

City of Miami

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



Meeting Minutes

Friday, July 29, 2016

9:00 AM

Planning and Zoning

DI.1 City Hall Commission Chambers

City Commission

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

CONTENTS

PR - PRESENTATIONS AND PROCLAMATIONS

AM - APPROVING MINUTES

MV - MAYORAL VETOES

CA - CONSENT AGENDA

PA - PERSONAL APPEARANCES

PH - PUBLIC HEARINGS

FR - FIRST READING ORDINANCES

RE - RESOLUTIONS

AC - ATTORNEY-CLIENT SESSION

BC - BOARDS AND COMMITTEES

BU - BUDGET

DI - DISCUSSION ITEMS

PART B

PZ - PLANNING AND ZONING ITEM(S)

MAYOR AND COMMISSIONERS' ITEMS

M - MAYOR'S ITEMS

D1 - DISTRICT 1 ITEMS

D2 - DISTRICT 2 ITEMS

D3 - DISTRICT 3 ITEMS

D4 - DISTRICT 4 ITEMS

D5 - DISTRICT 5 ITEMS

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

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

On the 29th day of July 2016, 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 Hardemon at 9:00 a.m., recessed at 12:33 p.m., reconvened at 2:29 p.m., recessed at 2:32 p.m., reconvened at 2:49 p.m., recessed at 3:08 p.m., reconvened at 4:35 p.m., recessed at 8:35 p.m., reconvened at 9:15 p.m., and adjourned at 9:15 p.m.

Note for the Record: Commissioner Gort entered the Commission chambers at 9:03 a.m., Commissioner Carollo entered the Commission chambers at 9:07 a.m., and Vice Chair Russell entered the Commission chambers at 10:55 a.m.

ALSO PRESENT:

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

Chair Hardemon: Welcome to the July 29, 2016 meeting of the Miami City Commission in these historic chambers. The members of the City Commission are Wifredo Gort, Frank Carollo, Francis Suarez; the Vice Chairman, Ken Russell; and me, Keon Hardemon, the Chairman. Also on the dais are Daniel J. Alfonso, our City Manager; Victoria Méndez, the City Attorney; and Todd Hannon, our City Clerk. The meeting will be opened with a prayer by Commissioner Suarez and the pledge of allegiance led by myself. All rise.

Invocation and pledge of allegiance delivered.

PRESENTATIONS AND PROCLAMATIONS

PR.1

16-01050

PRESENTATION

<u>Honoree</u>	<u>Presenter</u>	<u>Protocol Item</u>
Alexander Star	Mayor & Comm Gort	Salute
Motivational Edge	Mayor & Comm Gort	Proclamation
Circle of Brotherhood	Mayor & Comm Hardemon	Certificate of Appreciation
Miami Tornadoes Track & Field	Mayor & Comm Hardemon	11 Certificates of Merit
Linette De Los Santos	Mayor & Comm Suarez	Salute

16-01050 Protocol Item.pdf

16-01050-Video Presentation-Commissioner Gort-Keep Miami Clean Jingle.pdf

PRESENTED

1) Mayor Regalado and Chair Hardemon presented a Certification of Appreciation to the Circle of Brotherhood for their work in the committee that organized the historic Liberty Square Family Reunion. The event's purpose was to bring together the former and current members of Liberty Square, the first housing project for African-Americans in the Southern United States built as part of the "New Deal" under President Franklin D. Roosevelt's administration. City of Miami officials paused in their deliberations of governance in order to honor and thank the Circle of Brotherhood for their efforts to improve the quality of life in Miami, a truly magical city that owes its unique character to the contributions of organizations such as theirs.

2) Mayor Regalado and Commissioner Gort presented a Proclamation to The Motivational Edge, Inc. (ME), an organization that uses culturally relevant arts as a motivational platform to inspire youth toward academic achievement, increased self-confidence and the building of essential life skills and provides youth with a creative outlet for self-expression, while at the same time integrating therapeutic components into its arts programs. By virtue of the Mayor's Office joined by Commissioner Gort thanked The Motivational Edge (ME) for undertaking such worthy endeavors and noble challenges, which so richly enhance the quality of life in the City of Miami, and as a measure of their well-founded appreciation, proclaimed Friday, July 29, 2016, as The Motivational Edge (ME) Day.

3) Mayor Regalado and Commissioner Gort paid the highest tribute to Alexander Star, saluting him for his inspiring and eminent career as lyrical expression instructor, vocal coach and Pro Tools engineer with twelve years experience in the recording industry. Mr. Star has worked as a professional songwriter and vocal production specialist with artists and producers throughout the world. His view is to catalyze a new wave of commercially successful music without having to promote prejudice based on ignorance, vulgarity, recklessness or negativity in whatever form. The City of Miami is grateful to Alexander Star for composing the jingle for the Keep Miami Beautiful campaign, and it is, therefore, fitting and appropriate that its elected leadership, on behalf of the citizens, paused in their deliberations to pay homage to Alexander Star and wish him continued success in all his endeavors.

4) Mayor Regalado and Commissioner Suarez paid a tribute to Linette De Los Santos, saluting her on just being named Miss Florida 2017 and so representing the Sunshine State at the Miss USA Pageant in Atlantic City, New Jersey in September of next year. Ms. De Los Santos is expected to obtain a J.D. degree from Nova Southeastern University in May 2018 and is currently an intern at the Miami City Attorney's Office. She has organized and promoted fundraisers for underprivileged children, Thanksgiving baskets for families in need, championed awareness for the annual Relay for Life of Pembroke Pines and volunteered in two programs for pediatric cancer patients. City of Miami officials, on behalf of the citizens and residents of the City of Miami, paused in their deliberations of governance in order to honor Linette De Los Santos for her many achievements as well as wish her ongoing success in all her future endeavors, especially in the 2017 Miss USA Pageant.

5) Mayor Regalado and Chair Hardemon presented Certificates of Merit to the Miami Tornadoes Track & Field Team for participating in the City of Miami Mayor's Track Meet. The Miami Tornadoes Track & Field Program utilizes the sport of track & field to draw the attention of children and juveniles between the ages of four and eighteen and was put together in order to give them the opportunity to engage in wholesome activities while keeping them off the streets. The program includes colloquia on education, gang resistance, culinary arts, etiquette and non-violence. The elected leadership of the City of Miami paused in their deliberations of governance in order to honor and commend the Miami Tornadoes Track & Field Team's commitment to elevate the quality of life in Miami, a truly magical city that owes its wonderfully unique character and vitality to the generosity and allegiance of organizations such as theirs.

Chair Hardemon: We will now make our presentations and proclamations.

Presentations and Proclamations made.

APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

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

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

Absent: 1 - Commissioner(s) Russell

Chair Hardemon: Is there a motion to approve the regular meeting minutes of June 9?

Commissioner Suarez: So moved.

Chair Hardemon: Been properly moved.

Commissioner Gort: Second.

Chair Hardemon: Is there a second?

Commissioner Gort: Second.

Chair Hardemon: Has been seconded. All in favor of the indicated motion, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

END OF APPROVING MINUTES

MAYORAL VETOES

NO MAYORAL VETOES

Chair Hardemon: Are there any mayoral vetoes, Mr. Clerk?

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

Chair Hardemon: Okay.

ORDER OF THE DAY

Victoria Méndez (City Attorney): Any person who is a lobbyist, including all paid persons or firms retained by a principal to advocate for a particular decision by the City Commission, must register with the City Clerk and comply with related City requirements for lobbyists before appearing before the City Commission. A person may not lobby a City official, board member or staff member until registering. A copy of the Code section about lobbyists is available in the City Clerk's Office or online at www.municode.com [sic]. Any person making a presentation, formal request or petition to the City Commission concerning real property must make the disclosures required by the City Code in writing. A copy of this Code section is available in the City Clerk's Office or online at www.municode.com [sic]. The material for each item on the agenda is available during business hours at the City Clerk's Office and online 24 hours a day at miamigov.com. Any person may be heard by the City Commission through the Chair for not more than two minutes on any proposition before the City Commission, unless modified by the Chair. If the proposition is being continued or rescheduled, the opportunity to be heard may be at such later date before the City Commission takes action. The Chairman will advise the public

when the public may have the opportunity to address the Commission during the public comment period. When addressing the City Commission, the member of the public must first state his or her name, his address, and what item will be spoken about. A copy of the agenda titles will be available at the City Clerk's Office and at the podium for your ease of reference. Anyone wishing to appeal any decision made by the City Commission for any matter considered at this meeting may need a verbatim record of the item. A video of this meeting may be requested at the Office of Communications or viewed online at www.miamigov.com [sic]. No cell phones or other noise-making devices are permitted in chambers; please silence those devices now. No clapping, applauding, heckling, or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Any person making offensive remarks or who becomes unruly in Commission chambers will be barred further attending Commission meetings and may be subject to arrest. No signs or placards shall be allowed in Commission chambers. Any person with a disability requiring assistance, auxiliary aids and services for this meeting may notify the City Clerk. The lunch recess will begin at the conclusion of deliberation of the agenda item being considered at noon. The meeting will either end at the conclusion of the deliberation of the agenda item being considered at 10 p.m. or at the conclusion of the regularly scheduled agenda, whichever occurs first. Please note, Commissioners have generally been briefed by City staff and the City Attorney on items on the agenda today. Thank you.

Chair Hardemon: Thank you very much.

Later...

Chair Hardemon: Before we move on to the Consent Agenda, are there any items that any of the Commissioners or Administration wish to continue?

Daniel J. Alfonso (City Manager): Yes. Good morning, Mr. Chairman. I've been informed that item FR.4 is to be deferred to September 8 Commission meeting. And although we can't do it right now, but I've been asked that -- Commissioner Russell, who's on his way over here right now, has stated that at 2p.m., when we convene for the P&Z (Planning & Zoning) agenda, he will request to defer PZ.18, but we want to let anybody know that it will likely not be heard today, so that's for the record.

Commissioner Suarez: Mr. Chair, if I may?

Chair Hardemon: I'm listening to you.

Commissioner Suarez: just if it would be okay to hear RE (Resolution) -- the Charter Review amendments, RE.13 through 18, in the afternoon -- first thing in the afternoon? It's the last -- they're the last RE items. They're probably going to be in the afternoon anyways, but I just -- just so that people don't have to sit in the audience for six, seven hours.

Commissioner Gort: Move it.

Chair Hardemon: Before we move, I don't -- you know, the item RE --

Commissioner Suarez: 13 through 18.

Chair Hardemon: I'm sorry; PZ.18, is that the appeal that's in the district that I represent?

Ms. Méndez: The HEP (Historic & Environmental Preservation) appeal, PZ.1?

Chair Hardemon: No, PZ.18.

Ms. Méndez: PZ.18 is in 545 Northeast 55th Terrace.

Chair Hardemon: Okay.

Ms. Méndez: That's PZ.18. It's a HEP decision.

Chair Hardemon: All right. So what I'll do at this time -- because I haven't had anyone ask me about a continuance for this item, so maybe that's something that we can handle at another time, but right now I also want to add on the -- FR.1 for --

Ms. Méndez: Yes.

Chair Hardemon: -- motion for continuance. So FR.1.

Ms. Méndez: Chairman, I wanted to advise that we were going to have to request a continuance for that, because there was no quorum yesterday at the PZAB (Planning, Zoning & Appeals Board), so it was not heard.

Chair Hardemon: Okay. So we request a continuance for FR.1, FR.4, and then, as the Commissioner requested for the afternoon hearing, items PZ -- I'm sorry -- items RE --

Commissioner Suarez: 13 through 18.

Chair Hardemon: -- 13 through 18.

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

Chair Hardemon: Yes.

Mr. Hannon: Chair, my apologies. FR.1, did you want to defer that to the September 8 meeting or continue it to the September 22 meeting, FR.1?

Chair Hardemon: Do the 22nd.

Mr. Hannon: Yes, sir.

Commissioner Suarez: And actually -- Mr. Chair, if I may? 13 and 14, which are the Dade Heritage Trust -- I don't know if the Mayor -- if we can hear it -- go ahead. I'm sorry, Mayor.

Mayor Regalado: Yeah. I was going to say, RE.13 and RE.14 were not generated by --

Commissioner Suarez: Correct.

Mayor Regalado: -- the Charter Review Committee, so I --

Chair Hardemon: So it would --

Mayor Regalado: -- would request, respectfully --

Chair Hardemon: -- the amendment will be 15 through 18.

Commissioner Suarez: Yes, yes.

Chair Hardemon: 15 through 18 (UNINTELLIGIBLE).

Commissioner Suarez: Yeah. I'm okay with that.

Mayor Regalado: Right. So --

Commissioner Suarez: Yeah.

Mayor Regalado: -- we have some people from the Dade Heritage Trust, so whenever you can in the morning, if we can just discuss that, I think for the benefit -- since you have a shade meeting and too many things -- but it's only RE.13 and RE.14. Thank you.

Commissioner Suarez: I'm okay with that, Mr. Chair. Sorry about that, Mr. Mayor. I didn't mean to include those accidentally. My apologies.

Chair Hardemon: One second everyone.

Commissioner Carollo: Mr. Chairman?

Chair Hardemon: Yes.

Commissioner Carollo: Thank you, Mr. Chairman. I want to ask my colleagues -- I know we have RE.6, which is regards to the Underline, and I think we're all in favor of the Underline. I think I've made it publicly known, but is it possible to get a deferral on that? And I know it's sponsored by Commissioner Suarez and -- until even today, I've been getting information on it, so would you have a problem with that, Commissioner Suarez?

Commissioner Suarez: You know what?

Commissioner Carollo: And as a matter of fact, you know, yesterday I had a telephone conference -- probably the only meeting I had yesterday with Meg Daly and two other representatives, and, you know, we mentioned this, and they didn't want to -- they understand that I've always been supportive of the Underline. We just didn't want to move into this regarding some of the information that I've asked and did not receive, and maybe other Commissioners have received it, but you know, it's been -- so again --

Commissioner Suarez: Okay.

Commissioner Carollo: -- I just want to see if it's possible to defer it just till, you know, the next meeting where there -- you know --

Commissioner Suarez: Okay.

Commissioner Carollo: -- we should be able to move forward with it.

Commissioner Suarez: Okay.

Chair Hardemon: So that's RE.6?

Commissioner Carollo: Yes.

Chair Hardemon: So I want to clarify for the record. The request for continuances are on FR.1, FR.4, RE.6, and PZ.18; and then, also, items 15 through 18 will be heard in the afternoon.

Commissioner Suarez: Mr. Chair, if I may?

Chair Hardemon: Yes.

Commissioner Suarez: Just one sort of-- if we're going to continue RE.6, which is fine -- I want to respect the Commissioner's desire -- can we -- I will respectfully, then ask for a time certain at the next meeting so that Ms. Daly and her team can come at a certain time and not have to wait all day.

Chair Hardemon: You know, one of the things that I intend on doing -- you can look at this agenda and you can see that the Clerk has put the public comment hearings at each part of the agenda where we have a change in types of things that we're hearing. For instance --

Commissioner Suarez: I see what you're saying.

Chair Hardemon: -- public hearing items --

Commissioner Suarez: I see what you're saying.

Chair Hardemon: -- and such. So I intend -- I'm really thinking strongly about having our public hearings for all regular agenda items in the morning so everyone knows that they come at that time, and that would eliminate the --

Commissioner Suarez: That's not a bad idea.

Chair Hardemon: -- need for the --

Commissioner Carollo: Understood.

Commissioner Suarez: Right.

Chair Hardemon: -- time certain, so --

Commissioner Suarez: That makes a lot of sense.

Chair Hardemon: Okay? So that's what I intend on doing, so -- but you'll get more information about that as you move forward.

Commissioner Carollo: Understood.

Chair Hardemon: Most likely, the comment for it will be in the morning, right after --

Commissioner Suarez: Okay.

Chair Hardemon: -- the approval of the minutes. Okay? Anything else? Any unreadiness?

Commissioner Suarez: That's it.

Chair Hardemon: Hearing none, all in favor?

Mr. Hannon: Is there a motion?

Chair Hardemon: There's a motion.

Commissioner Carollo: Second.

Chair Hardemon: Okay. Been properly moved by Commissioner Suarez; seconded by Commissioner Carollo. All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

Later...

Chair Hardemon: At this time, we're going to be considering items PH.1 through PH.10. And so I'm -- this is the time where we have -- our public has a reasonable opportunity to be heard on items PH.1 through PH.10. And so what that means is that if you want to speak on any item from PH.1 through PH.10, this is your opportunity to be heard. And so I'm going to open the public floor for your reasonable opportunity to be heard on items PH.1 through PH.10. If you'd like to speak on any of those items, come. Between PH.1 through PH.10, now is the time for you to approach any of the lecterns and be heard. And I want to remind everyone that you have two minutes to address the City Commission: state your name, your address, and also what item it is that you're here to discuss.

John Snyder: Yes. My name is John Snyder. I live at 3980 Hardy Avenue, and I'm here to address PH.5. I have a brief presentation, which I'd like to go through. I don't know that I can go through it in two minutes, but I'll give it a try. I also have a petition here, signed by 129 of our neighbors that I'd like to give to the Clerk, and I have a cover letter that I'd like to distribute to the Commissioners.

Chair Hardemon: I'll consider his introductory phrases as not a part of his two minutes, if that helps him.

Mr. Snyder: Thank you.

Chair Hardemon: You're very welcome, sir.

Mr. Snyder: On the screen, you see a aerial view of Coconut Grove and the southwest portion of Miami. If you notice at the top, there is a section of Miami that has the -- basically, the Miami Code. You'll notice that it's mostly rooftops. In the lower portion of the screen, you see the South Grove, and in the upper right, you see the North Grove. The pictures on the right show what the tree canopy looks like in the section just north of us, and the pictures at the bottom show what the tree cover looks like, the tree canopy looks like in the portions that are protected by NCD-3, and that's really what we want to talk about. The subject property for PH.5 is located at the intersection of Battersea Road and Ingraham Highway. Just about a year ago, it looked like this. It's the remnants of a grove, and it was heavily-treed property, with the homestead built in 2010 -- or excuse me -- in 1910, yeah. They're proposed to put five houses similar to this on it. The house is a 5,200-square-foot house. It has a garage. There is a large driveway with a turnaround in the front, and it takes up a lot of space. In the back, you have a pool area, a large patio. And if you have a buffer zone for tree roots, canopy trees, I think that it would take up about 8,200 square feet. The five lots that they want to divide this property into are 8,800 square feet each. So as you can see, there's no room for trees. The canopy will be destroyed. This is what the lot looks like now. There's one house on it. You can see one tree in the back there. I believe it's a -- I'm not sure whether it's an avocado, but once you put another house within 15 feet of the first -- of the second house -- actually, it's the second house that's under construction -- there won't be room for that tree; it will die. This -- the Royal Palm in the picture is dying now. You can take the trees out, but the canopy will go away. Hmm, let's see. I must have done something wrong here. How do I get this to advance?

Chair Hardemon: Your two minutes have expired.

Mr. Snyder: Yeah, okay.

Chair Hardemon: And I'm sure, if you have someone else that wants to utilize your --

John Dolson: I can (UNINTELLIGIBLE).

Chair Hardemon: -- demonstrative --

Mr. Dolson: My name is John Dolson, 4205 Lennox Drive, and I'll continue this for John. First time I saw Coconut Grove was 1971, when I came down here to meet my future wife's parents and undergo a not so subtle grilling, but I fell in love with the place, the canopy, and mostly the diversity of the architecture. And the -- for 45 years, I've taken that for granted, like a lot of people around here. Because the Code was followed, developers came in and did what they were supposed to do. What's happened in this area is we've had -- this particular property has not gone through the warrant process, which gives citizens the right for input into what goes on in their neighborhood. And what we're seeing in here is a development of a small subdivision. Really, seven homes when you take under -- consider part of it's in Coral Gables, and then five of them will be in Coconut Grove, and this is right at the entrance to Coconut Grove when you're coming north on Ingraham Highway. So what we're here today to talk about is to get that process fixed, and I don't what we can do to remediate the situations we having now at Battersea. But the intent of the NCD-3 Code, which I didn't know anything about until last April, is to preserve the character of the Grove, preserve the canopy, and that character is not a post-World War II suburb, it is not the outskirts of Houston, it is not the outskirts of Phoenix, where you pop down cookie-cutter homes into a small area and crown them 15 feet apart and call that Coconut Grove. That's not what we're all about. So that's what we're here for, to talk about that, and I'm sure other people will express similar sentiments. There are things we're looking for. Stop work orders now. We don't want to see more lot division in the future. We want this warrant process followed. Demolition waivers are being used in place of the warrant -- to kind of bypass the NCD-3 Code, and it would be nice to have some negotiations on this property and others with property owners about what to do with the construction and process. We're really talking about preserving the unique character of the Grove. And basically, if that Code is followed, we don't have a problem. One other thing I'll add is, this process -- when you circumvent the warrant process, you are putting at risk the developer, who has money up here, that may get challenged in the future, like it's being challenged today, and you're putting at risk the neighborhood character. So we're going to urge you to stay with the Code. It's a good Code. It's protected -- the Grove has been protected for over a hundred years from this kind of thing.

Chair Hardemon: Thank you very much.

Mr. Dolson: That's a good Grove. And thank you very much for the time to speak.

Chair Hardemon: Thank you very much. Yes.

Commissioner Carollo: Just real quick. That's PH.5, right?

Chair Hardemon: Yeah. I -- right.

Mr. Dolson: Yeah, PH.5.

Commissioner Carollo: Okay.

Mr. Dolson: Right.

Commissioner Carollo: Thank you.

Johannah Brown: Hi.

Chair Hardemon: Hello.

Ms. Brown. Hi. I'm also speaking on PH.5, and my name is Johannah Brown. My address is 4360 Ingraham Highway. I'm an abutting neighbor, so I'd like to just use two extra minutes, if at all possible. I won't ramble. It's a prepared thing. So I'm a concerned resident of Coconut Grove. I've lived there for six years. I'm raising four children in our home across the street. And I've been a resident of the Grove for 12-plus years. We -- when we first moved into our new home, we were awestruck by the large, lush hidden gem of a yard across from us. It was sold a few years after we moved in, and we expected things would change. It was a large property with the accompanying tax burden. What we didn't expect was that the new owner would make plans to cram not two, not three, but seven houses on a property that used to have one. We have been first-hand witnesses as the former mango palm and Poincianas disappeared and the property has transformed into a virtual dust bowl. We held on to hope that at least the development might be Groviev, maybe like the book, "Tropical Cottage at Home in Coconut Grove," by Beth Dunlap. Maybe the houses would incorporate some of the Grove's more charming elements. Maybe they would be Mediterranean casitas or maybe island clapboard cottages or stone bungalows or, better yet, an eclectic tasteful mix. Instead, we were crestfallen when we saw the renderings to build yet more two-story, boxy, cut-and-paste, contemporary monoliths. Move ahead a few months, and imagine my husband's and my surprise when we discovered there were already laws on the books to protect us as property owners from the encroaching density. Why in the world haven't these laws been enforced? My husband and I chose to move to the Grove because this place was beautiful, because it was lush and overgrown and almost otherworldly. Just outside the city limits, it was an oasis and a city that, in many areas, lacks any distinctive character. Boston has Beacon Hill and Back Bay. Washington has Capitol Hill and Georgetown. Charleston has East Bay Street. In all of these places, I suppose developers could get more for their dollar if they tore down the townhomes and age-old buildings and erected office buildings and modern apartment complexes, but the city planners and residents there understand what these little gems do for a city: They keep it interesting and charming and appealing, and they -- and it draws people to a city. Miami has Coconut Grove and South Beach and Coral Gables, all very different neighborhoods, but each one works hard to maintain the character that makes these places special, unique, and draws people to them. I just want to read a few descriptions from various Coconut Grove websites and books and newspaper articles that really capture what the Grove is all about. Long before Miami even existed, this tropical frontier village lured sailors and individualistic settlers into its quietly breathtaking natural setting with its wild sense of inspirational freedom. Coconut Grove is a seaside hideaway filled with modest homes and charming cottages that have been nurtured, preserved, and artfully updated for today. The Grove's style and scale was, for the most part, unassuming, and it preserved its neighborly village feel and dense green canopy, even as Miami grew around it and eventually swallowed it up. We all have a responsibility to speak up to preserve a neighborhood that represents what is so great about Miami and South Florida. We are an eclectic bunch of people who appreciate the character and tropical feel of this part of the world. Let's make sure we keep the developers honest, and force them to keep the soul of this area in mind as they develop their plans and make their profits. You, as our representatives, need to enforce the NCD Code that is there and uphold the law on the books. If there are loopholes that are being taken advantage of, they need to be closed, and we can start by ending the unrestrained lot splitting. I think all of us understand the need for progress, and none of us are against developers and profits. A vote here to halt construction and reduce the proposed density of Battersea Woods to something less than a 650 percent increase is not a vote against development, but it would be a statement that unchecked lot splitting and land development at the expense of the character of the Grove and the health of our canopy is unacceptable. We all need to fight to keep the Grove the Grove. Thank you.

Chair Hardemon: All right, thank you so much.

Applause.

Chair Hardemon: Please, ma'am.

Elvis Cruz: Mr. Chairman.

Chair Hardemon: No. There's no clapping in the City chambers; just raise your hands like this. When you clap, I have to wait for you to calm down, then I have to explain this again, and then we lose more time. Additionally, I'm going to do my best to keep everyone to their two-minute time period --

Mr. Cruz: Mr. Chair?

Chair Hardemon: -- so -- because each person -- I'll recognize you -- that speaks, that speaks over their two minutes just further exacerbates the issue, and so I don't want to give one person more privilege than the other, but I respectfully gave it to you. So I'm going to continue on the public hearing, but I'll allow this gentleman to speak to my left. You're recognized.

Mr. Cruz: Thank you. Thank you, Mr. Chairman. Elvis Cruz, 631 Northeast 57th Street. I'm also here to speak at the moment on PH.5 in support of the good citizens of Coconut Grove in that wonderful part of our city. I was at a very well-attended meeting in January at Plymouth Congregational Church. There were easily over a hundred Coconut Grove residents very passionately trying to defend their neighborhood against exactly this item that is before you today, the splitting up of a large parcel into smaller lots. They are very aware that the laws are in place to protect them, NCD-3. The Planning director, Francisco Garcia, was there, and he spoke of the intent of NCD-3, which is to prevent this from happening. Now, many citizens in the City are of the belief that the warrants and waivers which are required for a lot of the things that are happening in Coconut Grove are some layer of protection. There is a running joke amongst the civic activists in Miami that goes like this: "The City gives away waivers and warrants like water." I have here a printout of all the waivers given since Miami 21 was enacted. In red, you'll see the ones that were denied. Of the hundreds of waivers that have been applied for, only four have ever been denied. These are waivers. Now, let's look at warrants. Here's a printout of all the warrants that have ever been given since Miami 21 was enacted. None are marked as ever having been denied. The only usefulness of the waiver or warrant process is that there is a glimmer of hope that if you catch it in time, you can appeal it to the PZAB (Planning, Zoning & Appeals Board) for waivers and to the PZAB and the City Commission for warrants. That's not enough protection for Coconut Grove. It is a gem of our city. I urge you to vote down this plat on PH.5 and enact legislation to protect this wonderful neighborhood. Thank you.

Chair Hardemon: Thank you very much, sir. That was a pretty good demonstration. If you were in court --

James Kishlar: That was excellent.

Chair Hardemon: That was pretty good.

Mr. Kishlar: That was excellent.

Chair Hardemon: Yes.

Mr. Kishlar: Yes. Good morning. My opposition concern to the PH.5 is particularly regard --

Chair Hardemon: Can you state your name and address for the record also?

Mr. Kishlar: James Kishlar. -- it's specifically against the tree mitigation that took place at Battersea. I reside in Camp Biscayne here in the Grove. I'm a member of their homeowners association and also a member of their Architectural Review Committee, and also have a

working studio in the Utopia Homeowners Association that's close to Battersea Woods. I appreciate the fact that PH.5 was deferred for the past couple weeks. And I have one item that I hope was looked into, that being tree mitigation for the scenario at Battersea Woods. One of the intents, that's been mentioned here of the NCD-3 is to protect and preserve the tree canopy within the footprint of the NCD boundaries. This is one of the primary reasons why people want to live in Coconut Grove. Battersea Woods was a forest of native oaks and canopy trees, and from our CBHA's (Camp Biscayne Homeowners Association) position, we enforce a tree mitigation to be within a same lot size, not outside the immediate area of growth and development. The City allows for tree mitigation that can locate the replacement trees in parks and public sites, typically far from the neighborhood of the removal site. Since the Battersea site has no public spaces anywhere near the site, one should ask the questions: How many, what size, what variety of tree, and where were they placed? Thus, this become more than a neighbor -- this becomes more of a neighborhood issue than a single lot condition, for the loss of the tree canopy of the neighborhood is gone. In the case of Battersea Woods, we have no information on any of the tree mitigation conditions that have been made public via the City of Miami. So tree mitigation for the case of Battersea Woods can be a litmus test for the future NCD-3 sites; that we be transparent to neighbors and their community, which I do hope our Commissioners will take seriously. Thank you.

Chair Hardemon: Thank you very much, sir. You're recognized, ma'am.

Carol Lopez-Bethel: Thank you. My name is Carol Lopez-Bethel. I live at 3907 Loquat Avenue, here in Coconut Grove. I first came to Coconut Grove in 1974. My son was born here. In 1982, I met my wonderful husband, who moved me to Washington DC for 28 years, where he served as a presidential appointee for those years. In 2010, we decided to return to Coconut Grove, which I have always considered home, when we could have gone anywhere else in the world. In 2010, I bought this house on -- at 3907 Loquat Avenue. At this time, I now have three properties within four houses of me that house homes -- stately homes ranging in age from those built in 1923 and slightly forward that are possibly becoming victims of this over usage of waivers that are allowing for multiple properties to be built on single -- what had been stately single-family homes; one directly adjacent to me. I've had the fortune of coming back to this beautiful home that I love that I am now faced with having a white monolith -- five of them actually -- built to the very left of my house, blocking the solar panels which I just had put up in order to help save this canopy in the City. I think that -- across the street and two houses down, I have the same situation, where a single-family home has up to five potential homes that can be built on it. Across the street and down two more houses, the same. So within five -- within six years of being in my home, I'm faced with having up to 16 houses, 15 to 16 houses built on my lot. Developers who are building these houses, they do not live in Coconut Grove. They are changing the canopy. They're changing the culture of this neighborhood. They're coming in and knocking down 6, \$700,000 homes, building houses that they hope to sell for \$2.9 million; killing trees, as they did to the right of me at 39 -- in the 4000 Block of my street, which have not been on the market. So your tax dollars are not being collected, because the houses are not selling for the amount that they expect to get. So who's being served? We're not breathing. We're not getting the canopy that we came here for. We pay among the highest taxes in the City, and we're not being served.

Chair Hardemon: Thank you very much, ma'am.

Robert Brookes: Robert Brookes, 4191 Battersea Road. I guess I'm the only Battersea resident that's come up. First, I want to thank the Commission for the hard work that you do. This isn't easy. There's many, many regulations and everything that you have to manage on a day-to-day basis. Secondly, I do want to send a shout out to the Police Department in Miami. It's a great improvement in my neighborhood to have seen crime drop dramatically since you've improved that, so I thank you for that and for their service. I don't have a problem with this project. The reason I don't have a problem with this project is that at some point in time, this project was

presented to the City of Miami for its very thorough and very detailed review. Not only did the City planners look at it, not only did Building and Zoning look at it, not only did the attorneys look at it, but everybody had their say. The developer, who's been scoured by -- most developers are scoured anyway, but the reality is they did it in good faith. They put their money up. They built this thing based on the plans presented. The trees that were taken out all had permits to be taken out. Who issued those permits? So why are you going to harm this developer today for something you should have done yesterday when you really ought to be putting this in forward going forward? I'm all for preserving the canopy. I live in a house with tremendous trees. I also live in a house that has had a tree that I've been complaining about for 20 years; to have the City come and trim it before it damages my roof. The answer from the City, now who wants to protect all these trees, is, "We'll just wait till the next hurricane and hopefully it doesn't break your roof." And yet, they don't do anything about it. So here we are trying to apply laws retroactively to people who have permits, who have gone through the process, and have their plats and everything has been done and their money is at risk. You know, what you should have done initially was looked at this property and just taken it. You should have just taken the property and made a park out of it. Instead, you allowed a developer to put his money, his talent, his efforts into it, and then turn around and blame him for everything that happened when the Commission and everybody that works for you is complicit in this thing. So I urge you, if you're going to make change, make it -- make the change. I think it's important that we preserve the Grove as a -- the unique place that it is. But everywhere that I go in the Grove, you've got a hundred different styles going up, as we speak.

Chair Hardemon: Thank you very much, sir.

Mr. Brookes: Thank you.

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: Real quick, could the Administration see the gentleman's address to see as far as the trees and --?

Mr. Alfonso: We are, sir.

Commissioner Carollo: Okay. And was there any type of tree cutting or --?

Mr. Alfonso: (UNINTELLIGIBLE).

Commissioner Carollo: Okay.

Mr. Alfonso: (UNINTELLIGIBLE).

Commissioner Carollo: I just want to make sure, because if that is -- really was the answer that he was given, that's unacceptable.

Chair Hardemon: You're recognized, ma'am.

Jody Verrengia: Hello. My name is Jody Verrengia. I live at 3980 Park Avenue, and I want to thank you for listening to us, Mr. Suarez and Mr. Carollo and Mr. Hardemon and Mr. Gort. I have one question for you: You've listened to -- about this property called Battersea Woods, and isn't that an ironic name for what we're discussing? That's my question.

Chair Hardemon: Thank you very much, ma'am. You're recognized, sir.

Chair Gort: I didn't get that one.

Gerald Marston: Thank you, Mr. Chairman. My name is Gerald Marston. I live at 3856 Main Highway. I've been a 25-year resident of Coconut Grove, and is proud to have served more than 10 years on the Historic & Environmental Protection Board. I am here speaking on PH.5. And I think, in terms of going forward, that the warrant process is absolutely not being followed by the Planning Department. And in fact, there is no criteria established in Miami 21 for how a warrant can be issued, and I suggest that the Planning Department probably needs to put together some series of criteria by which warrants may be obtained. I'm going to suggest that one of the things that you might do, since NCD-3, okay, is essentially protecting a historic neighborhood, is that you have wonderful Historic & Environmental Preservation Board, and they would probably be very, very good at helping you police those warrants and police what is developed on them. I think we need to add one more piece of Miami 21, and that is Section 3.68, which prohibits or encourages the development of the houses that look significantly different. I don't think that this particular property at Battersea Woods is doing any of us a favor by building again five more white boxes, which have none of the character of Coconut Grove. Thank you very much for your attention.

Chair Hardemon: Thank you very much, sir. Is there any other person that'd like to speak on the public hearing, public hearing; not the item itself, not a proponent of the item, but public hearing part of items PH.1 through PH.10? If anyone wants to hear -- public hearing, this is your last opportunity to be heard. You're recognized, ma'am. Begin.

Kathy Parks: I'm Kathy Parks. I live at 4035 Battersea Road; talk to -- about the Battersea Wood. I live directly in front of it, and I had to follow Miami 21 to the letter of the law and beyond, because of a neighbor. I used Ramon Pacheco as a architect, and I was circumvented for everything I did through a neighbor. He monitored everything I did. I did everything I was supposed to do, plus. I'm the only house that had fire inspection. I'm the only residence that ever had fire inspection in the City of Miami or Miami-Dade County. I have a little gas tank that's strapped down like a nuclear bomb on a Navy ship. No one else has that in my neighborhood or anybody in the City of Miami. I have the only sidewalk. As much as I am opposed to all these houses being exactly the same, I have a hard time slapping down a man who has a family, who's been approved by the City to do what he's doing, and now make him start all over again or -- I don't know what we're supposed to do. As they were tearing down the trees on Battersea, I was filming it and streaming it to Ken while he was sitting on the dais. I think it was his second Commission meeting. The look on his face, being the tree guy that he was -- is -- was priceless. Within 10 minutes, I had a Code Enforcement person on my back. The trees all had permits, but really, the reason I was filming it was for him to come pick up the stumps of wood, because he's a wood man, and he uses the leftover trees. And during the campaign, Ken used to say, "Every tree has a price on it in Coconut Grove." It was more of a joke for him to come and pick up these trees. Those trees had a black sap fungus, and I have that black same fungus on my two oak trees in the front and the back. Ramon Pacheco, before we could get my plans stamped to send out for bid to a contractor had that same fungus. And I had to have a professional arborist do everything, mark everything, and I couldn't even trim these trees, much less tear them down, which I didn't want to. I have a 13,000-square-foot lot with a one-story, under 3,000-square-foot home. So we have subjective enforcement here in Coconut Grove, and West Grove -- or the Coconut Grove West, there are so many things wrong with how we do things and so many things wrong -- so many laws that we're breaking and rules that we're breaking, and the way we do things, what's another box? Look at Village West. Do they belong there? And I've spoken to this developer. He's willing to make some changes, unlike the gentleman that we did the big thing for on Braganza. He's not willing to compromise his plans, at all. This guy, Carlos, he's willing to make some changes. He's willing to talk to us about maybe make some changes to the exterior of the aesthetics of these homes. They're on 10,000-square-foot lots. I had a conversation with Francisco Garcia at that April 27 meeting at Plymouth Church. On a 14-inch computer, I showed him, in front of two other residents, Anne in Barbarossa and Anne in

Matheson. Those houses are built to the street. They violate every single setback. They're on corner lots. He said, "Those aren't the City of Miami. We don't allow that." After he put his foot in his mouth and all the way out the other end, I said where they were. "Oh, I'm working on those." Well, "working on them." They're almost finished. They're ready to be moving into soon. So how do we do this to someone else? If we're going to do this to this man, then we need to do it to everybody. So I'm asking that the City of Miami start doing the right thing with all of us. If I have to follow the rules -- and the Miami 21 is clear -- then why isn't it applicable to everybody? This guy did have permits. I've researched him.

Chair Hardemon: Thank you.

Ms. Parks: I've looked it all up.

Chair Hardemon: Thank you very much.

Ms. Parks: Why is he different?

Chair Hardemon: Thank you very much, ma'am.

Ms. Parks: Thanks.

Chair Hardemon: Appreciate you're here. The public hearing for items PH.1 through PH.10 is now closed. I'm going to call up item PH.1.

Mr. Alfonso: Mr. Chairman.

Chair Hardemon: Yes.

Mr. Alfonso: Just real brief. Commissioner Carollo, the gentleman's tree's on LeJeune Road. We're going to talk to the County to see if they can help him cut it down.

Commissioner Carollo: Thank you.

Note for the Record: The following minutes are in reference to public comments on all PH items.

Chair Hardemon: At this time, we're going to be considering items PH.1 through PH.10. And so I'm -- this is the time where we have -- our public has a reasonable opportunity to be heard on items PH.1 through PH.10. And so what that means is that if you want to speak on any item from PH.1 through PH.10, this is your opportunity to be heard. And so I'm going to open the public floor for your reasonable opportunity to be heard on items PH.1 through PH.10. If you'd like to speak on any of those items, come. Between PH.1 through PH.10, now is the time for you to approach any of the lecterns and be heard. And I want to remind everyone that you have two minutes to address the City Commission: state your name, your address, and also what item it is that you're here to discuss.

John Snyder: Yes. My name is John Snyder. I live at 3980 Hardy Avenue, and I'm here to address PH.5. I have a brief presentation, which I'd like to go through. I don't know that I can go through it in two minutes, but I'll give it a try. I also have a petition here, signed by 129 of our neighbors that I'd like to give to the Clerk, and I have a cover letter that I'd like to distribute to the Commissioners.

Chair Hardemon: I'll consider his introductory phrases as not a part of his two minutes, if that helps him.

Mr. Snyder: Thank you.

Chair Hardemon: You're very welcome, sir.

Mr. Snyder: On the screen, you see an aerial view of Coconut Grove and the southwest portion of Miami. If you notice at the top, there is a section of Miami that has the -- basically, the Miami Code. You'll notice that it's mostly rooftops. In the lower portion of the screen, you see the South Grove, and in the upper right, you see the North Grove. The pictures on the right show what the tree canopy looks like in the section just north of us, and the pictures at the bottom show what the tree cover looks like, the tree canopy looks like in the portions that are protected by NCD-3, and that's really what we want to talk about. The subject property for PH.5 is located at the intersection of Battersea Road and Ingraham Highway. Just about a year ago, it looked like this. It's the remnants of a grove, and it was heavily-treed property, with the homestead built in 2010 -- or excuse me -- in 1910, yeah. They're proposed to put five houses similar to this on it. The house is a 5,200-square-foot house. It has a garage. There is a large driveway with a turnaround in the front, and it takes up a lot of space. In the back, you have a pool area, a large patio. And if you have a buffer zone for tree roots, canopy trees, I think that it would take up about 8,200 square feet. The five lots that they want to divide this property into are 8,800 square feet each. So as you can see, there's no room for trees. The canopy will be destroyed. This is what the lot looks like now. There's one house on it. You can see one tree in the back there. I believe it's a -- I'm not sure whether it's an avocado, but once you put another house within 15 feet of the first -- of the second house -- actually, it's the second house that's under construction -- there won't be room for that tree; it will die. This -- the Royal Palm in the picture is dying now. You can take the trees out, but the canopy will go away. Hmm, let's see. I must have done something wrong here. How do I get this to advance?

Chair Hardemon: Your two minutes have expired.

Mr. Snyder: Yeah, okay.

Chair Hardemon: And I'm sure, if you have someone else that wants to utilize your --

John Dolson: I can (UNINTELLIGIBLE).

Chair Hardemon: -- demonstrative --

Mr. Dolson: My name is John Dolson, 4205 Lennox Drive, and I'll continue this for John. First time I saw Coconut Grove was 1971, when I came down here to meet my future wife's parents and undergo a not so subtle grilling, but I fell in love with the place, the canopy, and mostly the diversity of the architecture. And the -- for 45 years, I've taken that for granted, like a lot of people around here. Because the Code was followed, developers came in and did what they were supposed to do. What's happened in this area is we've had -- this particular property has not gone through the warrant process, which gives citizens the right for input into what goes on in their neighborhood. And what we're seeing in here is a development of a small subdivision. Really, seven homes when you take under -- consider part of it's in Coral Gables, and then five of them will be in Coconut Grove, and this is right at the entrance to Coconut Grove when you're coming north on Ingraham Highway. So what we're here today to talk about is to get that process fixed, and I don't know what we can do to remediate the situations we having now at Battersea. But the intent of the NCD-3 Code, which I didn't know anything about until last April, is to preserve the character of the Grove, preserve the canopy, and that character is not a post-World War II suburb, it is not the outskirts of Houston, it is not the outskirts of Phoenix, where you pop down cookie-cutter homes into a small area and crown them 15 feet apart and call that Coconut Grove. That's not what we're all about. So that's what we're here for, to talk about that, and I'm sure other people will express similar sentiments. There are things we're looking for. Stop work orders now. We don't want to see more lot division in the future. We want this warrant process followed. Demolition waivers are being used in place of the warrant -- to kind of bypass the

NCD-3 Code, and it would be nice to have some negotiations on this property and others with property owners about what to do with the construction and process. We're really talking about preserving the unique character of the Grove. And basically, if that Code is followed, we don't have a problem. One other thing I'll add is, this process -- when you circumvent the warrant process, you are putting at risk the developer, who has money up here, that may get challenged in the future, like it's being challenged today, and you're putting at risk the neighborhood character. So we're going to urge you to stay with the Code. It's a good Code. It's protected -- the Grove has been protected for over a hundred years from this kind of thing.

Chair Hardemon: Thank you very much.

Mr. Dolson: That's a good Grove. And thank you very much for the time to speak.

Chair Hardemon: Thank you very much. Yes.

Commissioner Carollo: Just real quick. That's PH.5, right?

Chair Hardemon: Yeah. I -- right.

Mr. Dolson: Yeah, PH.5.

Commissioner Carollo: Okay.

Mr. Dolson: Right.

Commissioner Carollo: Thank you.

Johannah Brown: Hi.

Chair Hardemon: Hello.

Ms. Brown. Hi. I'm also speaking on PH.5, and my name is Johannah Brown. My address is 4360 Ingraham Highway. I'm an abutting neighbor, so I'd like to just use two extra minutes, if at all possible. I won't ramble. It's a prepared thing. So I'm a concerned resident of Coconut Grove. I've lived there for six years. I'm raising four children in our home across the street. And I've been a resident of the Grove for 12-plus years. We -- when we first moved into our new home, we were awestruck by the large, lush hidden gem of a yard across from us. It was sold a few years after we moved in, and we expected things would change. It was a large property with the accompanying tax burden. What we didn't expect was that the new owner would make plans to cram not two, not three, but seven houses on a property that used to have one. We have been first-hand witnesses as the former mango palm and Poincianas disappeared and the property has transformed into a virtual dust bowl. We held on to hope that at least the development might be Groviev, "maybe like the book, "Tropical Cottage at Home in Coconut Grove," by Beth Dunlap. Maybe the houses would incorporate some of the Grove's more charming elements. Maybe they would be Mediterranean casitas or maybe island clapboard cottages or stone bungalows or, better yet, an eclectic tasteful mix. Instead, we were crestfallen when we saw the renderings to build yet more two-story, boxy, cut-and-paste, contemporary monoliths. Move ahead a few months, and imagine my husband's and my surprise when we discovered there were already laws on the books to protect us as property owners from the encroaching density. Why in the world haven't these laws been enforced? My husband and I chose to move to the Grove because this place was beautiful, because it was lush and overgrown and almost otherworldly. Just outside the city limits, it was an oasis and a city that, in many areas, lacks any distinctive character. Boston has Beacon Hill and Back Bay. Washington has Capitol Hill and Georgetown. Charleston has East Bay Street. In all of these places, I suppose developers could get more for their dollar if they tore down the townhomes and age-old buildings and erected office buildings

and modern apartment complexes, but the city planners and residents there understand what these little gems do for a city: They keep it interesting and charming and appealing, and they -- and it draws people to a city. Miami has Coconut Grove and South Beach and Coral Gables, all very different neighborhoods, but each one works hard to maintain the character that makes these places special, unique, and draws people to them. I just want to read a few descriptions from various Coconut Grove websites and books and newspaper articles that really capture what the Grove is all about. Long before Miami even existed, this tropical frontier village lured sailors and individualistic settlers into its quietly breathtaking natural setting with its wild sense of inspirational freedom. Coconut Grove is a seaside hideaway filled with modest homes and charming cottages that have been nurtured, preserved, and artfully updated for today. The Grove's style and scale was, for the most part, unassuming, and it preserved its neighborly village feel and dense green canopy, even as Miami grew around it and eventually swallowed it up. We all have a responsibility to speak up to preserve a neighborhood that represents what is so great about Miami and South Florida. We are an eclectic bunch of people who appreciate the character and tropical feel of this part of the world. Let's make sure we keep the developers honest, and force them to keep the soul of this area in mind as they develop their plans and make their profits. You, as our representatives, need to enforce the NCD Code that is there and uphold the law on the books. If there are loopholes that are being taken advantage of, they need to be closed, and we can start by ending the unrestrained lot splitting. I think all of us understand the need for progress, and none of us are against developers and profits. A vote here to halt construction and reduce the proposed density of Battersea Woods to something less than a 650 percent increase is not a vote against development, but it would be a statement that unchecked lot splitting and land development at the expense of the character of the Grove and the health of our canopy is unacceptable. We all need to fight to keep the Grove the Grove. Thank you.

Chair Hardemon: All right, thank you so much.

Applause.

Chair Hardemon: Please, ma'am.

Elvis Cruz: Mr. Chairman.

Chair Hardemon: No. There's no clapping in the City chambers; just raise your hands like this. When you clap, I have to wait for you to calm down, then I have to explain this again, and then we lose more time. Additionally, I'm going to do my best to keep everyone to their two-minute time period --

Mr. Cruz: Mr. Chair?

Chair Hardemon: -- so -- because each person -- I'll recognize you -- that speaks, that speaks over their two minutes just further exacerbates the issue, and so I don't want to give one person more privilege than the other, but I respectfully gave it to you. So I'm going to continue on the public hearing, but I'll allow this gentleman to speak to my left. You're recognized.

Mr. Cruz: Thank you. Thank you, Mr. Chairman. Elvis Cruz, 631 Northeast 57th Street. I'm also here to speak at the moment on PH.5 in support of the good citizens of Coconut Grove in that wonderful part of our city. I was at a very well-attended meeting in January at Plymouth Congregational Church. There were easily over a hundred Coconut Grove residents very passionately trying to defend their neighborhood against exactly this item that is before you today, the splitting up of a large parcel into smaller lots. They are very aware that the laws are in place to protect them, NCD-3. The Planning director, Francisco Garcia, was there, and he spoke of the intent of NCD-3, which is to prevent this from happening. Now, many citizens in the City are of the belief that the warrants and waivers which are required for a lot of the things that are happening in Coconut Grove are some layer of protection. There is a running joke amongst

the civic activists in Miami that goes like this: "The City gives away waivers and warrants like water." I have here a printout of all the waivers given since Miami 21 was enacted. In red, you'll see the ones that were denied. Of the hundreds of waivers that have been applied for, only four have ever been denied. These are waivers. Now, let's look at warrants. Here's a printout of all the warrants that have ever been given since Miami 21 was enacted. None are marked as ever having been denied. The only usefulness of the waiver or warrant process is that there is a glimmer of hope that if you catch it in time, you can appeal it to the PZAB (Planning, Zoning & Appeals Board) for waivers and to the PZAB and the City Commission for warrants. That's not enough protection for Coconut Grove. It is a gem of our city. I urge you to vote down this plat on PH.5 and enact legislation to protect this wonderful neighborhood. Thank you.

Chair Hardemon: Thank you very much, sir. That was a pretty good demonstration. If you were in court --

James Kishlar: That was excellent.

Chair Hardemon: That was pretty good.

Mr. Kishlar: That was excellent.

Chair Hardemon: Yes.

Mr. Kishlar: Yes. Good morning. My opposition concern to the PH.5 is particularly regard --

Chair Hardemon: Can you state your name and address for the record also?

Mr. Kishlar: James Kishlar. -- it's specifically against the tree mitigation that took place at Battersea. I reside in Camp Biscayne here in the Grove. I'm a member of their homeowners association and also a member of their Architectural Review Committee, and also have a working studio in the Utopia Homeowners Association that's close to Battersea Woods. I appreciate the fact that PH.5 was deferred for the past couple weeks. And I have one item that I hope was looked into, that being tree mitigation for the scenario at Battersea Woods. One of the intents, that's been mentioned here of the NCD-3 is to protect and preserve the tree canopy within the footprint of the NCD boundaries. This is one of the primary reasons why people want to live in Coconut Grove. Battersea Woods was a forest of native oaks and canopy trees, and from our CBHA's (Camp Biscayne Homeowners Association) position, we enforce a tree mitigation to be within a same lot size, not outside the immediate area of growth and development. The City allows for tree mitigation that can locate the replacement trees in parks and public sites, typically far from the neighborhood of the removal site. Since the Battersea site has no public spaces anywhere near the site, one should ask the questions: How many, what size, what variety of tree, and where were they placed? Thus, this become more than a neighbor -- this becomes more of a neighborhood issue than a single lot condition, for the loss of the tree canopy of the neighborhood is gone. In the case of Battersea Woods, we have no information on any of the tree mitigation conditions that have been made public via the City of Miami. So tree mitigation for the case of Battersea Woods can be a litmus test for the future NCD-3 sites; that we be transparent to neighbors and their community, which I do hope our Commissioners will take seriously. Thank you.

Chair Hardemon: Thank you very much, sir. You're recognized, ma'am.

Carol Lopez-Bethel: Thank you. My name is Carol Lopez-Bethel. I live at 3907 Loquat Avenue, here in Coconut Grove. I first came to Coconut Grove in 1974. My son was born here. In 1982, I met my wonderful husband, who moved me to Washington DC for 28 years, where he served as a presidential appointee for those years. In 2010, we decided to return to Coconut Grove, which I have always considered home, when we could have gone anywhere else in the world. In 2010, I

bought this house on -- at 3907 Loquat Avenue. At this time, I now have three properties within four houses of me that house homes -- stately homes ranging in age from those built in 1923 and slightly forward that are possibly becoming victims of this over usage of waivers that are allowing for multiple properties to be built on single -- what had been stately single-family homes; one directly adjacent to me. I've had the fortune of coming back to this beautiful home that I love that I am now faced with having a white monolith -- five of them actually -- built to the very left of my house, blocking the solar panels which I just had put up in order to help save this canopy in the City. I think that -- across the street and two houses down, I have the same situation, where a single-family home has up to five potential homes that can be built on it. Across the street and down two more houses, the same. So within five -- within six years of being in my home, I'm faced with having up to 16 houses, 15 to 16 houses built on my lot. Developers who are building these houses, they do not live in Coconut Grove. They are changing the canopy. They're changing the culture of this neighborhood. They're coming in and knocking down 6, \$700,000 homes, building houses that they hope to sell for \$2.9 million; killing trees, as they did to the right of me at 39 -- in the 4000 Block of my street, which have not been on the market. So your tax dollars are not being collected, because the houses are not selling for the amount that they expect to get. So who's being served? We're not breathing. We're not getting the canopy that we came here for. We pay among the highest taxes in the City, and we're not being served.

Chair Hardemon: Thank you very much, ma'am.

Robert Brookes: Robert Brookes, 4191 Battersea Road. I guess I'm the only Battersea resident that's come up. First, I want to thank the Commission for the hard work that you do. This isn't easy. There's many, many regulations and everything that you have to manage on a day-to-day basis. Secondly, I do want to send a shout out to the Police Department in Miami. It's a great improvement in my neighborhood to have seen crime drop dramatically since you've improved that, so I thank you for that and for their service. I don't have a problem with this project. The reason I don't have a problem with this project is that at some point in time, this project was presented to the City of Miami for its very thorough and very detailed review. Not only did the City planners look at it, not only did Building and Zoning look at it, not only did the attorneys look at it, but everybody had their say. The developer, who's been scourged by -- most developers are scourged anyway, but the reality is they did it in good faith. They put their money up. They built this thing based on the plans presented. The trees that were taken out all had permits to be taken out. Who issued those permits? So why are you going to harm this developer today for something you should have done yesterday when you really ought to be putting this in forward going forward? I'm all for preserving the canopy. I live in a house with tremendous trees. I also live in a house that has had a tree that I've been complaining about for 20 years; to have the City come and trim it before it damages my roof. The answer from the City, now who wants to protect all these trees, is, "We'll just wait till the next hurricane and hopefully it doesn't break your roof." And yet, they don't do anything about it. So here we are trying to apply laws retroactively to people who have permits, who have gone through the process, and have their plats and everything has been done and their money is at risk. You know, what you should have done initially was looked at this property and just taken it. You should have just taken the property and made a park out of it. Instead, you allowed a developer to put his money, his talent, his efforts into it, and then turn around and blame him for everything that happened when the Commission and everybody that works for you is complicit in this thing. So I urge you, if you're going to make change, make it -- make the change. I think it's important that we preserve the Grove as a -- the unique place that it is. But everywhere that I go in the Grove, you've got a hundred different styles going up, as we speak.

Chair Hardemon: Thank you very much, sir.

Mr. Brookes: Thank you.

Commissioner Carollo: *Mr. Chairman.*

Chair Hardemon: *Yes.*

Commissioner Carollo: *Real quick, could the Administration see the gentleman's address to see as far as the trees and --?*

Mr. Alfonso: *We are, sir.*

Commissioner Carollo: *Okay. And was there any type of tree cutting or --?*

Mr. Alfonso: *(UNINTELLIGIBLE).*

Commissioner Carollo: *Okay.*

Mr. Alfonso: *(UNINTELLIGIBLE).*

Commissioner Carollo: *I just want to make sure, because if that is -- really was the answer that he was given, that's unacceptable.*

Chair Hardemon: *You're recognized, ma'am.*

Jody Verrengia: *Hello. My name is Jody Verrengia. I live at 3980 Park Avenue, and I want to thank you for listening to us, Mr. Suarez and Mr. Carollo and Mr. Hardemon and Mr. Gort. I have one question for you: You've listened to -- about this property called Battersea Woods, and isn't that an ironic name for what we're discussing? That's my question.*

Chair Hardemon: *Thank you very much, ma'am. You're recognized, sir.*

Chair Gort: *I didn't get that one.*

Gerald Marston: *Thank you, Mr. Chairman. My name is Gerald Marston. I live at 3856 Main Highway. I've been a 25-year resident of Coconut Grove, and is proud to have served more than 10 years on the Historic & Environmental Protection Board. I am here speaking on PH.5. And I think, in terms of going forward, that the warrant process is absolutely not being followed by the Planning Department. And in fact, there is no criteria established in Miami 21 for how a warrant can be issued, and I suggest that the Planning Department probably needs to put together some series of criteria by which warrants may be obtained. I'm going to suggest that one of the things that you might do, since NCD-3, okay, is essentially protecting a historic neighborhood, is that you have wonderful Historic & Environmental Preservation Board, and they would probably be very, very good at helping you police those warrants and police what is developed on them. I think we need to add one more piece of Miami 21, and that is Section 3.68, which prohibits or encourages the development of the houses that look significantly different. I don't think that this particular property at Battersea Woods is doing any of us a favor by building again five more white boxes, which have none of the character of Coconut Grove. Thank you very much for your attention.*

Chair Hardemon: *Thank you very much, sir. Is there any other person that'd like to speak on the public hearing, public hearing; not the item itself, not a proponent of the item, but public hearing part of items PH.1 through PH.10? If anyone wants to hear -- public hearing, this is your last opportunity to be heard. You're recognized, ma'am. Begin.*

Kathy Parks: *I'm Kathy Parks. I live at 4035 Battersea Road; talk to -- about the Battersea Wood. I live directly in front of it, and I had to follow Miami 21 to the letter of the law and beyond, because of a neighbor. I used Ramon Pacheco as a architect, and I was circumvented for everything I did through a neighbor. He monitored everything I did. I did everything I was*

supposed to do, plus. I'm the only house that had fire inspection. I'm the only residence that ever had fire inspection in the City of Miami or Miami-Dade County. I have a little gas tank that's strapped down like a nuclear bomb on a Navy ship. No one else has that in my neighborhood or anybody in the City of Miami. I have the only sidewalk. As much as I am opposed to all these houses being exactly the same, I have a hard time slapping down a man who has a family, who's been approved by the City to do what he's doing, and now make him start all over again or -- I don't know what we're supposed to do. As they were tearing down the trees on Battersea, I was filming it and streaming it to Ken while he was sitting on the dais. I think it was his second Commission meeting. The look on his face, being the tree guy that he was -- is -- was priceless. Within 10 minutes, I had a Code Enforcement person on my back. The trees all had permits, but really, the reason I was filming it was for him to come pick up the stumps of wood, because he's a wood man, and he uses the leftover trees. And during the campaign, Ken used to say, "Every tree has a price on it in Coconut Grove." It was more of a joke for him to come and pick up these trees. Those trees had a black sap fungus, and I have that black same fungus on my two oak trees in the front and the back. Ramon Pacheco, before we could get my plans stamped to send out for bid to a contractor had that same fungus. And I had to have a professional arborist do everything, mark everything, and I couldn't even trim these trees, much less tear them down, which I didn't want to. I have a 13,000-square-foot lot with a one-story, under 3,000-square-foot home. So we have subjective enforcement here in Coconut Grove, and West Grove -- or the Coconut Grove West, there are so many things wrong with how we do things and so many things wrong -- so many laws that we're breaking and rules that we're breaking, and the way we do things, what's another box? Look at Village West. Do they belong there? And I've spoken to this developer. He's willing to make some changes, unlike the gentleman that we did the big thing for on Braganza. He's not willing to compromise his plans, at all. This guy, Carlos, he's willing to make some changes. He's willing to talk to us about maybe make some changes to the exterior of the aesthetics of these homes. They're on 10,000-square-foot lots. I had a conversation with Francisco Garcia at that April 27 meeting at Plymouth Church. On a 14-inch computer, I showed him, in front of two other residents, Anne in Barbarossa and Anne in Matheson. Those houses are built to the street. They violate every single setback. They're on corner lots. He said, "Those aren't the City of Miami. We don't allow that." After he put his foot in his mouth and all the way out the other end, I said where they were. "Oh, I'm working on those." Well, "working on them." They're almost finished. They're ready to be moving into soon. So how do we do this to someone else? If we're going to do this to this man, then we need to do it to everybody. So I'm asking that the City of Miami start doing the right thing with all of us. If I have to follow the rules -- and the Miami 21 is clear -- then why isn't it applicable to everybody? This guy did have permits. I've researched him.

Chair Hardemon: Thank you.

Ms. Parks: I've looked it all up.

Chair Hardemon: Thank you very much.

Ms. Parks: Why is he different?

Chair Hardemon: Thank you very much, ma'am.

Ms. Parks: Thanks.

Chair Hardemon: Appreciate you're here. The public hearing for items PH.1 through PH.10 is now closed. I'm going to call up item PH.1.

Mr. Alfonso: Mr. Chairman.

Chair Hardemon: Yes.

Mr. Alfonso: Just real brief. Commissioner Carollo, the gentleman's tree's on LeJeune Road. We're going to talk to the County to see if they can help him cut it down.

Commissioner Carollo: Thank you.

Later...

Chair Hardemon: All right, we're going to move on to our first reading ordinances. This is our time for anyone who from the public wants to be heard on items at this time -- because FR.1 and FR.4 were continued -- item FR.2 and FR.3. So if you're here from the public that'd like to speak, this is your reasonable opportunity to be heard on items FR.2 and FR.3. Is there anyone from the public that'd like to be heard on those items? Seeing none, I'm going to close the public hearing at that time -- at this time, rather.

Later...

Chair Hardemon: Okay, we'll now move into our RE (Resolution) section of our agenda. We're going to open the public hearing for items RE.1 through RE.18; not considering RE.6, because RE.6 was continued, but -- so if you're here to speak on items RE.1 through RE.18, this is your reasonable opportunity to be heard. So you're here with us today, your public comment will be allowed on items RE --

Later...

Chair Hardemon: As I did before, I'll open up the public comment for items RE.1 through RE.18. I was mistakenly --

Commissioner Gort: Did you call the question on this?

Chair Hardemon: No. We've already --

Vice Chair Russell: He didn't make the motion.

Chair Hardemon: Yeah, we've already -- he didn't make another motion. So is the -- what's on --?

Vice Chair Russell: It was deferred --

Commissioner Gort: To the next meeting -- to the first (UNINTELLIGIBLE)?

Chair Hardemon: Correct. Public hearing will be heard on items RE.1 through RE.14, excluding item RE.6. So if you want to speak on items RE.1 through RE.14, excluding item RE.6, this is your time to be heard; this is your reasonable opportunity to be heard. You're recognized, sir.

Don Worth: This is item RE.3, the GO (General Obligation) Bond issue. My name is Don Worth. I'm a resident at 1390 Ocean Drive, in Miami Beach, and I'd like -- I'm speaking for the bond issue. I'd like to make three points in favor of it, in case you're skeptical or on the fence, and also four specific points about the Marine Stadium. As far as the bond issue goes, the timing is really good from a bond market point of view. When the City issued and the County issued the bonds for baseball stadium, they went out at 4.9 percent; now it would be about 2.5 percent, and the debt service on a 25-year-old bond would be about 23 percent less than it would be from eight years ago. Second, when you step back, the thing actually makes some sense. We're talking about a lot of needs and not wants; a lot of deferred maintenance issues. It is spread out

throughout the whole City of Miami. The City is in good shape, so it can do this right now. It won't affect the tax rates, and it's also a mini stimulus, and this brings me to the third point. You should let the taxpayers make the decision. The problem with eight years ago is that the capital investment decisions were made not by the taxpayers, but by the Commission, City and County, and that's why people got so angry. This -- I think there's enough legitimacy in here that you can let the community decide. With respect to the Marine Stadium, there are four points that I'd like to make, because whether or not -- and this is true -- whether or not you pass this issue or not, I think there are two operating principles. You want to proceed prudently, and you want to use as little City of Miami taxpayer money as you can. The first thing is the FIND Commission, the Florida Inland Navigation District. They issued a grant six years ago for a piling study of the Marine Stadium pilings. It's six years; the engineering study hasn't been done. You've gotten a couple of extensions on it. It's important because if this is approved, you can then go on to phase two, which is the actual restoration. And here's a letter from Spencer Crowley, the chairman of the FIND Commission. The FIND would like to provide up to \$6 million for the restoration of the Marine Stadium. And in fact, FIND is so anxious to finance this project that they're willing to suspend the permits -- permit requirement as part of the phase two application. When somebody wants to give you money, you should take it. Second issue is the historic preservation tax credits.

Chair Hardemon: Can you make the -- can you make this -- your points -- and you did a good job of framing it, but make them very, very short, because --

Mr. Worth: I understand. I know. I'll try.

Chair Hardemon: -- before 12 o'clock?

Mr. Worth: I'm trying. The only thing I'd request is -- I came in 1,400 miles from this, so I'll try to be as quickly as -- I'll try to be as fast as I can, and I'm sorry. Second, historic tax credits. To get that, you need federal historic designation. That's something that's been sitting there also for about four or five years. It's been held up, because I think the City had other ideas for the basin. We -- now there are no wet slips in the basin. I would suggest that you request the Virginia Key Advisory Board to review this, have this vetted by the Administration, and bring it to you for an up or down vote because you're the decision makers. Third, RFP (request for proposals) for an operator. This Commission approved this a year ago, an RFP. I believe that you should make any restoration of the stadium contingent on a sustainable business plan for the stadium, and also, I've asked for it three times myself. As one person who is an executive director of Performing Arts Center once said to me, "building the building is easy; operating it is the hard point." And the final thing is that you need a project manager for this, or somebody who oversees it; otherwise, opportunities will be lost, funding opportunities will be lost. You need somebody to lose sleep at night over all of these aspects. And I know this is challenging. I've been through four administrations, and this Administration is a very, very competent one, but you have to make your expectations known. And I would suggest that you ask them to come back in 90 days with an interim plan for the Marine Stadium itself.

Chair Hardemon: Thank you very much, sir.

Mr. Worth: And then just one final, final thing. Thank you. Look, we've been here for eight years. I hope you understand, the Marine Stadium itself is not an elitist thing. We haven't packed this place with angry people who've yelled at you for a couple of hours. We've done the positive thing of getting hundreds of people who've signed a petition, 4,000 total. I can tell you from being at the boat show that people want this building restored. All kinds of people --

Chair Hardemon: Sir.

Mr. Worth: -- would come up at our booth --

Chair Hardemon: Thank you very much.

Mr. Worth: Okay. Thank you.

Chair Hardemon: All right.

Ms. Méndez: Chairman.

Chair Hardemon: Yes.

Ms. Méndez: If I may, since we're hearing all these items together, could I just say for the record, some of the revisions for RE.3, RE.13 and RE.14, so that --?

Chair Hardemon: No, not just yet.

Ms. Méndez: Okay.

Chair Hardemon: Because we're not voting on the items yet.

Ms. Méndez: All right.

Chair Hardemon: Please.

Mayor Tomás Regalado: Can I --? Just a question, clarify. What you're doing now is you're --

Chair Hardemon: Having the public hearing.

Mayor Regalado: -- the public hearing.

Chair Hardemon: Correct.

Mayor Regalado: So you want me to come back right after the shade meeting to present the item; is that correct?

Chair Hardemon: No, not yet. I'm trying to have the public hearing. If we can get through the public hearing, there may be a few items that we can handle before we move for lunch. So every interruption or every time that we go over our time --

Mayor Regalado: Okay. No. What I'm asking is that we have a group of religious leaders at noon upstairs, so what I'm saying is that if you want to do -- and then I'll present when you come -- when you come back.

Chair Hardemon: I want you to present before we -- you're speaking about item RE.13 and 14? Is that what you're referring to?

Mayor Regalado: RE.13 and 14, they're companion items.

Chair Hardemon: Right. So what I want to do is I want to get through our public hearing, and I intend on calling RE.13 and 14 first.

Mayor Regalado: Okay.

Chair Hardemon: Okay?

Mayor Regalado: I'll be upstairs.

Chair Hardemon: So -- okay. You're recognized, ma'am.

Renescha Coats: Hi. My name is Renescha Coats. I stay at 3420 --

Chair Hardemon: Can you bring the mike down?

Ms. Coats: I stay at 3420 Hibiscus Street, Apartment 1. Me and many residents have been in contact with our Commissioner, Ken Russell; and also County Commissioner Suarez. Our landlord, he's trying to put us out, basically, because he doesn't want to fix anything. And a lot -- many of the apartments are in very bad shape. A lot of residents don't have anywhere to go.

Chair Hardemon: What item are you speaking on?

Ms. Coats: RE.3, about the GO bond. I'm aware that the landlord wants to sell the property for \$33 million; and I think that whoever gets the land, they're not going to get the land and make it affordable for the residents who already stay in Coconut Grove, because a lot of properties like on Day Avenue and on New York Avenue, they have built like townhomes that no -- I don't know any residents that I know who stay in there that are from Coconut Grove. So I believe that whoever does buy the land, we're not going to be able to afford it, and we're going to have to move out of our area. And I have four kids. My kids go to school in Coconut Grove. Their doctor's in Coconut Grove. Takes me seven minutes to get to work. I work in Coral Gables. I just think that it should be somewhere in the bond where you are keeping your -- keeping -- not displacing residents, because if we go to other neighborhoods, there's no telling what will happen to us. And it should be affordable for us to stay where we were raised at or where we grew up at. We shouldn't have to be displaced just because some person doesn't want to do what they have to do.

Chair Hardemon: Thank you, ma'am.

Commissioner Gort: Yeah.

Chair Hardemon: You're recognized, ma'am.

Olive Johnson Coley: Thank you. Good afternoon. My name is Olive Johnson Coley, and I have a brother that lives at 3420 Grand Avenue, Apartment Number 6, and the apartments are in horrible, horrible condition. This is just to add on to what the first speaker was saying. And it's molded; got all kind of dust in it. And me, myself, with me taking care of my brother, because he has some mental deficits, so now I have some lung problems. I have to go -- I think it's on the 10th of next month -- to have a lung scan, because the apartments are so horrible. I've been in Coconut Grove over 62 years. My grandma was born in 1904, and she came to Coconut Grove from Eleuthera, Bahamas at the age of 15. So I don't want to go anywhere, anywhere.

Chair Hardemon: Ma'am, please state your address again for the record, because I'm sure -- is that the apartment that you are (UNINTELLIGIBLE)?

Ms. Coley: Those apartments need to be fixed. Somebody need to keep us in those apartments or somewhere. Make that landlord pay for what he did. He knew, since April of last year, that those apartments were going to be demolished or whatever. I hope the City can do something to keep those apartments for us.

Chair Hardemon: Thank you very much. I know that Commissioner Russell and the City Attorney's Office is working diligently to help you with that.

Ms. Coley: Right.

Vice Chair Russell: Mr. Chair, if I could just mention --?

Ms. Coley: Thank you.

Vice Chair Russell: Because I know -- may I?

Chair Hardemon: Go ahead.

Vice Chair Russell: I know a lot of the residents are here, and they're speaking on the bond issue, because they're basically asking us to make a very big play in the affordable housing world --

Ms. Coley: Yes.

Vice Chair Russell: -- for Grand Avenue and Grove residents, and that's --

Ms. Coley: Yes.

Vice Chair Russell: -- that's a -- I'm floored by this activism. This is a big ask. They recognize that we have a bond issue going, and this is what they're asking for. I would just like to make sure that the -- because we don't have any item on this today, but I would like the Commissioners to know that we have filed a lawsuit as a city against this landlord, and maybe the City Attorney could give us a little update for the residents so they know what's going on with this lawsuit right now.

Ms. Coley: Yes.

Ms. Méndez: Yes. Thank you, Vice Chairman. The City has filed a lawsuit. The owners of this particular parcel have already been served, and we're trying to set a hearing on that as soon as possible in order to address all your concerns. But just know that the City is working on your behalf in order to address this slumlord, for lack of a better description.

Chair Hardemon: Commissioner Gort.

Ms. Méndez: Thank you.

Commissioner Gort: Don't we have minimum standards for buildings?

Vice Chair Russell: We don't.

Commissioner Gort: Dade County has minimum standards.

Vice Chair Russell: I'm working on an MOU (memorandum of understanding) to get the County to give us the right to enforce minimum standards, which we don't currently have, and I'm going to be working with Commissioner Xavier Suarez to help get us that right.

Ms. Méndez: Yes. Thank you.

Chair Hardemon: Sir, you're recognized.

Ms. Coley: Thank you.

Willie Johnson: Yes. My name is Willie Johnson. I'm her brother, and Anthony is my brother

also. I stay down there with him sometimes in those apartments. My issue is that if the City get the owners to get everything straightened out, will the rent be the same amount or will the resident be able to live in there? Because I remember right down there on Douglas Road and Franklin Avenue, they said they was going to build the place for low-income residents. I ain't see no low income in there now.

Chair Hardemon: I will tell you that the rent can -- if there is an affordable housing development that the City creates, then those rents are controlled. And I'm not sure what this apartment -- if that is -- if it's purely a private entity that does not have any City resources, the City has no ability to control their rents, and so that -- I mean, that's the unfortunate truth about it all. And so -- say, for instance, if it is sold privately from one hand to the other, that private developer who purchased it controls the rent. So if-- it's more fitting, I think if you anticipate that the rents are going to change, for us to start to look for options in the Grove for affordable housing that you all could move into, and I'm sure that Commissioner Russell is a -- well, I know that he's a fighter for that, so he'll help you with it. Okay?

Mr. Johnson: Yes. I got one other thing.

Chair Hardemon: Yes, sir.

Mr. Johnson: They trying to buy up all of Coconut Grove.

Chair Hardemon: Right.

Mr. Johnson: They want bla -- you trying to move blacks out? Not to be racist. They trying to move blacks out? That's a question.

Chair Hardemon: Well, the people are buying property. They have a right to buy property --

Mr. Johnson: Yeah.

Chair Hardemon: -- in the United States of America. And what we need -- I mean, there are a lot of black property owners in Coconut Grove, though. And so --

Mr. Johnson: Of course. My mother is.

Chair Hardemon: -- it's important that we encourage our homeowners in that area to retain their properties; and if they need improvements on their properties, come see us in the City. So come see your Commissioner, and he can direct you to some areas where we can have your roofs repaired, where we can have windows and doors completed; you know, things that make a better quality of life for the resident, and you wouldn't have to be moved out or you wouldn't have to sell your property to get a better quality of life or better housing conditions. You understand?

Mr. Johnson: All right.

Chair Hardemon: Thank you very much, sir.

Mr. Johnson: Thank you.

Vice Chair Russell: And I'll answer your question: Not if I can help it.

Ms. Coley: Thank you.

Lamar Jones: Yes. We are -- we're here about the apartment. We staying at 3410 Hibiscus.

Chair Hardemon: Can you speak closer to the microphone?

Mr. Jones: We bought the apartment. We stay in apartment -- 3410 Hibiscus.

Chair Hardemon: And what's your name, sir?

Mr. Jones: And -- name is Lamar Jones. And this is my girlfriend, Brenda Tomlin. We're senior citizens, and we on a fixed income, and we can't seem to find a place to stay on a fixed income. And also, while we staying there now, sewage is just running all over the place. He won't even come out to fix the sewer line. He won't come out to get the trash. Trash is overflowing. And I had called inspectors a couple times, and I haven't seen anyone come out yet.

Chair Hardemon: Mr. Manager --

Mr. Jones: Sewer running all out on --

Chair Hardemon: -- can -- we want to ensure that we have someone from Administration to heed his complaint. He's saying that there's sewer. There's a sewer line that is not being attended to in his place of residence. And then also there was another issue. So if you can --

Mr. Jones: Trash. Trash --

Chair Hardemon: Trash.

Mr. Jones: -- not being picked up.

Chair Hardemon: So there may be a problem with the building not having enough regular pickups, which, of course, will be a violation also of City Code. So what we're going to do is we're going to have someone from the City get your exact address so they can come out and address that problem. Okay, sir?

Mr. Jones: Okay. Thank you.

Chair Hardemon: Thank you very much. Yes. Okay. Yes, ma'am.

Christine Rupp: Good morning. Is it still morning? Good morning, Commissioners. Thank you so much for allowing me to be here today. This is Christine Rupp from Dade Heritage Trust, and I'm here to speak in support of items RE.13 and 14, which is a leasing agreement between the City of Miami and Dade Heritage Trust so we can maintain our business in our lovely City-owned headquarters. Dade Heritage Trust has been in that building since 1977. It's on the historic -- it's on the National Register of Historic Places. It's the original office of Dr. James Jackson, constructed in 1905, and we've been excellent caretakers of that building for over 40 years. Recently, we improved the building itself with about \$40,000 worth of investment, interior and exterior painting, plumbing, air conditioning, carpentry, custom plaster work, and landscaping improvements. And due to the wonderful improvements of the building, the Convention and Visitors Bureau recognized the importance of that historic structure in the middle of Brickell and designated us as an official visitor center. So we reach out with public programming. We have walking tours and bike tours. And we also work with Miami-Dade County's educational community. So we perform a great public service for the City of Miami, promoting everything positive about the City in our headquarters. And I hope we have your support so we can continue the good work working with your wonderful staff here in the City and promoting the Magic City for years to come. Thank you.

Chair Hardemon: Thank you very much, ma'am. You're recognized.

Allyson Warren: Good after -- well, just afternoon. Allyson Warren, 650 Northeast 82 Terrace. After a Code Enforcement meeting this week, the Chairman asked me to come, and if I was available to speak on RE.10 --

Commissioner Suarez: I did.

Ms. Warren: -- which has to do with stricter Code enforcement. Thank you to Commissioner Carollo for bringing this forward. We should be seeing a lot more cases coming to the board than we are. Too many are probably being funneled to the masters so that people can take their time being here during the daytime instead of coming after hours, but the main problem that we have is an informational one. We have been in an information gap going back probably three IT (Information Technology) directors or more, back to when Peter Korinis was the IT director. We met with him, because we have a certain amount of information that the County system pulls off of -- the City pulls from the County website, that is, assessed value of the property, last sale date. And then our internal system, that's among other things, including correct address for the City to make service on these alleged offenders. In addition to that, our system is supposed to kick in and tell us whether this property is a repeat violator or not. Since Mr. Korinis left, we have been begging to have meetings with successive IT directors who have basically sent back word that they're not putting it in their budget because they're really -- they're not really concerned about it. We haven't had any experience like that with this current director, but I'm not sure we know who that is. The problem is that 9 times out of 10, on our paperwork, when it says that somebody is a repeat violator, they are not. Very, very infrequently they get it right, but we are not getting all the information that we did five, six, seven years ago, and this all -- most of it comes from the County, but this is supposed to come from CityView, and we're not getting the information. We have not been able to find a way to get IT's attention; and perhaps, between you all and the Manager, we could get IT's attention and have another meeting with us, or sit down with the City Attorney, who was our City Attorney for an awful lot of that, and get this right so that we can do a better job for you. Without the tools --

Chair Hardemon: Thank you very much.

Ms. Warren: -- we're stuck.

Chair Hardemon: Thank you very much, ma'am.

Ms. Warren: Thank you.

Chair Hardemon: All right. You're recognized.

Grace Solares: Good morning, Mr. Chairman. Good morning, Commissioners. I am here today to oppose the \$275 million bond. We voted --

Ms. Méndez: Ms. Solares, could you say your name for the record, please?

Ms. Solares: My what?

Chair Hardemon: State your name for the record.

Ms. Méndez: Your name.

Ms. Solares: Grace Solares -- I think I said it -- 60 Southwest 30th Road. Nice meeting you. I saw this recently, about five days ago. Back in 2001, we voted for \$255 million. I asked about five days ago what was the remnants of that \$250 million that we took out, and I was told that there's still years to go to pay it off, the 250, plus the interest, on those bonds. Now we're being asked to getting another \$275 million. Now later on in the agenda, there's another hundreds of

millions of dollars in renewals of bonds. I want you to add all those things in your mind. So almost close to a billion dollars in debt on the back of the taxpayers of the City of Miami, except for the fact of those \$130 million that are revenue bonds. I want to tell the people who are here, who are relying on the list of items that is attached to the things -- I'm going to need a minute or two more, Mr. Chair. I have Mr. Herrera, who's granting me his time. Could that be?

Chair Hardemon: It's -- go -- continue speaking, please.

Ms. Solares: Thank you, sir. The list of items that are attached to these things don't actually have to actually take place. After the bonds pass, you can actually take this thing and do an entirely different type of bonds; so those in the Grove who are intending to have some things done, it may not get done, because they may actually change it. I can tell you -- because I was trying to get as much documents as possible, but did not have much time -- that the \$255 million bond back there said that they were going to utilize, in part, to the Marine Stadium renovation, to renovate and improve the seawall, the stadium, the parking, the marina at the Marine Stadium site. None, if any, have actually been implemented. Now you're asking for \$237 million for the bond for the stadium. I recognize that people from -- that do not live in the City of Miami that -- Mr. Worth -- are coming here and telling you, "Pass it, and give the stadium to somebody to manage it," and things like that, and we're going to be on the hook to pay it, my taxes. My own taxes will be on the hook to pay all of these things. I totally disagree that this happens. But if you're intending to pass this today, I ask you that the \$37 million for the Marine Stadium be taken out of these bonds and be floated on a revenue bond specifically for the stadium, taking the revenue from the Pelican, from the marina that's there, the boat show and other businesses in there to pay that specific, that specific bond, but not to put it on our back, who is going to be somebody else eventually, who's going to be getting the financial benefit of the management of that site.

Chair Hardemon: Thank you very much.

Ms. Solares: Thank you, Mr. Chair.

Chair Hardemon: Absolutely. Sir, you're recognized.

Javier Gonzalez: Thank you. Good afternoon, Commissioners. I'm here -- my name is Javier Gonzalez, and this is --

Louise Caro: Louise Caro.

Mr. González: Louise Caro. We're representing the Coconut Grove Village Council. We passed a resolution recently where, if the bond issue passes, we would like this incorporated and read into the record. And as I put my glasses on, because I can't see, here we go. "Resolution of the Coconut Grove Village Council, urging the Miami Commission to dedicate general obligation funds, if approved by the City voters in November, to protect the current and future housing needs of the Village West neighborhood." And I'm going to be very brief on it, since we're going to go through it, and I've only got a couple of minutes to do this. "Village Council seeks to promote and protect and preserve the historic character of Coconut Grove and the interest of its citizens, and furthermore, encourages the City of Miami to dedicate resources to the Village West neighborhood for the preservation and creation of obtainable, extremely low, and low-income housing." And again, I'll be very brief. "Whereas, Village West is a portion of Coconut Grove that was populated by Black settlers from the Bahamas, which predates the City of Miami, and whose many descendants still reside in Village West; whereas, the Village West has endured decades of economic housing and educational disadvantages due to separatist laws enforced by the City of Miami, Miami-Dade County; whereas, the Village West is suffering an affordable housing crisis; whereas, residents are being rapidly displaced from their homes; whereas, the lack of affordable options in Village West prevents tenants from finding alternative housing" --

and this is critical. We cannot house a lot of the folks that we are losing. "Where [sic], GROVE 2030 has identified access to obtainable housing; whereas, the Village Council recently engaged in conversations with residents from 3410 and 3420 Hibiscus;" and a couple of more "whereases." And what we're asking is -- "The recitals are true and correct; that Coconut Grove Village Council recognizes the need for obtainable housing options in the Village West for low and extremely low-income tenants and families. And the Coconut Grove Village Council expresses its support for the new City of Miami General Obligation Bond funds to be allocated to the Village West to address" -- and therefore -- "affordable housing crisis and create and preserve extremely low and low-income housing options." Again, if I can take just one more second? It is critical. We do not have housing for our residents. And for our residents to then be moved into Homestead, into be -- into other neighborhoods where they're not familiar, where they don't go to school, where they don't shop, it's something that we really, really need to take into consideration. And this is through all low-income housing areas, not just District 2. We have it in District 1, 5, 4 and 3. And I think this is something that we really, really have to take into consideration. So again, from the Village Council, please help us out. Thank you, sir.

Chair Hardemon: Thank you very much, sir. Sir, you're recognized.

Elvis Cruz: Thank you, Mr. Chairman. Elvis Cruz, 631 Northeast 57th Street. I'd first like to speak to RE.3, the General Obligation Bond, and I'm asking this Commission today to strike line items 115 to 121 from the wish list. Those involve the replacement of seven swimming pools in the City of Miami for \$18 million. That is fiscally irresponsible. Why do I say that? Miami has a history of not maintaining facilities, then demolishing and rebuilding them. It's extremely financially wasteful. If they build the new swimming pools, will they be maintained? If the answer is "yes," why didn't they maintain the old pools? If the answer is "no," why would we want to build something we're not going to maintain? The swimming pools were built in the 1950s. There are tens of thousands of homes in the City of Miami that are older than these pools; and we, as homeowners, with our limited resources, maintain our homes; yet, for some reason, the City does not maintain its pools. Moreover, 7 of the 11 City pools are only open in the summertime with no more evening hours, and they're only open to the general public for two and a half hours each weekday. It's fiscally irresponsible to not maintain our pools, then demolish and rebuild them. If you've ever been to Europe, you know it has millions of well-maintained buildings that are centuries old; yet, we want to throw away pools that are only 50 years old. Please strike this from the GOB. And when the budget time comes around, please include maintenance for City facilities, especially our swimming pools. I'd also like to briefly mention on RE.6. It talks about parks impact fees. I was part of the team with Miami Neighborhoods United that first pushed for the City of Miami to create park impact fees about 10 years ago. The reason we asked for parks impact fees was to buy more parkland for the growing population. Unfortunately, we've seen that park impact fees had been diverted from buying new parkland to essentially being used for rebuilding of existing facilities.

Chair Hardemon: Sir.

Mr. Cruz: That's not what they were intended for, and the Legislature -- the language in the statute says it should be used to add capacity.

Chair Hardemon: Sir, your two minutes have expired.

Mr. Cruz: Thank you.

Chair Hardemon: Thank you very much for your public comments.

Mr. Cruz: I promise you: If I ever get married, I'll say my vows in less than two minutes.

Chair Hardemon: It shouldn't take that long. You're recognized, sir.

Ari Pearl: Chairman, Commissioners, good to see you all. Ari Pearl. I'm a developer of the Miami River SAP (special area plan) project. I'm a co-applicant in that project with the City. That project comprises of six and a half -- 6.2 acres of private properties, as well as 3.8 acres of Jose Marti Park. I'm here to strongly support the bond initiative, specifically the items related to affordable housing, to parks, as well as the Underline. I think it's great that the City's taking this initiative. Our project, when constructed, takes on a lot of these items; affordable housing, as well as a major part of the redevelopment of Jose Marti Park. And we just want to commend the City for taking on this initiative and to further this, and to further the improvements of the entire Miami River District. So thank you so much.

Chair Hardemon: Thank you very much. Sir, you're recognized.

Horacio Stuart Aguirre: Mr. Chairman, thank you very much. Horacio Stuart Aguirre as chairman of the Miami River Commission. And I know a thing or two about structuring debt, and I've learned a great deal from one of the finest investment bankers, and he sits on your dais: Commissioner Willy Gort. He would tell you that today you have an excellent bond rating, that today interest rates are at an all-time low, and that your debt service capacity is very strong. There is no better time for the City of Miami to borrow money for worthwhile long-term capital improvement projects. Do it or lose it. And when you're doing so, remember your commitments to the Miami River and to the public walkways, to the Miami River walkway. And by the way, I just got patted on the back from Mr. Don Worth and told to remind you of the Miami Marine Stadium, as if he hadn't done already an excellent job. I'd like to tell you that with me is Mr. Brett Bibeau, and he'd like to add a few more comments upon the -- behalf of the Miami River Commission.

Brett Bibeau: Thank you, Mr. Chairman. Good afternoon. Brett Bibeau, managing director of the Miami River Commission, with offices located at 1407 Northwest 7th Street; here to thank you for proposing a bond issue that's needed for our community in many ways, and very appreciative of the inclusion of various improvement projects along the incredible Miami River District, which is getting better every day in partnership with both the public and the private sector. So working together, we're going to make a vision a reality. So thank you very much.

Chair Hardemon: Thank you very much. Seeing no further comment, I'll close the public hearing on those items.

Later...

Chair Hardemon: (INAUDIBLE) 29, 2016 meeting back into session. If we can have -- I don't see any sergeant at arms, but if we can have some assistance in gathering a quorum. Maybe some Commissioners are in the building, because they're supposed to be here at 2:30. If not, Mr. Clerk, one thing I would love to do is finish the public hearing on items P"- I'm sorry -- RE.15 through RE.18.

Mr. Hannon: Yes, sir.

Chair Hardemon: Okay, good. At this time, I'm going to open up the floor for public hearing for items RE.15 through RE.18, RE.15 through RE.18, so this is your -- the public's reasonable opportunity to be heard on those items, RE.15 through RE.18. You're recognized, sir.

Hoss Hernandez: Mr. Chairman, good afternoon. My name is Hoss Hernandez. I'm here on PZ.17, which I just -- my notice says 2 o'clock, and it's my first time having one of these appeals. And I've been informed that I'll probably be here until at least 4:30 or 5.

Chair Hardemon: You said PZ.17?

Mr. Hernandez: PZ.17.

Chair Hardemon: Okay. Right. So we still have --

Mr. Hernandez: No. Well, what I wanted to ask the Chair was if I could have a continuance for either any time prior to August 21 or any time after September 6? And then next time I get a notice, I'll block out the rest of my afternoon and then --

Chair Hardemon: Got it, got it. Understood. When we have a quorum, then we'll be able to entertain a motion for continuance.

Mr. Hernandez: Thank you.

Chair Hardemon: Thank you very much. Is there anyone that would like to speak on items RE.15 through RE.18? All right, seeing none, I'll close the public hearing on those items.

CONSENT AGENDA**CA.1****RESOLUTION****16-00721***Office of the City
Attorney*

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY TO AND ON BEHALF OF PETER LOREDO, AND HIS COUNSEL, SUBJECT TO THE CONDITIONS IMPOSED BY CHAPTER 440, FLORIDA STATUTES, THE TOTAL SUM OF \$85,000.00, INCLUDING \$100.00 FOR A SEPARATE GENERAL RELEASE, 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 EXECUTING A SETTLEMENT, HOLD HARMLESS, AND INDEMNIFICATION AGREEMENT AS WELL AS A GENERAL RELEASE OF THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS, AND EMPLOYEES, FROM ANY AND ALL CLAIMS AND DEMANDS; ALLOCATING FUNDS IN THE AMOUNT OF \$84,900.00 FROM THE INTERNAL SERVICE FUND, INDEX CODE NO. 50001.301001.524000.0000.00000; FURTHER ALLOCATING FUNDS IN THE AMOUNT OF \$100.00 FOR THE SEPARATE GENERAL RELEASE FROM THE NON-DEPARTMENTAL ACCOUNT NO. 00001.980000.531010.0000.00000.

16-00721 Memo - Office of the City Attorney.pdf

16-00721 Memo - Budget Sign-Off.pdf

16-00721 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.**Votes:** Ayes: 4 - Commissioner(s) Gort, Carollo, Suarez and Hardemon

Absent: 1 - Commissioner(s) Russell

R-16-0353**CA.2****RESOLUTION****16-00860***Department of
General Services
Administration*

A RESOLUTION OF THE MIAMI CITY COMMISSION, PURSUANT TO SECTION 18-82(A) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, CLASSIFYING ONE (1) FORD E350 ONE TON ECONOLINE VAN, MODEL YEAR 2004, VEHICLE IDENTIFICATION NUMBER 1FBSS31L84HB48518, AS CATEGORY "A" SURPLUS STOCK, AND DONATING SAID VEHICLE TO ATTACHABLE INCORPORATED, A 501(C)(3) NON-PROFIT ORGANIZATION, UPON THE EXECUTION OF THE APPROPRIATE RELEASE DOCUMENTS.

16-00860 Summary Form.pdf

16-00860 Back-Up Documents.pdf

16-00860 Corporate Detail.pdf

16-00860 Back-Up from Law Dept.pdf

16-00860 Legislation.pdf

This Matter was ADOPTED on the Consent Agenda.**Votes:** Ayes: 4 - Commissioner(s) Gort, Carollo, Suarez and Hardemon

Absent: 1 - Commissioner(s) Russell

R-16-0354**Adopted the Consent Agenda**

Motion by Commissioner Suarez, seconded by Commissioner Gort, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

CA.3**RESOLUTION****16-00987**

*District 4-
Commissioner
Francis Suarez*

A RESOLUTION OF THE MIAMI CITY COMMISSION CODESIGNATING SOUTHWEST 30TH AVENUE FROM SOUTHWEST 9TH STREET TO SOUTHWEST 13TH STREET, MIAMI, FLORIDA, AS "DAMAS DE BLANCO WAY"; FURTHER DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE HEREIN DESIGNATED OFFICES.

16-00987 Legislation.pdf

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

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

R-16-0355

Chair Hardemon: You're recognized, sir, CA.3.

Commissioner Suarez: Thank you, Mr. Chair. CA.3 is an item that's very near and dear to my heart. I was able to, with the approval of this Commission, designate Coral Way -- a part of Coral Way as Oscar Elias Biscet Way." Today I have the distinct pleasure of moving CA.3, which is a co-designation of a street on 30th Avenue as "Damas de Blanco Way." The Damas de Blanco are a group of women in Cuba who are political dissidents and have been arrested many, many times, fighting the injustices of the Cuban government. One of their members lives in Smathers Senior Center, which is a public home in the near vicinity. And I think it's important that we, as citizens of this country, of a free country, that we recognize those who are fighting oppression in other parts of the world; in particular, this group of women who have bravely walked the streets of Cuba dressed in white as a form of passive resistance to the repression in Cuba, to the human rights violations. And they have been beaten, they have been arrested, and it's the least that we can do, I think, in recognizing their efforts and putting a concrete recognition of their existence. I'm sure that the government of Cuba would love nothing more than for them not to exist, than for them not to be recognized, than for them to be forgotten, and this marker will prevent that from ever happening. Thank you.

Commissioner Gort: Second.

Chair Hardemon: It's been properly moved by Commissioner Suarez and seconded by Commissioner Gort. Is there any further discussion? Seeing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

END OF CONSENT AGENDA

Chair Hardemon: At this time, is there a motion for the consent agenda?

Commissioner Suarez: Mr. Chair?

Chair Hardemon: Yes.

Commissioner Suarez: Can I pull CA.3? I'll make a motion on CA.1 and 2.

Chair Hardemon: Been properly moved. Is there a second?

Commissioner Gort: Second.

Chair Hardemon: Been properly moved and seconded to pass items CA.1 and CA.2. Any further discussion? Seeing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

PERSONAL APPEARANCES

PA.1

16-01039

PRESENTATION

PERSONAL APPEARANCE BY ROSY PALOMINO, PRESIDENT OF THE DOUGLAS PARK NEIGHBORHOOD ASSOCIATION, TO THANK THE COMMISSION FOR APPROVING THE REMEDIATION OF DOUGLAS PARK.

16-01039 E-Mail - Personal Appearance.pdf

PRESENTED

Chair Hardemon: We have -- calling on the personal appearance, PA.1. Personal appearance by Rosy Palomino. Ms. Palomino, you have five minutes to address the City Commission.

Rosy Palomino: Can you hear me? Thank you so much for allowing me to stand here before you, as I have done for many, many years. I'm coming today with a couple of hats. My first hat is going to be as the president of Douglas Park Neighborhood Association. On behalf of my board, on behalf of myself, and all of the residents around the Douglas Park area, we thank you. We want to thank this Commission. We want to thank the Mayor. We commend and thank Daniel Alfonso as a example of leadership in the City Administration. And also, a shout-out goes to Mr. Kevin Kirwin. The ceremony was amazing. As I'm knocking on doors as follow-up and sending emails, all of the residents want you to know that they are grateful. It was a very nice commencement this morning to see the brotherhood, to see the Tornadoes, and the underlying theme is, I think, a message of unity for all of us. It's very nice to see positive things in the City of Miami that so often are not -- or mischaracterized in the media. We do have wonderful moments that I'm very honored to share alongside with you. As a community activist of many years, I am running for candidate -- State House Representative for this District of 112. I am a life-long resident of the area. I hope to go to Tallahassee to bring the needed funding for all of the things that we need, such as transit, mental health, educational programs, water quality, creation of green space, all the environmental things that we need that improve our quality of life. As many of you know me, you know that I have a proven track record of just getting things done. I'm here just to say thank you on behalf of DPNA (Douglas Park Neighborhood Association), and to let you know that as your State House candidate, I will do everything possible to be the ambassador that you need to get your things done, as well, and we can do it together. I would like to move forward together, and thank you very much for this opportunity.

Chair Hardemon: Thank you very much.

PA.2**PRESENTATION****16-01045****District 3-
Commissioner Frank
Carollo****PERSONAL APPEARANCE BY ANTONIO ALVAREZ REGARDING THE
QUALITY OF THE CITY OF MIAMI'S SERVICES.**

16-01045 E-Mail Personal Appearance.pdf

PRESENTED

A motion was made by Commissioner Carollo, seconded by Commissioner Gort, and was passed unanimously, with Vice Chair Russell and Commissioner Suarez absent, directing the administration to work with Mr. Antonio Alvarez to find a consensus and determine if legal signs can be installed at his business establishment or if an amendment to the City's Code is required through a pilot program.

Chair Hardemon: I'm going to recognize our next personal appearance, Antonio Alvarez. Welcome, sir. You have five minutes to address the Commission.

Antonio Alvarez: Thank you. The first thing, I want to thank everybody that's --

Chair Hardemon: Can you bring the mike closer towards --?

Victoria Méndez (City Attorney): Sir, if you feel more comfortable, you could go to the other one, if you want to put your documents down, if the computer's in the way.

Mr. Alvarez: Pardon?

Ms. Méndez: You could go to the other one, the other podium if it's bothering you.

Mr. Alvarez: Oh, no, no, no, no. The computer's for me, really. I'm sorry. Oh, okay. Okay. I'm sorry. Please bear with me; first time I ever done this, you know.

Commissioner Gort: You're doing okay.

Mr. Alvarez: So first thing, I want to thank everybody that support the small business in our community, because without these business, our community cannot thrive. And I'm going to give special thanks to Judith Perez -- she's a special aide to Commissioner Carollo -- for doing this presentation for me, because all I know about a computer is turn it on and turn it off. Second, what I'm going to show you today is that -- I'm talking to you about the ordinance -- Zoning Code, Miami 21, Article 10 that was adopted in May 2015. These are concerning the signs of businesses that cannot apply for everyone -- for all the structures that are -- the businesses. I'm going to show you real quick the area where I'm at. This is 1st Street and Beacon Boulevard, okay. And you see that we're in a residential area known as what's called a "street mall." And right there across the street, that's where I'm located. That's where my business located in that street mall. We got a small mechanic next door. And that's the front of the business. That's looking north, and that's also looking north going down to our business. In other words, what I'm trying to show you is that our business cannot be seen. Now, with the new ordinance, you have to take the wraps off the windows; only leave 20 percent on there. Actually, I'm not even going to read this. It's easier for me. Now, if I take those wraps off -- if you see my business there, I like to call mine the "bat cave." That's the one all the way in the back there where you see "grooming." I'm the dog grooming business back there, okay? So that's the bat cave over there. You'll see the jewelry store that's for rent, the upstairs for rent. Next door just got rented out with a immigration place. Now this is after. They took their wraps off because they received

one of those little notices in the mail. They freaked out real quick. And we took off the signs there, okay? This is what our business is starting to look now without the wraps, without the signs. We declined close to 50 percent of traffic, okay? I am a small business. A small business, I mean I'm a mom-and-pop, and that's me and my wife, okay? I opened that business with practically everything I had. Now, we had these small little signs here on the fence. We're inward from 500 feet from the City sidewalk. We had that there so people can find us, because we're on 142 Beacon Boulevard. If you go to that area -- I got people three blocks away; doesn't even know what Beacon Boulevard is, okay? Now, that's what it looks like now. That's what we're looking like now with the traffic. When the traffic go by, that's what they see. The clinic didn't take their signs off, okay? They're still holding on. Hopefully, we get some kind of exemption for what's called the "street malls." There's only about 29 left in the City of Miami. What I could investigate, there's only 29 left. As you see, that's how it was before. You could see the traffic. That's before you could see the traffic. That's what we're looking like now, okay? It's killing us. It's hurting us. That's a wall. I went to the City of Miami, okay. I didn't complain. I went to the City of Miami; where I could put a sign. I can't put a sign on that wall, because it doesn't pertain to me. Let me go back. I can't put a sign above where I'm at, which is here, because it doesn't pertain to me. But what the guy did say, I could put a canopy. I told him, "Really?" I say, "Is there anything else?" I mean, this -- it's not right. We need something to -- so we could progress. He says, like most of the time, the same answer, "That's the way it is." What I'm asking you today is, please, help small business, the mom-and-pop. We cannot even compete with what's out there now. We're going through a lot of hardships already, and I mean hardship. When I mean hardships is, I open that up three years ago. There's been four tenants that have left that shopping center already. There's seven spaces and only four are filled, okay? And there's talking now. The other tenants' going to leave. So all I'm asking, consider the small business -- it's the mom-and-pop -- through some kind of a exemption or hold off right now through this sign. Also, there's a price hike on the wraps. The sign, people love it. Because since you did that, no contractor wants to go to the City of Miami and get a permit out unless they get 400 bucks.

Chair Hardemon: Thank you very much.

Mr. Alvarez: It's like --

Chair Hardemon: Commissioner Gort.

Commissioner Gort: Yeah. This is something that we receive a lot of complaints, especially from small businesses within the -- certain shopping center. My understanding, the law says that you -- that signs cannot be view from the street "X" amount of feet away. Now, most of the shopping center, they got more than 1,000 feet into the -- from the sidewalk, and they're still applying that to those people. My understanding is, Miami 21 was a good instrument that a lot of people worked on it, University of Miami and a whole group of people. But Miami 21, it will work maybe in about 50 or 60 years as you knock down buildings; and they'll come up, the new buildings, within Miami 21. We have made a lot of changes, amendment (UNINTELLIGIBLE) San Francisco stated here. We have made at least over 100 amendments to the Miami 21. I think we continue to look at those things. I mean, this is a pilot program that we began. Miami 21, it caused a lot of hardship to a lot of those people, especially the small business people depends on a lot of -- the signs to them is the most important thing there is. And I think this is something we need to look at, and I think we should ask the Administration to look at the Planning Department and see what can be done and what changes can be made or what amendments we can impose.

Commissioner Carollo: Mr. Chairman?

Chair Hardemon: Yes.

Commissioner Carollo: Thank you, Mr. Chairman. And I think that's what Mr. Alvarez is coming here. I mean, he's seeking, you know, some type of discretion, and not only that; help for the small businesses. Because you could actually see that once all the signs came down, it does look cleaner, so I understand the -- what the Administration is trying to do. And that's why I told Mr. Alvarez, you know, "Listen, there's only so much that a Commissioner could do, so come before the board so we could discuss this." And I know you've been working with Mr. Parjus. So I think the intent here is to, you know, see how we could -- at the same time as -- making sure that we're looking towards our ordinance and codes, but at the same time, see how we help the small businesses, because right now it's obvious that his business is suffering. And if you pass by there, you wouldn't even know that there's a business there. So I don't know who's the right person from the Administration to be able to work with Mr. Alvarez in order to see what can be done in order to see what type of legal signs we could do, or if we need some type of amendment to the Code, or where are we. But I don't think that, you know, we just forget about our small businesses and look the other way and say, "Hey, this is the way it is," and that's it, so.

Mr. Alvarez: Thank you. Somebody one day told me he says, "Well, you know, you're just tomato pickers." You know, the mom-and-pop. And, you know, I'm like the positive guy. And I looked at him and I said, "You know what? Without the tomato pickers, you can't have tomatoes on your table." So, you know, I look at it like that. I made my business in a way for the neighborhood. We do a lot of things that -- where we save money for the City and County, because we do all the strays, we do help the people who can't feed their dogs, we do -- we did a little vaccine clinic there every month for the people that can't afford. We made a community. You know, if I want to go -- I want to make money, I'll go back selling cars again. That's where I made my money, you know. There, I'm killing myself, but it's a fulfilling thing, you know? And it's me and my wife, you know? And that's -- all I'm asking is -- if I take just that wrap down on the doors, nobody's going to see my business. Actually, no -- they're not going to see it. I call it the -- like I told you, the bat cave, and I can't put nothing nowhere else, because I'm not allowed to from Zoning, and I asked. I can't put nothing on top. I can't nothing at the fence.

Chair Hardemon: So, Commissioner, do you have a motion that you want to --?

Commissioner Carollo: Well, Mr. Chairman, first of all, I want to go -- because I think -- I don't even think the sign is the biggest issue. You're saying the wrap on your door.

Mr. Alvarez: The wrap.

Commissioner Carollo: So you take the sign down, you take the wrap down, and no one would even notice that your business is there.

Mr. Alvarez: Correct.

Commissioner Carollo: And I think that's where the City needs to have some discretion with the wraps, and I don't know if it has to come back to this Commission or what, but I think that's where we need to have some discretion, because I could see where when the signs came down, it was much cleaner. But at the same time -- if then they're not allowed to put any signage whatsoever, you know, at the same time, we're killing our small businesses, and that's why I asked Mr. Alvarez to come before this Commission, in order to be able to address this issue for him or for possibly other businesses.

Daniel J. Alfonso (City Manager): Mr. Chairman?

Chair Hardemon: Yes.

Mr. Alfonso: Yes. I'm sure we'll continue to work with this gentleman to see what we can do. Our issue with the wrap, Commissioner, and the reason why it was instituted at the percentage of

the glass of the storefront that it's instituted at is really a public safety issue. If there's ever an issue where there's criminal act going on inside and the police is called, those wraps do not permit any transparency, whatsoever, so the police would be going into the establishment blind or wouldn't be able to go in until everything's over. So, really, it's a public safety issue to have clear vision into the businesses from the outside, and that's one of the reasons. Apart from the fact that some of them become just extremely overpowering in terms of, you know, you cover the entire front with advertising that is not very sightly, but it's also a public safety issue for our officers.

Commissioner Carollo: Mr. Chairman?

Chair Hardemon: Yes.

Commissioner Carollo: No, and I understand that. And believe me, if someone's advocated here for public safety, it's been me, and I understand that. But also, when they go into a residential home, they're -- you know, you don't see through the walls, so you know, we -- I want to make sure that we have some discretion. At the same time, I've seen many, many business in the City of Miami with those wrappings, so I don't know if our Code or law or the enforcement is being applied equally throughout the whole City, because I see a lot of businesses with these wrappings, per se. But maybe the wrapping could be halfway or something. I think -- and if I will make a motion, it will be for our Administration to work with Mr. Alvarez to see if there could be some type of consensus where you could have some type of wrapping and maybe not the whole door. Maybe, you know, parts of it or -- but see if you could work with our Administration. And if need be, come back to this Commission.

Mr. Alvarez: Just some real quick. What he was explaining, we face the east, so I'm on the east. So when that sun rises, you can't see in the window even if you had (UNINTELLIGIBLE).

Chair Hardemon: Okay. Thank you very much, sir.

Mr. Alvarez: (UNINTELLIGIBLE) you could see outside.

Chair Hardemon: There's a motion. There's a second by --

Commissioner Gort: I'd like to make a friendly amendment. The -- in not only his case, but as many other cases that I think the -- our Planning Department can look into it, look for ways, and use him as a pilot program, working with him, how we can come up with some change in the legislation so we can make it throughout the whole City.

Commissioner Carollo: Absolutely.

Commissioner Gort: Thank you. I'll second.

Chair Hardemon: Any further discussion? All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

Commissioner Carollo: Thank you.

Chair Hardemon: Thank you very much.

END OF PERSONAL APPEARANCES

PUBLIC HEARING

PH.1**RESOLUTION****16-00928**

*Department of
Community and
Economic
Development*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FUNDS IN THE TOTAL AMOUNT OF \$50,000.00 FROM THE ECONOMIC DEVELOPMENT - COMMERCIAL REHABILITATION D4 PROGRAM FUND TO THE LATIN CHAMBER OF COMMERCE OF THE UNITED STATES, FOR COMMERCIAL REHABILITATION, AS SPECIFIED IN ATTACHMENT "A", ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

16-00928 Summary Form.pdf

16-00928 Notice to the Public.pdf

16-00928 Pre-Legislation.pdf

16-00928 Legislation.pdf

16-00928 Attachment A.pdf

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

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

Absent: 1 - Commissioner(s) Russell

R-16-0356

George Mensah: George Mensah; director, Department of Community and Economic Development. Commissioners, PH.1 is a resolution of the Miami City Commission, with attachments, authorizing the allocation of CDBG funds, in total amount of \$50,000, to Chamber of Commerce of-- the Latin Chamber of Commerce of the United States, for commercial rehabilitation in District 4.

Chair Hardemon: Is there a motion to approve it?

Commissioner Suarez: So moved.

Commissioner Carollo: Second.

Chair Hardemon: It's been properly moved and seconded. Any further discussion from the Commission? Hearing none, all in favor, say aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes. PH.2.

Commissioner Gort: You know --

Chair Hardemon: You want to say something?

Commissioner Gort: -- one of the things, we had the façade programs. Maybe we can use the façade program to help some of those merchants that having problem with the windows and so on. Maybe we can come up with something for that.

PH.2**RESOLUTION**

16-00828*Department of Police*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, PURSUANT TO SECTION 18-92 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF A SOLE SOURCE; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AND APPROVING THE PROCUREMENT OF THE NC4 STREET SMART APPLICATION SYSTEM, SOFTWARE LICENSES, MANAGED SERVICES, AND MAINTENANCE AND SUPPORT FROM NC4 INC., FOR UTILIZATION BY THE CITY OF MIAMI POLICE DEPARTMENT ("MPD"), FOR AN INITIAL ONE (1) YEAR PERIOD, WITH THE OPTION TO EXTEND FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FOR THE FIRST YEAR TERM FROM THE MPD'S GENERAL FUND, ACCOUNT CODE NO. 00001.191501.664000.0000.00000, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, AND ANY AMENDMENTS TO SAID AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

16-00828 Summary Form

16-00828 Notice to the Public.pdf

16-00828 Memo - Manager's Approval.pdf

16-00828 Memo - Sole Source Finding.pdf

16-00828 Market Research.pdf

16-00828 Corporate Detail.pdf

16-00828 Legislation.pdf

16-00828 Exhibit - Agreement.pdf

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

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

Absent: 1 - Commissioner(s) Russell

R-16-0357

Chair Hardemon: PH.2. Chief, you're recognized.

Rodolfo Llanes: Good morning. Rodolfo Llanes, Chief of Police. PH.2 is a four-fifth waiver for NC4. NC4 is a program that is a blog-based -- web-based program for officers to share information about crime. The total amount, I believe it's close to 500,000. It's a set-up fee in the first year. And then two other years, a little bit less than a hundred thousand a year. I'm open to any questions you may have about the program.

Commissioner Carollo: Move it.

Commissioner Suarez: Second.

Chair Hardemon: It's been properly moved and seconded. Any further discussion? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chief Llanes: Thank you.

Chair Hardemon: Motion passes.

PH.3

RESOLUTION

16-00910

Department of Real Estate and Asset Management

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF AN UNDERGROUND EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, A FOR-PROFIT FLORIDA CORPORATION, FOR A NON-EXCLUSIVE PERPETUAL UNDERGROUND EASEMENT OF AN APPROXIMATELY TEN (10) FEET IN WIDTH BY SEVEN HUNDRED NINE (709) FEET IN LENGTH OF CITY OF MIAMI ("CITY") OWNED PROPERTY LOCATED AT 3377 CHARTHOUSE DRIVE, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED, FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF UNDERGROUND NATURAL GAS UTILITY FACILITIES, WITH THE RIGHT TO RECONSTRUCT, IMPROVE, ADD TO, ENLARGE, CHANGE THE SIZE OF, AND REMOVE ALL OR ANY OF THE FACILITIES WITHIN SAID UNDERGROUND EASEMENT, WITH FULL RIGHT OF INGRESS THERETO AND EGRESS THEREFROM; AND FURTHER PROVIDING A REVERTER PROVISION SHOULD THE UNDERGROUND EASEMENT BE ABANDONED OR DISCONTINUED.

16-00910 Summary Form.pdf

16-00910 Memo - Notice to the Public.pdf

16-00910 Corporate Detail.pdf

16-00910 Legislation.pdf

16-00910 Exhibit.pdf

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

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

Absent: 1 - Commissioner(s) Russell

R-16-0358

Chair Hardemon: Item PH.3.

Daniel Rotenberg (Director): Good morning, Commissioners. Daniel Rotenberg, Department of Real Estate & Asset Management. PH.3 is a resolution. Execute an underground easement for People's Gas, which is TECO (Tampa Electric Company). This is for the Grove Bay project. PH.3 and PH.4 are related. Again, PH.3 is for People's Gas. It contains the usual reverter provisions if the utility easement is abandoned.

Commissioner Suarez: Move it.

Commissioner Carollo: Second.

Chair Hardemon: It's been properly moved and seconded that we accept PH.3. Any further discussion on that item? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

PH.4**RESOLUTION****16-00911**

Department of Real Estate and Asset Management

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF AN UNDERGROUND EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH FLORIDA POWER & LIGHT COMPANY ("FPL"), A FOR-PROFIT FLORIDA CORPORATION, FOR A NON-EXCLUSIVE PERPETUAL UNDERGROUND EASEMENT OF APPROXIMATELY TEN (10) FEET IN WIDTH BY TWO HUNDRED TWO (202) FEET IN LENGTH OF CITY OF MIAMI ("CITY") OWNED PROPERTY LOCATED AT 3377 CHARHOUSE DRIVE, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED, FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF ELECTRIC UTILITY FACILITIES, WITH THE RIGHT TO RECONSTRUCT, IMPROVE, ADD TO, ENLARGE, CHANGE THE VOLTAGE OF, CHANGE THE SIZE OF, AND REMOVE ANY OR ALL SUCH FACILITIES WITHIN SAID UNDERGROUND EASEMENT, WITH FULL RIGHT OF INGRESS THERETO AND EGRESS THEREFROM; AND FURTHER PROVIDING A REVERTER PROVISION SHOULD THE UNDERGROUND EASEMENT BE ABANDONED OR DISCONTINUED.

16-00911 Summary Form.pdf

16-00911 Notice to the Public.pdf

16-00911 Legislation.pdf

16-00911 Exhibit.pdf

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

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

Absent: 1 - Commissioner(s) Russell

R-16-0359

Chair Hardemon: Item PH.4.

Daniel Rotenberg (Director, Department of Real Estate & Asset Management): PH.4, Commissioners, is the FPL (Florida Power Light) easement for Grove Bay, same item; also has a reverter if abandoned.

Commissioner Suarez: Move it.

Commissioner Carollo: Second.

Chair Hardemon: Properly moved and seconded to accept PH.4. Any further discussion? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

PH.5**RESOLUTION**

16-00821**Department of Public Works**

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

16-00821 Summary Form.pdf

16-00821 Notice to the Public.pdf

16-00821 Legislation.pdf

16-00821 Attachment 1.pdf

16-00821 Exhibit A.pdf

16-00821-Submittal-John Snyder-Letter with Petitions.pdf

16-00821-Submittal-John Snyder-Presentation regarding Battersea Woods.pdf

16-00821-Submittal-Paul Figg-Presentation to City Commission.pdf

16-00821-Submittal-Commissioner Russell-Miami21-Appendix A-Neighborhood Conservation Dist

16-00821-Submittal-John Snyder-Petitions, Analysis and Remarks Packet.pdf

16-00821-Submittal-Larissa Ozols-Platting of Battersea Woods Joint Presentation.pdf

16-00821-Submittal-Johannah Brown-Presentation Report.pdf

16-00821-Submittal-Deborah Dolson-Statement regarding Battersea Woods.pdf

16-00821-Submittal-John Dolson-Triumph of Terminology over Common Sense.pdf

16-00821-Submittal-Commissioner Ken Russell-Emails RE Battersea Woods.pdf

16-00821-Submittal-Commissioner Ken Russell-Miami21 Article 7-Procedures and Nonconformitie

16-00821-Submittal-Commissioner Ken Russell-Email to City Attorney Victoria Mendez.pdf

16-00821-Submittal-Commissioner Ken Russell-Email for IT Search for research purposes.pdf

16-00821-Submittal-Commissioner Ken Russell-Letter to Commissioners RE Battersea Woods an

16-00821-Submittal-Commissioner Ken Russell-Back-up Documents RE Battersea Woods and Vic

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

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

Note for the Record: Item PH.5 was deferred to the September 8, 2016 Regular Commission Meeting.

Note for the Record: For public hearing comments referencing item PH.5, please see Order of the Day."

Chair Hardemon: Well, before we go into that, considering that the Vice Chairman has just approached, I want to call items PH.5, which is the final plat for Battersea Woods. So if you were here on items PH.5, this is your opportunity now to hear the discussion from the Commission. Commissioner, we've heard public comment on items PH.1 through PH.10. However, we did not call PH.5 to be heard. So at this time, we want to recognize PH.5 so we can have our discussion as Commissioners.

Vice Chair Russell: Thank you, Mr. Chair, and thank you for your patience and your indulgence with me this week. Yes, PH.5, the replat of Battersea Woods. I don't need a Jennings disclosure

on this item, do I? This is not a -- I have met with the developer and their attorney, and I've really asked them to make a case to me of why this should not have gone through the warrant process. For me, I've read and studied the law; I've looked at it with the team; I've looked at it -- I've talked with our attorneys. For me, the interpretation is very clear in the NCD (Neighborhood Conservation District) that splitting up of this lot or a building site or a portion thereof for any lot before a certain date requires a warrant process. Doesn't mean I'm against the splitting; doesn't mean I'm making a decision on the size. There's just a process issue here that the neighbors should have had the chance to understand and appeal the situation. Doesn't mean they would have won the appeal, but the process should have been followed, and therefore, my opinion on this is that we should remand it back to the warrant process and let it follow its course.

Commissioner Carollo: I'll -- make the motion.

Commissioner Gort: Is there a motion?

Chair Hardemon: Yeah.

Commissioner Carollo: Make a motion then.

Vice Chair Russell: Sure. I'll move that we remand it back to the warrant process. Madam City Attorney, do we need to defer this item to do that?

Victoria Méndez (City Attorney): Right. It would need to be an indefinite deferral, because we don't know how long the process would take; and then once it's sent back -- it's sent back to you, then it'll be placed on an agenda, so an indefinite deferral would be the easiest thing.

Vice Chair Russell: Could I ask an estimate of what this process would take, if we were back at the warrant process at this point --? I know that this is going to be a pretty significant hardship for the developer, who's acting in his understanding of not needing a warrant process. What are we looking at as more of a time frame, if someone could help me out, if this were to go to the warrant process? Let's assume there would be an appeal.

Daniel J. Alfonso (City Manager): Well, Mr. Chairman, Commissioner, if I may? I think before we even answer that question, we would like to correct some statements that were made on the record by some of the presenters, because, you know, you just made a statement yourself that says that in your interpretation of the Code, there had to be a process that wasn't followed. In fact, the City of Miami Administration followed the process that we had in place, as advised by our legal team, so we have a difference of opinion there, I suppose. Some statements that were made on the record about seven properties being built out of one; that's incorrect. It was five. Somebody made 8,800 square foot as the minimum lot size; it was not. It is \$10,000 -- 10,000 square foot as the minimum lot size. And there's a number of other issues that pertain to Planning and Zoning that I would like the Planning & Zoning director to put on the record, because in response to some of the comments that were made, we think it's only fair.

Vice Chair Russell: I know my staff's listening. If you could get me a copy of the Code so we can read through that. I'd really like my fellow Commissioners to see, line by line. We've got a couple of attorneys here who can interpret pretty clearly. I don't see any unclarity here. I think it's very clear that this should have gone through the warrant process. It says, whether it's plated or not plated, it should have gone through the warrant process. And in this case, it actually does have remnants of several plats within this one, so it should have gone through the warrant process.

Chair Hardemon: So right now we have a motion by the Vice Chairman; there was a second by Commissioner Carollo, so there is a motion on the floor. It is discussion time. And at this time,

I'm going to allow for the information to be passed to us, because of course, if you all have some questions -- and, sir, I'm not sure; are you the developer?

Unidentified speaker: I'm one of the partners of Battersea Woods.

Chair Hardemon: Okay. I'll give you an opportunity to be heard. Before, though, you have an opportunity to be heard, let's hear from Francisco Garcia from the City, because I think there are some issues that you may have wanted to clarify for the Commissioners.

Francisco Garcia: Thank you, Mr. Chair. Francisco Garcia, Planning & Zoning director for the record. I think a couple of points, essentially, to address some of the relevant points that have been brought up. As I have had an opportunity to brief all of you and as I've had an opportunity to speak with the District 2 staff as well and the Commissioner, there are two key items that I wanted to address today for clarity sake. I'm on the record as saying that I welcome the warrant process. I think it serves its purpose in the sense that it brings additional scrutiny to sometimes controversial proposals, which this apparently is, so we certainly have no issue to avoid that. I want to assure this Commission, and I want to assure anyone who is here that is interested in this item that in moving forward without a warrant, we were acting under the advice of the interpretation of this particular section. I think everyone understands that and agrees with that. I think, as it is often the case with codes and with regulations, they are subject to interpretation. We all do our best to interpret them. In this case, there is room to disagree. And if the Commissioner certainly sees fit to issue a different interpretation or require a different interpretation, we'll go with it with -- you know, with our best intent forward. What I do want to say, however, is in terms of managing expectations is that the end result of this particular replat proposal, I think, complies rather well with the context for the property. It is ultimately the charge of our review. So now to tie back to the issue of timing and timelines. Essentially, the research has been conducted; the analysis has been done, and the results are what you see that they are. I would welcome the opportunity to speak with many of the nearby residents and stakeholders who have concerns to assure them that the size of the lots that would result are appropriate; that the design of the structures could be made appropriate and rendered coherent with the surrounding fabric; and that, certainly, a significant amount of time has been taken into reviewing the tree removal application, and that the results -- although you don't see them yet -- would, I'm fairly certain, be to the satisfaction of most, if not all. With that said, in particular as pertains to timeline, there is a requirement that approximately 45 days elapse between the time of a complete application and the time of the issuance of the warrant permit. Because we expect that we will have a complete application very, very quickly and because we expect that the City Attorney's Office will be able to provide us with a needed interpretation to be able to process the warrant, which we do need -- and I want to note that as well -- it is perfectly feasible that within roughly 45 days to maybe 60 days, a warrant itself would be issued, and then we would go forward with the process as appropriate. I certainly welcome any questions you may have, and I'm happy to provide additional information as warranted.

Vice Chair Russell: Thank you. May I, Mr. Chair?

Chair Hardemon: Sure.

Vice Chair Russell: Thank you, Mr. Garcia. And that public process is great, and I think it's needed, and I think that's what the warrant process probably would have offered had it kicked in at the time. Are you suggesting maybe there is a compromise here; rather than going back to the warrant process that we have somewhat of a public input situation here and see if we can find consensus amongst the neighbors, rather than the formal process of going back through the warrant? That way, the developer has their day with the neighbors to discuss and show the plan and they have the chance to informally appeal, and see if we can work something out before actually kicking the whole process in?

Mr. Garcia: I will tell you two things in response to your question, Commissioner. I will tell you that we would certainly welcome that process. I think everyone would stand to benefit from it significantly. I happen to know that the applicants, the developers, have also engaged the community, and would welcome the process as well. They've been nothing if not a -- very forthcoming as far as that goes, but I welcome that proposal, whether there's a warrant or whether there isn't a warrant to follow forward. So to me, they can travel parallel courses. And I would like to engage the community and the concerned stakeholders as soon as possible to explain to them what exactly is happening, because one thing is to see the plans and another entire different thing is to see the site as it looks right now. So yes, we're certainly available for that.

Vice Chair Russell: I'm not inflexible. I'm very reasonable. My priority is to the residents, and they're screaming at the top of their lungs that they're not being heard, and there is a sense that the warrant process isn't being followed; lot splittings are happening without going through the correct process. They understand that lot splittings will happen if the warrant process follows through and their appeals aren't granted. That's very possible. Developers can come up with reasonable plans, attractive plans. That lot was gigantic, and the one house was in the very corner, so it's certainly not unreasonable to say that that could have been two houses or three houses. Is five houses too dense? I don't -- that's not for me to personally say, but the neighbors certainly have a feeling about it, and they -- there's a mechanism through which they were supposed to be heard, and it wasn't. And I believe my staff is furiously making copies so that the -- my fellow Commissioners can look at the wording, because for me, it's not worded as great as it could be, and I think our attorney could take a better shot at -- and we actually are. We're looking at the Neighborhood Conservation District line by line, and we're going to be putting forth recommendations to tighten it up so it really makes sense. But for me, I actually tasked the developer this week with bringing to us today a legal interpretation of theirs that says they didn't need to do a warrant, and I'm not seeing that, so I'll be glad to hear from them and --

Chair Hardemon: Let's (UNINTELLIGIBLE). Yeah, please, (UNINTELLIGIBLE). You want to hear from them now?

Vice Chair Russell: Yes.

Chair Hardemon: Okay, sure. You're recognized, sir.

Carlos Tosca: All right. Commissioners, thank you very much for taking the time. I understand that you generally have a difficult job, and this one seems to be a little bit more difficult.

Chair Hardemon: Can you state your name for the record, please?

Mr. Tosca: My name is Carlos Tosca. I live at 6844 Sunrise Court; only a few blocks from the subject property. I would like to take an opportunity, before we get to the real nitty-gritty, legalities of this, to assuage some of the neighbors' concerns, because they were up here. And we can only speak to the neighbors when they reach out to us. I don't know them, and I can't just knock on everybody's doors. I did speak to a couple of neighbors that reached out to me, and we would have done more of that. Understand that our lots are 10,000 square feet. They're bigger than the average -- in the general area, they're bigger than almost any of the lots on Battersea. They're bigger than Mr. Snyder's lots. They're big lots. And I'm here just for a final plat. The design of the homes, all these other things are things that will get dealt with; in some cases, they have been dealt with. I can commend -- and I don't know the opinion of City -- of the neighbors about some of the City staff (UNINTELLIGIBLE). Let me tell you something. They've been very strict with us in the review of our plans. We've worked for three years to get to the point where we are. Mr. DeLoach and Ms. Quatisha have scrutinized our Tree Mitigation Plan incredibly tightly and fairly as the same time. Mr. DeLoach has been out to the property with us. He's walked it. The only true trees of any significance -- and I know them all. I walk the streets. I

know them. -- of any significance on those lots were both sick with like a mortal, deadly fungus, which was tested by two different arborists; was sent to the University of Florida toxicology; they couldn't be saved. They had to be removed. So in terms of trees, we took down very few trees, and we're planting a lot more than we took down. In terms of process, we went through a T-plat process, and a warrant was not requested of us. For 18 months, we worked on completing that T-plat requirement. After 18 months of us investing in the project and working on the project, the issue of a warrant came up. Because we were not familiar with it, we asked our legal counsel at Berger Singerman -- he's here today to answer any questions that you may have -- "Do we really need the warrant?" And the answer was, "You are not dividing platted land." And part of the reasoning behind this is that platted land has a character. It's been platted, so it'll be in character with the neighborhood. If you look at the plat before ours, the Grove Manor plat, all those lots are 5,000-square-foot lots and a very large distance from our area. Now, some homeowners over the years -- like it's happened in Gables and other places -- have combined 5,000-square-foot lots to make 10s and 15s, in some cases, but many of the lots are 50 foot wide, 5,000-square-foot lots. Our land was a huge parcel. It was out of character to begin with. So we were told, "You do not need to go through the warrant process." We did what we were supposed to do. We went through City staff. City staff said, "You got to go to Legal." We went through the Legal; a lot of time and effort. This is not something that was read in a few minutes. This was, you know, a lot of attorneys putting a lot of time into reading it, and it was decided that we did not need to go through the warrant process, so we proceeded. We got our permits. We started building our houses. We've invested in the City. This is not the first time we work in the City. We met with Commissioner Russell. They were nice enough to take the time to meet with us. He asked us for a legal interpretation on another little thing that came up and -- which I think was appropriate to do so, and we've done that. It had to be done quickly, because it was short time. We went with Commissioner Russell and his staff early this week, but we do have that interpretation. We think, legally, it's very, very clear; and we do think, from our part, that we've done everything we've been asked to do. And it would be a significant hardship to me, my staff, my family, my company if we were treated differently than other people for doing things right. And we make -- maybe there's other developers that haven't done things right, but we have. We've done everything we've been asked to do. We don't think the warrant is required; technically, we don't. That being said, I think Francisco made a good point. No benefit is going to come from making me be delayed and go back through a warrant process when I can't imagine anybody saying that my 10,000-square-foot lots are not good enough. They're bigger than anybody who is probably -- almost every lot in the neighborhood, with a very minor exception. It's smaller than our lots. So if you can't come into the City and do things right and provide a good product with a large lot -- The maximum square footage of my home is not anywhere near the FAR (floor area ratio). We did almost no tree removal. The two trees that were taken down, we spent thousands of dollars trying to relocate them. If we can't work in the City and follow the rules and do things right, it's going to be very difficult for anybody to work in the City and get anything done. It really is. So with that, I would like to let our attorneys answer your questions about the legalities and the details of the Code, because we very strongly believe that we're not required to do a warrant process. Even if the result would be the same anyways, we don't think we should have to do it.

Vice Chair Russell: Mr. Chair.

Chair Hardemon: Yes.

Vice Chair Russell: Just one clarification.

Mr. Tosca: Yes.

Vice Chair Russell: You said there was "almost no tree removal." As a neighbor walking the street --

Mr. Tosca: Very little.

Vice Chair Russell: -- that would be very hard to -- I mean, it was a jungle in there, and now it is a clear lot. So is that a technicality, I mean, by removal versus mitigation or --?

Mr. Tosca: No, no, no. The Tree Mitigation Plan is a matter of record. It was posted. It was open for appeal; nobody appealed it. Our demolition permit was opened. It was opened for appeal; nobody appealed it. This is an awkward time to deal with these things. There was a time for that. And by the way, when I say, "very little," I don't know everything exactly, but there was two major trees, probably what you guys saw in terms of removal, but those trees were very sick, and that's very well documented. I mean, they were very sick; they had to go. I love the trees. They were beautiful. I was going to spend \$25,000 relocating each one. It was 50,000 to relocate both. They were very nice. It was a big oak right in the middle towards the front with like three arms, and it was a ficus aurea, which actually could have stayed between two of my houses. We moved septic tanks. We moved pools. We designed the -- we did a lot of stuff to get around these trees. We removed a couple of mangos. We removed a couple of African tulips that were very small. They were under FPL (Florida Power Light) power lines. We relocated even palm trees. I can't say that nothing was removed or mitigation paid, but it was very, very minimal. But with that said, I think -- you know, to the legal argument, I would like to introduce my attorney, because it is not an easy interpretation, and I'm not an attorney. So I would like to let him deal with the legality of the warrant and the plat and the unplatted land and annexation, and all these things that are a little bit beyond my --

Vice Chair Russell: Mr. Chair.

Chair Hardemon: Yes.

Vice Chair Russell: Thank you. Before he does that, if I could just show our side, because our side's quite simple. And I'm very open, because I -- this is what I wanted to hear, because I certainly don't want to get in a lawsuit between the City and yourselves for an unnecessary hardship on advice you got from us. So, gentlemen, if you could look at the handout that my chief of staff just passed around. And on the first page -- this is from the Neighborhood Conservation District overlay. Basically, specific protections for the Grove that enhance our Code. G-1 says -- the last sentence says, "No building sites in existence prior to September 24, 2005 shall be diminished in size except by Warrant, subject to the criteria specified in Article 4, Table 12, Design Review Criteria." So the keyword there is building sites. And so if you look on the next page, we define a "building site" -- for the purpose of this section, on the next page, 2.4.2, Subsection "C," Building Envelope. "For the purpose of this section, a building site shall be defined as one or more lots or portions of lots that are aggregated to form a single-family residential site, including vacant lots and all permissible accessory uses and structures. Building site shall not include any portions of land under a different zoning transect." That doesn't apply here. And I believe the interpretation they're going to make comes from the first sentence on the first page, where I was before. It says, "Wherever an existing single-family residence or lawful accessory building or structure is located in one or more platted lots or portions thereof, such lots thereafter constitute only one building site and no permit shall be issued for the construction of more than one single, except by Warrant." Their interpretation may -- and I don't mean to put words in their mouth -- this is what I've heard up to now, and this is where I feel that the -- some of the nuance is. It says, "One or more platted lots." And they're saying, "Well, this isn't platted lots." And even the last page, if you go to in the handout I just gave, is -- our -- the legal opinion that was issued from our side. The highlighted sentence says, It actually "still applies to platted lots, including any case where the applicants submits a T-plat to replat partially platted land and partially unplatted land." And that actually does apply very specifically to this case. If you look at the map, even the one that they've brought here, 90 percent of this is an un-platted lot, but then there are several remnant plats which are part of this, so this actually is a combination of partially platted and partially un-platted land. So even by our own attorney's

definition there, it seems that this should have gone through a warrant process. If it's confusing and we need to tighten it up, great, but those three sentences really seem to be clear to me. I am open to another process, if it truly involves the neighbors in a way that would mimic what the warrant was intended to do. Because if they're brought into the case, and their potential appeals are heard and we take that into account, I'm open to an unorthodox process in this case, but if that's not -- if that looks like it's going south or not working out -- I'm a hard line on this, because I really think our City needs to follow its Code so that the residents have peace of mind and they don't have to march on City Hall for every single lot that comes through. It's just too much for them to feel they need the vigilance of. They need to know that we're there; we're here watching that, and that our City is aware that we're here watching that, and that we will hold them accountable. I mean, it's not certainly your fault in the sense that you chose to develop in the Grove where there are very passionate residents, and we do have very strict laws on the character of the neighborhood. But the opinion to me is pretty clear that it should have gone to warrant. I don't know if-- well, should we hear from their side?

Chair Hardemon: Yeah. I just want to get the opinion of the attorney on the record. Sir, can you state your name and -- for the record, who you represent, and then your opinion about the matter?

Paul Figg: Yes. My name is Paul Figg. I'm with the law firm Berger Singerman. I represent Palm Corp Development. And as a preliminary matter, I just want to address this before I even speak on the substance of anything. I am not a registered lobbyist. I'm an in-the-office kind of lawyer, so I don't appear before City Commissions frequently. I tried to submit a lobbyist registration form to the City Clerk; they wouldn't accept it, because I hadn't had the course for 2016. I wanted to ask for a reception -- I'm sorry -- an exception while I get that done. The reality is the last time I appeared before this City Commission, it was --

Chair Hardemon: Before you continue on, Mr. Clerk you want to be heard?

Todd B. Hannon (City Clerk): Yes, sir. If the attorney is simply answering questions posed by the Commission, then he does not need to register as a lobbyist.

Chair Hardemon: He would require -- Right. So, basically, the way that he's presenting himself, he's here to answer questions or his interpretation about the issue at hand, and therefore, he's not lobbying us to have us vote one way or the other, and so he's not, in fact, lobbying the Commission. So, sir, we want to hear your opinion about the matter that's before us.

Mr. Figg: Yes. May I provide you with --?

Chair Hardemon: You can -- sure, pass it to the Clerk.

Commissioner Carollo: His legal opinion.

Chair Hardemon: Right. Sure, (UNINTELLIGIBLE).

Mr. Tosca: I would like to point out one thing while he distributes the document, is that our property is very unique. There's not a lot of other un-platted land. Probably 99 percent of your applications do have to go through the warrant process. Just because I don't doesn't mean everybody else doesn't. This is probably the only piece of un-platted land, so there's not a precedence problem. It's this one time; everything else is platted. All the other lots that they're complaining about are platted lots; they've got to go through the warrant process.

Chair Hardemon: Thank you very much.

Mr. Tosca: And their 10s becoming 5s, or whatever. We are un-platted; different.

Chair Hardemon: Understood.

Vice Chair Russell: But it's not fully un-platted land, though. We're in agreement on that, right?

Mr. Tosca: Not necessarily, because there's a question as to the city limit and the annexation and the remnants. I'll let the lawyers explain it, but the remnants aren't platted lots or -- they're remnants. They're not buildable. If I would have left them out of my plat, there would be a disastrous piece of unmaintained land behind me, and I possibly could have done that very easily, but (UNINTELLIGIBLE).

Vice Chair Russell: But they are platted and they are part of your lot now?

Mr. Tosca: They're not platted in the City of Miami. They're -- I'll let the lawyer deal with it, but they're not platted in the City of Miami. They're remnants from a very, very old plat in a different city.

Chair Hardemon: Thank you very much, sir.

Mr. Figg: Thank you. Do you have what I handed out?

Mr. Hannon: Yes.

Mr. Figg: Yes? Okay. To begin, I want to start with the intent of this section, because I think there's been a lot of people who have come up and talked about the intent. But as an attorney, intent is derived from the language that's actually used, and that's really important here, because we're talking about property rights; property rights for the people in the neighborhood, property rights for the actual owner being affected here. People need to have a right to rely on what the language says. You were pointing to this sentence that says, "No building sites in existence prior to September 24, 2005 shall be diminished in size except by Warrant." Okay. To analyze that statement, you need to look at the definition of a building site. A building site shall be defined as one or more lots or portions of lots that are aggregated to form a single-family residential site, including vacant lots and all permissible accessory uses and structures." From there, I'm with you. The one thing your analysis is missing is the definition of "lot" under the Code.

Vice Chair Russell: A "lot"?

Mr. Figg: Of "lot." "A lot is an individual lot, tract, or parcel of land intended as a single building site or unit having an assigned number or numbers, letter or letters, or other name through which it may be identified for development purposes." This lot, which you're calling a lot, the un-platted portion, does not have that as required under the City's subdivision. It is un-platted land. There is no lot, block, subdivision for that. It cannot be a lot because of that. So going back to the provision that actually imposes the warrant requirement: "Wherever an existing single-family residence or lawful accessory building or structure is located on one or more platted lots or portions thereof," that language cannot be escaped in the Code; and that is, when somebody has combined platted land to form a single-family residential site, we're not going to allow you to diminish that kind of site without the warrant process. That's important, because that's not what this is. Now, I will address the two lot remnants. 3.6 says that all of 3.6 applies within the NCD District and transect T3, okay? That -- those portions of Lot 18 and 19 where there is a building site which could make those remnants lots, as defined under the Code, are in the City of Coral Gables. The Code specifically says, "Building sites shall not include" -- and remember, a lot has to have a building site, and we're looking specifically at the little remnants to determine whether they are lots. It has to have a building site. "Building sites shall not include any portions of land under a different zoning transect." The only building site for Lots 18 and 19 are in the City of Coral Gables; not the City of Miami. They're not in transect

T3, so they -- you cannot determine those remnants to be lots based on a building site in the City of Coral Gables, because that building site is not in the T3 transect. Given that, you have to look back at the language, and it is, "Wherever an existing single-family residence or lawful accessory building is located on one or more platted lots or portions thereof." There is no such single-family residence on either one of these remnants; there are two: The remnants of Lot 18; the remnant of Lot 19. There are two. No single-family residence on those. Combining those with the Battersea Woods plat doesn't diminish anything. It's actually making the land in the plat bigger and subdividing that land to create five lots that are 10,000 square feet; well in excess of the requirements under the Code. There is no way this City, who has an interest in protecting the character of the NCD-3 District, which is in the City of Miami; not in the City of Coral Gables, can look to what's going on in the City of Coral Gables to interpret its Code. Lastly, these remnants were created by the fact that this lot -- this plat, the -- Coconut Grove Manor was originally in two different cities.

Vice Chair Russell: You don't want to call it a "lot"?

Mr. Figg: These remnants -- yes, I won't call it a "lot." I'll call them portions of lots. "These remnants were originally in the City of Coconut Grove; doesn't exist today. It has been subsumed by the City of Miami, and those lots were -- portions of lots or remnants were effectively annexed into the City of Miami. The City of Miami 21 Code deals with annexation also. And the intent there -- and this is in Section 2.2.5.4 -- is, "Where property previously located outside the City is annexed, zoning boundaries shall not be construed as moving within the City limits. In such cases, the City may receive and process permits" -- permit applications for the property, but no permit shall be issued until the City Commission has rezoned the property to establish a zoning status and permit," and the permit is found to be in accord with the zoning." The point there is when you guys annex land, you want to take full control over it for development purposes, so you're kind of resetting the table with regard to that property. So when these remnants came into the City of Miami, yes, technically, they recorded -- they're parts of recorded lots, not as defined in the City of Miami 21 -- sorry -- City of Miami 21, but generally speaking, lots. They are not -- the City of Miami hasn't exercised its regulatory authority over that platting process, which is important. So you would have effectively lots that are subject to the requirements of the City -- the requirements of a city that doesn't exist anymore. You want to exercise your authority as a city over the entire development process, which has been done here. That supports -- And also, the City zoned the remnants when it included it within the City's Zoning Atlas, but the remnants have never been re-platted, which the City should require to make sure any development that includes annexed portions of lots are brought up to the City platting standards. So that's my analysis. It's pretty much written on --

Chair Hardemon: Thank you very much.

Mr. Figg: Mm-hm.

Chair Hardemon: Appreciate your time. Madam City Attorney, is there something you want to -- an opinion you want to put forth on this matter?

Ms. Méndez: No.

Chair Hardemon: Not on everything he just said, but is there something that you would like to add to the discussion? I know that you've given an opinion that the City Administration has relied upon, and the developer has moved forward with his development in accordance with that opinion. Because I know the first thing I think about is detrimental reliance, so I think it puts us in a position where we could be sued as a city for them relying on our interpretation of this all and our permission to move forward with this, and therefore, any of the -- any suffering that he's had, I'm sure will be remunerated [sic] from us.

Ms. Méndez: I would like to say that there was an opinion issued that the warrant process was not needed. However, these developers have proceeded in the building process through a tentative plat which has certain hold harmless to the City. With that said, there could be arguments on both sides to this, so.

Chair Hardemon: Okay. Well, Vice Chairman.

Vice Chair Russell: Mr. Chair, I really -- certainly want to be reasonable on this. I don't want to put us in our own position, but I -- I'd like to hear what you all think about the interpretation. I'm not a lawyer, but I'm playing one on TV (television) apparently right now, you know; and we have our City Attorney, who has, from her department, opined on this back then. It seems as -- it -- you know, it seems pretty clear to me, and it seems pretty clear to the neighborhood. I would be open to a public process with the neighborhood, with the developer together, in a way that doesn't, one, set their project back 8 to 10 months; two, potentially put us in a lawsuit situation; and three, maybe actually finds some sort of compromise with the neighborhood. As long as the developer truly is going into this with the spirit of hearing the neighbors on any potential appeals that they would give, I think we give this a shot. If we come to an impasse, then we'll relook at this. But this could avoid the lawsuit situation; this could avoid a long and drawn out process for you to get to development we're not trying to cause, and it might be a good compromise. I don't know.

Chair Hardemon: Commissioner Gort.

Commissioner Gort: My experience in the past has been the -- sometimes a lot of misinformation is given out. I think a mediation will be very important for them to get together. I think the Chairman stated he lives there and in Coconut Grove. We all understand the importance of Coconut Grove. What I heard from most of the neighbors, the canopy. Now, my understanding now, part of the canopy is in Coral Gables. So one of the gentlemen has a problem with his street; they're going to talk to the City of Coral Gables to see if they can take care of it. I think they should get together. They should see the plans. Because let's face it. When you see beginning with construction, it looks bad. It looks worse than what it really could look at the end. So I think I agree with you. I think if they get together, make a presentation to the neighbors, they can learn from each other, they can see what the plan is. The tree canopy, to me, is very important, but I think most of it's probably in the public right-of-way. But let me tell you something. I had someone in Allapattah knock down one tree. They ask him to put up 15 trees. So the guys came up to me and say, "I'm sorry. You have to put up the 15 trees." So I know this -- the Administration and the -- especially the -- this department, the Planning Department, to knock down a tree, it takes a lot. So I'm sure a lot of mediation that had to take place to replace those trees, and I think you have to use -- should be informed on those, and what the architecture is going to look like, what the house is going to look like.

Chair Hardemon: Thank you very much. Commissioner Suarez.

Commissioner Suarez: Yeah. I just -- you know, I think it's a good compromise. I think, obviously, anyone who builds in the Grove has got to understand it's complicated. You know, the neighbors are very invested. It's not a typical area in the City of Miami, and so I think it behooves anyone who wants to be there to sort of integrate themselves into the community and understand the fabric of the community. So, certainly, I think dialogue could result in a compromise for sure. I will -- I do -- you know, I don't want to sound too Solomonic, but I do also feel for people who are trying to build in our City, which is why I brought forth that resolution, because, you know, part of it is just the time, cost involved in developing it. It takes months and months and months and months just to get to this point, you know, and then to be told that there's another process or another delay is very frustrating for some of these people. If we would have dealt with some of this stuff on the beginning part of the process, we could have avoided a lot of expense, we could have avoided a lot of aggravation for everyone; not just for

the developer, but for the residents as well; and particularly in the planning, as you're planning some of this stuff. But we have to do a better job, which is why I passed that resolution looking at our building process, which is -- you know, I've heard some complaints that the permitting process takes longer than the building process. To permit a house takes longer than to build a house in the City, which is not acceptable. You know, these are concerns; and obviously, you have residents that are coming forth and spending their time and their energy to come here and talk on these concerns. So I think that's a good compromise. I do.

Vice Chair Russell: Then I'd like to amend my motion. I'd like to defer this for one -- till the first meeting in September?

Chair Hardemon: Can we rescind the motion?

Vice Chair Russell: Sure.

Chair Hardemon: Because it's much easier to rescind the motion.

Vice Chair Russell: I'll rescind the motion.

Chair Hardemon: And then what is your motion?

Vice Chair Russell: To defer this item until the first meeting in September.

Commissioner Carollo: Second.

Chair Hardemon: May --

Mr. Hannon: And that would be September 8, sir.

Vice Chair Russell: Yes, please. And I'd like to direct our City Attorney to look at this language and meet in the meantime with the Planning & Zoning director, as well my office, to clarify what we believe the spirit of this is and make sure that the letter of it falls in line with that in a very clear way.

Chair Hardemon: Any further discussion on the motion on the floor? Seeing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion Passes. This item is continued.

Ms. Méndez: Vice Chairman, though --

Vice Chair Russell: Pardon me. This process of public -- this public process I'd just like to clarify it for the neighborhoods that are here. Basically, I'm going to work with the Planning & Zoning director to mimic the warrant process in terms of notification. We're going to make sure that everyone within the correct radius is notified, and I -- my office will act as the mediator between the neighbors and the developer to see if we can come to a solution here and really understand the process in the next outcome. Am I missing something, Mr. Chair? Mr. Chair, if Mr. Snyder could be recognized?

Chair Hardemon: Please, Mr. Snyder.

Mr. Snyder: The warrant process calls for notifying the abutting neighbors only, and there are only three properties that are abutting that actually have residents, other than the ones that are

in Coral Gables. We would like to see a 200-foot radius -- that the people within a 200-foot radius be noticed.

Vice Chair Russell: You're very welcomed to attend, but I cannot ask them to go further than what our original Code says. We can look at altering the Code to expand that radius for the future, but I'll make sure that everybody is notified of it, but at the -- by the letter of it, we're going to make sure that the specific ones who are abutting are all notified, some of which are even here, I believe. But I'll make -- and -- by going through you, I know that the whole neighborhood will know as well, but we'll make sure that there's proper outreach, and that everybody can attend who wants to attend. And we'll set the date, we'll set the location, and it'll be in the neighborhood, and it'll be accessible and at a reasonable time for everybody, and I think we'll have a good discussion.

Chair Hardemon: All right.

Cindy Snyder: I'm Cindy Snyder, and I'm involved with this too, and our other neighbors are involved. We've been working at this for a long time, trying to get attention about this. We need rest. We have a vacation planned; so do the Dolsons. We're not going to be here during that initial period. It needs to be deferred a bit longer so that we can at least be in attendance.

Vice Chair Russell: We can do the second meeting in September. I don't want to unreasonably withhold the developer, but even we're going on vacation here in August, so I understand that.

Chair Hardemon: The second meeting in September is two months; a two-month deferral.

Vice Chair Russell: I think that's a -- I think that's reasonable. I mean --

Chair Hardemon: Sir, you're recognized.

Mr. Tosca: Commissioners, can I --? Yeah. We want nothing more than to be reasonable and friendly, not only with our neighbors, but with the Commission. We're a part of the community. We work continuously with the City. So, you know, we're in favor of doing this and meeting with the neighbors. The risk that it poses to us is that what we don't want is to go through the two-month process and then have to start the warrant process and then have to start an endless appeal process. What we would like -- and we've kind of done something like this before in a different city -- is to use the two months to go through basically the warrant process. I think, if we're going to be deferred for month and a half or two months, City staff has already said they could basically do it in 45 days, so --

Vice Chair Russell: You'd prefer the actual warrant process?

Mr. Tosca: No, not necessarily, but I think even you mentioned that we would basically pseudo go through the warrant process, but if there was a way that when we come back to the Commission again, we could kind of finalize it, and not then go through a series of appeals if we're already going to engage the neighbors now.

Chair Hardemon: Commissioner Carollo.

Mr. Tosca: I don't know if that's possible or not. I haven't even spoken to my partners, but I think that would be a reasonable thing on our part, say like we're going to go ahead and engage the neighbors, (UNINTELLIGIBLE) talk, but --

Chair Hardemon: Commissioner Carollo, you're recognized.

Commissioner Carollo: Thank you, Mr. Chairman. I think what he's asking for is a parallel

path so -- for him to meet with the neighbors within that time frame, but also continue with the warrant process, so -- and, in essence, it's what I believe everyone was asking in the beginning, so I think he should go through a parallel path.

Vice Chair Russell: Meaning, activate the warrant process. That's -- but I want to be sure that that's what you're saying, because I don't want to --

Mr. Tosca: The thing is -- I don't under -- you know, we're all just speaking now, you know, trying to find, like you said, a common ground, something reasonable. If we're just going to meet with the neighbors, but there's no formality to it -- I mean, for example, you could have a neighbor say, "I want a 40,000-square-foot lot there," and then I'll have to build a 20,000-square-foot house. And if they don't change their mind, I'm never going to convince them. You have to have some kind of mechanism with a mediator so that we don't just spin our wheels in the mud and waste two months --

Commissioner Suarez: Mr. Chair.

Mr. Tosca: -- not doing the warrant process, which I feel --

Commissioner Suarez: Mr. Chair.

Mr. Tosca: -- is going to be favorable anyways; and then start in two months the warrant process, and then go through a series of appeals.

Vice Chair Russell: Okay. So you are saying exactly what Commissioner Carollo --

Mr. Tosca: Perhaps.

Commissioner Gort: Yeah.

Chair Hardemon: I'll recognize Commissioner Suarez --

Commissioner Suarez: Yeah.

Chair Hardemon: -- before (UNINTELLIGIBLE).

Commissioner Suarez: I don't want to belabor the point, but I think what you're trying to say is you don't want to just have that time sort of -- I don't want to say wasted, but if you can go through the warrant process, which is sort of what you were asking him to do in the first place --

Vice Chair Russell: You're anticipating an impasse is your feeling.

Commissioner Suarez: Well, I wouldn't go -- I wouldn't say that, because I don't think that makes the process genuine. I wouldn't anticipate anything. I think the anticipation is you're going to listen, you're going to participate, and we'll see where that process takes you. But I think what he's saying is that in the meantime, if -- because a warrant process could take six months, it could take eight months, it could take a long time. If he could go through that process in the meantime, which is a process that is a public process, potentially, depending on how it works out, then it makes sense to be efficient. I think that's the question here, but I don't know.

Mr. Tosca: I don't know. I --

Vice Chair Russell: All right.

Mr. Tosca: -- wanted to bring it up to the Commission in case, you know, you could help us too.

I mean, we're also neighbors and partners (UNINTELLIGIBLE).

Vice Chair Russell: So we've voted on --

Mr. Tosca: We've done things right, but I don't want to end up in a really, really, really bad situation down the line here.

Chair Hardemon: The other thing I want to make clear also is that, you know, when you give time for the public to be heard --

Vice Chair Russell: Yes.

Chair Hardemon: -- it's for the general public; and many times, you know, in a given neighborhood, say we extend it two months, there may be another homeowner that says --

Vice Chair Russell: Of course.

Chair Hardemon: -- "Hey, I'm not here on that day either," so, you know, we want to keep it in consideration. And when we have public hearings on things, it's for the public; not for the consideration of one in the public, but the public as a whole.

Vice Chair Russell: Right. The two that spoke happen to be the representative activists of the neighborhood; have really been communicating with all of the neighbors and studying the documents, and I would be remiss to not involve them in the process, certainly. But Madam City Attorney, what would be the proper motion at this point, seeing that we've already voted on this motion? How do we now activate the warrant process as well in a parallel --?

Ms. Méndez: Well, there's a couple of things. I believe you made a motion, and it -- did it pass for September 8; for this to come back September 8? So I think -- and the Chairman is better at parliamentary procedures than I am -- that would need to be reconsidered for a later date of September 22, if that's the case. And then what you can do is, along with that motion for September 22, also direct the Planning staff to accept a warrant process; though it is not necessarily required at this point, but they're voluntarily willing to go through the warrant process in the meantime, just in case there's -- so it would have to be a direction.

Vice Chair Russell: Well, I think we're back to my original --

Mr. Tosca: I'm not saying I want to go through a warrant process, though.

Vice Chair Russell: -- my original motion was to rescind this back to -- to remand this back to the warrant process; and, of course, we would have a public process in the meantime anyway. So I -- you know, to hear that the developer's actually open to that original --

Mr. Tosca: Well, I don't necessarily want to go through the warrant process, but understand, a two-month deferral for me is a lot of -- it's a -- you know, it's not a victory for me here today.

Commissioner Suarez: What he's saying is --

Mr. Tosca: Two months is a very long time.

Commissioner Suarez: -- in two months, he has to then go through the warrant processes --

Vice Chair Russell: I agree. I'm only--

Commissioner Suarez: -- and he's lost that time.

Vice Chair Russell: -- bringing this option because this is your request here.

Mr. Tosca: Yeah. No, no. I simply ask the chance to come back up and speak to see if you guys could help me, because I --

Chair Hardemon: Right.

Mr. Tosca: -- two months is a lot of time.

Commissioner Carollo: What he's saying, that he will meet with the residents. However, if nothing comes of it, then he starts the process two months from now.

Vice Chair Russell: Instead of now.

Commissioner Suarez: Right.

Commissioner Carollo: So that's where I was saying the parallel path, but --

Commissioner Suarez: And if we can do it in that time frame, he can process a warrant -- right.

Chair Hardemon: Basically -- I mean, listen --

Commissioner Suarez: Kind of like the best of both worlds, guys.

Chair Hardemon: -- I want to give -- before everyone keeps talking, right now the motion on the floor that has passed -- I'm sorry; there's no motion on the floor. What passed was that we hear this item again on the --

Vice Chair Russell: September 8.

Chair Hardemon: -- on September 8.

Commissioner Gort: Right.

Chair Hardemon: Why don't we just move forward with that? And during this time, because I -- as I understand, the developer will be meeting with the residents from now through August to -- I'm sure up until the day of September 8; and then, if there's an issue that needs to be resolved from there, then we can continue it to another day. But instead of pushing it out much further, I'd rather (UNINTELLIGIBLE).

Vice Chair Russell: How 'bout we leave -- what if we were to leave the September 8 date but also trigger the warrant process at this point; remand it back to the (UNINTELLIGIBLE)?

Chair Hardemon: I don't -- and I want to be very careful with our words when we talk about warrant process; and I'll allow Francisco Garcia to speak, because, you know, I rarely see him shake when it comes to these types of issues, but I'm seeing him quiver, and so I want to be clear about what we're doing today. Mr. Garcia.

Mr. Garcia: Thank you for the opportunity, sir. And I -- honestly, I need to make this abundantly clear. My authority as Planning & Zoning director is, as appropriate, very well-defined and very much constrained by the City Code and the Zoning Ordinance. That's the way it should be. I would want it no other way. That said, applying for a warrant or making a referral for a warrant is not a whim; it's not random or aleatory. It is either a requirement or it is not. Presently, gentlemen of the City Commission, it is not a requirement, and I have been so

advised. So for me to receive an application that I can process as a warrant, a number of legislative changes need to be made to accomplish that. That is how I humbly see it. I defer to the City Attorney's Office if they care to chime in differently, but that's where I stand at the moment.

Chair Hardemon: Thank you very much. So what he's saying is that --

Vice Chair Russell: Oh, I understand.

Chair Hardemon: -- this is not a warrant. It's not being considered for a warrant. However, there is some public comment that I think your -- the developer is willing to hear. And during the time that this is being continued, in that time frame, the developer's willing to hear such public comment that he can make possibly --

Commissioner Gort: Get together with them.

Chair Hardemon: -- any changes to his development. And so that is -- that's what's going to happen between that time period; not a warrant hearing.

Vice Chair Russell: Understood. No, and this -- for me and what I've heard today is basically the Administration is doubling down on the legal opinion that they issued, so we're going to take this month to work on that, because my opinion of this is the opposite. So we'll leave it as is. We'll defer it for the one month, and I'm going to work with the Attorney's Office -- with the City Attorney and with the Planning & Zoning director to really, really parse through the wording in the NCD.

Chair Hardemon: Do you advise the developer to meet with the community regarding the issue?

Vice Chair Russell: Absolutely, absolutely.

Mr. Tosca: We're always willing to meet with the community. Although, I think that's -- what happened is what needed to happen that -- in this two months, really, what's being decided here is, "Do I need a warrant or not?"

Commissioner Gort: Let me --

Mr. Tosca: So if that doesn't get resolved, the rest of it -- you know, what are we --

Chair Hardemon: Thank you very much, sir.

Mr. Tosca: -- going to do? But I'm happy to meet with the community at any time.

Commissioner Suarez: He needs certainty. He needs to know (UNINTELLIGIBLE).

Chair Hardemon: Thank you very much.

Mr. Tosca: Exactly.

Ms. Méndez: Chairman, I just --

Chair Hardemon: Yes.

Ms. Méndez: -- I want to clarify for the record that if they want to voluntarily go through the warrant process, they can. I really do not agree.

Chair Hardemon: *But that's not for us to decide today.*

Commissioner Gort: *Come on.*

Chair Hardemon: *We appreciate the opinion.*

Ms. Méndez: *Okay, but if he want -- if there's a parallel process that the developer wishes to do, he could.*

Chair Hardemon: *Okay.*

Vice Chair Russell: *That doesn't need to happen through us, though.*

Ms. Méndez: *Correct.*

Vice Chair Russell: *He could do that directly with the Planning & Zoning Department.*

Ms. Méndez: *It could be administrative.*

Vice Chair Russell: *Yep.*

Chair Hardemon: *Thank you very much. Thank you very much. We'll consider the issues as of today.*

PH.6

16-00912

Department of Public Works

RESOLUTION

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

16-00912 Summary Form.pdf

16-00912 Notice to the Public.pdf

16-00912 Legislation.pdf

16-00912 Attachment 1.pdf

16-00912 Exhibit A.pdf

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

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

Absent: 1 - Commissioner(s) Russell

R-16-0360

Chair Hardemon: *Item PH.5 I'm not going to call right now. I want to allow the district Commissioner to be present before we have discussion amongst ourselves as Commissioners*

about the item, okay? However, PH (Public Hearing) -- Mr. Clerk, what I would love to entertain is a motion to accept items PH.6 through 10 -- well, PH.6 through 9, at least, because they don't require a --

Commissioner Suarez: So moved.

Chair Hardemon: Moved. Any further discussion?

Victoria Méndez (City Attorney): Chairman, you wanted to vote on them all together?

Chair Hardemon: Yeah. I mean, if there's no objection from any of the Commissioners to the acceptance of items PH.6 through 9.

Ms. Méndez: If -- just for the record, because if someone decides that they would like to not -- or --

Chair Hardemon: That's why I'm saying, 6 through 9. If there's --

Ms. Méndez: Yeah. Could we vote on them separately? I know that it takes a little longer. Please.

Chair Hardemon: No. And I'll make it clear. If you're -- if you want to vote against any item from items PH.6 through 9, then we don't want to have this vote. If you -- if everyone's okay with it, then we can vote on items PH.6 through 9. So items PH.6 through 9. There's a motion to approve items PH.6 through 9?

Commissioner Suarez: Yeah. I mean, I have no problem with it, but are you comfortable with it?

Commissioner Carollo: Yeah. I want to make sure that the City Clerk and the City Attorney are okay with that.

Todd B. Hannon (City Clerk): There's nothing preventing you from doing so in Mason's. It's more, I think, of a legal consideration than a parliamentary procedure consideration.

Ms. Méndez: Well, if you like vote on it, on these items, I don't think there's anything controversial, and I'll do a little research for the, you know, next time. I like the separate vote, because the record is clear. And if there's any issue with any particular item, we could take one at a time versus the -- but it's similar to the consent item -- agenda process. So for now we can vote on it as you want, Chair. And then if there's any issue, I will definitely bring it back to you before the end of the day.

Commissioner Gort: Just mention each one of them.

Commissioner Suarez: Perfect. Yeah.

Chair Hardemon: Hmm?

Commissioner Gort: Just mention each one of them.

Chair Hardemon: Okay. So the motion on the floor is to accept items PH.6 through PH.9. Any further discussion about that motion that's on the floor?

Commissioner Carollo: Yeah, Mr. Chairman, I think Commissioner Gort requested that we vote on it -- each individual one.

Commissioner Gort: No, just mention the name. That's all. What's --

Commissioner Suarez: You're saying PH.6 is accepting --

Chair Hardemon: So PH --

Commissioner Suarez: -- the final --

Chair Hardemon: -- 6 to accept the final plat of Tierra Acres; PH.7, to accept the final plat of the Lyric Subdivision; PH.8, to accept the final plat of the Center Brickell Subdivision; and PH.9, to accept the final plat of Mayflower Subdivision.

Commissioner Suarez: Right.

Commissioner Carollo: Second.

Chair Hardemon: All right. It's been properly moved any seconded. Any further discussion on the item? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Okay.

PH.7

16-00913

Department of Public Works

RESOLUTION

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

16-00913 Summary Form.pdf

16-00913 Notice to the Public.pdf

16-00913 Legislation.pdf

16-00913 Attachment 1.pdf

16-00913 Exhibit A.pdf

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

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

Absent: 1 - Commissioner(s) Russell

R-16-0361

Note for the Record: For minutes referencing item PH.7, please see item PH.6.

PH.8

16-00914

RESOLUTION

Department of Public Works

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

16-00914 Summary Form.pdf

16-00914 Notice to the Public.pdf

16-00914 Legislation.pdf

16-00914 Attachment 1.pdf

16-00914 Exhibit A.pdf

16-00914-Scrivener's Error Memo.pdf

16-00914-Legislation-Version 2.pdf

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

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

Absent: 1 - Commissioner(s) Russell

R-16-0362

Note for the Record: For minutes referencing item PH.8, please see item PH.6.

PH.9**16-00823****Department of Public Works****RESOLUTION**

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

16-00823 Summary Form.pdf

16-00823 Notice to the Public.pdf

16-00823 Legislation.pdf

16-00823 Attachment 1.pdf

16-00823 Exhibit A.pdf

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

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

R-16-0363

Note for the Record: For minutes referencing item PH.9, please see item PH.6.

PH.10

16-00859

*Department of
Information
Technology*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, PURSUANT TO SECTION 18-92 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF A SOLE SOURCE; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT"), IN SUBSTANTIALLY THE ATTACHED FORM, FOR THE PROCUREMENT OF INFORMATION TECHNOLOGY TALENT MENTORSHIP AND APPRENTICESHIP PROGRAM SERVICES FROM THE LAUNCHCODE FOUNDATION, INC., A NOT FOR PROFIT CORPORATION REGISTERED TO DO BUSINESS IN FLORIDA, FOR THE CITY OF MIAMI'S INFORMATION TECHNOLOGY DEPARTMENT ("IT DEPARTMENT"), FOR A TWO (2) YEAR TERM WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS; ALLOCATING FUNDS FROM THE IT DEPARTMENT'S PROFESSIONAL SERVICES FUND SOURCE, WITH FUTURE YEARS' FUNDING SUBJECT TO AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL OTHER DOCUMENTS, INCLUDING AMENDMENTS AND MODIFICATIONS TO SAID AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

16-00859 Summary Form.pdf

16-00859 Notice to the Public.pdf

16-00859 Memo - Manager's Approval.pdf

16-00859 Memo - Request for Sole Source Finding.pdf

16-00859 Letter - LaunchCode.pdf

16-00859 Market Research.pdf

16-00859 Corporate Detail.pdf

16-00859 Legislation.pdf

16-00859 Exhibit.pdf

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

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

R-16-0364

Chair Hardemon: Item PH.10.

Annie Perez (Director): Good morning. Annie Perez, Department of Procurement. PH.10 is a resolution approving a sole source finding for LaunchCode Foundation, Inc. It's a technology mentorship/apprenticeship program for the ITD (Information Technology Department)

Department.

Commissioner Gort: Okay. Move it.

Commissioner Carollo: Second.

Chair Hardemon: Been properly moved and seconded. Any further discussion on that item?
Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Any against?

Commissioner Gort: Let me ask you a question. After they take this course, we're not going to have any problem with IT, right? Because it's my understanding, this is a special course they're going to be taking, so --

Matt Mawhinney: Matt Mawhinney. I am the South Florida Community Manager for LaunchCode, and our course or program draws from multiple sources of talent. So our main pipeline of talent is coming from our partnership with Miami Dade College. We run a program there called CS50x Miami, so we've put 400 people through this program. It's Harvard's intro computer science curriculum, free of cost to everyone going through the program, and then they're able to come into our program, and then will be able to come to work for the City.

Commissioner Gort: Thank you.

Chair Hardemon: Thank you very much. Motion passes. That's PH.10. I'm not sure. Did I call PH.4? Was PH.4 heard? It was heard, so motion passed on PH.4?

Commissioner Suarez: Yeah, and 5.

Chair Hardemon: Well, 5, we have not heard. Five, we have not considered.

Commissioner Suarez: I'm sorry. You're right.

END OF PUBLIC HEARING

FIRST READING ORDINANCES

FR.1

ORDINANCE

First Reading

16-00929

**District 5 -
Commissioner Keon
Hardemon**

TO BE DEFERRED

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62/ARTICLE XIII/DIVISION 5 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PLANNING AND ZONING/PLANNING AND ZONING APPROVAL FOR TEMPORARY USES AND OCCUPANCIES; PERMIT REQUIRED/MURALS" BY AMENDING THE BOUNDARIES OF THE GEOGRAPHICAL AREA IN WHICH MURALS ARE PERMITTED AS DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

16-00929 Legislation.pdf
16-00929 Exhibit A.pdf

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

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

Note for the Record: Item FR.1 was continued to the September 22, 2016 Planning and Zoning Commission Meeting.

FR.2**ORDINANCE****First Reading****16-01036**

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

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE XI/DIVISION 12 OF THE CODE OF THE CITY OF MIAMI, AS AMENDED, ENTITLED "ADMINISTRATION/BOARDS, COMMITTEES, COMMISSIONS/COMMUNITY RELATIONS BOARD," MORE PARTICULARLY BY AMENDING SECTION 2-1152, BY CHANGING THE PROCEDURE FOR FILLING VACANCIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

16-01036 Legislation FR/SR.pdf

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

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

Chair Hardemon: FR.2.

Victoria Méndez (City Attorney): Chairman, this item is sponsored by Commissioner Gort. It has to do with amending the Community Relations Board process for selecting members. As you know, you are supposed to select members -- this Commission is supposed to select members based on a list that's provided by the Board itself. Unfortunately, the Board has had quorum issues and has not been able to select or send a list to this Commission of names to be proffered for you to appoint. Therefore, we are eliminating the sentence that says that the Commission can appoint based on the list that they receive from the Board. Since this Commission appoints various committees and boards, this Commission is more than capable of selecting the names of -- from people who apply normally, and it doesn't have to be a direct adoption by the actual Board below. And that's the minor change that we're doing to this ordinance, in order to build up the quorum, because other than that, it's a vicious cycle. You can't appoint because you need the list, and you'll never get the list because you can't appoint.

Chair Hardemon: Don't have quorum. Commissioner Gort.

Commissioner Gort: The reason, if you'll recall, we were talking about here -- last Commission meeting, we discussing how we can bring our neighborhoods together and get the police to work very closely with the neighborhood. When I was in the Community Relation back a few years in the County, our goal was to go to the community, talk to the community, and make sure we -- before any tension or any problem come out of any community, we aware of it. So we need to have a board that's active, and it should be -- this is one of the most diversified city, and when you look into our neighborhoods, our neighborhoods are very diversified. We need representatives for those neighborhood that willing and like to do a -- would like to participate to make sure that the Community Relations Board works the way it should be working.

Chair Hardemon: Is there a motion, sir?

Commissioner Gort: Move it.

Chair Hardemon: It's been properly moved --

Commissioner Carollo: Second.

Chair Hardemon: -- and seconded --

Commissioner Suarez: Second.

Chair Hardemon: -- for approval. Any further discussion from the Commissioners? The second was Commissioner Carollo. Seeing no further discussion, all in --

Todd B. Hannon (City Clerk): Chair, it is an ordinance.

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

Mr. Hannon: Roll call on item FR.2.

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

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

FR.3

ORDINANCE

First Reading

16-01011

*District 1 -
Commissioner
Wifredo (Willy) Gort*

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING CHAPTER 35 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "MOTOR VEHICLES AND TRAFFIC", ESTABLISHING ARTICLE XIII, ENTITLED "FORKLIFT ZONE" CREATING A ZONE NEAR THE ALLAPATTAH PRODUCE MARKET AREA FOR MERCHANTS THAT REQUIRE THE USE OF FORKLIFTS AND SIMILAR HEAVY MACHINERY ON A DAILY BASIS AND REGULATING THE USE OF FORKLIFTS IN THAT AREA THEREOF; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

16-01011 Legislation SR.pdf

OBSOLETE

16-01011-Submittal-City Attorney's Office-Exhibit A.pdf

16-01011 Exhibit SR SUB.pdf

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

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

Absent: 2 - Commissioner(s) Russell and Suarez

Chair Hardemon: FR.3.

Victoria Méndez (City Attorney): FR.3 is also an ordinance that is sponsored by Commissioner Wifredo Gort. And basically, this item is to create a forklift zone in the Allapattah Produce Market area. That would be the first zone. But it's creating a scheme to develop forklift zones, and then the first forklift zone will be in the Allapattah Produce Market area. This is basically allowing -- with a map that we have to substitute today, so this would be an amended ordinance in order to show where. There will be an orderly area for which the forklifts can operate. They will have indemnification. They will have insurance. They will provide all of this to the City in

order for them to be able to take the produce that is usually placed on the forklift, and then taken to another location down the street in order for that area to be able to address their issues with regard to forklift use in a more orderly fashion that could make sure that the residents that are driving on those streets are able to park safely.

Commissioner Gort: Let me explain. The market begins, and that's why when I talked to Commissioner Suarez, I talked about his -- the new ordinance that he wanted to implement in this neighborhood about people not doing any delivering in the early morning. The market works at -- they begin work at 2 o'clock in the morning. At that time, there's no traffic at all, so the forklifts go among themselves quite a bit. That area has grown quite a bit. It's still an area that permits all that. But at the same time, Northwest 17th Avenue, Northwest 12th Avenue, they have heavy traffic. Now 14th Avenue, I asked for a study. There's heavy traffic during the rush hours. So a lot of times when you have this forklift in the middle of the traffic, it really backs up traffic a bit. At one time, we told them, "Look, you're not allowed to be in the street." A couple of the property owners or the business owner came to me, he says, "Look, the forklift to us is very important." So we talked about create a special zone where they can take more responsibility. We set up a map where it will not interrupt with the main -- major traffic that takes place on the peak hours. So this is just on the first reading. We'll come up with more information on second reading.

Chair Hardemon: Thank you very much. I'll consider that as a motion by --

Commissioner Gort: Move it.

Chair Hardemon: -- Commissioner Gort and a second by Commissioner Suarez. Any further discussion on the item? Hearing none, all in -- it's an ordinance, rather.

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

Ms. Méndez: As amended with the new map designated the area. Thank you.

Todd B. Hannon (City Clerk): Roll call on item FR.3.

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

Mr. Hannon: The ordinance passes on first reading, as amended, 3-0.

FR.4

16-00992

*District 4-
Commissioner
Francis Suarez*

ORDINANCE

First Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10/ARTICLE I OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ENTITLED "BUILDINGS/IN GENERAL", TO AMEND SECTION 10-5, ENTITLED "WAIVER AND DEFERRAL OF FEES AND SENIOR CITIZENS WAIVER", TO DEFER BUILDING PERMIT FEES FOR ADULT DAY CARE FACILITIES; FURTHER AMENDING CHAPTER 13/ARTICLE I OF THE CITY CODE, ENTITLED "DEVELOPMENT IMPACT AND OTHER RELATED FEES/IN GENERAL", TO AMEND SECTION 13-16, ENTITLED "ADMINISTRATIVE PROCEDURES FOR PETITIONS FOR IMPACT FEE DETERMINATIONS AND AFFORDABLE HOUSING AND WORKFORCE HOUSING DEFERRALS, REFUNDS AND CREDITS", TO DEFER IMPACT FEES FOR ADULT DAY CARE FACILITIES; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

16-00992 Legislation.pdf

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

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

Note for the Record: Item FR.4 was deferred to the September 8, 2016 Regular Commission Meeting.

END OF FIRST READING ORDINANCES

RESOLUTIONS

RE.1

RESOLUTION

16-00694

*Office of Management
and Budget*

A RESOLUTION OF THE MIAMI CITY COMMISSION COMPUTING A PROPOSED MILLAGE RATE FOR THE CITY OF MIAMI, FLORIDA ("CITY"), FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; DIRECTING THE CITY MANAGER TO SUBMIT SAID PROPOSED MILLAGE RATE AND ROLLED-BACK RATE TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER AND TAX COLLECTOR TOGETHER WITH THE DATES, TIMES AND PLACE OF THE PUBLIC HEARINGS AT WHICH THE CITY COMMISSION WILL CONSIDER THE PROPOSED MILLAGE RATE AND THE CITY'S TENTATIVE BUDGET FOR SAID FISCAL YEAR.

16-00694 Summary Form.pdf

16-00694 Back-Up from Law Dept.pdf

16-00694 Legislation.pdf

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

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

R-16-0365

Commissioner Gort: We're doing the time certain first?

Chair Hardemon: No, we're going to call RE.1 first. If anyone in TV (television) land is watching this and you know Commissioner Suarez' phone number, call him; tell him that we're waiting on him. Oh, we have one. Go ahead. RE.1.

Christopher Rose (Director): Good afternoon, Commissioners. Chris Rose, Office of Management & Budget. RE.1 is the millage rate -- millage cap for fiscal year '16/'17, next fiscal year. It is the same operating millage rate and a reduced debt service millage rate as the current year. Be happy to take any questions you may have.

Chair Hardemon: Commissioners, any discussion or questions?

Commissioner Gort: Move it.

Chair Hardemon: It's been properly moved. Is there a second?

Commissioner Carollo: Second.

Chair Hardemon: Properly moved and seconded that we accept RE.1. Any further discussion regarding the issue?

Mr. Rose: Commissioner -- forgive me -- Chair, this also sets the budget hearing dates for September 6 and September 20, which are two Tuesdays in the month of September, according to State law.

Chair Hardemon: Okay. Any further discussion? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

Mr. Rose: Thank you, Commissioners.

RE.2

16-00924

***Downtown
Development
Authority***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION COMPUTING A PROPOSED MILLAGE RATE FOR THE MIAMI DOWNTOWN DEVELOPMENT AUTHORITY ("DDA"), FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; DIRECTING THE EXECUTIVE DIRECTOR TO SUBMIT SAID PROPOSED MILLAGE RATE TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER AND THE TAX COLLECTOR TOGETHER WITH THE DATES, TIMES AND PLACE OF THE PUBLIC HEARING AT WHICH THE CITY COMMISSION WILL CONSIDER THE PROPOSED MILLAGE RATE AND THE DDA'S TENTATIVE BUDGET FOR SAID FISCAL YEAR.

16-00924 Memo - Miami Downtown Development.pdf

16-00924 DDA Resolutions.pdf

16-00924 Back-Up Documents.pdf

16-00924 Back-Up from Law Dept.pdf

16-00924 Legislation.pdf

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

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

R-16-0366

Chair Hardemon: RE.2. You're recognized.

Alyce Robertson: Good afternoon. Alyce Robertson, executive director of the Miami Downtown Development Authority. What's in front of you today is the setting of the Miami DDA (Downtown Development Authority) millage at .4681, and it would be remaining flat at the current rate we're charging this year.

Chair Hardemon: Any discussion regarding this or motions?

Vice Chair Russell: I'd like to move it.

Commissioner Gort: Second.

Chair Hardemon: It's been properly moved --

Commissioner Carollo: *Second.*

Chair Hardemon: *-- seconded by Commissioner Gort. Any further discussion on the issue?*

Commissioner Gort: *I think it's important people to understand that this is a tax imposed by the property owner them self that decided to have that, in order to make some improvements in their area.*

Vice Chair Russell: *And -- Can I go, Mr. Chair?*

Chair Hardemon: *Please.*

Vice Chair Russell: *Yeah, we had vigorous discussion on it at the DDA and backed it off of the original with input from the community and the business community, so everyone's pretty happy with where it is.*

Chair Hardemon: *Thank you very much. Any further discussion? Hearing none, all in favor of the motion, say "aye."*

The Commission (Collectively): *Aye.*

Chair Hardemon: *All against? Motion passes.*

Ms. Robertson: *Thank you.*

Chair Hardemon: *Thank you.*

RE.3

16-00951

City Manager's Office

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE ISSUANCE, SUBJECT TO THE ELECTION HEREIN PROVIDED FOR, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING TWO HUNDRED SEVENTY-FIVE MILLION DOLLARS (\$275,000,000.00) OF GENERAL OBLIGATION BONDS ("BONDS") OF THE CITY OF MIAMI, FLORIDA ("CITY") IN ONE OR MORE SEPARATE SERIES FOR CAPITAL PROJECTS AND IMPROVEMENTS FOR PUBLIC SAFETY, RESILIENCY AND SUSTAINABILITY, CITY PARKS AND INFRASTRUCTURE, WITH INTEREST PAYABLE AT RATES NOT EXCEEDING THE MAXIMUM RATE ALLOWED BY LAW; PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES TO PAY SUCH BONDS, PROVIDED THAT THE DEBT MILLAGE NOT EXCEED THE CURRENT RATE OF 0.6435 MILLS; CALLING FOR A REFERENDUM AND MAKING PROVISIONS FOR PUBLIC NOTICES AND HOLDING A REFERENDUM BALLOT QUESTION ON THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE AT SAID ELECTION, WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; DESCRIBING THE REGISTRATION BOOKS AND RECORDS MAINTAINED UNDER THE PROVISIONS OF THE GENERAL LAWS OF FLORIDA AND OF THE CHARTER AND CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, WHICH THE CITY HAS ADOPTED AND DESIRES TO USE FOR HOLDING SUCH GENERAL MUNICIPAL ELECTION; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE

USE OF VOTER REGISTRATION BOOKS AND RECORDS; AUTHORIZING AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE OF THE ADOPTION OF THIS RESOLUTION AND THE PROVISIONS HEREOF PURSUANT TO APPLICABLE LAW; AND DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, PURSUANT TO APPLICABLE LAW NOT LESS THAN FORTY-FIVE (45) DAYS PRIOR TO THE DATE OF SUCH GENERAL ELECTION REFERENDUM; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE FOR THIS RESOLUTION.

16-00951 Summary Form.pdf

16-00951 Back-Up from Law Dept.pdf

16-00951 Legislation.pdf

16-00951 Exhibit.pdf

16-00951-Submittal-Javier Gonzalez-Coconut Grove Village Council Resolution Supporting GOB.r

16-00951-Submittal-MRC-Letter of Support for GOB.pdf

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

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

A motion was made by Commissioner Gort, seconded by Vice Chair Russell, and was passed 3/2 (yes: Hardemon, Russell, Gort / no: Carollo, Suarez), directing the City Manager to commence work on the same bond item that was presented to the City Commission by: 1) Presenting all information, including the type of projects and cost of each project; 2) Holding Community Meetings to inform the public of the administration's plan regarding bonds; and 3) Working with the Commission to identify revenue bonds that can be refinanced.

Chair Hardemon: RE.3.

Daniel J. Alfonso (City Manager): Mr. Chairman and Commissioners, RE.3 is a resolution asking the City Commission to allow the voters to decide if they would allow the City Administration and the City to issue a bond, not to exceed \$275 million, with a millage cap of .6435, as proposed for next year's budget. Now, as you know, over the last decade or so, the City of Miami has had a period of time where we underwent some difficulties. And during that time, as many other cities have done -- or as many other cities suffered, deferral of maintenance on capital work and deferral of capital projects was one of the ways in which we mitigated our costs. The other way that we did was we reduced expenses from employees by reducing their salaries and benefits, et cetera. As things improved, the employees and benefits have been restored to a certain degree. And we've added a number of positions, like 170 police officers, 50 firefighters, more or less. We created the conversion of 230 temp positions into full-time. Once this budget passes, that will be the total, roughly. So now it's time to focus on -- our attention on the infrastructure. Public safety is a part of that infrastructure, and we're looking at a radio system that is a Motorola system that is near -- more than 20 years old. It needs to be replaced. It's a significant capital project that requires replacement. The computer-aided dispatch system is another public safety issue that we have to resolve. Over the last year, we have actually lost our 911 center a couple of times, and we've had to have the County take over dispatching for us because we've had failures with our system. The bond project that we're proposing also has a number of street improvements, reduction to flooding through the establishment of pump stations in areas that are low lying. It has improvements in additions of pools, bikeways, trails. It talks about preserving some of our historic buildings, and it sets an amount for assisting with affordable housing projects. We have received letters of support from the Virginia Key Advisory Board, the Miami River Commission, and our Finance Committee. We strongly urge this Commission to allow the voters of the City of Miami to decide whether or not they would let us

move forward with these very important projects.

Chair Hardemon: Is there a motion or any discussion from the dais?

Commissioner Gort: I'll move it for discussion.

Chair Hardemon: Been properly moved.

Vice Chair Russell: Second.

Chair Hardemon: Seconded by the Vice Chairman. Discussion.

Commissioner Gort: Now, my question is, the -- there will be no -- any increase in the debt services?

Mr. Alfonso: I'm sorry. We need to -- on the debt service?

Commissioner Gort: Yes.

Mr. Alfonso: The millage will not be increased. This is a limited liability bond, which means that we are setting in the bond question the millage cap. The millage cannot be increased once -- if it is approved.

Commissioner Gort: Second question is, during some of the public hearing, someone mentioned the idea we have all the -- by the way, I want people to be aware, we have eight pages of the specific expenditure that going to be taking place and so on. And there was a doubt that the -- once a bond is issued, some of this expenditure can be changed. I want to make sure that when -- if a document puts together, then none of this can be changed --

Mr. Alfonso: Well, right. Projects --

Commissioner Gort: -- unless here today, before we vote on it.

Mr. Alfonso: Right. So today we're voting on bringing to voters -- and there's a list of projects that is attached. The list can obviously change, because over time -- let's say that two years from now, if this is approved, we are successful in achieving some grants that will help us pay for the Marine Stadium so that we don't need 37 million; we only need 32 million, so that's -- that would free up \$5 million that then can go to another project. There would be an Oversight Board to which we would propose new projects that fit into the category of the bond and --

Commissioner Gort: Well, according to the bond document, it's got to be in accordance what's put in the document. That document is like the bible for the expenditures.

Mr. Alfonso: Correct, but we haven't issued bonds yet.

Commissioner Gort: Okay.

Vice Chair Russell: Mr. Chair.

Chair Hardemon: Yes.

Vice Chair Russell: I do think we need to allow for a little flexibility in this and be very transparent about that flexibility going forward, as we'll have a Bond Oversight Board and public input, because I'm already getting public input quite a bit, even since we've been doing some outreach to the community. I was with you, Mr. Manager, at a couple of the meetings last

-- two weeks ago, and ideas were even coming in this morning that hadn't been floated before that are potentially very good, but we hadn't actually considered them. I want to make sure that the different Silos that we have listed here -- public safety, resilience, sustainability, City parks infrastructure -- have enough capture in there that if any of these other ideas do want to be taken up that the Bond Oversight Committee can work within that without having to change the language that is being approved here today and that goes to the voters. I would potentially add the word transit or transportation in there as well, and "housing" if it's not specifically mentioned. I know we have a line item for affordable housing.

Mr. Alfonso: Yes. Commissioner, if you may, we have to make a couple of minor modifications to the language. One of them is talking about special election rather than referendum. The other one is the word "housing" has to be attached --

Vice Chair Russell: Right, because it is a line item --

Mr. Alfonso: -- because it is a line item.

Vice Chair Russell: -- that's not listed in the -- exactly.

Mr. Alfonso: That is correct. And the word grant also has to be attached.

Vice Chair Russell: So the word housing would be a general word housing, or we list it "affordable" versus "workforce"?

Mr. Alfonso: Housing.

Vice Chair Russell: Housing is sufficient enough.

Mr. Alfonso: But we are limited to 75 words, so we're running up against that cap. It doesn't need to say "affordable"; just "housing." We know that --

Vice Chair Russell: Right.

Mr. Alfonso: Yeah.

Vice Chair Russell: Well, that's -- right, for the ballot language. Within that line item, should we identify any further -- right now it says, "workforce housing." We can go deeper within that down to the affordable level --

Mr. Alfonso: Right.

Vice Chair Russell: -- or does that limit us to workforce housing?

Mr. Alfonso: Well --

Commissioner Gort: We can --

Mr. Alfonso: You can do a lot of things. The 275 million -- you have to look at what the language on the bond referendum is. That allows you to be 275 million wide. Once you start issuing tranches of bonds, then those bond documents are going to govern what happens to that piece. So it is important, before we issue the piece for housing, whether it's affordable or workforce or whatever, that in those bond documents, when that item comes to Commission, then it has to be clearly stipulated that that is the purpose. Because once the bond is actually issued -- and understand that we're not going to issue one \$275 million bond; we're going to issue this in pieces over time so that we can pay the debt without running up against that millage cap.

Once we issue that bond, which could be a 25 million, 30, 40, depending on what we group together in that actual bond issuance, then it is very important what the language is.

Vice Chair Russell: So if we were to switch that line item language from "workforce" to "affordable," would that limit us from being able to do workforce versus the other way around?

Mr. Alfonso: No.

Vice Chair Russell: It wouldn't. I'd prefer that, so that we're -- that we're actually targeting --

Mr. Alfonso: With the attached document, I have no problem with that.

Vice Chair Russell: In the line item.

Barnaby Min (Deputy City Attorney): And just to be clear, that's for the document and not necessarily for the ballot question.

Vice Chair Russell: Correct.

Mr. Alfonso: Correct.

Vice Chair Russell: Correct.

Mayor Tomás Regalado: Chairman.

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

Mayor Regalado: Can I add something? I think it's important what Commissioner Russell is saying in terms of being specific, because I remember the 2001 bond issue that went to the voters and was approved, the Homeland Security. For several years, the Oversight Board of the City, appointed by the Mayor and the City Commission, heard several projects, but they couldn't be the decisive vote in moving forward. So when the new Administration came in, what happened was that the Oversight Board was given more power, and no project could come to the City Commission unless it was vetted and approved by the Oversight Board. I think it was a good difference, because -- and I remember that the Chair of that board was Jose Solares, who is an engineer, and they -- on the dais, they save thousands and thousands of dollars when CIP (Capital Improvements Program) went before the board. So it would be -- it would -- if the Commission decides and if the voters approve it, it would be, I think, important that something is said in terms that the Oversight Board has to approve and recommend that project to the City Commission, which ultimate [sic], all these projects have to be approved by the City Commission, so -- but what I'm saying is to get more transparency and to empower the residents, the Oversight Board "shall," because the other legislation at the time said "may" -- may approve or disapprove projects or change the scope of the project. I'm just -- an idea.

Vice Chair Russell: Mr. Chair.

Chair Hardemon: Yes, sir.

Vice Chair Russell: Thank you. Mr. Mayor, and for sure, that's -- my biggest concern is that -- and I had a sunshine meeting with Commissioner Suarez, where we were talking about funding a piece of bay walk the other day, and we brought up how it could be funded, and the bond was mentioned. And he brought up a very good point, that we don't want to create a bait and switch where the public feels like we have approved something and then we spend it somewhere else. And that's, I believe, what Commissioner Gort was alluding to, as well. But at the same time, with the time pressure we have to get this on our -- on this November's ballot and to maintain our

credit and apply for this when we're in the most favorable light, I want to be very clear with the public that there may be changes. We just have this new resilience for the Sea Level Rise Committee, which is going to bring some amazing ideas, I'm hoping, over the next six months. And who knows what project that could create, that could be on a very large scale, that could affect our city in a positive way, beyond milling and resurfacing and drainage on roads, and that could be something that this could be put toward. And so I'm very happy to see us having very good general pockets in the language. We have the line items that have been recommended by the Administration and before the Board. I look forward to seeing some other things that may come about, including some that we've even heard today. And so some other things may be taken out. The Underline, for example, we -- we're deferring one item today that was going to potentially generate, you know, complete sufficient funds for the Underline from -- beyond what their ask was from the City to where we may not need it from the bond, so that -- you know, maybe we -- that goes -- but that can go before the Board at that time in a very public process, if I'm not mistaken. So I feel comfortable with that. I want to maximize the public input between here and then to, you know, make sure that the public does not feel that there is a switching later without transparent process, without inclusion.

Chair Hardemon: Okay. Is there any further discussion on the motion on the floor?

Commissioner Suarez: Lots.

Chair Hardemon: Yes.

Commissioner Suarez: Yes. Thank you. So, I mean, I don't really know where to begin. I have many, many issues with this, starting with the way this -- what this bond would precede or would follow, which was the Homeland Defense Bond, which was a \$255 million indebtedness that -- whose name was changed after 9/11 to sell to the public --

Mayor Regalado: No.

Commissioner Suarez: It wasn't done that way?

Mayor Regalado: No.

Commissioner Suarez: Okay.

Mayor Regalado: The bond issue ordinance and resolution was approved after 9/11.

Commissioner Suarez: That's what I said.

Mayor Regalado: The whole --

Commissioner Gort: Yeah.

Mayor Regalado: -- bond program.

Commissioner Suarez: That's what I said.

Mayor Regalado: The whole discussion was after 9/11.

Commissioner Suarez: That's what I said.

Mayor Regalado: It wasn't -- no, no. It never was intended to be called another name. The whole discussion at the Commission level happened after 9/11.

Commissioner Suarez: Fair. It was called the "Homeland Defense Bond" --

Mayor Regalado: Right.

Commissioner Suarez: -- after 9/11.

Mayor Regalado: Right.

Commissioner Suarez: Right. And it did not --

Mayor Regalado: Because that was the discussion -- it came to the City Commission by the Administration at the time after 9/11. It wasn't on the agenda. What I'm saying is that it wasn't on the agenda. We didn't discuss it --

Commissioner Suarez: Yeah, I got you.

Mayor Regalado: -- in July and then it change the name.

Commissioner Suarez: I got you. That's a fair clarification. I still think that it was disingenuous, and I still think that it was fraudulent, because I think, to use 9/11 as a predicate for going to the bond market to tap into people's raw emotion; to build parks, which do not defend our homeland, I think, to me, is incredibly disingenuous. In addition to that, the argument here is, well, we're going to maintain the payments flat and we're -- and in that sense, it's not a tax increase. Well, let me tell you, it's a separate line item on your taxes. And that's like somebody telling you, when you're in year 26 of 30, paying off a mortgage, Well, we can just lend you the money and you can just keep paying the same -- making the same payments for another 30 years at the same rate. You would hope that when your mortgage is over, you would be able to live without a mortgage, and you'd be able to live, you know, with a significant reduction in your cost of living expenses. You don't necessarily want to -- I just -- it was, I think, very appropriate that my son just came here, and to think that he's going to be the one that's paying for this bond for his life, not me. You know, there's so much more, you know. On June 30, there was a meeting in my office with officials from Plan Z, the Underline, and Ludlam. At that meeting, there had been no -- This is June 30. We're now in July 29; not even a month ago -- there was no plan for how this \$275 million is going to be spent; none. In fact, what was told to those people was, We're going to give you 50 million for Plan 'Z'; we're going to give you 25 million for the Underline, and I don't even know if we got to the Ludlam Trail, because it got heated and the meeting ended very, very quickly. Well, guess what? In this, there is a proposal to give Plan Z 3 million and the Underline 5 million, and Ludlam Trail 3 million. Well, the problem I have with that is that we have five and a half million dollars in park acquisition impact fees, in cash right now. So we're offering to give Ludlam a fraction of what we already have in cash in an account that we can designate to that. You know, the issue of -- and it was brought up in the context of the RFP (Request for Proposals) -- Marine Stadium. We should have done Marine Stadium a long time ago. We should have done Marine Stadium either by entering into some sort of deal with Key Biscayne, when there were many, many opportunities or by doing a revenue bond, as Ms. Solares stated. I mean, I was always told, you know, We're going to get the money from the boat show, if the boat show works out. We're going to get the money from, you know, doing an RFP for the marina, the delta; and we're going to use that; we're going to combine that into a revenue bond. That's how I was -- that's what I was told. So I was shocked to hear in the context of an RFP that we were looking at a GOB (General Obligation Bond) that I had never heard anything about. On July 8, I had a subsequent meeting with the Manager, and there was still no plan; it wasn't put together as a line item; there was no ballot language. In fact, when we sat down, he was breaking down what he thought the categories were going to be, and he was looking at one of the categories. He had exceeded the whole categories expenditure in three sub-categories. So, I mean, when you start delving into this, you realize that there hasn't really been much public input. I'll give you an example: There's -- in my district, roadway

improvements, \$3.6 million is the breakdown; that's how much -- out of \$275 million that our residents are going to pay in taxes, they're going to get -- District 4 is going to get \$3.6 million in road improvements. District 4 has the most linear feet and miles -- or whatever you want to call it -- of streets and sidewalks, and they're going to get \$3.6 million; that's what they're going to get. And they're supposed to agree to indebt themselves to the tune of \$275 million. Do you know how much we have right now in unfunded B'numbers, just in District 4; just in District 4? I'm not talking about your districts. In unfunded B'numbers -- these are B'numbers that already exist; the B'numbers are there. This is not wish list stuff. These are projects that have been contemplated and given a B'number. \$29,663,253. So I don't know what it is in District 2; I don't know what it is in District 3; I don't know what it is in District 5, but in District 4, it's \$29 million in capital projects that are unfunded. And we're going to give \$3,600,000 for street improvements. You know, we're out of street bond money, right? We have no street bond money. When we talked about potentially doing a GOB at some point in the future, it was always about capital improvements; it was always about trying to fix our streets, our sidewalks, our flooding systems, et cetera. They -- we were not involved -- I was not involved. I don't know if you guys were involved. I was not involved in the roadway projects that they selected. They didn't come to our office and say, Hey, where are you getting complaints? Isn't that something that you would think would be natural; they would come to us -- Commission office and say, Where are your -- the heaviest complaints that you're getting? You know, Can we match the complaints to the projects that we want to fix? I mean, that's what we do every day when we go to community meetings. I mean, people are constantly asking us. And I know that they tried to go to a couple of homeowners associations and just sort of tell them that this is what they were going to do. It wasn't an interactive process. It wasn't like, Hey, what do you want us to do? But I can tell you they went to one of my homeowners association meetings, which was Shenandoah. But they didn't go to Silver Bluff; they didn't go to Coral Gate. There wasn't any effort to talk to any of the voters in Flagami that I'm aware of. Maybe I missed something. Maybe I wasn't invited to something or whatever. But, you know, I just think it was hastily prepared. I mean, I -- and I've said it from the beginning. Finally, we got the breakdown -- I got it. It was given to me on July 13, which was basically, you know, 14 days ago, 15 days ago; that's when I recall getting it, July 13. That's when we got a breakdown of how the \$275 million was going to be spent, with no input from our office; none. I think, you know, this process has not been done transparently. I don't think it's been done collaboratively with the people. I don't understand why we're in such a hurry to do it when there's no -- it's not like our bond is -- you know, it's not like our bond is maturing, you know. There's still a significant amount of time in this current Homeland Security Bond in payback; maybe not any more money, but there's -- we're still paying that bond back. And it is a tax, any way you look at it. Maybe you can try to, you know, finagle how you politically -- what you call it politically or you -- maybe some people are better at politics than others in how they can explain it, but it's a tax, and it's a separate tax from the tax that we already pay, that our residents already pay every year. You know, I don't hear them talking about, you know, their desire to have more taxes. You know, I just don't get that when I go to community meetings. I don't hear them telling me, Commissioner, we need more taxes. We want more taxes. A lot of these projects can be done -- and I demonstrated even on this agenda how they can be done -- without using bond money, okay? I just talked about the Ludlam purchase. Obviously, put on -- and I respected the Commissioner's desire to defer one of the items, which was a different way to get there on the Underline, which is a critical project. Plan Z's a critical project, but they're -- they want to give Plan Z \$3 million. Plan Z's 490 -- a \$500 million project, you know? What if it fails? Now, all of a sudden, who then is going to go back to the voters and say, Hey, we got to fund another \$500 million? You know, I just think there wasn't any due diligence done here; there wasn't any collaboration done; I don't know how they got these numbers; I don't know where they got them from; they didn't check with our office; they didn't check to see where the complaints were in our office. And it's just -- you know, it's -- You know, housing, we -- you know, we talked about housing, and the people that came here from the Grove, they won't qualify, by the way, for workforce housing; they won't qualify for affordable housing, most likely. They would have to be ELI, Extremely low income housing. So, I mean, I understand now we're at the eleventh hour, we're changing the category to make it a broader

category, but, you know, I mean, these are things that, you know, we really need to think about and contemplate and get public input, and explain it to the public rather than trying to manipulate the process in a way that -- maybe it wins. I don't know if it's going to pass. I don't have a crystal ball. But I just -- I don't think it's been done right and I -- you know, I think we should do a non-ad valorem bond on Marine Stadium. I think we should have done it a couple of years ago, actually, and we did a flex park instead, where we spent 16, \$20 million, and it's not in conformity with the Virginia Key Master Plan. So you talk about conformity with the Virginia Key Master Plan, with the actual Virginia Key Master Plan, that's not in conformity with the actual Virginia Key Master Plan. I don't know how much money -- I don't even know how much money we spent at the end of the day; whether it was 16, whether it was 20, you know, I don't know how much it was. You know, we could -- that's half the money that we could have used to restore the Marine Stadium. I mean, you know, what kind of decisions are we making up here, guys? I can't support this. Sorry.

Vice Chair Russell: Okay. Thank you, Commissioner Suarez. Further comments?

Commissioner Carollo: Yes, Mr. Chairman.

Vice Chair Russell: Of course.

Commissioner Carollo: Thank you, Mr. Chairman. So what I'm seeing is that the -- I think there is one consensus I think we all could agree to; that is \$275 million is a lot of money. And the Administration is requesting 275,000 -- million dollars with just eight pages of justification. I've seen street namings with more information than what has been provided. I mean, out of these -- two of these books, we have eight pages to justify \$275 million. That will cost the taxpayers more. If I could, Mr. Chairman, I'd like to ask the Administration. What was the basis to determine the dollar amounts? I mean, for example, I think we all agree sea level rise is important, and storm water. What was the basis to establish those dollar amounts?

Mr. Alfonso: Commissioner, if you look at the backup to those, there are projects that are specifically listed with a dollar amount. The numbers came from the unfunded list that we have provided over time. Now, I want to add that these projects -- except for the public safety projects, because nobody really out there in the community is clamoring for replacement of the radio system, because they wouldn't know that it was failing unless we told them. And nobody out there is clamoring for the replacement of the training facility for firefighters, because, again, nobody would really know except us, internally; so nobody's asking for those. But the rest of those projects come actually from a lot of the emails that you sent to our offices over time, where, you know, we get a picture from one of your residents after a rainstorm showing the front of their house is flooded, and you guys say, Hey, we need to do some flood mitigation in this area." And then, we send out -- one of our inspectors out there, and note that, yes, there needs to be an improvement in drainage out there. And then somebody does an estimate for what it would cost. Then we add it to the unfunded list. So we basically have a lot of projects that are unfunded, and when we were putting together this list, we looked at it and we decided, based on what are the worst areas in our understanding, based on our experiences, and we brought them forward. Again, those projects can change.

Commissioner Carollo: Mr. Chairman.

Vice Chair Russell: Of course.

Commissioner Carollo: With regards to issues that our residents let us know about and we send it to the Administration, I could tell you, yes, my office generates quite a few. Commissioner Suarez, you mentioned as far as street improvements.

Commissioner Suarez: Yeah, yeah, I wasn't going to even go into your district.

Commissioner Carollo: *We didn't even reach a million dollars. If I got -- you know --*

Commissioner Suarez: *Yeah.*

Commissioner Carollo: *-- so we've joked around here about being in the penalty box."*

Commissioner Suarez: *Five-seventy-three.*

Commissioner Carollo: *Yeah.*

Commissioner Suarez: *That's where you're at.*

Commissioner Carollo: *So, you know, we joke around here about being in the penalty box." Well, let me tell you something. This Administration has been horrific when it comes to Little Havana. And any day that we could get into the numbers -- and this isn't about, Oh, let's just give a million dollars to this area, you know, because everything's going to make it better." No. The day we really go into the numbers -- this Administration have been horrific to Little Havana. And out of \$275 million, you allocated \$573,000 to Little Havana? I mean, that's horrific; not to mention the worst part of all, the worst part of all is what Commissioner Suarez mentioned; there was no communication with our office. None.*

Commissioner Suarez: *None.*

Commissioner Carollo: *None. Now, back to storm water and sea level rise. We all agree that sea level rise is important, but I don't know how you're deriving those numbers from. I'll go a step further. We have a Storm Water Management Master Plan, which is outdated; it's been more than five years. Not only is it outdated, the one that was done in 2011 didn't even take into consideration sea level rise. So how do we even know really what is the cost and what needs to be done for sea level rise in the City of Miami if our own City of Miami Storm Water Management Master Plan is outdated? These are things that I think we should have all been able to have spoken about. So I don't know how you're deriving these numbers. And what I'm not going to do is throw money at, you know, these categories that, yes, everybody believes are important, but realistically have no real dollar figures behind them. And then later on, just like it's happened in other municipalities, in other governments, we have X number of dollars left over for this because of a bond issue that was never used, or that amount, and we're talking millions of dollars. I really think that the Administration just brought up \$275 million and you backed into that; you backed into that number. And what I mean, backed into that, okay, we're going to issue \$275 million. What -- how could we sell this? X amount to Plan Z, X amount to the Underline, X amount to this, X amount to that. I mean -- I'll give you another example -- and I don't want to start picking, but, you know, Manuel Artime in District 3, \$1.5 million. I actually inquired from our director of Asset Management, I inquired and I said, Do you know? By the way, do you know that there is a million or a million-something for Manuel Artime?" He goes, For what?" And I said, I don't know. I've been wanting to fix the air conditioner for God knows how long, but that's been -- the money's been allocated for months and months and months, and it doesn't get done." By the way, street -- the street repairs, Commission has approved in 2013 numerous projects for street improvements -- CIP (Capital Improvements Program) -- that still, still, still does not have a shovel in the ground; and if they are, they just happened within the last month; since 2013. That's unacceptable. So Manuel Artime, \$1.5 million, I don't know what it's for; there's been no conversations, no communication. Gusman Center -- I'll tell you, Gusman, it's another one. You have monies here, monies in the actual City budget, you know. And interesting, Gusman Theater, the reason why we gave Gusman to a not-for-profit organization is because the City did not want to continue to -- paying the 360-some thousand dollars that --*

Commissioner Suarez: *Subsidy.*

Commissioner Carollo: -- subsidy that it was paying, so that's the reason why we gave it to a not-for-profit; so we won't keep paying the 360-something thousand dollars. Well, we're paying a million every budget, so how does that work? We gave it to a not-for-profit, because the City didn't want to keep paying the 360-some thousand; yet, look at last budget; a million dollars. Look at this budget; another million-dollar request. And then look at the bond offering; more money. So I -- listen, I'm not going to continue and continue. Obviously, I'm not in favor of this; not that maybe some of the projects may not be needed, but the way the process has been done -- totally, totally incorrect.

Commissioner Suarez: Thank you.

Vice Chair Russell: Thank you, Mr. Carollo. Are there any other comments?

Commissioner Gort: Well, I'd like to ask the Administration, because one of the things I looked at, the -- when they came to me about a month ago -- "If we do a bond issuance, what are your needs?" "The biggest complaint that I get from my community is streets; street improvements and storm sewer. At the same time, like it was stated before, the enhancement of public safety is something that's needed. I mean, we always talked about how important public safety is. You also have the increase of our resiliency and sustainability, flood prevention, drainage. I can see a lot of those projects here citywide -- I mean, we have six pages of each of the projects; where they're going to be; what they're going to do, and how much they cost. Now, the question that's being asked in here for the Administration is, "How do you arrive to this cost?"

Mr. Alfonso: Right. Commissioner, whenever -- as I said, whenever we put projects into the unfunded list, we ask our Public Works or CIP folks to estimate the cost of doing those projects so we have an estimate for the cost, and we put it into our unfunded list. It is derived at by the experience of our construction people.

Commissioner Gort: Now, I read our Capital Improvements projects for the next five years, and I think it needs about 500 and some million dollars, according to what I read on those projections for the next five years. People, we need to maintain. I mean, if we don't do maintenance, this is going to get even worse. So it's up to you. I mean, there's a -- line items here. Is there something you guys don't like in particular? Let's talk about it. If you think Ludlam Park should not receive the money and the Ludlam Trail, that's fine. Put it back into park, into additional park, whatever.

Commissioner Suarez: That's not the issue. That's not the issue. Mr. Chair.

Vice Chair Russell: Of course.

Commissioner Suarez: Do you know how many flooding complaints we've gotten in my district? Can you tell me how many, Mr. Manager, how many flooding complaints?

Mr. Alfonso: Not off the top of my head, sir.

Commissioner Suarez: Right. I could tell you, if you would have asked us, because we have them programmed. We have them in our 3-1-1 system, so we catalog them. So I can tell you that in Flagami, we have five since 2014; in Auburndale, we have eight; in Silver Bluff, we have two. And I could tell you the specific addresses. So, you know, this is not about redesigning \$275 million of expenditures on the fly so we can put it on a ballot, pat ourselves on the back about it. To me, that's not the way you do it. To me, the way you do it is you try to save taxpayers' money and not use, you know, taxes when you don't need to and when you potentially don't need to. You know, everybody agrees that we should have an emergency communication system. We had always talked about doing a non-ad valorem bond for that; or you could RFP it to the

manufacturer on a pay-as-you-go basis, where the manufacturer charges you a rental fee on a -- you know, just like we always vacillate between whether we buy cars or whether we rent cars or whether we lease cars. I mean, how many times, Commissioner Carollo, have we been here that we've gone from buying them to leasing them to renting them? I can't even keep track of how many times we've changed whether we -- whether it's more beneficial to buy them or lease them or rent them. You know, the point is we need it. But you could RFP that and we could pay as you go on an annual basis. We don't have to do a bond, a \$275 million bond for that; particularly when we were never talking about doing a \$275 million -- that's the problem. The problem is that all of a sudden, there was a change, and it happened rapidly, because I could tell you, it came up in a discussion in an RFP. I was asked by a reporter. I said, I have no idea what this is about." You know, then it went -- you know, then I had a preliminary meeting on one aspect of it where there was no idea what -- how much was going to be allocated to that. None. And by the way, the promises that were made and what was put in the schedule were diametrically different to a factor of 10 to 1. How much confidence does the community have when you do things like that? You know, and then it's -- you know, you go to one community meeting, so you can -- what is it? So you can go and say, We met with the community? No. You went out and you made a little presentation to the community. You didn't listen to anyone. You missed a lot of HOA (Homeowners Association) meetings, you know, and -- you know, and then go to a committee here and a committee there to try to get -- you know? When we did the FOP (Fraternal Order of Police) deal, it went to the Finance Committee, and basically got a resolution from the Finance Committee opposing the FOP deal. I mean, it's like -- come on.

Vice Chair Russell: Thank you. So, Mr. Manager, I think what we're hearing here is a -- this shift that we've been trying to create in the City's planning and the general psychology of how we deal with Administration, electeds, and the public. And I think there's a way that it's been done: That the Administration creates their recommendations from their departments; then they bring it to us, and we vote; then, if applicable, it goes to the ballot and they make their decision. In some sense, that's a logical process --

Commissioner Suarez: Progression.

Vice Chair Russell: -- progression that has been done in the past. We -- and at least since I've been on here -- for sure, I, as well have been very strong about trying to flip that on its head and bring the people in at the beginning, so that as we craft these ideas, we have them in mind from the beginning. And we, as the electeds, are supposed to be the conduit to that public to gather that information. And I have to say you gentlemen are absolutely right; this process was not done in that way to get to the point where we are. And if I could just have a moment, I'm stuck, though, as we are in our position to take care of the public's needs and also hear their pain, hear their complaints. Nobody wants taxes, but everybody wants services. And our job is to find that balance where we provide the City with what it needs without overcharging our citizens. It's been expressed to me from the management that on the track that we're going with the contracts that we've agreed to for the unions, with the capital projects that we'd like to accomplish, we're going to dig ourselves in a hole unless we create some sort of mechanism for handling some of these capital unfunded projects; and that's what these are. Now, whether the right ones are in there that should be -- more roadworks or specifics -- that haven't been addressed with us, absolutely; I agree, that process has been flawed. But, Mr. Manager, if I'm not mistaken, if we don't approve this today, this is not getting in our ballot this year; is that correct?

Mr. Alfonso: Correct.

Vice Chair Russell: So that's a tremendous pressure on us to solve a situation that --

Mr. Alfonso: Of course.

Vice Chair Russell: -- shouldn't have happened.

Commissioner Carollo: Welcome to how it's done.

Commissioner Suarez: Yeah.

Vice Chair Russell: And I don't like that. But I also don't want to punish the entire community in terms of delivering on a project that the community wants for that lack of planning.

Commissioner Suarez: We don't know that the community wants it.

Vice Chair Russell: We don't know that. And so right -- what we're doing here today is not actually approving the bond, but allowing it to go to ballot so that the public can decide. I agree with you, all the public input is not in here that should be for every line item. We are trusting that the management has gone through their departments and made their list of what they want and need. And I'm trying to create some flexibility that with this oversight board that we can fine-tune this to the needs of the public and the new needs of our boards and committees that come up with new ideas and big projects that can help alleviate many of the situations mentioned in here. And so, as much as I'm a process guy, I'm worried. If we don't approve today, it doesn't get on this year. If we don't approve this year, will we have the same ability to do so next year?

Commissioner Suarez: But there's no rush. I mean --

Vice Chair Russell: Is there no rush? And that's where the Administration has put a sense of urgency on this.

Commissioner Suarez: Can I just speak to that issue? Two things. First of all, I just want to be clear. The frustration that I am voicing here today is frustration that I voiced privately with them on multiple occasions. So, you know, that's the kind of person that I am, and I just want to clarify that for the record. But these crises that are created -- I mean, we've been to this movie so many times, you know? They're self-created crises. We could have been dealing with this, talking about this nine months ago.

Commissioner Carollo: Yep.

Commissioner Suarez: If these things are such crises that we have to do them, we could have been dealing with them. Nine months ago, we could have started going out to the community, having a community conversation; going to all the HOAs, not just some select ones; having a conversation, not just a presentation, and start the discussion of, you know, what is the appropriate -- what are the right balances? What are the right priorities? Is this the right number? You know what I mean? Are these expenditures in line with what we have? You know, I just -- you know, we have a responsibility. Our responsibility, before putting something on the ballot, is to do our due diligence, okay? It's something he often reminds us. We have to do our due diligence. We have to, you know, put something responsibly before the voters. And I just don't think this has been responsibly produced. How do I know that? Because this wasn't produced until July 13, two weeks ago. Two weeks ago. And how do I know that? Because I was walking into one of our shade meetings, and I saw somebody producing it on a -- you know, a Finance person producing it on the -- on their computer; I saw it; not that -- that's a great person, he's a very capable person. I know who that person is, and he's a good, honorable person, but that's how it was being done.

Vice Chair Russell: So poor planning -- I'm sorry, Mr. Chair.

Chair Hardemon: No, you're recognized.

Vice Chair Russell: Poor planning, procrastination, lack of public input, but does that mean we don't let it go to the vote?

Commissioner Suarez: Absolutely. It's a \$275 million debt; it's a tax. You're going to go -- you're going to put something that's been poorly planned, poorly executed, poorly communicated on a ballot?

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: As a matter of fact, I'm actually surprised you're saying that, Commissioner Russell --

Vice Chair Russell: I know.

Commissioner Carollo: -- because you've mentioned, as far as community engagement -- well, I think it's -- clearly, there has been no due diligence. And as far as community engagement, that's why you started off saying how all different members of the community are not coming -- now coming forward letting you know about this and that. Yeah. You know why now? Because there was nothing before --

Vice Chair Russell: They didn't hear about it before.

Commissioner Carollo: -- they didn't hear about it.

Vice Chair Russell: And in fact --

Commissioner Carollo: They've done -- last minute, have sent different people to these HOA to sell this bond.

Chair Hardemon: Let me -- I want to interject for a moment. When I hear 'last minute'-- I'm looking at page 7 of 8, right? Line 112, Miami Marine Stadium renovations, \$37 million. I think we were talking about that for a very long time. The Olympia Theater/Gusman Hall renovations, \$5 million. I think we've been discussing that for quite some while.

Commissioner Carollo: It's in our budget.

Chair Hardemon: So I'm --

Commissioner Carollo: A million dollar tune every year.

Chair Hardemon: -- so I'll -- well, so maybe this is to get it done. I'm looking at other improvements. The Little Haiti Cultural Center; Charles Hadley Park, Pool Replacement Expansion. I mean, all these are things that I know that -- since last year, I've been saying, 'Look, that pool is below grade, and so if someone is going to that pool, they're going to trip, they're going to hurt themselves, and we're going to be in trouble.' So I'm looking at a lot -- just -- I just flipped to this one page; a lot of things that I've seen that we've had discussions about. Now, when it comes to roadway improvements, the only -- first of all, all the items that I just talked about were things that the community brings to us. Unless we go to those places ourselves -- unless we have an opportunity to visit the pool or the Manuel Arttime Theater, all those different places, then we don't know unless someone from the public brings it to our attention or someone from the Parks, or someone from any other entity brings it to our attention. And so, I could not imagine that all of these items, 100 and -- or more so items -- 134 items were thought about yesterday. They -- if there is a unfunded list -- I know that when I bring things up to the Administration, I hope and pray that it's something that they already have on their radar and that it's funded, because if it's not, then it goes on the unfunded list. And these are the things that

we're talking about curing with that unfunded -- with dollars for that unfunded list. And when I look at certain items, like, you know -- what is it? -- \$30 million for -- let me pull it up. I think it's a total -- \$90 million for enhancing public safety, the emergency communication system, that \$30 million hit, that's something that I've heard from the Administration for a very long time now. The Police headquarters, we are always patch-working that. Police and Fire equipment. If I have to give another CDBG (Community Development Block Grant) dollar to -- for Fire equipment, then I'm going to pull my hair out. When I look at the sea level rise mitigation, I mean, even with sea level rise mitigation, I particularly think that the dollars should more so come from the Federal Government, but everyone here wants to put our local dollars at work, and that's what he's doing. Workforce housing, roadway improvements, historic preservation, I mean, these are all items that we've been discussing, and I think that this budget takes care of that. If we have to piecemeal the -- first, I just pulled the Miami Marine Stadium out of my hat. Just that by itself is a \$37 million number. So at \$37 million, where are we going to get that money from, in conjunction with handling the emergency communication systems, the Police headquarters? Because if all these are public information that we know we have there failing systems, wait until you get the lawsuit when the system actually fails; when you need someone to have emergency response; when you need the communications to actually work for us. You know, as I understand, there's work that needs to be done. There's always going to be someone who says, I was not informed about the process, 'even if you go out to inform people about the process. And part of our job is to make sure that we inform people about the possible bond that's going out. And so, you know, I think that there are things that need to be addressed within the City of Miami, and there's no way that you can do it unless you have an extra \$275 million laying around somewhere. And I think that this, as we know it, doesn't issue \$275 million, but it gives you the ability to request bond issuances if you deem them proper. And I don't think that someone -- and our Manager, who has brought us to a position where we've been complimented, we received accolades on our budgeting and our -- and bringing us to a great rating that he's going to do anything that's irresponsible while trying to address the concerns of our constituents. Commissioner Suarez, I know you had your hand up.

Commissioner Suarez: I mean, look, I mean, we could discuss this ad nauseum, you know, but some of the things that you mentioned as things that are needed, I agree, they're needed. And some of them have been talked about for a long time. And the question is: Why haven't they been done already when we never talked about doing them through a GOB? Never. It was always talked about doing either through a revenue bond or pay as you go. We're in the process right now of selling a fire station. It's -- we got an unsolicited offer of \$21 million for a fire station. So if we're talking about doing the Fire Station 10 renovation of \$6 million, I mean, we're getting \$21 million for a fire station. That's three times the amount of money to renovate the other station. So, I mean -- by the way, a lot of private developers are building stations for us. We have, I think, two or three private developers that are building fire stations for us. You know, the issue is -- is not that these things are needed. The issue is they were never talked about as a GOB, and a GOB is a big deal. It's a big deal because it's a separate line item on your tax bill; residents have to pay it. And so, to me, you know, when you talk about -- I have 46 unfunded projects, they're all B"numbers. They're not projects that -- you know, those are B" numbers. These are actual projects that were created in our system. You probably have them, too; you probably have another 45 million; he probably has another 45 -- 25 million; you probably have -- we probably have about \$125 million, and what we have here is a pittance for that. And our taxpayers are supposed to pay for that? I mean, it just doesn't -- that's not what we talked about. That -- you know, Ms. Solares came up earlier today, talking about the revenue -- I mean, that's -- it was always -- Marine Stadium was always talked about as a revenue bond, always. And it should have been done; we should have done it years ago. I don't know --

Commissioner Carollo: And private fundraising.

Commissioner Suarez: -- and private. And we didn't do it. Instead, we spent \$17 million or 16 million or 20 million on the flex park that's not a flex park, that's not even in conformity with the

Virginia Key Master Plan, because we care here, supposedly, about the Virginia Key Master Plan, the right Virginia Key Master Plan; which there's probably very few people in this building that know which one it is. I happen to be one of them, you know. And it's supposed to have green space where it has a big pavement. You know, we could have discussed that; we could have modified the Master Plan. We could -- but the point is we spent a bunch of money on that. That's half the money for the Marine Stadium right there. So I just think -- you know, again, I don't want to beat a dead horse. I feel like I made my point. I think you guys get it, and I don't think I'm going to be persuaded in a 20-minute conversation to change my mind.

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: And real quick, with regards to the flex park, which I have stated that if it -- what I felt is the truth, maybe we wouldn't have voted the way that we did vote. That was a lot more than eight pages, so that was a lot more documented, and, I mean, for all argument's sake, it was a bait and switch, because we didn't get a flex park. So this is a lot more than the 6 -- originally \$16 million that went up to 20 million for a flex park. So I don't want another bait and switch with all these different items and \$275 million.

Chair Hardemon: So, tell me, what changes then? If -- tell me, are there things that should be in here that's not that everyone is looking for?

Vice Chair Russell: Your list of B'numbers, right?

Chair Hardemon: Well, he's --

Commissioner Carollo: Well, let's start with that. I mean, affordable housing or workforce housing sounds great; we need it in the City of Miami. What does that mean?

Commissioner Suarez: Yeah.

Commissioner Carollo: Where's those funds going to? Which districts? Which areas? None of that's here. Sure --

Commissioner Gort: Citywide.

Commissioner Carollo: -- vote -- yeah, sure. Vote for it, Commissioner. We'll take care of that later.

Chair Hardemon: In the County, it's --

Commissioner Carollo: Sea level rise. Our own Storm Water Management Master Plan, which is outdated, hasn't even taken in consideration sea level rise and what needs to be done. Did they go to the Sea Level Rise Committee to see what their thoughts were and how much money it would take, and all this? No. So how do you put a price tag or a dollar amount in that? What if it's more? What if it's less? You know, storm water, yeah. What they did is they picked one or two from each district, stuck it in there. We need a pump here, we need a pump there, we need a pump there.

Commissioner Suarez: That's what they did.

Commissioner Carollo: And if you all don't see it --

Commissioner Suarez: That's exactly what they did.

Commissioner Carollo: -- I mean, this is the way the political game works. And if you see, three districts got a lot more of the projects in there, and two are in the penalty box; one a lot worse than the other.

Commissioner Suarez: At least I'm in there.

Commissioner Gort: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Gort: I'm looking at all this, and maybe it was the way it was put together and all that, and I guess we want a micro Manager [sic], which I think is fine. I don't think we're in that much of a hurry. We can have it for next year's election, November.

Commissioner Carollo: Absolutely.

Commissioner Gort: Okay. And I want you guys to -- we have a document that could be our guide, and then you guys going to go to the community and they going to tell you how to change all those things, yeah.

Commissioner Carollo: That is her point, by the way. And have community input, but really community input; not in the last minute, trying to sell it to an HOA; which they, themselves, say, Hey, wait a second. What's our hurry? We're not getting anything."

Chair Hardemon: So is there a motion to withdraw?

Commissioner Carollo: So move.

Commissioner Suarez: Second.

Chair Hardemon: It's been properly moved and seconded. Is there a motion to withdraw?

Mr. Hannon: Commissioner Gort was the mover, with a second by Vice Chair Russell, so if Commissioner Gort or Vice Chair Russell wants to --

Vice Chair Russell: Withdraw it, but indefinitely.

Mr. Hannon: -- withdraw their motion?

Chair Hardemon: Well, what was the motion; to accept, to pass?

Commissioner Gort: The --

Mr. Hannon: That is correct.

Commissioner Gort: -- motion was to accept it.

Chair Hardemon: Right. So then --

Commissioner Gort: And it was second.

Chair Hardemon: -- it would probably be more proper to just withdraw the motion that's on the floor and then withdraw this item from the agenda, rather than vote on it and cause --

Vice Chair Russell: Mr. Chair.

Chair Hardemon: Yes.

Vice Chair Russell: Before we do so, I think -- Mr. Manager, these aren't rhetorical questions. I'd really like to hear a bit about that, because what if we do delay this till next year, and we go through a better process with public inclusion? What is going to be the difference in applying for the bond? What is going to be the difference in chances of getting it passed through an election; a municipal versus a larger election? Can you give us a quick analysis here on what the risks are of doing this?

Commissioner Gort: The difference is the interest rate. Interest rate right now is at one of the lowest. We don't know what it's going to be next year. My understanding, the Feds want to increase the interest, which is fine. That --

Chair Hardemon: And also --

Commissioner Gort: -- but also, I would like, since we so much involved, I want to make sure, because a lot of times, a lot of the projects from other bonds were stopped because decisions were not made by Commissioners, so they were stopped and we had to hold it until it was approved by the Commissioners. Once it was approved by the Commission, we had to decide to go into -- so I want to make sure in this process, we're really going to be transparent, so we going to get everything on the goal. We going to put a date, when it should start, how much bond that we going to do, the amount that we going to do for each project, what are the priorities. And you already have this in here, but they want to do it a different way. That's it.

Chair Hardemon: Also, I mean, you have less people in your community voting on it, so this bond could possibly be issued with far less people giving their opinion. So --

Commissioner Suarez: Mr. Chair.

Chair Hardemon: -- instead of it being --

Commissioner Gort: I withdraw my motion.

Chair Hardemon: -- 20 percent, it could be 11 percent.

Commissioner Suarez: Mr. Chair.

Chair Hardemon: Yes.

Commissioner Suarez: Yeah. And let's start with the proposition that we may not need a GOB bond. I mean, we -- you know, we're starting from the point of saying, We need a GOB bond. We need to continue to tax our residents." That's the starting point? I mean, why is that necessarily the starting point? That's the part I don't get. That's the part -- what -- that's one of the big frustrations that I had with this, was --

Commissioner Gort: No, it seems (UNINTELLIGIBLE) because --

Commissioner Suarez: Wait, wait --

Commissioner Gort: -- I know you got the -- have a variety of ideas how to do in refunding on this.

Commissioner Suarez: -- let me finish, please. Okay? Please.

Commissioner Gort: *No, I understand.*

Commissioner Suarez: *Let me finish. You know, they -- we started with the prospect of we need a -- we need to tax our residents more. Why? Why is that the starting point? Why shouldn't -- why haven't we done some of these projects? Why don't we talk about that? You know what I mean? Why haven't we had -- done a revenue bond on the Marine Stadium? Can we do -- do we have capacity to do a revenue bond on the Marine Stadium?*

Mr. Alfonso: *If you limit the revenue to Marine Stadium, no.*

Commissioner Suarez: *Obviously not, because Marine Stadium is not generating any revenue.*

Mr. Alfonso: *Even if you include the marina's revenue and the boat show, you still will not get the coverage to issue a reasonable bond.*

Commissioner Suarez: *Okay, okay. And how much of it would you get?*

Mr. Alfonso: *So the boat show is a million and a half --*

Commissioner Suarez: *Right.*

Mr. Alfonso: *-- which your -- roughly -- which you're already paying the \$16 million that we approved to do the improvements --*

Commissioner Suarez: *Right.*

Mr. Alfonso: *-- that we did in electrical, et cetera.*

Commissioner Suarez: *Right.*

Mr. Alfonso: *And that's about a million dollars a year.*

Commissioner Suarez: *Right.*

Mr. Alfonso: *So really, you only got about a half a million dollars left.*

Commissioner Suarez: *Are you saying --*

Chair Hardemon: *And you're making the assumption that we're going to have the boat show.*

Commissioner Suarez: *Right.*

Mr. Alfonso: *And that's another assumption, too, that you really can't make.*

Commissioner Gort: *Yeah. That's not going to really kick in --*

Commissioner Suarez: *So you're saying we don't have non-ad valorem bonding capacity to issue a --*

Mr. Alfonso: *You didn't say non ad valorem. You said a revenue bond."*

Commissioner Suarez: *Okay.*

Mr. Alfonso: *A revenue bond would be --*

Commissioner Suarez: Okay.

Mr. Alfonso: -- limited to revenue --

Commissioner Suarez: So non-ad -- do we have non ad valorem bonding capacity to issue a bond in the -- for the Marine Stadium?

Mr. Alfonso: Not for all the projects that we need, and I --

Commissioner Suarez: Not for all the projects, but we could --

Mr. Alfonso: Right.

Commissioner Suarez: But I didn't ask for all the projects.

Mr. Alfonso: You asked a question, so let me answer the question.

Commissioner Suarez: No, I asked a specific question, and you're not answering it.

Mr. Alfonso: If you limit it to the Marine Stadium, 37 million, sure, you could probably do that.

Commissioner Suarez: Right.

Mr. Alfonso: But then, could you do the Police, the Fire --

Commissioner Suarez: Wait, wait, wait.

Mr. Alfonso: -- whatever you want --?

Commissioner Suarez: You take -- so now, the Police. Do we have to do a bond to do the communication system? Couldn't we RFP and ask the company to come in and give us a pay as you go?

Mr. Alfonso: You could. And as I said --

Commissioner Suarez: You could. Thank you.

Mr. Alfonso: -- but --

Commissioner Suarez: You could, right --

Mr. Alfonso: -- let me --

Commissioner Suarez: -- and that's my point.

Chair Hardemon: Commissioners --

Commissioner Suarez: And that -- those are my points.

Chair Hardemon: -- let me say this, first of all: There's no motion on the floor. The motion was withdrawn, okay? I don't -- I'm not going to sit here and listen to us fight each other --

Commissioner Suarez: No, I don't --

Chair Hardemon: -- for minutes and minutes and minutes about something -- about an issue that we're not going -- that's not going to pass today that we're going to have -- continue with discussion on at another time. So at this time, RE.3, the motion is to withdraw RE.3 from the agenda. Is there any -- is there a second?

Commissioner Carollo: Motion to withdraw.

Commissioner Suarez: Yeah, there's a second.

Chair Hardemon: Okay. All in favor of that, say "aye."

The Commission (Collectively): Aye.

Commissioner Gort: Now --

Chair Hardemon: All against? Okay, so may the record reflect?

Commissioner Gort: -- I would like to instruct the Administration to start working on these same bond issues; have all the information that we have here, six pages with different projects and cost of those projects. I want to make sure the -- we start having the meetings and the community, and then we are going to try to come up with additional revenue bonds that we going to refinance all this with the ideas that are going to come from the dais. So that's what I would like to do at this time.

Vice Chair Russell: Second that.

Chair Hardemon: So it's been properly moved and seconded for that direction. Any unreadiness? Hearing none, all in favor, say "aye."

Commissioner Gort: Aye.

Commissioner Suarez: No.

Commissioner Carollo: No.

Chair Hardemon: Okay, motion passes.

RE.4

16-00920

Department of Capital Improvements Program

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO CONSTRUCTION CONTRACT NO. 15-542 ("CONTRACT"), IN SUBSTANTIALLY THE ATTACHED FORM, WITH GRACE & NAEEM UDDIN, INC., FOR THE CONSTRUCTION OF KINLOCH PARK BUILDING ADDITION PROJECT B-40457 IN AN AMOUNT NOT TO EXCEED \$230,000.00, THEREBY INCREASING THE TOTAL CONTRACT VALUE FROM \$1,544,851.00 TO AN AMOUNT NOT TO EXCEED \$1,929,336.10, INCLUSIVE OF \$154,485.10 FOR THE CONTINGENCY ALLOWANCE; ALLOCATING FUNDS FOR SAID INCREASE FROM THE DESIGNATED CAPITAL IMPROVEMENT PROJECTS AND DEPARTMENTAL BUDGET.

16-00920 Summary Form.pdf
 16-00920 Memo - Change Order 5 and 6.pdf
 16-00920 Corporate Detail.pdf
 16-00920 Pre-Legislation.pdf
 16-00920 Legislation.pdf
 16-00920 Exhibit.pdf

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

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

R-16-0367

Chair Hardemon: Okay. All right, let's try to get through a few items that are probably non -- that are not controversial, whatsoever. So let's call RE.4. RE.4, execute agreement, Grace & Naeem Uddin, Inc.

Daniel J. Alfonso (City Manager): Commissioner, RE.4 is an item where we're adding additional scope to a project at Kinloch Park. We're -- in an amount not to exceed \$230,000, increasing the total amount of the project. It is primarily items that will improve the security at the park.

Chair Hardemon: Is there a motion to approve?

Commissioner Carollo: So moved.

Chair Hardemon: It's been properly moved --

Vice Chair Russell: Second.

Chair Hardemon: -- and seconded that we approve item RE.4. Any discussion? All in favor, say Aye."

The Commission (Collectively): Aye.

Chair Hardemon: All against? Motion passes.

RE.5

16-00953

Department of Public Works

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RESCINDING RESOLUTION NO. 91-342, ADOPTED MAY 9, 1991, WHICH CODESIGNATED NORTHWEST 1ST AVENUE FROM NORTHWEST 5TH STREET TO NORTHWEST 10TH STREET, MIAMI, FLORIDA AS "ARENA BOULEVARD", AND SUBSTITUTING IN LIEU THEREOF A NEW RESOLUTION CODESIGNATING NORTHWEST 1ST AVENUE FROM NORTHWEST 3RD STREET TO NORTHWEST 8TH STREET MIAMI, FLORIDA AS "MIAMICENTRAL AVENUE"; FURTHER DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE HEREIN DESIGNATED OFFICES.

16-00953 Summary Form.pdf
 16-00953 Back-Up Documents.pdf
 16-00953 Legislation.pdf
 16-00953 Exhibit.pdf

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

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

Absent: 1 - Commissioner(s) Suarez

R-16-0368

Chair Hardemon: RE.5. It's a co-designation; Miami Central Avenue.

Juvenal Santana: Good afternoon. Juvenal Santana, Deputy Director of Public Works. RE.5 is a resolution of the Miami City Commission to rescind resolution R-91-342, which designated Northwest 1st Avenue from Northwest 5th Street to Northwest 10th Street as Arena Boulevard and approving a resolution to co-designate Northwest 1st Avenue from Northwest 3rd Street to Northwest 8th Street as Miami Central Avenue.

Chair Hardemon: Is there a motion to approve?

Commissioner Carollo: Move it.

Chair Hardemon: So moved --

Vice Chair Russell: Second.

Chair Hardemon: -- and seconded. Any discussion about this item? So goes Miami Avenue. All in favor, say aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

RE.6

16-00637

***District 4-
Commissioner
Francis Suarez***

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING, IN SUBSTANTIALLY THE ATTACHED FORM, WITH MIAMI-DADE COUNTY TO FUND A PORTION OF THE UNDERLINE PROJECT WITH CITY OF MIAMI ("CITY") PARK IMPACT FEES ATTRIBUTABLE TO NEW DEVELOPMENT AS DEFINED IN CHAPTER 13, SECTIONS 13-5 AND 13-6 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, THAT HAVE PAID OR WILL PAY IMPACT FEES WITHIN ONE THOUSAND (1,000) FEET OF THE UNDERLINE PROJECT, IN A TOTAL AMOUNT NOT TO EXCEED FIFTY MILLION DOLLARS (\$50,000,000.00), PROVIDED THAT SAID FUNDS SHALL BE EXPENDED ON THE UNDERLINE PROJECT WITHIN SIX (6) YEARS OF THE DATE OF PAYMENT OF THE IMPACT FEE BY THE OWNER OF THE PROPERTY TO THE CITY.

16-00637 Legislation.pdf

16-00637 Exhibit.pdf

16-00637-Submittal-Powerpoint Presentation-Commissioner Carollo.pdf

16-00637-Submittal-Steven Wernick-Letter of Support.pdf

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

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

Note for the Record: Item RE.6 was deferred to the September 8, 2016 Regular Commission Meeting.

RE.7**RESOLUTION****16-00836***Department of Police*

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID RECEIVED MAY 16, 2016, PURSUANT TO INVITATION FOR BID NO. 601382, FROM ROTORTECH SERVICES, INC., THE RESPONSIVE AND RESPONSIBLE BIDDER, TO PROVIDE THE CITY OF MIAMI POLICE DEPARTMENT WITH HELICOPTER MAINTENANCE, REPAIR SERVICES, AND PARTS, IN AN AMOUNT NOT TO EXCEED \$100,000.00 PER YEAR, FOR AN INITIAL CONTRACT PERIOD OF TWO (2) YEARS, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL TWO (2) YEAR PERIODS; ALLOCATING FUNDS FROM THE VARIOUS SOURCES OF FUNDS FROM THE USER DEPARTMENT AND AGENCIES, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING ADDITIONAL SERVICE SUPPLIERS TO BE ADDED TO THE CONTRACT AS DEEMED IN THE BEST INTEREST OF THE CITY OF MIAMI; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL OTHER DOCUMENTS, INCLUDING AMENDMENTS AND MODIFICATIONS TO SAID CONTRACT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AS MAY BE NECESSARY FOR SAID PURPOSE.

16-00836 Summary Form.pdf

16-00836 Memo - Manager's Approval.pdf

16-00836 Bid Tabulation.pdf

16-00836 Corporate Detail.pdf

16-00836 Bid Response.pdf

16-00836 Invitation for Bid.pdf

16-00836 Legislation.pdf

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

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

R-16-0369

Chair Hardemon: RE.7.

Daniel J. Alfonso (City Manager): RE.7, Commissioners, is an item accepting the bid for helicopter maintenance.

Chair Hardemon: Is there a motion to approve?

Commissioner Carollo: Move it.

Chair Hardemon: Properly moved and seconded by the Chair. Any discussion about the item?

Commissioner Gort: Question.

Chair Hardemon: You're recognized, sir.

Commissioner Gort: My understanding, is this the new helicopter that we bought?

Jorge Gomez: It's going to be used for the new heli -- Jorge Gomez, Assistant Chief of Police. It will be used for the new helicopter, too. It's just maintenance.

Commissioner Gort: Well, my understanding, part of the -- we were going to have two or three years of maintenance and so on.

Mr. Gomez: For regular parts, whatever is under warranty and guarantee, there will be no problem. It's just regular maintenance.

Chair Hardemon: Mr. Manager, is there a difference between the maintenance that (UNINTELLIGIBLE)?

Mr. Alfonso: There is a difference, sir. We bought the helicopter not like you would buy a BMW (Bavarian Motor Works), where sometimes the oil changes are included. In this case, we buy it. There are certain things that are under warranty, but there are certain maintenance issues that have to go along with aircrafts that are not included in the purchase; you have to do those separately.

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: Is that with all aircrafts that you purchase? Whether we would have purchased this or another one, it --?

Mr. Alfonso: This is with this aircraft, sir. I mean, there are other purchases that can be made where you can perhaps pay extra and acquire the maintenance inclusion for a couple of years, as well; same as you would with your luxury car, but that's not the way we bought this helicopter.

Mr. Gomez: It's up to \$100,000 a year or two years, and we could renew for another two years.

Chair Hardemon: So does that mean we have to pay the \$100,000 or --?

Mr. Alfonso: You don't have to pay it. You only pay it as the maintenance is done.

Commissioner Gort: Yeah.

Chair Hardemon: Okay. And so if there's --

Mr. Alfonso: Amount not to exceed.

Chair Hardemon: -- maintenance that is completed on the aircraft, does that then take you to \$100,000 or is it like incremental, depending on whatever your services are, up to \$100,000?

Mr. Alfonso: Right, up to \$100,000.

Chair Hardemon: Okay.

Commissioner Gort: That's my understanding, not to exceed \$100,000.

Mr. Gomez: Correct.

Chair Hardemon: Okay.

Commissioner Gort: But I thought it was part of the -- all right.

Chair Hardemon: Any further discussion? Seeing none, all in favor, say ðye."

The Commission (Collectively): Aye.

Chair Hardemon: All against? Motion passes.

RE.8

16-00925

*Liberty City
Community
Revitalization Trust*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A COMMUNITY AESTHETIC FEATURE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION, COMPLETION, AND MAINTENANCE OF A DR. MARTIN LUTHER KING, JR. MURAL ON THE SOUTH SIDE OF THE I-95 OVERPASS AT NORTHWEST 62ND STREET AND FOR RENOVATIONS TO THE CENTER COLUMNS OF THE SAME.

16-00925 Summary Form.pdf

16-00925 Corporate Detail.pdf

16-00925 Service Agreement.pdf

16-00925 Legislation.pdf

16-00925 Exhibit.pdf

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

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

Absent: 1 - Commissioner(s) Suarez

R-16-0370

Chair Hardemon: RE.8.

Daniel J. Alfonso (City Manager): Commissioners, RE.8 and RE.9 -- well, RE.8 and RE.9 are two items where we're agreeing with the FDOT (Florida Department of Transportation) and the Liberty City Trust to do a mural under I-95, and then for there to be maintenance provided on that mural going forward. RE.8 is the agreement with FDOT and 9 -- or the other way around.

Chair Hardemon: The Chair would entertain a motion for RE.8.

Commissioner Gort: Move it.

Chair Hardemon: It's been properly moved and seconded by the Chair for RE.8. Any further discussion on that item? Hearing none, all in favor, say ðye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

RE.9

16-00926

RESOLUTION

**Liberty City
Community
Revitalization Trust**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE RECOMMENDATION FOR AWARD OF THE LIBERTY CITY COMMUNITY REVITALIZATION TRUST ("LIBERTY CITY TRUST"), APPROVING AWARD OF A SERVICE AGREEMENT TO MOVING LIVES KIDS ARTS CENTER (MLK ARTS CENTER), INC. FOR THE INSTALLATION, COMPLETION, AND MAINTENANCE OF A DR. MARTIN LUTHER KING, JR. MURAL ON THE SOUTH SIDE OF THE I-95 OVERPASS AT NORTHWEST 62ND STREET AND FOR RENOVATIONS TO THE CENTER COLUMNS OF THE SAME ("PROJECT"); FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE LIBERTY CITY TRUST FOR THE PROVISION OF THE FUNDING NECESSARY FOR THE COSTS OF THE PROJECT, TOTALING APPROXIMATELY \$90,000.00, SUBJECT TO BUDGETARY APPROVAL AT THE TIME OF NEED.

16-00926 Summary Form.pdf

16-00926 Back-Up Documents.pdf

16-00926 Corporate Detail.pdf

16-00926 Liberty City Trust Resolution.pdf

16-00926 Legislation.pdf

16-00926 Exhibit.pdf

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

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

Absent: 1 - Commissioner(s) Suarez

R-16-0371

Chair Hardemon: RE.9.

Commissioner Gort: Move it.

Chair Hardemon: Been properly moved; seconded --

Commissioner Carollo: Second.

Chair Hardemon: -- by the Chair -- seconded by Commissioner Carollo. Any further discussion about that item? Hearing none all in favor, say aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

RE.10

16-01033

**District 3-
Commissioner Frank
Carollo**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ADMINISTRATION TO AUTOMATICALLY SEND TO THE CODE ENFORCEMENT BOARD OR SPECIAL MASTER, IF IT HAS NOT DONE SO ALREADY, PROPERTIES THAT HAVE RECEIVED THREE (3) OR MORE CODE ENFORCEMENT TICKETS/CITATIONS FOR THE SAME VIOLATION OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, WITHIN A ONE (1) YEAR PERIOD.

16-01033 Legislation.pdf

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

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

Absent: 1 - Commissioner(s) Suarez

R-16-0372

Chair Hardemon: RE --

Daniel J. Alfonso (City Manager): 10?

Chair Hardemon: --10.

Mr. Alfonso: This is Commissioner Carollo's item, the "three strikes you're out" law. Commissioner.

Commissioner Carollo: Yes, Mr. Chairman. If you and the board remember, we had a gentleman that came up, and we had a lot of discussion, and then we had a follow-up meeting with the City Attorney regarding individuals that are consistently in Code violations or have had various violations and they're sort of beating the system. So we were discussing to see how can we put a stop to that or remedy that, and we came up with this language. The only thing is that I want to have a friendly amendment to say three for the same type of infraction. So in other words, if you have within a year three Code violations for the same type of infraction, then they automatically -- the Code Enforcement Department will automatically bring it to the Code Enforcement Board.

Chair Hardemon: Okay. So there's a motion with a modified --

Commissioner Gort: Second.

Commissioner Carollo: And I move it.

Chair Hardemon: -- resolution.

Vice Chair Russell: Discussion.

Chair Hardemon: And it's seconded by Commissioner Gort. Discussion. Commissioner -- Vice Chairman.

Vice Chair Russell: Thank you. Mr. Manager, I'm curious how this will be managed. Is it an automatic process that will bring these to the top, or will it be a constant daily basis of like counting who's up to two and who's up to three and three strikes and --?

Mr. Alfonso: We'll have to come up with some database to enter them into and keep track of them.

Victoria Méndez (City Attorney): CityView, if you give them a business term, it'll do it for you.

Eli Gutierrez (Director, Code Compliance): Commissioner, through CityView, as -- excuse me. Eli Gutierrez, Code director. As Victoria was saying, through CityView, we can come up with something. I'll get with the IT (Information Technology) Department and make something automatic through -- so after three --

Vice Chair Russell: Is it a flag for you once they become repeat offenders (UNINTELLIGIBLE)?

Mr. Gutierrez: That's the goal. Let's see what IT can do with us through CityView. It's -- we'll work it out.

Vice Chair Russell: Thanks.

Chair Hardemon: Any further discussion? Yes, sir.

Commissioner Gort: My understanding is, when you write a citation and all that, you have a record of that. That goes into your computer. That's computerized, so the record should be there. After the third time, it should be flagged, because, let me tell you, people are laughing at us. Yesterday, I went by a corner where there's a big sign: "You cannot park on the sidewalk or you'll be towed away." There was three cars parked underneath the sign. To me, people not respecting our ordinance. Somehow, we got to enforce it, because they're laughing at us. Somehow we have to look for the law. I know you want to give them the -- soak all the time and so on, and due process, but the due process, that takes too long. And the neighbors today, they complain constantly, and we have to put up with it. And all we can say is, "Look, we're going through the process. We're trying to do something." But we need to come up with something.

Chair Hardemon: Any further discussion?

Vice Chair Russell: Mr. Chair?

Chair Hardemon: Yes.

Vice Chair Russell: Can you explain exactly what happens when they trigger that third time? What additional pain will they feel for that?

Mr. Gutierrez: Additional pain as per the proposed resolution, be taking them to our Code Enforcement Board, and basically, we would inform our Code Enforcement Board members of what's been going on. And there would be no recommendations of extensions, for example, or any assistance from the City that will be recommended. And we'll be -- vehemently, we'll let our Code Enforcement members know.

Vice Chair Russell: So then will a penalty be imposed on them specifically that's different than the normal process?

Mr. Gutierrez: Yeah. We'll recom -- well, we'll recommend a 24-hour immediate fine, daily running fine.

Chair Hardemon: Any further discussion? Seeing none, all in favor, say aye."

The Commission (Collectively): Aye.

Chair Hardemon: All against?

Commissioner Carollo: As amended.

Chair Hardemon: Motion passes as modified. And now that it's 3 o'clock, we want to go up to -- let's have our attorney-client session.

RE.11

16-01046

**District 3-
Commissioner Frank
Carollo**

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION URGING THE FLORIDA LEGISLATURE TO AMEND FLORIDA STATUTES, SECTION 775.085, TO INCLUDE ENHANCED PENALTIES FOR FELONIES AND MISDEMEANORS

COMMITTED AGAINST LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND EMERGENCY SERVICES PERSONNEL DUE TO THEIR EMPLOYMENT STATUS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MEMBERS OF THE FLORIDA LEGISLATURE, GOVERNOR RICK SCOTT AND HIS CABINET.

16-01046 Legislation.pdf

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

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

R-16-0373

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: Real quick, can we do RE. 11, so we can knock that out also? It's something I'm sponsoring. I'll be quick.

Chair Hardemon: Go ahead.

Commissioner Carollo: Thank you. In lieu of the recent ambushes against police officers in Dallas, Baton Rouge, and other cities, I have sponsored a resolution to ask the Florida Legislature to expand the State's hate crime law to include protections for first responders. Florida's hate crime laws increase penalties if offenses are based on factors, such as race, religion, sexual orientation, or mental or physical disability. The expansion of the law would specify employment as a police officer, firefighter, or emergency services personnel included in the list of prejudice. It is my belief that first responders must be protected against such crimes so that they may be able to do their jobs. As a former law enforcement officer, I believe that this is an added deference that may save lives. First responders are easily targeted, because they are in uniform and respond to a distress call. A person should not be ambushed or killed for going to work. I also believe that not protecting them would deter new recruits and existing workers to these important jobs. If they don't do their job, who will? We need to show that we have their backs, and we appreciate the work that they do. So also, at the same time, I'd like to mention that the State of Louisiana passed such a law; and lawmakers in New Jersey, Pennsylvania, Massachusetts, and Kentucky are introducing similar bills.

Chair Hardemon: I do have a question about it. What makes the hate crime different from the --? There's already an enhancement if you strike, for instance, a police officer, or even a teacher, for that matter. So what's the difference between --? And I don't know -- Madam City Attorney, if you can help address that. What's the difference between this law adding police officers and firefighters to -- under the definition of "hate" versus the already enhancement, because of who they are?

Victoria Méndez (City Attorney): Basically, it's another category for which it could be charged as well. I'm not sure right now if they're stackable. I -- as two -- you know, it would be --

Chair Hardemon: Two individual crimes.

Ms. Méndez: Right. So it would be the law enforcement officer enhancement, and then it would be the hate crime enhancement. I'm not sure right now if they're stackable.

Chair Hardemon: And the reason I'm asking this, especially, is because -- so by the -- by sure

virtue, if you make bodily contact with a police officer, it is an enhancement, period. They don't have to prove anything, but that you made contact with that person, that you knew that person was an officer. So now what I'm assuming, then, is if you have some hatred against police officers, so in that bodily contact, you say, "Well, I hate all officers," then it can be a hate crime as well, and I would think that it would be stackable.

Ms. Méndez: Right. That's what -- and that's what we're hoping as well; that it's something that's an additional enhancement to what's already out there. And also, we're adding here "emergency services personnel and firefighters." There are certain things that already address public servants, but they're not as enhanced as the ones that are battery on a law enforcement officer and -- you know, things against law enforcement officers. So these address emergency services personnel and firefighters who are also, you know, coming out and representing the City in these --

Commissioner Carollo: First responders.

Ms. Méndez: -- dangerous --

Chair Hardemon: Right.

Ms. Méndez: -- first responders in these dangerous situations.

Chair Hardemon: And, Commissioner, I don't have an issue with this, but I -- you know, I would say something, and people may not like -- you know, like to hear. There are occasions -- there are times when police officers, especially -- because they handle a lot of calls -- where they're in interaction with citizens who they perceive as a harm to them, and those police officers many times are charged with crimes because sometimes it's outside of the color of law in which they've been acting. In those situations, you know, I always find it -- that it was really -- to me, a police officer is sworn to protect the law, uphold the law, and -- particularly, he's given a lot of different authori -- a lot more authority than the normal citizens to do certain things. So, I mean, the fact of the matter that a police officer can make an arrest I think is a huge responsibility --

Commissioner Carollo: Of course.

Chair Hardemon: -- they have.

Commissioner Carollo: Absolutely.

Chair Hardemon: And, of course, in many of my neigh -- in my neighborhood and many of the neighborhoods that are like mine, police officers make a lot more interactions with people, especially people of color. And so -- and many times, they exercise that authority that they have in a way that is harmful to the people who are in that community. And, you know, I personally feel -- and this is a discussion for another day, though -- that when you have officers that are truly out to violate people's rights every single day and then get caught doing that, there should be some sort of enhancement for those officers, especially when they cause great bodily injury to a person because of that inherent responsibility that they have. But like I say, that's for another day. Because we have to protect both people: citizens from bad officers and then officers from bad citizens.

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: Yeah. And listen, I'm not going to say that, especially in recent years, there hasn't been increased tension between communities and our law enforcement. And by the

way, this is all first responders, including firefighters and other first responders. But at the same time, you know, these individuals are wearing a uniform, they're targeted, they're very easily to be ambushed, and realistically, we need to also provide that protection to them. So, listen, I could tell you this. Regardless what anyone would do, right or wrong, I could tell you this: Killing a person or ambushing a person, it's no way to resolve any issues. So, again, I think this is something where we're actually asking the Legislators in Tallahassee to pass a similar law that's being passed in all these other states.

Chair Hardemon: And I'm saying that to you, Commissioner, because as a criminal defense attorney, I've seen cases where, you know, the underlying crime ends up being thrown out, but the only crime that ends up staying would be resisting without violence or resisting with --

Commissioner Carollo: Understood.

Chair Hardemon: -- violence to an officer, and those are some of the toughest crimes, because the officer engaged them for something that ended up not being a crime at all, and then there's some physical violence that -- or may not be some physical violence that occurs thereafter. So, you know, this, in fact, makes it more difficult for -- it could make it more --

Commissioner Carollo: It could.

Chair Hardemon: -- difficult for someone particularly in that type of situation, but this is not a time for us to really go through all those --

Commissioner Carollo: Understood.

Chair Hardemon: -- different facts, but I'm in general support that we need to protect our officers and people who are providing those types of emergency services from further injury, so. Is there a motion?

Commissioner Carollo: I move it.

Chair Hardemon: It's been properly moved --

Commissioner Gort: Second.

Chair Hardemon: -- and seconded. Any further discussion about the item? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

RE.12**16-00936****Department of
Finance****RESOLUTION**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIAMI, FLORIDA, SUPPLEMENTING RESOLUTION NO. 07-0586, ADOPTED BY THE CITY COMMISSION ON OCTOBER 11, 2007, RELATING TO THE ISSUANCE BY THE CITY FROM TIME TO TIME OF CERTAIN SPECIAL OBLIGATION BONDS PAYABLE AS TO PRINCIPAL AND INTEREST SOLELY FROM THE PROCEEDS OF CERTAIN DESIGNATED REVENUES DESCRIBED IN RESOLUTION NO. 07-0586 AND NOT DERIVED FROM AD VALOREM TAXES; PROVIDING FOR THE ISSUANCE OF AN ADDITIONAL SERIES OF SUCH SPECIAL OBLIGATION BONDS IN AN AGGREGATE

PRINCIPAL AMOUNT NOT EXCEEDING \$130,000,000, TO BE DESIGNATED CITY OF MIAMI, FLORIDA SPECIAL OBLIGATION REFUNDING BONDS, SERIES 2016 (STREET AND SIDEWALK IMPROVEMENT PROGRAM), FOR THE PRINCIPAL PURPOSE OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS; PROVIDING THAT THE SERIES 2016 BONDS SHALL NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR LIMITATION, OR A PLEDGE OF THE CITY'S FULL FAITH AND CREDIT, BUT SHALL BE PAYABLE AS TO PRINCIPAL AND INTEREST SOLELY FROM THE PROCEEDS OF CERTAIN DESIGNATED REVENUES DESCRIBED IN RESOLUTION NO. 07-0586 AND NOT DERIVED FROM AD VALOREM TAXES; DELEGATING TO THE CITY MANAGER AUTHORITY TO DETERMINE THE TERMS OF THE SERIES 2016 BONDS WITHIN PRESCRIBED PARAMETERS; DESIGNATING A BOND REGISTRAR AND PAYING AGENT FOR THE SERIES 2016 BONDS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, BOND COUNSEL, AND THE FINANCE DIRECTOR, A PAYING AGENT AND BOND REGISTRAR AGREEMENT; FINDING NECESSITY FOR A NEGOTIATED SALE OF THE SERIES 2016 BONDS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, BOND COUNSEL, THE FINANCE DIRECTOR, AND THE FINANCIAL ADVISOR, A BOND PURCHASE CONTRACT; APPROVING THE INITIAL FORM OF AND AUTHORIZING THE CITY MANAGER TO UPDATE, FINALIZE, AND DISTRIBUTE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, THE FINANCE DIRECTOR, DISCLOSURE COUNSEL, AND THE FINANCIAL ADVISOR, A PRELIMINARY LIMITED OFFERING MEMORANDUM AND A FINAL LIMITED OFFERING MEMORANDUM RELATING TO THE SERIES 2016 BONDS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR AND OBTAIN CREDIT FACILITIES AND RESERVE ACCOUNT CREDIT FACILITIES AND TO EXECUTE AGREEMENTS RELATING THERETO WITH RESPECT TO THE SERIES 2016 BONDS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, THE FINANCE DIRECTOR, BOND COUNSEL, AND DISCLOSURE COUNSEL, A CONTINUING DISCLOSURE AGREEMENT WITH RESPECT TO THE SERIES 2016 BONDS; DESIGNATING AN ESCROW AGENT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, THE FINANCE DIRECTOR, AND BOND COUNSEL, AN ESCROW DEPOSIT AGREEMENT; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF THE SERIES 2016 BONDS; AUTHORIZING THE CITY MANAGER AND ALL OTHER CITY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE SERIES 2016 BONDS, IN CONSULTATION WITH THE CITY ATTORNEY, BOND COUNSEL, DISCLOSURE COUNSEL, AND THE FINANCIAL ADVISOR; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

16-00936 Summary Form.pdf
16-00936 Back-Up Documents.pdf
16-00936 Legislation.pdf
16-00936 Exhibit A.pdf
16-00936 Exhibit B.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, Russell, Carollo, Suarez and Hardemon

R-16-0374

Chair Hardemon: RE.12.

Jose Fernandez (Director, Finance): Good afternoon, Commissioners. RE.12 is a resolution authorizing the Manager to refund the 2007 and 2009 Streets and Sidewalk Bonds. It is existing debt. The maturity stays the same. All we're really doing is lowering your interest rate, which would yield a net present value savings of about \$14 million over the life of the bond, and approximately \$800,000 a year for the remainder of the bond.

Commissioner Gort: Why aren't we able to do that now?

Mr. Fernandez: Well, now, the -- because of -- the interest rates are low, so we're taking advantage of the interest rate so we can lower the -- and all we're doing is really lowering the interest rate from about 5 percent to a little over 3 percent.

Commissioner Suarez: Move it.

Commissioner Carollo: Second.

Commissioner Suarez: Discussion.

Chair Hardemon: You're recognized.

Commissioner Suarez: I happen to be a finance major, so that's kind of good with these discussions, too. So sometimes, it is good to refinance; and sometimes, when capital is fluid and when debt markets are good, it is good to refinance, because you just save money. Right? So that's what we're doing here, is we're saving money and that makes sense to do.

Chair Hardemon: Any further discussion?

Commissioner Suarez: No.

Chair Hardemon: All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: All against?

Vice Chair Russell: Again, thanks.

Chair Hardemon: Motion passes.

RE.13

16-01009

RESOLUTION

*Honorable Mayor
Tomas Regalado*

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CHARTER"), FOR CONSIDERATION AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, PROPOSING, UPON APPROVAL OF THE ELECTORATE, TO AMEND SECTION 29-B OF THE CHARTER ENTITLED "CITY-OWNED PROPERTY SALE OR LEASE-GENERALLY", TO AUTHORIZE THE CITY COMMISSION BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, TO WAIVE COMPETITIVE BIDDING AND EXECUTE A LEASE WITH DADE HERITAGE TRUST, INC. FOR THE CITY-OWNED BUILDING LOCATED AT 190 SOUTHEAST 12TH TERRACE, MIAMI, FLORIDA FOR A TERM OF THIRTY (30) YEARS, WITH TWO (2) THIRTY (30) YEAR RENEWALS, FOR MINIMUM ANNUAL RENT OF \$600.00 WITH CONSUMER PRICE INDEX ADJUSTMENTS, WITH RESTRICTIONS, REVERSIONS, AND RETENTION BY THE CITY OF ALL OTHER RIGHTS.

16-01009 Back-Up Documents.pdf

16-01009 Corporate Detail.pdf

16-01009 Back-Up from Law Dept.pdf

16-01009 City Attorney-Memo Substituting Legislation.pdf

16-01009 Legislation SUB.pdf

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

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

R-16-0347

Chair Hardemon: And if I can, I want to do a favor for the Mayor. I want to call item -- before we recess for lunch, call item RE.13 and RE.14. So RE.13, Mr. Mayor.

Commissioner Suarez: Move RE.13.

Mayor Tomás Regalado: Thank you.

Chair Hardemon: It's been properly moved and seconded --

Commissioner Gort: Second.

Chair Hardemon: -- by Gort.

Vice Chair Russell: For discussion.

Mayor Regalado: Oh, thank you very much. No. First of all, full disclosure. I used to be a paying member of Dade Heritage Trust, but a year and a half ago, almost two years, when Brian Alonso was elected chair -- he has sat with me at the Homeless Trust for several years -- he came to us and asked us about the future of the headquarters of Dade Heritage Trust. As you know, this is a City property, located at 190 Southwest 12th Terrace, in the Brickell area. It's the bungalow where Dr. Jackson used to live and treat the people; that's why we have Jackson Memorial Hospital. And before that, we had had a lot of communications with the former executive director, Becky Robert and the board, on several items. Number one, the contract that they had with the City -- or the lease that they have with the City for many, many years had expired. For years, they have been on a month-to-month lease; and also, they were having issues with their repairs and the insurance that they have to pay. As you know, the City has to repair; that's a City-owned facility, but the insurance have to be paid for them. And there were

years where the insurance went up, and they were concerned about that situation and the funding, because they live on donations and the payment of the members of this non-profit organization. So the idea came up that -- and they did the research -- they could apply for grants to fix the property, to enhance the property, and to expand the services within the property. The problem that -- for any foundation to even consider a grant is that they were on a month-to-month lease. And so, working with the City Attorney Office's for many, many month and the members of the Dade Heritage Trust, the most simple solution was to offer a long-term lease, 30 years with a 30-year extension and a third-year extension, so that was the solution. However, because of what the Charter is very specific on, it would have had to go on a bid process; and of course, they do pay a very limited monthly payment to the City, according to the lease that they had for so many years. So the City Attorney Office, after a lot of research, came with our RE.13 and RE.14; and that is a referendum that could go, if this is the wish of the Commission, to the voters in November as Amendment 1, to grant a long-term lease, and come back to the Commission for a four-fifth vote in case that the referendum passes, and so the Commission can execute a lease with Dade Heritage Trust. That is basically what these two resolutions are. I really believe that this is a good cause. This is one of the most precious areas of the City of Miami. You know, one would think, "Well, what do the City will do if we sell that property?" Well, the bungalow is historic. Some people will say, "Well, you can pick them up and take them somewhere." I remember that I sat in the Commission -- and Willy was here, too -- when Dade Heritage Trust came to us -- I think it was '97. I think, Willy, was '97 or '98 -- seeking help from the City to move the old Miami High bungalow to Lummus Park, and I think the City at the time gave like a million dollar, and they need to went out and find other sources, and it was a difficult process. So imagine the traffic in Brickell, if you want to move that bungalow through Brickell Avenue.

Chair Hardemon: Thank you very much. Mr. Mayor, I want to stop you for a moment, because Ms. Dolly MacIntyre, I know that you had a --

Dolly MacIntyre: (UNINTELLIGIBLE).

Commissioner Suarez: No, you're doing --

Chair Hardemon: But I want to get you a head start, coming this way.

Mayor Regalado: No, she can interrupt me.

Chair Hardemon: Because I know you had -- you wanted to have some public comment; I didn't know that, so I want to give you an opportunity to be heard. And I know there's a motion and a second on the floor in support of it.

Mayor Regalado: Right.

Chair Hardemon: And then I have some discussion from Commissioner Gort, and then we can take a vote on it.

Mayor Regalado: Right. What -- so what I only want to say, that this is important for Dade Heritage Trust and for the City of Miami. The City of Miami retains all the property rights of this site, but we don't have to maintain it. The Dade Heritage Trust, having secured -- if the voters decide that that is the right thing to do -- a long-term lease, can access -- and I can tell you, unequivocally, that I know that -- Christina is here -- and I know that Brian Alonso had even reach out to foundations; that if they secure a long-term lease, they will get many grants. And by the way, they now have different things going on at the headquarters. And their plans, their vision is to bring children from all -- to have a media room to bring children to learn about the history and the heritage of the City of Miami.

Chair Hardemon: Thank you very much. Ms. MacIntyre.

Ms. MacIntyre: Good afternoon. I'm Dolly MacIntyre, secretary and founder of Dade Heritage Trust, with offices at 190 Southeast 12th Terrace. I second what everybody has said positively about Dade Heritage Trust. I was there in the very beginning when we took over Dr. Jackson's, and we have loved and cared for it and made good use of it for over 40 years. And we ask for you to give us the security to that know that we'll do it another 40 years, at least, and that we can get funding to do the things to keep it wonderful. I'd also like, while I'm here, to mention the bond issue, and to ask that you continue with the Miami Marine Stadium funding as part of it, and that you also be sure that other historic resources that are owned by the City are well cared for, which some of them right now are not. Thank you.

Chair Hardemon: Thank you very much. Commissioner Gort, Commissioner Suarez.

Commissioner Gort: Let me ask you a question. My understanding, that is a very high density zoning, which --

Ms. MacIntyre: Yes.

Commissioner Gort: -- I think the City could be -- look at the -- selling the air rights, which could be very valuable, and that could be used for running the Trust and to allow the Trust to do some of the work that they want to do with the rest of the other historical sites that we have within the City of Miami.

Mayor Regalado: I mean, Commissioner, that's something that you all can explain. What I do know and what I am positive is that I really believe, if this goes to the voters that the voters of the City of Miami will approve this, because this is about Dade Heritage Trust and the work that they have done for the City. One thing that I want to mention -- it's important -- the reason that there are \$3 million for the Miami Marine Stadium from the GOB bonds of the County, of the 2004 election, is because of Dade Heritage Trust, because on that 2004 referendum, countywide referendum, there was a line item of \$10 million for historical preservation, and it was allocated to Dade Heritage Trust. When we start with the Marine Stadium Project and went before the County Commission, Becky Roper Matkov and the members of the board were there to ask the County Commission to allocate \$3 million of this \$10 million of historical preservation for the Miami Marine Stadium. So they did something big for the City of Miami.

Chair Hardemon: Commissioners, I just want to remind you all that we're trying to get through to lunch. I will be asking everyone to come back at 2:30 so we can finish through the meeting. So just try to keep your comments as limited as possible. I don't think this is a big controversial issue, so we should be able to get through this. You're recognized, sir.

Commissioner Suarez: Agreed. I wanted to make a technical change, which is the Clerk has informed me that I had to amend my motion because -- to replace "general election" with "special election" and delete references to a referendum, "July 22 memo indicated changes were distributed by Ana Medina to elected officials." So that's just a technical cleanup that the City Clerk has asked me to read into the record. Just my general thoughts are I agree completely with the Mayor. You know, I think we are investing in our history. And I think, as we grow as a city, it's important for us to reflect not only on our fu -- you know, not only on our future, but also on our past. And I also had the privilege of having my sister be the chair of the Dade Heritage Trust, and so that's obviously something that I'm very proud of. Thank you.

Chair Hardemon: Vice Chairman.

Vice Chair Russell: Mr. Chair. I'm sorry. Just after your comment to try and keep it brief, I'm going to throw a real curve ball at you guys, and either you're with me or not, but hear me out.

I'm worried that putting it on the ballot like this may end up having it shot down. And let me start by saying, I'm very much in favor of this, but when the language on the ballot -- and having been a very recent layman who gets confused by ballot language, I can tell you, when we're saying -- when they just see the words lease, "30-year," "30-year extension," they see waiving the competitive bidding, waiving the value, the market value, it may have a chance to get a "no." Secondly, I think sometimes we complicate things more than it should be. Here's my curve-ball recommendation: That we actually sell them the land or sell them the property with a reverter clause if they ever dissolve or sell -- or that they can't transfer it, obviously. If they need to transfer it, it reverts to us, and we maintain our TDR (transfer development right) rights, and it's super clean. It accomplishes the intent. I've already spoken with them, and they -- I believe they're open to it, but it would be much cleaner on the ballot language when you say, "We'd like to convey this property to Dade Heritage Trust." Boom. Everyone loves that. I'm just concerned about the way it was done as a lease, and it seems confusing on the ballot.

Mayor Regalado: Mr. Chairman.

Chair Hardemon: But would the --?

Mayor Regalado: Mr. Chairman, it will not pass.

Vice Chair Russell: Which one would not pass?

Mayor Regalado: Yours.

Vice Chair Russell: Why?

Mayor Regalado: Because you're giving away land and property of the City of Miami. I guarantee you --

Vice Chair Russell: You think that's worse?

Mayor Regalado: I guarantee you, it will not pass. I guarantee you that if we explain to the people of Miami that this is a lease, this is the people that take care of the historic, that the residents of Miami retains all the property right, that the only thing that we're doing is just giving them a long-term lease, this will pass. I understand that they're willing to create like a public opinion campaign. I will tell you that I will personally campaign, not that that's important. Since I will not be doing any presidential campaign, I will campaign for that and other things that you decide. But I do think -- and I have seen it throughout the years, in the 20 years that I have been here. I think that when you talk a lease, people are more amenable to accept that, but that's up to you guys. I do think that a lease, a long-term lease will mean the same thing for them in terms of getting grants -- that's all they do -- and that it's easier to go to the voters and ask for their support.

Vice Chair Russell: Mr. Chair.

Chair Hardemon: Yes.

Vice Chair Russell: So you all know more -- you have more experience in this than I. I do have draft language if you believe that selling it to them rather than leasing it to them would be a good idea, but if the will is not here, I would support it as is, as well, so this is an alternative option. Any thoughts? I understand you think it better as it is.

Commissioner Gort: Yes.

Chair Hardemon: Yeah. And then also, Commissioner Gort, I just wanted to clarify that you are

in agreeance with the amendments to the motion.

Commissioner Gort: Yes.

Chair Hardemon: Yes.

Chair Hardemon: So seeing no further discussion about the issue, all in favor, say bye."

The Commission (Collectively): Aye.

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

Chair Hardemon: Motion passes, as amended.

RE.14

16-01008

*Honorable Mayor
Tomas Regalado*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING, SETTING FORTH AND SUBMITTING TO THE ELECTORATE A PROPOSED CHARTER AMENDMENT, AMENDING THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CHARTER"), KNOWN AS CHARTER AMENDMENT NO. 1; AMENDING SECTION 29-B OF THE CHARTER, ENTITLED "CITY-OWNED PROPERTY SALE OR LEASE-GENERALLY", TO AUTHORIZE THE CITY COMMISSION BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, TO WAIVE COMPETITIVE BIDDING AND EXECUTE A LEASE WITH DADE HERITAGE TRUST, INC. FOR THE CITY-OWNED BUILDING LOCATED AT 190 SOUTHEAST 12TH TERRACE, FOR A TERM OF THIRTY (30) YEARS, WITH TWO THIRTY (30) YEAR RENEWALS, FOR MINIMUM ANNUAL RENT OF \$600.00 WITH CONSUMER PRICE INDEX ADJUSTMENTS, WITH RESTRICTIONS, REVERSIONS, AND RETENTION BY THE CITY OF ALL OTHER RIGHTS; CALLING FOR A SPECIAL ELECTION AND PROVIDING THAT CHARTER AMENDMENT NO. 1 WILL BE SUBMITTED TO THE ELECTORATE AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN 45 DAYS PRIOR TO THE DATE OF SUCH SPECIAL ELECTION; PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR THIS RESOLUTION.

16-01008 SUB Back-Up Documents.pdf

16-01008 Corporate Detail.pdf

16-01008 Back-Up from Law Dept.pdf

16-01008 Legislation.pdf

16-01008 Memo-Scrivener's Error.pdf

16-01008 Exhibit-SUB.pdf

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

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

R-16-0348

Chair Hardemon: RE.14. Is there a motion to approve?

Commissioner Gort: Move it.

Commissioner Suarez: So moved.

Chair Hardemon: Been properly moved and seconded by Commissioner Gort. Any further discussion about that? Hearing none, all in favor, say "aye."

The Commission (Collectively): Aye.

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

Chair Hardemon: Motion passes, as amended.

Commissioner Suarez: As amended.

Chair Hardemon: And so I'm going to recess this meeting, expecting us to come back at 2:30. I know Vice Chairman, you --

Mayor Tomás Regalado: Thank you.

Chair Hardemon: Okay, 2:30.

Vice Chair Russell: We have a shade at 2:30?

Chair Hardemon: We have a shade at 3 o'clock.

Barnaby Min (Deputy City Attorney): I believe there's also a CRA (Community Redevelopment Agency) meeting.

Vice Chair Russell: We're reconvening at 2:30; shade at 3?

Chair Hardemon: Correct.

Commissioner Gort: So we'll -- I'll be here at 2:30.

Mr. Min: Recess until?

Commissioner Gort: 2:30.

Mr. Min: For the CRA or for the shade meeting? There's also an Omni CRA meeting.

Ms. Méndez: So we come here at 2:30?

Chair Hardemon: 2:30, yes.

Ms. Méndez: All of us here, not up there.

RE.15**16-01037****City Commission****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO PREPARE AMENDMENTS TO THE CHARTER OF THE CITY

OF MIAMI, FLORIDA, AS AMENDED ("CITY CHARTER"), FOR CONSIDERATION AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, PROPOSING, UPON APPROVAL OF THE ELECTORATE, TO AMEND SECTION 7 OF THE CHARTER, ENTITLED "ELECTION OF CITY COMMISSIONERS AND MAYOR," TO CHANGE THE DATE OF A RUNOFF ELECTION FOR MAYOR AND CITY COMMISSIONER FROM THE SECOND TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, TO THE THIRD TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER; TO AMEND SECTION 51 OF THE CHARTER, ENTITLED "CIVILIAN INVESTIGATIVE PANEL," TO PROVIDE FURTHER INDEPENDENCE OF THE CIVILIAN INVESTIGATIVE PANEL BY CLARIFYING ITS MEMBERSHIP COMPOSITION, AFFIRMING ITS RIGHT TO HIRE AND FIRE AN EXECUTIVE DIRECTOR AND INDEPENDENT COUNSEL, SUBJECT TO CITY COMMISSION APPROVAL, ESTABLISHING AN ANNUAL BUDGET BY ORDINANCE, CONFIRMING ITS AUTHORITY TO INVESTIGATE CONDUCT AND REVIEW POLICIES AND PRACTICES OF THE POLICE DEPARTMENT, AND CLARIFYING ITS AUTHORITY TO ISSUE SUBPOENAS IN CONSULTATION WITH THE MIAMI-DADE STATE ATTORNEY'S OFFICE; AND TO AMEND SECTION 52 OF THE CHARTER, ENTITLED "CITIZENS' BILL OF RIGHTS," TO PLACE THE CITIZENS' BILL OF RIGHTS AT THE BEGINNING OF THE CHARTER, TO EXPRESSLY REQUIRE THE CITY TO ABIDE BY THE CHARTER'S PROVISIONS, TO PROVIDE THE CITIZENS THE RIGHT TO SUE AND BE HEARD IN COURT TO ENFORCE COMPLIANCE WITH CHARTER PROVISIONS, AND IF SUCCESSFUL, AND TO RECOVER COURT COSTS BUT NOT ATTORNEY'S FEES; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

16-01037 Legislation.pdf

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

Votes: Ayes: 3 - Commissioner(s) Russell, Carollo and Suarez

Noes: 2 - Commissioner(s) Gort and Hardemon

R-16-0349

Chair Hardemon: Moving on now to RE.15.

Barnaby Min (Deputy City Attorney): Commissioner Suarez, I believe RE.15 is a directive concerning the Charter amendments. Do -- would you like to present?

Commissioner Suarez: Yeah. Just give me one second, please.

Commissioner Gort: By the way, if-- I want to make sure when you present the amendment, what is the impact of these changes.

Chair Hardemon: Mr. City Attorney, I thought that the strong Mayor was supposed to be one of the items that was supposed to be brought back to the Commission.

Mr. Min: I believe what occurred is at the last special Commission meeting, there was a discussion amongst the Commission with a directive that it go back to the Charter Review Committee for them to determine which questions and what ballot questions would be presented to the City Commission. And from my understanding, that item was not one of the items that was going to be presented to the City Commission.

Chair Hardemon: But I thought we had a certain number of items.

Commissioner Suarez: So I'll -- if you want, I'll explain.

Chair Hardemon: Okay.

Commissioner Suarez: So we had, I think, 12 to 15 proposals initially. When it came to this Commission, Commissioner Gort, I think, wisely limited the number of questions from 12 to 15 to seven. We talked about those seven in that workshop, if you remember. And I think there were some significant substantive discussions and concerns about some of the items. Rather than rush the items, we decided that we would work on the Charter language and get the Charter language right on the items that we could get broad consensus on; get that on this agenda, on this ballot; and then work on the other ones beyond that, and bring them for another ballot.

Chair Hardemon: So you're saying broad consensus at the committee level or at the Commission level?

Commissioner Suarez: Well, there wasn't broad consensus at the Commission level, because, for example, on the strong Mayor, just to use that as an example, there was some discussion about whether or not the Commission would have any power over a Mayor, and what kind of a power, which is one of the concerns that you expressed. And one of the concerns that Commissioner Russell expressed was the concern about whether or not the Mayor could present legislation and whether or not it would just be something that the Commission would be capable of doing. So actually, the committee actually took into account your concerns and we had to meet -- I think the -- if I'm not mistaken, the workshop was on the 13th. We had to meet on an expedited basis on the 19th, because the print agenda was on the 20th. So what we did was we focused on the items that we felt there was broad consensus on and fixed those Charter questions. So that's what we did and that's what we brought back to you. We obviously intend to bring back the other Charter items at some later date for some future referendum, and take it one step at a time.

Chair Hardemon: Okay, (UNINTELLIGIBLE). You're recognized, sir.

Vice Chair Russell: On that same tone, was there a change made at the committee level regarding the attorney's fees with the issue of standing? Because I felt that we had gained a consensus here at the Commission level that we would include attorney's fees in the ballot language. Was there a change and is there a logic to that that --?

Commissioner Suarez: Yeah. What I would like, if it's okay, is just to go through them one by one. And I think there was somebody that was going to make a presentation -- Mr. Justin Wales. I don't know if he's here. There he is. And -- on the standing issue, because he was the person designated by the committee to present on behalf of the committee the standing question, so I'd like to have him handle that one. As for RE.15, the -- Madam City Attorney, RE.15 was a directive, correct?

Victoria Méndez (City Attorney): Yes. RE.15 is the one having to do with the Charter amendments, which would -- but you may want to have discussion on --

Commissioner Suarez: Right; have that discussion.

Ms. Méndez: -- 16, 17 and 18 --

Commissioner Suarez: Exactly.

Ms. Méndez: -- before passing that one if you only choose one, two or three.

Commissioner Suarez: So 16 was one that was the very -- the clean-up language on the runoff, which was, instead of it being changed by ordinance, which we normally do to make it a two-week runoff, it was going to be changed by Charter. It was a very bland change, and I think the Clerk -- go ahead.

Todd B. Hannon (City Clerk): Yes, sir. Basically, the Charter amendment proposing to move the runoff for City of Miami elections from the second to the third Tuesday is specifically a request from the County Elections Department. One week simply is not enough time, physically or logistically, to prepare for a runoff election for the City of Miami. And so every election cycle, I have to bring an ordinance requesting from the Commission that we change our runoff date from the second to the third Tuesday, so this will essentially eliminate that extra step we've been taking for a number of years.

Commissioner Suarez: I think that one's pretty straightforward.

Chair Hardemon: So that's --

Commissioner Suarez: I'll move that one.

Chair Hardemon: (UNINTELLIGIBLE). It's been properly moved.

Commissioner Carollo: Second.

Chair Hardemon: -- and seconded.

Commissioner Gort: Second.

Ms. Méndez: Now, this is -- and I apologize, because the Clerk doesn't agree with the way that I have done this, but basically, if you can get like a fundamental awareness of where you are with this item, which it looks like you're about to vote on it, but since -- you need to have and pass the RE.15 to say which ones you shall prepare. So first, you'll say, you know, you shall direct the City Attorney to prepare item X, "Y," or Z."

Commissioner Suarez: Okay. I think -- is it fair to say that we're all in agreement on 16? Does anyone object to 16?

Chair Hardemon: No.

Vice Chair Russell: But she's saying you can't approve it until 15 --

Commissioner Suarez: So let's move to 17. Yeah, but let's get consensus to see if we have consensus on that.

Commissioner Carollo: Got you.

Ms. Méndez: Okay. Thank you.

Commissioner Suarez: 17, and I think there are some --

Ms. Méndez: And I apologize. It'll never be placed putting three --

Commissioner Suarez: It's okay.

Ms. Méndez: -- you know, it should have been three different questions.

Commissioner Suarez: Listen, I think the Chair had a smart idea today to try to expedite some of the PH (Public Hearing) items by voting them in whole, but that's my personal --

Ms. Méndez: Yes. And he did the --

Commissioner Suarez: -- perspective.

Ms. Méndez: -- correct thing. We did a little --

Commissioner Suarez: Okay.

Ms. Méndez: -- research in the meantime --

Commissioner Suarez: That's what I thought.

Ms. Méndez: -- so that could be done.

Commissioner Suarez: The second one is the -- our Independent Review Board's recommendations for independence of -- the independence of the Civilian Investigative Panel. I don't know if there's anybody that has any specific questions on this.

Ms. Méndez: Mr. Quick is here --

Commissioner Suarez: Right.

Ms. Méndez: -- representing the CIP (Civilian Investigative Panel), if you have any questions in general.

Commissioner Suarez: There was one -- in our discussion, there was one confusion; it had to do with whether or not we were going to do the City Attorney's cleanup, which had to do with the authority granted by the City Attorney and there being a very clear expression -- and you maybe can explain it better -- that the independent counsel is going to be under the purview of the Civilian Investigative Panel; that was to fix the issue that we had in the past. Mr. Quick.

Ms. Méndez: Right. And that's not a problem. I do not want to have the purview of the Civilian Investigative Panel, so it's a wonderful thing.

Commissioner Suarez: I know. We were just cleaning it up. We wanted to make sure that this was clean.

Ms. Méndez: The only thing I wanted to bring to your attention, though, is there is right now presently an appeal to the Supreme Court with regard to the CIP. I don't know if we wanted to perhaps wait on this item before you change the Charter to give the CIP all these powers, and then something else may happen. So I'm just throwing it out there just to make sure to tell you.

Commissioner Suarez: My issue is we tasked this Independent Review Committee with reviewing their procedures. They came with these recommendations. We worked a long time. If the Supreme Court rules, that's going to govern at the end of the day.

Commissioner Gort: Yeah.

Commissioner Carollo: Yeah. And we -- you know.

Commissioner Suarez: So that's -- and then it's --

Commissioner Gort: *We did it by Code.*

Commissioner Suarez: *-- that's it. So I think we should just move forward, let the residents decide whether they want to make the Civilian Investigative Panel more independent.*

Commissioner Carollo: *Yes.*

Commissioner Suarez: *And if the Supreme Court overturns it --*

Commissioner Carollo: *Exactly.*

Commissioner Suarez: *-- then that's it. So I think -- do we have consensus on that?*

Commissioner Carollo: *I'm okay with it.*

Commissioner Suarez: *Okay. The last one is the -- what I would call the standing provision," which is basically citizens' rights to sue our government if -- for a violation of the Charter. This is something that I thought there was broad consensus on when we talked about it. We had to change the language, because -- and the Mayor made a good point, and some of you did, also -- which what we focused on, we had not focused on till then. We had focused mostly on the substantive reforms; we had not focused on the ballot language. So we spent most of that last CRC (Charter Review Committee) meeting focusing on the ballot language, fixing the things that we could fix with one day, essentially, and bringing that forward. We thought this was a good, substantive reform that there was broad consensus on, and we fixed the ballot language on that. And Justin is here in case anyone has any questions.*

Vice Chair Russell: *I do.*

Commissioner Suarez: *Sorry? Okay.*

Vice Chair Russell: *The attorney's fees issue.*

Commissioner Suarez: *Yeah.*

Vice Chair Russell: *For me, personally, we're doing a really good thing giving the citizens a voice to help enforce our City to follow its own Code, its own Charter. I'd hate to do it in a symbolic way that we then have this great new Charter amendment, and then we cut it off at the knees and say, "It's only for rich people who can afford attorneys to take this big fight against a well-moneyed City." I don't think it's going to create a cottage industry. I think there is plenty of safeguards in place that someone shouldn't bring a frivolous lawsuit. If we need to strengthen it further by avoiding attorneys doing things pro bono and only collecting money if you win kind of thing. I understand what it's trying to mitigate here, but I just feel like we're not giving the voice to the average citizen who recognizes that there's been a Charter violation that wants to bring a lawsuit, but won't have that ability. Can you tell me the logic of why we wouldn't include attorney's fees? Is it about getting it passed on the ballot, or is it about something later on about enforcing it, or what are we thinking?*

Justin Wales: *Sure. Commissioner, most of the --*

Chair Hardemon: *State your name for the record.*

Mr. Wales: *Oh, Justin Wales. I'm on --*

Chair Hardemon: *Who do you represent?*

Mr. Wales: -- the Charter Review and Reform Committee. And it was -- this was my proposal. Most of the members of the Charter Review and Reform Committee are generally for the idea of having citizens being reimbursed with their attorney's fees upon the successful -- successfully bringing a suit against the City that it violated its Charter. The fear was, is by putting this on the ballot, it poisons the well. And we didn't want people to vote against the attorney's fees provision specifically, and in doing so, not allow people to have standing to enforce the Charter. So one of the suggestions was you pass the standing provision, and then at -- next year, at that election, you have a separate provision which asks to amend it to include attorney's fees for reimbursing.

Commissioner Suarez: Mr. Chair.

Chair Hardemon: Yes.

Commissioner Suarez: So that I think the fear is -- let me try to -- not that he didn't do a good job explaining it. The fear is that putting in attorney's fees might sink the reform. You might be throwing out the baby with the bathwater. That's the fear; is that a voter might look at it and say, I don't want to pay for a bunch of lawyers to sue the City, and that's the fear. And so, that's what the Charter Review Committee struggled with, and that's why they ultimately recommended it in this form. As Justin said, the idea was -- and that's why we talked about potentially bringing some of these reforms in different elections, because we didn't want to rush things, unlike other matters. We didn't want to rush them. We wanted the Commission to look at what was in front of them, what there was broad consensus on, and vote on it. And so that was the concern. We don't want to -- the voters to potentially vote against it because of the potential cost and instead, you know, do it maybe piecemeal; maybe have it --

Vice Chair Russell: So what would that second round look like? What would that -- it would just be, Would you now like to add attorney's fees to the winning"--?

Commissioner Gort: No, we flipping it.

Commissioner Suarez: I mean, it --

Commissioner Gort: I mean, we saying one thing, but then at the end, we going to change it.

Commissioner Suarez: No, no, no.

Commissioner Gort: No? Okay.

Ms. Méndez: It would be a question --

Commissioner Suarez: No. Separate question.

Ms. Méndez: -- next time saying, Would you like to amend the"--

Commissioner Suarez: Right.

Ms. Méndez: -- \$standing provision to add attorney's fees?"

Commissioner Suarez: Exactly.

Ms. Méndez: That would be your next ballot question.

Commissioner Suarez: Exactly.

Vice Chair Russell: Wouldn't that be just as easy a ho'as from this first one?

Commissioner Suarez: Possibly. But you would then have the standing -- you would have the -- you would have gotten the positive standing, so you would have given the right -- you've conferred the right to --

Vice Chair Russell: So at least some people could sue.

Commissioner Suarez: Yes. Everybody can sue. The question is, some people -- you know, maybe it's more expensive for some people than for others.

Vice Chair Russell: Right.

Commissioner Suarez: I understand.

Vice Chair Russell: I simply can't imagine the difficulty and the stress of going through trying to sue your own city to make it follow its own Charter and all that entails; and then you win, and then you're broke. I just -- you know, it's --

Commissioner Suarez: No, I -- listen, I get --

Vice Chair Russell: -- a hollow victory, isn't it?

Commissioner Suarez: No. And for me, listen, I -- we have somebody in the audience -- Ms. Solares -- who's sued the City many, many times. She's not wealthy by any stretch of the imagination. She's just very good at what she does.

Commissioner Gort: At least six.

Commissioner Suarez: So the -- so, listen, I don't think you necessarily have to be wealthy to sue the City, but if you -- if that's something that you want, you know, I mean, it's going to be on the ballot. We have to decide whether or not -- you know, the voters, like you said, have to decide at the end of the day whether or not they're going to pass it. I just -- I'm just afraid that it contaminates -- and I think the committee members were. I mean, I don't -- I'm not speaking for myself, really. I'm speaking for the committee.

Vice Chair Russell: I think the same thing happened to the ombudsman thing, where, basically we were trying to create an independent person, sort of a watchdog --

Mr. Wales: Right.

Vice Chair Russell: -- but then at the end, we get to appoint him. So where's the independence? And for me, that was worth just letting it go as a whole, because if we're not going to really do it, let's not do it. In this case, I mean, I'm open to it. I --

Commissioner Suarez: Can I just ask this question?

Vice Chair Russell: Yeah.

Commissioner Suarez: Maybe -- If it failed, that would be the reason it would fail --

Vice Chair Russell: You're right.

Commissioner Suarez: -- I'll tell you right now, because if it passes, I mean, it -- nobody, I don't think, would vote against having the right to sue your government to enforce its Charter. I don't

-- I can't see why anybody would vote against that. If it fails, that would be the reason that it would fail. So I -- maybe that's another way of putting it, which is, you know -- and if it fails, by the way, not only do you not get the right to sue, but then you don't get to recover attorney's fees, because it's failed; you get what I'm saying? So you get nothing. It's kind of like Willy Wonka's Chocolate Factory; at the end, you get nothing.

Vice Chair Russell: I -- it goes to our last discussion about taxing and things like that. People want the right stuff for their community, but do they want to pay for it? I want to trust that if we put it in front of the community, you know, if we -- if the City has done wrong and they're -- and someone's brave enough to bring that fight and they're found victorious that they shouldn't carry the financial burden of having had that fight, and that the community would recognize that in making its decision to allow standing, if the average ballot voter even understands the concept of standing. You know, we have a lot of education to do before this gets to the ballot.

Commissioner Suarez: Well, we redrafted the language, if you look at the language, so that it doesn't even use the word, standing. So -- because that is a very technical term, a very legal term. So one of the things we spent a lot of time and energy on was redrafting the ballot language to make it as understandable as possible within the limits that we had, which were the 75-word limit.

Vice Chair Russell: So it will still say costs, but it will not say attorney's fees?

Commissioner Suarez: Correct. You get to recover court costs, exactly.

Vice Chair Russell: Do you think the average ballot voter also distinguishes between cost and fees?

Commissioner Suarez: Well, it says here, court cost, but not attorney's fees.

Vice Chair Russell: Right. But, I mean, do you think they -- the average ballot voter -- because they're still seeing recovering court cost. Won't they think that's --

Commissioner Suarez: I don't know, I don't know.

Chair Hardemon: I think it goes on to attorney. I mean, the attorneys are the ones who are going to tell you what your court costs are and things of that nature.

Commissioner Suarez: Yeah.

Vice Chair Russell: Yeah.

Chair Hardemon: But I have a question -- actually a couple questions. The first, how do they define citizen, pertaining to this section?

Ms. Méndez: We had to make -- one of the friendly amendments that -- we were requesting that it would say resident, not citizen, because it's not a citizen of the City. You're only a citizen of the United States.

Chair Hardemon: States, right.

Ms. Méndez: So it would be -- a resident of the City is the request that, if this passes, it would be edited to say that.

Commissioner Suarez: But -- may I just jump in there? But you're not talking about changing where it says Citizens' Bill of Rights, right? Because that's actually called the Citizens' Bill of

Rights.

Ms. Méndez: No, no. It would only be on the question --

Commissioner Suarez: Okay.

Ms. Méndez: -- Shall a resident."

Commissioner Suarez: Right.

Chair Hardemon: But the section under Part A, 'Sub-Part A, 'the Charter, in the last sentence, it reads: 'Guarantees the additional rights to its citizens, 'so that would read Residents."

Commissioner Suarez: Correct.

Ms. Méndez: Right.

Commissioner Suarez: Yeah, that makes sense.

Chair Hardemon: Okay. And second, I'm looking at what is -- would be the new number 7, natural resources and scenic beauty. It shall be the policy of the City to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and excessive and unnecessary noise. "They didn't exclude anything, but it shall include some other things. I don't know, maybe some people who think that billboards are visual pollution -- right? -- and billboards take away from scenic beauty, which they probably have a good argument if they made that discussion, because they'd show you what a community would look like without billboards and then a community with billboards. This Charter amendment, under Part -- under the Part C, 'with what's been included in the last sentence, it says, 'Any public official or employee who is found by the court to have willfully violated this section shall forthwith forfeit his or her office or employment." Do you foresee someone who works for the scenic beauty-type committees throughout the nation making that argument, and then thus making the argument that Commissioner Russell -- because he's the one that believes in all this -- that's a joke for the record -- he's the one that should be removed because of it -- or all of us, for that matter.

Ms. Méndez: This -- the points that you're making with regard to the changes in -- it was really numbering. The only issue that this is supposed to address is the single subject of standing. It's not supposed to change anything else that's already been conferred by the Charter.

Chair Hardemon: And I completely understand that, but, naturally, when you read something if there's something that you think you don't agree with, I think it's a good time to voice that opinion, because what you're doing is you're giving citizens more power, more authority, a greater likelihood of succeeding with this. And so, what I'm, you know, I'm taken aback about is that statement. I mean, that statement, the way that it's written is not well defined, and I think that it's a reasonable argument to make that if you have murals in your community, if you amend mural boundaries or you add in billboards, et cetera, that you'll run afoul of the Citizens' Bill of Rights.

Ms. Méndez: I think we've taken the position that any of the mural and billboard -- any of the agreements we've done, any of the ordinances we've done is to limit visual blight and limit visual pollution; it is to orderly -- to have an orderly system with which these things can be -- and coexist in the City without having what we had before we had those type of regulations, which everybody would just run rampant.

Chair Hardemon: So you --

Ms. Méndez: So our position in actually --

Commissioner Suarez: Mr. Chair.

Ms. Méndez: -- having some of these legislations were in order to address these things in a way that will address visual pollution; not add to it.

Chair Hardemon: So, for instance, the -- when we say -- that one says protect its natural resources and scenic beauty. Protect"-- doesn't say limit,"it says protect." And I think protect,"it means to keep from injury, to -- you know, and for some, that argument would be that it is injurious to the senses if you allow billboards to exist. Now, if I further it and I say, Okay, which policy shall include the abatement of air and water pollution"-- abatement,"I can understand. I would take it to mean to -- maybe that to reduce, to cause a reduction in. But it says, And excessive and unnecessary noise." And so, you know, the question is, if I took it in its context with the entire sentence, is a billboard necessary? I wouldn't say it is. And so, you know, and are 10 billboards or murals excessive? So could it be excessive but not necessary?

Ms. Méndez: We -- when we did the cap and replace for the billboards, the legislation that we passed is that there will be no further billboards, and if you want a billboard, you have to take --

Commissioner Suarez: Yes.

Ms. Méndez: -- like, you know, a few down to be able to put one up. So that's an abatement we did with the billboards. And with regard to the murals, the murals used to be everywhere, and I mean everywhere. Now, we only have 35 or 45. I don't know which of the two numbers, but it's citywide in the core, obviously. So the legislation that we've always passed with regard to signage and these types of billboards or murals has always been to condense.

Commissioner Suarez: Mr. Chair.

Chair Hardemon: You're recognized.

Commissioner Suarez: Yeah. I just want -- I want to be clear, because I'm pretty sure that -- I want to make sure that I make the correct statement. This is already in the Charter, number 6, which we'll be changing; number 7 is already in the Charter.

Chair Hardemon: Right.

Ms. Méndez: It is.

Commissioner Suarez: Okay.

Ms. Méndez: But the Chairman is --

Commissioner Suarez: I understand.

Ms. Méndez: -- concerned.

Commissioner Suarez: I think the key here on the -- on -- what he's concerned about, and I think my two cents on it is when you say, "willfully violate the section," in other words, "willfulness" is essentially you know you're violating the section; you know what I mean? You know, there's evidence that you know you're -- you know, you're --

Chair Hardemon: No, you intended to.

Commissioner Suarez: *What's that?*

Chair Hardemon: *You intended to.*

Commissioner Suarez: *No. You know. Willful "is know"-- knowledge. You know.*

Chair Hardemon: *Well, then you got willful and you have knowingly. "Willfully and knowingly"--*

Commissioner Suarez: *Yeah.*

Chair Hardemon: *-- are two different --*

Commissioner Suarez: *Right. But this says willful."*

Chair Hardemon: *And I --*

Commissioner Suarez: *Or knowingly, if you want to put knowingly, but it's -- I think it's -- I thought they were interchangeable, but you willfully or knowingly violate; in other words, you know what you're doing is wrong, and you're doing it anyways. And I think that's the difference, so.*

Chair Hardemon: *I guess the way that I read it -- and I can -- I'll take it like if Ms. McIntyre here -- who was here -- if she had her property and I would want -- and I trespass on her property, I can either -- I can willfully trespass on it by intending to walk onto her property; or I could be pushed into her property, and it's still a trespass, but it was no intention by me to do it.*

Commissioner Suarez: *Yeah. No, I get it, and I think that's a proof problem; you know what I mean? That's a proof issue. If there -- you know, if there's an email that you write to the City Attorney that says, Hey, I know that this is illegal, but I'm going to do it anyways, that's like willful, you know. That is a will violation of the law; whereas if it's just a matter of, This is how I feel, and the City Attorney says, This is legal"-- you know what I mean? I think you are conforming with what you -- legal advice and what you feel is the law. So I think that's the distinction. In one case, you're saying, I know this is wrong and I'm going to do it anyways." In another case, you're saying, I think this is right, and the City Attorney is saying, I think this is right, and that's what you're doing.*

Chair Hardemon: *So the ballot question would also be amended to change -- allow the -- provide the citizens the right to sue, and would it be the residents?*

Ms. Méndez: *Right. So if you accept the amendment, it would deal with -- Residents of the City shall have standing to bring legal actions to enforce the City Charter.*

Chair Hardemon: *And I'll tell you, I mean, I'm --*

Ms. Méndez: *Everything that's underlined would be added.*

Chair Hardemon: *I'll tell you how I feel when it comes to it. I mean, the City has defeated a great deal of lawsuits on standing. And, you know, I'm not one to be in favor of taking away our ability to fight a case; a technical ability. I mean, to me, in a legal case, it's like having a bad stop, but then saying that I'll throw away my right to suppress the stop, and just going right into the case. You expose yourself to greater risk when you do that, because you may not win that case. And I liken it to this. I mean, when you take away the ability for the City Attorney to fight on a standing issue, you've essentially forfeited a tool in which that you use to fight in court. And from that, I think that you'll have two things: You'll have increase in court cost, because*

now, you need to go directly into trial, and trial could -- trial does increase the cost that you're going to be paying to any attorney; or if you need any expert witnesses, or anything of that nature. So I think we're backing our way into a system that's going to be costly for us, and I think we should know that.

Vice Chair Russell: Unless we don't violate our Charter.

Chair Hardemon: I mean, that's a matter of opinion.

Vice Chair Russell: That's one remedy.

Chair Hardemon: But that's a matter of opinion.

Ms. Méndez: And whenever I can, I would like to chime in on this issue, as well.

Chair Hardemon: Because I know that, for instance, I think that the scenic beauty people could have a good argument -- well, I mean, (UNINTELLIGIBLE). Commissioner Gort, you want to say something, do you want to allow the City Attorney?

Commissioner Gort: I'm not going to say anything; I'm out of that one.

Chair Hardemon: City Attorney.

Commissioner Gort: I'll let you guys fight it out.

Chair Hardemon: You want to say --?

Vice Chair Russell: Yes. One last suggestion on the attorney's fees issue, and if you guys don't like this suggestion, then we go without the attorney's fees. What if we flipped the wording on it so that instead of *If successful, you recover court costs and not attorney's fees?* If we're putting this to the voter, that we say, *If unsuccessful, there will be no cost to the taxpayer, or something like that.*

Chair Hardemon: But there'll always be a cost to the taxpayer.

Vice Chair Russell: But I'm looking for a psychological wording that will not scare off the voter from allowing something good to be on the ballot and approved, because they get scared from having to distinguish between court costs and attorney fees. I'm worried -- if you're as worried about the attorney's fees, I'm just as worried that the average voter will see *Court costs* and get scared.

Commissioner Suarez: We could eliminate it both, because right now, they don't get attorney's fees.

Vice Chair Russell: Right.

Commissioner Suarez: They -- I think they get court costs; that's what they currently get right now, if they sued and there was no standing issue. The only thing that a prevailing party could recover against the City -- I guess it depends on the -- I guess -- say if like it's a contract or something where there were attorney's fees awardable in the contract, but I don't think we would ever sign a contract of that kind. But is there any -- on 1983 cases, do they get attorney's fees if they're the prevailing party? They do under 1983 --

Vice Chair Russell: What is the implication if we're silent on it; if we don't mention fees?

Ms. Méndez: It needs to mention the attorney's fees in order for you to get attorney's fees.

Commissioner Suarez: Right. So that's what I'm saying. If it doesn't mention it -- that's what I mean. If it's silent, you know, that -- we struggled with this a lot; like, this is one of the --

Vice Chair Russell: Would we actually put but not attorney's fees?

Commissioner Suarez: Yes, because --

Vice Chair Russell: Oh, to reassure the voter not attorney's fees.

Commissioner Suarez: Correct, correct.

Vice Chair Russell: All right. The flip side of that doesn't seem attractive at all?

Commissioner Suarez: Well, I think the thing is that -- it's kind of like with the CIP. You know, we did the CIP, Civilian Investigative Panel. We've -- this is kind of CIP round two, where we've done an independent evaluation, and now we're making it more independent. So I think the thing is to get the reform in place, let's see how it works, and then we can take the next step.

Vice Chair Russell: All right.

Ms. Méndez: Okay. I just need to put this on the record, because it is -- you know, as your attorney, I think this is a very bad idea. The City Attorney's Office, when they litigate these cases -- when we litigate these cases on -- and we use a defensive standing, which is a defense that was not created by our office, but is pursuant to case law and the Constitution, and all of those things that better afford it to us. When we use that defense, even when using the defense of standing, a case can take a year to resolve, or more. This isn't an automatic thing that we get cases tossed out on standing, no. We need to litigate the cases, even with regard to standing. So in order to go to the merits, if we're not able to use in our arsenal the defense of standing, especially when we think that everything that this Commission does is correct, because that -- at the end of the day, you read thousands of pages. Every time you make a decision, you do it with the utmost care and concern for your citizens. So when I'm going in or any of my litigators are going in to defend and the first thing we can use is standing in order to knock out a case, and it still takes us a year-plus; and if it's someone like Grace, we're going to be in court for three years, because she's that good. At the end of the day, you know, it's still a defense that we could try and use, and it still takes a year and a half--

Commissioner Suarez: That's true.

Ms. Méndez: -- to get rid of that case. If we have to litigate something on the merits and then win -- because I know we will win, because this is a Commission that really looks at everything that they do -- it's four years that was lost with someone who doesn't even have a true special injury; or someone who's not even living in the City, or not living in the district, or has nothing to do with the project in some cases. So, you know, basically, what you're doing --

Commissioner Suarez: But wait, wait, no, no, no --

Vice Chair Russell: (UNINTELLIGIBLE.)

Ms. Méndez: -- in taking away this defense, you are basically tying my hands behind my back and sending me to court.

Commissioner Suarez: No, no, no.

Ms. Méndez: And arguably, I am committing malpractice if I cannot --

Commissioner Suarez: No, no, no.

Ms. Méndez: -- bring up this defense.

Commissioner Suarez: That's -- no. With all due respect, that's not correct, with all due respect. First of all, it's residents of the City of Miami, so I don't know where you got up with people that have property that don't live in the City of Miami. So I'm really shocked to hear you say that, first of all.

Ms. Méndez: Right. It's happened before.

Commissioner Suarez: That's not the point. The point is it's got to be a resident. This confers rights on residents, so I don't know why that would even be in the discussion. But, you know, secondly, standing is a procedural defense, okay? So that avoids getting to the substance of a matter. You're right, litigating these issues to their substantive end are more time-consuming, yes; they're more, you know, burdensome, if you will. But they also maintain the integrity of our government, because if you win, as you said that you're going to win, and as you said that we operate properly, then, ultimately, all you're doing is vindicating us when you win these cases on the merit rather than on some procedural gimmick, okay?

Ms. Méndez: But at what cost? At what cost? Because these are cases that they --

Commissioner Suarez: Our integrity doesn't have a cost. Our integrity doesn't have a cost.

Ms. Méndez: So then why --?

Commissioner Suarez: We did not settle a case with our former City Attorney. We litigated it to the end at a cost of money; at a cost of hundreds of thousands of dollars, because we didn't want to send the wrong signal, okay? So our integrity is not for sale, okay? We will fight these cases on the merits and we'll win them if you -- like you said. And --

Ms. Méndez: Right. But there's also the fiduciary duty that this Commission has to make sure that cases aren't litigated and cost the City more money unnecessarily.

Commissioner Suarez: And that's why residents get to vote on matters like this that are so contended -- contentious -- can be contentious. So I'll move RE.15.

Vice Chair Russell: Second.

Chair Hardemon: It's been properly moved and seconded.

Commissioner Gort: Wait a minute, wait a minute.

Chair Hardemon: No. It's been properly moved and seconded. Further discussion.

Commissioner Gort: Okay.

Chair Hardemon: You're recognized, sir. You're recognized.

Commissioner Gort: No, I'm not ready to vote for this one.

Chair Hardemon: Oh.

Commissioner Gort: And my understanding, 15, you have all three of them together.

Mr. Wales: Yeah.

Commissioner Suarez: 15 is directing her to draft -- to put -- did you want to vote against it? You can vote against it. I mean, if you're going to -- okay, so do -- how do you want to do this? Do you guys want to see a show of hands on the last one? Because the first two were -- you're good with; correct, Commissioner?

Commissioner Gort: Right.

Commissioner Suarez: Okay. You're not good with the last one?

Chair Hardemon: I'm just trying to understand why we can't just vote --

Commissioner Gort: I'm not good with the last one.

Chair Hardemon: -- on the individual item on 16, 17, and 18. I'm lost.

Ms. Méndez: Well, we can if then we parse out 15, because the problem is that 15, unfortunately, drafted -- it's the one that directs me to draft a question, which are the three that we're going to vote on after; 16, 17 and 18.

Commissioner Gort: All three of them are the same thing.

Ms. Méndez: But it includes all three.

Commissioner Suarez: That's what I'm saying.

Ms. Méndez: It's basically telling me to draft the question for 15, 16, and 17 [sic].

Chair Hardemon: We can't strike the language in RE.15?

Ms. Méndez: For 16, 17 and 18. I'm sorry?

Chair Hardemon: We can't strike the language in RE.15?

Vice Chair Russell: Well --

Ms. Méndez: Oh, definitely, yes. You can strike language or add language, but if you're going to move it as it, it's all three questions. That's why --

Chair Hardemon: Right. So that's what I'm saying. So --

Commissioner Gort: Amend it.

Commissioner Suarez: Mr. Chair.

Commissioner Gort: Yeah.

Commissioner Suarez: Look.

Commissioner Gort: Go ahead.

Commissioner Suarez: Okay, let me just say the Commissioner wants to vote against one of the items. I get it. I have no issue with that. He can also vote against the legislation for -- you know

-- requesting that the City Attorney draft the items. So he's got both those options. Or he can vote in favor of her drafting and against the actual substantive legislation. He can do it however he wants; that's up to him.

Chair Hardemon: Right. But right now, there's a motion on the floor for RE.18.

Commissioner Suarez: No. RE.15.

Vice Chair Russell: 15.

Chair Hardemon: Oh, it's RE.15.

Commissioner Suarez: Correct.

Vice Chair Russell: We need to do that first.

Commissioner Suarez: We have to do one at a time. We can't -- what they -- what she's saying is we can't vote on the language before we've authorized her to draft it; that's what she's saying. Correct?

Ms. Méndez: Right.

Chair Hardemon: Well, I -- at the end of the day -- The motion is RE.15?

Commissioner Gort: Yeah.

Chair Hardemon: Yes. The Commission voted (UNINTELLIGIBLE).

Commissioner Suarez: Can we do it backwards?

Chair Hardemon: Right?

Commissioner Suarez: Can we do it backwards?

Chair Hardemon: I'm going to vote against it because in the bill, it's not something that we believe is correct. However, I believe that we can also vote on 16, 17, and 18 individually; and you can vote down, for instance, 18; and then in RE.15, you strike -- or if -- you know, if RE.18, for instance, didn't pass, you can strike -- or did pass -- didn't pass, rather -- you can strike the dimension of it in RE.15. So, but right now, the motion on the floor is RE.15; that includes 16, 17, and 18.

Commissioner Suarez: Is that okay with you, doing it that way; or do you want us to do it backwards? I don't have a problem doing it backwards.

Commissioner Gort: Yeah, we can vote for like that.

Commissioner Suarez: Huh?

Ms. Méndez: That's fine.

Commissioner Suarez: What's fine?

Ms. Méndez: If you want to move RE.15 as drafted.

Commissioner Suarez: Okay. I move RE.15 as drafted, I guess.

Vice Chair Russell: Second.

Chair Hardemon: There's a second. Any further discussion?

Commissioner Suarez: No.

Richard Ovelmen: Mr. Chairman, my name is Richard Ovelmen. I would like to respond to the City Attorney. I've practice constitutional law in this community for 40 years; as partners for 30 years with the civic activist Dan Paul, who wrote the Dade County Charter. I've handled many Charter questions with Dan Paul and otherwise. I've defended the City of Miami's sign ordinance. I was retained by the Clear Channel and Outdoors people and defended it in Federal Court on the side of the City. I defended the School Board in the "Vamos a Cuba" case and won in the U.S. Court of Appeals. I've defended the City of Miami Beach in many constitutional litigations, so I've represented the local governments many times in cases involving either Charter questions or constitutional questions. I've also represented citizens against local governments. You may recall, I represented Norman Brahman and Raquel Regalado in the SkyRise litigation. I represented the Matheson Family in the tennis tournament litigation over Crandon Park.

Chair Hardemon: I want to interrupt you for one second.

Mr. Ovelmen: Yes.

Chair Hardemon: You seem to be a very accomplished attorney, but all of this is out of order --

Commissioner Gort: We don't understand that.

Commissioner Suarez: Yeah.

Chair Hardemon: -- because we're getting ready to vote.

Commissioner Suarez: Let's just -- let's vote.

Chair Hardemon: So if everybody wants to hear --

Vice Chair Russell: I would like to hear.

Ms. Méndez: Right. He --

Chair Hardemon: -- what his opinion is --

Ms. Méndez: -- actually represents two litigants against the City; so, obviously, he has an interest in whatever happens with this litigation.

Vice Chair Russell: We know where he is, but I'd like to hear his logic.

Mr. Ovelmen: I hadn't got to them yet, but yes, I --

Chair Hardemon: We understand you're accomplished. Can you get to your opinion?

Mr. Ovelmen: -- think I can shed some light, Mr. Chairman, on this. The first point I would make is what you're voting on today is whether to let the people decide; not whether you think it's a good idea or I think it's a good idea or whether the City Attorney thinks it's a good idea, but whether the people should decide whether they get to enforce their own City Constitution.

Chair Hardemon: Sir, can -- I want to stop you for a second.

Mr. Ovelmen: Yeah.

Chair Hardemon: Very true. We could put on the -- you could give someone the -- if I think, for instance, that something is poisonous -- right? -- but I provide that option to you to drink it, it's up to you. But I think this is bad for you, but it's up to you, you know. I feel like we do have a responsibility of at least vetting the information, which is why we went through all of the Charter amendment questions and things of that nature. And we have a responsibility. We don't -- I don't think we should put anything, for instance, to the people to vote on that could potentially be something that is negative or could hurt them if we believe that it could hurt them.

Mr. Ovelmen: I couldn't agree more. And I cannot believe sitting representatives of the City would say that the people have no right to enforce their own Charter. The Charter is the Constitution of this City, and the citizens or the residents of this City are the people who's governed under it who have the consent.

Chair Hardemon: And so -- but we agree with you. Everyone understands that point, but what -- the final point in all of this is whether or not we should give away the right of our City Attorney to defend the City of Miami and whether or not there is standing and whether or not we go through those legal questions. So to say, Do we all agree that the City of Miami wants its residents to enforce the Charter?" Absolutely.

Commissioner Gort: Yeah.

Chair Hardemon: And I think they have the right to do that today.

Commissioner Gort: Yeah.

Chair Hardemon: The question that I'm having a problem with, that our City Attorney has a problem with is this question of standing; is whether or not that we should give up --

Mr. Ovelmen: Let me respond to that. In the 40 years I've litigated these cases, cases involving violations of the Charter are extremely rare, very rare. And there is no reason why there shouldn't be citizens' standing for that. The remarks made by the City Attorney are as if this is talking about relaxing standing requirements across the board. This applies only where the fundamental document has been breached. And in case after case, cases are won that involve no standing issue at all and don't involve Charter claims.

Chair Hardemon: May I ask you a question?

Mr. Ovelmen: In the cases involving Charter claims, up until the Solares decision, we all thought -- and there are cases, appellate cases that say, Of course, the citizen can enforce the Charter." Now, the reason -- one of the reasons there aren't Charter violations is people like yourselves don't want to violate the Charter. I don't believe that that's a goal of anybody. And the fact that a citizen can enforce it is a deterrence to make sure that's right. And it gives value and meaning to the idea that you govern by consent.

Chair Hardemon: But sir -- but let me ask you a question. Are you currently in a suit right now where you're trying to enforce the Charter?

Mr. Ovelmen: I've been brought in on appeal to represent Mr. Herbitz on the County Charter issue; not the City --

Chair Hardemon: Not the City.

Mr. Ovelmen: -- Charter.

Chair Hardemon: But that -- we're similar as we're adopting the City's -- I mean the County's Charter and then re-establishing our own --

Mr. Ovelmen: The County -- Dan Paul drafted the Citizen Bill of Rights to have a standing provision in it.

Ms. Méndez: A standing provision that does not apply to the County, by the way; but, yes, it has a standing --

Mr. Ovelmen: That's not --

Ms. Méndez: -- provision in it --

Mr. Ovelmen: -- true.

Ms. Méndez: -- because it exempts itself.

Commissioner Suarez: Right, but --

Mr. Ovelmen: No, that's wrong. That's a canard; it is not correct.

Chair Hardemon: I don't know what 'canard' means. Can you inform me?

Mr. Ovelmen: A mistake.

Chair Hardemon: Okay; a mistake, everyone.

Vice Chair Russell: Mr. Chair.

Chair Hardemon: How do you spell 'canard'?

Vice Chair Russell: Thank you. You know, I've grappled with this since I've been in, trying to really understand what is the true responsibility and role of our City Attorney. Who is her true client? Is it us up here and to protect us at all costs; or is it us and the public? And I think that's where we come into play. As anyone who hires an attorney, their job is to protect you at all costs; give you every sense of protection that you absolutely can. Then it's your decision what you want to do with the options she -- that they lay before you. In this case, she's telling us, 'You're giving away a potential defense that you may have against someone who's going to try to sue you.'

Commissioner Suarez: Except the person that's trying to sue you --

Vice Chair Russell: Now, it's our job to say, 'Yeah, but maybe they should have that right and maybe they should have their day in court and maybe it should be fought on the merits, and not make them wait four years to vote someone out of office for something they feel was a true violation of the Charter.' And if we trust that the courts will throw out the frivolous ones and hear the ones with merit and we don't violate our Charter, we've got nothing to worry about.

Mr. Ovelmen: What it really comes down to is this: Either you believe that every person is injured when the Charter, the Constitution of the City, is violated, or you don't.

Chair Hardemon: But see, but that's the --

Mr. Ovelmen: And if you do believe that, a suit ought to be viable. The only argument that's really being made here is, gee, they'll -- there could be a lot of suits. And that is ridiculous. I know, because I do these cases. They are rarer than hens' teeth. Why are they rarer? They're -- because there's 57..105, a statute that makes frivolous claims very, very --

Commissioner Suarez: Sanctionable.

Mr. Ovelmen: -- costly.

Commissioner Suarez: Sanctionable, too.

Mr. Ovelmen: There's Rule 11 in Federal Court; there's malicious prosecution; there's wrongful action -- what I want to call "wrongful actions," the -- and the cost of litigating for the private individual, sort of the point Commissioner Russell's making. The notion that there is going to be some deluge of Charter cases when there hasn't been for 40 years while we've lived thinking there is standing here is ridiculous. And --

Chair Hardemon: Okay, thank you. Thank you very much.

Commissioner Suarez: Yeah.

Mr. Ovelmen: -- all we're saying is that the people should decide.

Chair Hardemon: Thank you very much for your opinion. Now, I've been here for a little more than two and a half years, I think, around that time. And I've seen, I think, three suits filed.

Ms. Méndez: In the last two years, we've had about three. In the last six years, maybe we've had about six.

Chair Hardemon: So, to me, when someone says -- I don't know --

Vice Chair Russell: Hens' teeth.

Chair Hardemon: -- hens' teeth. It is as --

Vice Chair Russell: That means none.

Chair Hardemon: -- uncommon -- that means -- I don't know. The point that I see him making is that this is not something that is common, but I'm looking at litigants who are in this very room who filed suits and who have lost on standing. And so -- and who filed, alleging a violation of the statute, of the -- I'm sorry -- of our Citizens' Bill of Rights, or some other things; we violated our Constitution. And so I think that -- I don't agree. I think it's someone's opinion whether or not you violated the Constitution, and then they try to enforce that in court; just like it's someone's opinion that you injured them, and they file that against you in court. It's someone's opinion that you violated the law, and so then they, you know, seek prosecution on you. And so I don't think that by -- I personally believe that no one has told -- and I don't think that any of the systems that we have set up says that you don't have a right to sue your government. You have an absolute right to sue your government, and it's been proven true --

Mr. Ovelmen: No, not on standing.

Chair Hardemon: -- by a number of individuals, because you have to prove standing. So if you had to prove -- the bottom line is that when you go to court, when you go to trial, there are a

number of things that you have to prove. There are some things that you must have in order to move forward. There's certain motions that you must defeat in order to get to trial. And so to -- for the City -- and, you know, as a Commissioner, you represent -- as a Commissioner, you have two -- I think two very -- and maybe not Exclusive, but two duties: One, you represent your constituents; but two, you also represent the best interest of the City, because you want to make sure that the City, as an entity, is a business, moves forward in a responsible manner. And I think that it is irresponsible to take away an entity's ability to fight in court for its own best interest by removing the standing argument. I just -- I don't think that that's a responsible thing to do. And I think that by saying, 'Oh, you don't'-- 'you're not giving people a right to sue in court,' is disingenuous. It's not true, because those people can sue. Everyone has a right to sue. As a matter of fact, if I say something about Mr. Mensah today that he thinks violates the Charter because he's an African-American male, he has the right to sue in court right now, if I'm -- if they think I'm discriminating against someone because of all the (UNINTELLIGIBLE) according to the Charter, they have a right to sue right now. Now, they have to prove it. And when it comes to malicious -- well, when it comes to frivolous lawsuits, you know, one attorney has to accuse another attorney of filing a frivolous lawsuit, and occasionally, it happens. But when you work with attorneys like the City --

Ms. Méndez: They're few and far between --

Chair Hardemon: Exactly, because you have a --

Ms. Méndez: -- in Miami-Dade County.

Chair Hardemon: -- City Attorney --

Ms. Méndez: 57.105.

Chair Hardemon: -- or someone as respected as you, why would she file a suit like that against you? You know, that's not something that we would support in the Bar; unless there was something that was really egregious. And so I just don't think that that is a good idea; that's just my personal opinion. And we can get to the vote on it. Commissioner.

Commissioner Gort: I don't know if you guys read the monthly report from the Attorney's Office and you see all the suits and how much -- how many of them they win, because they're able to defend the City. And believe it or not, although I understand the gentleman stated his expertise and no one would come out and sue unless we do a -- break the Charter. But at the same time, we got plenty attorneys, they looking at many ways to come and sue the City. And it happens all the time. And I don't mind being sued. I think we should be sued all the time, but I also want to have the ability to win those suits.

Commissioner Suarez: Yeah. And I think we have the ability to win them on the merits. I think the issue is whether we can rely on a procedural gimmick to win the suits. It would be like having a United States Constitution and not being able to sue if somebody violates your rights under the Constitution; not being able to sue if you don't have the freedom of the press or you don't have, you know, you don't have the right to bear arms; whatever the different amendments are. So I -- to me, it's such an -- a fundamental thing to be able to sue, but I think we've discussed this enough, I mean.

Ms. Méndez: I just wanted to say that --

Vice Chair Russell: I just -- one last comment.

Ms. Méndez: -- the Solares case basically said that a City Charter does not rise to the level of the Florida Constitution for purposes of creating an exception to standing. So, I mean, even our

Third DCA (District Court of Appeal) made that the holding of the case. So I just -- I needed to put that on the record. I --

Chair Hardemon: Can you say what that means? What does that mean?

Ms. Méndez: Well, basically, that what you're trying to do right now, which is create standing, basically, the courts say that technically, it's not something that should be done, but, you know, it is what it is. I'm just letting you know that this is a way that we try to defend our cases, and it is allowed, you know, per case law. It's not a gimmick that we created. It's not something that we are the only ones that use this defense. So I just needed to place that on the record. And also, Mr. Wales had said at the last meeting that the Miami-Dade County Citizens' Bill of Rights also confers standing, but, you know, it does not authorize any cause of action against cities or counties, like we're trying to, you know, allow here. And that's an important point, because we always try to mirror the County; that the County knows what they're doing with regard to things, but they didn't confer standing in this regard. I do know that they confer standing with regard to like their employees and things of that nature, but not like this. So thank you.

Vice Chair Russell: Last comment.

Chair Hardemon: Vice Chairman.

Vice Chair Russell: I really think that the gap we're trying to bridge here is special injury. And when -- if we violate the Charter as a City, really, everyone is injured.

Commissioner Suarez: Of course.

Vice Chair Russell: Everyone is injured; and depending on the severity of what it is. And it should be heard on its merits, I really think.

Chair Hardemon: But you don't know that you've violated the Charter until someone has decided --

Vice Chair Russell: Until they get a chance to hear it on the merits.

Chair Hardemon: -- that you violated the Charter. You understand what I mean? Like -- so for me --

Commissioner Suarez: And you never get there unless you hear that case.

Vice Chair Russell: You never get there because standing is in the way.

Chair Hardemon: You --

Vice Chair Russell: So what we're trying to do is --

Commissioner Suarez: You never get there unless you hear the case.

Vice Chair Russell: -- convey standing on every resident of the City.

Commissioner Suarez: You never get there until -- unless you hear that case. So Commish --

Vice Chair Russell: I feel -- if I read the tea leaves, at least two of us have expressed a support for this, and perhaps two of us are not in favor of this, so this is going to be a tight one, but I think we have all the information --

Chair Hardemon: I couldn't understand if--

Vice Chair Russell: -- we need to make a vote.

Chair Hardemon: -- when I take everything into consideration -- first of all, I will say -- and you can give your opinion about this -- but a willful violation is different from a knowing violation; so you knowingly, knowingly did it. And so if I felt like I didn't violate the law, but I willfully enacted something, it sounds to me that you're putting in here that -- and it's going to trip you up. It's going to trip you up in the sense, as Commissioners, where we willfully violated, say, some section, because even if we didn't think that we -- I don't want to keep tripping everyone up on these technical words.

Ms. Méndez: You passed legislation. You did the act of passing legislation; that's one thing. But willfully and knowingly doing something wrong is another. And you're saying that, arguably, with this sentence, when you just passed, you know, legislation that it could affect you. And I see what you're saying, and that isn't argued.

Chair Hardemon: So, you know, to say that every time someone accuses you of violating the Charter that you have to go to -- that you're going to confer standing and you're going to trial to decide whether or not you violated the Charter, well, first of all, you can go to trial; it's just that the person who accused you of going to trial has to make certain things known in court. You have to prove --

Vice Chair Russell: Yeah.

Chair Hardemon: -- certain things to get where they need to be. And so, by saying, you know, we're going to forego that and just allow them to go to trial, I just think as --

Vice Chair Russell: Well, we could still move to dismiss.

Chair Hardemon: -- (UNINTELLIGIBLE) City is irresponsible. Okay. And, Grace, the only reason I'm going to allow you to speak is because everyone keeps talking about you.

Commissioner Gort: They mention your name --

Ms. Méndez: In a very good way. Everyone is only talking about you in a very good way.

Chair Hardemon: It's one of those things where it's like, okay, yeah --

Grace Solares: I'm better now.

Chair Hardemon: -- I mean, Grace has sued us a few times, but we still love her.

Ms. Solares: Just to make the record very clear --

Chair Hardemon: Yes.

Ms. Solares: -- none of my lawsuits have been frivolous. As a matter of fact, my last one, which was next door, Scotty's, on the Grove bay issue. Mr. Planus filed a motion for attorney's fees against me and my lawyer under 57.105. There was an argument; there were memorandums filed; and it was summarily denied, because the court found that although I may not have standing, it was not frivolous what I had filed.

Chair Hardemon: I would never think that anything that you would file would be frivolous. I would think it'd be well thought out, and that's what I anticipate. I anticipate well-thought-out

lawsuits. And so to combat someone who's going to file a well-thought-out lawsuit, I think you need every single tool in your toolbox. And that's what I believe that we should, as a City, keep, because someone of your magnitude, of your intellect, and with the attorneys that you choose to hire, I think we're putting ourselves at a significant advantage [sic] as a City when we don't allow ourselves to use all of our tools to fight in court, because there's a number of things that we do settle. We settle a lot of different things, so let's not forget that; but particularly, I just think that we should be as prepared as you would be.

Vice Chair Russell: Is our --

Chair Hardemon: And when our City Attorney starts to lose, I don't want to hear anybody from this dais say, "It's her fault."

Vice Chair Russell: But is our responsibility to win or to get to the truth?

Chair Hardemon: No, no, no.

Commissioner Carollo: Exactly.

Chair Hardemon: No, no, no.

Commissioner Gort: To get to the truth.

Chair Hardemon: You get sued in court --

Vice Chair Russell: To get to the truth.

Commissioner Gort: Yeah.

Chair Hardemon: -- your goal is to win. Your goal is to -- when you get sued --

Vice Chair Russell: We have an additional responsibility, though, as the electeds here --

Commissioner Suarez: Really, absolutely.

Vice Chair Russell: -- to get to the truth --

Commissioner Suarez: Absolutely.

Vice Chair Russell: -- and allow that to be heard on its merits. I think that if we're wrong, we should lose.

Commissioner Suarez: Another way of saying that --

Chair Hardemon: But let me just --

Commissioner Suarez: -- right. Another way of saying that is, do --

Chair Hardemon: In the court, the court says --

Commissioner Suarez: -- if we violate our Charter, do we want to win a case just because we plead standing?

Vice Chair Russell: Exactly.

Chair Hardemon: Look, at the end of the day, even in a court system, what does it say above our heads? We who labor here seek the truth."

Ms. Méndez: We who labor here seek only the truth."

Chair Hardemon: Seek only the truth.

Commissioner Carollo: Exactly.

Chair Hardemon: And --

Vice Chair Russell: Unless we can get away --

Chair Hardemon: That's not true, because you have motions to suppress; you have motions to --you know, you have all kinds of motions that keep the truth from coming into the court, because there's a -- such thing called evidence." And there are rules of evidence that we've decided in the court of law that only allow things in a certain type of way. So we don't necessarily seek the truth; we seek what is allowed by the rules of evidence. And so --

Commissioner Suarez: Commish, you were doing a good job of keeping us on pace today; you were, I'm serious.

Vice Chair Russell: I'm ready to vote.

Chair Hardemon: Roll call vote?

Commissioner Suarez: Do it.

Vice Chair Russell: This is on 15 or 18?

Commissioner Suarez: On 15.

Chair Hardemon: This is on 15. The motion's on --

Commissioner Suarez: 15, 15.

Commissioner Gort: This is 15, right?

Commissioner Suarez: Yeah, correct.

Vice Chair Russell: These are all three together.

Commissioner Gort: All three are together.

Mr. Hannon: Roll call vote on item RE.15: Commissioner Gort?

Commissioner Gort: No.

Mr. Hannon: Commissioner Carollo?

Commissioner Carollo: Yes.

Mr. Hannon: Vice Chair Russell?

Vice Chair Russell: Yes.

Mr. Hannon: Commissioner Suarez?

Commissioner Suarez: Yes.

Mr. Hannon: Chair Hardemon?

Chair Hardemon: Against.

Commissioner Suarez: Move --

Mr. Hannon: The motion passes, 3-2.

RE.16**16-01047***City Commission***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING, SETTING FORTH AND SUBMITTING TO THE ELECTORATE A PROPOSED CHARTER AMENDMENT, AMENDING THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, KNOWN AS CHARTER AMENDMENT NO. 2; AMENDING SECTION 7, ENTITLED "ELECTION OF CITY COMMISSIONERS AND MAYOR," TO CHANGE THE DATE OF A RUNOFF ELECTION FOR MAYOR AND CITY COMMISSIONER FROM THE SECOND TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN ODD-NUMBERED YEARS, TO THE THIRD TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER; CALLING FOR AND PROVIDING THAT CHARTER AMENDMENT NO. 2 WILL BE SUBMITTED TO THE ELECTORATE AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN 45 DAYS PRIOR TO THE DATE OF SUCH SPECIAL ELECTION; PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR THIS RESOLUTION.

16-01047 Legislation.pdf

16-01047 Exhibit.pdf

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

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

Absent: 1 - Commissioner(s) Gort

R-16-0350

Commissioner Suarez: Move RE.16.

Vice Chair Russell: Second.

Chair Hardemon: Properly moved and seconded. All for?

Commissioner Suarez: Aye.

Commissioner Carollo: Aye.

Vice Chair Russell: Aye.

Todd B. Hannon (City Clerk): And Chair?

Chair Hardemon: Yes.

Mr. Hannon: For RE.16, is it the will of the Commission to assign this legislation or this Charter Amendment, Charter Amendment Number 2?

Commissioner Suarez: That's fine.

Mr. Hannon: Is that acceptable?

Commissioner Suarez: Yes. Move RE.17.

Vice Chair Russell: Second.

Chair Hardemon: Wait. We haven't taken a vote on RE.16. RE.16, all in favor say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Against? Motion passes.

RE.17

16-01048

City Commission

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING, SETTING FORTH AND SUBMITTING TO THE ELECTORATE A PROPOSED CHARTER AMENDMENT, AMENDING THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, KNOWN AS CHARTER AMENDMENT NO. 3; AMENDING SECTION 51, ENTITLED "CIVILIAN INVESTIGATIVE PANEL," TO PROVIDE FURTHER INDEPENDENCE OF THE CIVILIAN INVESTIGATIVE PANEL BY CLARIFYING ITS MEMBERSHIP COMPOSITION; AFFIRMING ITS RIGHT TO HIRE AND FIRE AN EXECUTIVE DIRECTOR AND INDEPENDENT COUNSEL, SUBJECT TO CITY COMMISSION APPROVAL; ESTABLISHING AN ANNUAL BUDGET BY ORDINANCE; CONFIRMING ITS AUTHORITY TO INVESTIGATE CONDUCT AND REVIEW POLICIES AND PRACTICES OF THE POLICE DEPARTMENT; AND CLARIFYING ITS AUTHORITY TO ISSUE SUBPOENAS IN CONSULTATION WITH THE MIAMI-DADE STATE ATTORNEY'S OFFICE; CALLING FOR AND PROVIDING THAT CHARTER AMENDMENT NO. 3 WILL BE SUBMITTED TO THE ELECTORATE AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN 45 DAYS PRIOR TO THE DATE OF SUCH SPECIAL ELECTION; PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR THIS RESOLUTION.

16-01048 Legislation.pdf

16-01048 Exhibit.pdf

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

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

R-16-0351

Commissioner Suarez: Move RE.17.

Chair Hardemon: Is there a second?

Commissioner Carollo: Second.

Vice Chair Russell: Second.

Chair Hardemon: Properly moved and seconded. Any --?

Todd B. Hannon (City Clerk): Chair, my apologies; same question. So, for RE.17, is it the will of the Commission to identify this Charter Amendment as Charter Amendment Number 3?

Commissioner Suarez: Yes.

Chair Hardemon: All in favor, say "aye."

The Commission (Collectively): Aye.

Chair Hardemon: All against?

Mr. Hannon: As amended.

RE.18**16-01049****City Commission****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING, SETTING FORTH AND SUBMITTING TO THE ELECTORATE A PROPOSED CHARTER AMENDMENT, AMENDING THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CHARTER"), KNOWN AS CHARTER AMENDMENT NO. 4; AMENDING SECTION 52, ENTITLED "CITIZENS' BILL OF RIGHTS," TO PLACE THE CITIZENS' BILL OF RIGHTS AT THE BEGINNING OF THE CHARTER; TO EXPRESSLY REQUIRE THE CITY OF MIAMI TO ABIDE BY THE CHARTER'S PROVISIONS, PROVIDE THE RESIDENTS THE RIGHT TO SUE AND BE HEARD IN COURT TO ENFORCE COMPLIANCE WITH CHARTER PROVISIONS, AND IF SUCCESSFUL, TO RECOVER COURT COSTS BUT NOT ATTORNEY'S FEES; CALLING FOR AND PROVIDING THAT CHARTER AMENDMENT NO. 4 WILL BE SUBMITTED TO THE ELECTORATE AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN 45 DAYS PRIOR TO THE DATE OF SUCH SPECIAL ELECTION; PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR THIS RESOLUTION.

16-01049 Legislation.pdf

16-01049 Exhibit.pdf

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

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

R-16-0352

Commissioner Suarez: Move RE.18. And --

Vice Chair Russell: Second.

Commissioner Suarez: -- you can name it Charter Question Number 4; (UNINTELLIGIBLE) got a little ahead of me.

Chair Hardemon: Been properly moved and seconded. All for, indicate so by saying 'aye.'

The Commission (Collectively): Aye.

Chair Hardemon: All against?

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

Chair Hardemon: Motion passes.

Commissioner Suarez: Thank you.

END OF RESOLUTIONS

ATTORNEY-CLIENT SESSION

3:00 P.M. TIME CERTAIN

AC.1

ATTORNEY-CLIENT SESSION

16-01032a

*Office of the City
Attorney*

UNDER THE PARAMETERS OF SECTION 286.011(8), FLORIDA STATUTES, THE PERSON CHAIRING THE CITY OF MIAMI COMMISSION MEETING WILL ANNOUNCE THE COMMENCEMENT OF AN ATTORNEY-CLIENT SESSION, CLOSED TO THE PUBLIC, FOR PURPOSES OF DISCUSSING THE PENDING LITIGATION CASES OF: MIAMI-DADE COUNTY, ET AL. V. FLORIDA POWER & LIGHT COMPANY, ET AL., CASE NO. 3D14-1467, BEFORE THE THIRD DISTRICT COURT OF APPEAL; CITY OF MIAMI V. STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ET AL., CASE NO. 15-747, BEFORE THE DIVISION OF ADMINISTRATIVE HEARINGS; IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY TURKEY POINT, UNITS 6 & 7, DOCKET NOS. 52-040 AND 52-041, BEFORE THE U.S. NUCLEAR REGULATORY COMMISSION; AND IN RE: NUCLEAR COST RECOVERY CLAUSE, DOCKET NO. 160009, PENDING BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION. THIS PRIVATE MEETING WILL BEGIN AT APPROXIMATELY 3:00 P.M. (OR AS SOON THEREAFTER AS THE COMMISSIONERS' SCHEDULES PERMIT) AND CONCLUDE APPROXIMATELY ONE HOUR LATER. THE SESSION WILL BE ATTENDED BY THE MEMBERS OF THE CITY COMMISSION: CHAIRMAN KEON HARDEMON, VICE-CHAIRMAN KEN RUSSELL, AND COMMISSIONERS

WIFREDO "WILLY" GORT, FRANK CAROLLO, AND FRANCIS SUAREZ; THE CITY MANAGER, DANIEL J. ALFONSO; THE CITY ATTORNEY, VICTORIA MÉNDEZ; DEPUTY CITY ATTORNEYS JOHN A. GRECO AND BARNABY L. MIN; LITIGATION DIVISION CHIEF CHRISTOPHER A. GREEN; AND ASSISTANT CITY ATTORNEYS KERRI L. MCNULTY AND XAVIER E. ALBAN. A CERTIFIED COURT REPORTER WILL BE PRESENT TO ENSURE THAT THE SESSION IS FULLY TRANSCRIBED AND THE TRANSCRIPT WILL BE MADE PUBLIC UPON THE CONCLUSION OF THE ABOVE-CITED, ONGOING LITIGATION. AT THE CONCLUSION OF THE ATTORNEY-CLIENT SESSION, THE REGULAR COMMISSION MEETING WILL BE REOPENED AND THE PERSON CHAIRING THE COMMISSION MEETING WILL ANNOUNCE THE TERMINATION OF THE ATTORNEY-CLIENT SESSION.

16-01032a Memo - Office of the City Attorney.pdf

16-01032a Notice to the Public.pdf

DISCUSSED

Chair Hardemon: And then we'll recess to go into our shade meeting.

Victoria Méndez (City Attorney): Chairman, I'll read the script.

Chair Hardemon: Please.

Ms. Méndez: On July 13, 2016, under the provisions of Section 286.011(8) Florida Statutes, I requested that the City Commission meet in private to discuss the pending litigation in the cases of Miami-Dade County, et al, Florida Power & Light Company, et al., Case Number 3D14-1467, before the Third District Court of Appeals; City of Miami versus State of Florida Department of Environmental Protection, case number 15-747, before the Division of Administrative Hearings; in the matter of Florida Power & Light Turkey Point, Unit 6 and 7, Docket Numbers 52-040 and 52-041, before the U.S. Regulatory -- Nuclear Regulatory Commission; and in re: Nuclear Cost Recovery Clause, Docket 160009, pending before the Florida Public Service Commission, to which the City is presently a party. The City Commission approved my request and will now, at approximately 3 o'clock, commence a private attorney-client session under the parameters of Section 286.011(8), Florida Statutes. The private attorney-client session will conclude approximately one hour later. The session will be attended by the members of the City Commission, which shall include Chairman Keon Hardemon, Vice Chairman Ken Russell, Commissioners Wifredo Willy Gort, Frank Carollo, and Francis Suarez; the City Manager, Daniel Alfonso; myself, the City Attorney, Victoria Mendez; Deputy City Attorneys John Greco and Barnaby Min; Division Chief for General Litigation, Christopher Green; and Assistant City Attorney, Xavier Alban. A certified court reporter will be present to ensure that the session is fully transcribed, and the transcript will be made public upon the conclusion of the litigation. At the conclusion of the attorney-client session, the Commission meeting will be reopened, and the person chairing the Commission meeting will announce the termination of the attorney-client session. Thank you.

Later...

Chair Hardemon: Going to call the meeting back into order. Mr. Attorney -- Assistant Attorney, I'm going to allow you to read the PZ (Planning & Zoning) instructions, although we're going to call on RE.1 once we go in, but we're just going to read the PZ instructions.

Barnaby Min (Deputy City Attorney): Yes. I believe the Clerk wants me to say something about the shade meeting. Just for the record, the shade meeting is not adjourned; we're simply tabling it for a brief recess. And I believe the Chairman and the Commission wish to continue for the remainder of the Commission agenda and then go back to the shade meeting.

Later...

Chair Hardemon: We'll be in recess until we finish the shade meeting.

Commissioner Gort: Motion to adjourn.

Commissioner Suarez: Thank you.

Ms. Méndez: We're going upstairs to the shade meeting to continue that. Thank you.

Vice Chair Russell: Right now?

Ms. Méndez: Right -- yes.

Vice Chair Russell: Is there liquor up there?

Later...

Chair Hardemon: Call the meeting back into order.

Ms. Méndez: We have finished our attorney-client session, Chairman.

Chair Hardemon: Good. Now I can conclude the meeting. This meeting is adjourned.

Ms. Méndez: Thank you.

Chair Hardemon: Thank you.

END OF ATTORNEY-CLIENT SESSION

BOARDS AND COMMITTEES

BC.1

16-00797

*Office of the City
Clerk*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION CONFIRMING CERTAIN INDIVIDUALS AS MEMBERS OF THE CITY OF MIAMI COMMUNITY ADVISORY BOARD FOR TERMS AS DESIGNATED HEREIN.

APPOINTEES:

Agatha Caraballo

Jennifer Garcia

Maithe Gonzalez

Barbara (Bobbie) Ibarra

Andre Joyce

Andrew Kemp-Gerstel

Camilo Mejia

NOMINATED BY:

Commission-At-Large

Commission-At-Large

Commission-At-Large

Commission-At-Large

Commission-At-Large

Commission-At-Large

Commission-At-Large

Justin Pinn	Commission-At-Large
Lorena Ramos	Commission-At-Large
Cecilia Stewart	Commission-At-Large
Ian Ward	Commission-At-Large
Rahel Weldeyesus	Commission-At-Large
Evian White	Commission-At-Large

16-00797 CAB CCMemo.pdf
16-00797 Enabling Legislation.pdf
16-00797 CAB Selected Members.pdf
16-00797 CAB Applications and Resumes.pdf

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

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

R-16-0375

Commissioner Suarez: Question, Mr. Chair.

Chair Hardemon: Yes.

Commissioner Suarez: We had before the PZ (Planning & Zoning) items the Boards and Committees, City of Miami Community Advisory Board. They've been waiting here also all morning.

Chair Hardemon: Who?

Commissioner Suarez: It's just a board.

Vice Chair Russell: CAB (Community Advisory Board).

Commissioner Suarez: It's the Community Advisory Board. It's a board; just a board appointment. They've been here all day.

Chair Hardemon: Oh, we had some board appointments?

Commissioner Suarez: BC.1, yeah; just one.

Commissioner Carollo: Yeah, there's just BC.1.

Commissioner Suarez: There's just one.

Chair Hardemon: Oh.

Commissioner Suarez: And it's before in the agenda.

Commissioner Carollo: Right.

Commissioner Suarez: Yeah.

Victoria Méndez (City Attorney): Did we get it? I'm sorry, did we get a date for the PZ -- was there a PZ deferral?

Commissioner Suarez: Yeah, the 22nd; he said the 22nd.

Chair Hardemon: 9/22; that's the PZ agenda.

Commissioner Suarez: Correct, right.

Commissioner Gort: Correct.

Ms. Méndez: Okay, thank you.

Commissioner Suarez: Yeah.

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: I'm so sorry.

Commissioner Carollo: Mr. Chairman, I'm sorry. What occurred is that we went to a time certain in the PZ agenda, but then continued in the PZ, and that's where --

Commissioner Suarez: You mean people don't want to hang out with us on Friday night? Is that what's happening here? People don't want to hang out with us on Friday night. Goodness.

Chair Hardemon: So --

Commissioner Gort: There goes happy hour.

Commissioner Suarez: Goodness.

Chair Hardemon: Let me -- before I continue on the PZ items, let's recognize the board appointments. So let's --

Commissioner Suarez: Move BC.1.

Commissioner Gort: Not today.

Commissioner Suarez: Can I move BC.1?

Vice Chair Russell: Second.

Commissioner Gort: No happy hour.

Commissioner Suarez: Move BC.1.

Vice Chair Russell: PZ, 'did you say?

Commissioner Suarez: BC (Boards and Committees), before --

Vice Chair Russell: Before Christ.

Commissioner Suarez: Thank you.

Ms. Méndez: (City Attorney): BC.

Commissioner Suarez: BC.1.

Vice Chair Russell: Second.

Chair Hardemon: Okay. It's been properly moved and seconded that we accept BC.1. Is there any unreadiness? Hearing none, all in favor, say ðye."

The Commission (Collectively): Aye.

Commissioner Suarez: Thank you, Mr. Chair.

Chair Hardemon: Motion passes. Is that all?

Vice Chair Russell: Congratulations.

Maribel Balbin: I just want to say real quickly, thank you very much. We did our due diligence, as we promised. We interviewed 40 people, and we hope that you are happy and -- with people we selected, and we're looking forward to working with the board and getting it all in shape and moving it up.

Chair Hardemon: And can you tell us what your name is?

Ms. Balbin: Yes. Maribel Balbin, League of Women Voters, Miami-Dade County, 8346 Sandy Terrace, Miami Lakes.

Chair Hardemon: Thank you so much. And I apologize about that delay. I'm sorry. I thought you all just liked, you know, seeing what -- the crazy things we do here.

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

Commissioner Gort: She loved every minute of it.

END OF BOARDS AND COMMITTEES

BUDGET

BU.1

16-00917

***Department of
Management and
Budget***

BUDGET DISCUSSION ITEM

MONTHLY REPORT

**I. SECTION 2-497 OF THE CITY CODE OF ORDINANCES
(RESPONSIBILITIES OF THE DIRECTOR OF MANAGEMENT AND
BUDGET)**

II. SECTION 18-502 (CITY'S ANTI-DEFICIENCY ACT)

III. SECTION 18-542 (FINANCIAL INTEGRITY PRINCIPLES)

16-00917 Summary Form.pdf

DISCUSSED

Chair Hardemon: Status of the 2016/2017 proposed budget; so the current proposed budget.

Christopher Rose (Director): Good afternoon, Commissioners. Chris Rose, Office of Management and Budget. We're currently projecting a end-of-year budget surplus of \$16.3 million; that is 14.4 million in the general fund, and 1.9 in the internal service fund. Again, I

caution you, this will not raise the fund balance of the City, because we are still projecting to use \$27.6 million of last year's fund balance, so it goes down 27; up 14. The overall in the general fund only, we're projecting revenues to be higher than budgeted by 15.5 million. We're also projecting expenditures to be higher than budgeted by -- I don't see the number in front of me, but we are expecting the general fund budget to need an amendment at the end of the year for Police and for Capital Improvements; Police, because of the collective bargaining agreement; Capital Improvements, because of red light cameras and the vendor payment that needs to be made. Be happy to take any questions you may have.

Chair Hardemon: Seeing none, thank you very much.

Commissioner Suarez: We're not repeating this using last year's surplus for next year -- in the next year's budget; correct, Mr. Manager?

Daniel J. Alfonso (City Manager): I'm sorry. Say that again, sir.

Commissioner Suarez: We're not repeating this using last year's surplus in this year's budget to balance the budget? We're not repeating that?

Mr. Alfonso: No, this -- in the proposed budget for 2016/17 --

Commissioner Suarez: Right. We're not repeating --?

Mr. Alfonso: -- there is no fund balance used.

Commissioner Suarez: Carryover, right. Okay.

END OF BUDGET

DISCUSSION ITEMS

DI.1

16-00894

*Department of
Finance*

DISCUSSION ITEM

QUARTERLY UPDATE OF NON-REIMBURSABLE GRANT
EXPENDITURES FOR THE QUARTER ENDING MARCH 31, 2016.

16-00894 Summary Form.pdf

16-00894 Memo - Unreimbursed Grant Expenditures.pdf

16-00894 Back-Up from Law Dept.pdf

DISCUSSED

Daniel J. Alfonso (City Manager): Can we clear Discussion item 1? The discussion item is nothing to report.

Commissioner Carollo: Excellent.

Commissioner Suarez: Beautiful.

Mr. Alfonso: Thank you.

Commissioner Suarez: It's a good thing.

DI.2

16-00973

DISCUSSION ITEM

**District 3-
Commissioner Frank
Carollo**

FOLLOW UP REGARDING DISCUSSION OF THE RECENTLY ADDED CLASSIFICATION(S) TO AFSCME LOCAL 1907 WHICH RAISES INDEPENDENCE ISSUES RESULTING IN NONPERFORMANCE OF GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS (GAGAS).

16-00973 E-Mail - Discussion Item07-29-16.pdf

DISCUSSED

Commissioner Carollo: DI.2, Mr. Chairman.

Chair Hardemon: DI.2, that's fine.

Commissioner Carollo: I believe the Administration and the unions are working with Mr. Guba, so I just want to make sure that it's not forgotten. So maybe I'll bring it back in the next meeting until we get a resolutioner [sic] or -- I just want to make sure it's not forgotten there.

Daniel J. Alfonso (City Manager): It has not been forgotten. We met with the union. We met with Mr. Guba.

Commissioner Carollo: Thank you.

Mr. Alfonso: We have a proposed solution, so it's not been forgotten, sir.

Commissioner Carollo: Thank you.

DI.3

DISCUSSION ITEM

16-00974

**District 3-
Commissioner Frank
Carollo**

FOLLOW UP REGARDING DISCUSSION ON ELDERLY RESIDENTS IN THE CITY OF MIAMI LOSING THEIR MEALS DUE TO CUTS IN STATE FUNDING AND PROVIDING FOR A POSSIBLE RESOLUTION TO ADDRESS THE ISSUE.

16-00974 E-Mail - Discussion Item 07-29-16.pdf

16-00974-Submittal-Commissioner Carollo-Letter to Ramon Perez Dorrbecker.pdf

16-00974-Submittal-Commissioner Carollo-Letter from Alliance for Aging.pdf

DISCUSSED

(DI.3)

RESOLUTION

16-00974a

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, RATIFYING, APPROVING, AND CONFIRMING THE CITY MANAGER'S FINDING THAT COMPETITIVE NEGOTIATION METHODS AND PROCEDURES ARE NOT PRACTICABLE OR ADVANTAGEOUS, PURSUANT TO SECTION 18-85(A) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; WAIVING THE REQUIREMENTS FOR SAID PROCEDURES; AUTHORIZING THE ALLOCATION OF GRANT FUNDS FROM THE DISTRICT 3 SHARE OF THE CITY OF MIAMI'S ("CITY") ANTI-POVERTY INITIATIVE ("INITIATIVE"), IN AN AMOUNT NOT TO EXCEED \$25,000.00, TO THE LITTLE HAVANA ACTIVITIES & NUTRITION CENTERS OF DADE COUNTY, INC., FOR THE ELDERLY MEALS ASSISTANCE PROGRAM ("PROGRAM");

AUTHORIZING THE ALLOCATION OF GRANT FUNDS FROM THE DISTRICT 4 SHARE OF THE CITY'S INITIATIVE, IN AN AMOUNT NOT TO EXCEED \$25,000.00, TO THE LITTLE HAVANA ACTIVITIES & NUTRITION CENTERS OF DADE COUNTY, INC., FOR THE PROGRAM, FOR A COMBINED TOTAL AMOUNT NOT TO EXCEED \$50,000.00; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL DOCUMENTS NECESSARY, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

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

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

R-16-0378

Commissioner Carollo: I think DI.3, DI.3.

Vice Chair Russell: DI.3?

Commissioner Carollo: Yes.

Vice Chair Russell: And did you say you wanted to wait for someone to be here specifically?

Commissioner Carollo: I would like the full Commission but --

Commissioner Gort: They're here.

Commissioner Carollo: -- I think --

Commissioner Gort: They're here; they're coming.

Vice Chair Russell: No, he's talking about the Commissioners.

Commissioner Carollo: Let's have the -- yeah, if we could at least begin the conversation, this is an item that -- hold on, I was on PZ (Planning & Zoning).

Vice Chair Russell: DI.3, you're recognized.

Commissioner Carollo: Yeah, DI.3. It's an item that I brought in the last Commission meeting as a discussion item with -- anticipating of bringing it back for clarity on what -- where we were. This is an item -- and you're very well familiar with it -- where it was related to us that various senior centers were going to be closing, due to lack of State funding, or the reduction of State funding. I brought it to the Commission in the last meeting, and Ms. Arteaga advised that the Alliance for Aging was stepping up, but I wanted something -- more clarity, because it was my understanding, having spoken to Little Havana Activities Center, Mr. Ramon Dorrbecker, that other than me pretty much stipulating in writing that I will either find or provide the funding for the meals to continue without interruption, those meals were going to stop. So -- and there was some confusion on where we were. So I met with Ms. Arteaga, and I requested that information from the Alliance from [sic] Aging in writing to see exactly where we were. They have provided that, and I'll provide it for the record. But in essence, they provided a letter stipulating that they reached out to -- I think it's slightly over half of the residents, and they offered them one or two things: Either for them to move them to a new senior center, or provide them home meals, which are frozen meals. Again, I think they reached out to -- they tried to reach out to all of them, but they were able to contact half of them or slightly over half of them; the other half, they weren't able to contact -- or they actually refused to go to another senior center or for the meals. The

Alliance for Aging has also stated that usually, when this occurs, they see that a lot of the seniors do not want to participate, and in fairness, could be them losing the meal. In addition, it's stipulated in their note that Little Havana is still providing meals service at Palermo, but has advised us that continuation of the meal service is contingent upon the City's decision to -- on funding. So I will provide this letter, but it's pretty clear to me that if we want the meals to continue uninterrupted, we should step up, which I am willing to do; but at the same time, I think that, you know, maybe we should do it as the City, where each Commissioner will put X'amount and divvy it up.

Diana Arteaga: Mr. Chairman, may I be recognized?

Vice Chair Russell: Thank you.

Ms. Arteaga: Thank you. And again, you know, I'm just here to relay the facts from the Department and the Alliance --

Vice Chair Russell: Please state your name.

Ms. Arteaga: -- oh. Diana Arteaga, for the City of Miami. I'm just here to relay the facts, and I just wanted to clarify on the record that the information that the Department of Elder Affairs sent, the email that I forwarded to you all, says that they reached out and only 15 -- they were -- of the 60 -- they were not be -- they were not able to contact, make contact with. Of those 60, 30 -- half -- have chosen to be transported at the Department's expense to another center to receive those meals and be taken back to the senior center where they live. Seven have chosen home-delivered meals; that's either for mental impairment reasons or physical impairment reasons. And eight have refused new services. So, ultimately, right now, they are -- they've reached out to all those folks. Only 15 they haven't been able to make contact with, and they're prepared to assume those meal services that they've opted for, but Little Havana Senior Center, as I understand until now, has been providing the meals, so.

Commissioner Carollo: So, again, out of 60, 23 are now receiving meals; and seven are receiving meals, but they're frozen meals. So, again, I still think that, especially in the financial condition that we're in, I think it's unacceptable for us to not be able to step up.

Vice Chair Russell: Thank you. Is this at UTD alone, or is this amongst --

Commissioner Suarez: No, no. This is Palermo.

Ms. Arteaga: This is Palermo.

Commissioner Carollo: This is Palermo.

Vice Chair Russell: So the 60 is amongst --

Commissioner Carollo: U -- right. UTD is taken care of.

Vice Chair Russell: Okay.

Commissioner Carollo: And as a matter of fact, I think we should hear from Little Havana Activities Center that has been here, patiently waiting for quite some time, and I appreciate your patience.

Betty Ruano: Thank you, Commissioner.

Commissioner Carollo: And I wish I would have noticed. I would have jumped after the time

certain of PZ -- of the PZ item when -- before everybody came to speak, because, in essence, DI.3 was before all the PZ items. So if we could hear from Little Havana.

Vice Chair Russell: Thank you.

Ms. Ruano: Betty Ruano, Little Havana Activities and Nutrition Centers. As to your question, Commissioner Russell, the UTD item was taken care of because it was brought to our attention by the Department of Elder Affairs that in 2010, there were -- there was a set-aside of funding at our request to serve that center. Now, every contract that we had, including 2010, never detailed that set-aside, so there was a \$200,000 line item that we had, and it just said, "meals unspecified." So there was a --

Vice Chair Russell: Sort of a rainy day --

Ms. Ruano: No, no, no; just meals. I could use it for anywhere meals -- it was unspecified. It didn't say "to UTD," "to Palermo," "to Villa Verde Center." "It didn't specify where exactly that money would go.

Vice Chair Russell: Mm-hmm.

Ms. Ruano: So I guess as the Department dug into this more and more when we decided that we were going to close five centers, when they took away -- well, when we didn't receive \$500,000 again, they did a little bit more research, and that's when that issue came up. So that has now been placed as a line item on our budget with the Alliance for Aging from the -- from that \$200,000. So that's how UTD has been taken care of, from that.

Vice Chair Russell: So how much was necessary to cover UTD's short?

Ms. Ruano: For each of the centers that was closed, the average is about \$60,000; some are a little bit more, some are a little bit less, but about \$60,000 is the hard and fast figure that we've provided for everyone, including the City of Miami Beach; on their side, they're helping us with that matter.

Vice Chair Russell: Thank you. Thank you very much for finding that.

Commissioner Carollo: Mr. Chairman, so in essence, \$60,000 is the amount. It was originally thought more like 70, 70-something, but it's \$60,000 is the amount to maintain this senior center open, where it's in a building where they just come down and they have a hot meal.

Ms. Ruano: Commissioner Carollo, to your point, you are correct; it is more than \$60,000, but we wanted to show good faith effort, as we have in the past, that Little Havana does want to participate. We want to do everything that we can to keep the center open. But once you get a reduction of funding of \$500,000, it becomes a little difficult. But -- so that's why we said the average is 60,000; any difference, Little Havana will make up. And just so you know, the budgets are very bare bones, it's one staff -- one full-time and half -- you know, 1.5 full-time staff, a telephone, liability insurance and the meals. That's it. There's nothing else that goes into that budget for the senior centers that are in low-income housing buildings.

Commissioner Suarez: That's pretty tight.

Commissioner Gort: Let me ask a question. Did Saint Dominic get affected?

Ms. Ruano: No, sir.

Commissioner Gort: Okay.

Commissioner Carollo: And again, what I suggest, Commissioners, again -- and, look, this was one Commissioner that believed the way we calculated how each district received anti-poverty funds was incorrect. But with that said, I don't mind tapping into my anti-poverty funds in order to reach that \$60,000 and make sure that those services are not interrupted. But I'm asking from my colleagues -- and I know Commissioner Suarez had mentioned it --

Commissioner Suarez: Yeah.

Commissioner Carollo: -- publicly for us to, you know, come together for an amount.

Commissioner Suarez: Yeah. And I was just going to reiterate that; that, you know, when this all happened, also, I also offered to put a portion of my funds to solve the problem. And, obviously, the big issue is, at the end of the day, the seniors. And the concern I have right now is it looks like at least 23 of them are in limbo; we don't know what their status is. This is -- go ahead.

Commissioner Carollo: If I may?

Commissioner Suarez: Yeah, yeah.

Commissioner Carollo: Commissioner Suarez, they're not in limbo, because that's why I reached out to Little Havana Activities Center and said, "You know, there's no services interrupted."

Commissioner Suarez: Right.

Commissioner Carollo: You know, because if not, they would be in limbo. And, look, this is the City of Miami. I mean, especially now, in good financial times, one way or another --

Commissioner Suarez: We're going to help. We're going to --

Commissioner Carollo: -- we will have stepped up one way or another or --

Commissioner Suarez: Yeah.

Commissioner Carollo: -- seeked [sic] help from the County. Somehow, we were going to step up. But in the meantime, they're in limbo, they're concerned, they're possibly not sleeping, possibly not eating. So that's why, you know, I thought it was important to, you know, make sure that they're not in limbo. And then, you know what? Bring it back to us --

Commissioner Suarez: Right.

Commissioner Carollo: -- and let us figure it out.

Ms. Ruano: We -- just to clarify, we appreciate any assistance that we can get from the City. That being said, it doesn't mean we're going to stop looking for funding.

Commissioner Gort: Yes.

Ms. Ruano: Okay?

Commissioner Suarez: Sure.

Ms. Ruano: Because I understand -- we all understand that this is an immediate solution to a long-term problem. We need to find a long-term solution to a long-term problem. And again, the same thing is being done with the City of Miami Beach. We're working -- you know, pretty much

the same way that it's going on here. And any assistance that we can get from the City is more than welcome. As of now, we've been providing the 40 daily meals, being paid for by Little Havana, staffing and everything included; on the condition, of course, as Commissioner Carollo asked for us to continue to provide services while the City finds a solution to this matter.

Commissioner Gort: Mr. Chairman.

Chair Hardemon: You're recognized, sir.

Commissioner Gort: As a founding member of the Little Havana Activity Centers, I'll pledge \$10,000, but I think you have to continue to look to get your fundings back the way it used to be.

Commissioner Suarez: Mr. Chair.

Commissioner Gort: Because the City -- I understand it's a problem, and we're going to fix it, but we will help this time, but it shouldn't be a burden on the City when we have other agencies should be paying for it.

Ms. Ruano: Agreed. And I want to clarify something that has been said a few times, and it's picked up steam, and it is absolutely inaccurate. I keep hearing that this is a one -- that this money that we received during the 2015/2016 budget cycle was a one-shot deal. It was a nonrecurring item on the budget, but we got the money the year before and the year before that and the year before that. So if you get it more than once, it's not a one-shot deal. And it's a -- even though it's a nonrecurring item on the budget, you're still getting money for four years; fifth year, you ask for it and don't get it, that's a different conversation. We did ask for it. We didn't receive it.

Commissioner Suarez: Mr. Chair.

Ms. Ruano: And I just wanted to clarify that; that we have tried. We are -- we have also gone to bid in other County fundings, and that's still in play. We haven't stopped. And next year, we will go back to the State and we will ask them for money again. This is something that's ongoing.

Chair Hardemon: The gentleman from the Fourth District.

Commissioner Suarez: Thank you. Look, I'm willing to split the difference with Commissioner Carollo. I mean, we both made that gesture in different forms. I think the issue is -- one thing I would like to look into, and maybe he agrees -- is if the Alliance was going to fund this effort, maybe they can reimburse the City for the monies that we put out. If we put out a certain amount of money, maybe the Alliance can reimburse us for the funds that they were going to spend.

Ms. Ruano: Mr. Suarez, I spoke with Barbara Suarez at the Alliance for Aging --

Commissioner Suarez: No relation.

Ms. Ruano: -- at 12:30 today before I came --

Commissioner Gort: It doesn't work that way.

Ms. Ruano: Yeah, right?

Commissioner Suarez: What's that?

Commissioner Gort: It doesn't work that way.

Commissioner Suarez: I mean, if they were going to spend this money to provide these meals --

Commissioner Gort: They have facilities with -- they have the fundings for and they can provide the food and the services.

Ms. Ruano: Well, I --

Commissioner Gort: It doesn't mean that they're going to send you back the cash; they're not going to reimburse the City.

Ms. Ruano: Right. I was going to address that issue --

Commissioner Suarez: Right.

Ms. Ruano: -- precisely. So when I spoke with her today, I asked her, "If I stop serving tomorrow, and the City of Miami does not authorize funding for this service, does the Alliance have another provider or does the Alliance have funding to handle this?" She said, "No." She said, "Absolutely not."

Commissioner Suarez: So --

Ms. Ruano: And then I said, "So what happens?"

Commissioner Suarez: -- here's my concern. And Commissioner, this is in your district, so I'm not going to -- I don't want to tread too much on your toes. I think we all know that in all the senior centers, there's two components; there's the meal, and then there's the facility where people get to come together and be together; and that, to me, is the worry that I have here, which is there's -- you know, that's the worry. These 23 people here, it looks like they're not going to have potentially a place to go. And so -- you know, or not going to want to go somewhere else. And so I don't have a problem stepping up, as we said. My issue is if the Alliance was going to spend this money anyways, they -- it would be -- it would -- I think the right thing to do would be to reimburse the City for --

Commissioner Gort: Hey, I'll second your motion.

Commissioner Suarez: -- at least for the part of it that was the meals and stuff, you know?

Ms. Ruano: But that's what I wanted to speak to.

Commissioner Suarez: Right.

Ms. Ruano: She told me that currently, what's going on, that Miami-Dade County had offered to provide services to these seniors. And I asked her, "Well, where is Miami-Dade County getting the money?" She's like, "They don't have the money, either; neither does the Alliance. The Department of Elder Affairs is attempting to find money to reimburse Miami-Dade County for the two sites that were already closed." And I said, "So the two sites -- Casa Devon and Palm Towers -- are the priority?" She said, "Yes." And I said, "Well, what happens with Palermo?" And she says, "Well, we're too busy trying to figure out if the Department of Elder Affairs can even identify any funding to reimburse Miami-Dade County for those two other centers." So that's not even on their radar, Commissioner.

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: And again, you know, I don't want to step on any Commissioner's toes, so I defer to the District 1 Commissioner, but I think this is, you know, a City issue where we had two of our senior centers potentially been closed.

Commissioner Gort: I'm bringing \$10,000.

Commissioner Carollo: So I just want to make sure, you know, that we're all in this together. Now, on July 1, I specifically contacted Little Havana Activities Center, which happens to be in District 3, and I asked, 'Okay, so I'm hearing different, you know, funding sources out there. It's July the 1st. Is everything fixed? Do you have the money? Are you'-- 'Are we clear?' And she said, 'No.' Well, actually, it was Mr. Dorrbecker who said, 'No. As of right now, that center's going to be closed.' And that's where I said, 'Whoa, wait a second. I don't want anything'-- 'Any issues being interrupted.' As far as the Alliance for Aging reimbursing us, sure, I don't have a problem with that. I doubt they will, and it seems that what they were going to provide was transportation service to another senior center. So I don't know what's the cost of that; and seven frozen dinners. So I don't know what the cost of that. So I don't know how much we're -- how successful we're going to be in them trying to reimburse us.

Ms. Ruano: Commissioner, the way that that works is they can provide those units of transportation or meal -- of meals or any other service, because they asked another provider, 'Do you have capacity to serve anyone?' And then, a provider stepped up and said, 'We can provide 'X' transportation and 'X' meals.' That's how that works. So that other provider has some wiggle room in their budget -- because they haven't filled all of their slots -- to provide that service. It's not that new money materialized or came from the Department of Elder Affairs to the Alliance for a provider; it's just they had unmet needs or open slots in their budget, and that's how they serve them.

Chair Hardemon: You're recognized, ma'am.

Ms. Arteaga: Yes. Just to address Commissioner Suarez' question about the reimbursement, and the person who has been talking to the Department directly, our lobbyist here, Mr. Michael Cantens; if I could pass him the mike so he can address your question, and he can relay exactly what the Department has been telling him this whole time.

Michael Cantens: Thank you. Michael Cantens; Cocoran and Johnston. So we've been talking with the Department of Elder Affairs for the last month, knowing that this is an issue for the City. The funds that they do have are called 'carry forward funds,' from the last fiscal year. So that's what they've been able to use to kind of fill in the gap. But as Little Havana had said, yes, there are available slots from other entities within Miami-Dade County that can provide these services to the individuals that would need them, should it come to that situation. If Little Havana were to stop it today, they told us today that they would start on Monday. So they're ready and willing, should it come to that at this point.

Ms. Ruano: From my conversation with the Alliance, at noon, they only had slots for about seven at City of West Miami, and like another seven at Badilla (phonetic). That's only --

Commissioner Carollo: 14.

Ms. Ruano: -- 14. That's only 14. And we have 70 active clients. Now, we were only serving 40 daily meals, because that's what we had in the budget, but 70 different people at any time had access to those meals, because some people only like to go twice a week; some people need it five days a week. So we're not really talking about 30 people or 40 people; we're talking about 70 elderly individuals who need assistance.

Chair Hardemon: Commissioner Suarez.

Commissioner Suarez: Yeah. I think we've minimized this problem from what it was at the beginning to what it is now. We've confined it; we have a plan; we're willing to split the difference; you're willing to put in 10,000. That way, there's not a disruption, right? Because everything stays the same. Now, you understand that what -- the predicament that you're in, insofar as the funding, and I think we're all clear. Everyone is clear on where we're at --

Ms. Ruano: Up to --

Commissioner Carollo: So --

Commissioner Suarez: -- which is what we wanted before -- clarity.

Ms. Ruano: -- that 60,000 will carry us for a year. So let's say you say, "Effective Monday," which is 8/1; it's an easy date, I guess, you know, "you're going to have your funding on our promise." We will start the year counting 8/1. Now, the State budget starts 7/1 of next year. We're going to continue to go to the State. We're going to continue to look for funding. Just because you guys are helping us temporarily -- like I said, it's a temporary solution to a permanent problem. Unfortunately, nonrecurring funds for services such as meals or any type of service doesn't really work that way. We're not buying a bus; we're not constructing a building. This is ongoing. We all eat every day. These seniors have an expectation that we're going to provide a service and they're going to receive a meal every day.

Commissioner Carollo: Thank you. Mr. Chairman.

Chair Hardemon: Yes, sir.

Commissioner Carollo: Number one, Ms. Arteaga, can we make sure that we put it or that when it comes to a vote to put this in one of the City of Miami's priorities to go the State to make sure that funding is provided? Because I have to admit, in a year where the State has received, I believe, the most amount of revenues ever in the history of the State of Florida, to reduce a senior center, which are our most vulnerable, I think it's unacceptable. So can we make one of our City of Miami priorities funding for seniors at the State --

Commissioner Gort: Yeah.

Commissioner Carollo: -- level?

Commissioner Suarez: It should be.

Ms. Arteaga: Sir, from what I understand, yes; and from what I understand, Little Havana has their own lobbyist, so we can assist them as their employee in any way possible in the next fiscal year, absolutely.

Commissioner Carollo: And --

Commissioner Gort: Let me give you a suggestion.

Commissioner Carollo: -- the gentleman that's our lobbyist, the City's lobbyist, very nice to meet you.

Chair Hardemon: Commissioner Gort.

Commissioner Gort: You have phone numbers of all the elected officials, representatives and Senators. You have their phone numbers, you have their email. Give them out to the people

you're serving and tell them to start calling.

Ms. Ruano: And we've done the same. For example, just to cite -- yes.

Commissioner Gort: Well, just start calling.

Commissioner Carollo: And Mr. Chairman, if I may? I'd like to make a motion to fund Little Havana Activities Center a total amount of \$60,000 from District 3's anti-poverty fund, 25,000; District 4 --

Commissioner Suarez: District 4, 25,000.

Commissioner Carollo: -- anti-poverty fund, 25,000. And I just want to make sure of the source. District 1 --

Commissioner Suarez: 10,000.

Commissioner Carollo: -- anti-poverty --

Commissioner Gort: 10,000.

Commissioner Carollo: -- fund.

Commissioner Suarez: Second.

Commissioner Gort: No, no, it comes from my own money.

Commissioner Carollo: 10,000. For a total amount of \$60,000 for the --

Commissioner Gort: My funds is not coming from the anti-poverty. I got that committed to scholarships.

Commissioner Carollo: Right. That's why I'm asking. So your funding source will be?

Commissioner Gort: It's something different.

Commissioner Carollo: Okay. So from --

Commissioner Gort: You'll get \$10,000 from us.

Commissioner Carollo: -- District 1 office.

Chair Hardemon: But my question about this is, is that motion improper? Because, I mean, I have some things in my mind right now that I want to fund, right? And I don't know if it's improper for us to do it without advertising.

Victoria Méndez (City Attorney): If I may?

Commissioner Suarez: It's definitely emergency.

Commissioner Carollo: I actually advertised it and said the possibility of making a resolution.

Commissioner Suarez: And I would also say --

Commissioner Carollo: So within the discussion item, I specifically put a resolution, and I

mentioned it in the last Commission meeting, and if you see -- providing for a possible resolution to address the issue. Okay, so resolution passed, a resolution, so --

Ms. Méndez: The --

Commissioner Carollo: -- I specifically mentioned it in the last Commission meeting.

Commissioner Suarez: And I think it also qualifies as an emergency, too.

Chair Hardemon: Right. Now you -- now that -- maybe in an emergency you could --

Commissioner Suarez: Yeah.

Chair Hardemon: -- figure that out. Maybe there's a -- you know, there's an emergency there. You know, that's not for me to say. I just don't want it to run afoul of our Charter, and then be something that's --

Ms. Méndez: Right. So this is the only thing I have to clarify: Normally, these require a four-fifths and it has to be advertised as such, because of the procurement issue. However, it was already mentioned at the last meeting that you were going to proffer this at this meeting, so the only thing I would request is if it could be a four-fifths, just so we get around the procurement aspect of it.

Commissioner Carollo: That's fine. And, Mr. Chairman, I mentioned in the last Commission meeting, as stated by the City Attorney, but, I mean, not only that; it's here as a possible resolution. I didn't want to bring it as a resolution because we needed to see, first of all, where we were with the Alliance of Aging and exactly what occurred; and second of all, what was going to be the amount by different Commissioners, and would they want to participate.

Chair Hardemon: I understand that.

Commissioner Carollo: So that's why --

Chair Hardemon: I understand that, sir. I just -- even -- for instance, if I were to put a resolution on that had a number, the number could have been incorrect, but you could make those changes on the resolution. I'm not going to stop it; it's the will of the body. If that's what we want to do, that's what we want to do. You made the motion. Is there a second?

Commissioner Suarez: Yeah.

Chair Hardemon: Motion and a second.

Ms. Méndez: And I wanted to clarify one more thing, because I've stopped you before in the past on resos, and I'm just showing that I'm being consistent. The other thing is that these monies have already been allocated through your poverty initiative dollars. It's monies that -- why are you shaking your head?

Commissioner Suarez: Because they're not all allocated, I don't think.

Commissioner Carollo: Right.

Ms. Méndez: Well, I mean, the monies that I --

Commissioner Gort: (INAUDIBLE.)

Ms. Méndez: Right. Both of you, Suarez and Carollo both have an allocation.

Commissioner Carollo: Right.

Ms. Méndez: So it's not monies that everybody needs to do a fiscal analysis on.

Commissioner Carollo: No.

Ms. Méndez: I just wanted to clarify that also for the record.

Commissioner Suarez: Oh, that we have monies that are unallocated.

Commissioner Carollo: Right.

Ms. Méndez: Right. Oh, I'm -- I said that you have the monies, they've --

Commissioner Suarez: Got it, got it.

Ms. Méndez: -- been -- sorry. They're allocated in your anti-poverty monies.

Chair Hardemon: They are.

Commissioner Carollo: Right.

Chair Hardemon: There's an allocation.

Ms. Méndez: So I just want you to know that it's nothing that this Administration had to do or send the Budget analyst to look --

Commissioner Carollo: No.

Ms. Méndez: -- to see if the money -- and all that. So I just wanted to clarify for the record that that's why this is allowed today.

Commissioner Carollo: I can assure you, especially with budget amounts, I'm --

Ms. Méndez: I know.

Commissioner Carollo: -- pretty clear.

Ms. Méndez: I just wanted to clarify for the record since -- thank you very much.

Chair Hardemon: Any further discussion?

Commissioner Carollo: No.

Chair Hardemon: Seeing none, all in favor, say aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes unanimously.

Commissioner Carollo: And just to verify, that money is for Little Havana Activities Center for specifically Palermo.

Commissioner Suarez: Yeah.

Commissioner Carollo: Okay.

Commissioner Suarez: And they're already a vendor of the City, so I don't think procurement is an issue but that's what I --

Ms. Méndez: Right. And did we have the four-fifths?

Commissioner Suarez: Yeah. We had it unanimous.

Commissioner Carollo: It was unanimous.

Ms. Méndez: Perfect. Thank you so much.

Commissioner Gort: Yeah, five-five.

Ms. Ruano: Thank you all very much.

Chair Hardemon: Thank you very much.

Ms. Ruano: Thank you. We appreciate it.

Commissioner Suarez: Mr. Chair.

END OF DISCUSSION ITEMS

PART B: PLANNING AND ZONING ITEMS

Barnaby Min (Deputy City Attorney): Pursuant to the Chairman's request, we'll 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 must be sworn in by the City Clerk. Please note, Commissioners have been briefed by City staff and the City Attorney on the 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 286.011(5) and Section 7.1.4.5 of the Miami 21 Zoning Code. Any person may be heard by the City Commission through the Chair for not more than two minutes on any proposition before the City Commission, unless modified by the Chair. If the proposition to be continued or rescheduled, the opportunity to be heard may be at such later date before the City Commission takes such action on such proposition. The Chairman will advise the public when the public may have an opportunity to address the City Commission during the public comment period. When addressing the City Commission, the member of the public must first state his or her name, his or her address, and what item will be spoken about. A copy of the agenda items will be available at the City Clerk's Office and at the podium for your ease of reference. Staff will then briefly present each item and [sic] be heard. For applications requiring the City Commission approval, the applicant will then present its application request to the City Commission. If the applicant agrees with the staff recommendation, the City Commission may proceed to its deliberation and its decision. The applicant may also waive the right to evidentiary hearing on the record. For appeals, the appellant will present its appeal to the City Commission, followed by the appellee. Staff will be allowed to make any recommendation they may have. The order of presentation shall be as described in the City Code and the Miami 21 Code. 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 objections 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. If any City Commissioner thinks that documents supplied to the City Commission less than seven days before merit a continuance, the item may be continued by the City Commission. Thank you, Mr. Chairman.

Chair Hardemon: You're welcome very much.

Todd B. Hannon (City Clerk): Good afternoon, ladies and gentlemen. If you'll 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 Hardemon: Thank you very much. Somehow, we can have someone help us gather quorum, that'll be great.

Later...

Chair Hardemon: So at this point, I'm going to open up public comment for items PZ.1 through PZ.18. There are a number -- there are a few items that have been continued: 9, 10, 17 and 18, so be aware of that. But this is your time to be heard for public comment. This is your reasonable opportunity to be heard on any of the items PZ.1 through PZ.18. If you want to speak on any item from PZ.1 through PZ.18, this is your time to be heard. You will not have another time to be heard on those different items. And when you approach the lectern, please indicate your name, your address, and what item it is that you're speaking upon. Name, address, and what item it is that you're speaking upon.

David Polinsky: Thank you so much. David Polinsky; address is 1040 Biscayne Boulevard. I'm a BID (Business Improvement District) director and chair of the Planning & Zoning Committee, speaking in support on behalf of the BID of items 14, 15, and 16. These are all essentially cleanup items that can be grouped together that reflect in part the lessons that we've learned with one year of experience since the time that the NRD (Neighborhood Revitalization District) was originally passed. The fact that we're bringing these items forward today reflects the collective knowledge from having the Planning Department having reviewed more than a half dozen projects. I think it's a testament to the success of the NRD effort that there's been this kind of activity, but the undertaking, putting the NRD together was so ambitious in its nature that there was inevitably some amendments that would be required to the NRD, which is item 16; and 14 and 15 are really cleanups of sort of unanticipated issues. So the BID has strong -- worked very closely with the City to develop this legislation, and strongly encourages you to support it today. Thanks so much.

Chair Hardemon: Thank you very much, sir. You're recognized, sir.

Schiller Jerome: Schiller Jerome; property address, 24 Northeast 47th Street; speaking on behalf of PZ.1. Where -- As the president of the Buena Vista East Neighborhood Association, which has been dealing with this item for the past few months, we're respectfully asking for a deferral on this item. We would like more time to discuss this item with the community and also possibly meet with the other side to discuss it at a later point.

Chair Hardemon: That's PZ.1?

Mr. Jerome: PZ.1. So just on the record, if the Commission allows, we're respectfully requesting a deferral on the item. Thank you.

Chair Hardemon: Okay. Thank you.

Iris Escarra: Good evening. Iris Escarra, with offices at 333 Southeast 2nd Avenue. I'm here on behalf of PZ.14, 15 and 16. On behalf of PZ.14, this is actually a Comprehensive Plan amendment to actually close kind of like the doughnut in Wynwood where at the time that Wynwood -- the Comp Plan change occurred last year, there was a portion that wasn't up -- wasn't increased in the density from 65 to 150, so this is really coming in to make the entire Wynwood 150 units per acre would -- which -- And in support of item PZ.15, I'm here because this is actually a nuance in the Code where you have sites along the edge of Wynwood that are zoned T6-8 and T5, so you have two transect zones. And technically, you're not supposed to share density. However, in Wynwood, which is the only place PZ.15 is applicable, is 150 units and 150 units, so it doesn't matter how you share the density. So that's really to clarify that point. And PZ.16 is actually the NRD where they're coming in to tweak some things to be able to clarify in an organization, and changing some modifications, that we're very supportive of the changes that they're doing. Thank you.

Chair Hardemon: Thank you.

Steve Wernick: Good evening, Mr. Chair and Commissioners. Steve Wernick, 98 Southeast 7th Street. I'm here addressing PZ.2 and 3 in District 5. These are items where we've requested a deferral to September 22; along with representatives from Buena Vista Heights and Buena Vista Stakeholders. There's an ongoing community dialogue. They'd like to have a chance to have one more meeting in the neighborhood, and we feel we can come back for second reading September 22. These items were approved on first reading, and, you know, they're just working through some final issues, so I think there's mutual support for that, and hope you'll defer those till September 22.

Chair Hardemon: Thank you.

Nathalie Cadet James: Good afternoon. Nathalie Cadet James, here on behalf of PZ.1.

Brian James: And Brian James.

Chair Hardemon: Thank you very much.

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: There was someone who requested a deferral on PZ.1. Are you guys opposed --?

Chair Hardemon: Yeah. That was Schiller Jerome.

Commissioner Carollo: Right. Jerome, Schiller. Did they -- would they object to a deferral?

Chair Hardemon: No, that's a question we have to ask them.

Ms. James: Yes, we would.

Commissioner Carollo: And --

Chair Hardemon: I want -- now, I want to tell you something. I don't know what it is that Schiller Jerome -- I don't know if he's spoken with the constituents. Last time the community came out, they were against the item. The -- it didn't pass. And then there was a motion to

reconsider, and that's what brought us here today. And so, I will tell you this: When you have someone from the community that says -- not Deny it today, but Continue it; let us have some conversation. Maybe we can come to some resolution, 'sometimes it's best to hear them versus pushing the issue.

Ms. James: You know, I just question if that's a good faith effort, because it's the first time we're hearing it. So, generally, when there is an effort to speak, you actually do speak. So we're just a little surprised to hear that. And I'd like to talk with my attorney, as well. But --

Chair Hardemon: I'm sure you'd want to speak with them for a moment before we decide.

Commissioner Carollo: And Mr. Chairman, since --

Chair Hardemon: I'll take the motion on PZ.2 and PZ.3 though; the deferral request.

Commissioner Carollo: On?

Chair Hardemon: PZ.2 and PZ.3.

Commissioner Carollo: That's different from what they're --?

Chair Hardemon: Correct; that's different from them. That has nothing to do with them, but I believe that the applicant asked for a continuance on PZ.2 and PZ.3 to 9/22. Not you, not you.

Commissioner Carollo: I don't have a problem with that, but before we get off PZ.1 -- or we're not really on PZ.1, but we're doing discussion --

Chair Hardemon: We're not on PZ.1, correct.

Commissioner Carollo: Since it's a new way of doing this, I don't know if -- Jennings disclosure. I say now or --

Chair Hardemon: No, not now.

Commissioner Carollo: -- at the time that the item is heard?

Chair Hardemon: That'd be more --

Commissioner Carollo: Madam City Attorney?

Victoria Méndez (City Attorney): Right. I guess I'm trying to figure out -- we're talking about PZ.1 --

Commissioner Carollo: Yeah.

Ms. Méndez: -- correct? And --

Chair Hardemon: We're having -- no. We're having public hearing.

Ms. Méndez: Okay.

Chair Hardemon: We're having public hearing.

Ms. Méndez: All right.

Chair Hardemon: This is the public hearing time, and in the public hearing, you had -- there was a gentleman that requested a continuance on PZ.1. And it just so happens that the applicants from PZ.1 just announced themselves on the record; that's all they were doing.

Ms. Méndez: Okay. So then with reference to your question, Commissioner, right before we're about to hear the item, you could do the Jennings disclosure.

Commissioner Carollo: Not necessarily during public hearing?

Ms. Méndez: Yeah. You don't have to do it now. Thank you.

Chair Hardemon: Any other public comments?

Elvis Cruz: I'm waiting for the video people to put my presentation --

Chair Hardemon: You want to go?

Commissioner Gort: I'm here. I'm not going anywhere. I can hear.

Katie Gant: Hi. I'm Katie Gant. I'm the president of the Roads Neighborhood Association, and I'm here to talk to you about item PZ.4. I came before you all last month when this item was deferred -- I think it was for the third time, at least -- and you instructed City staff at that point to amend the language to make it more palatable for the residents. And since then, instead of just including T3-zoned areas that abut T6, it's now encompassed all T3s that abut T6, as well as T5. So it's actually expanded the neighborhood -- or the areas that would be affected dramatically since last month. And so we continue to be opposed to this. I've tried to get in touch with Mr. Garcia a couple times by phone, by email to see what -- why those changes were made, and I haven't been able to connect with you. So we feel that instead of being improved that that language has actually made this much worse. So in both the previous and the current formats, we've opposed this ordinance. We -- the Roads is a historic neighborhood that has Coral Way running straight through it, which is zoned T6. This would cause an encroachment of incompatible uses, parking structures with NT-3 zones, and it would really bisect our neighborhood dramatically, and we continue to be opposed to it. While I can only speak on behalf of my neighborhood which I represent, I can't see how this ordinance would be good for any neighborhood where -- for the residents who are living in the T3 zones, and we're open to hearing about that, but we need communication from City staff to understand where those neighborhoods are and how this would be beneficial to those residents, and we have not gotten that. And so in its previous and its current format, we can't see how any changes could be made that would be acceptable to us, and so we're asking you to please don't defer this again, because we really do not feel those changes can be made to make us happy, so please defer this item. Thank you.

Chair Hardemon: Thank you very much.

Mr. Cruz: Elvis Cruz, 631 Northeast 57th Street. The Morningside Civic Association Board has voted unanimously --

Chair Hardemon: What item are you speaking to?

Mr. Cruz: I'm sorry. PZ.4. The Morningside Civic Association Board has voted unanimously in opposition to this legislation. The Miami 21 legislative process began in 2005. I was part of the team from Miami Neighborhoods United that went to many public meetings about that proposed legislation. There were some photographs that were posted in 2005 that were so offensive to many members of the public that they were taken down and never shown again. They were withdrawn from the Miami 21 process. But I took photographs of those boards, and I will show

them to you now. Take a look at this. This is a commercial corridor in the original condition. It looks a lot like Coral Way, although it's not labeled as Coral Way. What Miami 21 proposed to do at that time was take the commercial zoning along Coral Way and then allow parking structures behind the commercial corridor. This is exactly what is proposed here today. Imagine living next door to that parking garage or across the street from it. But it doesn't stop there. The next step proposed would be to put townhouses and other parking garages along that street, and then it would continue. They would then up-zone the rest along that street to allow apartments. But it doesn't stop there. It would continue. They would then up-zone across the street and put apartment houses there. Gentlemen, you are at an important fork in the road. This whole concept began at a City Commission meeting on January 28, 2016. And when this item came up or when this idea came up, they asked Francisco Garcia, Planning director, what he thought of putting commercial parking in T3-O, and he said: The present zoning designation of T3-O, everyone might understand, is intended for duplex residential, and does not in any way, shape or form, nor would anyone want it to allow parking structures, full stop. I don't always agree with Mr. Garcia, but he nailed it on that one. This would be a terrible, terrible precedent to set. It would not stop there; it would be a cancer that would grow. It has already grown from the original T6 proposal to include T5, which would be hugely destructive all across the City; certainly in Coconut Grove and any commercial corridor. Please protect our residential neighborhoods. You're at the point where you can show your faith in protecting residential neighborhoods and shoot this down.

Commissioner Suarez: Mr. Chair.

Chair Hardemon: Thank you very much, sir.

Commissioner Suarez: Can I colloquy a little bit with Mr. Cruz?

Mr. Cruz: Yes.

Commissioner Suarez: So I just want to sort of -- because there are very few people that know this as well as you do, and we've had many, many conversations about this and Coral Way, and a variety of other corridors. The concern I have, just to give you my sort of thought process and how we got here in part -- and Paul maybe will talk about it after you -- from 27th to 37th along Coral Way, the back lot of the Coral Way -- the front -- the lot that fronts Coral Way is T4; that's already there. So what concerns me is even though I down-zoned Coral Way at the suggestion of Miami Neighborhoods United; that was one of your recommendations and I followed it.

Mr. Cruz: Yes. Thank you.

Commissioner Suarez: You're welcome. What worries me is that even under your graph, right now, what abuts that -- I'm sorry -- east of 27th -- and I'm not talking about the Roads, because the constant concept was that this would not affect the Roads, which never made it into a draft, and that's what I think frustrates people from the Roads who have come here in opposition to it. So it's supposed to stop on 13th Avenue, but that has not yet evolved, right? So the concern that I have is -- and this is just more for conversation than anything -- if you're a T3 and you abut a T5, and they build a T5, your quality of life is not going to be very good; I mean, I don't think, if you're a T3 abutting a T5. So the question is, I guess, you know, if you look at the way Coral Way has historically developed, that back lot's been used as accessory parking for the front lot. That may or may not be a good thing. What I worry about is that that back lot is going to suffer if it remains T3 if a T5 is built -- which was the recommended zoning -- on the front lot. That's my concern. We can talk about it. We don't have to talk about it now. I just wanted to, you know, get that back and forth with you. We're a little bit wonkish when it comes to this stuff.

Mr. Cruz: Sure. And I would love to have that -- in fact, I believe I went to a meeting at your office, but unfortunately, things ran a little late and I had a dental appointment and I had to

leave.

Commissioner Suarez: Right.

Mr. Cruz: I did send a position paper to all of the Commissioners. I know you get an avalanche of emails every day, but it was very detailed and analytical. And -- but just to get to your one little point about T5, you should respect T3, and what should be on the corridors is T4. And we can talk about that at great length, and I have a lot of neutral, competent third-party evidence to support that, and I would very much enjoy showing it to you.

Commissioner Suarez: Thank you.

Mr. Cruz: Any other questions, gentlemen?

Chair Hardemon: I don't believe so.

Mr. Cruz: Thank you. Thank you for your time. By the way, Mr. Chair, if I may, this new system of only getting two minutes for the entire P&Z (Planning & Zoning) agenda per speaker, this is not the best -- we are stifled; talk about due process.

Chair Hardemon: Well, let me tell you something.

Mr. Cruz: Sure.

Chair Hardemon: The State law requires us to give a reasonable opportunity for the public to be heard. The public is a body. And so what we want to do is give people an opportunity to be heard at a decent hour so that everyone gets a chance to put their opinions on the record and they're not waiting until 1 o'clock in the morning or 12 o'clock or 9 o'clock even to be heard about an issue. And so, thus, in order to not run afoul of that law which reasonably, if I say that someone was being heard at 11 o'clock at night, I personally believe that we probably did run afoul of that law; even though we've given people two minutes on each item, and you've spoken for 20 minutes all together as a individual constituent. And so all I'm trying to do is give everyone an opportunity to be heard at a reasonable time. And so, therefore, this is the way that we've decided to do it. And I don't think this way of doing it is no different than in many of our larger bodies, such as the County, when you have an opportunity to be heard on an item at a defined time. And so, I further want to give a more certain time. So now, you won't be here from 2 o'clock to 8 o'clock. So you come at 2 o'clock. Everyone knows that if I want to be heard on a P&Z item at 2 o'clock, then that's the time I need to come. And then if I want to be heard on a regular agenda item, then I come at 9:30, that's the time. So now, everyone knows that they can be heard, they know the time that they should be there, and the public has a reasonable opportunity to be heard on each and every item. The law doesn't say that Grace Solares -- I like saying your name -- or anyone else has two minutes, four minutes, five minutes, six minutes, seven, eight; it does not. And moreover, the law truly says that public has a right to be heard before the item is passed, and they can use any time in which the decision-making process is -- we're considering that. So if this item is heard in the P&Z level, which many times it is, and you speak at a P&Z meeting, that could be your public hearing time. But at the City Commission, we're not saying that. In the County, they do say that many times. If it's heard in committee or some other -- during that time -- then you can't speak on the item in public. And so, what we're trying to do now is not do that. In fact, we allow you to speak on PZ on first reading and second reading, so you have two bites at the apple in what you want to speak; when, in fact, you only -- we're only required to give you one. And so I think that we're being generous with this; is that we're trying to consider everyone's time, not just the people who are sitting on the dais, not just the people who are working here within the City of Miami, not the people who just watch it on television, but the people who spend the time to wait from 9 o'clock till whenever we get done just to be heard on an item. And so I don't want to offend people by having them wait seven

hours to be heard, and I think this is the best way to go about doing it.

Mr. Cruz: I understand. First of all, I think we're better than the County. But secondly, there haven't even been presentations from staff. They may say something that the public would wish to rebut, and we can't, because once I get my two minutes at the microphone, I'm done.

Chair Hardemon: But that's what I'm -- but when you start getting into rebutting and things of that nature, it's almost as if you're a part of the debate, and the only people that debate are the Commissioners. You know, the public needs to be heard on these items, and so we have two hearings on many of these items, especially the P&Z items; we have two hearings on them; not to mention when it's heard in the committee level at whatever stage it's being heard in. So there are a number of different levels in which this thing can be heard. And then, moreover, if the Commission wants to hear a particular person's opinion about something, you've seen that the Commission allows that to be -- allows that to happen, also. But what I don't want to happen is everyone who needs to go home has to wait until we get to item PZ.17 to have to be heard; or because we have these big agendas, you're PZ.12, 13, 14. You're saying, "Oh, my God, I'll never be heard." And the only remedy that you think you have is, Commissioner, can we have a PZ.15 time certain at 6; PZ.17 time certain at 6:30; PZ.9 time certain at 2; PZ.12 time certain at 1? " You know, these are the requests that I receive in, and it is impossible to run this meeting efficiently and manage those types of requests, and I'm letting everyone know that. And I think that that's why we want to give everyone -- the public a reasonable opportunity to be heard at a time certain.

Mr. Cruz: So if you're hearing 10 different PZ items at a public hearing right now, and a citizen wants to speak to three of them, he gets only two minutes? Does he get six minutes, or does he get two minutes?

Chair Hardemon: No. The reasonable opportunity to be heard in the City of Miami is about two minutes. Many people go over those minutes; sometimes people ask for more; sometimes we grant it; sometimes we don't.

Mr. Cruz: Regardless of how many items there are on the agenda?

Chair Hardemon: Yes, because I think that it's unreasonable when we've had some people come and if there are 18 items here -- what's 18 times 2, quick?

Mr. Cruz: 36.

Chair Hardemon: 36 minutes. You take 36 minutes and then another person takes 36 minutes, already that's more than an hour. So between you and Madam Holmes, an hour is blown on two public hearings, no matter what -- how good the comment is. And you still utilize your email, because you email us about the items; you still come see us in our offices about the items. And so, I mean, all these things are to be considered. If we're going to have a public hearing and there are going to be that many people here, I think that we have to learn -- and my job as Chairman is to really -- to guide these meetings so that they are not long. And that's just on your comments. I'm not even getting into when Suarez gets to speaking and Commissioner Carollo gets to talking and then -- no, just joking. But, no, the point is, is that once you're done debating, then we have to debate. And then, many times, because you want to be in the fray, you come back and you want to debate some more. And so I think that it is unreasonable for us to have to conduct the meeting that way, and I think that this is the best way to go about making it all work. And -- yes, sir.

Mr. Cruz: And this would apply to legislative -- I understand. I assume that's what you're referring to. Would it also apply to quasi-judicial hearings, up-zonings, appeals?

Chair Hardemon: When I'm done with writing it all out, I will -- you'll know exactly what it all applies to.

Mr. Cruz: Okay.

Chair Hardemon: At this time, we're applying this method to our regular scheduled meetings and our Planning & Zoning meetings.

Mr. Cruz: Please think it through, Commissioner. I know you're an astute lawyer and imagine going into trial where the defense is required to testify before the plaintiff has even made their case, because that's what it feels like on this end. Thank you.

Maria Lievano-Cruz: Good evening. My name is Maria Lievano-Cruz. Per Florida Statute, I don't have to disclose my address if it's exempt, so I don't know if you want my work address, or if I can just say I'm a resident of the Roads?

Commissioner Suarez: That works.

Ms. Lievano-Cruz: Yeah?

Chair Hardemon: Yeah.

Ms. Lievano-Cruz: I'm a resident of the Roads. I'm also a volunteer board member of the Planning, Zoning & Appeals Board for the City of Miami. And I've been following this item for a while. This is PZ.4. I'm also here on PZ.4. And I have a number of concerns with this item. It's the obvious T3 abutting T6. I'm concerned about the encroachment into the residential area. I'm also concerned about the warrant process. I think if something like this is going to be considered, maybe it should be the exception process, because that way, the burden would be on the developers and not on the residents. I forgot what I was going to say.

Commissioner Suarez: You're doing good.

Ms. Lievano-Cruz: No, I know, but now I just forgot my -- I lost my whole train of thought. Anyway --

Vice Chair Russell: Happens to me all the time.

Ms. Cruz: -- so, yet on Wednesday, we had a meeting of the Roads, and we passed a formal resolution opposing it. And I don't know if you guys would like a copy. We have copies for everyone and we'll pass it out when I'm done so I won't eat into my two minutes. But basically, I understand what the issue is here. I know that there's a problem, and I know that we need to resolve it. But I just think that this ordinance is a blanket ordinance that's going to apply to the City as a whole, and you have to look at specific neighborhoods, because not every neighborhood is the same in the City of Miami. So I get that there's an issue that we need to resolve, but I just don't think that this is the solution. So in speaking with Commissioner Carollo and Commissioner Suarez, I thought maybe we should do a workshop. Maybe we should -- and we've talked about maybe being a part of that workshop. And it doesn't have to be a long drawn-out process, but, you know, maybe a month or two to just really study this and see where exactly do we have T6 abutting T3 so that we can then analyze that and see what would work best. Maybe there's some areas that can be exempt and some areas where we can apply something like this. But I just think that the ordinance as it is and the new one that was drafted, it's just not the right solution to the problem.

Chair Hardemon: Thank you very much.

Ms. Cruz: And that's it. Thank you.

Chair Hardemon: Sir, you're recognized.

Paul Mann: Paul Mann, 1665 Southwest 23rd Street, Miami. I didn't realize back in January that I was opening a can that was so full of worms when we brought this up. My idea --

Chair Hardemon: I'm assuming you're speaking of PZ.4?

Mr. Mann: PZ.4, I'm sorry. Yes, PZ.4. My idea at that time was to find a solution for one specific location that had grandfathered parking; that had grandfathered surface parking at that location. And my intention was to find a solution for that particular spot. That solution would be fine in any other area that had grandfathered parking already, but what's come out of the Planning Department now, while well-intentioned, poses a lot of sticky questions, and the previous speaker, Mr. Cruz and Commissioner Suarez were dead-on right that the chief three liners on the east side of Coral Way are between a hard -- a rock and a hard place.

Commissioner Suarez: South side, yeah.

Mr. Mann: They really are in a bad spot there, and a solution should be found to protect them and to -- at the same time -- the most important thing I think is just to protect the neighborhoods behind them across the street, because we all know that if we up-zone those T3s, the rest of the communities become at risk. So I think that this amendment is not ready for prime time. It really needs to be reviewed. It should be vetted by the public. It has all kinds of ramifications (INAUDIBLE) so I would recommend postponing it for now, deferring it. And as I said, it was originally meant for one location that had surface parking already, and no more than that. Thank you very much.

Chair Hardemon: Thank you very much, sir. Ma'am, you're recognized.

Beba Mann: Good evening, Commissioners. I'm speaking on item PZ.4. My name's Beba Mann, 1665 Southwest 23rd Street.

Commissioner Suarez: Oh, you're -- okay.

Ms. Mann: I did write some notes just so that I can keep my frame of thought, only because this is a very contentious issue at this point. It was our property on 13th Avenue -- not bur'property, but the project on 13th Avenue that triggered all this. So as excited as I was when a solution to stop the up-zoning of a T4 for parking was initiated, I now have my concerns; not because I don't believe it's not a good solution, but I feel that the process has not been all transparent, and the legislation has been somewhat hi-jacked. I submitted a public records request after several unanswered emails to Francisco Garcia regarding the status of the legislation because I knew very well that there were a couple of attorneys that were strongly steering the outcome to benefit their clients. That is why today we have added to this legislation a T5. And I don't have a problem as long as there is transparency, and that's what we lacked throughout the entire process. We did have Mr. Garcia come to a Miami Neighborhoods United meeting, but that is not the community as a whole; that was to address it to us so that we can speak to the community. The T5 was not even introduced at that time, which means that this has to go back to the PZAB anyway. And just as an aside record here for my public records request, they asked me for \$100.27 for this request. I thought it was a little outrageous for something that was initiated at the beginning of the year. There could not be that many emails; there could not be that many records to produce; yet, I was told that it was going to require two hours at the supervisor rate of \$30.48 to create the case and create the search query; it was going to take two hours at a technician rate for 19.65 to monitor the query for error and outages, compile results and transfer to the Law Department's storage space. I think that this is pretty outrageous. This is one way of

not receiving public records. So -- and then I actually sent to the City Attorney something that I got from the Attorney General --

Commissioner Suarez: How much? How much did they want to charge you?

Ms. Mann: \$100.27.

Commissioner Suarez: Can I see that? Can you make --

Ms. Mann: Oh, I don't have it, but I can forward you the email.

Chair Hardemon: I don't think that's -- that's probably cheap, Grace [sic].

Ms. Mann: Well, not when it's only two months.

Chair Hardemon: No, no, I'm not making a joke about what -- how you feel about it. I'm saying that I've requested public records before on behalf of the Miami-Dade Public Defender's Office and it's expensive; it's always expensive. I've seen greater costs that --

Ms. Mann: According to the Attorney General's website, and when I looked up, it said, *Sometimes the nature of the volume of the public records request will require extensive use of the agency's information technology's resources or of the clerical or supervisory personnel assigned to make copies or safeguard records, in these instances, the law allows agencies to charge a service fee for inspection and copying of public records. All services, charges for inspecting public records must be reasonable.*"

Chair Hardemon: True. I think you can also negotiate what reasonable^{is}, so if you make a request and you feel like the number is way too high, you can probably get someone --

Ms. Mann: I did, but at the end of the day, this was already coming before us, so it was moot, because we already knew what had happened. A T5 was introduced to this legislation. There was no public input, really, of the -- nobody really got all the information. So these are my points: This should not be rushed. This should not be a project-specific ordinance. It should not be handed out like cake at a birthday party. The applicant should prove hardship regarding the parking need. Workshop for the homeowners throughout the quadrants should start, and they should start with ours, which is where it all started.

Chair Hardemon: Thank you very much, ma'am.

Ms. Mann: Can I just -- I just got one minute -- less than one minute. Okay, we would like to put for the record that we strongly feel that this new ordinance, if passed, should have the following incorporated into its language, because right now, what was changed in all these months was only the addition to a T5; nothing changed. The language didn't change; it was just cleaned up a little bit in its legalese. Number one, the garage should be lined with trees that grow to the height of the 25 feet of the cover structure. The number 4, the new parking facility does not clarify coverage; that's on the ordinance. Provide a noise barrier. There should be no opening space in the residential property. Parking shall not cover the entire lot. Lot fronting 22nd Terrace or any of the residential streets should have a residential component. There should be no rooftop parking, whatsoever. And there is some questions on the -- when we are asked to look at Article 5, Section 5.3.4, they exclude number 6, but they don't clarify really the number D, which reads: *The maximum width of the property line of a driveway on a frontage shall be 12 feet for T3-R and T3-L and 20 feet for T3-O.* I mean, really, that -- this needs to be a little bit better explained. And the only thing I ask this Commission is, is the same way that we had Miami 21 go through quadrants where the residents were made aware of what it is that was coming their way be done with this legislation. Thank you.

Grace Solares: Okay. Grace Solares, 60 Southwest 30th Road. Those who own property and live in a residential area have a legitimate and protectable interest in the preservation of the character of their neighborhood which may not be infringed by an unreasonable and arbitrary act of their government. Zoning Ordinance are enacted to protect the citizens from losing their economic investment or the comfort and enjoyment of their homes by the enjoyment of commercial develop"- I just quoted to you the case of Alley versus City of Miami, who, in turn, quotes Allapattah Community Association, 379 So.2d at 392. This legislation is trying to place a square peg in a round hole. I suggest that you vote to deny this. And whenever the City of Miami is actually ready to bring something to the citizens that actually does not encroach into their community and protecting their quality of life, then you bring it again. But this should be actually thrown away today. And I am in -- I am going to, with all due respect, give this to the City Clerk so that this analysis travels with -- which happens to be Elvis' -- this case, in case there is a legal challenge to whatever you do here. And by the way, I'm not going to sue.

Commissioner Suarez: Thank you for that.

Luis Herrera: Good evening. I'm being PZ.4. My name is Luis Herrera, president of Vizcaya Homeowner Association. I got a resolution to finish this problem, and it is in Miami 21, and I'm going to pass to you people. Read it and take it in consideration to everyone. I think with this that I presenting to you will resolve the problem we have to the neighborhood. And it's in Miami 21 to protect the neighborhood that we call it neighborhood -- conservation neighborhood. And I think that everybody be fine with this in my neighborhood. If another neighborhood applying for, if you consideration pass through, they can vote for -- I mean, they can be apply for and they can be in the neighborhood. So I think all neighborhood, we asking for this, all the people. If you have it any more particular explanation or they need some signatures from the neighborhood, I want to know so I can collect it and I can present it to you, pero'take in consideration this. And I believe this is the best way to do it. Thank you.

Commissioner Carollo: Chairman, if I may for a second. But what you're saying is withdraw or vote down what's PZ.4, what's there before us today?

Mr. Herrera: For now, PZ -- yeah.

Commissioner Carollo: And then bring it back another time the way you're saying?

Mr. Herrera: Yes. This is where, yeah.

Commissioner Carollo: Understood.

Mr. Herrera: To bring it up to consideration, and read it, and give it to Garcias; and Garcia, he explain it what suppose to be.

Commissioner Carollo: We got it.

Mr. Herrera: And I want to know. Thank you.

Mark Zeitouni: Hi. My name is Mark Zeitouni, 321 Southwest 26th Road -- 321 26th Road. I'm here to speak on PZ.4. I'd like to try not to repeat what some of the other Roads Association members -- I myself being one -- have said. I live next to a lot that is next to a T6. So, essentially, if this passed and it was applied to the lot next to me, I would wake up next to a garage. I've heard what a lot of people have said. I've been to all the meetings since the denial of the T4 in Silver Bluff, and I feel that there's always going to be a negative interaction; whether it's a T4, a T5 or a T6; the point being is, is that a lot of us have lived in those neighborhoods a long time. We have bought our property knowing that there is a T6 at the end of the block. My

neighbors bought their house knowing that they were next to a T6. But whether or not you exclude the Roads, you're putting a precedent down that at some point moving forward, developers can come in, other Commissioners could be sitting in these chairs, can say, Oh, look what they did in another neighborhood." So I think that, number one, that all of this legislation that's being written was because the Commissioners denied the up-zoning and upheld Miami 21, and I don't think it's fair to the City of Miami that this legislation is being pushed through because a developer was denied. I think that this should be voted down, and if they want to come back with something else, we can look at it at that time. But to write a legislation because you gentlemen voted against the developer up-zoning a lot now affects the entire City of Miami. Thank you.

Horacio Stuart Aguirre: Good evening, Mr. Chairman. Horacio Stuart Aguirre, as chairman of the Miami River Commission, Miami, with Mr. Brett Bibeau, the managing director of the Miami River Commission. We gave a qualified approval to PZ.7 and 8, subject to five conditions to be explained by Mr. Brett Bibeau.

Brett Bibeau: Thank you. Good evening. Brett Bibeau, managing director of the Miami River Commission, with offices located at 1407 Northwest 7th Street. Mr. Ferro presented this item to the River Commission's public meeting on March 7, 2016, and the River Commission voted 6 to 3 to respectfully recommend approval of the up-zoning, subject to adherence with the following five pending conditions: Number one is full compliance with the public river walk, waterfront building setbacks, et cetera, as required in the City of Miami's Zoning Code, Section 3.11 and Appendix B. Number two is connections to the existing public river walk sections immediately east at River Run South and immediately west at Miami Riverfront Residences. Number three is a study transportation on Northwest 16th Street Road. Number 4, provide a new seawall and consider sea level rise in determining the best elevation. And in conclusion, number 5, provide the working river covenant as required by the City Comp Plan. Your time and continued support for the Miami River District are appreciated. Thank you.

Chair Hardemon: Thank you.

Vice Chair Russell: Mr. Clerk --

Commissioner Gort: I'm going to add number 6: A terminal to make sure in the future for water taxis.

Mr. Bibeau: We support that 100 percent. Thank you, Mr. Chairman.

Commissioner Gort: Okay.

Vice Chair Russell: Thank you. Please.

Nora Tenny: Good afternoon, Commissioners. My name is Nora Tenny, and this is in regards to PZ.4 that we've been --PZ.4, mm-hmm. As owner and resident of 1325 Southwest 22nd Terrace, I am one of the most affected by this new proposal, and we're specifically talking about the lot right next to me. I have a well-established interest in ensuring that any development which occurs on the property adjacent to mine remains residential. My conviction is that a two-story commercial parking garage is an incompatible construction and usage next to my home or any other family home. This current T3-O lot fronting 22nd Terrace should consist of two-story townhomes. I am entirely opposed to the use of a façade to make the garage look like townhouses. A façade is a vague and ambiguous concept. There is currently nothing vague and ambiguous about the existing residential structures in our neighborhood. A commercial garage is a commercial zoning aspect that the applicant is trying to force into a residential neighborhood. To have a commercial garage built next to a family home, no matter how camouflaged, would take someone who is totally insensitive, hard-hearted, and obviously not the

one living right next to the garage, who would also, by the way, taken in multiplied exhaust fumes. This would truly be a violation of the heart of the residential zoning. That is why this amendment must clearly and specifically state and require that only actual dwellings, such as townhouses or duplexes be built on the front of a residential street; 22nd Terrace in this instance. This needs to be actual, livable, residential structures. Garages can be built behind these structures and along the eastern border of the property facing 13th Avenue. Commissioners, please; and Mr. Garcia, we need to make these changes to this legislation in order to solidly protect the residents of our neighborhood, now and for the future; otherwise, what assurances do we have that this applicant or any other developer would construct on the lot what he says he would construct?

Vice Chair Russell: Thank you, Ms. Tenny.

Ms. Tenny: Just one last note.

Vice Chair Russell: Of course.

Ms. Tenny: A little bit of this, particular. The residents don't want to be constantly harassed year after year by a developer whose application was denied, and then he can start the process all over again and again. Once an application was denied, trying to change a T3 to a T4, then that should be the end of it; no more reapplications. I don't know who else to go to, but I will find out if I have to.

Vice Chair Russell: All right.

Ms. Tenny: I also brought some pictures for you all, because I want you to see what a pretty neighborhood it is, my street; what pretty houses we have. We have several single-family homes right in this area right here. And the parking lot next to us, which is right now just a flat level parking --

Vice Chair Russell: Yes.

Ms. Tenny: -- is pretty covered with this nice hedge.

Vice Chair Russell: Thank you. And Ms. Tenny, just to clarify, if I remember correctly, I believe we denied this with the specific intention of bringing it back as a blanket change for that reason, so I don't believe it's a second bite at the apple as much as it is trying to create a sweeping motion instead of a single ranking.

Commissioner Carollo: Hey, listen, listen, because at that time, it appeared that we had consensus from the neighbors. At the same time, it was also midnight or 1 in the morning; I'm not really sure. But this -- but, you know, we denied, we clearly denied; but at the same time, we said about bringing it back with consensus from the neighbors.

Vice Chair Russell: Way to address, yeah.

Commissioner Carollo: And it's been clear to me; and it's been clear to me for some time now that we do not have consensus from the neighbors.

Vice Chair Russell: Clearly. Thank you very much. Is there anyone else who would like to speak on the PZ items? At this time, we'll close public hearing for PZ.

Commissioner Carollo: Mr. Chairman.

Vice Chair Russell: Yes.

Commissioner Carollo: One note: We had a time certain for a PZ item, and then we just continued the PZ agenda, but we didn't finish the regular Commission agenda, and there's been someone here that's been waiting from Little Havana Activity Center for some time. I would like to discuss that, but I would like --

Vice Chair Russell: Which I don't --

Commissioner Carollo: -- the full Commission to be here. Well --

Commissioner Suarez: Yeah.

PZ.1**16-00741ha****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DENYING OR GRANTING THE APPEAL FILED BY BRIAN T. JAMES AND NATHALIE CADET JAMES, AND AFFIRMING OR REVERSING THE DECISION OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD, WHICH APPROVED THE RECLASSIFICATION OF THE PROPERTY LOCATED AT APPROXIMATELY 184 NORTHEAST 45 STREET, MIAMI, FLORIDA FROM A NON-CONTRIBUTING STRUCTURE TO A CONTRIBUTING STRUCTURE, WITHIN THE BUENA VISTA EAST HISTORIC DISTRICT.

16-00741ha 09-22-16 CC Fact Sheet.pdf

16-00741ha Appeal Letter.pdf

16-00741ha Analysis & HEPB Reso.pdf

16-00741ha Legislation (v5).pdf

16-00741ha Legislation (v6).pdf

LOCATION: Approximately 184 NE 45 Street [Commissioner Keon Hardemon - District 5]

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

APPELLANT(S): Ben Fernandez, Esquire, on behalf of Brian T. James and Nathalie Cadet James

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval of the classification change.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD: Recommended approval of the change in classification on May 3, 2016, by a vote of 5-0.

Cross-reference File ID 15-01641.

PURPOSE: Appeal of the decision by the Historic and Environmental Preservation Board.

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

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

Note for the Record: Item PZ.1 was continued to the September 22, 2016 Planning and Zoning Commission Meeting.

Note for the Record: For public hearing comments referencing item PZ.1, please see The following item(s) shall not be considered before 2:00PM."

Chair Hardemon: The Chair would like to entertain a motion to defer items PZ.1, PZ.2, and PZ.3 to 9/22.

Commissioner Gort: Move it.

Commissioner Carollo: Second.

Chair Hardemon: It's properly moved and seconded that we continue PZ.1, PZ.2, and PZ.3 to 9/22. Is there any further unreadiness? Hearing none, all in favor, say aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

PZ.2**ORDINANCE****Second Reading****15-00974lu**

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 APPROXIMATELY 0.17 ACRES OF REAL PROPERTY WHICH IS THE EASTERN PORTION OF A PROPERTY COMPRISED OF APPROXIMATELY 0.40 ACRES LOCATED AT APPROXIMATELY 4201 NORTHWEST 2ND AVENUE, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "LOW DENSITY RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

15-00974lu 09-22-16 CC SR Fact Sheet.pdf
 15-00974lu Analysis, Maps & PZAB Reso.pdf
 15-00974lu Application & Supporting Docs.pdf
 15-00974lu Legislation (v2).pdf
 15-00974lu Exhibit.pdf

LOCATION: Approximately 4201 NW 2nd Avenue [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Steven Wernick, Esquire, on behalf of 4201 Design West, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID 15-00974zc.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on October 21, 2015, by a vote of 11-0.

PURPOSE: This will change the Land Use Designation of the eastern portion of the above property from "Duplex Residential" to "Low Density Restricted Commercial".

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

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

Note for the Record: Item PZ.2 was continued to the September 22, 2016 Planning and Zoning Commission Meeting.

Note for the Record: For public hearing comments referencing item PZ.2, please see The following item(s) shall not be considered before 2:00PM."

Note for the Record: For minutes referencing item PZ.2, please see item PZ.1.

PZ.3**ORDINANCE****Second Reading****15-00974zc**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM T3-L "URBAN TRANSECT ZONE - LIMITED" TO T4-L "GENERAL URBAN CENTER TRANSECT ZONE - LIMITED" AND T4-L "GENERAL URBAN CENTER TRANSECT ZONE - LIMITED" TO T4-O "GENERAL URBAN CENTER TRANSECT ZONE - OPEN", FOR THE PROPERTY LOCATED AT APPROXIMATELY 4201 NORTHWEST 2ND AVENUE, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

15-00974zc 09-22-16 CC SR Fact Sheet.pdf
 15-00974zc Analysis, Maps & PZAB Reso.pdf
 15-00974zc Application & Supporting Docs.pdf
 15-00974zc Legislation (v3).pdf
 15-00974zc Exhibit A.pdf

LOCATION: Approximately 4201 NW 2nd Avenue [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Steven Wernick, Esquire, on behalf of 4201 NW 2 Avenue, LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID 15-00974lu.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval, with conditions, on October 21, 2015, by a vote of 11-0.

PURPOSE: This will allow a Zoning Classification change from T3-L "Urban Transect Zone- Limited" to T4-L "General Urban Center Transect Zone - Limited" and T4-L "General Urban Center Transect Zone - Limited" to T4-O "General Urban Center Transect Zone - Open" for the above property.

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

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

Note for the Record: Item PZ.3 was continued to the September 22, 2016 Planning and Zoning Commission Meeting.

Note for the Record: For public hearing comments referencing item PZ.3, please see The following item(s) shall not be considered before 2:00PM."

Note for the Record: For minutes referencing item PZ.3, please see item PZ.1.

PZ.4

ORDINANCE**First Reading****16-00401zt**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING ARTICLE 3.6, ENTITLED "OFF-STREET PARKING AND LOADING STANDARDS", TO ADD SUBSECTION 3.6.1(f); CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

16-00401zt 07-29-16 CC FR Fact Sheet.pdf

16-00401zt Proposed New Draft.pdf

16-00401zt PZAB Reso.pdf

16-00401zt Legislation (v3).pdf

16-00401zt-Submittal-Nora Tenny-Photo.pdf

16-00401zt-Submittal-Luis Herrera-Letter regarding T3 Parking Issue.pdf

16-00401zt-Submittal-Maria Lievano Cruz-Miami Roads Assoc. Reso No. R-16-01.pdf

16-00401zt-Submittal-Elvis Cruz-Presentation on T3 Commercial Parking.pdf

16-00401zt-Submittal-Grace Solares-Analysis on T3 Parking Issue.pdf

16-00401zt-Submittal-Maria Lievano Cruz-Miami Roads Assoc. Letters in Opposition.pdf

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval, with the condition the process employed be that of an Exception, on April 6, 2016, by a vote of 7-3.

PURPOSE: This will amend Article 3, adding Section 3.6.1 (f) to the Zoning Ordinance, in order to allow a property in a T3 Transect Zone to satisfy some of the parking requirements of a project on an abutting T6 Transect Zone, through the Warrant process, in accordance with certain criteria.

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

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

Note for the Record: For public hearing comments referencing item PZ.4, please see The following item(s) shall not be considered before 2:00PM."

Chair Hardemon: Okay. Our constituents from -- I'm sorry, I stepped out. Did we have any --

Commissioner Suarez: PZ.4.

Chair Hardemon: -- action on PZ.4?

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: This item was generated from an issue that occurred in District 3. You know, when we wanted to have this item come forward or have the Administration bring something forward to us, it was with the interpretation and the intention of having the community's support, and we clearly do not have that. So I prefer just to withdraw PZ.4 --

Commissioner Suarez: Second.

Commissioner Carollo: -- all together, and then bring it back -- or if it's even brought back, you know, but before anything is brought back, please have discussion with all the neighbors; see if there's any type of agreement; if not, don't even --

Commissioner Suarez: Second.

Commissioner Carollo: -- bother to bring it back.

Chair Hardemon: It's been properly moved --

Commissioner Carollo: That's my motion.

Commissioner Suarez: Yeah.

Chair Hardemon: -- and seconded to be withdrawn. Any further discussion about the withdrawal?

Commissioner Suarez: Sorry you guys had to wait so long.

Chair Hardemon: Seeing none, all in favor, say bye."

The Commission (Collectively): Aye.

Commissioner Carollo: And thank you, everyone, for being here --

Commissioner Suarez: Thank you.

Commissioner Carollo: -- and speaking on this item.

PZ.5

16-00666sc

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE, A PORTION OF NORTHWEST 1ST AVENUE, BETWEEN NORTHWEST 1ST STREET AND NORTHWEST 2ND STREET, MIAMI, FLORIDA.

16-00666sc 07-29-16 CC Fact Sheet.pdf

16-00666sc Analysis, Maps & PZAB Reso.pdf

16-00666sc Application & Supporting Docs.pdf

16-00666sc Legislation (v2).pdf

16-00666sc Exhibit.pdf

LOCATION: Approximately NW First Ave. between NW First St and NW Second St. [Commissioner Ken Russell - District 2]

APPLICANT(S): Javier Avino, Esquire, on behalf of DT Miami A LLC and Miami B LLC; Daniel J. Alfonso, City Manager, on behalf of the City of Miami as co-applicant

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval, with conditions.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval, with conditions, on June 15, 2016 by a vote of 9-0.

PURPOSE: The purpose of this street closure is to annex the closed section of NW 1st Avenue into the approved Tract A, and to realign it with N. Miami Court. The reason for the request is to further unify a development site for the redevelopment of Flagler Gran Central Station (part of the All Aboard Florida rapid transit facilities).

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

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

R-16-0376

Chair Hardemon: PZ (Planning & Zoning) 5.

Francisco Garcia (Director, Planning & Zoning): Mr. Chair --

Commissioner Gort: Wait. Soon you'll be talking to the TV (television) in Spanish.

Chair Hardemon: Just a little Rosetta Stone.

Commissioner Suarez: PZ 5.

Chair Hardemon: I haven't learned to divide a verb yet, though.

Mr. Garcia: I had been --

Chair Hardemon: (UNINTELLIGIBLE.) Go ahead.

Mr. Garcia: Thank you, sir. I had been advised that there might be an interest in continuing or deferring item PZ.1.

Chair Hardemon: That has been continued. PZ.1, 2 --

Commissioner Suarez: It's continued.

Chair Hardemon: -- and 3, all continued. So right now, we have PZ.5, 6, 7, 8, 11, 12, 13, and 14 that's left.

Mr. Garcia: Thank you; my apologies.

Commissioner Suarez: Excuse me.

Chair Hardemon: PZ.5.

Mr. Garcia: Thank you, sir.

Commissioner Gort: So we're on PZ.5 now, right?

Chair Hardemon: Correct.

Commissioner Gort: Okay.

Chair Hardemon: PZ.5.

Mr. Garcia: Item PZ.5 is a proposal for the vacation and closure of a portion of Northwest 1st Avenue between Northwest 1st Street and Northwest 2nd Street. This is for purposes of a future annexation with approved Tract A, and this is in conjunction with the All Aboard -- or Bright Line, I believe it's called -- Project. This is a resolution before you, sir. It requires only one reading. I'll defer to the applicant for further presentation. I'll answer any questions you may have. Thank you.

Javier Avino: For the record, Javier Avino, with law offices at 1450 Brickell Avenue. I'll be extremely brief. I know you've had a long agenda and still several items after that, but as --

Victoria Méndez (City Attorney): And a shade meeting. I'm just reminding everybody, the remainder of the shade meeting.

Mr. Avino: That's a reminder to me to be brief. So, as Mr. Garcia indicated, this is part of -- this is really the realignment of Northwest 1st Avenue. The City of Miami is a co-applicant in this. This is part of a larger land swap agreement that was approved last year. It was approved unanimously by this Board --

Commissioner Gort: Move it.

Mr. Avino: -- and contemplated --

Commissioner Suarez: Second.

Chair Hardemon: Been properly moved and seconded. Any further discussion about this item? Seeing none, all in favor, say aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

Mr. Avino: Thank you very much.

Chair Hardemon: You're welcome.

Commissioner Gort: Great presentation.

PZ.6
14-00054zc

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH

ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "T6-24-O" URBAN CORE ZONE-OPEN TO "T6-24B-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; FURTHER ACCEPTING A COVENANT, IN SUBSTANTIALLY THE FORM ATTACHED AS EXHIBIT "B", RESERVING NINETY-SIX (96) RESIDENTIAL UNITS AS WORKFORCE HOUSING; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

14-00054zc 07-29-16 CC SR Fact Sheet.pdf
14-00054zc Analysis, Maps & PZAB Reso.pdf
14-00054zc Application & Supporting Documents.pdf
14-00054zc Legislation (v4).pdf
14-00054zc Exhibit.pdf
14-00054zc Exhibit B - SUB.pdf
14-00054zc-Submittal-Iris Escarra-Housing Income Limits Chart.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 Ken Russell - District 2]

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

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended denial of the request to change to "T6-36A-O".

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

PURPOSE: This will change the above properties from "T6-24-O" to "T6-24B-O". Item includes a covenant.

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

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

13619

Chair Hardemon: PZ.6.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Item PZ.6 is the second reading of a rezoning proposal for parcels at approximately 140 Northeast Miami Place. This was originally a request for rezoning from T6-24-O to T6-36-A-O. As a result of the first reading, I believe the intent now is to rezone that to T6-24-B-O. You may recall that there was a proffer made by the applicants verbally in first reading; presently in writing. And I'll leave it to the applicant for further details. Happy to answer any questions you may have.

Iris Escarra: Good afternoon. Iris Escarra, with offices at 333 Southeast 2nd Avenue. I'm joined this evening by Carlos and Martin Melo. We in -- we provided a copy of the covenant to

the City Attorney's Office, as well as to the Planning Department -- they've reviewed it -- where we have committed 96 units of our 710 units, and that's 14 percent of the units at the building will be workforce housing. We are very happy of -- here. We're happy to answer any questions. We appreciate the Board, and I'm trying to be concise because of the time, but I'm here to answer any questions.

Vice Chair Russell: Yes. 96 units, correct?

Ms. Escarra: Correct.

Vice Chair Russell: Okay, because the agenda I had had 90. That was a misprint?

Ms. Escarra: No, it's 96.

Vice Chair Russell: It is 96.

Ms. Escarra: It is 96; equivalent to approximately 141,000 square feet, and that's clear in the covenant, and I can provide you a copy of that.

Vice Chair Russell: All right. Is everyone else's agenda correct, 96? Okay. Mine was the old version, the 90. So I certainly want to thank you for taking it to this level of officializing the affordability in this project. I know your intention, and a lot of the projects that you work on already have an affordable element to them, but the precedent we're trying to set, especially as we start to develop this neighborhood, is that we are prioritizing affordability. And the fact that you're actually allocating 96 units in here, I thank you very much. I'm -- I think it was worth the few arguments that we had.

Commissioner Suarez: Second.

Ms. Escarra: Discussions.

Commissioner Suarez: Second. Discussion.

Chair Hardemon: Was that a -- moved and seconded?

Commissioner Suarez: Yeah.

Chair Hardemon: So we'll take that as a --

Commissioner Suarez: Yeah. I think that was pretty emphatic.

Chair Hardemon: Any further discussion about the item?

Commissioner Suarez: Just quick. Yeah, it's important what you're saying, because right now, the County is looking at potentially layering on, and we've been working with the League of Cities on how this is going to potentially impact us on a workforce housing piece of legislation. So it's important, and we thank you for what you're doing.

Ms. Escarra: If I can put just one more fact into the record. You guys beat out the County, because the County, on the Douglas Station only got 11 percent affordable house --

Commissioner Suarez: That's right.

Ms. Escarra: -- they did workforce housing --

Commissioner Suarez: Which is (UNINTELLIGIBLE), yeah.

Ms. Escarra: -- in their project, and you're getting --

Chair Hardemon: We're leading --

Ms. Escarra: I know. I'm telling you, this is where it's happening.

Chair Hardemon: It's only copying us.

Commissioner Gort: Absolutely.

Ms. Escarra: Exactly.

Commissioner Carollo: Mr. Chairman.

Chair Hardemon: Yes.

Commissioner Carollo: And I think it goes without saying that, also, we have great developers that --

Commissioner Suarez: Yeah.

Commissioner Carollo: -- you know, also see the need for workforce housing and did step up.

Commissioner Suarez: It's good business. It's their business.

Commissioner Carollo: And that's important to mention.

Vice Chair Russell: Thank you. One comment or question. I just want to ask Mr. Garcia if T6-24-B is now a finished product, or will we be evolving it here as we go forward?

Mr. Garcia: Thank you for the question, sir. I certainly don't consider it so. And so, the remaining item as far as T6-24-B is concerned, prior to further -- prior to receiving further applications for the rezoning -- the wholesale rezoning of the entire area -- is for the Planning & Zoning Department to visit with each of the elected officials and ensure that the provisions as they presently exist are acceptable; in particular, as pertains to the Workforce Housing Program. And once I have that confidence, we will first have to present back to this Commission the complete Workforce Housing Program for T6-24-B.

Vice Chair Russell: Thank you. I look forward to it.

Mr. Garcia: And subsequent to that, there will be rezonings, as appropriate.

Chair Hardemon: Any further discussion? Hearing none, the rezoning -- so (UNINTELLIGIBLE) all in favor, say aye."

The Commission (Collectively): Aye.

Todd B. Hannon (City Clerk): It's an ordinance.

Chair Hardemon: That's right. So.

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

Victoria Méndez (City Attorney): As amended, with a covenant; and on the record that it is 96 --

Ms. Escarra: Correct.

Ms. Méndez: -- residential units as workforce. Thank you.

Mr. Hannon: Roll call on item PZ.6.

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

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

PZ.7**ORDINANCE****Second Reading****16-00052lu**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF THE APPROXIMATELY 5.2 ACRES OF REAL PROPERTY LOCATED AT 2501 AND 2507 NORTHWEST 16 STREET ROAD, MIAMI, FLORIDA, FROM "MEDIUM DENSITY RESTRICTED COMMERCIAL" TO "RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

16-00052lu 07-29-16 CC SR Fact Sheet.pdf

16-00052lu Analysis, Maps & PZAB Reso.pdf

16-00052lu Application & Supporting Docs.pdf

16-00052lu Legislation (v2).pdf

16-00052lu Exhibit A.pdf

16-00052lu Exhibit B.pdf

16-00052lu Exhibit C.pdf

16-00052lu-Submittal-MRC-Letter in Support of PZ.7 and PZ.8.pdf

LOCATION: Approximately 2501 and 2507 Northwest 16 Street Road
[Commissioner Wifredo (Willy) Gort - District 1]

APPLICANT(S): Simon Ferro, Esquire, on behalf of Miami Riverview Apartments, Inc.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

See companion File ID 16-00052zc.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with conditions on May 4, 2016, by a vote of 8-0.

PURPOSE: This will change the above property from "Medium Density Restricted Commercial" to "Restricted Commercial".

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

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

13620

Note for the Record: For public hearing comments referencing item PZ.7, please see The following item(s) shall not be considered before 2:00PM."

Chair Hardemon: PZ.7.

Iris Escarra: Thank you very much.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Items PZ.7 and PZ.8 are companion items. They are for the land use change and rezoning for the property at 2501, 2507 Northwest 16th Street Road. It is before you on second reading, and the proposal is to change the land use designation from medium density restricted commercial to restricted commercial; and the zoning from T5-L to T6-8-L. In the first reading, we discussed the need, perhaps, or rather the proffer of the applicant to have certain restrictions placed on the land to address parking issues and buffering issues as highlighted by the Commissioners. The applicants, in various meetings with the Planning & zoning Department, have proffered said covenant addressing those issues, and I will yield to the applicant to present them, and happy to answer any questions you may have.

Simon Ferro: Thank you. Good evening. Simon Ferro, offices at 600 Brickell. I represent the applicant. Since the last meeting, we took note of the conditions that -- suggested by Commissioner Gort. We met with the Planning Department. We sat down and discussed a number of issues, which we have incorporated into the covenant we had already provided to the City. Those conditions relate to landscaping, and they relate to adherence to a number of the Miami River Greenway regulatory design standards, which are on page 3 of this covenant. We've included these conditions to the covenant. We also incorporated a condition that limits the height of the building that would be closest to the east side of our property, which abuts a six-story building. And we're saying that no building or portion of a building or structure shall exceed six stories, as defined in Miami 21, within 120 feet of the east boundary line of our property. So within the east 120 feet of our property, which is the property that abuts the six-story condominium, there will be no building or portion of a building that would be taller than six stories. We believe we've complied with the intent and the spirit of the conditions as suggested by Commissioner Gort. We attempted to meet with the two objectors who were here, and notwithstanding my attempts to communicate with them, they -- we never met with them, because they never -- they were never -- out of town.

Commissioner Gort: That's all right. You're going to be meeting with me, don't worry.

Mr. Ferro: So with that said, we're happy to answer any questions you may have, and we ask that you --

Commissioner Gort: Let me ask a question. You received the recommendation from the Miami River Commission. Are you in favor of it?

Mr. Ferro: Yes. And --

Commissioner Gort: Yeah. There's five of them, but I'm going to add an additional one. Number 6 will be to create a terminal for water taxis.

Mr. Ferro: I'm sorry, I --

Commissioner Gort: A terminal for water taxis.

Mr. Ferro: Commissioner, we're happy to explore that, but we do not have the depth on our side -- we're on the north fork of the river, in fact.

Commissioner Gort: No, I understand. I know the site real well.

Mr. Ferro: Right. We do not -- I don't know how we can incorporate a terminal for water taxis, but if you would allow us to come in with a site plan, because when we come in with a site plan is when we're going to be able to see what we can do there in terms of --

Commissioner Gort: The one thing I'm going to request, I'm going to be working with the Planning Department. Anything that comes up, I got to be involved, okay? Move it.

Commissioner Suarez: Second.

Victoria Méndez (City Attorney): I just want to clarify. You said that there was the covenant that limited -- there was a limit on stories, I believe?

Mr. Ferro: Yes.

Ms. Méndez: And where exactly -- I'm sorry, because I'm looking through it quickly and --?

Commissioner Gort: Yeah. The covenant was submitted --

Chair Hardemon: Can you speak into the microphone, please?

Commissioner Gort: Yeah.

Mr. Ferro: It's on page 3 of this covenant. You may have the old covenant.

Ms. Méndez: Old one.

Mr. Ferro: Right, yeah.

Ms. Méndez: Okay. So that's what I was clarifying. So there is an amended covenant --

Mr. Ferro: Yes.

Ms. Méndez: -- with --

Mr. Ferro: Which I have submitted --

Ms. Méndez: -- and then if it's -- has it been submitted to the Clerk, also?

Mr. Ferro: I'm sorry?

Ms. Méndez: Have you submitted a copy to the Clerk, as well? Do you have one, Todd? Okay. So then make sure you submit also a copy. And we're putting on the record that no building or portion of a building or structure shall exceed six stories, as defined by Section 3.5 of Miami 21, within 120 feet of the east boundary line of the property.

Mr. Ferro: That's correct.

Ms. Méndez: Okay.

Mr. Ferro: That's part of the covenant.

Ms. Méndez: I just wanted to make sure that was in the record. Thank you.

Chair Hardemon: Any further discussion? Hearing none.

Mr. Ferro: I have a question. On the -- just for clarification, on the issue of the water taxi, is that a condition, or that's for --?

Commissioner Gort: I'm going to be working with you on that, don't worry.

Mr. Ferro: Okay. Thank you.

Chair Hardemon: Madam City Attorney.

Ms. Méndez: Yes.

Commissioner Gort: It depends on the vessel.

Ms. Méndez: So then, Commissioner Gort, is that -- you'll be working with him in -- not -- separate from this application, correct?

Commissioner Gort: Yes.

Ms. Méndez: It's separate? It's aspirational to work on this. Okay. So PZ.6, an ordinance.

Todd B. Hannon (City Clerk): 7. PZ.7.

Ms. Méndez: 7. PZ.7.

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

Mr. Hannon: And that's as amended; correct, Madam City --

Ms. Méndez: This is the land use. The amendment will be on the zoning.

Mr. Hannon: Yes, ma'am. Roll call on item PZ.7.

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

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

PZ.8

16-00052zc

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF THE APPROXIMATELY 5.2 ACRES OF REAL PROPERTY LOCATED AT 2501 AND 2507 NORTHWEST 16TH STREET ROAD, MIAMI, FLORIDA, FROM T5-L, "URBAN CENTER - LIMITED", TO T6-8-L, "URBAN CORE - LIMITED"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

16-00052zc 07-29-16 CC SR Fact Sheet.pdf
16-00052zc Analysis, Maps & PZAB Reso.pdf
16-00052zc Application & Supporting Docs.pdf
16-00052zc Legislation (v2).pdf
16-00052zc Exhibit A.pdf
16-00052zc Exhibit B-SUB.pdf
16-00052zc-Submittal-MRC-Letter in Support of PZ.7 and PZ.8.pdf

LOCATION: Approximately 2501 and 2507 NW 16th Street Road
[Commissioner Wifredo (Willy) Gort - District 1]

APPLICANT(S): Simon Ferro, Esquire, on behalf of Miami Riverview
Apartments, Inc.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.
See companion File ID 16-00052lu.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with
conditions on May 4, 2016, by a vote of 8-0.

PURPOSE: This will change the above property from T5-L "Urban
Center-Limited" to T6-8-L "Urban Core-Limited".

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

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

13621

*Note for the Record: For public hearing comments referencing item PZ.8, please see The
following item(s) shall not be considered before 2:00PM."*

Chair Hardemon: PZ.8.

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

Todd B. Hannon (City Clerk): And Chair, is there a motion and a second?

*Chair Hardemon: The -- I'm sure the gentleman from the First District would -- he moves. Is
there a second?*

Commissioner Carollo: Second.

Vice Chair Russell: Second.

Chair Hardemon: All right. Been properly moved and seconded. Any -- oh, we can call a vote.

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, as amended, 5-0.

Chair Hardemon: PZ.11.

Simon Ferro: Thank you very much. Have a good evening. Thank you.

Chair Hardemon: Thank you.

PZ.9

ORDINANCE

Second Reading

15-00977ap

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PURSUANT TO ARTICLES 3 AND 7 OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA ("MIAMI 21 CODE"), AS AMENDED, APPROVING THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 23.46 ACRES (1,022,917 SQUARE FEET) FOR THE MANA WYNWOOD SPECIAL AREA PLAN ("MANA WYNWOOD SAP"), A MIXED USE DEVELOPMENT COMPRISED OF SELECTED PARCELS, BOUNDED APPROXIMATELY BY NORTHWEST 24TH STREET TO THE NORTH INCLUDING SPECIFIC PARCELS FRONTING NORTHWEST 24TH STREET TO THE NORTH, NORTHWEST 6TH AVENUE TO THE WEST, NORTHWEST 22ND STREET TO THE SOUTH, AND NORTHWEST 2ND AVENUE TO THE EAST, MIAMI, FLORIDA, AS DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED; THE MANA WYNWOOD SAP CONSISTS OF A PHASED PROJECT DIVIDED INTO SIX (6) PARTS WHICH INCLUDES APPROXIMATELY 9,719,083 SQUARE FEET OF DEVELOPMENT CONSISTING OF THE FOLLOWING: A) APPROXIMATELY 3,482 RESIDENTIAL UNITS; B) APPROXIMATELY 8,483 PARKING SPACES; C) APPROXIMATELY 51,146 SQUARE FEET OF CIVIC SPACE; AND D) APPROXIMATELY 168,287 SQUARE FEET OF OPEN SPACE; THE MANA WYNWOOD SAP WILL MODIFY THE TRANSECT ZONE REGULATIONS THAT ARE APPLICABLE TO THE SUBJECT PARCELS, WHERE A SECTION IS NOT SPECIFICALLY MODIFIED, THE REGULATION AND RESTRICTION OF THE MIAMI 21 CODE SHALL APPLY; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE AT TIME OF BUILDING PERMIT BUT SHALL NOT EXCEED 9,719,083 SQUARE FEET OF DEVELOPMENT; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

15-00977ap 09-08-16 CC SR Fact Sheet.pdf

15-00977ap Analysis, Maps & PZAB Reso.pdf

15-00977ap Application & Supporting Docs.pdf

15-00977ap Legislation (v2).pdf

15-00977ap Exhibit A.pdf

15-00977ap Exhibit B.pdf

15-00977ap Exhibit C.pdf

15-00977ap Exhibit D.pdf

15-00977ap-Submittal-Elvis Cruz-Miami21 Article 3 Document.pdf

15-00977ap-Submittal-Edward Prince-Resolution of the Overtown Community Oversight Board.pdf

15-00977ap-Submittal-Albert Garcia-Resolutions of the Board of the Wynwood Business Develop

15-00977ap-Submittal-Iris Escarra-Proposal Map.pdf

LOCATION: Approximately Northwest 24th Street to the north, Northwest 6th Avenue to the west, Northwest 22nd Street to the south and Northwest 2nd

Avenue to the east [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Iris Escarra, Esquire on behalf of Mannigan Holdings, LLC, Marcella Realty, LLC, Megan Holdings, LLC, Melanie Holding, LLC Mizrachi Holdings, LLC, Wynwood Holdings, LLC, 2294 NW 2 Avenue Property LLC, Maption Holdings, LLC, Malux Realty LLC, Milana Holdings LLC and Millie Realty LLC

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval with conditions on March 2, 2016, by a vote of 11-0.

PURPOSE: This will allow the area to be Master Planned to allow a greater integration of public improvements and infrastructure and greater flexibility as part of the Mana Wynwood SAP.

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

Votes: Ayes: 3 - Commissioner(s) Russell, Carollo and Hardemon

Absent: 2 - Commissioner(s) Gort and Suarez

Note for the Record: Item PZ.9 was deferred to the September 8, 2016 Regular Commission Meeting.

Chair Hardemon: Mr. Vice Chairman, I'd like to move to continue an item that's on the Planning & Zoning -- two items, rather: item PZ.9 and PZ.10 -- to the first meeting in September.

Vice Chair Russell: PZ.9 and PZ.10 have been moved to be continued until which? I'm sorry.

Chair Hardemon: The first meeting in September.

Vice Chair Russell: First meeting in September; September 8, right?

Todd B. Hannon (City Clerk): September 8; that's correct, sir.

Vice Chair Russell: Got a second?

Chair Hardemon: Is there a second?

Commissioner Carollo: Second.

Vice Chair Russell: It's been moved and second. All in favor, say "aye."

The Commission (Collectively): Aye.

Vice Chair Russell: Any opposed? Motion passes.

Chair Hardemon: Thank you very much.

PZ.10
15-00977da

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN THE MANA WYNWOOD APPLICANT ENTITIES, AS DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED, AND THE CITY OF MIAMI, FLORIDA, RELATING TO THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 23.46 ± ACRES FOR THE MANA WYNWOOD SPECIAL AREA PLAN ("MANA WYNWOOD SAP"), COMPRISED OF SELECTED PARCELS, BOUND APPROXIMATELY BY NORTHWEST 24TH STREET TO THE NORTH INCLUDING SPECIFIC PARCELS FRONTING NORTHWEST 24TH STREET TO THE NORTH, NORTHWEST 6TH AVENUE TO THE WEST, NORTHWEST 22ND STREET TO THE SOUTH, AND NORTHWEST 2ND AVENUE TO THE EAST, MIAMI, FLORIDA, AS DESCRIBED IN EXHIBIT "B", ATTACHED AND INCORPORATED, FOR THE PURPOSE OF THE REDEVELOPMENT OF THE SELECT PARCELS FOR MIXED USES; AUTHORIZING THE FOLLOWING USES INCLUDING, BUT NOT LIMITED TO: RESIDENTIAL, COMMERCIAL, LODGING, CIVIC, EDUCATIONAL AND CIVIL SUPPORT, PARKING GARAGE AND ANY OTHER USES AUTHORIZED BY THE MANA WYNWOOD SAP, AND PERMITTED BY THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN - FUTURE LAND USE MAP DESIGNATION AND THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI; AUTHORIZING A DENSITY OF APPROXIMATELY 150 UNITS PER ACRE; AUTHORIZING A BUILDING HEIGHT OF BETWEEN 1 AND 24 STORIES BASED ON THE TRANSECT ZONE, INCLUSIVE OF AVAILABLE BONUSES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

15-00977da 09-08-16 CC SR Fact Sheet.pdf

15-00977da Legislation (v1).pdf

15-00977da Exhibit A.pdf

15-00977da Exhibit B.pdf

15-00977da Exhibit Development Agreement.pdf

15-00977da-Submittal-Elvis Cruz-Miami21 Article 3 Document.pdf

15-00977da-Submittal-Edward Prince-Resolution of the Overtown Community Oversight Board.pdf

15-00977da-Submittal-Iris Escarra-Proposal Map.pdf

LOCATION: Approximately Northwest 24th Street to the north including specific parcels fronting Northwest 24th Street to the north, Northwest 6th Avenue to the west, Northwest 22nd Street to the south and Northwest 2nd Avenue to the east. [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Mana Wynwood SAP applicant entities as described in Exhibit "A" and the City of Miami.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PURPOSE: This will allow the area to be Master Planned to allow a greater integration of public improvements and infrastructure and greater flexibility as part of the Mana Wynwood SAP.

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

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

Note for the Record: Item PZ.10 was deferred to the September 8, 2016 Regular Commission Meeting.

Note for the Record: For minutes referencing item PZ.10, please see item PZ.9.

PZ.11

ORDINANCE

Second Reading

16-00653zc

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 T6-8-O, "URBAN CORE TRANSECT ZONE OPEN", TO T6-12-O, "URBAN CORE TRANSECT ZONE OPEN", FOR THE PROPERTIES BOUNDED BY NORTHWEST 15TH STREET ROAD AND NORTHWEST 14TH STREET TO THE NORTH; NORTHWEST NORTH RIVER DRIVE TO THE SOUTH; NORTHWEST 14TH AVENUE TO THE EAST; AND NORTHWEST 15TH AVENUE AND NORTHWEST 17TH AVENUE TO THE WEST, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

16-00653zc 07-29-16 CC SR Fact Sheet.pdf
16-00653zc Analysis, Maps & PZAB Reso.pdf
16-00653zc Legislation (v2).pdf
16-00653zc Exhibit.pdf

LOCATION: Approximately bounded by NW 15th Street Road and NW 14th Street to the North; NW North River Drive to the South; NW 14th Avenue to the East; and NW 15th Avenue and NW 17th Avenue to the West. [Commissioner Wifredo "Willy" Gort - District 1]

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

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on May 18, 2016, by a vote of 7-0.

PURPOSE: This will change selected properties in the area from T6-8-O "Urban Core Transect Zone Open" to T6-12-O "Urban Core Transect Zone Open".

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

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

13622

Chair Hardemon: PZ.11.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Item PZ.11 is a zoning change. The land use is already in place. It is a zoning change for an area west of the Civic Center or the Health District, as it's known presently. The change is from T6-8-O to T6-12-O, and it was recommended for approval by the Planning, Zoning & Appeals Board, as it is by your Planning & Zoning Department. The purpose generally speaking is to increase the density for residential uses west of the Health District to complement the development that's taking place there now. And I'll say again briefly for the record that the area encompassed is roughly bounded by Northwest 15th Street Road and Northwest 14th Street to the north; Northwest North River Drive to the south; Northwest 14th Avenue to the east; and Northwest 15th Avenue and Northwest 17th Avenue to the west. That's all I have by way of presentation. I'll be happy to answer any questions you may have.

Commissioner Gort: Move it. This is the Veterans Village, right?

Mr. Garcia: It is, sir, yes.

Commissioner Carollo: Second.

Chair Hardemon: It's been properly moved and seconded. Any further discussion?

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

Todd B. Hannon (City Clerk): Roll call on item PZ.11.

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

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

PZ.12

16-00719lu

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 SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY LOCATED AT APPROXIMATELY 144 NORTHEAST 5TH STREET, MIAMI, FLORIDA, FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION, AND UTILITIES" TO "CENTRAL BUSINESS DISTRICT"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

16-00719lu 07-29-16 CC SR Fact Sheet.pdf

16-00719lu Analysis, Maps & PZAB Reso.pdf

16-00719lu Legislation (v3).pdf

16-00719lu Exhibit.pdf

LOCATION: Approximately 144 NE 5 St [Commissioner Ken Russell - District 2]

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

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID 16-00719zc.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on July 6, 2016, by a vote of 7-1.

PURPOSE: This will change the Future Land Use designation of the affected area from "Major Institutional, Public Facilities, Transportation, and Utilities" to "Central Business District".

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

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

13623

Chair Hardemon: PZ.12.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Items PZ.12 and 13 are companion items. They are respectively for the land use change and zoning change for a parcel at 144 Northeast 5th Street in downtown. This is the present location of Fire Station Number 1 of the City of Miami, and the intent is to change the zoning designation from CI, which it is presently, given the civic institutional use, to T6-80-O, which is the zoning designation of the land in the immediate area. The purpose ultimately is to consider the sale of this land possibly to Miami Dade College or other purchasers as appropriate. It was recommended for approval by the Planning & Zoning Department, as well as the Planning, Zoning & Appeals Board. And I'll be happy to answer any questions you may have.

Vice Chair Russell: I'd like to move it.

Chair Hardemon: So moved. Is there a second? Seconded by Commissioner on the Fourth District. Any further discussion? Hearing none, 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 PZ.12.

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

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

PZ.13

16-00719zc

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM CI, "CIVIC INSTITUTIONAL", TO T6-80-O, "URBAN CORE TRANSECT ZONE

- OPEN", FOR THE PROPERTY LOCATED AT APPROXIMATELY 144 NORTHEAST 5 STREET, MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

16-00719zc 07-29-16 CC SR Fact Sheet.pdf
16-00719zc Analysis, Maps & PZAB Reso.pdf
16-00719zc Legislation (v3).pdf
16-00719zc Exhibit.pdf

LOCATION: Approximately 144 NE 5 St [Commissioner Ken Russell - District 2].

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

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID 16-00719lu.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on July 6, 2016, by a vote of 6-1.

PURPOSE: This will change the above mentioned property from "C1" Civic Institutional to "T6-80-O" Urban Core Transect Zone - Open. This item has a companion item for FLUM amendment.

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

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

13624

Chair Hardemon: PZ.13.

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

Todd B. Hannon (City Clerk): Vice Chair Russell, is there a motion and a second?

Vice Chair Russell: Yes. I'll move it, please.

Mr. Hannon: Actually, as the Chair, you cannot move the item.

Commissioner Suarez: I'll move it.

Vice Chair Russell: Oh, I didn't realize (UNINTELLIGIBLE).

Commissioner Suarez: I'll move it.

Vice Chair Russell: I'll second as the Chair.

Commissioner Suarez: Yes.

Mr. Hannon: One second.

Victoria Méndez (City Attorney): I'm confirming that we had public -- the public hearing at the

beginning, right --

Mr. Hannon: Yes, ma'am.

Ms. Méndez: -- on this one? Thank you so much.

Mr. Hannon: Roll call on item PZ.13.

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

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

PZ.14

ORDINANCE

First Reading

16-00655lu

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION OF THE APPROXIMATELY 8.58 ACRES DESCRIBED HEREIN OF REAL PROPERTIES LOCATED AT APPROXIMATELY 34, 35, 44, 49, 50, 58, 63, 65, 66, 73, 74, 82, 83, 91, 92, 97, 98, 103, 104, 108, 109, 120, 125, 127, 130, 142, 143, 151, 152, 160, AND 165 NORTHWEST 27TH STREET; 34, 35, 39, 40, 50, 51, 58, 62, 65, 73, 74, 80, 83, 84, 91, 101, 108, 111, 116, 121, 122, 129, 135, 136, 143, 144, 152, 153, 160, 161, 168, 169, AND 179 NORTHWEST 26TH STREET; 2520, 2521, AND 2601 NORTHWEST 1ST AVENUE, MIAMI, FLORIDA, FROM "MEDIUM DENSITY RESTRICTED COMMERCIAL" TO "RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

16-00655lu 09-08-16 CC SR Fact Sheet.pdf

16-00655lu Analysis, Maps, PZAB Reso & Addt'l Docs.pdf

16-00655lu Legislation (v2).pdf

16-00655lu Exhibit.pdf

LOCATION: Approximately 34, 35, 44, 49, 50, 58, 63, 65, 66, 73, 74, 82, 83, 91, 92, 97, 98, 103, 104, 108, 109, 120, 125, 127, 130, 142, 143, 151, 152, 160, and 165 NW 27 St, 34, 35, 39, 40, 50, 51, 58, 62, 65, 73, 74, 80, 83, 84, 91, 101, 108, 111, 116, 121, 122, 129, 135, 136, 143, 144, 152, 153, 160, 161, 168, 169, and 179 NW 26 St, 2520, 2521, and 2601 NW 1 Av [Commissioner Keon Hardemon- District 5]

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

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on May 18, 2016, by a vote of 7-0.

PURPOSE: Change the land use designation of the affected area from

"Medium Density Restricted Commercial" to "Restricted Commercial".

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

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

Note for the Record: For public hearing comments referencing item PZ.14, please see The following item(s) shall not be considered before 2:00PM."

Chair Hardemon: PZ.14.

Francisco Garcia (Director, Planning & Zoning): Thank you, sir. Item PZ.14 is a land use change proposal. The zoning designation does not change at all. This is a City application before you on first reading. It is for land within the Wynwood area, which is both east -- my apologies -- my apologies again -- it is both -- land both east and west of Northwest 1st Avenue and slightly to the north of Northwest 27th Street and slightly to the south of 26th Street. This is land that is presently subject to a land use designation of medium density restricted commercial. The proposed change is to restricted commercial, and the purpose of this proposed change is to allow these lands to avail themselves of the full density they have been awarded of 150 units per acre; without this land use change, they cannot. In so doing, they will be fully aligned with the remainder of the land within the Wynwood NRD-1 District. It was recommended for approval by the Planning & Zoning Department. It was recommended also for approval unanimously by the Planning, Zoning & Appeals Board; before you on first reading. Happy to answer any questions.

Chair Hardemon: The Chair would entertain a motion to approve.

Commissioner Suarez: It --

Chair Hardemon: It's been properly moved.

Commissioner Carollo: Second.

Chair Hardemon: And seconded. Any further discussion about the item?

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

Todd B. Hannon (City Clerk): Roll call on item PZ.14.

Chair Hardemon: Before we go there, the applicant is represented here, correct? You're representing the applicant?

Iris Escarra: We're one -- actually, we're a portion of the whole area that's being rezoned -- I'm sorry -- the comp plan amendment.

Chair Hardemon: So the portion that --

Mr. Garcia: The City --

Chair Hardemon: -- the portion -- I'm sorry. So this is sponsored by the City?

Mr. Garcia: City application, sir, yes.

Chair Hardemon: Okay.

Victoria Méndez (City Attorney): Right. So they're a portion of the 8.58 acres described with all

those addresses.

Chair Hardemon: Okay. All right. No problem. Move on to roll call.

Mr. Hannon: Roll call on item PZ.14.

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

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

PZ.15**ORDINANCE****First Reading****16-00659zt**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE") BY AMENDING ARTICLE 3, SECTION 3.3.1, ENTITLED "LOTS AND FRONTAGES"; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

16-00659zt 09-22-16 CC SR Fact Sheet.pdf

16-00659zt PZAB Reso.pdf

16-00659zt Legislation (v2).pdf

SPONSOR(S): Commissioner Francis Suarez

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

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on May 18, 2016, by a vote of 6-1.

PURPOSE: This ordinance will amend Article 3, Section 3.3.1 entitled, "Lots and Frontages" of the Zoning Ordinance.

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

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

Note for the Record: Item PZ.15 was deferred to the September 8, 2016 Regular Commission Meeting.

A motion was made by Commissioner Suarez, seconded by Commissioner Carollo, and was passed unanimously, directing the City Manager to place PZ.15 for first reading on the September 8, 2016 Regular Commission agenda and for second reading on the September 22, 2016 Planning and Zoning Commission agenda; further directing the City Manager to place Commissioner Suarez as the sponsor of the item.

Note for the Record: For public hearing comments referencing item PZ.15, please see The following item(s) shall not be considered before 2:00PM."

Chair Hardemon: Okay. We had -- I guess we do have a PZ.1 time certain. So let's hear that, then. You might want to -- well, PZ.1 time certain.

Francisco Garcia (Director, Planning & Zoning): Mr. Chair, if I may?

Chair Hardemon: Please.

Mr. Garcia: There were two additional Planning & Zoning items that at your leisure I would like to also request continuances for.

Chair Hardemon: Please.

Mr. Garcia: And those would be items PZ.15 and PZ.16. Both of them are zoning text amendments, and we would respectfully request that they be continued; and we suggest to a date of November 17 for purposes of having them go through the mandated public input and public discourse process. As you know that process is being coupled together presently, but we expect to have it up and running soon, and these will be the first two cases to go through that process. So with your permission, again, the recommendation is --

Commissioner Suarez: Which one?

Mr. Garcia: -- that PZ.15 and PZ.16 be continued to November 17.

Commissioner Suarez: Mr. Chair, if I may? Is that like a controversial one? Because I know they've been in the -- this has been in the public for a while.

Mr. Garcia: They have been, sir. Because they are zoning text amendments and they do fall under the purview of the public participation process, we are certainly open to have them be --

Commissioner Suarez: I'm comfortable sponsoring it, like ore tenus, if that's what I have to do, but I want to make sure the district Commissioner is okay with going forward on that.

Vice Chair Russell: (UNINTELLIGIBLE) going to continuances for PZ (Planning & Zoning). Let me see which one we're talking about.

Commissioner Carollo: Hold on. Is that the T3?

Commissioner Suarez: No, no, no; it's not the T3, no.

Vice Chair Russell: The estimate.

Commissioner Suarez: It's 15 and 16. It's on the NRD (Neighborhood Revitalization District) for Wynwood, I believe, right?

Vice Chair Russell: Yeah.

Commissioner Suarez: Yeah.

Mr. Garcia: 15 and 16, sir.

Commissioner Suarez: Right. I'm willing to sponsor it if that's what I have to do to hear it. I mean, it's not -- it's been -- it's gone through a public process for months, I think, but I leave it to you; I leave to the district Commissioner.

Commissioner Gort: *My apologies. What item are we on?*

Commissioner Suarez: *15 and 16.*

Steve Wernick: *Mr. Chair, if it's helpful, I could give --*

Commissioner Gort: *15 and 16 (UNINTELLIGIBLE)?*

Mr. Wernick: *-- one minute of background that may help the Commissioners understand it. These are specifics of Wynwood. Steve Wernick for the record, 98 Southeast 7th Street. PZ.16 is just reformatting for the NRD-1 regulations, Appendix J, and it was recommended by approval at PZAB (Planning, Zoning & Appeals Board). BID (Business Improvement District) Board had meetings on this, and there was extensive public participation. And PZ.15 is an amendment to Article 3, but it only has a practical applicability to Wynwood in very few properties. So they're both at this point just related to Wynwood. And I'm not aware of any objection. I don't think the BID Board has heard any objection, and we'd appreciate it if they'd be able to come back in September, and whether that's through a Commission sponsorship or some other mechanism.*

Commissioner Suarez: *I'm willing to sponsor it to do it now if you -- if that's the will of the Chair -- I mean of the district Commissioner.*

Victoria Méndez (City Attorney): *Right. So it would have to be either four-fifths in order to hear it today --*

Commissioner Suarez: *Okay.*

Ms. Méndez: *-- or a sponsorship; also a sponsorship by yourself.*

Commissioner Suarez: *I'll sponsor, you know, subject to the district Commissioner. If he's okay with me sponsoring it, I will; if not, I'll revoke it; up to the district Commissioner.*

Mr. Garcia: *For purposes of full clarity and full disclosure, both of these items appear in your agenda --*

Commissioner Suarez: *Yes.*

Mr. Garcia: *-- under the 's is 'moniker; so that, too, is for the consideration of the Chair, as I know --*

Commissioner Suarez: *Sure.*

Mr. Garcia: *-- there is a rule pertaining to that, as well.*

Chair Hardemon: *What was the reason of the request for the continuance?*

Mr. Garcia: *My reason for requesting continuance, sir, is to benefit from the public input process, as we've been required to do, since they are Administration applications for revisions of the Zoning Ordinance in this particular case. But in addition to that, I am reminded that they are published as 's is 'items, and I know that there is also a standing rule that those items are preferred not to be heard.*

Ms. Méndez: *The reason why they're 's is, 's because it didn't comply with the 60-day provision that was brought into effect by Commissioner Russell and the Commission --*

Commissioner Suarez: *Mr. Chair.*

Ms. Méndez: -- of the 60-day --

Commissioner Suarez: Yeah.

Ms. Méndez: -- you know, comment period.

Commissioner Suarez: This got caught up like in the middle. I mean, this was like --

Ms. Méndez: Right.

Commissioner Suarez: -- this was in the pipeline, and it had been heard by the BID Board; it had several public meetings, so it got kind of caught up in the pipe -- It was just sort of caught up in the middle. That's why I think it's an exception, essentially, since it was sort of caught up in the pipeline. That's why I'm willing to sponsor it; of course, deferring to the district Commissioner, if he doesn't feel comfortable with it.

Iris Escarra: Mr. Chair, are you going to be hearing any more public input on the deferral?

Chair Hardemon: On this deferral?

Ms. Escarra: Mm-hmm.

Chair Hardemon: You can speak to it.

Ms. Escarra: Iris Escarra, with offices at 333 Southeast 2nd Avenue. I would encourage the Board to please consider this. These are nuances that are actually just being clarified in the Code. This is the NRD, and the other one is just a text change. They did go through the Wynwood BID. They've gone to the PZAB Board. There's not something new being introduced in the sense it's not new legislation or anything of the sort. It's been vetted in various public audiences already, so we would ask this Board to consider allowing these to proceed this evening.

Chair Hardemon: The -- I have a question as to the sponsorship, because I could imagine -- I imagine that the Vice Chairman, the reason that he created the language that spoke of sponsorship was not for it to get to the floor of the Commission, but for it to be generated by someone from -- who is a Commissioner. And so, you know, I just want to make sure that I'm true to the intent of his legislation.

Vice Chair Russell: I guess -- well, the main question is, are we ready to hear it today? Because I was expecting for it to be deferred based on that. And the other thing is, does this only apply to this area? Currently, right now, it does. Right? But are we potentially applying this to other parts of the City where there might be public input necessary? I just want to -- you know, this is new. This public input process is new, and we haven't implemented it yet. This would actually be our first example of requiring it. And you're right; they were --

Commissioner Suarez: In the pipeline, yeah.

Vice Chair Russell: -- already in the process beforehand. It is a first reading, so I'm --

Commissioner Suarez: It's a reso, I think, right?

Vice Chair Russell: No, it's --

Commissioner Suarez: It's a reso.

Mr. Garcia: They are both ordinances, so they would require two readings.

Commissioner Suarez: Oh, I don't know why I have it here as a -- oh, I have the wrong one; no wonder. Sorry. My apologies.

Mr. Wernick: Commissioner Russell, can I answer the question you'd asked about PZ.15? So in order for this -- in order for PZ.15 --

Commissioner Gort: Bring your mike up, please.

Mr. Wernick: I'm sorry?

Commissioner Gort: Bring your mike up.

Mr. Wernick: Yeah. So Steve Wernick again. On PZ.15, in order for that ordinance to apply anywhere besides Wynwood, there would have to be some sort of other text amendment to create that density-shifting scenario that would have to come before you; that you'd have to see the substance of it, so it's not a situation where a neighborhood in the City may fall into that category without coming back through a full public hearing process.

Vice Chair Russell: As the public hearing resolution was passed, can a Commissioner sponsor from the floor the item as the way it's written?

Ms. Méndez: It doesn't preclude it.

Vice Chair Russell: Okay.

Ms. Méndez: I mean, it may not meet with the spirit, but it doesn't preclude it at all. And I think that was -- it was contemplated in that either you have a four-fifths or it's sponsored by a Commissioner.

Commissioner Suarez: I mean, we could do a vote of four-fifths if you want; that's fine, too, if that makes you feel better or whatever.

Vice Chair Russell: I think we'd have to, though. You're saying we have to, right? Oh, unless we interpret that a Commissioner can sponsor it --

Commissioner Suarez: Yeah.

Vice Chair Russell: -- from the floor.

Commissioner Suarez: But that's fine. I don't think there's going to be -- four-fifths is going to be an issue. I mean, I don't think -- this is not controversial, and this was kind of caught up in the middle; that's the only reason why. I think this has already gone through a public process and it's been caught in the middle, but I leave it to you guys' discretion.

Chair Hardemon: There is no motion on the floor.

Vice Chair Russell: No.

Chair Hardemon: (UNINTELLIGIBLE) needs a motion, so.

Commissioner Suarez: I'll move it; PZ.15.

Commissioner Carollo: Second.

Commissioner Gort: What's the motion again?

Commissioner Suarez: PZ.15. PZ.15.

Commissioner Gort: What's the motion?

Commissioner Suarez: To pass PZ.15. To pass PZ.15.

Vice Chair Russell: In which case, you're saying we need a four-fifths to --

Commissioner Suarez: Yeah.

Vice Chair Russell: -- hear it.

Commissioner Suarez: Yeah.

Vice Chair Russell: So once they move it, we need a --

Ms. Méndez: Right.

Vice Chair Russell: -- four-fifths to --

Commissioner Carollo: Well, it's first reading anyways.

Chair Hardemon: But actually, too, we have to have our public hearing.

Commissioner Suarez: Yeah, yeah, of course.

Chair Hardemon: Yeah, we have to have a public hearing.

Commissioner Gort: You want to give the public a chance.

Chair Hardemon: So I have to announce --

Commissioner Gort: Come on.

Chair Hardemon: -- entertain a motion to continue, and that's what this started from. So, you know, we're not there yet. So unless there's a motion to continue --

Ms. Méndez: If maybe the -- so the legislation says you could do it one of two ways, and maybe this will be easier for you: You can either vote four-fifths to hear it, period, if you're going to hear it tonight; or you can go through the whole public comment and then four-fifths, that obviously, you want to hear it if you're voting four-fifths. So those are the two ways. So maybe in --

Chair Hardemon: Right. If we're going to hear it today, we have to do public hearing. So I'm going to open up the floor for public hearing.

Commissioner Suarez: Sure.

Chair Hardemon: If we're not voting to continue it, if no one's decided on doing that, then we need to have public hearing.

Later...

Chair Hardemon: All right. I'm going to move back into the PZ agenda. I know that there was some discussion about PZ.14, 15, and 16, because there was a discussion about a continuance, et cetera. Is there any further discussion about whether or not that 14, 15, and 16 should pass?

Commissioner Suarez: Yeah. I'll sponsor it if that's what's needed to move it forward.

Vice Chair Russell: Yes, because the four-fifths that was mentioned really is only for emergency --

Commissioner Suarez: Right.

Ms. Méndez: Correct.

Vice Chair Russell: -- or safety issues.

Commissioner Suarez: I'll sponsor it.

Ms. Méndez: Correct. So the sponsorship --

Commissioner Suarez: I'll be the sponsor.

Ms. Méndez: -- would be the route if there is going to be no, you know --

Commissioner Suarez: I will sponsor it.

Ms. Méndez: -- 60-day comment period; the sponsorship.

Commissioner Suarez: Do you want me to move it? Do you want to move it?

Vice Chair Russell: Well, Commissioner Hardemon both -- it's -- this is both in -- in both of our districts; more so in yours than mine. I'm -- I have to say, expecting that it wasn't going to be heard, I did not spend time -- You know, normally, I would have already met with the developers, with the Wynwood BID, and really, you know, gotten a better grasp on this. So I apologize for that, because I was not -- I was expecting it to go through the full public -- as our first venture into the public commentary process. I do understand, though, that this has been in process, and if Commissioner Suarez would like to sponsor it for next -- that would --

Commissioner Suarez: Sure, that's fine.

Vice Chair Russell: -- cut the time down and --

Commissioner Suarez: Okay.

Vice Chair Russell: -- that will also --

Commissioner Suarez: That's fine.

Vice Chair Russell: -- I -- you know, I really do want to defer to you, as well, Commissioner Hardemon -- Mr. Chair, because this is more so in your district than mine.

Commissioner Suarez: I'm fine with it if that's what you guys want. I'll sponsor it for the next one; 14, 15, and 16, so that they get out of the 60-day requirement.

Chair Hardemon: So are we saying that you're sponsoring it so that it would be heard --

Commissioner Suarez: Oh, right.

Chair Hardemon: -- again on first reading?

Commissioner Suarez: It's 15 and 16. I'm sorry; not 14. It's 15 and 16, yeah.

Vice Chair Russell: It's 14; not --

Commissioner Suarez: Wait. It is 14? What?

Mr. Wernick: 14 is a future land use map amendment.

Commissioner Suarez: Right.

Mr. Wernick: I don't think it's talking about 15 --

Commissioner Suarez: You're talking about 15 and 16, right. That's what I thought; 15 and 16.

Mr. Garcia: That's correct.

Commissioner Suarez: Right.

Mr. Wernick: Right.

Chair Hardemon: So --

Commissioner Suarez: Okay.

Chair Hardemon: -- and I just want to be clear.

Commissioner Suarez: So I'm sponsoring 15 and 16 at the next meeting so that they don't have to wait 60 days.

Chair Hardemon: Okay. So it will be continued to the 9/22.

Commissioner Suarez: No, let's do it at the next one. The 9 -- is that okay, the next one, which is a month and a half away?

Mr. Wernick: (UNINTELLIGIBLE), yeah.

Commissioner Suarez: Yeah, that's fine.

Chair Hardemon: So there's a motion.

Commissioner Suarez: It's a deferral to the next Commission meeting.

Commissioner Carollo: Second.

Commissioner Suarez: Yeah; with the sponsorship, 15 and 16.

Ms. Escarra: May I ask a question of the Board through the Chair? If it goes to first reading on September 8, could it go to second reading --

Commissioner Suarez: Yes.

Ms. Escarra: -- September 22?

Commissioner Suarez: I will make the deferral so that it does that.

Ms. Escarra: So that --

Chair Hardemon: Is that what it normally does? Is that the normal progression; from --

Commissioner Carollo: No.

Chair Hardemon: -- this meeting to --

Commissioner Suarez: No. It's a little bit -- that's a little bit compressed.

Ms. Escarra: It's compressed on the two readings.

Commissioner Suarez: Right.

Ms. Escarra: Typically, it would go the second meeting of every month, and we were saying since it was deferred this time, and we have to lose the month of August --

Commissioner Suarez: It keeps it on the same timeline --

Ms. Escarra: -- if you could put first and second on the same month.

Commissioner Suarez: -- but it gives you a month and a half to review it, basically, which -- yeah.

Ms. Escarra: If that's -- if the Board would entertain that.

Commissioner Suarez: Yeah.

Ms. Escarra: Thank you.

Commissioner Suarez: Yeah.

Todd B. Hannon (City Clerk): So again, just for clarification. So PZ.15 and 16, they're being deferred to September 8?

Commissioner Suarez: Correct. And their second reading will be in the second meeting of September.

Ms. Méndez: And then we need to make sure that the agenda coordinator places it as sponsored by --

Commissioner Suarez: Fine.

Ms. Méndez: Thank you.

Chair Hardemon: Any further discussion? Hearing none, all in favor, say *aye*."

The Commission (Collectively): *Aye*.

Chair Hardemon: Motion passes.

PZ.16

ORDINANCE

First Reading

16-00657zt1

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, AMENDING THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS TO MODIFY REGULATIONS RELATED TO ON-STREET LOADING, PARKING STANDARDS, CROSS-BLOCK PASSAGES, STREET TREE PUBLIC BENEFIT CONTRIBUTION REQUIREMENT, NOTICE REQUIREMENT, AND TO REFORMAT THE ORGANIZATION OF THE REGULATIONS, AS SET FORTH IN EXHIBIT "A", ATTACHED AND INCORPORATED; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

16-00657zt1 09-22-16 CC SR Fact Sheet.pdf

16-00657zt1 PZAB Reso.pdf

16-00657zt1 Legislation (v3).pdf

LOCATION: Citywide

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

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PURPOSE: This ordinance will amend the adopted NRD-1 portion of Appendix J entitled, "Neighborhood Revitalization Districts" to modify regulations related to On-Street Loading, Parking Standards, Cross-Block Passage Regulations, Street Tree Public Benefit contribution requirement, Notice Requirement and to reformat organization of the document in efforts to improve intent and effectiveness.

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

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

Note for the Record: Item PZ.16 was deferred to the September 8, 2016 Regular Commission Meeting.

A motion was made by Commissioner Suarez, seconded by Commissioner Carollo, and was passed unanimously, directing the City Manager to place PZ.16 for first reading on the September 8, 2016 Regular Commission agenda and for second reading on the September 22, 2016 Planning and Zoning Commission agenda; further directing the City Manager to place Commissioner Suarez as the sponsor of the item.

Note for the Record: For minutes referencing item PZ.16, please see item PZ.15.

Note for the Record: For public hearing comments referencing item PZ.16, please see The following item(s) shall not be considered before 2:00PM."

PZ.17

RESOLUTION

16-00633cua

A RESOLUTION OF THE MIAMI CITY COMMISSION AFFIRMING OR REVERSING THE PLANNING, ZONING AND APPEALS BOARD'S DECISION AFFIRMING THE ZONING ADMINISTRATOR'S REVOCATION, DATED AUGUST 13, 2015, OF CERTIFICATE OF USE NO. 1504-000862 FOR THE PROPERTY LOCATED AT APPROXIMATELY 2321 SOUTHWEST 16TH AVENUE AND 2323 SOUTHWEST 16TH AVENUE, MIAMI, FLORIDA.

16-00633cua 09-22-16 CC Fact Sheet.pdf
16-00633cua Appeal Letter & Supporting Docs.pdf
16-00633cua PZAB Reso.pdf
16-00633cua Legislation (v2).pdf
16-00633cua Legislation (v3).pdf

LOCATION: Approximately 2321 SW 16th Ave and 2323 SW 16th Ave
[Commissioner Frank Carollo - District 3]

CERTIFICATE OF USE APPLICANT(S): Jorge A. and Rosa Montes

APPELLANT(S) TO PLANNING, ZONING AND APPEALS BOARD: Hoss Hernandez, Esquire on behalf of Jorge A. and Rosa Montes

APPELLANT(S) TO CITY COMMISSION: Hoss Hernandez, Esquire on behalf of Jorge A. and Rosa Montes

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended revocation of the Certificate of Use.

PLANNING, ZONING AND APPEALS BOARD: Denied the appeal on May 18, 2016, by a vote of 7-0. Cross-reference File ID 16-00633cu.

PURPOSE: Appealing the decision of the Planning, Zoning and Appeals Board.

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

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

Note for the Record: Item PZ.17 was continued to the September 22, 2016 Planning and Zoning Commission Meeting.

Chair Hardemon: Still trying to wait to get a quorum. Well, the shade meeting isn't until 3. That's the hope (UNINTELLIGIBLE), if we have one. Good, good, good. No problem. But I will do this. Let's handle this motion. The gentleman wants us to entertain a motion. Well, we still would have to -- it would still apply after 3 o'clock, but his intention is to continue item PZ.17 to the next Planning & Zoning hearing date. Is there a motion to accommodate him?

Commissioner Suarez: Yeah, that's fine, except it's not in my district. But I don't have a problem with that.

Hoss Hernandez: Thank you.

Chair Hardemon: Whose district is that?

Mr. Hernandez: I think it's Mr. Carollo's.

Commissioner Suarez: Yeah, yeah.

Chair Hardemon: Carollo?

Commissioner Suarez: Is he -- have you talked to him about it? Is he okay with it?

Mr. Hernandez: I was going to talk to him about it, but he's not back from lunch. And I know when he -- they told me when he was walking in, they got a meeting upstairs so --

Commissioner Suarez: Yeah, we do, we do.

Chair Hardemon: Okay. Let's just try to -- just sit tight with us for a moment. But if you could find him or his staff -- maybe his staff can reach out to him --

Mr. Hernandez: Okay.

Chair Hardemon: -- and express to them that you want a continuance.

Mr. Hernandez: Thank you.

Chair Hardemon: Thank you very much. All right, then, you want to do --

Vice Chair Russell: CRA (Community Redevelopment Agency)?

Chair Hardemon: -- want to try to do CRA meeting? All right, we're going to recess, and I know you take a couple minutes so that we'll get into the CRA meeting.

Commissioner Carollo: Mr. Chairman?

Chair Hardemon: (UNINTELLIGIBLE) before we go on, okay. The Commission meeting is back in session. You're recognized, sir.

Commissioner Carollo: There was a P&Z item. I think it was PZ.17 that was asked for a deferral.

Chair Hardemon: That's correct.

Commissioner Carollo: I don't have a problem with deferring that item.

Chair Hardemon: Okay. Been properly moved and seconded to defer item PZ.17.

Commissioner Carollo: To the second meeting in September.

Chair Hardemon: All in favor, indicate so by saying "aye."

The Commission (Collectively): Aye.

Chair Hardemon: Motion passes.

Mr. Hernandez: Thank you, Commissioner.

PZ.18
16-00930ha

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DENYING OR GRANTING THE APPEAL FILED BY DOUGLAS C. BOEKER, MELANIE BOEKER, JUDY MILLER, CAROLINE R. MEEK, OBDULIO MENENDEZ, MARIA DE LOS A. MENENDEZ, ANTHONY M. O'ROURKE, SAHARA M. PORTALES, JESUS I. MENENDEZ, SANDRA I. MENENDEZ, CHRISTOPHER CULBERT, KARA CULBERT, AND MARIA T. FERNANDEZ AND AFFIRMING OR REVERSING THE DECISION OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD'S APPROVAL OF A SPECIAL CERTIFICATE OF APPROPRIATENESS FOR THE NEW CONSTRUCTION OF A SINGLE-FAMILY HOME AT 545 NORTHEAST 55 TERRACE, MIAMI, FLORIDA WITHIN THE MORNINGSIDE HISTORIC DISTRICT.

16-00930ha 09-22-16 CC Fact Sheet.pdf
16-00930ha Appeal Letter.pdf
16-00930ha Staff Analysis & HEPB Reso.pdf
16-00930ha COA Application.pdf
16-00930ha (v2).pdf
16-00930ha (v3).pdf

LOCATION: Approximately 545 NE 55 Terrace [Commissioner Ken Russell - District 2]

APPLICANT(S): German Brun, Architect

APPELLANT(S): Douglas C. Boeker, Esquire on behalf of himself and additional adjacent property owners

FINDING(S):

PRESERVATION OFFICE: Recommended approval, with conditions, of the COA.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD: Approved, with conditions, the COA on June 7, 2016 by a vote of 7-0. Cross-reference File ID 16-00751.

PURPOSE: An appeal seeking to reverse an Historic and Environmental Preservation Board decision.

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

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

Absent: 1 - Commissioner(s) Gort

Note for the Record: Item PZ.18 was continued to the September 22, 2016 Planning and Zoning Commission Meeting.

Elvis Cruz: Question for the Chair. Could you verify that PZ.18 has been deferred?

Chair Hardemon: Has been what?

Mr. Cruz: Deferred.

Chair Hardemon: PZ.18?

Vice Chair Russell: I think it's a time certain.

Chair Hardemon: Yes.

Vice Chair Russell: Oh, it was?

Chair Hardemon: PZ.18 has been continued.

Mr. Cruz: Do you have a date for the continuance?

Chair Hardemon: Yeah. PZ.18 -- you made the motion.

Commissioner Carollo: No. It was a motion, I think, that was proffered --

Victoria Méndez (City Attorney): I think there was an intent in the morning to continue it, but I don't know that the actual motion has been --

Chair Hardemon: I thought that motion --

Ms. Méndez: -- called to question.

Chair Hardemon: -- there was a motion that was made at 2:52?

Commissioner Carollo: That was PZ.17.

Francisco Garcia (Director, Planning & Zoning): That was for PZ.17, sir.

Chair Hardemon: Okay. So is there a motion to continue PZ.18?

Commissioner Carollo: Sure.

Vice Chair Russell: Is someone asking to continue it?

Chair Hardemon: It was -- yes, it was requested. So it's been properly moved. Is there a second?

Commissioner Carollo: Second.

Chair Hardemon: Properly moved and seconded. Any further discussion on the motion on the floor? Hearing none, all in favor, say 'aye.'

The Commission (Collectively): Aye.

Todd B. Hannon (City Clerk): And Chair, so again, that's to continue PZ.18 to September 22.

Vice Chair Russell: I'm sorry. Could we make a clarification, PZ (Planning & Zoning) -- wait, wait.

Mr. Hannon: PZ --

Vice Chair Russell: PZ.18 I believe is incorrectly written in the agenda as District 5, and I believe it's District 2.

Chair Hardemon: Yeah, I think you're correct about that.

Mr. Cruz: And that's September 22?

Chair Hardemon: Mr. Clerk, what date is that, the second meeting? Is that the 22nd?

Mr. Hannon: September 22, yes, sir.

Mr. Cruz: Thank you.

Chair Hardemon: You're very welcome, sir.

END OF PLANNING AND ZONING ITEMS

MAYOR AND COMMISSIONERS' ITEMS

CITYWIDE

HONORABLE MAYOR TOMAS REGALADO

END OF CITYWIDE ITEMS

DISTRICT 1

COMMISSIONER WIFREDO (WILLY) GORT

END OF DISTRICT 1

DISTRICT 2

VICE CHAIR KEN RUSSELL

END OF DISTRICT 2

DISTRICT 3

COMMISSIONER FRANK CAROLLO

END OF DISTRICT 3

DISTRICT 4

COMMISSIONER FRANCIS SUAREZ

END OF DISTRICT 4

DISTRICT 5

CHAIR KEON HARDEMON

END OF DISTRICT 5

NON-AGENDA ITEM(S)

NA.1

DISCUSSION ITEM

16-01127

POINT OF PERSONAL PRIVILEGE BY CITY ATTORNEY, VICTORIA MÉNDEZ, COMMENDING CHAIR KEON HARDEMON ON HIS STATE OF THE DISTRICT ADDRESS WHICH WAS HELD ON TUESDAY, JULY 26, 2016; FURTHER STATING THAT SAID ADDRESS SHOULD BE USED A MODEL FOR THE PRESIDENT TO BRING UNITY AND COMMITMENT TO ALL COMMUNITIES.

DISCUSSED

Chair Hardemon: We will now begin the regular meeting. The City Attorney will state the procedures to be followed during this meeting.

Victoria Méndez (City Attorney): Thank you, Chairman. And I just -- as a point of personal privilege, I wanted to say that I attended the Chairman's State of the District Address this past week, and it was an excellent address, and it should be something that our President should model after to bring unity and commitment to all the communities. So I just wanted to address you with that. Thank you.

NA.2

RESOLUTION

16-01097

*District 4-
Commissioner
Francis Suarez*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), REQUESTING THAT GOVERNOR RICK SCOTT, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ENVIRONMENTAL REGULATION COMMISSION ("ERC"), AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REJECT AND/OR WITHDRAW THE PROPOSED AMENDMENTS TO THE SURFACE WATER QUALITY CRITERIA AND RISK ASSESSMENT METHODOLOGY; URGING GOVERNOR RICK SCOTT TO FILL THE TWO (2) REMAINING VACANCIES ON THE ERC PRIOR TO THE ERC TAKING FINAL ACTION ON THE PROPOSED AMENDMENTS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE ELECTED OFFICIALS AND AGENCIES NAMED HEREIN.

File 16-01097 Exhibit A.pdf

File 16-01097 Exhibit B.pdf

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

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

R-16-0377

Commissioner Suarez: Mr. Chair, I have a pocket item. It's -- was distributed to all of you. Earlier this week, the Environmental Regulation Commission voted 3-2 to approve a proposal that would increase the number of regulated chemicals from 54 to 92 allowed in river streams and other sources of drinking water, including carcinogens. This is clearly concerning, as it presents yet another obstacle in being able to keep our water free from pollutants. I don't think anyone would disagree with this action, which amounts to allowing higher level contaminants in our water, which would be detrimental to our health and our environment, as well as our economy as it pertains to water resources and food supply. Thus, in order to preserve the public health, safety and welfare of our residents, I urge us to strongly oppose any amendments to the assessment methodology or the surface water quality standards which would increase the allowable limits of certain chemicals and carcinogens in surface water in Florida. Move --

Vice Chair Russell: I'd like to second it with an amendment.

Chair Hardemon: It's been --

Commissioner Suarez: Yeah.

Vice Chair Russell: Friendly amendment, if I may. They -- they're supposed to be a seven-person board.

Commissioner Suarez: Yeah.

Vice Chair Russell: The Governor's only appointed five.

Commissioner Suarez: I will accept your friendly amendment, which I think you mean --

Vice Chair Russell: That they don't carry forward with this until the other two are --

Commissioner Suarez: Correct.

Vice Chair Russell: -- they need to be environmentalist and a citizen.

Commissioner Suarez: That's right. Yes, I will --

Vice Chair Russell: Thank you.

Commissioner Suarez: -- I read about that, as well.

Chair Hardemon: So it's been properly moved and seconded with such amendments if the mover accepts the amendment.

Commissioner Suarez: Yeah.

Chair Hardemon: Is there any further discussion about the item?

Commissioner Suarez: No.

Chair Hardemon: Hearing none, all in favor, say aye."

The Commission (Collectively): Aye.

Chair Hardemon: That motion passes.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.