anyway, because we went from an R3 to T3 -- no, from an "R" -- you know -- what do you call it? The previous zoning was an "R" -- was R3. R3 would have permitted that use, the use that's being -- and I defer to the Zoning director, but I think I know I'm correct on that. And it would have -- actually, he could have gone five stories, if we want to really get to the brass tacks, Elvis. He could go five stories on that property, but that's another story entirely. Thank you very much.

Chair Gort: Thank you.

Mr. Hannon: Chair, I believe I have one last speaker, Dean Lewis, who is a proponent for PZ.4 and 5.

Dean Lewis: Yes. Dean Lewis, Architect D.B. Lewis, at 5910 North Bayshore Drive. I just wanted to reiterate a couple points about the project. I think it's very important to remind us of a few things. Number one, we have significantly increased the setbacks and the landscaping in compliance with T4. There's only a five-foot setback to the adjacent northern boundary of our neighbor, and we've increased that setback from a minimum of 12 to 30 feet, and we've provided landscape buffering, as well as reduced the height. If this, in fact, is entitled to go to T4 zoning, we have a 40-foot height limit in T4, but we are only building to 35; therefore, five feet lower than we could. In addition to that, T5 allows an 80 percent lot coverage, and T4 allows a 60 percent lot coverage. My proposed building is only 42 percent lot coverage, 42 percent. Now, if you addition those together, in average, we are 30 percent less in footprint and site coverage than our entitlements under T5 on the boulevard and T4, if thereby grant it. Thirdly, we have reduced and eliminated the parking on site and on the neighborhood impact by our ramps. You are furnished with plans that you can refer to and see the fact that there's zero impact on the traffic and the parking, with a fully articulated underground parking facility, as well as storage. Okay, and lastly, if T4 is not the correct transition between T3 and T5, then Miami 21 is inherently defective; that's what T4 was written to do. We came to a site, and a neighbor -- a

series of adjacencies just to the north, for example, it has a T5 abutting harshly with a T3. All we want to do is soften and harmonize that with the proper employment of the intent of Miami 21, which is a buffer step-down zoning intensity of T4, and that's what we have here before you today. And I saved a little time if you have any further questions technically about the architecture, and I know Ben Fernandez would like to address, and I'm sure you have some questions for --

Chair Gort: Thank you, sir.

Mr. Lewis: -- Mr. Fernandez.

Mr. Fernandez: Commissioners, let me just say that some of the people that Mr. Cruz was talking about, and particularly the next door neighbor, Mary Ann, we specifically spoke with her, and she's not here today, and it's our understanding that she's noncommittal on the project, so I would object to any representations from Mr. Cruz as to the position of the abutting neighbor; they're not here. We had several supporters here today earlier, but unfortunately, because of a long meeting, they were not able to stay, but I would bring your attention to the petition that's in the handout that we submitted that has over 10 supporters from the area that signed the petition. Let me also say that some of the objections that you're hearing from are people that are uninformed. Clearly, they didn't attend the meeting that we invited them to. We sent an invitation, based on the mailing label that the City sends out, to every resident that is affected. We had a meeting at Legion Park that your Planning director attended. We had a question and answer session. At that point, the application had been fully vetted by the PZAB, and those neighbors were all well informed. Many of those neighbors aren't here; Dr. Jacobsen is here. I would -- I respect her position, and I'm not arguing with her. However, I will say this with respect to what Dr. Jacobsen is saying: Our rezoning requires that we provide a residential use on the back lot that is the subject of the rezoning across from her. Today, the property is zoned T3-O. T3-O allows a duplex use to be developed on that property, subject to review by the Palm Grove Association, but it's not a single-family zoning designation. And what we're proposing through our project is a two-residential unit transition, which is exactly what T3-O allows today by right. So how can that be an inappropriate transition? I will also say that these transitions were done as a result of the PZAB meeting where we heard the message from the Planning, Zoning & Appeals Board, very, very clearly, and we revised the project as a result of that to incorporate the residential use as a transition. So we adjusted our application as we went forward in the process out of respect for the comments and concerns from some of the neighbors. I will also tell you that -- let me have the microphone -- Mr. Cruz' exhibits only focus on a microcosm of three lots. He's not showing you that on the very same block, the very same block, Commissioners, you have a transition from T5-L to T4 right here; it's the same transition. You also have immediately across the street on 59th Street commercial zoning that is the -- further west -- this is right across the street -- than where our line would be. So Dr. Jacobsen is already looking at a T5-O transect, which is more intense than the T4-O that we're requesting that you approve today; she's already looking at that. And this property, I might add, has -- doesn't have the benefit of a covenant. The beauty of our application is that we're presenting you with a covenant that provides you the opportunity to customize this project and ensure that it's compatible with the residential area; without it, I don't know what you're going to get. I don't know what the next application is going to provide. And certainly, the commercial T5-L lot at the corner can be developed by right today. And what you might have in the future is the continuation of a vacant lot looking at the back side of a very unimpressive commercial property at the corner. Why would it be unimpressive? Because it's so small that whatever happens there is going to be a knockdown. It may have to go through a HEP (Historic & Environmental Preservation) Board process, but it's not going to be a significant project. This has the potential to be a significant, quality project as you can see before you. The primary use that will exist on the rear lot will continue to be residential; you see it here. The primary purpose for our application is to allow underground parking underneath these residential uses that none of the neighbors will ever see. Without the rezoning, you can't provide the underground parking that's

going to provide a better building, one that's more aesthetically pleasing than you would have otherwise.

Chair Gort: Thank you.

Mr. Fernandez: Thank you.

Chair Gort: I'll close the public hearing and --

Mr. Lewis: I just wanted to add one more thing. On the 5th Avenue residential and where we have the residential use, that setback also, which is only 10 feet, and under T4, I've increased to greater than 20 feet on the average to provide a residential single-family front setback, as well. Thank you.

Mr. Fernandez: And Commissioners, just one last statement. I would say that this is first reading. We do have a covenant, we do have a dialogue established with many neighbors that couldn't be here today, and we would ask you at a minimum for the opportunity to move this forward at first reading, and allow us to continue that dialogue, work on the conditions to the covenant, and work on the plan, if necessary, and bring this back to you. But I think that out of fairness and the long hearing that you had today, we just couldn't have all of our supporters here, and so you're hearing from a lot of the regulars that are always here opposing every development on Biscayne Boulevard. I can't think of an application that I've brought that hasn't had Mr. Cruz opposing.

Vice Chair Hardemon: It's okay. You're losing me in your argument now.

Mr. Fernandez: Thank you.

Vice Chair Hardemon: Thank you very much. Mr. Chairman, if I will?

Chair Gort: Yes, sir.

Vice Chair Hardemon: I know you've closed the public comment. I'm looking at a situation here -- first of all, those who are for and those who are against, I can clearly see that we have the neighborhood that is mostly affected, which is the Palm Grove Historic Neighborhood Association in support of the project. Also, as far as organizations are concerned, I know that the MiMo Biscayne Association Design is for it. I know that Cushman School is for it. So there are a significant number of people who are genuinely concerned with what the community is going to look like that are supporting the project. Then I can also see that there are people who are against the project, and though some live within that community, some directly adjacent to the property, across the street, and so some of those people who are against the project do not live in that community, but it seems to me that the concern that they have all expressed from Eileen Bottari to Grace Solares to Elvis Cruz and Dr. Jacobsen is spot zoning. On the other side, the supporters are talking about other things. But for me, when I'm making my analysis, I have to consider those who are for and those who are against. And so when I have an association and people who live within the community are for it and then those who live there but are not a part of the association, and those who are outside of the association saying they're against it, I can't say that I can give one more value than the other, except for the fact that I know that with the homeowners associations that they've consistently led the battle against certain types of development. So to see them come and support it, that is something to be considered; however, I'm not as moved, because neither the "for" and "against" wash each other out. What I'm more concerned about is now then moving on with the legal aspects of it all. And so when Mr. Cruz began describing how in the City's own explanation or analysis for the change of zoning that they denied a parcel because it was inconsistent with the intensity of the zoning in that area, it -- you know, it got my attention. And when things like that get your

attention, you always have to read on to the next sentence and sometimes to the next paragraph. So what I saw there was that there was no transition, and I -- no. What I'll do is I'll allow the City to explain its position. But I will say that when I heard that, I thought that I would read something different than what you stated, Mr. Cruz. And so I always -- especially those who come before me all the time, and you have a degree of respect that I give you, because I think that you do analysis that is good, no matter if you are in the majority or the dissent. I appreciate those who are in dissent, because they give us other things to consider. But when you give things to consider, I think that we should always do it with the eye of educating everyone, especially on -- who sit on this dais -- with the full truthfulness of what the comments are. And so basically, I felt like I was led to believe one thing when in actuality, the analysis that the City presented was something very different. And so I -- and by that, I mean from what was explained to me by Mr. Cruz, I was under the assumption that the parcel of land that's being up-zoned was being denied because it was inconsistent, when, in actuality, the parcel they want to be down-zoned, which is the T5-L, was the one that was being denied, because it was inconsistent with other things. And the T4-O that's being proposed is actually being up-zoned as a transition, and transitions are allowable by Miami 21. So now that we're down to the -- what's legal and what's not, I think that that's going to be more moving for me and probably for the Commissioners that sit up here with me, I assume. So if the Administration would take the time to explain to me why, then, that you made the conclusions that you did, so that all of us can understand that what we're doing, if it is -- if we vote in favor of this item and pass it, we can rest comfortably, knowing that this is a legal analysis that you put forth, and it is consistent with all of Miami 21.

Mr. Garcia: Thank you for the opportunity to do so, sir. And this is hovering right around that area where planning, zoning and law intersect or overlap rather nicely, and so I'm certainly going to give you the Planning & Zoning perspective and possibly begin to encroach slightly into a legal realm, but I'll certainly defer to my colleague, Barnaby Min to correct if I take a misstep. So I'll begin by saying this: Zoning, by its very nature, is a fairly blunt instrument. It involves drawing lines, and any exercise in drawing lines tends to be, by its very nature, sometimes arbitrary or to some extent arbitrary. And we do our very best; we do our very best, and we conscientiously examine the areas affected before we draw a line. But sometimes, when a line is being drawn, it has ramifications or it entails certain situations that we do well to examine more closely. In the end, if it were as simple as having a Zoning Ordinance in place, or a Comprehensive Plan in place, and sticking to its letter flawlessly -- right? -- mercilessly -- you wouldn't need a Planning & Zoning Department; you wouldn't need a Planning & Zoning director; you wouldn't need the interpretive function that we are here to fulfill. So the way I see my task, the way our department sees its task is to do its very best job to apply and interpret all the regulations and all the policy statements contained in the Comprehensive Plan and the Zoning Ordinance to yield a positive and certainly legally defensive result. Thank you for bearing with me as I went through that preamble. To the point: Spot zoning, by definition, as a legal concept and also a Planning & Zoning concept, has to at least comply with two threshold characteristics. One of it is it has to be different from that zoning designation that surrounds it, so a parcel of land has to be zoned differently from the area that surrounds it, right. But also, that zoning, as applied, has to be not harmonious, not compatible; and further than that, arbitrary and capricious. This proposal certainly isn't that, and I'll explain to you why. To begin with, the proposal complies with every letter of the law set forth in Miami 21; we have found it to be so, and I don't think that has been challenged. Mr. Cruz, I believe, to some extent challenged the fact that a parcel of land across Biscayne Boulevard from another parcel of land may not have been abutting. He didn't quite say that, but I think he implied it, and I wanted to correct in case, whether intended or not, I wanted to make it perfectly clear that Miami 21 set forth that any two parcels of land across a public right-of-way, which Biscayne Boulevard clearly is, are, in fact, abutting; full stop, and the Code is clear on that. So do they have the ability to apply for a T4-O zoning? Yes, they do. They comply with all the applicable requirements, and so it's properly before you; we're very confident of that. The next step, then, is to say, what is the appropriate zoning for that parcel of land? What is your staff's recommendation as to what makes the most sense and what would yield the best result? The parcel of land to the west, the

one that is presently zoned -- and here, I'm going to correct Mr. Fernandez, because I believe he mistakenly put into the record that the present zoning was T3-O. I may have misheard him. It's actually T3-L, and you may have said "L" and I understood "O"; it's T3-L. He is correct, however, in saying that -- and I don't think that's being challenged, correct? The present zoning is T3-L.

Mr. Fernandez: Correct.

Mr. Garcia: And what I will say further is that T3-L does allow for two units; one, however, being subsidiary to the principal unit. So he's partly correct in saying that it allows for two units. He is incorrect in saying that it's T3-O if that is, in fact, what he said. It's T3-L. I wanted to say that first. Second, that parcel of land, the one that is presently zoned T3-L, abuts immediately to the east a parcel of land that is zoned T5-L. That is somewhat of a discrepancy, because there is a transect zone missing there, so it isn't sequential; it doesn't go from T3 to T4 to T5. It goes from T3 to T5. Immediately to the south, across Northeast 59th Street, it also abuts a T5-O zoned parcel of land. And admittedly, to the north and to the west, it abuts other T3-L zoned parcels. So it's right at a crossroads of transect zones which are somewhat -- or not ideally compatible in that there is a transect zone missing; it isn't successional, it isn't transitional in that regard. In our view, in our view -- and this is where those blunt tools that zoning comprise are sometimes imperfect, and this is where a developer that wants to do the right thing and a Planning & Zoning Department that is willing to roll up its sleeves, and work with developers and work with the community to fine tune their proposal, I think, begin to pay off in dividends; others may disagree, but that's what I posit to you. And so what we tried to do here is to say, given that there is no transition, given that we have a fairly challenged parcel of land, because it's on a major intersection, because it's fronting two discord zoning designations, we are going to try to insert a condition that is transitional in nature that allows for a proper frontage along Biscayne Boulevard to be of a commercial nature compatible with the frontage on Biscayne Boulevard, and I think that's being supported by the MiMo Neighborhood Association. And then on the west end of the parcel, which actually fronts a low-density residential area, they've proposed to introduce a residential component, which, again, is compatible with the residential frontage that lies to the west and to the north of it. Furthermore, having the zoning designation they presently have through a T4-O on the west side of the lot allows the property owners, allows the developer to have subterranean parking, which I think is a fantastic idea, not only for this parcel, but for many others that can do it simply because of the constraints of the size of the lot. It is that T4-O that allows them to have that subterranean parking, and we think that is a fantastic idea, and so that's worth considering. In addition to that, by providing that all access happen from the commercial side of the property, by providing for all the service functions to be provided from the commercial side of things, the low-density residential area to the west -- I'm sorry -- yes, to the west and to the north is safe from any other traffic intrusion that they might experience, and that is certainly not a condition that they have immediately to the south for the land that is already zoned commercial. Now, when you put all of that -- when you really get the full picture, when you put the full perspective onto the particular development proposal and also apply it to the particular zoning change application, it begins to make sense, and it begins to actually further the intent of protecting the neighborhood, right. So -- and here is where reasonable minds might differ, and I certainly take no issue with the stand that protecting a residential area means never touch that line. It's a tenable position; I'm not going to say it isn't. I'd like to take a slightly more refined view of that and say wherever there is an edge between two zoning districts, and whenever -- wherever that edge yields some incompatibility, it is always good to try to introduce some sort of a transition, some sort of a buffer, and I think this project does exactly that. Because of that, I think that it is fully compatible with the Comprehensive Plan policies and objectives that have been cited, and I also think that it steers far clear of any spot zoning allegation, because it is harmonious and it is certainly not arbitrary and capricious.

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Thank you. Yes, sir.

Vice Chair Hardemon: And what I'd like to do is if I can take just two more minutes of my Board Members' time, what I'd like to ask -- because, clearly, it's come down to spot zoning. The issue has been narrowed to "Is it spot zoning if you introduce a transitioning zoning that does not directly abut zoning?" Like, for instance, I'll be more specific. We're introducing a T4-O to a T5-L, directing abutting a T5-L and a T3-L, when across the avenue, there is T4-O. So from the perspective of the Planning Department, the Planning Department believes that because there is a T4-O that is abutting that is across the street, it does not fall under the definition of "spot zoning." So that's, to me, what the issue has been narrowed to. So I want to give -- Mr. Cruz, I'll give you one minute to tell me why that that analysis is wrong; and then I'll give you, Mr. Fernandez, an opportunity to tell us why it is correct.

Mr. Cruz: Thank you, Commissioner. Do you have the handout that I gave you?

Vice Chair Hardemon: Yes.

Mr. Cruz: Okay. Did you pull it to the yellow tab?

Vice Chair Hardemon: Yes.

Mr. Cruz: All right. As such, the proposed request would result in spot zoning, as there is no T4-O adjacent to the property; that's absolutely correct. This concept that you can jump across Biscayne Boulevard, you're opening a Pandora's Box, a huge -- you're going to have problems in every neighborhood around the City if you let that to happen. Furthermore, with what the City is proposing, leave T5 on the boulevard and only have one lot completely isolated of T4? That's by definition, spot zoning. You heard Mrs. Jacob -- Ms. Jacobsen, she laid the record. Where's my attorneys up there? I got two of them. This is a slam dunk in the court. Save the City Attorney's Office -- save Victoria and Barnaby a lot of time and effort. This is a -- they haven't made a single legal argument; they've only made economic ones and political ones. This is about the law. One thing I learned years ago about this arena, it's not about what you want; it's about what the law says.

Vice Chair Hardemon: Thank you very much, Mr. Cruz.

Mr. Cruz: Thank you.

Mr. Fernandez: Thank you. Commissioner, you just have to look to the north end of this block to find the exact, same transition, on the very same block, from T5 to T4-R. It's the T4 transect. Also, if you go immediately across the street, across 59th, you find T5-O. Under Miami 21, "abutting" is defined -- the defined term that includes land that is not only immediately physically touching a lot, but is also across the street. So in this instance, you have a lot that is abutting a more intense commercial lot. What's critical here, the change that's being made that is arguably more intense is the suffix of the transect; it's the "O"; moving from an "L" to an "O." Well, you have an "O" immediately across the street, further west; it goes further west than what we're proposing. So if that isn't compatible, I don't know, you know, what is. Of course, you have T4-O across Biscayne, as well. And as the Planning director indicated to you, it's not just that it's different, but it's also as to whether it's compatible or not with the area. Clearly, a transition -- the introduction of a transition here as exists at the northern end of the block is appropriate and compatible.

Vice Chair Hardemon: Thank you very much.

Chair Gort: Thank you.

Mr. Fernandez: And finally, Commissioner, with our covenant, it's all tempered, because we're controlling the impact through our covenant.

Vice Chair Hardemon: Thank you very much. And I would like to say, Mr. Chairman, the argument in the brief minute that Mr. Cruz did present, and now having a better understanding of his position, where you have under Parcel 1, the third sentence, it states, "As such, the proposed request would result in spot zoning, as there is no T4-O adjacent to the property," it goes into a "however," because there's some -- there's a proffered declaration of restrictive covenant. That statement just before it, I think, seems to me to be, in the face of what you're saying in Parcel 2 -- Parcel 2, you're transitioning from T3-L to T4-O, which is okay, as per your argument, but the transition from T5-L to T4-O is not okay. And these parcels are both, if you will, in the same breath, adjacent to the T4-O property. So how is it that on one parcel that's closer to the T4-O, that's not allowed to be transitioned to, but then the property that's further [sic] away from T4-O is?

Mr. Cruz: Thank you.

Mr. Garcia: Is that a question for me, sir?

Vice Chair Hardemon: Yes.

Chair Gort: Yes.

Mr. Garcia: I think it's a very valid question, and what I will tell you, Commissioner, on the record, is that that was an unfortunate turn of phrase by one of my colleagues in the department to characterize it as "spot zoning." I think that that was a term that was inappropriately used, and it might have been better suited by saying that it is better to keep the existing condition, which has a harmonious zoning designation than it is to change it, or to some extent, down-zone it, because there, a transition is really not called for. I think what they were striving for was -- is undesirable, and why they resorted to an inappropriate use of the term, "spot zoning," I do not know, but I'll certainly follow up on that.

Vice Chair Hardemon: No --

Mr. Garcia: To restate as clearly as I can, for the record, Commissioner, there is --

Vice Chair Hardemon: You don't have to restate it, but I will say this -- and I appreciate the indulgence that you all have given me today -- but clearly, from the statement that our Planning director has made that if there is -- if he was too fanciful with his words, I think that that needs to be corrected and brought back before us. There needs to be more clearly defined for me to consider this type of endeavor, even though we -- especially when we have the community at odds; especially when we have a clear logic that I think was shown by Mr. Cruz in this being spot zoning, if you will. But although I'm not sold that how he believes this to be spot zoning is truly spot zoning. But I will say that where we have the Planning Department saying that one is not spot zoning but the other is, that's the troubling part. And for you to admit, I think, that that was a mistake, if you will; was admirable; it's the right thing to do, as you should always be truthful with this Board and with the community. So with that being said, what I would like to do is continue this item to get some clarity from our Planning & Zoning Department as to what we -- what the position is regarding these issues. If it needs to be further clarified to include the wording that you expressed, I think it should be that way, because when you have a document that, clearly, if it is taken to task, one document says that it is spot zoning and then your words say that it is not, we put ourselves in some trouble here, so.

Barnaby Min (Deputy City Attorney): Mr. Chair, may I? As the City Attorney's Office obviously does not take a position on this, but to ensure that our clients are fully advised, I would suggest

that the analysis, the Planning analysis discusses adjacent properties, which is different from abutting properties, which is the defined term that both the applicant, as well as Mr. Garcia are referring to. Additionally, as far as the legal definition of what spot zoning is, the Third District Court of Appeals has stated that: "Spot zoning is a name given to the piecemeal rezoning of small parcels of land to a greater density leading to disharmony with the surrounding area. Spot zoning is usually thought of as giving preferential treatment to one parcel at the expense of the zoning scheme as a whole." So I believe that --

Vice Chair Hardemon: So now, when I hear your definition of it, it doesn't sound like spot zoning.

Mr. Fernandez: It's right there.

Vice Chair Hardemon: And so now, when I listen to the definition legally, what's provided, this does not sound like spot zoning, because it can still be harmonious to that neighborhood. But it doesn't escape the fact that we have an opinion saying that it is spot zoning.

Mr. Fernandez: Yes, Commissioner, and it isn't a greater density than what is around it. You have a greater density to the south.

Vice Chair Hardemon: You don't have to make any further argument.

Mr. Fernandez: Yes, sir.

Vice Chair Hardemon: But I think that's what we should do, so I move to continue this to have that clarification being made by our Planning & Zoning.

Mr. Garcia: Thank you, sir. I absolutely concur, and rest assured, we will address that and we'll author a white paper on the issue and address it to you and to anyone concerned. Would you entertain a date certain?

Vice Chair Hardemon: Well, first of all, it'll be for 4 and 5. If you can -- can you give me a reason why you want a date certain?

Mr. Garcia: No, sir.

Vice Chair Hardemon: No? No.

Mr. Powers: How about a time certain? Because we had people already leave.

Vice Chair Hardemon: No. And I could -- and I understand, I respect that. Of this issue, to me, making it a time certain as of now is not necessarily something that I want to do, because it's not a matter of opinion. It's not a matter of whether or not the community wants it or not. You've expressed yourself well enough. What it is, to me, is a legal position, and I don't think that a legal position needs to be time certain. If you were paying for the attorney, then I can understand how you would want some time certain, but you are not, so I think that argument, to me, falls on deaf ears. But I would like to continue items 4 and 5.

Chair Gort: There's a motion and a second. Further discussion? Being none, all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Mr. Hannon: And Chair, just for the record, those items will be continued to the April 23 Planning & Zoning Commission meeting.

Chair Gort: Thank you. Close it. That's 4 and 5.

Mr. Hannon: Yes, sir.

PZ.5
14-00727zc

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM T5-L "URBAN CENTER TRANSECT ZONE LIMITED" TO T4-O "GENERAL URBAN TRANSECT ZONE OPEN" FOR THE PROPERTY LOCATED AT APPROXIMATELY 5900 BISCAYNE BOULEVARD, MIAMI, FLORIDA, AND BY CHANGING THE ZONING CLASSIFICATION FROM T3-L "SUB-URBAN TRANSECT ZONE LIMITED" TO T4-O "GENERAL URBAN TRANSECT ZONE OPEN" FOR THE PROPERTY LOCATED AT APPROXIMATELY 5907 NORTHEAST 5TH AVENUE, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

14-00727zc FR Fact Sheet.pdf
14-00727zc Analysis, Maps & PZAB Reso.pdf
14-00727zc Application & Supporting Documents.pdf
14-00727zc Legislation (v2).pdf
14-00727zc Exhibit.pdf

LOCATION: Approximately 5900 Biscayne Boulevard and 5907 NE 5th Avenue
[Commissioner Keon Hardemon - District 5]

APPLICANT(S): Jacques and Denise Miodownik, Joint Tenants with Right of Survivorship, on behalf of DJ 2014, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial for the zoning classification change from "T5-L" to "T4-O" for the property located at approximately 5900 Biscayne Boulevard. Recommended approval with conditions for the zoning classification change from "T3-L" to "T4-O" for the property located at approximately 5907 Northeast 5th Avenue, Miami, Florida. See companion File ID 14-00727lu.

PLANNING, ZONING AND APPEALS BOARD: Recommended denial to City Commission on November 19, 2014 by a 7-1 vote. See companion File ID 14-00727lu.

PURPOSE: This will change the zoning classification from "T5-L" to "T4-O" for the property located at approximately 5900 Biscayne Boulevard, Miami, Florida and from "T3-L" to "T4-O" for the property located at approximately 5907 Northeast 5th Avenue, Miami, Florida. Item includes a covenant.

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

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

Note for the Record: Item PZ.5 was continued to the April 23, 2015 Planning and Zoning City Commission Meeting.

PZ.6**RESOLUTION****15-00001ww**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), MAKING FINDINGS AND APPROVING WITH CONDITIONS A REDUCTION OF THE WATERFRONT SETBACK REQUIREMENTS PURSUANT TO SECTION 3(A)(MM)(II) OF THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, REQUESTING A WAIVER PURSUANT TO ARTICLE 7, SECTION 7.1.2.5(28) OF THE MIAMI 21 ZONING CODE, REQUESTING AN ADDITIONAL TEN PERCENT (10%) FOR BUILDING LENGTH FOR PART OF THE PROJECT, AND REQUESTING A WAIVER PURSUANT TO ARTICLE 4, TABLE 4, TO ALLOW A PARKING REDUCTION OF UP TO THIRTY PERCENT (30%) FOR THE ONE BRICKELL PROJECT TO BE LOCATED AT APPROXIMATELY 444 BRICKELL AVENUE AND 77 SOUTHEAST 5 STREET, MIAMI, FLORIDA.

15-00001ww Fact Sheet.pdf

15-00001ww Analysis and Recommendation.pdf

15-00001ww Application and Supporting Documents.pdf

15-00001ww Legislation (v3).pdf

15-00001ww Exhibit.pdf

LOCATION: 444 Brickell Avenue and 77 Southeast 5 Street, Miami, Florida
[Commissioner Marc D. Sarnoff - District 2]

APPLICANT(S): Iris V. Escarra, Esquire, on behalf of 444 Brickell Partners LLC TRS 444 Brickell Land Trust

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval, subject to conditions.

PURPOSE: This will allow the construction of a new waterfront building along the Miami River for the One Brickell project.

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

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

Note for the Record: Item PZ.6 was deferred to the April 9, 2015 Regular City Commission Meeting.

Iris Escarra: I'm also here to request a deferral on item PZ.6.

Chair Gort: PZ.6.

Ms. Escarra: PZ.6 is a special appearance application. I'm here on be -- with some neighbors that are also -- we're working through some of the concerns that they have with them. We would like to request a deferral to the April 9 agenda.

Commissioner Sarnoff: So moved.

Commissioner Carollo: Second.

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

The Commission (Collectively): Aye.

Ms. Escarra: Thank you.

Chair Gort: Thank you. Let me remind you, I know we have time certain for the Tri-Rail, but unfortunately, we want to wait until we have the full Commission before we can start discussing that. That's why I'm going ahead with the Planning & Zoning.

(PZ.7)

14-01075zt1

**District 2-
Commissioner Marc
David Sarnoff**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, RESCINDING, DUE TO THE REASONS STATED HEREIN, THE VOTE PASSING ON FIRST READING AN AMENDMENT TO ORDINANCE NO. 13114 (MIAMI21 CODE) ON JANUARY 22, 2015, WHICH AMENDED ARTICLE 7, SECTION 7.2, ENTITLED "PROCEDURES AND NONCONFORMITIES", TO MODIFY PARKING REQUIREMENTS FOR ADAPTIVE USES.

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

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

R-15-0157

Chair Gort: Go ahead, sir.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. As I am looking at the agenda, I am noticing that items PZ.1 and 2 and items PZ.4 and 5 are all items that pertain to District 5, and I notice that at present, Commissioner Hardemon is not at the dais, so perhaps we can move on to item PZ.7?

Chair Gort: Go ahead.

Mr. Garcia: With the Chair's permission?

Chair Gort: Go ahead.

Mr. Garcia: Thank you, sir. Item PZ.7 is an amendment to Miami 21, the Zoning Ordinance. And this item, I would like to remind you, is one that I think, based on the last comments made at the last hearing of the City Commission, it is wished by this Commission that it heard today on first reading again. It had been heard on first reading, but at the time, the issue came up that it may need to be reheard for first reading, and we're certainly in support of that.

Commissioner Sarnoff: Mr. Chair.

Chair Gort: Okay. Yes, sir.

Commissioner Sarnoff: Can I be recognized?

Chair Gort: Yes, you're recognized.

Commissioner Sarnoff: So, I'd like to move to rescind our vote on the first reading on PZ.15 on today's agenda as PZ.7, which was taken up by this Commission on January 22, 2015 and resulted in the adoption of the first reading of this proposed Miami 21 Code amendment, which concerns the parking requirements for adaptive reuse of property. The reason I'm asking for this rescission, which I do not present lightly under Mason's Manual of Legislative Procedure -- you know this is written for me, because I don't sound like this -- is that we could have potentially departed from the essential requirements of law by adopting this ordinance amendment on first reading on a day other than today. When this item was first heard before the City Commission on December 14 -- 11, 2014, it was deferred to a date certain of March 26, 2015. Various reasons and interested stakeholders had expressed their interest to address the Commission on this item for first reading on this date. Through inadvertent error or mistake, it was nonetheless heard as PZ.15 on January 22, 2015 and passed on that date as the first hearing. Those who had been here were told by the City Commission on March 26, theoretically, were never given an opportunity to be heard. Florida Statute 286.0114, Subsection 2, adopted in 2013, now provides the public has a right to be heard on any proposition before a board or Commission before official action or final action is taken by law. Members of the public have the right to speak at the public portion of the hearing. This was not done relative to this item. Due to the foregoing reasons, I move that we rescind the adoption of PZ.15 on January 22, 2015 so that we can -- so that PZ.7 can be heard today as a first reading item.

Commissioner Suarez: Move the -- second the rescission.

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

The Commission (Collectively): Aye.

PZ.7

ORDINANCE

First Reading

14-01075zt

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO.13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 7, SECTION 7.2, ENTITLED "PROCEDURES AND NONCONFORMITIES," TO MODIFY PARKING REQUIREMENTS FOR ADAPTIVE USES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

14-01075zt SR Fact Sheet.pdf

14-01075zt PZAB Reso.pdf

14-01075zt Legislation (v3).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

November 5, 2014, by a vote of 7-0.

PURPOSE: This will allow non-conforming Buildings with less than the required on-site parking, or no parking, to continue to exist with vested rights while emphasizing the intent of the Miami 21 Code to promote rehabilitation, restoration and adaptive uses on existing Buildings.

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

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

Absent: 1 - Commissioner(s) Carollo

Chair Gort: Next.

Commissioner Sarnoff: PZ.7.

Chair Gort: It's all yours.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Then on first reading, I'm going to -- my apologies -- as quickly as I can, present to you what the intent of this amendment is, and since I know that there are some members of the public that have expressed concerns and want to express their opinions, I'm going to say that to the extent that we've heard them, we agree with them; those will be captioned in revisions that will be presented to you for second reading, but we hope that we are closer to the mark at this point in time. So this item is brought to you and it stems from a caption in Miami 21, which, as passed originally, provided for a mechanism to foster or incentivize adaptive reuses of existing structures. The way the Code was phrased at the time, it spoke about existing parking facilities, and wherever those existing parking facilities were present, a new use would be allowed, and that use would not have to provide parking any different from that which existed. The rub here is that it made reference to parking facilities, and that was determined to mean that if there was one parking space, one could reasonably construe that there was a parking facility in place, but if there were zero parking spaces in place, then there were no parking facilities, and therefore, that structure, that site would not be entitled to claim adaptive reuse exemption for parking. That, of course, created a disparity, which we seek to address through this amendment, and the disparity is that properties with one parking space were treated very differently from properties with no parking spaces. Right? So that is the inequity that existed in the original phrasing of Miami 21, which we are attempting to resolve. As we propose the amendment that you have in your draft today, it was brought to our attention that there were some instances where existing residential structures with perhaps inadequate parking facilities could be converted to restaurants maybe as a worst-case scenario, worst-case in the sense that it's a very parking intensive use; and attentive to those concerns, we then proposed to this Commission -- and I think it was well received -- that we eliminate or exempt or remove residential structures, single-family or duplex residential structures from the ability to go through the adaptive reuse process and be exempted from parking in a change to office or commercial. In the end, if that is accepted by this Commission, the result would be that only properties or structures which would go from a use with the same parking ratio or more permissive parking ratios would be entitled to that adaptive reuse. That, we think, is the best way to go. We would also recommend that we stay away from buffers because buffers, no matter how small or large they are, have unintended consequences often, and we know this to be true. And in the end, I'll close by saying -- and then I'll certainly answer any questions -- I'll close by saying that we think it is an important intent to allow for existing buildings to be recycled instead of incentivizing a culture where developers have every reason to tear down a building and build anew. Wherever possible, I think recycling existing buildings is the appropriate thing to do, and that is why we think this is the appropriate way to do it. I'll answer any questions you may have.

Chair Gort: Okay, thank you. It's a public hearing. Do you have a list of public speakers?

Todd B. Hannon (City Clerk): Yes, sir. The first three speakers: Elvis Cruz, Naomi Burt, and Bennett Pumo.

Elvis Cruz: Elvis Cruz, 631 Northeast 57th Street. First of all, thank you, Commissioner Sarnoff, for clearing up that due process issue. Thank you much. I want to thank Mr. Garcia. I met with him regarding this issue. Just to refresh the Commissioners, there is a structure in the Morningside area which was originally built as a single-family home. It's being attempted to convert that to a 40-seat restaurant with only three parking spaces. When I met with Mr. Garcia and again on the record at the January 22 Commission meeting, he mentioned what he has mentioned today, which is that he wishes to exempt a building that was originally built as a residential structure, and I think that's a great idea. That did not make it into the language of the legislation that I see here. Is that correct? You're nodding your head.

Mr. Garcia: That is correct. And if I may briefly interject -- I'm sorry -- intercede to say that it is not here precisely because we expected to have this conversation and, ultimately, I'm waiting for the Commission to provide us direction so that we can finalize the draft, which will certainly be completely revised by second reading.

Mr. Cruz: Okay. All right, well, had I known that, you could have saved me a trip to the microphone, but thank you very much for mentioning that on the record.

Chair Gort: You did good job coming to the microphone.

Mr. Cruz: Thank you, Commissioner.

Chair Gort: Thank you. Anyone else?

Bennett Pumo: Bennett Pumo, 7327 Northwest Miami Court, Miami. We have a number of warehouses. I'm glad to hear we're on the move. Thank you for going back to first reading so we can get this thing squared away. As far as the original intent of the property being used, that's perfect because if you go with the original intent at the time of the CO (Certificate of Occupancy) when the property was constructed and go back to the CO -- like our properties, it says warehouse, shop, commercial facilities -- that place will definitely have a residential mode to it. We need to make the change because in our properties alone, just a few properties that we have that are affected, over 119 businesses that we rent to have been changed to T5. If you put the buffers in, over 89 of those fall within even just a 150 foot buffer, so buffers won't work on that. It would still deny 119 businesses to do. So we will work with Mr. Garcia like we have in the past, and I'm sure we're on track, and this definitely needed to take care of -- be taken care of. Just as a real quick example. If I was to have to comply -- or our properties would have to comply, there's 159,000 square feet of warehouses that are now T5, so we originally would have had -- we originally built to 159 spaces. If we would have had to comply, we would have to provide 477 spaces of land. Now, if you got the land -- I know I have to go -- even at 20 bucks a foot, it would cost us \$20 million to purchase the additional land just to provide parking. Thank you.

Chair Gort: Thank you, sir. Next.

Mr. Hannon: The remaining speakers signed up for item PZ.7: Peter Ehrlich, Alfred Sasiadek, and Naomi Burt.

Peter Ehrlich: Good afternoon. I support Bennett Pumo in his comments and I -- Commissioners, Mr. Chair.

Chair Gort: And you are?

Mr. Ehrlich: My name is Peter Ehrlich, 720 Northeast 69th Street.

Chair Gort: Thank you.

Mr. Ehrlich: Thanks for reminding me. I know Francisco Garcia and others have worked hard on this. It's a concept that people have been trying to find a solution for five or six or seven years, because there are a lot of very old buildings in Miami and we're doing -- trying to do adaptive reuse. I own and manage some buildings that are 67 years old and they have wonderful tenants and they're doing very well. And trying to find a solution to the zero lot line in the older properties that were built with no parking, it's an important problem, and we hope that Francisco is coming up with a great solution, so we look forward to progress. Thank you very much.

Chair Gort: Thank you. Next? That's it? Anyone else? Seeing none, hearing none, close the public hearings. Motion? Comments?

Commissioner Sarnoff: So move.

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

Commissioner Suarez: Second.

Chair Gort: Second by Commissioner Suarez. It's an ordinance.

Victoria Méndez (City Attorney): An ordinance on first reading.

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

Mr. Hannon: Roll call on item PZ.7. Commissioner Suarez?

Commissioner Suarez: Yes.

Mr. Hannon: Commissioner Sarnoff?

Chair Gort: Wait a minute. Wait a minute.

Mr. Garcia: If I may interrupt? I apologize. As amended. Or I take it to -- I take it that the City Commission recommends that we perform the revisions mentioned earlier on, so as amended, please.

Chair Gort: Sure, as amended.

Mr. Hannon: Yes, sir. Vice Chair Hardemon, would you like to be included on this roll call vote?

Vice Chair Hardemon: One moment. Just clarify to me what the amendment was to (UNINTELLIGIBLE) item, right? Can you clarify what was the amendment to the item?

Mr. Hannon: I'll defer to Mr. Planning Director.

Mr. Garcia: Yes, sir, I'm happy to try to caption what we've discussed as pertains to item PZ.7.

Vice Chair Hardemon: (UNINTELLIGIBLE) was discussed?

Mr. Garcia: PZ.7, sir.

Chair Gort: Go ahead.

Mr. Garcia: Oh, (UNINTELLIGIBLE) -- I'm sorry; I couldn't hear you well. My Apologies. And so I'll say it briefly. I think there is widespread support for a solution to the adaptive reuse issue which allows for commercial buildings, office buildings, industrial buildings to be adaptively reused for one -- another use. However, there is, I think, a strong interest in exempting residential buildings from the same privilege. They, if transformed to one of the other uses as allowed in the district, would have to provide additional parking facilities as appropriate. That is an amendment to -- or a revision to the present draft that we are happy to make, and I take that to be the instruction of this Commission.

Mr. Hannon: Vice Chair Hardemon, that's a for? Commissioner Carollo, would you like to be included in the roll call vote for item PZ.7?

Commissioner Carollo: No.

Mr. Hannon: Chair Gort?

Chair Gort: Yes.

Mr. Hannon: The ordinance passes on first reading, 4-0.

Chair Gort: Thank you.

Mr. Garcia: Thank you.

PZ.8**ORDINANCE****Second Reading****14-01215zt**

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 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

Chair Gort: PZ.6.

Todd B. Hannon (City Clerk): Sir, the only PZ (Planning & Zoning) item we have left is PZ.8.

Chair Gort: PZ.8.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Item PZ.8 is an amendment to Miami 21, the Zoning Ordinance. This actually amends the regulations pertaining to T6-zoned land in the City of Miami, and it provides for a -- the ability for there to be encroachments into the setback or step-back of any building and its tower to allow for shading devices and for balconies throughout the City. We believe that is a reasonable proposal, it has been well received by stakeholders and the Planning, Zoning & Appeals Board recommended approval by a vote of 7 to 0. I'm happy to answer any questions you may have.

Chair Gort: Thank you. 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? It's a public hearing. Is anyone in the public would like to address this issue? Seeing none, hearing none, the public hearing is closed.

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

Mr. Hannon: Roll call on item PZ.8.

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

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

Chair Gort: Thank you. Do I have a motion to adjourn?

Commissioner Sarnoff: So move.

Chair Gort: Thank you all for being here.

END OF PLANNING AND ZONING ITEMS

MAYOR AND COMMISSIONERS' ITEMS

CITYWIDE

HONORABLE MAYOR TOMAS REGALADO

END OF CITYWIDE ITEMS

DISTRICT 1**CHAIR WIFREDO (WILLY) GORT****D1.1****DISCUSSION ITEM****15-00369**

DISCUSSION REGARDING THE NEW GREENVIEW ALF II.

15-00369 E-Mail - Discussion Item.pdf

DISCUSSED**(D1.1)****RESOLUTION****15-00369a*****District 1 -
Commissioner
Wifredo (Willy) Gort***

A RESOLUTION OF THE MIAMI CITY COMMISSION URGING GOVERNOR RICK SCOTT AND THE MEMBERS OF THE FLORIDA LEGISLATURE TO ADOPT LEGISLATION PREVENTING INDIVIDUALS DIVERTED FROM THE CRIMINAL JUSTICE SYSTEM FROM ENTERING ASSISTED LIVING FACILITIES OR COMMUNITY RESIDENTIAL HOMES LOCATED IN PREDOMINANTLY LOW-DENSITY SINGLE-FAMILY AND DUPLEX NEIGHBORHOODS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS STATED HEREIN.

Motion by Commissioner Suarez, 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-15-0155

Chair Gort: Let me tell you what my item is. We have all those AL (Adult Living) facility taking place in our City, especially in the low-income neighborhoods where we need to improve the quality of life. Now, my understanding is, according to the State regulation, we don't have any supervision at all. And my understanding is those people have a house. They applied for a certificate of use -- not a certificate of use. They go the State; the State gives them a license. And my understanding is the State pays it. I don't know what amount, but I think it's a very good amount for each person they have living in that facility. They're supposed to -- according to some information that I received, some supervision; they're supposed to be there supervising constantly, making sure they comply with all the State regulation and so on, but I have found -- and I think you guys read the article that came out in the paper, it says, "Death home for mental ill (UNINTELLIGIBLE) scrutiny," because somebody was killed there, and this person was living in back of the house in sort of like a cage. So I'd like to send a resolution to the -- I think the -- City Attorney do a resolution that I would like to send to the -- to pass it today. You want to read it? It's a resolution of the Miami City Commission, urging the Florida Legislature to pass legislation preventing individuals diverted from criminal justice system for entry assistant living facility or community residential home located in predominantly low-density single-family and duplex neighborhood.

Commissioner Suarez: Move it for discussion.

Commissioner Carollo: Second.

Chair Gort: Been moved and second. Discussion.

Commissioner Suarez: *Mr. Chair, we actually fashioned a deal with Pioneer House in my district, which is on 16th Street and 22nd Avenue, and I have to commend the City Attorney, because what the City Attorney has done -- and I have been a big (UNINTELLIGIBLE). I know Commissioner Carollo --*

Commissioner Carollo: *(UNINTELLIGIBLE).*

Commissioner Suarez: *-- through his legislation has been a big proponent of this. It's trying to use all of the tools that we have at our disposal at the local level to put as much pressure as possible on the people who are not following the rules. And so, we can control what we can control. But what happened there is because we got -- and I feel the upper hand in terms of our aggressive posture, they came to us and said, "We want to settle." And when they decided they wanted to settle, that's when we had the bargaining position to say, "Okay, we don't want you taking clients from this source. You need to be closed in such and such a time." I think it was three years. And there was a third component, which was they had to phase out the people that they had that they could no longer take; they had to phase them out within one year. So there was three components to that negotiation, and I think that was a great negotiation for certainly my district, but a template for the City. And I completely agree with you; I think -- I've been asking every year that we put on the legislative agenda the whole issue of ALFs, and it's been a very frustrating experience, because it doesn't seem like it goes very far. But I support you a hundred percent. I hope we can go up there to Tallahassee and make it happen.*

Chair Gort: *Let me tell you what happens. You were able to work out a deal because this is an organization that makes -- it's a large corporation. They realize, "Look, let me settle because I want to continue in business." But the problem that you have when you have a property homeowner who feels like he's getting moved out of the neighborhood, "What's the best income that I can get in my home?" They go to the State; they apply for such a license, but we don't have any control of all. If it's six person or less than six person, there's nothing we can do. If they go into seven -- and the requirement is they're not being supervised.*

Commissioner Carollo: *Mr. Chairman.*

Chair Gort: *Yes, sir.*

Commissioner Carollo: *Under an ordinance that I sponsored and was passed unanimously by the Commission and I think now the -- at the time, it was the former property appraiser, but he's now the Lieutenant Governor came here supporting -- we put language in there where on a yearly basis, we, the City, could actually go out there, inspect, and make sure that the accurate amount of tenants are there, that the fire safety -- that there is no fire safety issue, and things of that order. I'm asking my staff to bring me the ordinance so we can go into details, but I think there's a lot now that -- you know, we have some more teeth with regards to what we can do with ALFs.*

Chair Gort: *I'm working --*

Victoria Méndez (City Attorney): *Because --*

Chair Gort: *-- very close with the Administration, especially the City Attorney. She's been getting after them. She been going. But my understanding, might be a little different when it's six or less, and that's what I've been told. Yes.*

Ms. Méndez: *There's a couple things. Because of the concerted effort of the Commission, we've done certain things to put us in a better situation, along with the Administration, the ordinances that have been passed. We have a better control of -- with the Zoning Department and the*

Planning Department -- the ALFs that are in the City. Because of the yearly checks --

Commissioner Carollo: Exactly.

Ms. Méndez: -- that's how we're bringing everything into control to figure out who's got what and where everyone is. In this particular -- and so we're getting better, is what I'm trying to advise. The other thing is that in this particular situation, we've already filed a lawsuit. We filed it yesterday. And we will hopefully be in the same situation that we were in Commissioner Suarez' district to be able to bring this type of use to a halt, because it is our position that, obviously, ALFs are allowed, but de facto half-way houses are not in residential areas, and that is pursuant to our Zoning Ordinance, and that is one of the counts that we will be dealing with, along with just how many people are in the facility, that it's a nuisance. This particular facility, I believe, had about 60 to 90 calls for service, and not necessarily just by a rescue-type things; there were police calls. So when someone is not -- as a corporation, is not a good neighbor and is causing a nuisance to those around them -- and unfortunately, the Commissioners are the first ones to know, because the constituents are calling the Commissioners, and then they trickle the information to us in order for us to start some sort of enforcement to make sure that they are good neighbors. So that is what we're doing in this particular case, and we're filing a lawsuit --we filed a lawsuit, and we hope to get a good resolution with regard to it.

Chair Gort: Yes, Mr. Manager.

Daniel J. Alfonso (City Manager): Yes. Mr. Chairman, I would like our Code inspector -- Code Compliance director to also make a few remarks for the record, because we are tackling from that perspective as well.

Eli Gutierrez: Mr. Chair, good morning. Commissioners, good morning. For the record, Eli Gutierrez, Code Compliance director, City of Miami. We've in -- we first got a call February 20 on this particular matter. Code Compliance responded; saw several violations. We've been out on three occasions, the latest one as of yesterday. I'll give you -- we finally were able to track down the actual owner of this particular property. We walked the entire building. We found some illegal units, which were cited, subsequently being brought to the Code Enforcement Board on May 13, 2015. The -- one of the things that we got from the actual owner of this particular building is that he wants to comply with whatever the City requires as far as Code compliance issues. The State and all that is beyond my reach, but as far as Code, we are tackling it as much as we can.

Chair Gort: No, we understand that. But your hands are tied in many other things. I mean, there's no supervision in there. My understanding from the information that I received, this will have a -- someone in supervision there; they should have some medical facility or someone providing medical facility to them. That's not taking place. In some of those home, they making 5 or \$6,000 a month and they're not complying with the State, and there's nothing we can do because the State said we can't get involved in that. That's your problem.

Mr. Gutierrez: Yeah, from the City side, Commissioner --

Chair Gort: (UNINTELLIGIBLE) -- our police are doing the same thing, and the City Attorney is working very hard and you guys are working very hard, but that's why we need to go to State and change some of the rules.

Ms. Méndez: And as I advised you, we will -- if we're not able to get enforcement within the State suit, I advised you other things, which I'd rather not say on the record, which will be the step number two in order to achieve compliance.

Chair Gort: Thank you.

Commissioner Carollo: And Mr. Chairman.

Chair Gort: Yes, sir.

Commissioner Carollo: There is stuff in our books already that -- like I said, an ordinance that we passed. Specifically, we're doing yearly renewals to go out there and inspect, and we have various inspections that I could tell you about. One of them from the Planning & Zoning Department and the Building Department will send City inspectors to the location to verify the use of the property is in compliance with the original application. Such inspections would include a review as to the amount of residents, uses, and continued compliance with the Building and Zoning codes, and this is just one. There's -- you know, it has a quite lengthy list of items to verify and inspect. So anyways --

Chair Gort: Commissioner, I understand that. And like it was stated before with the Code Compliance director, they've been in there for the last year and a half; they have seen all kinds of violation taking place. The guy says, "Oh, we'll take care of it." They'll -- might fix it, and then they will do -- go back at it again. But we don't have control on the type of people that is in there. The supervision that the person receives in there, we don't have control of that. That's controlled by the State, and that's where the problem is. I don't know if you read this article in the Miami Herald where it talked about the gentleman that got killed; was a gentleman they have (UNINTELLIGIBLE) -- they were living in sort of like a cage facility behind the house. And that's -- we need to continue to work --

Commissioner Carollo: And --

Chair Gort: -- on the legislation.

Commissioner Carollo: -- Mr. Chairman, what I'm saying is that that's where our City inspector should go out there, and if they see any of that, then they should request that the application be withdrawn from the State; and that was the purpose of doing a yearly check from all these ALFs, to make sure that the safety of all the residents in the ALFs and in surrounding areas would take place, and that's was the purpose of going on a yearly basis. If they see any -- you know, a cage in the back, or something that they're not supposed to, they should contact the State and request that the application be relinquished.

Chair Gort: We've been doing that. This time I send it to the Governor; I send it to the -- Diaz de la Portilla, the Senator, and everyone to know, and I even send a letter to the Miami Herald thanking for the article that they wrote.

Commissioner Carollo: Thank you.

Chair Gort: I need a -- all in favor, state it by saying "aye."

The Commission (Collectively): Aye.

Chair Gort: Thank you.

END OF DISTRICT 1

DISTRICT 2

COMMISSIONER MARC DAVID SARNOFF

END OF DISTRICT 2

DISTRICT 3**COMMISSIONER FRANK CAROLLO****END OF DISTRICT 3****DISTRICT 4****COMMISSIONER FRANCIS SUAREZ****D4.1****DISCUSSION ITEM****15-00300**

DISCUSSION REGARDING ACQUIRING PORTION OF LUDLAM TRAIL
WITHIN CITY OF MIAMI BOUNDARIES.

15-00300 E-Mail - Discussion Item.pdf

DISCUSSED

Commissioner Suarez: Mr. Chair.

Chair Gort: Yes, sir.

Commissioner Suarez: I have two discussion items. I'll try to be brief on both of them.

Chair Gort: That's all right; you got 30 minutes.

Commissioner Suarez: And I definitely will not take 30 minutes. The first Ludlam Trail. You know, there have been many occasions where we, as a Commission, have worked collegially and shared our resources, our collective resources to make it available for us to do great things in each other's district. We wouldn't have been able to do those things -- many of those things without cooperation between and amongst ourselves and without -- you know, without us being donors in some cases to each other's district. I just want to -- I'm going to actually bring this discussion up again in about a month, but I just want to introduce the idea today, which is that we have a very unique opportunity. There's been an effort -- just like the underlying effort underneath US 1 to beautify the underlying and make it a contiguous park; there is an ongoing effort to make Ludlam Trail contiguous all the way from just outside of the City of Miami through to Dadeland and the Dadeland area from north to south, and there's a portion of that trail that is in the City of Miami from Flagler to 8th Street, right outside of Robert King High Park. And my idea -- and it's going to require a lot of cooperation and a lot of effort by all of us -- is to acquire that parcel and dedicate it as parkland. It would be a -- something between a 7- and 9-acre acquisition, which would be the largest single acquisition in terms of contiguous land that we've had in a very, very long time, and a great opportunity for our City. I'm going to bring more detail obviously forward. There's a lot of -- you know, a lot more to discuss, and a lot more detail going forward. I just wanted to introduce the idea today and put it on the agenda for the 23rd of April again, please.

Chair Gort: And that property is owned by?

Commissioner Suarez: That property is owned by FEC (Florida East Coast).

Chair Gort: Okay, thank you.

Commissioner Suarez: Yeah.

Commissioner Carollo: By FEC?

Commissioner Suarez: Correct. I believe so.

D4.2**DISCUSSION ITEM****14-01117**

DISCUSSION REGARDING THE FLORIDA FOURTH DISTRICT COURT OF APPEAL'S OCTOBER 15TH DECISION IN THE MATTER OF CITY OF HOLLYWOOD V. AREM RE: REDLIGHT CAMERAS.

14-01117 E-Mail - Discussion Item.pdf

14-01117 Back-Up Documents.pdf

CONTINUED

Note for the Record: Item D4.2 was continued to the April 23, 2015 Planning and Zoning City Commission Meeting.

Commissioner Suarez: So the second issue is a discussion on red-light cameras, and because the City Attorney has asked me that we're in ongoing litigation and that there are some pending, you know, hearings in the next few days, I also want to defer that to the April 23 agenda, so thank you.

Chair Gort: Okay.

END OF DISTRICT 4**DISTRICT 5****VICE CHAIR KEON HARDEMON****D5.1****DISCUSSION ITEM****15-00322**

DISCUSSION REGARDING THE CIVILIAN INVESTIGATIVE PANEL.

15-00322 E-Mail - Discussion Item.pdf

15-00322-Submittal-Vice Chair Hardemon-Memo Civilian Investigative Panel Independent Course

DISCUSSED

Chair Gort: Any further discussion? Yes, sir.

Vice Chair Hardemon: Members of the City Commission, I'm bringing up an issue that we have been tackling with our Civilian Investigation -- I'm sorry -- Civilian Investigative Panel. We know that before us previously, there was an attempt to settle an issue between their attorney, who they -- who serves as independent council, and the organization. They were supposed to part ways. We know that we did a lot of work, and we had a committee that went about and determined that he had committed no mis, mal, or nonfeasance of his job duties. From what I understand, there's still a desire for that contract still to be terminated amicably, and so that is the issue that's been brought to me by CIP (Civilian Investigative Panel). And part of our discussion at that very early stage was we didn't see how we could do that when the CIP made the agreement to pay for him at a cost of about \$133,000 a year salary; maybe total hard costs of about 140,000 as provided by this memo that was provided to us by the Chairman of the CIP. Neither of us here -- all of us, we all disagreed with the notion that we would give someone a sum

of money and then still have to pay to retrieve or hire someone else, and it would cost us additionally in our budgets. So what they've constructed is an agreement that they call -- or could be termed "cost neutral." And so, basically, over a two-year period, they will be able to have Mr. Mays, the independent counsel, resign; and then also hire someone or a firm to continue his duties for this year and next year, not costing the City an additional amount in their budget. Now, if you read the memorandum that they provided, I'm not necessarily as moved by the memorandum as maybe some other people are, but part of-- the premise with this is that they would have counsel that would not necessarily be in the office five days a week, eight hours a day, but someone who would be available to the office five days a week, eight hours a day, basically as an as-needed basis for whatever work they need. I know that the City has always been in a position where we want to empower the CIP and not restrain them or constrain them. We don't want to do anything that negatively affects them. This is the direction that CIP believes is in the best interest of the organization, and they've come to a consensus that this is the way they would like to move. I understand that for them to move forward with this type of play, they don't necessarily need the Commission's permission. However, I also realize that the second payment that they would need to make under this type of agreement will come in the new budget, so the 2015-2016 budget. And it's clear that we can't make a decision about that budget until that budget is presented to us. So I think they found themselves in somewhat of a pickle, but it is a situation that they would have to work themselves out of, and I think that they're confident that they will work themselves out of. I think Madam City Attorney has opined that this is their decision to make, but I believe the CIP just wants some direction from the Commission, and I believe that it will be responsible for us, while we can, to give them at least some direction that we acquiesce to this type of agreement.

Commissioner Suarez: Mr. Chair, if I may?

Chair Gort: Yes.

Commissioner Suarez: Thank you. I remember when we voted on their budget. I recall there being discussions about the fact that we were budgeting for this possibility. And I'm going to be honest with you: I don't think we have to do this. This is my personal opinion, legally speaking. I think, you know, he's employee at will, and I think that -- according to the contract, and I think that, in the future, certainly, we should not do this as a practice. However, I think today is going to be a very special day later on today because we're going to have to show a spirit of compromise and a spirit of togetherness, okay? And I said at the sunshine meeting, it's something that we got to check our egos at the door, you know. And on this issue, even if it's not maybe what I would want to see happen, per se, I'm going to yield, you know, to you and to the Commissioners, because, you know, I do remember when we voted on the budget that there was this kind of agreement, understanding that this is what was going to happen, and I was okay with it, you know. I was not necessarily what I wanted, but you don't always get what you want, you know what I mean? And sometimes what's more important than getting what you want is maintaining the collegiality that we have together and the spirit of cooperation that we have together, and I think to me, you know, we're never going to agree on every single minute issue, and we're talking about and dealing with multimillion dollar decisions every single day. But what is important is that at the end of the day, we stick together, you know, and that we don't make this about any one individual; that we make this about what is the best interest of this Board and the people that we serve. And I think -- I'm good with whatever decision you promote and the rest of this Board promotes.

Chair Gort: Yes, sir.

Commissioner Carollo: Mr. Chairman, thank you. Your thoughts are well taken. The only thing I'm going to ask is that we don't take a vote today; it's a discussion item. Give me a couple of weeks to be able to meet with them, see exactly what the resolution is, see exactly what was said during the budget hearing and so forth in order to make a prudent decision. You know, at the

same time, from hearing you, in essence, what you or they are saying -- and "they" being the CIP Board -- is that they can actually reduce their budget not necessarily this year or next year, but they could actually reduce their budget and be more efficient by having an outside agency as their attorney. So that -- you know, that's something we would have to look forward in the future to, and then take it -- take what you're asking for into consideration. So all I'm asking is, you know, let me -- give me a little bit more time to be able to fully really, you know, deepen -- get involved with the numbers and maybe, you know, next meeting we could take a vote or we could, you know, show the direction. That's my preference.

Chair Gort: Let me tell you how I feel about it. We talking about it. We had this problem for about three or four years where we talked about really being independent, which is what the people voted for. I think this really make them independent, not dependent [sic] from the City, except for the budget that we have to approve anyway. I personally don't have any problem with this. I think this is a solution that the board themselves worked out, and they're an independent board.

Commissioner Carollo: With our money.

Vice Chair Hardemon: And Mr. Chairman, if I may?

Chair Gort: It's not a public hearing.

Vice Chair Hardemon: And as -- when -- regarding bringing this issue back for another vote, really, really there's not even necessary for us to have a vote at this time. And so the reason I brought this forward is that so the CIP could see us talk about this. And we realize, and I think the CIP realizes that, in the future, we will be voting on a budget, and that budget will have ramifications on the agreement that they come forward with, so CIP still has work to do. I'm not particularly sold that someone can do the work that the CIP needs outside of it having their independent counsel working for them eight hours a day, five days a week. That's just me. That's where I am today, but I haven't been presented with much information to prove otherwise, so -- but I'm confident enough in the people that work for CIP that they will come up with something that is responsible and something that the City can use to benefit itself moving forward with the type of crimes that -- or incidents that the CIP investigates. So what I want to do, which is bring this to let the CIP know, as a Commission, we're okay with them moving forward, but the caveat is, of course, that the budgetary effect for next year is something that we make a decision about in the future. And so there have been issues within the CIP that have been discussed, and I think all of us are aware of, and I think that in that spirit of compromise that our great Commissioner from the fourth district expressed that this helps alleviates some of those concerns, because I think it shows responsible treatment for an individual who's been there and who has been working hard and who could be considered a part of the group that's been pushed out. But here, we are making a responsible decision to make sure that he's well taken care of in his departure, even though the way that the contracts are written, he may not need to be compensated.

Jeanne Baker: Could I just clarify --

Chair Gort: My understanding --

Ms. Baker: -- a few facts that I think the --

Chair Gort: You want to speak?

Ms. Baker: May I?

Commissioner Carollo: We -- and --

Chair Gort: Sure, go ahead.

Commissioner Carollo: Mr. Chairman, before that happens, I just want to -- something that Commissioner Hardemon said. I want to make sure that, for the record, I'm not saying that I'm okay going forward with, you know, what you all propose. I would really like to see exactly what you guys are proposing. You're saying we don't need to take a vote on it; okay, we don't vote on it, but I don't want to, for the record, to say that, "Yes, I'm okay with you going forward" --

Ms. Baker: I just want to clarify --

Commissioner Carollo: -- until I study it more"

Ms. Baker: -- some information.

Chair Gort: (UNINTELLIGIBLE) that we're -- I'm saying I'm okay with it and --

Commissioner Carollo: Right.

Chair Gort: -- my personal -- I've looked at it; I've talked to him, discussed it with him, and they -- I think this is going to make them independent the way it should be from the beginning and no inference [sic] from us.

Ms. Baker: May I just clari --?

Chair Gort: Yes, ma'am. You want to speak; go ahead.

Ms. Baker: Thank you so much. Jeanne Baker on behalf of the Community Coalition that has been concerned with the CIP. Just to clarify a few pieces of information that are important to have correct. The current independent counsel is not an employee at will and he's not a full-time employee. He's under a contract and he's a part-time employee. He's receiving actually a very nice salary for a part-time employee. And as the CIP Board recognized and endorsed, if there were a separation so that that contract terminated now, and literally today, or as soon as possible, there would be cost savings, because then there could be a way to have much more service for less money; and it is something that if it could go into effect and could be voted on today would expedite bringing the CIP into line with the way the community is delighted that it is moving in the direction and that this Commission wants to see in term of its independence.

Chair Gort: Thank you, ma'am. Any further discussion?

Vice Chair Hardemon: So I don't have any further discussion with it, but I do think that the CIP could take this as confidence that they can move forward with whatever decision that they think is responsible for themselves.

Chair Gort: Okay. Thank you. Be back at 3?

Commissioner Carollo: Taking into consideration what you just said; that it's not just this year or next year; as for moving forward, they can do a lot more with less fundings.

Vice Chair Hardemon: Yeah, that's what they believe maybe today, but you know, things change.

Commissioner Carollo: Yeah.

Vice Chair Hardemon: I mean, at the end of this --

Commissioner Carollo: *And that's --*

Vice Chair Hardemon: *-- experiment --*

Commissioner Carollo: *-- what I'm afraid, that things change when it's to whoever's benefit, but yeah, that's exactly what I'm afraid of.*

Vice Chair Hardemon: *I know where you're going.*

Commissioner Carollo: *That to get it passed, "Oh, we could do this." However, later on, "Hey, we made a mistake; we found out we can't do it."*

Chair Gort: *They independent; they work on their budget; they know their budget very well; and they've done it very good. Thank you. Be back at 3.*

Victoria Méndez (City Attorney): *Chairman, at what time are we coming back?*

Commissioner Carollo: *Three.*

END OF DISTRICT 5

NON-AGENDA ITEM(S)

NA.1

15-00286

DISCUSSION ITEM

COMMISSIONER CARROLLO REQUESTED A MOMENT OF SILENCE FOR THE UNTIMELY PASSING OF CITY OF MIAMI FIREFIGHTER, RAFAEL GARCIA.

DISCUSSED

Chair Gort: *One more and we'll have a quorum. Okay, we need one more Commissioner and we can get going. Mr. Assistant Manager, do we have anything --? Do we have anybody from the Manager's Office here? Morning, sir. Okay, at this time, we're going to have presentations; we have a quorum. Mr. Mayor, you're recognized.*

Mayor Tomás Regalado: *Thank you very much, Mr. Chairman. And we have a commendation that has been signed by the Mayor -- yes, sir.*

Commissioner Carollo: *And I'm sorry, Mr. Mayor, but before we begin, I do want to take a moment of silent -- one of our own, Firefighter Rafael Garcia, passed away, and I think it's only fitting that we take a quick moment of silence. Thank you. And again, I just didn't want to begin without --*

Mayor Regalado: *No, thank you. Thank you. And Commissioner -- Mr. Chairman and Commissioners, last night at the funeral, the father, the mother; the wife, the widow accepted an invitation to be here on the April 9 Commission meeting to have a ceremony to honor this young firefighter that -- a matter of fact, when he died, he gave life to three persons because he donated the organs, and last night was a packed -- the funeral home was packed with firefighters from throughout the County, and hundreds of people there.*

NA.2

15-00431

DISCUSSION ITEM

COMMISSIONER HARDEMON REQUESTED A MOMENT OF SILENCE FOR THE VICTIMS OF RECENT SHOOTINGS IN DISTRICT 5 AND EXPRESSED

HIS CONDOLENCES FOR THOSE THAT ARE SUFFERING AS A RESULT OF THE DEATHS OF THE CHILDREN INVOLVED IN THESE TRAGIC INCIDENTS.

DISCUSSED

Vice Chair Hardemon: Mr. Chairman.

Chair Gort: Yes, sir.

Vice Chair Hardemon: Mr. Chief, we know that there has been a significant incident within my district over the past couple of days --

Rodolfo Llanes (Chief of Police): Yes, sir.

Vice Chair Hardemon: -- with two young people that were shot and killed; one, Mr. Marlon Eason, and the other, Mr. Richard Hallman.

Chief Llanes: Yes, sir.

Vice Chair Hardemon: And I want to first say that I appreciate the words that you had with the family and for the community. And I want to, through you, reassure our community that you're doing all that you can to find out who committed those violent acts --

Chief Llanes: Yes, sir.

Vice Chair Hardemon: -- to the children over the past couple of days. And if we could, as a Commission, just take a moment of silence just to remember what's important in our communities that we need to tackle.

Note for the Record: A moment of silence was had at this time.

Vice Chair Hardemon: Thank you very much. I know that there's some award that's been put out for the arrest -- or information that leads to the arrest for at least one of the individuals, so if you could tell us just a little bit more about that, if you know, and then we can move forward from there.

Chief Llanes: I'm not -- the standard reward is \$1,000; it has been raised to 3,000. And we'll be going out this afternoon door to door, myself, some of my staff, and some of the area pastors who have reached out for us to go out together and go door to door this afternoon at 6:30 to pass out those fliers and have person-to-person contact with the community that's most affected, and let them know that we're here -- number one, we're here to help; and number two, we need them to help us. You know, we're in charge of putting the puzzle together, but we need the pieces, and that's going to be our message today.

Vice Chair Hardemon: Thank you very much.

NA.3

15-00432

DISCUSSION ITEM

COMMISSIONER SARNOFF DISCUSSED TRAFFIC SIGNALIZATION ON U.S. ROUTE 1 (US 1).

15-00432-Submittal-Commissioner Sarnoff-Traffic Signal Article.pdf

DISCUSSED

Chair Gort: Next. Okay.

Commissioner Carollo: We have --

Chair Gort: Discussion items.

Commissioner Carollo: -- district items.

Chair Gort: District 2 is not here.

Commissioner Sarnoff: Mr. Chair.

Chair Gort: Yes.

Commissioner Sarnoff: I had a pocket item.

Chair Gort: Yes.

Commissioner Sarnoff: Do you mind if I do it as a part of my district items?

Chair Gort: No, no, go right ahead.

Commissioner Sarnoff: So Administration was supposed to help me with this, but I don't know if Carlos Cruz-Casas is here. I don't know if you guys -- sorry; I didn't mean to be that lay person. If you've noticed what's been going on in US 1 -- 17th, 22nd, and 27th -- about six or eight weeks ago, in my frustration -- because we haven't built a building; we haven't changed anything of any magnitude. It -- there is just no getting past US 1. And the Herald did, on March 8, an editorial where they actually asked the questions of the County as to what's going on. And I hope we provided this to all of you. But the Herald did not exactly get answers; it just said from the County -- and I'm going to paraphrase: "Hey, in 2012 we went to a new system, the ATMS" (Advanced Traffic Management System), whatever system, "which is the state-of-art computer-controlled signalization of our lights." And that's pretty much ATM system, actually, is what it was called. So I asked our Administration to look into this, and they gave us a PowerPoint presentation, which I guess they're not going to help me, but that's okay, which is the congestion on US 1. And what we're finding out is the County is tweaking this system. Now, if this has been in place since 2012 -- this is a system that is done by computer; it's a new system -- but you kind of wonder at what point is the County going to get it done? And I don't know about you all, but we lose \$2 billion annually in South Florida, \$2 billion in traffic, meaning that people cannot be productive. And I don't profess to be a traffic engineer; I don't profess to be a traffic expert, but I sort of think each one of us are our own traffic experts as we're stuck in traffic. And signalization on US 1 has changed vehemently in three years. And you're not going to help me out, right, the Administration? I guess that's a "no," huh? Apparently, there must be -- Commissioner Carollo, I know what it is to be in the doghouse now.

Commissioner Carollo: Welcome to my world.

Commissioner Sarnoff: It just --

Unidentified Speaker: Penalty --

Chair Gort: Let me tell you.

Commissioner Sarnoff: It's the penalty box, sorry.

Commissioner Carollo: Welcome to my world.

Chair Gort: I thought you were going to bring this out last week --

Commissioner Sarnoff: I wanted --

Chair Gort: -- two weeks ago, and I prepare --

Commissioner Sarnoff: Okay.

Chair Gort: -- all the problem that we have on Northwest 7th Street, Flagler, Northwest 17th Avenue, and Northwest 22nd Avenue, and it's the timing of the lights.

Commissioner Sarnoff: And I --

Chair Gort: You have one light to go on, and then the next one, which is two blocks away, it's not synchronized with this one.

Commissioner Sarnoff: And, ironically, Mr. Chair, the Administration said, "We'd like to present. We're not ready." And I said, Well, will you be ready by the next Commission meeting?" And I must really be in that penalty box, Commissioner Carollo, so I'm going to ask you to move over a little bit, although I heard you're out of it, by the way, so I'll keep your seat clean. I'm sure at some point, knowing you, you'll be back in it soon enough, and I will hopefully be out of it or out of here, so either way, I'll be out of it. Look, I'm going to try to -- you want to help me with this?

Mark Spanioli (Director, Capital Improvements and Transportation): Commissioner, I'll do my best. And I apologize; Carlos Cruz-Casas is together with Alice Bravo at another meeting. They were expecting this to come in the afternoon --

Commissioner Sarnoff: Oh.

Mr. Spanioli: -- where they'd be able to do the presentation at that time.

Commissioner Sarnoff: You know what? I apologize. And let's just do it then. If you want to bring out your notes --

Mr. Spanioli: Keep the agenda moving --

Commissioner Sarnoff: -- Mr. Chair.

Mr. Spanioli: -- quicker than they expected.

Chair Gort: No. I'd like to add, not only US 1, but throughout the whole City of Miami, we have a major problem with the traffic lights. I mean, the County has got their corridors and they're supposed to be in charge of it, but the City gets the penalty. Because in my neighborhoods, I have a lot of problems; people using City streets, not County street; and then when you talk to the County, you tell them, "Look, we need to do something, like set up one-way streets or do this" -- "the following." We have to check with them. We have to get the permits. They give us a hard time and we don't get things done, but yet, they don't work on the lights, and which is the major problems that we. Anybody that travel through the streets of Miami -- 42nd Avenue, Flagler Street, 17th Avenue, any of those -- those lights are not synchronized at all.

Commissioner Carollo: Mr. Chairman.

Chair Gort: (UNINTELLIGIBLE) creates the waiting. You have to wait sometime three and four lights before you can go through it. Yes, sir.

Commissioner Carollo: Mr. Chairman, thank you. The only thing I respectfully request of District 2 Commissioner is that we bring up the issue and we mention what the issue is, and then we'll discuss it with the County, because, you know, we're also discussing another project, transportation; and I want to maintain the partnership; I want to maintain the relationship, even though, yes, I mean, in essence, the County is the one who's responsible for transportation, but we are trying to work in partnerships with them. And, you know, I just want to make sure that we bring up the issue with also the notion that we are trying to work with the County on other transportation issue, and this should be one of them, so we do work in hand-in-hand. It's not so much of pointing the finger and -- you know what I'm saying? I don't want an acrimonious relationship. I want -- I just want to make sure we raise the issue, because I know it's there. We all share one way or another, you know, that corridor. We have boundaries there. Your district has a boundary with my district there on US 1, so -- but I want to look at it -- and I'm not saying that you're not, but I just want to make sure that it's more of a productive conversation, that this is the issue and we address it with them so that we maintain what I believe is a relationship that we have with the County and, hopefully, we will see that in the next few hours when we discuss another transportation problem.

Commissioner Sarnoff: No, and I agree, Commissioner. I just -- and I'm -- I have no problem tabling this, and I'd like you to see the presentation, because this is the watered-down presentation. This is not the in-your-face --

Commissioner Carollo: Right, right.

Commissioner Sarnoff: -- presentation, and you're right; I'm not -- Look, we're always better suited to work with the County. All I'm trying to achieve is -- in my mind, it's a series of algorithms, a series of data points that come back to somebody who inevitably hits a reset button on a keyboard --

Commissioner Carollo: I got you.

Commissioner Sarnoff: -- that resets whatever it is they're going to reset, and I would think with three years of data and three years of anecdotally going up and down US 1 -- and I'm only using that euphemistically as the street that is worth addressing for me -- why don't you change it? Why don't you fix your algorithm? Why don't you change your conclusion? Because, you know, candidly, they are stifling north/south traffic on US 1. It isn't like -- you know, nothing has changed. We didn't suddenly build a great big building somewhere. We didn't suddenly -- you know, somebody said to me, "Construction materials are going north/south, up and down US 1 to go the downtown for all those buildings you're building." It's really not true. That is not causing the traffic. What's causing the traffic is, as the Chair said, mis-signalization. They're not communicating with each other, the 17 street to the 22nd Street to the 27th Street, as they had done before, and that is causing traffic to pile up on what I would categorize as the, I guess, northern end of the -- of US 1 just before you go to 95, and it just keeps piling up all the way to 27th Avenue. And if there is Gables Commissioners here, I suspect the Gables Commissioners would be saying, "And it also piles up by UM (University of Miami)." It all has changed in this two-and-a-half-year period when they went to this ATMS system. All I'm trying to do is get the Mayor, Transportation just to say to the operator, "You think you have enough data inpoints [sic] now? Do you think you have enough information? Can we make some modifications to see how they work?" That's all. But I -- you know what? I didn't realize that we were waiting for the afternoon.

Daniel J. Alfonso (City Manager): Yeah. I want to apologize to the Commission for not being ready this morning, Commissioner. We -- we'll certainly make it happen this afternoon.

Commissioner Sarnoff: So I'm not in Carollo's penalty box?

Mr. Alfonso: You're certainly not in the penalty box. There is no such thing, by the way.

Commissioner Sarnoff: Oh, okay, okay.

Commissioner Carollo: Yeah.

Mr. Alfonso: We destroyed --

Commissioner Carollo: Don't tell me; show me.

Mr. Alfonso: We demolished it about a year ago, sir.

Commissioner Sarnoff: I guess Carollo went into time --

Commissioner Carollo: But anyway, Commissioner Sarnoff, don't think that I don't agree with you. You get the gist of what I'm saying.

Commissioner Sarnoff: Yeah, yeah.

Commissioner Carollo: That's just --

Commissioner Sarnoff: I'm not --

Commissioner Carollo: Right.

Commissioner Sarnoff: -- looking to throw stones, either, Commissioner.

ADJOURNMENT

The meeting adjourned at 7:00 p.m.